

IN THE SUPREME COURT OF THE STATE OF NEVADA

APRIL PARKS,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

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Elizabeth A. Brown
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Supreme Court Case No. 82876

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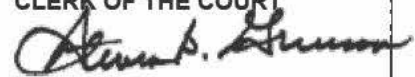
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DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

APRIL PARKS,
Defendant.

CASE NO: C-17-321808-1

DEPT NO: X

SENTENCING MEMORANDUM

DATE OF HEARING: JANUARY 4, 2019
TIME OF HEARING: 9:00 A.M.

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, District Attorney, through JAY P. RAMAN, Chief Deputy District Attorney, and ADAM P. LAXALT, Nevada Attorney General, through DANIEL E. WESTMEYER, Senior Deputy Attorney General, hereby submits the attached Sentencing Memorandum.

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1 **POINTS AND AUTHORITIES**

2 **FACTUAL SUMMARY**

3 Defendants April Parks, Mark Simmons, and Gary Neal Taylor worked for A Private
4 Professional Guardian, LLC, and ("APPG") and in the course of that enterprise committed
5 numerous criminal numerous offenses constituting Racketeering, Exploitation of an Older or
6 Vulnerable Person, Theft, Offering False Instrument for Filing or Record, and Perjury.
7 Defendants April Parks and Mark Simmons worked as owner and office manager of a
8 guardianship service, where through referrals from medical facilities and the court they would
9 seek and obtain guardianship over elderly and vulnerable adults. Although there were
10 legitimate guardianship activities happening at A Private Professional Guardian, LLC, Parks
11 and Simmons engaged in a pattern of conduct which was illegal and exploitive to the
12 vulnerable population. The evidence shows that A Private Professional Guardian, LLC was
13 run as a criminal enterprise, with the goal of maximizing their profits at the expense of the
14 people they were charged with caring for, intentionally disregarding the duty to the protected
15 persons as a guardian and fiduciary, and the duty of honesty to the Court.

16 The Defendants engaged in a number of schemes designed to enrich themselves at the
17 expense of the protected persons under their case. Defendants Parks and Simmons would
18 instruct their staff that when conducting protected person visits, particularly to group-homes
19 or residential facilities which housed multiple people under guardianship with their company,
20 to multiple-bill. For example, if a caseworker visited a group-home which housed six protected
21 persons, and the total trip took one hour of round trip travel, and one hour to visit – each of
22 the six protected persons were billed for the entire two hour period individually, instead of
23 pro-rating the travel and visit time. This scheme netted the Defendants \$120,062.25 in illegal
24 proceeds, victimizing 27 elderly and vulnerable people.

25 Defendants Parks and Simmons intentionally inflated their billings to enrich themselves
26 by having staff provide unnecessary services, and services which could have been
27 accomplished by much less expensive means. Many of these examples are additionally
28 shocking beyond their cost because Parks and Simmons billed flat fees for many of the

1 services, which therefore should not have been additionally charged. Some examples follow:
2 On May 11, 2013, Defendant Parks billed Jacqueline Nosbisch a fee of \$90, related to her son
3 asking Parks to pass along a happy mother's day message. On July 29, 2013, APPG billed the
4 estate of Patricia Broadway fees of \$20.40 to receive a call reporting Broadway died, fees of
5 \$24 to notify her sister of the death during a call, and fees of \$39.60 to notify her son of the
6 death. On December 5, 2014, Parks and Simmons billed Kathy Godfrey a fee of \$56.10 for
7 a phone call in which Parks explained that, due to a lack of funds, Godfrey had to find a
8 cheaper hair stylist and would only receive \$75 allowance for a haircut, not the \$100 she
9 requested - even though the price of the phone call was more than the extra \$25 she refused to
10 give Godfrey. On May 14, 2014, Parks and Simmons billed Walter Wright a fee of \$75 to
11 deposit a check for \$6.33; one week later, she billed him a fee of \$90 to drop off to his facility
12 three bags of cough drops purchased at Target for \$12.99. On March 2, 2015, APPG billed
13 James Hagen a fee of \$13.60 for a phone call in which he swore at Parks and threatened to
14 "choke (her) to death." On April 20, 2015, Parks and Simmons billed Dorothy Lothman a fee
15 of \$13.60 for a phone call Lothman made to request a cell phone; Parks told she her she did
16 not have any money to buy one.

17 On a handful of occasions, deceased protected persons were billed for visits in verified
18 accountings filed with the court under penalty of perjury. For example, Gerard Specksgoor
19 died on March 6, 2013. He was billed \$150 for a visit that occurred on March 7, 2013 - the
20 day after he died. The case worker's notes for the after-death visit stated that she spent 30
21 minutes visiting with Specksgoor who "was not looking well;" she spent 15 minutes talking
22 to staff about his condition, and it took her 30 minutes to travel to his facility for the visit. A
23 few weeks later Specksgoor's estate was billed \$39.60 to "take wards clothes to be donated."

24 In addition to inflating their billings, Parks, Simmons, and their cohorts at A Private
25 Professional Guardian performed "services" for their protected persons that were utterly
26 unnecessary, and billed the protected persons for them. One example of unnecessary billings
27 is Bernna Poe. On January 22, 2011, Parks billed her \$540 for 4.5 hours at a rate of \$120 to
28 perform the following service at Parks's professional rate: "Travel to facility 25 min/Picked

1 up ward and took to lunch at Marie Calendars, went for a shampoo and cut at Fantastic Sams,
2 went to McDonalds for a snack, went to 40 nails for a manicure, returned to facility.” On
3 August 20, 2012, Poe was billed \$110.40 for a visit to a group home where 45 minutes was
4 spent by Parks’s case manager “filing (her) nails.” Parks had previously used outside caregiver
5 companies for similar services. These companies charge about \$20 per hour on average. In
6 Poe’s case, she would have been billed around \$90 instead of \$540. In this scenario, Parks and
7 Simmons profited \$450 by making the decision to have their case manager perform the service
8 at their professional rates, instead of hiring a third-party to perform the task at a heavily
9 reduced rate.

10 Around November 30, 2015, Parks and Simmons began filing notices with the court
11 that Parks did not intend on becoming licensed in Nevada, and APPG was resigning from
12 guardianship appointments. Parks did not have any replacement guardians for several of her
13 protected persons. As a result, the court appointed the Clark County Public Guardian’s Office
14 to be successor guardians to most of these protected persons. The court also appointed Legal
15 Aid of Southern Nevada to represent some protected persons’ interests.

16 Parks’s statement in her filings seeking to resign her guardianship appointment because
17 she did not intend to become licensed, seems to contrast with evidence in this case. According
18 to text message exchanges with her employees in August 2015, Parks was preparing to
19 increase APPG’s marketing in September 2015 to obtain more business. Months earlier she
20 had secured a contract with a local hospital that agreed to have its medical staff and social
21 workers at six local facilities refer patients to APPG. September 21, 2015 is the date search
22 warrants were executed at Parks’s home and business.

23 Parks’s abrupt withdrawal caused delays and burdens in the Public Guardian’s Office
24 regarding access to the accounts of protected persons, because APPG remained as the
25 guardian/account holder. These delays caused routine bills, like nursing home rent, to go
26 unpaid until the Public Guardian could access the protected persons’ funds through the
27 issuance of court orders. Some higher functioning protected persons had no way of obtaining
28 spending money, and faced eviction from their assisted living facilities.

1 The case managers and/or supervisors from the Public Guardian's Office could tell
2 from their initial contacts with some of Parks's protected persons that their functioning was
3 high. The Public Guardian's Office suspected these protected persons needed a less restrictive
4 guardianship, or none at all. After the initial petitions contained information that these
5 protected persons were diagnosed with dementia and unable to make any independent health
6 or financial decisions, many were almost immediately evaluated again for their guardianship
7 needs once the Public Guardian took over. As a result of the Public Guardian's involvement,
8 several of APPG's former protected persons were found no longer to need guardianship, or
9 needed only guardian of the estate and had their independence restored. In several of these
10 cases, Parks had been guardian of their person and estate for five years or more when their
11 civil rights were restored. However, at that point nearly all of their savings had been depleted
12 by the payment of fees to Parks and Simmons.

13 Defendants Parks and Simmons intentionally profited from a completely unnecessary
14 and unique scam, in which they purchased Christmas gifts such as popcorn, socks, and other
15 small presents. They then had staff drive around to the various protected persons living
16 facilities, and drop off the small gifts. For the privilege of receiving the gift, the protected
17 persons were charged at the hourly rate of over \$100.00 per hour. This operation netted the
18 Defendants \$1,507.50 in illegal proceeds, victimizing 48 elderly and vulnerable people.

19 On one single day in October 2013 Defendant Taylor engaged in a unique multiple-
20 billing scam, at the behest of Parks and Simmons. For his representations of traveling to a
21 local mortuary to pick up cremated remains and to drop off toilet paper to an assisted living
22 facility where several protected persons lived, he billed more than \$1,600.00 to these elderly
23 and vulnerable protected persons; a few had recently died. This scheme netted the Defendants
24 \$1,405.20 in illegal proceeds, victimizing 12 elderly, vulnerable, and recently deceased
25 people.

26 Over a three year period, APPG overcharged its protected persons by having Defendant
27 Taylor take paperwork from the office to the Family Court and stand in line to file documents.
28 In many cases, he would unnecessarily leave, and return later for certified copies. His billing

1 rate for this service exceeded \$100.00 per hour. While A Private Professional Guardian, LLC
2 had a Wiznet E-filing account, Parks and Simmons elected to accomplish this task the most
3 expensive way possible and to the detriment to their protected persons' finances. Additionally,
4 this service could have been accomplished in a much less costly manner by a legal runner
5 service, which was essentially the service Defendant Taylor was providing. This scheme
6 netted the Defendants \$74,229.90 in illegal proceeds, victimizing 109 elderly and vulnerable
7 people.

8 Similar to the court paperwork scheme, Defendants Parks and Taylor overbilled the
9 vast majority of their wards for simple tasks such a driving to the bank and depositing checks.
10 APPG's billing documentation shows a pattern of billing protected persons for thirty (30)
11 minutes under the heading "Travel to Bank, Make Deposit." On some dates, as many as
12 twenty-six (26) individuals were billed on the same day, for a total of thirteen (13) hours spent
13 at the bank, making deposits. Most of the protected persons under APPG's care used banks
14 which have a branch within five (5) minutes' travel time from APPG's office.

15 A review of the bank records indicates that the total amount of time between the deposit
16 of the first check and the last check of the day was typically a matter of minutes, rather than
17 hours. Parks and Simmons billed at their professional rates, either \$120 or \$150 per hour, for
18 this service. Making these deposits in person was entirely unnecessary, because most of the
19 protected persons' check could be submitted via direct deposit, thereby eliminating the need
20 to make the trip to the bank in the first place. Indeed, Parks and Simmons had set up direct
21 deposit for some of their protected persons, but chose to bill others instead. This scheme
22 netted the Defendants \$67,775.70 in illegal proceeds, victimizing 130 elderly and vulnerable
23 people.

24 Defendants Parks and Simmons billed protected persons excessively when it came to
25 preparing representative payee forms, forms that should take no longer than 15 minutes to fill
26 out. A representative payee is a person to whom social security benefits are paid in lieu of the
27 actual beneficiary, usually a family member or friend, for those who are incapable of managing
28 their income. The representative payee form is filled out and submitted to the Social Security

1 Administration, which then processes the form. Parks and Simmons billed multiple protected
2 persons for travel time to the social security office, filling out and submitting the forms, and
3 appointments at the office.

4 Parks's case management records indicate that she applied to be a representative payee
5 for forty-four (44) protected persons, at times billing up to four hours to travel to the Social
6 Security Administration office, and over four hours meeting with staff at that office. As a
7 guardian, Parks was exempt from having to interview with social security staff, and could
8 submit her applications by mail and drop off. Additionally, the office was approximately two
9 (2) miles from APPG's office, which would not take four hours of travel time. This scheme
10 netted the Defendants \$4,300.60 in illegal proceeds.

11 Defendants Parks and Simmons filed petitions and accountings with the Eighth Judicial
12 District Family Court, specifically seventy-three (73) false documents and one-hundred
13 seventeen (117) false statements made under penalty of perjury, in order to perpetrate a scheme
14 of fraud to exploit elderly and vulnerable adults under guardianship. In each guardianship
15 case, Parks and Simmons would file documents affirming the truth of all statements made in
16 said documents, including the mandatory accountings. As noted extensively above, many of
17 the accountings filed with the court contained statements that Parks and Simmons knew to be
18 false.

19 Parks would frequently move protected persons from one facility to another, for reasons
20 unrelated to the best interested of the protected person. For example, Parks moved a protected
21 person out of the Lakeview Terrace facility, only because the administrator of that facility
22 made a doctor's appointment for the protected person without Parks's knowledge or approval.
23 Several other witnesses confirmed to state investigators that Parks acted as a bully who struck
24 fear in the hearts of her clients, rather than as a compassionate caregiver.

25 Defendants Parks and Simmons had worked in guardianship for years prior to initiating
26 the above-noted schemes. Parks became a Nationally Certified Guardian through the National
27 Guardianship Association ("NGA") in 2006. The NGA is a nationally-recognized
28 organization, comprised of guardians from across the country. The NGA sets standards the

standards for guardianship. The NGA Standards of Practice, first adopted in 2000 and revised in 2013, set forth guidelines for those who undertake guardianship. Defendant Parks was also the Secretary of the Nevada Guardianship Association (an affiliate of the NGA) from 2014 to 2015. As a member of the NGA and an officer of the Nevada Guardianship Association, Parks was intimately familiar with the standards applicable to guardianship.

ARGUMENT

I. THE IMPACT ON THE VICTIMS OF PARKS'S ACTIONS MERITS THE MAXIMUM AMOUNT OF PUNISHMENT

The Defendant's crimes have affected her victims in ways too numerous to count. Countless lives have been ruined by the Defendant, who enriched herself at the expense of those she was sworn to protect. The evidence in this case establishes that Defendants Parks and Simmons obtained \$559,205.32 by engaging in the fraudulent schemes outlined above. Many of the victims never needed guardianship in the first place. Examples are detailed below.

Mary Woods

Parks and Simmons, along with their attorney and co-defendant Simpson, were involved in the illegal change of beneficiary without court permission on a life insurance policy held by Mary Woods, a protected person under guardianship. Parks changed the beneficiary from John and Sally Denton, friends of Ms. Woods, to "the estate of Mary Woods." Upon Mary Woods's death, the \$25,000 life insurance policy issued a check to the estate, which created an unnecessary probate for the purpose of collecting payments. This scheme unlawfully diverted \$25,278.57 from the lawful recipients, victimizing John and Sue Denton, and disturbing the wishes of Mary woods, an elderly person, and her estate.

Baxter Burns

APPG gained guardianship of Baxter Burns on December 22, 2011. At the time Parks filed the guardianship petition, she was aware that Burns had previously executed a living trust document and nominated successor trustees, who were empowered to manage his affairs in the event of his incapacity. Parks was informed that the trustee was actively engaged in the

1 care of Burns during the weeks leading to the filing of the petition, and that the trustee had
2 accessed funds belonging to Burns to care for his needs.

3 APPG made no effort to contact the trustee, despite having that person's contact
4 information. Without authority of the court, Parks and Simmons removed assets from Burns'
5 trust, which was a non-guardianship asset over which they had no authority. Parks then paid
6 herself \$8,164 from the Burns estate, and paid her attorney and friend (and co-defendant)
7 Simpson \$9,819.08 in legal fees from the Burns estate. This scheme netted the Defendants a
8 total \$32,006.72 in illegal proceeds, victimizing Baxter Burns, and disturbing the wishes and
9 estate planning of Baxter Burns, an elderly person. The guardianship lasted a total of twenty-
10 six (26) days, as Burns passed away on January 16, 2012.

11 *Dorothy Trumbich*

12 Similar to the Baxter Burns case, Defendants Parks and Simmons knew of Dorothy
13 Trumbich's estate plan, and hid the information from the court when applying for
14 guardianship. The information known was that Trumbich had nominated her niece as the
15 successor trustee as well as power of attorney, should she lose capacity. Parks and Simmons
16 then converted the assets of Trumbich's trust (again, a non-guardianship asset) without court
17 authority. This scheme allowed Parks to access and move \$167,204.49 in illegal proceeds, to
18 pay herself and her attorney exorbitant fees on a guardianship, which likely never would have
19 occurred in the absence of Defendants' meddling. This scheme victimized Dorothy Trumbich,
20 disturbing the wishes and estate planning of Trumbich, an elderly person under APPG's care.

21 *Mary Litwin*

22 On August 24, 2010 Parks billed the estate of 89-year-old Mary Litwin \$240 to attend
23 her funeral. Parks represented in her billing that she spent two hours at the funeral and billed
24 a rate of \$120 an hour. By statute, guardianship over the person ends when a protected person
25 dies. This obviously unnecessary billing only benefited Parks; the protected person was not
26 even alive to benefit from the service. Parks and Simmons also routinely billed the estates of
27 deceased protected persons between \$20 and \$50 to call relatives and inform them of the
28

1 person's passing. The same fee was charged to learn via a phone call or fax that a protected
2 persons had died at a facility.

3 *Barbara Neely*

4 Another tragic example is the Barbara Neely guardianship. In this case, Neely should
5 have never been in a guardianship. Parks and Simmons delayed terminating the guardianship
6 so they could bill fees to sell her home. Parks and Simmons also stole money beyond what
7 they told the court was a full and final sum of guardianship fees. Parks was able to steal the
8 money because as guardian, she had complete control over the woman's assets until she
9 decided when to file with the court her signed order terminating her guardianship.

10 On September 23, 2014 Parks obtained temporary guardianship of Barbara Neely after
11 receiving a referral through Boulder City Hospital. Her petition for general guardianship of
12 Neely was filed on September 30, in which a hospital physician stated Neely suffered from a
13 mental illness (schizophrenia) and required a guardian. The petition was approved on October
14 24, 2014.

15 Investigators located a text message dated October 14, 2014 – 10 days prior to APPG's
16 general appointment - from a case worker's telephone number to Parks's iPhone: "Can you
17 see Barbara Neely anytime this week? She has questions on the guardianship and how she can
18 get out of it." A text from Parks's phone replied: "I can and she can't." The reply from the
19 case worker was: "Ok, I told her the only way would be for a doctor to make that decision. I
20 didn't want to say too much. She had a lot of questions."

21 On January 30, 2015 Parks filed her first and final accounting in Neely's case. She also
22 requested the guardianship be terminated because medical experts recently deemed Neely to
23 be competent. A copy of the evaluation was sent directly to the court and was not filed in the
24 case. Simmons billed Neely \$25.50 on January 8, 2015 for "Returned call to client RE: End
25 of Guardianship," according to her accounting. On February 18, 2015 an order was filed
26 terminating the guardianship that lasted less than four months. Prior to the request for
27 termination, Parks employed an attorney, Lee Drizin, who also assisted to sell Neely's home.

28 //

1 His fees were \$12,943. On April 15, 2015 Parks filed a receipt with the court, stating she had
2 received a total of \$5,300.20 that served as her full and final fees in the case.

3 Parks did not bill or write case notes to reference her visit to Neely on October 14, 2014
4 to discuss Neely's concerns that she did not want to be in guardianship. Case notes reflect in
5 the subsequent days, Neely requested her computer to be repaired. But once she learned of the
6 repair costs she said they would cost more than the value of the computer. Neely also requested
7 help in preparing for a job interview where she needed fingerprints, notarized documents and
8 new clothes. On November 21, 2014 Parks wrote in her case notes that she arranged for a
9 mental competency evaluation for Neely to occur on December 31, 2015. Her notes state
10 "Client seems to be much clearer. Psych appointment has been scheduled to possibly terminate
11 the guardianship." This was roughly one month after the case worker brought it to Parks's
12 attention that Neely did not want to be in guardianship.

13 By February 20, 2015 Parks paid herself from Neely's guardianship account a total of
14 \$6,196.10. However, Parks told the court roughly one month later that she received her full
15 and final fees of \$5,300.20. Essentially, Parks and Simmons paid themselves an additional
16 \$895.90 that was omitted in the filing to the court of Parks's receipt of full and final payment
17 received. Parks at no point informed the court she took the additional funds, which
18 demonstrates her theft of easily accessible funds by concealing her activities from the court.

19 *Marlene Homer and Marie Long*

20 In several cases, the protected persons requested the guardian's accountings of how
21 their money was spent and for copies of their bank statements. In turn, some of these protected
22 persons were billed hundreds of dollars to obtain their own financial guardianship accountings,
23 which Parks is already required to provide to the court. The protected persons were, of course,
24 billed for the service. Several protected persons told their case managers that they were
25 seriously concerned about running out of money, and were fearful their savings would be
26 drained and would have to move. Some asked to decrease Parks's monthly visit frequencies
27 and facility outings in an effort to reduce guardianship fees. In some instances, co-guardians
28

1 suggested to Parks specific cheaper alternatives in order to spare unnecessary guardianship
2 fees.

3 For example, case notes reflect a visit on December 10, 2014, with Marlene Homer
4 that Parks made because Homer was concerned she was going to be thrown out of the facility,
5 where she lived with her elderly mother, Marie Long. Parks explained the women had enough
6 money to stay at the Lakeview Terrace facility and indicated Homer was overreacting. When
7 Parks told Homer she would purchase her new clothing and toiletry items, she recalled Homer
8 saying "No I don't want anything and how can I get anything when I am broke." Parks told
9 Homer she had the funds to buy the items and stay at the facility with her mother. Parks told
10 her they would not be thrown out.

11 Sadly, such was not the case. On that same day that Parks discussed Homer's concerns
12 about money, Homer's guardianship account balance was \$1,102.47. Her income was an
13 annuity for \$466.15 per month, and Social Security benefits of \$908.40. Her rent at Lakeview
14 was around \$2,600. On December 14, 2014, Parks gave notice to Lakeview Terrace,
15 indicating that Homer and Long had a lack of funds to continue living there. The following
16 day, the Lakeview Terrace administrator, Julie Liebo, filed complaints with Elder Protective
17 Services on behalf of the women. Parks also on December 14, 2014, gave Liebo notice that
18 the couple were moving due to a lack of funds. The family could not figure out how quickly
19 their assets were drained.

20 The budget in the APPG file stated Homer was \$2,631 over-budget each month. While
21 this budget did not include the \$466.15 annuity, Homer still could not afford to live at
22 Lakeview Terrace. This evidence clearly demonstrates that Parks was aware that Homer could
23 not afford to live at Lakeview Terrace when she promised Homer – who was concerned she
24 could not afford to live there – that she indeed had the funds to afford the facility. Despite
25 reassuring Homer she had enough money to live there, four days later Parks gave the facility
26 notice to vacate because the women could not afford it.

27 Even though Homer was concerned about her lack of financial stability, Parks billed
28 Homer \$113.90 for the visit on December 10, 2014. The following day, Parks's case worker

1 billed Homer \$120 for a "routine" visit. Again, Parks acknowledged that Homer was very
2 concerned about being "broke" and being evicted from her home because of lack of funds. Yet
3 Parks billed her for a visit in which she lied to Homer about her finances, and represented she
4 was not thinking reasonably; Parks then billed her \$120 for an unnecessary visit the very next
5 day. Homer and Long ultimately were removed from the facility and placed into another home.
6 Homer later reported to her CareMore nurse practitioner of being sexually abused by a staff
7 member at the new home, who was later arrested by LVMPD on the allegation. This incident
8 caused Homer and Long to be moved again, to another facility.

9 *William Flewellen*

10 On June 6, 2012, Parks was appointed as Temporary Guardian of William Flewellen.
11 At a hearing held in Family Court on June 13, 2012, this temporary guardianship was extended
12 until July 13, 2012. After this temporary guardianship was extended, no further documents
13 were filed in this guardianship case by Parks or Simmons. On June 8, 2012, Flewellen died.
14 His death occurred two days after Parks was appointed as Flewellen's temporary guardian and
15 five days *before* the hearing at which guardianship was extended for an additional month.
16 Neither Parks nor Simmons appeared at this hearing, nor did they notify the court that
17 Flewellen was already dead and hence there was no further need for guardianship.

18 On July 6, 2012, almost one month after the death of Flewellen, Parks and Simmons
19 removed \$4,807.61 from a bank account belonging to Flewellen and deposited this money to
20 a guardianship account she opened in her name as guardian of Flewellen. Four days later, on
21 July 10, 2012, Parks took \$3,800.00 of this money and deposited it to her business account.
22 The funds in Flewellen's personal account were not in the control of Parks at the time of
23 Flewellen's death, and as such, Parks had no lawful authority to remove those funds from this
24 account.

25 According to APPG case notes, by July 10, 2012, when Parks paid herself \$3,800.00,
26 she had performed only 25 hours 36 minutes of service for Flewellen, billed at \$120.00 per
27 hour for a total of \$3,082.00. Parks paid herself \$3,800.00 from the funds belonging to the
28 estate of William Flewellen, which funds she had no legal right to control in the first place.

1 *Jerome and Beverley Flaherty*

2 Parks was also intimately involved in the guardianship and exploitation of Jerome and
3 Beverley Flaherty. In that case, Parks was approached by James Thomas Melton to obtain
4 guardianship over the Flaherty's, who had a sizeable estate. Even though Jerome Flaherty had
5 died and Beverly Flaherty had estate planning documents in place, Parks nevertheless obtained
6 guardianship over Beverly Flaherty, allowing Melton to use the Flahertys' funds for his own
7 ends. Guardianship was granted in the Flaherty case based upon a mental health assessment
8 conducted by Simmons, who failed to advise the court that he worked for APPG. The Flaherty
9 case forms the basis of charges against Parks, Simmons, Melton, and Simpson in case C-18-
10 329886-1/2/3/4.

11 *Ruth Braslow*

12 Parks and Simmons utilized various billing scams previously mentioned in order to
13 exploit Ruth Braslow. A few unique aspects of Braslow's exploitation involved the auction of
14 the contents of her home, a service which a private company completely handled and Parks
15 billed for being present (and not needing to be present) or not being there whatsoever.
16 Additionally, she was excessively billed for home checks, when her house was worth less than
17 the amount owed – thereby rendering no value to the protected person. This scheme netted the
18 Defendants \$13,180.67 in illegal proceeds, victimizing Braslow, an elderly person.

19 *Audrey Weber*

20 Another tragic example is the case of Audrey Weber. Weber was being kept alive on
21 a ventilator and feeding tube. The physician's certificate attached with APPG's guardianship
22 petition indicated that Weber was "completely supported by machines." She had no known
23 family or friends, which was known to Simmons, who billed Weber hundreds of dollars to
24 research that fact. When Parks obtained guardianship in 2012, Weber had around \$7,300 in
25 her patient trust account at the medical and rehabilitation center, where her life was dependent
26 on machines. The reason for guardianship was that the hospital was recommending Weber be
27 removed from life support, which was a decision staff could not make themselves.

28 //

1 Despite Weber being on a ventilator and feeding tube where hospice workers, facility
2 social workers, and nurses routinely checked on Weber and communicated their observations
3 to APPG staff, Simmons billed Weber for daily visits. These visits were not necessary and
4 were done only to benefit APPG through the charging of fees for services. Simmons also
5 billed for visits that did not occur. The patient trust fund was also not mentioned on an
6 inventory Parks filed with the court related to Weber's assets.

7 Evidence located in the Weber file revealed that someone had handwritten calculations
8 on Weber's bank account summary, figuring out how many hours of services needed to be
9 billed at \$120 to zero out her remaining trust account balance. Subsequent investigation
10 revealed that Simmons made those handwritten calculations, and created false billings to drain
11 the remainder of Weber's account. Those falsified billing entries included charging Weber's
12 estate for a visit on Christmas Day 2012, to visit the mausoleum where Weber's remains were
13 placed to throw dead flowers away. A similar visit was billed on New Year's Day 2013 in
14 which Simmons billed for a case worker's traveling to the mausoleum again to clean dirt and
15 dried flowers. The case worker refused to perform the activities, but Simmons billed Weber's
16 estate anyway. This investigation concluded that Simmons stole \$3,619.60 from Weber's
17 estate through fraudulent and false billings after she died following the removal of life support.

18 In total, Parks and Simmons victimized over one-hundred fifty (150) elderly
19 individuals, only some of whom actually needed guardianship services.

20 Several protected persons under APPG's care were freed from guardianship after they
21 independently obtained attorneys who filed petitions with the court to have them ultimately
22 released after providing medical evidence they were mentally competent. For example, the
23 following are some protected persons as to whom Parks obtained a written medical opinion
24 that these people had dementia to obtain guardianship; these protected persons were later
25 removed from guardianship after an new evaluation at their insistence found them to be
26 competent: Rudy North; Barbara Neely; Georgann Cravedi; Norman Weinstock; Barbara
27 Lasco; Joseph McCue; Jack King; Milly Kaplove; Herman Mesloh; Shanna Maclin; and
28 Adolfo Gonzalez.

1 Obviously, the impact of these crimes on the victims is vast. The State submits that the
2 appropriate sentence for a person who steals \$559,205.32 from elderly victims whom she is
3 sworn to protect, all the while masquerading as a champion of the elderly, is the maximum
4 sentence: ninety-six (96) to two-hundred forty (240) months for each count of Exploitation;
5 forty-eight (48) to one-hundred twenty (120) months for each count of Theft; and nineteen
6 (19) to forty-eight (48) months for the Perjury count, each to run consecutively to the other.

7 This Defendant was stealing extreme amounts of money without a second thought. If
8 the penalty assigned to a criminal act is too lenient, it is not really a punishment, but rather
9 just becomes the cost of doing business. There are plenty of criminals like Defendant, who
10 believe that if someone can to steal \$559,205.32 and simply receive probation or a short prison
11 term, that is a deal they are willing to take.

12 That cannot happen in circumstances such as this one. The appropriate penalty for these
13 crimes, as noted above, is a penalty harsh enough to prohibit people from stealing this vast
14 amount of money. Then, and only then, can there be deterrence both to the Defendant and to
15 those who may find themselves similarly situated.

16 **II. THE IMPACT ON SOCIETY ALSO MERITS A SIGNIFICANT**
17 **AMOUNT OF PUNISHMENT**

18 The actions of Parks and Simmons in this case have caused reverberations far beyond
19 the impact on the victims. Unlike most criminal cases, this case demonstrates how even those
20 that are not directly victimized by the Defendants can nevertheless feel the sting of their
21 criminal behavior.

22 *Impact on the Legal Community*

23 One of the most visible repercussions of Parks and Simmons is the creation of the
24 Nevada Supreme Court's Guardianship Commission. Although Parks and Simmons were not
25 the only abusers in the guardianship court, the public outcry from their nefarious deeds was
26 one factor in the development of the Guardianship Commission. That commission was made

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28 //

1 permanent by order of the Nevada Supreme Court on August 2, 2017.¹ This commission
2 would not be necessary if Parks, Simmons, and other guardianship abusers would follow the
3 rules and treat their protected persons like human beings, rather than cash cows.

4 To prevent the types of abuse committed by guardians such as Parks and Simmons, the
5 Nevada Legislature devoted a large amount of its resources during the 2017 session to the
6 prevention of elder abuse. The legislature created a Bill of Rights for persons under
7 guardianship, including the automatic appointment of an attorney to any protected person who
8 does not already have one. Guardians are no longer permitted to use guardianship assets for
9 legal fees without the approval of the court, which is reviewing guardianship spending much
10 more closely.

11 The fixes put in place by the Guardianship Commission, Nevada Legislature, and
12 family courts in the State of Nevada were an attempt to fix the fleecing that Parks, Simmons,
13 and their company perpetrated for many years. While it could be argued that some good came
14 from what Parks did – fixing vulnerabilities in the legal system which enabled Parks to
15 profiteer off of elderly and vulnerable people, it is misplaced. It would be the same as
16 commending someone who committed a series of home invasions for showing everyone how
17 ineffective their door locks were.

18 *Impact on the State of Nevada*

19 It is also important to remember that Nevada is a major tourist and retiree destination.
20 Much of Nevada's economy is predicated upon the State being a safe and enjoyable place, but
21 recently-retired individuals will not relocate here if the reputation of the State includes rampant
22 elder exploitation. There have already been several nationwide stories in the press about this
23 case. For example, the New Yorker magazine featured a lengthy article about this case, first
24
25
26

27 ¹ An overview of the Guardianship Commission, as well as its report to the Supreme Court, is available
28 at: https://nvcourts.gov/AOC/Committees_and_Commissions/Guardianship/Overview/ (last accessed
December 24, 2018).

published in the October 2017 issue.² Similarly, the comedy/news program *Last Week Tonight with John Oliver* featured a main story about guardianship, focusing in particular on this case.³ This case has also been reported extensively on major television news outlets such as the Associated Press, as well as local journalism outlets such the *Las Vegas Review-Journal*, the senior newspaper *The Vegas Voice*, and the *Las Vegas Sun*. Additionally, the No Equal Entertainment/INNOV8R production company has recently released a documentary chronicling the sad journey of Rudy and Rennie North at the hands of Parks and Simmons.

The actions of Parks and Simmons in this case have impacted others as well. As noted above, the Office of the Public Guardian undertook the administration of many of the protected persons under the care of APPG, when APPG closed its doors. The Public Guardian cannot absorb such a large influx of cases. These additional cases put significant burdens on that office, with the inevitable result that the care of all protected persons suffers. The Family Court has also had its reputation irrevocably damaged by the cavalier actions of Parks and Simmons.

Impact on Law Enforcement

The impact on law enforcement also cannot be overstated. Since the investigation began in this case, state and local investigators have dedicated thousands of hours to this case. These investigators had to review the mountain of paperwork from court filings, internal reports, financial documents, and countless other data to prepare this case. Again, the diversion of these law enforcement resources necessarily causes other areas of law enforcement to suffer. This loss impacts us all.

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² The full article by reporter Rachel Aviv is available at: <https://www.newyorker.com/magazine/2017/10/09/how-the-elderly-lose-their-rights> (last accessed December 24, 2018).

³ The story is available on YouTube at: <https://www.youtube.com/watch?v=nG2pEffLEJo> (last accessed December 24, 2018). Parks is first specifically mentioned at the 6:26 mark, although several of her former protected persons, and the struggles they went through, are mentioned much earlier.

III. DEFENDANT'S SUBSEQUENT CONDUCT ALSO DEMONSTRATES THE NEED FOR PUNISHMENT

It would be bad enough if Parks's conduct were limited to the facts noted above. Sadly, however, there is more to the story. On May 5, 2016 Parks filed a voluntary Chapter 13 bankruptcy petition in the U.S. Bankruptcy Court Eastern District of Pennsylvania in case number 16-13247. In that document, Parks affirmed the following statement: "Over the last 180 days before filing this petition, I have lived in this district longer than any other district." A follow up to the petition was filed on June 2, 2016 that reiterated her assertion she had been a Pennsylvania resident longer than she had lived in Nevada the past six months. Parks listed her prior address of 663 Otono Drive in Boulder City and that she lived there "prior to 12/31/2015." The petition also included the following information: APPG is closed, with assets of \$25,000 in receivables, a bank account with a \$200 balance, and miscellaneous office furniture and equipment. Parks stated the company's value as \$0, and she was claiming an exemption of \$12,575.

In the bankruptcy petition, Parks also stated that her gross income between January 1, 2015 and December 31, 2015 was \$10,000 related to operating a business. She stated her gross income between January 1, 2014 and December 31, 2014 was \$40,000 from operating a business. However, a financial analysis done by Investigator Haynes revealed that Parks's income from APPG was \$109,500 in 2014, and \$74,750 in 2015. Payroll records show that Parks earned \$4,300 in 2016 – which followed the closing of her business on December 31, 2015, and several court orders approving her resignation as guardian.

Also in the bankruptcy petition, Parks affirmatively checked the “NO” box on her application that asked “within one year before you filed for bankruptcy, were you a party in any lawsuit, court action, or administrative proceeding?” A review of active civil cases in the Eighth Judicial District Court revealed that statement is false. Beyond the numerous active ongoing challenges in guardianship court, at the time that Parks filed this document on June 2, 2016, she was facing a negligent death jury trial related to her deceased ward Waveney

1 Nedd. Nedd's son, Carlus Nedd, on November 17, 2014 filed a complaint and demand for
2 jury trial. Parks also had an active civil lawsuit filed by her former co-guardian, Marilyn
3 Berquist, alleging that Parks and her attorney unlawfully put a lien on her home, to ensure
4 payment of fees that had not been court authorized pending Berquist's challenge to APPG's
5 accounting of how she spent her mother's funds. On June 24, 2016, Parks filed a "Notice of
6 Bankruptcy Stay" in the Nedd negligent death lawsuit – while omitting it as a lawsuit where
7 she had been involved as a party during the last year.

8 Included as creditors in the bankruptcy petition was an IRS income tax claim of \$50,000
9 that accrued between 2010 and present. Several former protected persons are included as
10 creditors with unsecured claims for "overpayment of guardian fees" to Charles Maddera;
11 Dorothy Lothman; Estate of Waveny Nedd; James Hagen; Jean Donth; Joseph McCue; Marie
12 Long; Marlene Homer; Norman Weinstock; Reiko Palmer; Robert Smith; Rosclare Foster;
13 Rudy and Rennie North; Ruth Braslow; William Brady; and William Vlick.

14 By August 12, 2016 the court dismissed Parks's voluntary bankruptcy petition after she
15 filed a notice on August 5, 2016 to dismiss it. However, this action followed a creditor's
16 meeting in which Parks revealed she had only lived in Pennsylvania for just over one month
17 when she filed her bankruptcy petition, despite her claim in the document she lived there much
18 longer.

19 As the above makes clear, Parks intentionally filed bankruptcy documents in May and
20 June 2016 with false information about the salaries she earned from APPG, tenure of her
21 Pennsylvania residency, and the existence of civil lawsuits filed against her. These actions
22 demonstrate that Parks engages in an ongoing course and pattern of conduct of lying to the
23 court through false filings of documents.

24 Parks's abrupt flight from Nevada had further repercussions as well. For example, in
25 the guardianship case of Juanita Graham, Parks continually failed to appear in court or respond
26 to calls and emails, ultimately ending in a court finding of contempt. The court based its
27 contempt order on Parks's failure to file a notice of the death of the protected person, to comply
28

1 with her fiduciary duties, and to maintain good contact with the court. In addition to fines and
2 jail time, the court's contempt order also denied her request for guardianship fees.

3 Finally, while not technically a criminal act, Parks's failure to dispose of the cremated
4 remains of those who had died under her care shows the utter disregard and contempt she holds
5 for those whom she was sworn to protect. On May 5, 2017, the cremated remains of twenty-
6 five (25) individuals were located in a storage unit formerly being used by Parks. Most had
7 been in the unit for several years, and some for over a decade. No known efforts were made
8 to return the remains to family or other interested parties. Instead, Parks locked them in dark
9 room, robbing them of their dignity, even in death.

10 **IV. THESE CRIMES AGAINST THE PERSON MANDATE NO MITIGATION**
11 **FOR THE DEFENDANT**

12
13 This is a person crime, (NRS Title 200) and it was perpetrated on not only the elderly,
14 but the most vulnerable of the elderly – people who need others to manage their affairs because
15 they are no longer capable. The argument that this is a non-violent property crime should not
16 negate the fact that the Defendant should be sentenced to three-hundred seven (307) to seven-
17 hundred sixty-eight (768) months in prison. There are many important reasons why
18 Defendant's criminal acts should not be treated like a trivial matter.

19 As stated in this memorandum, \$559,205.32 is an extremely large sum of money to
20 steal. When looking at the punishment aspect of for thefts, clearly minimal thefts deserve less
21 punishment than high-level thefts. The fact that the Felony Theft statute allows for punishment
22 of up to four (4) to ten (10) years in prison, and that Exploitation allows for punishment of up
23 to eight (8) to twenty (20) years in prison, per offense, is proof that the legislature intended for
24 there to be harsher punishment for serious thefts and exploitation. Any counter-argument that
25 the range was set-up to punish people who were multiple time convicts, is belied by the fact
26 that we have a habitual criminal statute, NRS 207.010, in which much more harsh penalties
27 apply for people with such records. If this Defendant does not deserve a harsh penalty under
28 these statutes, who does?

1 Danger to the community is not limited to “violence,” and exists in financial cases. *See*
2 *United States v. Burnett*, No. 99-00022-02-CR-W-HFS, 2012 U.S. Dist. LEXIS 74575, at *3
3 (W.D. Mo. Apr. 12, 2012), *United States v. Schnetzka*, 629 F. App’x 422, 423 (3d Cir. 2015)
4 *United States v. Sattler*, No. 3:04-CR-063-L, 2005 U.S. Dist. LEXIS 20901, at *5 (N.D. Tex.
5 Sep. 23, 2005). A crime constituting 159-times the threshold category “B” Theft is not your
6 typical “non-violent property crime” and it should be punished harshly by incarceration for a
7 lengthy period of time.

8 The large amount of restitution that is required to be repaid should *not* be a factor in
9 favor of probation. The restitution figure of \$559,205.32 is a large amount. Poorly made
10 arguments often are presented to the court that we do not have a “debtor’s prison,” and the
11 related argument of the inability of criminal defendants to repay restitution if stuck in prison.
12 These arguments fail quickly – because restitution ordered as a result of crime *is not a debt*;
13 the stealing of money *was not a loan*.

14 The reality of any scenario in which the Defendant is placed on probation and ordered
15 to pay restitution is that Nevada’s restitution statutes are lacking in enforceability. The
16 Department of Parole and Probation would have the Defendant fill out a form to determine
17 how much of his monthly income can be spared for restitution – the numbers can be skewed
18 to her benefit with minimal accountability. Should the Defendant miss payments, or a
19 significant amount of restitution is unpaid, there is no relief in the way of a revocation of
20 probation merely for nonpayment of restitution. Hence, simply ordering the Defendant to
21 probation does not fulfil the goal of punishment for those who commit the crime, and does not
22 make the victim whole. Even if the Defendant fully repaid restitution, there is still the fact that
23 this conduct requires significant punishment regardless of repayment.

24 There is no reason to give this Defendant a punishment of less than the maximum
25 sentence for her crimes.

26 //

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28 //

1 **V. THE DEFENDANT DESERVES NO FURTHER LENIENCY THAN THE**
2 **REDUCED NUMBER OF CHARGES TO WHICH SHE PLED**

3 The Defendant was facing over 200 felony charges in the original indictment; the plea
4 she entered was to only six. The reasoning for doing so was that the conduct could be
5 summarized within the amended charge, and the sentencing range for Exploitation, Theft, and
6 Perjury allowed for a reasonable amount of prison time, given the scope of what the Defendant
7 did and the fact she pled and chose not to fight the case. It should be sufficiently clear that all
8 of the benefits have been bestowed on the Defendant by virtue of allowing her to plead to a
9 reduced number of felonies, thereby limiting her exposure to a weightier sentence. While this
10 court has discretion on the ultimate sentence of Defendant, the State contends that a
11 compelling case has been made that sentencing her to less than the maximum sentence would
12 be providing the Defendant more leniency than she deserves.

13 Parks and Simmons made a career not only of exploiting the elderly, but the court as
14 well. They knew that the court was not in a position to scrutinize APPG's accountings,
15 allowing Parks and Simmons to exploit the elders under their care by exploiting the court
16 system. The Defendants made a mockery of the court system in order to line their own
17 pockets.

18 It is also worth noting that Parks still has shown no remorse for any of her actions, and
19 continues to portray herself as the victim in this case. Even after reviewing the mountain of
20 evidence as noted above, Defendant's plea was only made pursuant to the *North Carolina v.*
21 *Alford* 400 U.S. 25 (1970) decision. While Parks has acknowledged that the State could prove
22 charges against her, she has refused thus far to admit her criminal culpability. Again, the fact
23 that Parks has shown no remorse for her actions, after ruining the lives of countless victims
24 and causing immeasurable strife in society, cries out for a severe punishment.

25 **CONCLUSION**

26 Defendant is an abuser and a thief.


27 Punishment for a total term of three-hundred seven (307) to seven-hundred sixty-eight
28 (768) months in prison is a justified and reasonable sentence for an exploiter of the vulnerable

1 like Defendant April Parks. Large scale abuse and theft should not, and will not, be tolerated
2 in the State of Nevada. Therefore, the State strongly recommends a maximum sentence and
3 restitution ordered in the amount of \$559,205.32.


4 DATED this 28th day of December, 2018.

5 Respectfully submitted,
6 STEVEN B. WOLFSON
7 Clark County District Attorney
8 Nevada Bar #001565
9 ADAM P. LAXALT
10 Nevada Attorney General
11 Nevada Bar #012426

12 BY


13 JAY P. RAMAN
14 Chief Deputy District Attorney
15 Nevada Bar #010193

16 BY

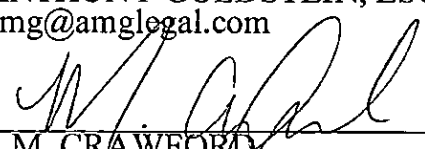

17 DANIEL E. WESTMEYER
18 Senior Deputy Attorney General
19 Nevada Bar #010273
20 10193 for

21 CERTIFICATE OF ELECTRONIC TRANSMISSION

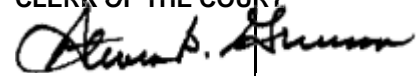
22 I hereby certify that service of the above and foregoing was made this 28th day of
23 December, 2018, by electronic transmission to:

24 ANTHONY GOLDSTEIN, ESQ.
25 amg@amglegal.com

26 BY


27 M. CRAWFORD
28 Secretary for the District Attorney's Office

16AGJ151/JPR/mc



MEMO

Anthony M. Goldstein, Esq. (Nevada Bar #7721)

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ATTORNEY FOR DEFENDANT

DISTRICT COURT

CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff,

VS.

APRIL PARKS,

Defendant.

)
) Case #: C-17-321808-1
)
) Dept. : X
)
)
)
)
)
)
)
) Date of Hearing: 1/4/19
)
) Time of Hearing: 9:00am
)

DEFENDANT APRIL PARKS'S SENTENCING MEMORANDUM

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Anthony M. Goldstein, Esq., court-appointed counsel for indigent Defendant APRIL PARKS, respectfully submits this Sentencing Memorandum in and for the sentencing hearing that is currently scheduled for January 4th, 2019.

LAW OFFICES OF ANTHONY M. GOLDSTEIN

Dated: January 2, 2019

By: /s/ Anthony M. Goldstein

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ATTORNEY FOR DEFENDANT

1 **I. Introduction**

2
3 Upon a cursory review of the Indictment and of the
4 Declaration of Arrest/Warrant, immediate condemnation of April
5 Parks seems both appropriate and easy. However, once one
6 actually delves into the totality of the circumstances and
7 investigate the allegations beyond a media-friendly superficial
8 level, we arrive at an entirely different conclusion as to her
9 true role in the malfeasance.

10 The State charged this case on the premise that April was a
11 criminal mastermind who orchestrated an elaborate racket to
12 *financially* exploit vulnerable members of the community. From
13 the outset, please allow clarification of one matter: not one of
14 the almost 300 charges that the State levied against April
15 involves any sort of physical abuse - or even negligent
16 treatment - towards any of the named victims. At no point did
17 the State even accuse April, either personally or via her
18 alleged criminal racket, of committing even one instance of
19 physical abuse against any of the wards. Nor does the State
20 allege that April deprived any ward of any service or medical
21 treatment whatsoever.

23 The vast plurality of charges against April involve the
24 allegation of exploitation. The Nevada Supreme Court defines
25 "exploitation" as,

1 [A]ny act taken by a person who has the trust and
2 confidence of an older person or any use of the power of
3 attorney or guardianship of an older person to obtain
4 control, through deception, intimidation or undue
5 influence, over the older person's money, assets or
6 property with the intention of permanently depriving the
7 older person of the ownership, use, benefit or
8 possession of his **money, assets or property**. As used in
9 this subsection, "undue influence" does not include the
10 normal influence that one member of a family has over
11 another."

12 -*Vallery v. State*, 118 Nev. 357, 46 P.3d 66 (Nev., 2002),
13 citing NRS 200.5092(2). *Emphasis Added*.

14 Accordingly, the "exploitation" referenced throughout this
15 case is exclusively of the financial variety and the State must
16 agree that none of the wards was physically abused - whether
17 directly or negligently - at any point.

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1 A. The Premise of the State's Case

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3 The State synopsised the nature of April's alleged
4 misconduct in its, "Ex Parte Motion on Bail":
5

6
7 15 || population she was charged with being guardian for. The evidence adduced at the grand jury
8 16 || showed that A Private Professional Guardian, LLC was ran as a criminal enterprise, with the
9 17 || goal of maximizing their profits at the expense of the people they were charged with caring
10 18 || for, intentionally disregarding the duty to the wards as a guardian, fiduciary, and duty of
11 19 || honesty to the Court.

12 ***-State's "Ex Parte Motion on Bail", filed on March 8th,
13 2017, Page 2. Emphasis Added.***

14 The State's proactive bail motion - filed on the same date
15 as the Indictment and prior to the Court's appointing counsel
16 for April - claims that April's company had the goal of,
17 "maximizing their [sic] profits". In a situation where the
18 primary goal is to maximize profits, the first order of forensic
19 accounting is to follow the money.
20

21 ///

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23 ///

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1 **1. State of Nevada's Investigation Into April's Finances**

2
3 Investigator Jaclyn O'Malley of the Nevada Attorney
4 General's Office served as the State's primary investigator in
5 this case. She personally spent approximately eighteen months
6 working the case prior to the Grand Jury proceedings. *State's*
7 *Return to Writ in companion case C-18-329886-2, Page 3, Lines*
8 *10-11).*

9 In the, "Declaration of Arrest/Warrant" that Investigator
10 O'Malley prepared for the present case, she stated as follows:

11
12 located at 2470 St. Rose Parkway suite 201, Henderson, NV 89074. PARKS gave consent to the
13 search of storage facilities she rented located at 3290 E. Oleta Ave, Henderson, NV 89074 (units
14 B017, B037, B070, B076, B077, B084, B085, C030, D055, D088 & D089). Numerous boxes of hard
15 copy business and ward files were recovered and a forensic computer analysis was ultimately
performed on seized computers, iPads and smart phones. All of this evidence – that included tens of
thousands of documents in addition to thousands of computer files was thoroughly examined and
reviewed for its relevancy to the investigation.

16 ***-Declaration of Arrest/Warrant, Officer Jaclyn O'Malley,***
17 ***Page 10.***

18 So Investigator O'Malley and her team conducted a massive
19 and thorough forensic investigation of tens of thousands of hard
20 documents, thousands of digital files and analyzed all of
21 April's personal and work computers, tablets and phones. The
22 crew found no Ferraris, no mansions, no records of gambling, no
23 evidence of substance abuse issues and no secret off-shore banks
24 accounts.
25

1 In fact, at the time the State portrays April as a greedy,
2 profiteering crime boss, April drove a 2009 Pontiac (*Declaration*
3 *of Arrest/Warrant, Officer Jaclyn O'Malley, Page 2, Paragraph 5*)
4 and rented a modest 1,374 square foot house in Boulder City for
5 herself and her family.¹

6 Unable to locate the proceeds of this alleged criminal
7 racket, Investigator O'Malley offered the following solution to
8 where the alleged riches went:
9

10
11 68. I learned through this investigation that not all of PARKS' wards had available income at any given
12 time. This meant that while APPG staff may have documented a certain amount of fees in a month;
13 they often did not collect the entire amount. This fact tends to support the motivation behind
14 fraudulently billing wards as a matter of general policy in order to collect as much fees as possible.

15
16 ***-Declaration of Arrest/Warrant, Officer Jaclyn O'Malley,***
17 ***Page 12.***

18 So Investigator O'Malley apparently concluded that April
19 was, "fraudulently billing" certain wards in order to make up
20 for payments that she was not able to collect from other,
21 indigent wards. Please note that even if Investigator O'Malley
22 were correct, the defense is not claiming that April was some
23 sort of Robin Hood. However, at worst, her motivation, as
24 Officer O'Malley seemingly concluded, was merely to sustain her
25 business and not to personally enrich herself.

///
26

¹ According to a leading real property valuation and sales website
www.zillow.com, this current market value of this house is \$303,000.00.

1
2 **2. April's Bankruptcy in Pennsylvania**

3
4 After media coverage of her situation took its toll on
5 April and her young children, she and her husband (co-defendant
6 Gary Taylor) moved from Boulder City to her husband's native
7 Pennsylvania. Shortly thereafter, they jointly filed for
8 bankruptcy in the Eastern District of Pennsylvania. Regarding
9 April and Gary's bankruptcy petition, the State argued to this
10 Court as follows:

11
12 19 and her family to the east coast, specifically Pennsylvania. In May of 2016 Defendant Parks
13 20 filed a Bankruptcy Petition in the Eastern District of Pennsylvania. The petition, which has
14 21 since been voluntarily dismissed contained lies and misrepresentations about residency, income,
15 22 and other important factors. Defendant Parks is currently in bench warrant status in the Family

16 ***-State's "Ex Parte Motion on Bail", filed on March 8th,
17 2017, Page 7. Emphasis Added.***

18 11 U.S. Code § 704 sets forth the duties of the Trustee in
19 a bankruptcy action. This statute mandates that,

20 (a)The trustee shall –

21 (4) investigate the financial affairs of the debtor
22

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1 So despite the State's brazen claims that April's petition
2 included, "lies and misrepresentations about residency, income
3 and other important factors", please note that neither the
4 Federal Bankruptcy Court Trustee, the United States Attorney,
5 nor the State of Pennsylvania ever sought court sanctions - let
6 alone brought criminal charges - against April for perjury or
7 perpetrating any type of fraud in her Petition.
8

9
10 Accordingly, assuming Officer O'Malley and the Federal
11 Bankruptcy Trustee for the Eastern District of Pennsylvania did
12 their jobs, there is simply no evidence that April profiteered
13 from any of her allegedly illicit business practices. This
14 contradicts the State's aforementioned audacious claims.

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1 **II. Background of April Parks and A Private Professional**
2 **Guardianship, LLC**

3
4 After working for several years under prominent
5 guardianship attorneys in Clark County, April established, "A
6 Private Professional Guardian, LLC" ("APPG") on May 23rd, 2011.
7 As stated previously herein, Investigator O'Malley spent
8 approximately eighteen months preparing the case against April
9 and the co-defendants for the Grand Jury's consideration. Ms.
10 O'Malley testified under oath as follows regarding the
11 qualifications and professional reputation of PARKS:
12
13

14 21 A. Sure. Throughout my investigation which
15 22 consisted of reviewing evidence that we found at her
16 23 business and historical records that I found, we learned
17 24 that April Parks is a highly experienced, highly trained
18 25 professional guardian who markets herself as such.
19
20

21 ***-Reporter's Transcript of Proceedings, Testimony of Jaclyn***
22 ***O'Malley, Volume 1, Page 84.***

23 ///

24 ///

25 ///

1 Aside from April, the only other licensed guardian at APPG
2 was co-defendant Mark Simmons. According to Investigator
3 O'Malley,

4
5 12 Defendant Simmons was a certified guardian, and in control of much of the operations
6 13 of A Private Professional Guardian, LLC. Similar to Parks, around the time the spotlight

7 ***-State's, "Ex Parte Motion on Bail", filed on March 7th,
8 2017, Page 9.***

9 During the Grand Jury proceedings, the State asked former
10 APPG employees Heidi Kramer and Anjelica Sanchez about April and
11 Mark's respective roles within APPG:

12
13
14 24 Q. So who was in charge of billing within the
15 25 office?

16
17 1 A. From to the best of my knowledge it would
18 2 be Mark.

19 ***-Testimony of Heidi Kramer, Reporter's Transcript of
20 Proceedings, Volume 7-B, Pages 31-32.***

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13 Q. Tell us more about what April's role was.

14 A. April would, when I initially started with
15 April she would do the interaction with the attorneys,
16 going to court, working with the families on the
17 beginning of a case if there were families involved.
18 She would give direction to Mark and I as to how we
19 would handle cases when they would come through or when
20 we would get appointed or when she would get appointed
21 as the guardian.

22 Q. What was Mark's role?

23 A. Mark was like air traffic control. Mark
24 was predominantly in the office. He handled majority of
25 the phone calls coming through. He would help maintain

1 files, he would manage the billing, he would stay on top
2 of the banking. He would give me direction when wards
3 needed items or if I needed to take them to a doctor's
4 appointment, so he would provide direction to me as
5 well, and then he would also do ward visits in addition
6 to myself and April.

-Testimony of Anjelica Sanchez, Reporter's Transcript of Proceedings, Volume 7-A, Pages 9-10.

///

/ / /

/ / /

///

1 Based on the combined testimony of Ms. Sanchez and Ms.
2 Kramer, it appears that Mark Simmons primarily handled in-office
3 matters such as billing at APPG (hence Ms. Sanchez labeled him,
4 "Air Traffic Controller") and April was out in the field.

5 With all due respect to Investigator O'Malley, she
6 misinterpreted significant portions of the evidence she
7 collected and improperly repurposed it to cast April in an
8 inaccurate and negative manner. A clear example is Investigator
9 O'Malley's rendition of an event whereby April threatened to
10 refer a care facility's staff member for prosecution:
11

12
13 196. Kahn recalled PARKS arriving to the facility on a Saturday where she stayed for four hours
14 "ordering staff around and threatening with intimidation." She said PARKS – in her presence – called
15 the recently terminated employee who exploited McCann. Kahn said PARKS left the former employee
16 a threatening voice mail indicating she had 20 minutes to call back to avoid prosecution. However,
Kahn said PARKS lied about the time of the call so it would appear the employee did not call back in
time.

17 ***-Declaration of Arrest/Warrant, Investigator Jaclyn***
18 ***O'Malley, Page 34.***

19 The facts of this situation are not in dispute - this comes
20 down to a simple matter of interpretation of those facts. April
21 learned that a staff member of a facility which housed one of
22 her wards was wrongfully exploiting said ward. Upon learning of
23 the mistreatment, April stormed into the facility - on a
24 Saturday - and telephonically reprimanded the staff member for
25 the egregious conduct against her ward.

1 April also unequivocally threatened to notify prosecutors
2 if the offending staff member or treatment facility executive
3 failed to provide her with an adequate explanation of the
4 situation. Despite Investigator O'Malley's apparently utilizing
5 this event to portray April as a violent, aggressive person, it
6 actually shows how passionate April was about protecting her
7 wards. That was not April's being a mean-spirited bully as
8 Investigator O'Malley conveyed - that was April's doing her job.
9

10
11 April was certainly the face of APPG and unfortunately,
12 both the State and the media have vilified her accordingly.
13 However, the above analysis of the corporate structure of APPG
14 and the respective roles of the primary parties reveals that
15 April was not even in charge of APPG's billing. Clearly, as
16 Managing Member of the LLC, she failed in her duties to duly
17 supervise the day-to-day billing practices of her many employees
18 and especially APPG's billing guru: Mark Simmons.

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1 A. The Search Warrant on APPG at April's Home

2
3 On September 21st, 2015, LVMPD officers executed a search
4 warrant at the residence of April Parks at 663 Otono Drive in
5 Boulder City.² April immediately and fully cooperated with the
6 executing officers:

7
8 TH: Yeah in a second. We have a search warrant for your house.

9 AP: Come on in.

10
11 ***-Transcript of Interview with Det. Todd Hendrix, Search
Warrant, Page 1, Event #20150818-2043.a***

12
13 After welcoming officers into her home, she then chose to
14 participate in a lengthy interview with multiple LVMPD officers
15 without her attorney, Keith Brower, Esq.'s, involvement:

16
17 it. I run an honest business. And I probably should not even be talking to you because Keith's
18 gonna lose his mind that I am.

19
20 ***-Transcript of Interview with Det. Todd Hendrix, Search
Warrant, Page 17, Event #20150818-2043.***

21 ///

22 ///

23
24 ² In addition, please note that approximately 30 minutes after LVMPD Officers
25 arrived at April's residence, members of the local media arrived at the
scene. Since obviously April was unaware of the imminent search, she could
not have notified the media. This trend of someone other than April's
inviting media to participate in the case has continued for years, including
as recently as the hearing on November 5th, 2018, when the co-defendants
entered their pleas herein.

1 So unlike the aforementioned Ms. Sanchez and Ms. Kramer,
2 who each retained separate private attorneys to advise them
3 prior to testifying at the Grand Jury, April chose to speak
4 freely with officers on her own and at great length.

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1 **III. Letters of Support**

2
3 Attached as Exhibit 1, please find letters of support
4 from:

- 5
6 1. Carly Parks (April's Daughter)
7
8 2. Cody Parks (April's Son)
9
10 3. Tommy Parks (April's Son)
11 4. Ilene Gordon (April's Mother)
12 5. Deborah Fenimore-Herdman (April's Friend)

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1 **CONCLUSION**

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3
4 Upon researching and ultimately understanding the inner-
5 workings of, "A Private Professional Guardian, LLC", one could
6 arrive at many conclusions regarding April Parks and her role in
7 the egregious misconduct alleged. Initially, she was the only
8 licensed Guardian at APPG and therefore personally answerable -
9 even liable - for the approximately 100 wards that were on
10 APPG's roster at any given time.

11 In addition to her duties as a Guardian, she shouldered the
12 burden of single-handedly running a complex, ever-expanding
13 business and supervising staff members who traveled all over
14 Clark County to serve APPG's wards. As the number of wards
15 increased, so did APPG's staff and of course, April's resultant
16 administrative responsibilities at APPG skyrocketed as well.
17

18 Once Mark Simmons became a licensed Guardian, April
19 delegated significant responsibilities to him. The most
20 significant of these responsibilities - and that which the
21 Indictment primarily charges the defendants - involves billing.
22 According to former employees Anjelica Sanchez and Heidi Kramer,
23 Simmons was in charge of supervising the billing process at
24 APPG.

25 ///

1 Of course, as the founder, owner and Managing Member of
2 APPG, April was certainly, "at the wheel" when the billing
3 issues took place. They happened while she was in charge.
4 However, to send her to prison for a minimum of 64 months that
5 P&P recommends - let alone the higher bottom number that the
6 State is certain to ask for at sentencing - wrongfully punishes
7 April for the actions of others.

8 April failed to duly supervise her underlings. April
9 delegated critical responsibilities at APPG to certain people
10 who took advantage of said failure to supervise. Even
11 understanding that April entered her pleas herein pursuant to
12 *Alford*, April perhaps either turned a blind eye to the
13 malfeasance at APPG or possibly occasionally succumbed to the
14 ease of defrauding the guardianship system. In doing so, April
15 utterly failed her wards.

16 However, April did not, as the State alleges, operate a
17 criminal enterprise with the intention of profiteering off the
18 vulnerable members of our community. Financial issues aside, it
19 is indisputable that April always ensured that the health,
20 safety and welfare of her wards would never be in jeopardy under
21 her watch.
22

23 ///

24 ///

1 April still vigorously disputes that she perpetrated all of
2 the approximately 300 crimes with which the State charged her in
3 both of her pending cases. Further, as the State will certainly
4 point out at sentencing, technically she never even admitted
5 that she committed the specific crimes for which the Court will
6 sentence her on January 4th, 2019.

7
8 However, prior to her incarceration in the present matter
9 on April 4th, 2017, April had never spent one day in custody in
10 her entire life. Now, after spending approximately 21 months in
11 the Clark County Detention Center, she knows that she did wrong.
12 She knows that she failed those whom she swore to protect.
13 However, she also knows that when she was doing right, she truly
14 helped countless destitute wards endure their struggle and/or
15 end their lives with dignity and comfort.

16
17 April will reserve a specific sentencing recommendation for
18 the time of sentencing.

19 **LAW OFFICES OF ANTHONY M. GOLDSTEIN**

20
21 Dated: January 2, 2019

22 By: /s/ Anthony M. Goldstein
23 Anthony M. Goldstein, Esq.
24 Nevada Bar #7721
25 2421 Tech Center Court
Suite 100
Las Vegas, Nevada 89128
Phone: (702) 796-1114
Fax: (702) 796-1115
ATTORNEY FOR DEFENDANT

~The Strongest Woman I Know~

Hello, I'm Carly Parks, April Parks's daughter. I'm probably the second best person that knows her well. With the first being her parents of course. Anyway, my mother and I are basically best friends. I tell her everything which is nice because then there are no secrets between us. I've always been super close to my mom, and I think it's pretty safe to say that she's the best mom ever. My mom and I have been through a lot these past few years but our bond is still strong. My mother is no doubt my number one role model, she's strong, determined, brave, kind, caring and compassionate, I mean seriously that woman cries at everything! My whole life growing up with her she always taught me new things whether it was life lessons or how to keep a house clean and in order. I know my mom has always tried to be the best she could for us kids. She was definitely a fun mom but when we did something wrong she, of course, would discipline us by grounding us or taking our phones away. I truly believe my mother is 100% the best person ever. I remember when I was sick one time and throwing up, so she put me in the bathtub and gave me a bath, then once I got out she cozied me up on my bed and sang the song "I am a child of God" until I fell asleep. I also remember always watching QVC with her and we would sometimes call the number just to hear our voices on the air. My mom is definitely the light in my world, she's so funny and her smile or laugh could make anyone's day. My mother has raised three smart, kind, caring children and the thanks are all to her. I honestly don't know where I would be currently if that woman wasn't in my life. Most mothers and daughters aren't super close but my mom and I we defeat that stereotype we're closer than two peas in a pod. These past two years with my mom being in a detention center have been extremely difficult, with me just starting high school this year I have needed my mom more than anything or anyone. I also think that these are very important times for my mother to witness, A couple months ago I had my first high school dance and she wasn't there to see or help me get ready. I miss my mom more than anything and I love her so much, I just can't wait until I see her again.

Sincerely, Carly Parks

To whom this may concern,

April Parks is a great mother and person. She makes sure that everyone is taken care of before herself. She had run a successful business while balancing home life with her family. She is all about family and is considerate of those around her. Even in the circumstances she is in, she is not the person who the outside world had made her out to be. The youngest of the family needs her more in her life than anyone else as she grows up. This concludes that we miss her dearly, we want her back in our lives and our family so we can all move forward together.

If for any reason, please contact me at 702-4[REDACTED]

Sincerely,
Cody Parks

As April Parks oldest son I can say with confidence that she deserves parole/probation. She was always a good mother to her 3 children and raised us up to always do the right thing and make good choices. She was always there for for her kids anytime we needed her she on numerous occasions has helped me out if bad situations including a very harmful relationship giving me a place to stay in her home well after being out of her house for years. She has helped me financially when I fell on hard times and couldn't pay a bill or my rent. She is also always given me advice or helped me talk out a problem I was having. My mother has never used any illicit substance and never had an alcohol problem. She has never been in trouble with the law. She is a kind caring and loving person and did not deserve any of what is happening. Her family and children miss her very much and just want her home. I love my mother very much and miss her. She has missed so many things while dealing with this including the marriage to my wife and I don't want her miss anymore. She is a great mom and is loved very much she did amazing with her children and I learned how to be an adult from her. Please allow her to be paroled/probation and come home to her family.

>

> Tommy J Parks

> Cell: (702) [REDACTED]

> Soar Transportation Group

> Professional Driver

Your Honor

My name is Ilene Gordon and I am writing to you about my daughter April Lynn Parks who is to be sentenced on January 4, 2019.

I am 83 years old and my husband is 79. We are the guardians of April's daughter 15 year old daughter Carly Parks. My husband suffered a stroke in October of this year and we would appreciate your consideration.

Her daughter truly needs her mother at this stage in her life. She truly pines for her.

Carly is a beautiful young lady and we have no problems with her. April has been a single mother in the past.

We feel that she would rehabilitate at a faster pace in our home in Saint George, Utah, probation or parole permitting. We are financially able to look after them until they strike out on their own.

April has had some medical problems since she has been incarcerated and we hope that we might be able to resolve these as well.

We will keep you in our prayers as we do our daughter. It is a difficult decision we know. We are not without feelings for the many who may have suffered.

Sincerely,

Ilene Gordon

To Whom It May Concern,

My name is Deborah Fenimore- Herdman and I am proud to offer my recommendation of April Parks whom I have personally known for 20 years as my friend.

During my relationship with April Parks over the past 20 years I have observed her with family, friends, and coworkers. Based on how she has conducted herself I have know her to be kind, supportive,hard working, and dedicated to her children . April would volunteer many times over the years to provide care for my step-daughter when we would need to be out of town or running late from work. April has been active in her church and community for many years and has taught young woman in church callings.

Given the opportunity to be released from custody I believe April will be able to continue contribute to society by serving in her church, family, and community.

Respectfully,

Deborah Fenimore -Herdman

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CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that on January 2, 2019,

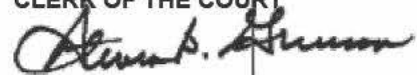
I transmitted a true and correct copy of a,

DEFENDANT APRIL PARKS'S SENTENCING MEMORANDUM

in the above captioned matter, via Odyssey E-file NV,
to the following recipient(s):

Office of the District Attorney
pdmotions@clarkcountyda.com

By: /s/ Anthony M. Goldstein
Anthony M. Goldstein, Esq.



JOCP

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

CASE NO. C-17-321808-1

-vs-

DEPT. NO. X

APRIL PARKS
#1571645

Defendant.

JUDGMENT OF CONVICTION

(PLEA OF GUILTY- ALFORD)

The Defendant previously appeared before the Court with counsel and entered a plea of guilty pursuant to Alford Decision to the crimes of COUNT 1 – EXPLOITATION OF AN OLDER / VULNERABLE PERSON (Category B Felony) in violation of NRS 200.5092, 200.5099, COUNT 2 - EXPLOITATION OF AN OLDER / VULNERABLE PERSON (Category B Felony) in violation of NRS 200.5092, 200.5099, COUNT 3 - THEFT (Category B Felony) in violation of NRS 205.0832, 205.0835.4, COUNT 4 - THEFT (Category B Felony) in violation of NRS 205.0832, 205.0835.4, and COUNT 5 - PERJURY (Category D Felony) in violation of NRS 199.120; thereafter, on the 4th day of January, 2019, the Defendant was present in court for sentencing with counsel ANTHONY GOLDSTEIN, ESQ., and good cause appearing,

<input type="checkbox"/> Nolle Prosequi (before trial)	<input type="checkbox"/> Bench (Non-Jury) Trial
<input type="checkbox"/> Dismissed (after diversion)	<input type="checkbox"/> Dismissed (during trial)
<input type="checkbox"/> Dismissed (before trial)	<input type="checkbox"/> Acquittal
<input checked="" type="checkbox"/> Guilty Plea with Sent. (before trial)	<input type="checkbox"/> Guilty Plea with Sent. (during trial)
<input type="checkbox"/> Transferred (before/during trial)	<input type="checkbox"/> Conviction
<input type="checkbox"/> Other Manner of Disposition	

AA 0257

SUPP 0082

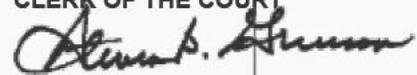
1 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in
2 addition to the \$25.00 Administrative Assessment Fee, \$559,205.32 Total Restitution
3 to be paid JOINTLY and SEVERALLY with Co-Defendants Mark Simmons and Gary
4 Taylor payable to victims listed on page 3, \$150.00 DNA Analysis Fee including
5 testing to determine genetic markers plus \$3.00 DNA Collection Fee, the Defendant is
6 sentenced to the Nevada Department of Corrections (NDC) as follows: **COUNT 1** – a
7 **MAXIMUM** of ONE HUNDRED EIGHTY (180) MONTHS with a **MINIMUM** parole
8 eligibility of SEVENTY-TWO (72) MONTHS; **COUNT 2** - a **MAXIMUM** of ONE
9 HUNDRED EIGHTY (180) MONTHS with a **MINIMUM** parole eligibility of SEVENTY-
10 TWO (72) MONTHS, CONSECUTIVE to COUNT 1; **COUNT 3** - a **MAXIMUM** of
11 SIXTY (60) MONTHS with a **MINIMUM** parole eligibility of TWENTY-FOUR (24)
12 MONTHS, CONSECUTIVE to COUNT 2; and **COUNT 4** - a **MAXIMUM** of SIXTY (60)
13 MONTHS with a **MINIMUM** parole eligibility of TWENTY-FOUR (24) MONTHS,
14 CONSECUTIVE to COUNT 3; and **COUNT 5** - a **MAXIMUM** of FORTY-EIGHT (48)
15 MONTHS with a **MINIMUM** parole eligibility of NINETEEN (19) MONTHS,
16 CONCURRENT with COUNT 3; with SIX HUNDRED SIXTY-EIGHT (668) DAYS credit
17 for time served. The AGGREGATE TOTAL sentence is FOUR HUNDRED EIGHTY
18 (480) MONTHS MAXIMUM with a MINIMUM of ONE HUNDRED NINETY-TWO (192)
19 MONTHS.
20
21
22
23

24 DATED this 10th day of January, 2019

25
26
27
28

TIERRA JONES
DISTRICT COURT JUDGE 

1 **\$559,205.32 TOTAL RESTITUTION payable to the named victims as follows:**
2 **\$3,820.14 to Clyde Bowman, \$5,134.40 to Delmond Foster, \$6,346.30 to Delores**
3 **Smith, \$4,528.00 to Harold Lockwood, \$6,032.50 to James Poya, \$4,766.37, to**
4 **Janice Mitchell, 5,766.75 to Juanita Graham, \$11,582.40 to Marlene Homer,**
5 **\$2,705.39 to Mary Vitek, \$4,533.20 to Norbert Wilkening, \$167,204.49 to Dorothy**
6 **Trumbich, \$1,413.60 to Adolfo Gonzalez, \$3,804.49 to Carolyn Rickenbaugh,**
7 **\$2,830.50 to Gloria Schneringer, \$2,622.62 to Kenneth Edwards, \$5,806.97 to Roy**
8 **Franklin, \$6,262.48 to Marilyn Scholl, \$10,708.45 to Marie Long, \$2,074.80 to**
9 **Rennie North, \$5,563.60 to Patricia Smoak, \$2,016.30 to Rudy North, \$13,180.67 to**
10 **Ruth Braslow, \$4,183.08 to Walter Wright, \$9,470.80 to William Brady, \$4,807.61 to**
11 **William Flewellen, \$3,699.28 to Yoshiko Kindaichi, \$15,068.18 to Norman**
12 **Weinstock, \$6,920.00 to Maria Cooper, \$4,290.00, to Kenneth Cristopherson,**
13 **\$5,396.40 to Joseph Massa, \$2,497.20 to Blanca Ginorio, \$8,149.70 to Daniel**
14 **Currie, \$4,311.20 to Rita Lamppa, \$895.00 to Barbara Neely, \$3,819.60 to Audrey**
15 **Weber, \$32,006.72 to Baxter Burns, \$3,445.26 to Linda Phillips, \$4,807.61 to**
16 **William Flewellen, \$25,278.57 to Mary Woods and/or John and Sally Den,**
17 **to be paid JOINTLY and SEVERALLY with Co-Defendants Mark Simmons and**
18 **Gary Taylor.**
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AJOCP

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

CASE NO. C-17-321808-1

-vs-

DEPT. NO. X

APRIL PARKS
#1571645

Defendant.

AMENDED JUDGMENT OF CONVICTION
(PLEA OF GUILTY- ALFORD)

The Defendant previously appeared before the Court with counsel and entered a plea of guilty pursuant to Alford Decision to the crimes of COUNT 1 – EXPLOITATION OF AN OLDER / VULNERABLE PERSON (Category B Felony) in violation of NRS 200.5092, 200.5099, COUNT 2 - EXPLOITATION OF AN OLDER / VULNERABLE PERSON (Category B Felony) in violation of NRS 200.5092, 200.5099, COUNT 3 - THEFT (Category B Felony) in violation of NRS 205.0832, 205.0835.4, COUNT 4 - THEFT (Category B Felony) in violation of NRS 205.0832, 205.0835.4, and COUNT 5 - PERJURY (Category D Felony) in violation of NRS 199.120; thereafter, on the 4th day of January, 2019, the Defendant was present in court for sentencing with counsel ANTHONY GOLDSTEIN, ESQ., and good cause appearing,

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<input type="checkbox"/> Dismissed (after diversion)	<input type="checkbox"/> Dismissed (during trial)
<input type="checkbox"/> Dismissed (before trial)	<input type="checkbox"/> Acquittal
<input checked="" type="checkbox"/> Guilty Plea with Sent. (before trial)	<input type="checkbox"/> Guilty Plea with Sent. (during trial)
<input type="checkbox"/> Transferred (before/during trial)	<input type="checkbox"/> Conviction
<input type="checkbox"/> Other Manner of Disposition	

AA 0260

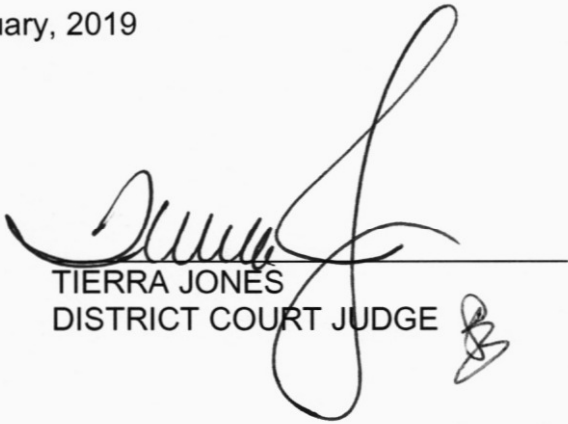

SUPP 0085

1 THE DEFENDANT WAS ADJUDGED guilty of said offenses and, in addition to
2 the \$25.00 Administrative Assessment Fee, **\$554,397.71 Total Restitution** to be paid
3 jointly and severally with Co-Defendants Mark Simmons and Gary Taylor, and
4 \$150.00 DNA Analysis Fee including testing to determine genetic markers plus \$3.00
5 DNA Collection Fee, the Defendant sentenced to the Nevada Department of
6 Corrections (NDC) as follows: COUNT 1 – a MAXIMUM of ONE HUNDRED EIGHTY
7 (180) MONTHS with a MINIMUM parole eligibility of SEVENTY-TWO (72) MONTHS;
8 COUNT 2 - a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS with a
9 MINIMUM parole eligibility of SEVENTY-TWO (72) MONTHS, CONSECUTIVE to
10 COUNT 1; COUNT 3 - a MAXIMUM of SIXTY (60) MONTHS with a MINIMUM parole
11 eligibility of TWENTY-FOUR (24) MONTHS, CONSECUTIVE to COUNT 2; and
12 COUNT 4 - a MAXIMUM of SIXTY (60) MONTHS with a MINIMUM parole eligibility of
13 TWENTY-FOUR (24) MONTHS, CONSECUTIVE to COUNT 3; and **COUNT 5** - a
14 MAXIMUM of FORTY-EIGHT (48) MONTHS with a MINIMUM parole eligibility of
15 NINETEEN (19) MONTHS, CONCURRENT with COUNT 3; with SIX HUNDRED
16 SIXTY-EIGHT (668) DAYS credit for time served. The AGGREGATE TOTAL sentence
17 is FOUR HUNDRED EIGHTY (480) MONTHS MAXIMUM with a MINIMUM of ONE
18 HUNDRED NINETY-TWO (192) MONTHS.
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22

23 THEREAFTER, on the 30th day of January, 2019, the Defendant not present in
24 court with counsel, ANTHONY GOLDSTEIN, ESQ., and pursuant to a Request of
25 Court - Clarification of Restitution, the amended Judgment of Conviction reflects
26 Restitution Corrections as follows: TOTAL RESTITUTION in the amount of
27 \$554,397.71 payable jointly and severally with Co-Defendants in all cases as follows:
28

1 \$3,820.14 to Clyde Bowman, \$5,134.40 to Delmond Foster, \$6,346.30 to Delores
2 Smith, \$4,528.00 to Harold Lockwood, \$6,032.50 to James Poya, \$4,766.37, to Janice
3 Mitchell, 5,766.75 to Juanita Graham, \$11,582.40 to Marlene Homer, \$2,705.39 to
4 Mary Vitek, \$4,533.20 to Norbert Wilkening, \$167,204.49 to Dorothy Trumbich,
5 \$1,413.60 to Adolfo Gonzalez, \$3,804.49 to Carolyn Rickenbaugh, \$2,830.50 to Gloria
6 Schneringer, \$2,622.62 to Kenneth Edwards, \$5,806.97 to Roy Franklin, \$6,262.48 to
7 Marilyn Scholl, \$10,708.45 to Marie Long, \$2,074.80 to Rennie North, \$5,563.60 to
8 Patricia Smoak, \$2,016.30 to Rudy North, \$13,180.67 to Ruth Braslow, \$4,183.08 to
9 Walter Wright, \$9,470.80 to William Brady, \$4,807.61 to William Flewellen, \$3,699.28
10 to Yoshiko Kindaichi, \$15,068.18 to Norman Weinstock, \$6,920.00 to Maria Cooper,
11 \$4,290.00, to Kenneth Cristopherson, \$5,396.40 to Joseph Massa, \$2,497.20 to
12 Blanca Ginorio, \$8,149.70 to Daniel Currie, \$4,311.20 to Rita Lamppa, \$895.00 to
13 Barbara Neely, \$3,819.60 to Audrey Weber, \$32,006.72 to Baxter Burns, \$3,445.26 to
14 Linda Phillips, \$25,278.57 to Mary Woods and/or John and Sally Den.

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16
17
18 DATED this 31 day of January, 2019

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TIERRA JONES
DISTRICT COURT JUDGE 

Apri Parks #1210454
Fin. W.C.C.
4370 Smiley Rd.
L.V. No. 89115

Anthony Goldstein, Esq.
2421 Tech Center Ct #100
Las Vegas, NV 89128

123 LRD FNMP 89128



Master
07/24/2016
123456789 \$000.45
ZIP 89101
CITY LAS VEGAS

1-21-17

Dear Anthony,

I arrived at Smiley on the 15th and would like for you to get the paperwork started for a sentence modification.

I think you said something about a change of attorneys, I can't remember exactly, I was still in shock.

In any case, could you please get that going.

Thank you for all of your help and I look forward to hearing from you.

Sincerely,
April Parker

Law Offices of Anthony M. Goldstein

August 29, 2020

Ms. April Parks (NDOC #121045)
Florence McClure Women's Correctional Center
4370 Smiley Road
Las Vegas, Nevada 89115-1808

Sent Via First Class Mail

Dear April:

I received your letter, which was postmarked on January 24th, 2019. In the letter, you asked about filing a motion to modify the sentence that Judge Jones imposed. In this letter, I'd like to clarify what we talked about when I visited you after the sentencing hearing.

During that visit, I told you that in my opinion, the only potentially legitimate option so far as trying to obtain relief from your sentence is via a Petition for Writ of Habeas Corpus (Post-Conviction). I enclosed a copy of NRS 34.720-730 for your reference. These sections address the timelines and procedures for filing this type of petition.

So far as counsel for the petition, you would have to file a motion with the Court to request post-conviction counsel. In that petition, you would assert any matters whatsoever, including any issues at the actual sentencing hearing and also any gripes that you may have about my representation of you throughout the case. From day 1 and up to and including when I visited you after sentencing, you expressed your satisfaction with my efforts. However, as I told you during said visit, though I believe that I did effective work as your attorney, defendants commonly typically include a claim of ineffective assistance of counsel against their attorney.

Please review the enclosed statutes and then feel free to write with any additional questions.

Very truly yours,

Anthony M. Goldstein

Anthony M. Goldstein, Esq.

1 RTRAN

2
3
4
5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7
8 STATE OF NEVADA,
9 Plaintiff,

10 vs.

11 APRIL PARKS,

12 Defendant.

)
) CASE#: C-17-321808-1

)
) DEPT. X

13 BEFORE THE HONORABLE TIERRA JONES, DISTRICT COURT JUDGE
14 FRIDAY, JANUARY 4, 2019

15 **RECORDER'S TRANSCRIPT OF SENTENCING**

16 APPEARANCES:

17 For the Plaintiff:

DANIEL WESTMEYER, ESQ.
JAY RAMAN, ESQ.

18
19 For Defendant April Parks:

ANTHONY M. GOLDSTEIN, ESQ.

20 For Defendant Mark
21 Simmons:

MARISSA BORDER, ESQ.
ROCHELLE T. NGUYEN, ESQ.

22 For Defendant Gary Neal
Taylor:

JENNIFER M. WALDO, ESQ.

23
24
25 RECORDED BY: VICTORIA BOYD, COURT RECORDER

1 Las Vegas, Nevada, Friday, January 4, 2019

2
3 [Case called at 9:23 a.m.]

4 THE COURT: Okay. We are going to go on the record in
5 C-321808-1, State of Nevada v. April Parks, State of Nevada v. Mark
6 Simmons, and State of Nevada v. Gary Neal.

7 This is the date and time set for sentencing. Are all parties
8 prepared to go forward?

9 MR. WESTMEYER: Yes, Judge.

10 THE COURT: Okay. Ms. Parks is present in custody being
11 assisted by Mr. Goldstein. We have Mr. Simmons, who's being
12 represented by Ms. Border and Ms. Wynn. We have Mr. Gary Neal being
13 represented by Ms. Waldo. We have the State represented by Mr.
14 Raman, as well as Mr. Westmeyer from the Attorney General's Office.

15 MR. WESTMEYER: Judge, two things. Number one, could
16 we approach with Ms. Waldo; and, number two, I think we can handle
17 Mr. Terry's for that much time.

18 THE COURT: Correct. Okay. Can you approach with Ms.
19 Waldo?

20 MR. WESTMEYER: Yes.

21 THE COURT: Yes.

22 [Sidebar begins at 9:14 a.m.]

23 MR. WESTMEYER: I failed to mention this earlier, but the
24 conversation we had previous about her concerns, we don't need to
25 argue Taylor out of order at this point.

1 THE COURT: Okay.

2 UNIDENTIFIED FEMALE SPEAKER: Right.

3 THE COURT: Okay.

4 MS. WALDO: And I thought I made that clear.

5 THE COURT: Okay. So we'll just --

6 MS. WALDO: But based on your --

7 THE COURT: And you guys can -- I'll give you your right to
8 argue. You guys will go first. You can argue in whatever order you
9 choose. You guys can argue in whatever order you choose. If you want
10 to go Defendant 1, 2, 3, that's totally call. And then, like I said, I will
11 sentence them. I can do your client first, but [indiscernible] is going to
12 be the last person to be sentenced.

13 UNIDENTIFIED MALE SPEAKER: And then we're looking for
14 a date on Bill's case, a status check early March.

15 THE COURT: Okay.

16 UNIDENTIFIED MALE SPEAKER: That will be after the other
17 trial.

18 THE COURT: Okay. So I'll call it right now, and we'll get it
19 taken --

20 [Sidebar ends at 9:15 a.m.]

21 [Unrelated case heard at 9:15 a.m.]

22 [Recommencing at 9:15 a.m.]

23 THE COURT: We're going to go forward with the remainder
24 of this case. And I want to caution everybody who is here in the
25 audience today, I understand that this is a public courtroom, but this is a

1 very important proceeding that we have taking place today, as well as
2 this is a court of law. And this court of law is going to be conducted as
3 such.

4 I will not tolerate any outbursts from anyone in the audience.
5 I understand that this is a very emotionally charged situation and there's
6 a lot of things that are going on in this case, but this is a court and we're
7 going to conduct it as such, and everyone needs to be respectful to
8 everyone else.

9 If you have an emotional outburst, you are going to be
10 removed from this court and you are not going to be allowed to return
11 for the remainder of these proceedings. So I caution everyone that that
12 is not going to be allowed.

13 As well as for those of you who are victim speakers in this
14 case, the statute allows you to give a victim impact statement. The
15 statute does not allow you to directly address any of the defendants.
16 The statute allows you to direct your comments to me and tell me how
17 this case has directly affected you and what it is you would like me to do
18 for sentencing in this case.

19 So I would ask that you confine your comment to what is
20 allowed underneath the statute because if there is an objection, those
21 objections will have to be heard by this Court during your speaking and
22 we do not want you to be interrupted, so if you could just stay within the
23 statute.

24 Are all parties ready to proceed?

25 COUNSEL: Yes, Your Honor.

1 THE COURT: Okay. State, you had retained the right to
2 argue in regards to Ms. Parks and Mr. Simmons.

3 MR. RAMAN: Judge, we just need one minute to set this up.

4 THE COURT: Okay.

5 UNIDENTIFIED FEMALE SPEAKER: Your Honor, do you mind
6 if we pull up chairs?

7 THE COURT: No, please do.

8 MR. GOLDSTEIN: Your Honor, is it okay if Ms. Parks remains
9 seated? I understand the State's presentation to be quite long. She's not
10 meaning any disrespect. I did tell her it's okay for her to sit. If you want
11 her to stand, she will, but I just want to make sure that's okay with the
12 Court that she remain seated. This may go on for [indiscernible] Your
13 Honor.

14 THE COURT: That's totally fine, Mr. Goldstein.

15 MR. GOLDSTEIN: I appreciate that. Thank you.

16 THE COURT: So, Ms. Parks, you can remain seated during
17 the State's presentation.

18 MR. WESTMEYER: Is back here behind the witness stand
19 fine, Judge?

20 THE COURT: Well, do you want me to see it?

21 MR. MR. WESTMEYER: Yes.

22 THE COURT: Okay. Yeah, that's fine.

23 MR. WESTMEYER: Just like right here?

24 THE COURT: Yes.

25 Now, Mr. Westmeyer, those pictures are so small. Can you

1 put the easel in the witness box?

2 MR. WESTMEYER: Yes, ma'am.

3 [Pause]

4 MR. WESTMEYER: Judge, if I may?

5 THE COURT: Yes, please, Mr. Westmeyer.

6 MR. WESTMEYER: As to Ms. Parks, I think one of the main
7 things I want this Court to remember is that these are not simply
8 financial crimes, but crimes against the person.

9 The elder exploitation is an NRS 200 crime. That is the same
10 chapter of the statutes that defines such crimes as murder, battery, and
11 robbery. These are crimes against the person. Surely, as those crimes
12 are crimes against the person, so too is the other exploitation that we
13 see in this case.

14 The Defense sentencing memorandum alleges that there was
15 no actual abuse in this case, but I just -- I don't think that that's true. It
16 may be harder to see how other exploitation fits with more traditional
17 crimes against the person and that's why in our sentencing
18 memorandum we go into specifics about the Defendants' crimes and
19 how they've affected specific people.

20 We find we study elder abuse is that it's like other forms of
21 abuse; sexual abuse, domestic violence, neglect, that sort of thing. It's
22 all about power and control. And I think a few of the examples are
23 instructive on that issue.

24 So to start with, the example of Marlene Homer and Marie
25 Long. This was a mother daughter team that was held in the same

1 group home. As explained in the memo, Ms. Homer was concerned that
2 she might not be able to stay there due to her financial situation. And
3 rightly so as it turns out, as ultimately she and her mother were moved
4 due to a lack of funds. And, as a matter of fact, both Homer and Long
5 were moved several times due to Ms. Parks' mismanagements of their
6 funds. However, not before Ms. Parks paid herself for the privilege.

7 Another significant case is that of Baxter Burns. Mr. Burns
8 had a \$32,000 estate. He did his estate planning correctly. He had a
9 trustee in place to manage his affairs in the event that he was unable to
10 do so himself. Nevertheless, Ms. Parks ignored that, obtained
11 guardianship over Mr. Burns, and out of his \$32,000 estate, she paid
12 herself over \$8,000 in guardianship services and she also paid her
13 attorney over \$9,000 in legal fees. The total time that he was under
14 guardianship was 26 days.

15 Your Honor, I've crunched the numbers on that and Mr.
16 Burns, for every day that he was under guardianship, paid over \$650 per
17 day for each day that he was under Ms. Parks' guardianship. That would
18 be bad enough, except that he did not need guardianship. It would be
19 one thing if he was charged all that and they actually performed
20 necessary services for him, but he had those -- he had a trustee in place
21 to control his assets. And, nevertheless, Ms. Parks took that money,
22 billed him \$17,000, and he died 26 days later.

23 A third illustrative example is the Mary Woods case. Ms.
24 Woods left everything to her friends, the Dentons, including the
25 proceeds from her life insurance policy, \$25,000. Rather than let the

1 Dentons get the money that they were entitled to, Ms. Parks obtained
2 guardianship over Ms. Woods and changed the beneficiary of that
3 \$25,000 policy from John and Sally Denton to the Estate of Mary Woods.
4 Now, why did she do that? Well, she has no power or control over the
5 Dentons, but what she does have is power and control over the Estate of
6 Mary Woods. And she was able to bill against that to the detriment,
7 obviously, of both the Dentons and the wishes of Ms. Woods.

8 There are numerous other examples I could give Your Honor.
9 They're laid out in the memo. We'd be here all day.

10 THE COURT: I have read your sentencing memorandum.

11 MR. WESTMEYER: Good. Thank you. And, again, there are
12 many here and we'd ask that they be allowed to speak last.

13 Regarding the financial aspect of this case, the Defense
14 memorandum indicates that well, there can't have been all that much
15 financial malfeasance going on because there were no Ferrari's, no
16 offshore bank accounts, and that sort of thing. And I think that argument
17 is a classic example of the fallacy of the excluded middle. One doesn't
18 need to be Bernie Madoff to rip off hundreds of people. The Defendant
19 did that in this case. It's true there are no offshore bank accounts, but
20 that doesn't matter. That doesn't mean that what she did wasn't
21 financial fraud.

22 Another point I'd like to make, again as laid out in the memo,
23 is that this case is unique in the sense that the harm done in this case
24 extends far beyond the four corners of the case file. And, again, there
25 are some examples that are illustrative.

1 The first is the guardianship system itself. There is a
2 guardianship commission that was set up by the Supreme Court to study
3 this problem. And while the Defendant was not the only abuser in the
4 guardianship system, she certainly was one of the biggest offenders.

5 After a commission spent time studying the problem, they
6 recommended changes to the legislature, which again had to make
7 legislative changes and we're still trying to figure out how those are
8 working out. But they had to enact a series of reforms partly in response
9 to the abuses that were going on in this case.

10 This case has also shed a light on southern Nevada as
11 ground zero for elder exploitation. And we've seen that in the media.
12 There was The Last Week Tonight, a John Oliver piece that aired last
13 summer. There was a New Yorker piece that aired October of 2017
14 featuring this specific case. There were articles in the AARP publication,
15 as well as local media. And, again, I've laid that out in the memo and
16 how that harm extends to our community here, not just to the people
17 involved in this case.

18 It's also worth noting that when Ms. Parks fled the State of
19 Nevada after these accusations came to light, there were a number of
20 wards that were left without a guardian at that point. And so the Public
21 Guardian's Office had to step in and take on that additional strain. I'll let
22 Ms. Kelly speak to that, she's here today, but obviously that's not what
23 they were billed for. They're not here to take over when a guardian, a
24 private guardian, decides they don't want to do that anymore.

25 It's also worth pointing out the law enforcement costs in this

1 case. By one estimate the cost to investigate and prosecute this case is
2 over \$500,000. That does not include overtime hours for the State's
3 investigator.

4 MR. GOLDSTEIN: Your Honor, I'm going to have to object to
5 that. I can't see what possible relevance the amount of money the State
6 spent to investigate this case has to do with the impact this had on the
7 victims for Your Honor's sentence today. How much they spent is
8 irrelevant, Your Honor, and I'd object to Your Honor's consideration of
9 that.

10 THE COURT: Mr. Westmeyer, how is that relevant?

11 MR. WESTMEYER: Your Honor, I'm talking about the harm
12 that this case caused beyond simply the harm to the victims.

13 MR. GOLDSTEIN: And, again, the cost that the State
14 incurred, I understand it might be significant, but to glorify the amount
15 or for the Court to consider that in terms of your sentence today, that's
16 beyond Nevada law, Your Honor, and I'd object to the Court's
17 consideration of that.

18 THE COURT: And, Mr. Westmeyer, you put this in your
19 sentencing memorandum --

20 MR. WESTMEYER: Yes.

21 THE COURT: -- so I've already seen it, but this Court is not
22 considering -- nothing in the sentence that's going to be handed down to
23 anyone today is based on the amount of money that the State of Nevada
24 has spent investigating and having to litigate this case.

25 MR. GOLDSTEIN: Thank you, Your Honor.

1 MR. WESTMEYER: Fair enough, Your Honor.

2 The next point I wanted to get to is the actions that Ms. Parks
3 took subsequent to these cases coming to light. And there's two main
4 points here. The first is, when she fled to Pennsylvania, she filed a
5 bankruptcy petition in eastern districts of Pennsylvania in the Federal
6 Court.

7 And, again, as laid out in the memo, that petition contains a
8 number of falsehoods. Ms. Parks lied about how long she lived in that
9 district, about her assets, about her income, as well as pending litigation
10 against her. All of these are things that are required to be submitted for
11 the bankruptcy court there to make an appropriate determination. They
12 were provided none of that information. And she lied on that form.

13 The Defense memorandum says well, there were no charges
14 brought. So obviously she didn't commit perjury in Pennsylvania,
15 because otherwise there'd be a perjury charge, which is ridiculous. Your
16 Honor, I can tell you I've never sped -- I've never driven my car over 55
17 miles an hour because I never got a speeding ticket, right? That's not the
18 standard. That doesn't matter. We might as well say D.B. Cooper never
19 got that money, right, because what controls is not whether there was a
20 charge filed or a conviction obtained, but what the person actually did.
21 And that's what Ms. Parks actually did in this case.

22 And the second point I'd like to raise in terms of the
23 Defendant's subsequent actions has to do with the cremated remains
24 that were found in storage in May of last -- excuse me, May of 2017.
25 There were over 25 remains left in a storage shed when Ms. Parks left

1 the State of Nevada. Some of them had been there for literally a decade
2 or more. Most of them had been there for at least several years. Now,
3 technically speaking, that's not a crime, but I point it out because I think
4 it is the most ghoulish example of the Defendant's need for power and
5 control even after death.

6 Your Honor, the Defendant deserves no further mercy from
7 this Court. There were literally hundreds of felony counts that were
8 dismissed as part of the plea in this case. The Defendant based her
9 business model on not just deceiving her wards, but deceiving the court,
10 as well. She knew that if on Tuesday she files an accounting charging
11 two hours to this ward, that she can file that same two hours on Friday
12 for a different ward for doing the exact same work. And she knew that
13 there was no way for the court to check that. She knew that. And so she
14 was lying to the Court with every one of these accountings that she filed.

15 Ms. Parks has still shown no remorse for her actions. Her
16 plea in this case was pursuant to the Alford decision. And she has
17 refused still to admit criminal culpability. Even in the face of the
18 mountain of evidence and all the countless lives that she has ruined, she
19 still believes that she is the victim here.

20 And one thing I wanted to just point out on the Defense
21 memo, Ms. Parks says she truly helped countless destitute wards endure
22 their struggle and/or end their lives with dignity and comfort. Your
23 Honor, it doesn't matter how many times I don't rob a bank, if I do it one
24 time, that's enough. And so it doesn't matter how many wards Ms.
25 Parks may have helped, she ruined the lives of countless others.

1 So what am I asking for? As this Court knows, for any felony
2 there must be a range of a sentence in which the low end cannot exceed
3 40% of the high. So here's what the State is asking for: On the main
4 case as to each of the two exploitation counts, we're requesting a 96 to
5 240 month sentence, which again is the maximum. On each of the theft
6 counts we're requesting 48 to 120 months, which again is the maximum
7 for each of those counts. And on the perjury charge a 19 to 48 month
8 sentence, again the maximum. All of those to run consecutively to each
9 other with full restitution.

10 On the companion case, on the Flaherty [phonetic] case,
11 we're also asking for a 96 to 240 month sentence on the exploitation of
12 that case. Pursuant to the terms of the GPA we've agreed to let that run
13 concurrently with the main case, so I'm going to ask that Your Honor
14 follow that recommendation, but again with full restitution.

15 THE COURT: Is the restitution owed in both cases or is it just
16 owed one time; because you guys agreed to it in both cases, but the 500
17 and something thousand dollars, is it owed? I know it's owed jointly and
18 severally, but is it owed in both cases or is it just to be ordered once?

19 MR. GOLDSTEIN: Your Honor, that's the aggregated amount
20 I think between both cases.

21 THE COURT: Okay. So if it's ordered once, that satisfies the
22 whole --

23 MR. WESTMEYER: That should do it.

24 THE COURT: Okay.

25 MR. WESTMEYER: Right. And, Your Honor, I just -- I want to

1 close with this thought. The legislature gave us these high numbers.
2 Exploitation is 2 to 20. Theft is 1 to 10. And I don't have to tell you,
3 Judge, that usually when a petty thief is sentenced, it's run at lower end,
4 run at 12 to 30 or 12 to 36 or 19 to 48, something like that, run the low
5 end. And I think that's because both the parties and the court on those
6 smaller cases recognize that even though what the person did was
7 wrong, but nevertheless, they don't deserve the maximum; they weren't
8 the worst offender that deserve the maximum sentence.

9 But I think this case is different because I think given the vast
10 amount of exploitation that happened here, given the huge number of
11 victims whose lives Ms. Parks has ruined, I think if ever there was a case
12 for the maximum penalty that the legislature authorized to be imposed, it
13 is this case. And I just -- I would close with this thought: If not April
14 Parks, then who? How much more would a criminal defendant have to
15 do to merit the maximum? How many more lives would a person have
16 to ruin to deserve the 96 to 240 that the legislature has authorized us to
17 do for this crime? If my math is correct, and I believe it is, the total
18 aggregate if the Court follows my recommendation is 307 months to 768
19 months. And with that the State will submit as to Ms. Parks.

20 THE COURT: Okay.

21 MR. RAMAN: Judge, I'll be arguing on Mr. Simmons and
22 some comments on Mr. Taylor.

23 THE COURT: Okay.

24 MR. RAMAN: May I hit the podium?

25 THE COURT: Yes.

1 MR. RAMAN: Thank you. Your Honor, Mark Simmons is
2 highly culpable in this extensive series of crimes, basically criminal
3 enterprise. To give context to this all, I know we've made reference to it,
4 but in front of Your Honor the top chart is the cremains chart. These are
5 the dead wards' ashes that were found in the storage unit. The chart
6 below, which is too large to be accommodated by easel, is our victims.
7 These are the ones that we were able to find pictures of either through
8 DMV or through the people who ended up taking up for them after they
9 were abandoned by Ms. Parks, Mr. Simmons, and her company.

10 Mr. Simmons is highly culpable in this, but he's not quite as
11 culpable as April Parks because he was not technically the owner; he
12 was not the guy who was in charge of this business and it was not
13 normally him as the official guardian in court. That's why there's a cap
14 on his punishment. But the cap on the punishment is the only leniency
15 he deserves in this case because he was all over this business. Day-by-
16 day he was there running the operations and the organization. He was
17 paid exorbitantly for it. When it came to who was actually making
18 money off of this enterprise, he was front and center as one of the big
19 money earners, right below April Parks.

20 Some of his colleagues who worked in this company, who
21 became our cooperating witnesses, describe him as the air traffic
22 controller. This was his fellow employees. He directed them. He was
23 the business manager. He wasn't -- this wasn't a circumstance where he
24 was a mere conduit between April Parks and them. He was the one
25 calling the shots when it came to specifically billing and direction on

1 visitation of wards.

2 To say he was just doing as Parks told him is completely
3 inaccurate and inadequate to describe his conduct. He instructed
4 everyone to bill in a certain way, which was many times over, simply
5 calling it duplicate billings. When you bill five times, ten times, for one
6 time's worth of work, calling it double billing is simply inadequate. This
7 was done for visiting wards. So, for example, sending somebody out to
8 Boulder City to go to Lakeview Terrace, which is an assisted living
9 facility, one caseworker visits 12 wards in one day. It takes them all of an
10 hour and a half. Each and every ward gets billed the hour and a half to
11 be visited, even though in actuality maybe five minutes was spent with
12 them at a very high rate of potentially \$150 an hour.

13 In addition to that, the travel that it took to come from April
14 Parks' office to the facility was not piecemeal broken out between each
15 and every person as it should be, it should be broken down and fairly
16 apportioned to each and every one of these people who have no say
17 over how their finances are being spent, he directed them no, you bill
18 this way. Everybody gets billed the same, everybody pays for
19 everything. Those billings became this company's bottom line Those
20 billings went in every single court filing under the accountings, which is
21 required under guardianship cases.

22 They were put in charge of taking care of these people and
23 they exploited. They exploited by largely a billing scam. Nobody got
24 paid in this business without Mark Simmons knowing it. He cut every
25 single check from this company for the business, for the employees,

1 even for Gary Neal Taylor and Parks' kids when they were doing
2 piecemeal errands for this company.

3 Regarding his specific conduct, for example, in his billings to
4 read an email because it said four people were in a stable condition or a
5 social security death notice where four people would be on one fax and
6 they would say these people have died, he would bill all of them instead
7 of dividing it. He alone made that decision.

8 He was also aware of the monthly billing targets. They had
9 employees in this company which they were full well known. A person
10 who lived in Reno, who could only physically be here for two weeks.
11 Well, just bill like you would if you were here the whole month. That
12 created phantom billings. That created monthly billing targets which
13 were unattainable in order to maintain the lofty notion of profitability
14 Parks and Simmons had paying themselves, getting this all done,
15 potentially landing lucrative hospital contracts. They set unrealistic
16 billing targets.

17 The system that they used was a case management system
18 by SEM [phonetic]. Mark Simmons was in charge of that. He did a large
19 amount of the data input regarding billing; directing employees how
20 they should be inputting their billables and getting on people when they
21 did that wrongly. And for his troubles he gained a raise in his hourly
22 rate, which by the end of this was close to \$150 an hour, mostly for
23 clerical tasks. Mostly in his position something that didn't require any
24 secondary education beyond high school.

25 On certain cases, such as Ms. Trumpet's case, he was aware

1 of everything. He was the one making all of the arrangements with the
2 bankers via email to unlawfully obtain authority over the trust that she
3 owned, even though they knew the court didn't have authority to seize a
4 trust. That was a non-guardianship asset.

5 In the case of Mary Woods he and he alone tried to get the
6 insurance company to change the beneficiary through letters he wrote to
7 the insurance company. It is incorrect to say that he had no standing in
8 getting the money because that became part of his salary. He benefitted
9 from this erroneous billing. And erroneous is being light with it; he was
10 fraudulent.

11 Regarding Beverly Flaherty's case, it was his admonishment.
12 He stepped into the role of medical provider in saying this person needs
13 a guardianship and they can't be here in court to really contest it; it
14 wouldn't be of any benefit to them. That's a huge role in the
15 guardianship proceedings. Guardianships don't get created unless
16 somebody can't manage their affairs, either their personal affairs,
17 meaning financial, or medical.

18 And in those circumstances, be it a friend, family member, or
19 a private professional guardian who's stepping in to be the guardian,
20 there needs to be some kind of medical documentation that this person
21 needs a guardianship. It's not a consent guardianship. However you put
22 it, they're being stripped of their civil rights and being put in this
23 guardianship vehicle.

24 And then the other question is, would it be of any use for
25 them to attend the court proceedings? Knowing full well that he worked

1 with and for Ms. Parks in a private professional guardian, he
2 disassociated himself. He said I am Mark Simmons, I am a certified
3 dementia care specialist. He didn't even put the business' address on his
4 declaration, he put his home address.

5 So essentially through this deceit he then lied to the court,
6 which allowed for guardianship of Beverly Flaherty, which is the newer
7 case. And that's a huge piece of that. That wouldn't happen unless he
8 did that. He was also the one who sent notice of the petitions on those
9 cases and particularly in Flaherty. He knew she was in a group home at
10 the time. When you put somebody under guardianship you're to provide
11 them notice, at least the person you are providing guardianship services
12 to should be served with notice that you're going to be under a
13 guardianship.

14 Knowing full well that she was in a group home, he sent
15 those notices to her residence. She would have never even gotten these
16 notices that hey, we're going to strip you of everything you have. And,
17 by the way, this was merely a month or within days of her husband
18 dying. So she probably wasn't in a good place anyway. So that was
19 intentionally diverting notice to Beverly.

20 Regarding the court documents, if there was no attorney on a
21 case, and they did a fair amount of pro se litigation in the guardianship
22 court, it was usually Simmons that prepared those. He knew info was
23 false when he put those documents together because he was the one
24 doing the billings.

25 He was also in a better position to know than the rest of the

1 employees of this company because he had been trained and was a
2 nationally certified guardian. He had done speaking and workshops and
3 all of the rigmarole that goes with that. He knew the rules. There are
4 national standards as to what you're supposed to do, how you're
5 supposed to take care of people, how often they should get visits, how
6 you should be providing services at the least costly means available so
7 you can maintain their standard of living and make sure that -- we don't
8 know when someone's going to die, but we need to make sure the
9 money they have coming to them monthly or that they saved up over
10 their lifetime is there to provide for them. He knew these things. He
11 signed a note. And even though he wasn't the official guardian, he was
12 in just a greater position as April Parks to know all of this given that he
13 was a guardian.

14 So if it were a circumstance where April Parks is telling him,
15 you need to do it this way, you know, we really should be doing it that
16 way, and these are things that are legal, he is in the best position to say
17 April, I'm not doing it that way. I took an oath to honor these people to
18 do it the right way. And that didn't occur. He was completely
19 complacent in all of these activities.

20 And the fact that this case is largely a billing fraud, just
21 shows that the person who is largely in charge of billing is right there
22 with her. Blaming the Family Court for not auditing the accountings or
23 calling them out for their alleged mistakes is faulty logic. That's like
24 trying to blame somebody who's committed a series of home invasions
25 and commending them later, saying oh, you showed us all how our laws

1 were terrible to begin with. It doesn't work.

2 Some of the more blatant examples of Mark Simmons handy
3 work were on the Audrey Webber case where he falsified billing, like
4 many other cases. In the search warrant service, so when this all came
5 about, the police went in and found all these records, they found bank
6 statements regarding her financials. And in his own handwriting there
7 was a math problem on that bank statement. It had the balance of the
8 bank statement divided by his hourly rate and how many hours he would
9 need to bill to drain that account. That is uncontroverted. He did that.
10 And that produced \$3619 in false billings.

11 He did virtually the same thing on Mary Woods, making up
12 phantom visits which never occurred just to bill the estate.

13 On the Trumpet case emails were found from him harassing
14 the attorney in this case, who is the D, Noel Palmer Simpson. Now,
15 hurry up and file this petition and get her trust because she was quickly
16 dying in Hospice.

17 He billed his professional rate of \$150 an hour to perform
18 these clerical activities, such as reading emails, faxing, giving verbal
19 consent to allow wards to get flu shots and vaccines.

20 The funny thing about all of this random billing, aside it
21 being largely unnecessary, is it should have been included in the flat fee
22 they were charging the wards to begin with. On one particular ward,
23 Gerald Spekscore [phonetic], he was involved in billing \$150 to visit a
24 deceased ward. So the billing shows up. He dies on let's say Monday.
25 On Tuesday there's a billing from their company which he authorized

1 and imputed, saying there was a visit to this man, he didn't look well.
2 Well, no crap, he's dead. And then they charged \$40 to donate the
3 clothing.

4 So he was fully aware and involved in all the billing scams;
5 everything that Mr. Westmeyer said relating to Ms. Parks, everything we
6 put in our sentencing memoranda, he was right there. The fact is, he
7 wasn't the figurehead of this organization, he could take some cover in
8 the shade that she was throwing, but that's all he deserves. He took an
9 Alford plea just like her because he's so -- I don't know what to say about
10 that, but he can't admit that he did these terrible things to all these
11 people who just are our most vulnerable citizens. He stripped them of
12 their finances. And he was supposed to be the one who could take up
13 from them when they couldn't take up for themselves any more.

14 So based upon his heinous conduct, it is just and fair that he
15 receive a 96 to 240 month aggregate in C2-321808, as well as a 96 to 240
16 month aggregate in C-329886, concurrent to C-321808, restitution as
17 stipulated. His credit, pursuant to my calculations, is 668 days in the
18 lower case and 324 days in the higher case.

19 THE COURT: Okay.

20 MR. RAMAN: And then regarding Mr. Taylor, we do have a
21 stipulated sentence for Mr. Taylor of two to five years. We would like
22 Your Honor to follow that. We believe it's fair and just given the
23 circumstances. He was a much smaller part of this organization, but he
24 was a big part of certain scams; namely, the following: He would go
25 unnecessarily to the Family Court and wait for hours to file documents

1 that would be with the Clerk's Office. These were unnecessary and
2 expensive hours billed to wards, often duplicatively. It was unnecessary
3 because it could have been accomplished at a fraction of the cost. They
4 had Wiz Net in the office. They could have used it. It would require no
5 time.

6 Additionally, they could have used a legal runner service,
7 such as Junes or Legal Wings that would cost them very little.

8 His billing rate for this service, even though just like Parks
9 and Simmons, required very little secondary education, exceeded \$100
10 per hour. Many times he billed in this way supposedly at the Clerk's
11 Office when he was hanging out there for a couple hours, then diverting
12 to go pick up Parks' daughter from school. And then maybe or maybe
13 not coming back to the Family Court.

14 That scheme alone netted the Defendant \$74,229.90 in legal
15 proceeds and he victimized 109 elderly and vulnerable people.

16 Additionally, he was really involved in two other things. On
17 a single day in October of 2013 --

18 MS. WALDO: Your Honor, I apologize for interrupting, but I
19 am going to object for the record. I believe that this is contradictory to
20 our plea negotiation. The State did not retain a right to argue as to Mr.
21 Taylor. And what it appears they're doing is they're asking the Court to
22 follow the plea negotiations, but then arguing facts that they believe are
23 contradictory to Mr. Taylor as almost kind of a wink, wink, nod, nod,
24 don't go ahead and follow those negotiations. And I think that's a breach
25 of the plea agreement and I'm asking the Court not to take that into

1 consideration. And I don't believe the State should be allowed to argue
2 any further as to Mr. Taylor.

3 THE COURT: State?

4 MR. RAMAN: I could represent I'm absolutely not doing that,
5 and Ms. Waldo knows that. So I'm --

6 THE COURT: Well, I think, State, any contradictory facts go
7 contradictory to the plea agreement that you entered, but any facts that
8 go in agreement with what was in the plea that was actually negotiated
9 by Mr. Taylor, I will allow you to argue, but not the contradictory facts, as
10 this is a stipulated sentence and you have to stand by that.

11 MR. RAMAN: Absolutely.

12 MS. WALDO: Thank you, Your Honor.

13 MR. RAMAN: Regarding the two other things that he was
14 involved in, he was involved in the toilet paper scam where they billed
15 more than \$1600 to drop off provisions, very basic things that should
16 have been coordinated with the facilities. That netted them, essentially,
17 \$1600 and victimized 12 elderly people.

18 The other thing that he did was house checks. He would
19 basically drive by a house, even though it provided very little to no
20 benefit to the ward because these are largely assets that were under
21 water or being let go, and then bill for that, as well.

22 So based upon his conduct and his conduct alone, he is
23 definitely worthy of a two to five year sentence which we stipulated to.
24 Likewise, the other Defendant has 668 days of credit and the restitution
25 as stipulated.

1 THE COURT: He has 668 days' worth of credit?

2 MR. RAMAN: That's what I have, Your Honor.

3 MS. WALDO: That is correct.

4 THE COURT: Okay. The PSI says 637.

5 MS. WALDO: The PSI did not include the time he was
6 actually incarcerated in Pennsylvania.

7 THE COURT: Okay.

8 MR. RAMAN: There was extradition time.

9 THE COURT: Okay. And, Mr. Raman, in regards to Ms.
10 Parks, does she have 300 days' worth of credit or does she have the 600
11 something days' worth --

12 MR. RAMAN: She has the 600. It's the same number as the
13 other two; however, on the lower case number, that's where the 300
14 number comes in.

15 MR. WESTMEYER: Correct.

16 THE COURT: So on 808 she has 315 days?

17 MR. RAMAN: No. 808's the low case.

18 THE COURT: Okay. You said the 300 number comes in on
19 the lower case number.

20 MR. RAMAN: No, no. I misspoke. The newer case is the one
21 with the lower number.

22 THE COURT: So she has 325 days on 886, but she has 668
23 days on 808?

24 MR. RAMAN: Right, Your Honor.

25 THE COURT: Okay. I was going to ask you about that later,

1 but we can just do it now.

2 Okay. Before I hear from the Defendants, Brian can you
3 approach for a minute?

4 THE MARSHAL: Yes, Your Honor.

5 THE COURT: And then I'm going to hear from the
6 Defendants. And you guys can choose which order you would like your
7 clients to go in.

8 Okay. So we'll just take one moment. And do you guys have
9 a preference as to who you would like to go first?

10 MS. BORDER: If we can just go A, B, and C, that would be
11 great.

12 THE COURT: Okay. As soon as the officers are done.

13 Okay. So we'll start with you, Ms. Parks. Is there anything
14 you would like to say before I pronounce sentence against you. I want to
15 note that I have read the sentencing memorandum that was filed by Mr.
16 Goldstein, as well as the sentencing memorandum that was filed by the
17 State.

18 And I have to say, Mr. Goldstein, I do appreciate you and the
19 State filing your sentencing memorandums because the PSI did not
20 really give a good indication as to everything that was going on in this
21 case, and I know the discovery was voluminous, so I do appreciate both
22 of you guys taking the time to do that to enlighten this Court the things
23 that I didn't know from the motions that were litigated in this case to give
24 the Court more insight into those things.

25 MR. GOLDSTEIN: Of course, Your Honor.

1 THE COURT: As well as I have read the several letters that
2 were submitted on behalf of Ms. Parks, as well as the several letters that
3 were submitted on behalf of the State.

4 But Ms. Parks, this is opportunity, if there's anything you
5 would like to add.

6 DEFENDANT PARKS: Yes, Your Honor. Thank you, Your
7 Honor. I -- I've hesitated to speak on this matter, because so much of
8 what was done was mischaracterized of our actions. If I can speak just
9 briefly as to the ghoulish nature of keeping the cremains --

10 THE COURT: And hold on just one second. What is that
11 noise?

12 MS. BORDER: The camera.

13 THE COURT: Okay. That has to quiet down. I can barely
14 hear what she's saying.

15 DEFENDANT PARKS: I -- that was never done to harm or
16 hurt anyone. That was done because those people were deceased in this
17 state. My feeling was they wanted to remain in this state, and if I
18 couldn't find somebody to keep -- to -- to take their things, I didn't want
19 to simply --

20 THE COURT: You're talking about the ones that on this
21 chart?

22 DEFENDANT PARKS: Yes.

23 THE COURT: Okay.

24 DEFENDANT PARKS: Yes. I didn't want to simply just let
25 them go.

1 I'm sorry. Give me just a moment. It's not my intention to
2 create further anguish or upset for anyone in this case: the victims or the
3 family, or my co-defendants.

4 I believe that the pre-sentencing memo that my attorney Mr.
5 Goldstein filed speaks well to what did happen, and I -- I think that he
6 really presented that well. Myself and my -- excuse me -- I'm very
7 nervous -- myself and my staff we had a great passion for what we did.
8 We had a lot of care and concern for our clients, regardless of the
9 characterizations that have been made of us. Many of those people were
10 without anybody and were in bad situations, and I mean horrendous
11 situations, and unfortunately, you will never hear about those things,
12 because of the nature of this hearing.

13 In hindsight, which does not serve anybody well, I recognize
14 that. Things could have been done better, or differently, but at no time
15 was anything done with any intent to harm. I truly had a passion for
16 guardianship. I truly cared about these people, as did my staff.

17 I -- I can't express to you enough the time that it took -- the
18 time that they spent, they took from their personal lives, the phone calls
19 that -- no matter what time of the day, people were willing to help. They
20 were willing to do the work.

21 We -- we were a -- a growing practice. And honestly, I think
22 that somethings got ahead of us, and that was a part of -- that was part
23 of this problem, but it was never intended in any way, shape, or form to
24 be -- to -- to bring harm to anybody.

25 I think there are things looking back that I could have

1 differently, and given the opportunity, and -- and like I said, hindsight,
2 I -- I would have done have them differently, but this is not an excuse.
3 I'm not -- I'm not trying to make excuses for what happened. I'm simply
4 here to say that there was care and concern. That these clients were well
5 taken care of. There was no allegations of neglect. No one's health was
6 jeopardized.

7 In many cases, our clients didn't have anything, and we were
8 able to get benefits for them from whatever resources they had prior to
9 their life, whether it was Veterans, or work, that they had simply not
10 done.

11 I accept responsibility, absolutely, for the things that have
12 happened here. I recognize that it could have been done better, but at no
13 time was it intended to harm anybody. That's not who I am. I -- I wish
14 that this Court could see who I truly am, but you're never going to get
15 that opportunity, and so at the end of the day, I accept responsibility. I
16 was the guardian, and it was on me, and I accept that. And I thank you
17 for your time.

18 THE COURT: Thank you, Ms. Parks.

19 Mr. Goldstein.

20 MR. GOLDSTEIN: Thank you, Your Honor. As, Your Honor,
21 pointed out, I submitted a lengthy --

22 THE COURT: Yeah.

23 MR. GOLDSTEIN: -- sentencing memorandum, which I know
24 you read every word of it.

25 THE COURT: I did.

1 MR. GOLDSTEIN: So I'm not going to -- not going to stand
2 up and reiterate every point.

3 I would like to reply to a couple of matters that the State
4 brought up during their presentation regarding Ms. Parks, Your Honor.
5 One theme throughout my memo, which again, I won't into great detail,
6 or regurgitate every fact, Your Honor, is we hear a fact, and in this case,
7 there's a lot of a shocking facts. There's a lot of macabre matters that we
8 deal with when we're talking about guardianships and in places that
9 people -- that wardens are in when they -- when a guardian becomes
10 necessary to care for them.

11 Somebody has to deal with, for example, their remains.
12 Somebody has to deal with these incredibly tough life decisions about
13 healthcare, about money, about which family member can be let in to
14 see the parent, because sometimes the parent doesn't want to see a
15 certain family member in their last few days. It's a family dynamic that
16 April had to deal with on a day-to-day basis doing her job in the field.
17 And that upsets family members.

18 And family members don't understand why they can't see
19 somebody; why somebody else is handling their parent's, their sister's,
20 their family member's affairs, but we also have to understand that
21 guardianships don't happen in a vacuum. A judge has to approve: first,
22 the appointment of a guardian, and then every dollar that's billed is also
23 approved by a judge. A judge has to literally sign a document approving
24 all these payments. And if there's any issues that a family member
25 brings up at the time, a judge can call April out on it, or Mr. Simmons, or

1 anybody else involved in the case, and say hey, why would you bill this
2 much for this amount.

3 But not only is the process overseen from the get-go by a
4 judge, every bill is also subsequently approved. She can't take a dollar
5 until it's approved essentially in two different levels by a judge.

6 When we look at these facts, as I alluded to earlier, they're
7 macabre in nature, but it's also how you interpret these facts, Your
8 Honor. The one matter I will bring up in my sentencing memorandum
9 was situation where April heard of one of her wards Ms. McCann
10 [phonetic], who was being abused at a treatment facility. Okay. So she
11 gets word that a staff member at one of the treatment facilities that's -- at
12 which her ward is being housed is abusing her ward.

13 What does April do? As soon she finds out, she storms in
14 there on a Saturday morning and says, what the hell are you doing with
15 my ward, why are you doing this. I want answers. If I don't get good
16 answers, I'm going to call the police. That's what she did to protect her
17 ward. Okay.

18 How does the State spin it in its police report? That April is
19 some angry bully who walked in there starting -- intimidating -- trying to
20 intimidate staff members and trying to demand to speak to executives
21 about why this happened. So again, this is a set of facts that if you're
22 trying to paint April in a certain way, you can interpret those facts how
23 you want. You can make it seem as if she's some bully storming in there
24 trying to start a ruckus, or you could see she heard her ward was being
25 mistreated. Damn right she stormed down there on a Saturday morning

1 to try and protect her.

2 And in fact, it worked. That staff member was fired -- was
3 terminated because these actions, in part at least, because of what April
4 did. She brought it to light.

5 Other matters, Your Honor: The State in its memo and this
6 morning, they talked about these scams. Well, one of them was the
7 Christmas gift scam, as the State called it. It's a catch 22 if you're the
8 guardian, Your Honor.

9 Again, a lot of these wards have nobody -- literally nobody,
10 or at least nobody here in Nevada. Maybe their family is across the
11 country. Maybe their family doesn't see them anymore. Maybe they
12 don't have any more family.

13 It's Christmas day, Christmas Eve, if April and her staff
14 doesn't visit these wards, their monsters, right. They left these wards
15 that they're in charge for, for their health and safety, and wellbeing,
16 they're left alone on Christmas. Okay.

17 If they do go to their treatment facility, and they bring a
18 present, flowers, chocolate, stocking, whatever it is, they're also
19 monsters, because they did that and they billed for it, which they're
20 allowed to do. So there's a lot where the facts in this case where if you
21 upon initial review, Your Honor, you see oh, these monsters billed \$100
22 for going somewhere on Christmas and delivering flowers to somebody.
23 They're abusing the system. Either that -- that's one perspective -- it's
24 either that, or they're caring for their clients -- for their wards, because
25 no one else is going to go bring them flowers on Christmas.

1 And should she have billed for that? Well, the statute allows
2 her to bill for that. She's providing comfort and support for her clients
3 with both chapter 159 of the Nevada Revised Statutes, as well as the
4 National Association of Guardians. They all agree that's what you're
5 supposed to do. You're supposed to care for the care and wellbeing of
6 your clients.

7 Now, again, if you want to spin it, another example used is
8 Mr. Westmeyer used the phrased "She fled Nevada." He used the word
9 "fled" twice and moved to Pennsylvania. That's where her husband is
10 from. She lived here. There's vast media attention that's surrounding
11 herself and her family. She left town. She didn't flee. She was here for
12 a while. She got sick of the day-to-day situation she was dealing with, so
13 she took her family, and her husband, and she moved to where her
14 husband is from.

15 Were they hiding? No. They were hiding in plain sight.
16 They filed for bankruptcy and listed their home address on a publicly
17 printed and filed document. So they didn't hide. They're not in some
18 off-the-chart cabin somewhere. They're hiding in plain sight.

19 So you see here fleeing. The State sees it as fleeing, other
20 interpretation, again, is well, she got sick of this attention that she's
21 getting. She's being abused everywhere she goes, so she lives the
22 situation. She couldn't be a guardian anymore, so of course, by its
23 nature, she had to leave some wards behind, but everybody knew she
24 was leaving. So yes, the public guardian had to take over many of her
25 cases, but again, she couldn't be the guardian anymore. So by

1 definition, when she leaves, she left her clients behind, but again,
2 everybody knew this. It wasn't a secret that she was leaving town.

3 The toilet paper scam, as the State mentioned. I know it
4 sounds great when you hear it, oh, the toilet paper scam. They're
5 charging \$100. Wards would say, I don't like the toilet paper here at this
6 facility, please go to Target and get me some toilet paper that I can use.
7 These are sick, older people. They just want some good products.

8 And yeah, does April need to -- does her staff need to bill
9 \$100 an hour to go to Target? No, but again, their ward is saying,
10 please, just go get me some basic things that I like, some better
11 toothpaste, and some toiletries that I like better than that which they
12 provided me at the facility.

13 And again, April is a monster if she doesn't do what her
14 client says. Yeah, this person has to live out the last few months, or
15 days, or weeks of their life uncomfortable, but if she does go to Target,
16 and bill for an hourly fee of hundred whatever it is an hour sometimes,
17 she's also a monster. So she's placed in an untenable position where
18 she -- if she serves her wards, she runs the risk of appearing to be
19 abusing the system and overbilling, and all this. And the fact is, the
20 standard billing rate for a guardian is \$175 an hour.

21 Investigator O'Malley [phonetic] from the AG's Office, that's
22 what she testified to. That's the going rate for a licensed guardian. So
23 when the State mentions things like well, it was \$650 a day for 20 days,
24 yeah, that's about three hours of April's time per day, and that's standard
25 billing. She doesn't bill above and beyond what the going rate is in Clark

1 County for licensed guardians. So three hours a day -- yeah, 650 a day
2 that's a lot of money. Okay.

3 There's also lawyers who sit here in this courtroom, not me
4 unfortunately, that charge \$100 an hour to sit and wait until there cases
5 are called. And could they charge -- could they have a paralegal sit for
6 less expense and bill their client less than the hundreds of dollar an hour
7 hourly rate.

8 Yeah, they probably could, but that's just not how the way
9 things worked. And the situation is, if April is doing a visit, and
10 somebody says -- or Mr. Simmons, or anyone else, and they say, please,
11 just go get me some toothpaste or whatever, they're just going to go
12 grab it and come back, and that's billable time. They're taking care of
13 their wards, but I understand from the outside looking in it looks absurd.
14 It looks ridiculous. It looks abusive to the system, but if you dig deeper
15 than a superficial inspection of these facts, you'll see, in most
16 cases -- and in my memo, I was very straightforward, and the memo is
17 publicly available -- that mistakes were made -- April made mistakes.

18 In a lot of ways April failed her wards. She failed to
19 supervise properly. She didn't hire qualified people. She was
20 overwhelmed by the burgeoning business that she had, and she made
21 bad decisions, and she told you about some of those decisions earlier
22 out of her own mouth.

23 But when we're talking about, for example, the remains that
24 were found in the storage unit, that ended up in a media article about
25 two years ago. What April didn't tell you earlier -- I think she's a little bit

1 nervous -- is she called each of the mortuaries listed on those
2 remains -- Palm Mortuary, and others -- she called the Coroner's Officer
3 to try and find out what she can do -- what she should do with these
4 remains. They all said they're all yours. They're your property. You
5 make the decision.

6 So in theory, she could have deposed of them with all those
7 remains as she saw fit, but she didn't, she put them in a storage unit. Is
8 that the best place to put them? Was it air conditioned? Did it properly
9 protect the urns? Are people going to hear about this situation and
10 blame April?

11 And again, if you're looking at it from that perspective, think
12 of her as a monstrous activity that she would do this out of disrespect for
13 her dead wards like this, yes, that's what people are going to think, but
14 again, when you see if you asked April, she called -- she did all she could
15 to see how she should properly dispose of these. And again, there's no
16 way to get a hold of the -- to track down the friends or family members
17 of the people listed on there. So she did what she could, and she chose
18 to protect them in the best way she could, which is to put them in a
19 locked storage unit somebody someday called and says hey, do you
20 have the remains for Mr. or Mrs. Such-and-Such, and she can point to
21 them where to go.

22 The State also brings up the "clerk scam", where staff
23 members would go and charge -- where they could have used e-filing,
24 they go -- and they go charge for an hourly rate for waiting in line at the
25 clerk's office. True, but every single petition required certified copies.

1 We all know from working in this court, you can't get a
2 certified copy online. You have to go to get from the clerk's office. So
3 certainly when, either Ms. Parks or staff members would go to the clerk's
4 office, and to pick up a certified copy for one case, yeah, they would file
5 things in other cases, and again those are documents that she could
6 have e-filed from her office.

7 It's the same situation where if you look at the set of facts,
8 person A bills \$100 an hour, or \$50 an hour, or whatever, and go to the
9 clerk's office to do something they could have done from their office for
10 a lot less, that's 100 percent true, but again, if you expand your
11 investigation, and look into the real facts, there were there anyway. In a
12 lot of these cases -- I wasn't there for all of them, of course, but if you're
13 there to get certified copies, you might as well file everything while
14 you're there.

15 There's also deadlines where you have to hit, where it needs
16 to be filed on a certain day so you bring it to the clerk's office to make
17 sure that it gets filed and that all the paperwork was prepared properly,
18 and will be accepted by the clerk for filing, and if it gets rejected on the
19 day of the deadline, then you find out the next day, you missed your
20 deadline. So again, on paper, when you superficially look at this, yeah,
21 that's horrible. You don't bill \$100 an hour to stand in line, but as a
22 practical matter, when you're April Parks, and you have 100 plus wards
23 at one point, with hundreds of deadlines to deal with, you have to make
24 these spontaneous decisions and entrust people to do your groundwork
25 for you -- your grunt work for you. She can't possibly supervise

1 everybody's billing.

2 But as the State -- and I pointed out in my memo, and as the
3 State pointed out, Mr. Simmons was the billing guru of this office. As
4 Mr. Raman pointed out, he trained people how to bill. To quote the
5 State, "He's in charge of billing. He alone made that decision as to
6 billing training." So the vast majority of the, almost 300 charges that
7 were brought, involved fraudulent false billing. Okay.

8 April wasn't in charge of billing, and that's clear. I quoted
9 Angelica Sanchez's testimony to the grand jury. And I quoted Heidi
10 Kramer's sworn testimony to the grand jury. Both of whom separately
11 testified that it was Gary Simmons who was in charge of the billing
12 process from start to finish.

13 So again, the vast -- did it happen on April's watch? Was she
14 at the wheel? Yes. She is in charge. She's the head guardian. She
15 founded the company. So it's on her; it happened on her watch. Just
16 like the named partner at a law firm is technically on the hook for all of
17 her or his underlings, whether it's a paralegal, or a new attorney, or a
18 secretary, or a clerk who does something wrong. That's exactly right.

19 And she said earlier, she takes responsibility, because she
20 didn't do everything that she was supposed to do, but the vast majority
21 of the malfeasance wasn't perpetrated by April in this case. Did she turn
22 a blind eye? And I addressed that my part in my memo. I won't go over
23 that whole paragraph again.

24 Did she succumb to some of the pressure, perhaps greed
25 even, of the amount of flexibility that the guardianship assistant gave

1 her? Yeah, I think she did, in all honesty. I know that she pled the offer,
2 but as I conceded in the memo, yeah, she made -- she absolutely made
3 mistakes that you heard from her she regrets.

4 But you have to understand, this is -- these facts are
5 shocking. They're terrible. They're macabre. They're things
6 we -- guardianship itself is a macabre business that only a few people
7 can handle.

8 April did a great job for a long time. She helped countless
9 people and obviously she also hurt a lot of people as well, and that's an
10 awful thing. Nobody wishes that would have happened.

11 All I want to say in closing, Your Honor, is that I hope Your
12 Honor sees fit to punish Ms. Parks for her personal wrong doings, not
13 essentially for failing to supervise, wrongfully hiring certain people,
14 wrongfully entrusting certain people with crucial aspects of her business,
15 but I think there's a reason the Nevada State Division of Parole and
16 Probation recommended 64 months sentence on the bottom, that's
17 basically five years and four months. I think they -- though their PSI was
18 less than ideal, I think they get -- I think they get the roles -- the
19 respective roles of Ms. Parks and Mr. Simmons in this, as well as Mr.
20 Taylor, and anybody else who was involved, but it's a case where
21 initially, as soon as you review it, it's very easy, and very convenient to
22 just immediately vilify April Parks.

23 She became the face of this case both in the media, in this
24 courtroom, everything is -- it's on her. She is the face of the case. I don't
25 think that accurately depicts who is at fault for the actual wrongdoings of

1 this case. She absolutely did wrong to her clients, and I couldn't have
2 been more clear in my memo. She did wrong. She failed the interests of
3 her clients. She failed in her duties as a guardian, but again, I implore
4 the Court, sentence her for her personal wrongdoings, not for
5 those -- not for the actions of any others, even if the statute says the
6 chief guardian is responsible for her underlings.

7 I'm asking the Court just to sentence her as to what you
8 believe is appropriate for her, based on her wrongdoing. She's been in
9 custody approximately 20 months now, Your Honor. All I can say at this
10 point is, I appreciate your time and I submit on that.

11 THE COURT: Okay. Thank you, Mr. Goldstein.

12 Mr. Simmons.

13 MS. BORDER: Your Honor, may I just have one quick
14 moment?

15 THE COURT: Yes.

16 MS. BORDER: Thank you. Thank you, Your Honor.

17 THE COURT: Okay. In regards to Mr. Simmons, Mr.
18 Simmons, I have read the sentencing memorandum that was submitted
19 by Ms. Border.

20 And, Ms. Border, thank you very much for submitting your
21 sentencing memorandum.

22 I've read the letters that were submitted on your behalf,
23 including the letter that was written by you, as well I read the letters that
24 were submitted on behalf of the State.

25 Mr. Simmons, is there anything that you would like to add

1 before I pronounce sentence against you?

2 DEFENDANT SIMMONS: Not at this time, Your Honor.

3 THE COURT: Okay. Ms. Border.

4 MS. BORDER: Thank you, Your Honor. And because I did
5 submit that sentencing --

6 THE COURT: You did.

7 MS. BORDER: -- memorandum, I will keep it brief.

8 I just wanted to point out a couple of things, and it's how the
9 State started in their presentation to you, pointing out that Mr. Simmons
10 was not the named guardian, nor the business owner of the entity. He
11 was the office manager; however, when he came to work with Ms. Parks
12 she had been a guardian for approximately five years. She had worked
13 with and through an attorney's office.

14 When Mark came to work with her he had no experience in
15 that particular field. He took his direction from April. He understood that
16 April took his direction from attorney's that advised her. So when it came
17 time for billing, he thought that this was something to be relied upon,
18 something that somebody had been in the business doing, taking the
19 direction from attorneys, so he felt that he could rely on that information.

20 Obviously, very wrongly, and again, in my sentencing
21 memorandum, I did point that out in a few different areas that common
22 sense at a certain point should have kicked in, and he should have
23 realized that this is not the way to do it, and he should have questioned
24 that.

25 The only other issue I wanted to point out was one in Mr.

1 Goldstein's presentation with the Court. Actually, the grand jury
2 transcripts and I reviewed those, Ms. Sanchez did say, and testify that it
3 was Ms. Parks and Mark Simmons that both explained how to bill to her;
4 however, Heidi Kramer specifically said it was April Parks that showed
5 her how to bill. It was not Mark. Mark reviewed her billing, but when it
6 came time to learn how to bill, it was April that instructed her.

7 So as to that end, Your Honor, we understand that this is
8 probably a difficult case, given the amount of victims, the amount of
9 people that were impacted, trying to determine a correct sentence. What
10 I would say for this particular case, as particular to Mr. Simmons, is that,
11 he has spent close to two years, like the rest of them, in jail. This is
12 somebody with zero prior criminal history. He's never had any contact
13 with law enforcement at all. So two years in jail has been a very, very
14 eye opening situation for him.

15 There is a significant amount of restitution that needs to be
16 paid. If Your Honor is to follow the stipulated sentence, as to Mr. Taylor,
17 that would, you know, be a set period of time, not probation.

18 If Parks is to receive prison time again, that would not be
19 probation, or an opportunity to pay that restitution.

20 I think that Mr. Simmons is in a good position in the fact that
21 he would have served two years in prison -- I'm sorry -- in jail, be given a
22 grant of probation with a very real possibility of paying back his
23 significant portion of this restitution. He has family that are present.
24 They've traveled from Indiana to be here today. I have spoken with
25 them. They are willing and able to help him make restitution payments

1 from the get-go if that's something Your Honor is inclined to giving him
2 opportunity to do.

3 He's employable. He has people that are willing to hire him
4 as soon as he's released. If what we're trying to do is to give back to
5 these victims, and pay back some part of restitution, although, that
6 amount is very significant, and I'm not claiming that he can do it all on
7 his own, but he can try. He can make a good-faith payment each, and
8 every month with the help of his family, and working on his own.

9 So again, this is not a situation where we're asking for
10 probation for somebody who has never spent a day in jail. We're asking
11 for probation for somebody that's already spent close to two years in jail.
12 They have been punished in that regard. We're asking for an
13 opportunity with somebody with zero criminal history to get a grant of
14 supervision on probation and pay back this restitution. That's a first and
15 foremost thing on his mind and he's more than happy to do that.

16 Your Honor, again, I know that this is a case that is
17 overwhelming, and there's a lot to it, but I was hoping that Your Honor,
18 based on our sentencing memorandum, would kind of see the crux of
19 how different individuals are responsible, and should be punished, and
20 we're hoping that you do give Mr. Simmons an opportunity for
21 probation.

22 So with that, I would submit it to the Court.

23 THE COURT: Okay. Thank you, Ms. Border.

24 And, Mr. Taylor, I have read the letters that were submitted
25 on your behalf, as well as the letters that were submitted on behalf of the

1 State. Is there anything you would like to say before I pronounce
2 sentence against you?

3 DEFENDANT TAYLOR: Yes, Your Honor. Thank you.

4 These -- these past two years have been some of the most
5 difficult years of my life. I've never been in trouble with the police. I
6 always associated myself with honest, loving, and giving individuals.

7 While incarcerated I've found myself surrounded with angry,
8 hateful, deceitful, and violent men. Not a situation I would ever want to
9 be in again.

10 The hardest part about being in jail since the beginning of
11 2017 has been the separation from my wife, children, and extended
12 family. During the time my father's health has deteriorated, and I have
13 not been there to help with his care. I've not been there to take him to
14 the doctors or support my mother while she cares for him. I hope and I
15 pray that I'm able to -- I hope, and I pray I'm able to see him again while I
16 still have a chance.

17 I have not been there for my children either, especially for
18 my young daughter. My sons are older, and they can care for
19 themselves, which doesn't mean that they still don't need and deserve
20 my love and support. By not being there for my daughter has been very
21 hard on me. The thought of her being without her mother and myself
22 breaks my heart. She's done nothing to warrant this punishment.

23 She's not been alone, thankfully. She has the love and
24 support of my wife's parents, who have been amazing during this
25 difficult time in our lives. That being said, my daughter needs and wants

1 to be raised by both her mother and myself. We've been separated long
2 enough.

3 My goal when I'm released from jail is to find suitable
4 employment to support my wife and my children to remove that burden
5 from my extended family. One thing I've learned during my
6 incarceration is that I would never want to go through this again. I will
7 do anything and everything to keep my family together and never put
8 myself in a situation where I would find -- where I would return to jail.

9 I believe that I have paid for my mistakes and been punished
10 enough. I desperately want and need to be reunited with my wife and
11 children. We have all suffered greatly during these past few years; my
12 daughter most of all.

13 I ask that you grant me the opportunity to prove to you the
14 type of man that I am, to show you that I'm a loving and caring
15 individual that wants nothing more than to be with my wife, and
16 children, and extended family, to be the father, son, brother, and friend
17 that God intended me to be.

18 I understand you have a difficult decision to make regarding
19 me and my co-defendants' sentence. I ask for leniency for all of us. I
20 guarantee you you'll never see any of us again.

21 Thank you, Your Honor.

22 THE COURT: Thank you. Ms. Waldo.

23 MS. WALDO: Thank you, Your Honor.

24 And Your Honor, I know Your Honor has read the letters that
25 I provided on behalf of Mr. Taylor and one of the reasons I do want to

1 provide those to the Court is because I believe the family members and
2 the individuals that have been a part of Mr. Taylor's life since he was a
3 young man, are much better equipped to give you an idea, and paint a
4 picture of Mr. Taylor than I am, because although I've known him for the
5 past two years, and I've certainly seen a different side of Mr. Taylor than
6 the individual that's being portrayed in the media, his family and his
7 loved ones certainly know him best.

8 Throughout my representation of Mr. Taylor, I have spoken
9 at length with both of his parents. And what I can tell you -- to this Court
10 is that they are heavily involved in this case, and they love, and support
11 Mr. Taylor, and are absolutely going to continue to love and support Mr.
12 Taylor regardless of the outcome here today.

13 This case has weighed heavily on them. One of the things
14 that his mother expressed in her letter, as well as to me on numerous
15 occasions, is that she never saw Mr. Taylor being in the position that he
16 is in right now.

17 Throughout his childhood he was the one that didn't cause
18 her any trouble. He was kind. He was caring. He was loving. He was
19 compassionate, but he did what he was supposed to do. And for 44
20 years of Mr. Taylor's life that's exactly what he's done. That is what he's
21 exemplified as a man. He's been a father to his children. He's been a
22 loving husband to his wife. He's been a loving and devoted son to his
23 family.

24 One of the letters that I attached was from his brother, who
25 actually works in the justice system, and I think that speaks highly of Mr.

1 Taylor. And not only I think illustrates to this Court the man that he is,
2 but the man that he actually is -- that the man that he is going to
3 continue to be, but also illustrates to this Court that this is not a criminal
4 mastermind. This is not an individual that's ever gotten into trouble
5 before. The Court can see from his PSI he has zeros across the board,
6 and in my experience, in doing this type of line of work, that's very rare
7 to come across an individual that's never been in contact with law
8 enforcement.

9 So for 44 years of his life, Mr. Taylor has stayed out of
10 trouble. He's been a contributing member of society. And as I indicated
11 earlier, he's been a loving and devoted father, son, and husband. And all
12 Mr. Taylor is asking for this Court today is to give him a chance to fulfill
13 those roles once again.

14 So oftentimes we talk about these types of cases and we look
15 at punishment and talk about incarceration, because that sometimes is
16 the only punishment that seems to justify, or seems to satisfy
17 individual's needs, especially the named victims in this case, but Mr.
18 Taylor has been punished beyond just the incarceration that he's spent.

19 He spent 668 days in custody. That is not a small number.
20 That is almost two years of his life. And as he just indicated to this Court
21 in that letter that he read to you, that time away from his child -- from his
22 daughter -- she was 13 when he was taken into custody. She's 15 years
23 old now. So for two years during, perhaps one of the most difficult
24 transitions in a young girl's life -- those teenage years -- that I can think
25 of no woman that wants to ever repeat again, she's been without her

1 mother and she's been without her father; two individuals that she was
2 extremely close to. And having phone contact with them, talking to
3 them on the phone, seeing them on a video contact visit is in no way can
4 replace having your father in your life day after day.

5 And while he knows that his daughter is in a good situation,
6 because she's with her grandparents, again, he wants the opportunity to
7 be there for her. He wants to raise her. He wants to exemplify to her
8 what it is to be a contributing caring member of society. That's what
9 he's done for 44 years, and that's what he's going to continue to do once
10 he's released from custody.

11 An individual is so much more than the sum of one mistake,
12 or one wrongdoing, or one criminal conviction that they've committed in
13 their life. Mr. Taylor for 46 years has been an exemplary individual. He
14 got involved in a situation that obviously was much beyond him, and as
15 the State illustrated in their argument, he was played a very minor role
16 in this case.

17 That being said, Mr. Taylor is the only individual in this case
18 that when he accepted this negotiation he knew he was going to prison.
19 There was no exception. There was no guessing. He knew the minute
20 he signed that deal he signed himself up for a minimum of two to five
21 years in prison, and that's not an easy situation for anyone to find
22 themselves in, but certainly someone like Mr. Taylor, who at 44 years old
23 found himself sitting in jail awaiting his fate.

24 That being said, Mr. Taylor, did accept responsibility. He did
25 sign that plea deal. And he is ready, and willing, and able to accept the

1 punishment Your Honor deems necessary for him, but I'm asking this
2 Court to look beyond just the -- what the media has portrayed of Mr.
3 Taylor. I'm asking this Court to look beyond what the State has
4 portrayed of Mr. Taylor. And I'm asking the Court to look at Mr. Taylor
5 as a whole, and as a man at 46 years of age, who has never, prior to this
6 case, been in trouble in his life. And I'm asking this Court to sentence
7 him based on the totality of that individual and not this one isolated
8 mistake in his life.

9 I'm asking this Court to follow this plea negotiation. I
10 understand that a two to five year sentence may not be sufficient for
11 some of the individuals sitting in this courtroom, but for Mr. Taylor, and
12 for the role that he played in this case, I believe that is a fair and just
13 outcome for this case, and I'm urging this Court to follow that. And with
14 that, I'll submit.

15 THE COURT: Thank you, Ms. Waldo.

16 State, your victim speakers.

17 MR. RAMAN: Your Honor, we'll start with Larry Braslow.

18 MR. GOLDSTEIN: Could we approach, please?

19 THE COURT: Yes.

20 [Sidebar at 10:25 a.m., ending at 10:27 a.m., not transcribed]

21 THE COURT: Okay. We're going to go back on the record.

22 And sir, if you could just go ahead and have a seat for us
23 briefly, because what we're going to do is we're going to make a brief
24 record, and then we're going to take a short recess, so that everybody
25 has the opportunity to use the restroom or anything they need to do

1 before we get started with the rest of these proceedings, as it may take a
2 while.

3 Mr. Goldstein.

4 MR. GOLDSTEIN: Thank you, Your Honor. I'd like to address
5 a matter that we discussed in chambers part of this hearing. When I say
6 in chambers, both Mr. Westmeyer and Mr. Raman, Ms. Waldo, Ms.
7 Border, and I were in the presence of Your Honor back your chambers.

8 THE COURT: Correct.

9 MR. GOLDSTEIN: The issue was a technical that I won't
10 belabor at this time, but for the record, I'm going to object to the victim
11 speakers based on lack of notice. I understand they have a -- they have --

12 THE COURT: Okay. Remember -- sorry, Mr.
13 Goldstein -- there will be no outbursts in this courtroom. That will cause
14 you to be removed from these proceedings. Mr. Goldstein, and
15 everyone in this courtroom will be entitled to the same respect.

16 Mr. Goldstein.

17 MR. GOLDSTEIN: Your Honor, the situation is, by statute, the
18 Defense is entitled to written notice of the names of the witness who are
19 going to be testifying and offering the victim impact statement at
20 sentencing for what was apparently a clerical mistake at the District
21 Attorney's Office. I didn't receive any notice of any speaker.

22 Okay. So we discussed this in chambers. I'm not going to
23 belabor it, but for the record, I'm going to object. I understand these
24 people have a voice and they want to be heard. I'm not going to belabor
25 the matter, but again, just for the purposes of the record, I will object to

1 the Court's consideration of these victim impact statements, only due to
2 the State's not complying with the statute, so far as notifying the Defense
3 of their speakers.

4 Thank you.

5 MS. WALDO: And Your Honor, we would join in that
6 objection, just through the same basis that we did not receive notice --

7 THE COURT: Okay. Ms. Waldo.

8 MS. WALDO: -- the same as did Mr. Taylor.

9 THE COURT: Okay.

10 State.

11 MR. RAMAN: Your Honor, the State did encumber to provide
12 notice. I have with me copies of fax notices. I think they met their -- the
13 wrong intended recipient, another attorney by the name of Goldstein in
14 some cases received this. I just received notice this morning that it was
15 the wrong Goldstein and then I forwarded it.

16 He did receive one notice.

17 MR. GOLDSTEIN: This morning at 7:32 I received one notice.
18 And again, we've already this, so I won't go in circles, Your Honor --

19 MR. RAMAN: Right.

20 MR. GOLDSTEIN: -- but just wanted to make that record.
21 That's all.

22 MR. RAMAN: Right. There was a clerical mishap. I don't
23 know that it effects anything. I don't think the Defense is asking for a
24 continuance. And under the circumstances, I don't know if one would be
25 feasible. Certainly, the names of them are available.

1 We're going to take a little break. They can peruse those
2 now, and if they have any objections further on, we can discuss that and
3 maybe make further record, but it's simply a clerical mishap.

4 THE COURT: Okay. And that objection has been noted for
5 the record; however, as we previously discussed in chambers, the victim
6 speakers will be allowed to speak, with the understanding that because
7 there was no notice, as each person is individually called to speak, the
8 Defense reserves the right to make the appropriate objections and I will
9 rule on them at that time.

10 As I have seen groups of notices, but I have not -- I mean, I
11 don't remember them all verbatim, as I sit here today, but the Defense
12 does reserve the right to make individual objections as those people are
13 called, but the people that are under victim speakers under the statute
14 will be allowed to speak here today.

15 So --

16 MR. GOLDSTEIN: Understood. Thank you.

17 THE COURT: -- in light of that, we are going to take a 15-
18 minute recess. We will be back at 10:45. We will start promptly at 10:45,
19 so if everyone could be in their seats, and we'll proceed with the victim
20 speaker portion.

21 MR. GOLDSTEIN: Thank you, Your Honor.

22 MR. RAMAN: Thank you, Judge.

23 MS. WALDO: Thank you, Your Honor.

24 [Recess taken from 10:30 a.m. to 10:43 a.m.]

25 THE MARSHAL: Remain seated. Come to order.

1 Department 10 is now back in session.

2 THE COURT: Okay. We're going to go back on the record in
3 C-321808.

4 We have all of the same parties present as before. We are
5 ready for your victim speakers, State.

6 MR. RAMAN: First is Larry Braslow.

7 THE COURT: Okay. And sir, if you can raise your right hand
8 for me. Thank you.

9 LARRY BRASLOW, SWORN

10 THE CLERK: Please state your full name, spelling your first
11 and last name for the record.

12 MR. BRASLOW: Larry Stephen Braslow. Last name is
13 spelled is B-R-A-S-L-O-W.

14 THE COURT: Thank you very much, sir. And, sir, what
15 would you like to tell me today.

16 MR. BRASLOW: Well, Your Honor, I'm the son Ruth Ann
17 Braslow. She was one of the wards under April Parks. First of all, I want
18 to express that the extent of the emotional pain and suffering inflicted on
19 my family and me, due to the systematic destruction of my mother's
20 mind, body, spirit, and every -- very life is beyond imagination. My
21 family, our friends, and I will live with this horrible and devastating
22 nightmare for the rest of our lives.

23 Five years ago, on or about the first week of January 2013,
24 my mother Ruth Mary Ann Braslow had her drastically changed by the
25 Defendant April Parks and her associates. Ruth was living in her home

1 totally independent, driving herself to the hair salon once a week,
2 shopping, cooking, cleaning her home without any assistance, visiting
3 with neighbors, contacting family and friends via the internet and
4 telephone.

5 My mother was taken from her home forcibly kicking and
6 screaming, medicated into oblivion because she objected to being
7 removed from her home. Sequestered so none of her friends or
8 neighbors could see her, and then placed under a court-appointed aide
9 guardianship of April Parks.

10 April Parks made sure that she was isolated from her friends
11 and family members, who my mother was in contact and were kept in
12 the dark as to what was happening. Parks, in concert with her attorney
13 Lee Drizin filed fraudulent documents in Clark County Courts stating that
14 neither my mother's sister, Lottie Malnon [phonetic], by the way, who is
15 still alive, nor I even existed so she could take control of my mother and
16 her estate.

17 When I found a posting on the door of my mother's home
18 with April Parks' name and number, I called Ms. Parks, left a message
19 with her answering service. When Parks returned the call I was outside
20 the home of my mother with a Las Vegas Police Officer, because we
21 were doing a welfare check.

22 The call was heard on the speaker, so both the officer and I
23 heard Parks tell me to contact her attorney Lee Drizin. Refused to tell me
24 my mother's condition or location. Yet Parks acknowledged that she
25 knew who I was, the son of Ruth Braslow.

1 Parks and her attorney Lee Drizin, both claimed that my
2 mother did not want to talk with or see me. This was later found out to
3 be a blatant lie. Only after I obtained an attorney, I was informed where
4 my mother was confined.

5 Upon going to see my mother, I discovered that she was
6 being medicated to such a degree that she was confined to a bed, and
7 her mental abilities were impaired. Parks had lied to the group home
8 manager where she placed my mother. Brought her there by ambulance
9 on a stretcher. The group home personnel never knew that Ruth had
10 been a fully functional human being.

11 Parks used my mother's money to fight me in court while she
12 depleted her assets and kept her overmedicated. When I finally was able
13 to obtain records of the sale of what was in my mother's home, family
14 heirlooms, antiques, documents were conveniently missing.

15 Something as simple as an address book with all the family
16 history since the 1960s was unaccounted for. My father's footlocker
17 from his service in the Army Air Corps during WWII containing all his
18 documents, medals, uniform, and more, just disappeared.

19 My father had created a formal list and a videotape of the
20 contents of their home. Yet this has never surfaced.

21 When I finally obtained guardianship of my mother, she had
22 deteriorated to such a degree that there was no way to bring her back to
23 her prior functional condition. Upon inspecting the six to eight boxes of
24 documents taken from my mom's house, and stored by Parks, I found
25 that several different records were missing.

1 Apparently, my mom kept all her financial transactions,
2 including, but not limited to utility bills going back when she moved to
3 Las Vegas back in 1987. Yet her telephone records were missing. The
4 telephone bill records would have contained all telephone calls, long
5 distance, which reveal whom in the family she had been speaking with
6 and would divulge who should be notified if she was in distress.

7 As I stated earlier, her address book with all the contact
8 numbers was not in any of the boxes.

9 Mom had printed hundreds of emails, yet the ones in the
10 past year were missing.

11 Mom was the matriarch of our family, but the records of our
12 family have disappeared, along with my father's ashes. That's another
13 good question. Where are my father's ashes? I have no idea.

14 April Parks took my mother from her friends, and family, in
15 particular her sister, her niece, and me by her self-serving acts. Parks
16 cost my mother her freedom so Parks could steal tens of thousands of
17 dollars. By my calculations in excess of \$100,000 by false billings,
18 privately depositing of property, overcharging for services that were
19 probably not delivered. These are just a minor part of the deception that
20 has been imposed on all of us.

21 The records of my family history have been erased by April
22 Parks. Parks obviously did this in an effort to eliminate any records that
23 might show that there were family, friends, and her attorney to contact
24 should anything happen.

25 Ruth, my mother, had had her attorney prepare documents

1 placing a neighbor as her medical representative, yet in these
2 documents I obtained from Parks, any and all records from the attorney
3 were missing. You can only steal a person's life if you hide the
4 documents stating who her family, friends, and legal contacts are should
5 they need to be contacted in case of an emergency.

6 April Parks used every means at her disposal to take away my
7 mother's life. April Parks took my mother from me.

8 Parks' actions left my mother financially bankrupt, crushed
9 physically, and devastated mentally. Through her position as the court-
10 appointed legal guardian Parks willfully, knowingly, and intentionally
11 destroyed my mother's remaining years, and our family's legacy.

12 April Parks needs to spend the rest of her life -- and her
13 associates -- in prison. If penal colonies still existed, this is where April
14 Parks and her associates should be placed.

15 In conclusion, I ask the Court to be the champions they claim
16 to be for all our beloved elderly. Send a clear message to anyone who
17 wants to steal from and destroy our precious one's lives.

18 Please give some measure of peace to my family and my
19 beloved mother. Give her the maximum -- and her
20 associates -- sentence by law.

21 Your Honor, thank you for listening. I hope you will bring
22 justice for my mother.

23 THE COURT: I thank you, sir. Thank you very much.

24 MR. GOLDSTEIN: No questions, Your Honor.

25 THE COURT: Any questions?

1 MS. BORDER: No questions.

2 MS. WALDO: No questions.

3 THE COURT: Sir, thank you very much for being here --

4 MR. BRASLOW: You're very welcome.

5 THE COURT: -- today.

6 State, your next speaker.

7 MR. RAMAN: Karen Kelly.

8 THE COURT: Okay. Ms. Kelly. Ms. Kelly, if you could raise
9 your right hand for me to be sworn. Thank you.

10 KAREN KELLY, SWORN

11 THE CLERK: Please state your full name, spelling your first
12 and last name for the record.

13 MS. KELLY: My name is Karen Kelly, K-A-R-E-N K-E-L-L-Y.

14 THE COURT: Thank you very much, ma'am. And, ma'am,
15 what would you like to tell me today?

16 MS. KELLY: Hi. Thank you, Your Honor.

17 My name is Karen Kelly, and I am currently the Clark County
18 Public Guardian. In late 2015 the public guardian's office was notified
19 that Ms. Parks, a private professional guardian was resigning from all of
20 her guardianship cases, and the court needed us to step in on a majority
21 of these cases.

22 At the time, I was a supervisor in the office, and myself and
23 another case manager worked on these cases almost exclusively. In
24 total the public guardians office was appointed to serve as guardian on
25 45 cases, which is a large amount of cases to take on at one time.

1 I'm here today to speak on some -- on behalf of some of
2 those individuals, and to inform the Court on how Ms. Parks' criminal
3 actions affected their lives. She was appointed to protect these people,
4 and the criminal acts she committed created intense anxiety, and
5 anguish for what many of these individuals was the final years of their
6 lives.

7 I would as the Court to note, this is not a -- just a financial
8 crime. It was abuse of trust, and authority in her position. Individuals
9 under guardianship are often unable to care for themselves. They must
10 rely on the people appointed by the Court to protect them.

11 Ms. Parks was a trained guardian, and she even served on
12 the board of the Nevada Guardianship Association. The choices she
13 made were out of greed, not because she didn't understand the ethical
14 responsibilities of being a guardian.

15 I'll now talk about a few of the cases that we have. Ms. Maria
16 Cooper: I first met Ms. Cooper in December 2015, and she has
17 unfortunately she passed away. At that time, she was 88 years old and
18 so full of energy. She was fully aware of what was going on with Ms.
19 Parks, and was so very angry. She had been unable for so long to get
20 anyone to listen to her about her concerns regarding the guardianship
21 and her missing funds.

22 Ms. Cooper was so concerned that her funds were depleted
23 that she stopped spending money on the things that she used to
24 regularly liked to do. She used to like going weekly to Walmart and
25 getting her hair done regularly. She stopped all of that.

1 She even requested to be moved to a smaller room at the
2 facility so she could save money to ensure she had enough funds for the
3 rest of her life. . Her sense of security was completely taken from her.
4 An estate that Ms. Cooper built up over her entire lifetime was
5 significantly depleted.

6 At the beginning of the guardianship it was evaluated at
7 about \$400,000. When we took over there was about 100,000 left. These
8 funds were depleted through overbilling and mismanagement within just
9 the space of three and half years.

10 While speaking with Ms. Cooper, and spending time with
11 her, it became apparent that she was really fully able to handle her own
12 medical decisions, and she only really requested that we help her with
13 her finances because she was in a position where she felt she was losing
14 everything. Interestingly, I reviewed the original certificate of incapacity
15 that was filed by Ms. Parks, and it didn't even list a cognitive impairment,
16 rather the biggest problem was that she couldn't hear properly.

17 The public guardian's office arranged to have her re-
18 evaluated for guardianship and the guardianship of the person was
19 ultimately terminated. This is important, not only for Ms. Cooper's sense
20 of independence, and ability to now make her own decisions, but it's
21 also a significant reduction in the amount of time spent by a case
22 manager on the case, which in turn is a huge reduction in the billable
23 time.

24 What was so apparent to myself and another case manager
25 in the office about Ms. Cooper's ability to make her own decisions, was

1 disregarded by Ms. Parks and her team, due to their greed, as they
2 continued to bill by assisting her and taking her to doctor's
3 appointments, and everything that being a guardian to the person
4 entails, which was not even necessary in Ms. Cooper's situation.

5 I'd like to talk about Mr. Joseph Massa. He's currently 100
6 years old, and he's a WWII Veteran. Due to his physical limitations, he's
7 not able to be here today.

8 Originally, in Ms. Parks' petition back in 2011, she did advise
9 the court that Mr. Massa was in agreement with the guardianship, and
10 he continues to be today. He recognized he need help and needed
11 assistance in applying for VA benefits that he was most entitled to.

12 During Ms. Parks' time as guardian, almost five years, Mr.
13 Massa never received any VA benefits. His estate was depleted to the
14 point he almost had to move to a different facility, as he could no longer
15 afford the monthly room and board costs. He was so concerned and
16 worried about what was happening, he actually sent his own referral to
17 our office.

18 He didn't know if he had enough funds to stay at the facility
19 and he indicated in his referral that his guardian had cut out on him and
20 sold all of his stocks. While we don't have a true figure of Mr. Massa's
21 estate, because an inventory actually wasn't even filed in this case, we
22 believe about \$130,000 is where it started. By the time we took over,
23 there was less than \$20,000 left, and all of that needed to be paid to the
24 facility, as they had not been paid in quite a long time.

25 I do want to let the Court know, he's now receiving over

1 1,800 a month in VA benefits. Of course, we can't go back to the five
2 years that he missed out on, and his estate can never recoup that, but
3 he's now able to stay in the facility that he's lived for many years.

4 Ms. Parks' billed Mr. Massa to have an employee of her office
5 take him on outings at a cost of over \$100 an hour, something which can
6 be accomplished by a caregiver for a quarter of the cost, usually about
7 \$25 an hour. These outings typically lasted three to four hours. So
8 you're looking at 3 to \$400 to take a gentleman to the casino. Yet she's
9 never been able to establish any VA benefits for him.

10 I'm not even sure she applied for the benefits, as her records
11 do not reflect any billing references for the VA; however, she did ensure
12 that her fees were paid of about 6 to \$7,000 per year.

13 Her actions left a vulnerable -- at the time, 97-year-old WWII
14 Veteran in a panic, and possibility of losing his place of residence. To
15 this day, when we discuss April Parks or staff talk to him, he becomes
16 very emotional and says, I don't know why this happened to me, I'm a
17 good person.

18 Ms. Ann Holmquist: Ms. Ann Holmquist and her husband
19 Charles were both under guardianship with Ms. Parks. Mr. Holmquist
20 unfortunately passed away before Ms. Parks began to resign from her
21 cases, and since we were guardian of Ms. Holmquist, she has also
22 passed away.

23 When our office was appointed, we visited Ms. Holmquist
24 and found she had very, very few items of clothing at the nursing home.
25 And when we reviewed the accountings we could see why.

1 Generally, a nursing home client, who is receiving Medicaid
2 only gets about \$35 a month in income, and that's to go towards their
3 personal needs. All the rest of their income goes to the facility for their
4 care, and Medicaid covers the difference.

5 So for a guardian, if the protected person receives a lump
6 sum of money, you want to be sure they now have adequate clothing
7 and we want to put aside -- aside funds for burial, and in some cases,
8 we've even been able to use lump sum funds to ensure the burial of a
9 spouse. In her accountings to the court Ms. Parks reported that Ms.
10 Holmquist did receive funds from her husband's insurance policy, and it
11 was in the amount of \$9,493. She also reported, during this same
12 accounting period, that she used all the funds to pay her fees.

13 For this same time period, just -- just over -- oh, almost two
14 years -- March of '14 to the December of 2015, Ms. Holmquist only
15 actually received \$70 in cash, and \$57 for her personal needs that whole
16 time. Ms. Parks made no attempt to purchase a burial policy, which was
17 allowable by Medicaid. And also made no attempt to use the funds to
18 make sure Mr. Holmquist to interred appropriately.

19 Mr. Holmquist is one of the cremated remains that you see
20 on that chart. They were abandoned, as was said before, and left in a
21 storage unit, that was subsequently auctioned off due to nonpayment of
22 storage fees. Luckily, we were able to secure these remains. And after
23 Mr. Holmquist's passing -- Ms. Holmquist's passing they have both been
24 interred together at the VA cemetery.

25 Ms. Inessa Sanborn: She has also unfortunately passed

1 away; however, on -- upon appointment as guardian for Ms. Sanborn,
2 we received a call from caregivers at the facility she was residing at that
3 she's in desperate need of funds and she needs new shoes. We need to
4 get out there immediately. We make arrangements. We access the
5 funds. And we took a check the next day.

6 Upon arrival at the facility, the case manager was shocked to
7 find Ms. Sanborn with swollen legs and feet, and the shoes she was
8 wearing appeared to be too small. In addition the shoes had holes in the
9 them. She had stuffed paper in the holes and had applied Scotch tape to
10 the back of the shoes where they had frayed. I actually even have a
11 picture for you to see the shoes that this lady was actually wearing.

12 The case manager checked her room. No other shoes
13 available. Not even a pair of slippers that Ms. Sanborn could wear.

14 Ms. Sanborn told the case manager I request funds. The
15 facility says we request funds and we're always told she's got 40 pairs of
16 shoes. Ms. Sanborn reported she asks for monthly statements about her
17 money each money, to which Ms. Parks would tell her she said, I'm in
18 the process of consolidating the accounts and I'll provide a statement
19 next month. She never received a statement, Your Honor.

20 Ms. Parks did provide a final accounting to the Court in this
21 case in February of 2016, which encompassed a time period of May 2015
22 through January of 2016, about a seven or eight-month period. During
23 this time she prepaid herself over \$7,900 in fees. For this exact same
24 time period, only \$126.10 was paid out for the personal needs of Ms.
25 Sanborn, and no cash was ever provided to her. I'm not even sure what

1 services was being billed for Ms. Sanborn, as she was obviously not
2 providing for her needs.

3 Even more egregious, was what we found when we received
4 the documents from the police that had seized. These documents were
5 in Ms. Parks' possession before they were seized by the police. And
6 among these documents was a power of attorney that named five
7 different people that Ms. Sanborn would have preferred to serve as her
8 power of attorney, which we always look to before we look to a
9 guardianship. None of these people received notice of the guardianship.

10 The power of attorney also noted Ms. Sanborn did not want
11 to reside in a facility. Ms. Parks filed a petition to authorize the sale of
12 Ms. Sanborn's home in August of 2015 and the information she had
13 regarding Ms. Sanborn's wishes should have been provided to the court,
14 so there could have at least been a discussion, and an evaluation of the
15 expenses involved in the care of Ms. Sanborn, and whether or not
16 residing back at the home was even feasible.

17 As we've seen time and time again, the most important part
18 of the guardianship for Ms. Parks, the payment of her fees was
19 completed, and paid timely. Yet a 90-year-old woman could not even
20 gain access to more than \$130 in a seven-month period.

21 Ms. Sanborn had over \$449,000 in her estate when Ms. Parks
22 filed her inventory. An estate, of course, she had worked her whole life
23 to accrue. This estate depleted down to 359,000 when the public
24 guardian was able to marshal all of the assets. We objected to her final
25 accounting filed -- that was filed by Ms. Parks and it didn't -- as it didn't

1 adequately account for what happened to this money.

2 At the final hearing on this matter, Ms. Parks failed to
3 showed. Could not be reached telephonically. So her accounting has
4 been denied in that court. To date Ms. Parks has not provided an
5 adequate accounting of her handling of Ms. Sanborn's estate.

6 Mr. Norman Weinstock: Upon first meeting with Mr.
7 Weinstock, it was apparent that he was very depressed. I do have to say
8 unfortunately, Mr. Weinstock has since passed away; however, he was
9 very alert, and understood what was going on with Ms. Parks, and was
10 incredibly happy that a new guardian had been appointed.

11 He stated, I've -- he would often request items and money
12 from Ms. Parks, and she advised him if he wanted special items, such as
13 soda, ice cream -- things that maybe the group home wouldn't provide
14 on a regular basis -- even cans of tuna fish, and avocados that he wanted
15 to eat regularly, that she would provide them, but there'd be a service
16 charge for it. The group homeowner verified that Ms. Parks would not
17 provide funds to them to buy special food requests, and she wanted to
18 drop them off herself.

19 Once we were appointed as guardian, we'd tell the group
20 home, get whatever this gentleman would like, and just us a receipt.
21 That's what we do with clients that want special food items. We don't go
22 out and buy them ourselves. We just have the group home buy them
23 and we reimburse them from a receipt, maybe could take about five
24 minutes.

25 A review of Ms. Parks' billing showed multiple entries for

1 dropping off food items not provided by the group home, another way to
2 inflate her billing, and obtain more fees.

3 In her final accounting to the court she reported she had
4 prepaid herself over 21,600, just for the last two years of this
5 guardianship. At that time Mr. Weinstock's case was stable, and I'm not
6 sure how the billing could have been so high.

7 When we were involved it was apparent -- immediately
8 apparent when you met with Mr. Weinstock that he needed dental care;
9 something that had not been arranged by his prior guardian. Maybe if
10 there was less time billing for grocery shopping for the protected person,
11 she may have actually provided the appropriate guardianship services,
12 such as arranging for dental care.

13 During our time spent with Mr. Weinstock, it again became
14 apparent he didn't need a guardian, and he was perfectly capable of
15 making his own decisions. Mr. Weinstock reported he'd only been out of
16 the group home twice in the last three years, and once was to the
17 hospital. He reported while he was at the hospital the physician stated he
18 needed a full transfusion of blood and he was adamant he didn't want it,
19 but he advised that April consented for this against his wishes and he
20 had the transfusion against his will.

21 He asked, if the guardianship is terminated, are these the
22 type of decisions that I'd have control over again. We said absolutely.
23 So as not to overwhelm Mr. Weinstock, we terminated the guardianship
24 with the person first, and then we assisted with his finances for a few
25 months, and we actually found him his own apartment that he was able

1 to move into. And then the term -- and then the guardianship was
2 terminated completely.

3 What is most upsetting about Mr. Weinstock's case is that he
4 had these very specific needlepoint pictures that his mother had created,
5 and he cherished them as a family heirloom. One of the things he asked
6 us to do was can you get those from the storage unit where Ms. Parks
7 has them, because every time he asked for them she would just say
8 they're in storage.

9 We ultimately learned though that the nursing facility that his
10 wife had resided at before her death, was where the needlepoints had
11 been. When Ms. Weinstock -- when Mrs. Weinstock passed away in
12 February of 2013, April was also her guardian. She was contacted to
13 come and pick up the property. The facility says we contacted her twice,
14 said if she doesn't get in contact with us, we're disposing of this
15 property, and these heirlooms were ultimately disposed of.

16 Ms. Parks failed to protect assets, as well as personal
17 property of the estate, and had no concern for the impact this would
18 have on Mr. Weinstock. His case is just another example of an
19 unnecessary guardianship with inflated billing.

20 The original certificate of incapacity filed for Mr. Weinstock
21 back in 2008 indicated that his condition was just temporary. What is so
22 unfortunate is that Ms. Parks' greed in establishing a fraudulent
23 guardianship, not only took Mr. Weinstock's freedom for eight years, it
24 robbed him of precious family heirlooms that he could never recover.

25 Ms. Kathy Godfrey is currently residing in a group home.

1 She asked that I be here on her behalf today, as she really didn't want to
2 come to court. She is another of Ms. Parks' victims who was removed
3 from guardianship once the public guardian's office was appointed.

4 Upon the initial visit with Ms. Godfrey she reported that she
5 has a toothache. It's also noted she needed extensive dental work and
6 had a cracked lens in her glasses. Unfortunately, as her account had
7 been depleted to just \$128, there was no funds to immediately assist her.

8 At the beginning of the guardianship, Ms. Godfrey had
9 approximately 7,600 in her bank account. She received a very small
10 amount of Social Security each month, but was able to save up to the
11 7,600. Just over one year later Ms. Parks had paid herself over \$9,000 in
12 fees and Ms. Godfrey had nothing left.

13 Ms. Parks paid herself all of these fees without providing for
14 the basic needs of the protected person. Another example of Ms. Parks'
15 greed taking precedence over any of the needs of the people she was
16 appointed to protect.

17 In Ms. Godfrey's case, we were able to work with her family
18 and even her ex-husband to accumulate funds to pay for her dental care
19 and new glasses. Ultimately, she was re-evaluated regarding the need
20 for guardianship and found to no longer need the services of a guardian.

21 She did request that our office stay on as her representative
22 payee, and she's now our client on our voluntary representative payee
23 program. Guardianship was not necessary for Ms. Godfrey. And if Ms.
24 Parks had taken a moment to properly evaluate the situation to see if an
25 alternative to guardianship could be established, and not just see

1 another opportunity to obtain financial gain, Ms. Godfrey would not have
2 lost all of the funds she had been able to save.

3 Mr. William Brady: Mr. Brady is currently residing in a group
4 home and he's 90 years old. Due to his physical limitations, he is unable
5 to be here today. He has been under guardianship since 2010.

6 At that time Mr. Brady had a trust, which Ms. Parks also
7 served as trustee, as well as serving as guardian, which in my opinion, is
8 an inherent conflict. His estate was worth approximately \$148,000
9 between was in the guardianship and in the trust; however by the time
10 the public guardian took over in 2015, his assets were below \$20,000.

11 Ms. Parks failed to file an accounting annually and
12 subsequently just filed one report for a five-year period. During that time
13 period for the five years, she billed \$33,000 for her services; however, in
14 five years she only provided \$487 in personal items, which would be the
15 clothes that this gentleman needed for that time, a total of \$487.

16 Additionally, Ms. Parks was overspending on the room and
17 board costs significantly each month, which completely depleted his
18 estate. Once we were in, we just renegotiated his monthly costs within
19 his income, and he was able to remain in the same facility.

20 Ms. Parks collected over \$33,000 in fees while ignoring her
21 duty to file annual accountings and her fiduciary duty to conserve the
22 estate, something which would have been easily done by ensuring his
23 monthly costs were within his income, but of course, Ms. Parks' number
24 one concern is the payment of fees, often to the detriment of the person
25 she is supposed to protect.

1 The last people I'd like to speak about today are Marlene
2 Homer and Marie Long. This was someone that was brought up earlier.
3 It was a mother and daughter.

4 Ms. Long and Ms. Homer are mother and daughter and were
5 both under guardianship with Ms. Parks. Ms. Long has since passed
6 away, but her daughter Ms. Homer continues to reside in a group home;
7 however, she really did not want to court -- come to court today.

8 She did relay some information to our case manager of what
9 she would like -- information to be given to the Court, and I will relay that
10 to you. According to Ms. Homer, April ruined her life and her mother's.
11 She barreled in their condo at 9:30 a.m. on June 12th or 13th, 2012, and
12 told her she's going to a mental ward.

13 Marlene told us there's nothing wrong with her. She
14 advised -- Marlene said now, she can't think straight anymore, but at the
15 time her mind was fine. She stated her mother died miserable and felt
16 deserted. Marlene began to cry and said her mother's last words before
17 she took her final breath were I have nothing.

18 She stated April apparently knew her from the time as a
19 volunteer at Valley Hospital when April worked in admissions and had
20 told Marlene that she was rude to her once. April told Marlene that she
21 knew all about her when she came to the condo to remove her. She
22 stated April is a terrible person, but it's her word against April's and she
23 felt like no one would listen.

24 She stated before April came into their lives, she and her
25 mother were living in a paid-off condo. Her mother was driving, and

1 they were doing fine. She was able to walk with a walker and they
2 needed no assistance.

3 In review of Ms. Homer's certificate of incapacity, the
4 physician does note she had some memory loss; however, indicated he
5 believe it to be a temporary condition. However, no further evaluations
6 were ever filed, and Ms. Homer was admitted to the geriatrics psychiatric
7 unit at Southern Hills Hospital after being removed from her home.

8 Both cases started with the same amount of inventory, about
9 72,000. Both cases had accountings filed and over 28,000 in fees was
10 paid from each case. It appears Ms. Parks may have used the same
11 accounting for both cases, as they're identical in their billing and
12 remaining balance. So according to her records, each case should have
13 had over about 14,000 when we took over, but only Ms. Long's case had
14 funds. Ms. Homer had \$1,379 in her entire estate.

15 Ms. Parks has never accounted for the missing funds in Ms.
16 Homer's estate. Ms. Homer suffers from depression and becomes very
17 emotional when she discusses what happened to her and her mother
18 under the guardianship. She blames herself for having them both put in
19 guardianship and their estates being squandered. This guilt makes her
20 depressed and vice versa, the depressions feeds her guilt. It affects her
21 so much, she continues to relieve -- to refuse to leave the group home,
22 and many times will even refuse to get out of bed.

23 Ms. Parks' criminal behavior as a trusted court-appointed
24 guardian is, in my opinion, extremely egregious. She was entrusted with
25 people's lives and had an ethical duty to protect them. Instead she

1 abused her power for her own personal gain, overbilling and in some
2 cases placing people in unnecessary guardianships in order to exploit
3 them. She did not see vulnerable adults. She didn't see them as people.
4 They were a paycheck.

5 Her actions show a pattern of using state funds to pay fees
6 which are often over inflated and providing very little money to the
7 protected person. As a result of her actions, it's apparent Ms. Parks has
8 a flagrant disregard for the judicial system, and the people she was
9 appointed to protect. And I do hope the Court will impose the maximum
10 penalty allowable by law.

11 Thank you for your time.

12 THE COURT: Thank you.

13 MR. GOLDSTEIN: No questions, Your Honor.

14 MS. BORDER: No questions.

15 MS. WALDO: No questions.

16 THE COURT: Okay. And, ma'am, thank you very much for
17 being here.

18 State, your next speaker.

19 MR. RAMAN: Herman Mesloh.

20 THE COURT: Okay. And sir, if you could raise your right
21 hand for me. You can remain seated.

22 MR. MESLOH: Thank you.

23 THE COURT: If you could just raise your right hand to be
24 sworn.

25 HERMAN MESLOH, SWORN

1 THE CLERK: Please state your full name, spelling your first
2 and last name for the record.

3 MR. MESLOH: My last name is Mesloh, M-E-S-L-O-H. My
4 wife is Kathy. And I'm Herman William, but I go, but I go by Bill.

5 I'm here today to speak from my heart about the
6 circumstances of which April Parks left my wife and I in, and it is -- it is
7 just a horror story. So I'll begin with saying that on September of 2013
8 April Parks came to see me at Southern Nevada Rehabilitation Center
9 where I was recovering from multiple surgeries. I had open-heart
10 surgery, hip replacement, multiple eye surgeries. I'm -- I'm blind. My
11 hip is still -- I've got severe arthritis, so I can't walk at this point.

12 My wife has Alzheimer's that was diagnosed as of around
13 2011.

14 And I'm in the hospital recovering. She comes by and tells,
15 me, you know, who she is and -- and whatever, and not a whole lot more
16 than that. The next thing I know is that she had gotten a note signed by
17 a physician's assistant there saying that I needed help and that was all it
18 took for her to become guardian over my wife and myself.

19 The very next day she took my wife out of the house. I gave
20 her no power of attorney, no verbal authorization. I -- I said all I was
21 looking for was to have a Medicare person send a nurse to our house
22 while I was in the hospital recovering to be sure -- or assure my wife was
23 taking her medication. That was it. Other than that, I mean, there was
24 no problem, other than -- and -- and my wife was -- was having difficulty,
25 and the Alzheimer's was progressing on her, but even today, after

1 almost ten years now, she -- she's fine. Her short-term memory is really
2 the only thing that's affected. Her long-term memory is fine.

3 With the exception of when she was first taken out of the
4 house and put into a group home called Sunshine House that was
5 owned -- one of the facilities that was owned by a fellow named Jerry
6 [phonetic]. After four months -- from September to December -- he told
7 me that he couldn't carry her anymore because he never got paid and
8 that was supposed to be the responsibility of the guardian.

9 So the guardian then takes -- has my wife put in for a psych
10 evaluation at some hospital. And she had with her, her service dog,
11 which is a four-pound long-haired mini-Dachshund, who notified her
12 when she was going to have a seizure -- a miraculous thing. And it was
13 just, you know -- this was the love of her life. She even had a tattoo of
14 Trudy [phonetic] on her shoulder. And she's not one that wants to go
15 through pain, but anyway, now, she is taken out of the house, put into
16 this group home. She was allowed to be there with the dog, but there
17 was no provision, or any money for her.

18 The very next day when she was taken out of the house, I
19 found that my checking account with the Nevada State Bank, and
20 my -- my savings account with the Southern Nevada Credit Union were
21 both canceled -- were both closed out by order of the state. Now, she
22 was not appointed a guardian to us for at least nine weeks after that at
23 court by Judge Steele. So for nine weeks she had total access of our
24 property.

25 We had a cat in the house that was left there. They

1 didn't -- they didn't take the cat. They did let her take the two dogs, but
2 she was promised that the dog -- the cat would be taken care of. For six
3 weeks that cat was left in the house with no heat, no water, no food.
4 And she tells me after -- finally, of getting in touch with her, because she
5 is very evasive, she -- she tells me that the cat was fine, and that it was
6 taken to a vet, and somebody adopted it.

7 Now, how can an animal leave for six weeks without food or
8 water? How could she live for six days without food or water?

9 Anyway, she's then put in another facility called Feng Shui 2
10 [phonetic]. Now, this facility, she isolated my wife from her family and
11 from me, and supposedly at my best interest. I don't know.

12 For six months I didn't know whether my wife was dead or
13 alive. Finally, because of a woman that I talked to at the facility that I
14 was at -- now, after I spent almost a year in rehabilitation at -- between
15 Sunrise Hospital and Southern Nevada Rehabilitation Center, I -- I was
16 transferred to Boulder City Mountain View Care Center, which is a long-
17 term care facility. We were there until this past November 2017. So we
18 there -- we're now at Delmar Gardens for the last year -- a little over a
19 year now, and that's where we -- we are at this point.

20 But now, when she was put in Feng Shui 2, she was heavily
21 medicated for six months. When I was finally able to get a phone
22 number to be able to contact her, she was delirious. She was not
23 able -- was asleep, and I -- I managed to get approval because of a little
24 bit of persuasion from the administrator at Mountain View Care
25 Center -- a woman named Jenny and the -- and the admissions director,

1 a fellow named Ambrose, who knew about her history, and that she had
2 been a guardian for us since 2003, and they were sympathetic toward
3 me, because well, they could see I was very emotionally distressed over
4 not knowing what was going on with my wife.

5 And the next thing I know, she's making arrangements to
6 have her come visit me, and when I see her, and she finally does get
7 there -- now, there was -- there was some delay in that process too, but
8 when she finally gets there, she's in a wheelchair, which she
9 wasn't -- didn't need to have before. Her arm was in a sling. She had
10 bruises all over her body. And she had a pacemaker, which I still to this
11 day do not know why she was -- she needed to have a pacemaker, but
12 this all took place while she was under April Parks' care at that facility,
13 and in all probability, the rational thinking is that, the doctors were
14 instructed to be able to give her medication.

15 And as far as doctors go, in this case, I had a situation where
16 with the approval of the guardian -- without April Parks' approval, my
17 doctor -- my primary care doctor at Mountain View Care Center was not
18 able to tell me what the diagnosis was of what I had experienced. I
19 had -- I thought I had a hernia. It turned out to be a -- something a little
20 bit less than that, but for three -- for three months -- oh, no, for three
21 weeks, I'm sorry -- for three weeks, the doctor wasn't able to reach
22 her -- wasn't able to contact her to be able to get the approval to
23 diagnosis my case, and, you know, I'm worried about it, you know. She
24 was barely ever available.

25 That six-month period that she was missing, my sister-in-

1 law -- my wife's sister, who lives in Eerie, Pennsylvania, called her office
2 and talked to a fellow named Mark. And Mark assured her that, oh, she's
3 fine. She's over there. Gave her the phone number so she could call
4 him too, and that's how came about that I got the phone number. And
5 my sister-in-law said that she really need to come down to see how she
6 was being cared for.

7 So it was from that point then in November of 2015 she was
8 transferred to Mountain View Care Center where I was. And while she
9 was there for a year with me before we transferred, again, to Delmar
10 Gardens -- anyway, that's -- that's the torment of that whole thing. The
11 dog when she was -- was supposed to have been cared for by April
12 Parks -- Trudy -- when she was put in Feng Shui 2 -- and the dog was put
13 in the pound. And when my wife came back and found out that the dog
14 was gone, I think she -- she probably just went ballistic and that's
15 probably accounts for why she had to be so over medicated.

16 But when she did finally get to Mountain View Care Center,
17 the nurses said she should never have been on these kind of
18 medications -- these narcotics. It took three weeks before she was even
19 cognizant of knowing where, or who, or that there was anything else.
20 She had no recollection of the past nine months -- none at all. So she
21 must have been medicated for that whole period of time. And as of
22 today, she still refuses to take mediation because I think that was -- as a
23 result of the -- the situation that she had there that she has some
24 memory of that doesn't know why she won't take the medicine. She just
25 is afraid. And I don't know.

1 There are some evil people in this world, and April Parks is a
2 predator of the worst kind, preying on the people that are elderly and
3 disabled, and may God -- this is -- this is not something that an attorney,
4 or someone can sugarcoat and say well, oh, she tried to do the best she
5 could. Well, she got away with that for a long, long time.

6 And as far as the money goes, when she took possession of
7 finances and our electric bills, and she had access to all our personal
8 documentation, and I had a living will, all of that stuff is all gone. We
9 have no documentation of who we are. And when I finally got in front of
10 Judge Steele in family court I asked the judge, if she has this -- this
11 information, I demand to have it back. And if she doesn't, she needs to
12 replace it. Judge Steele's response to me was simply, if she doesn't
13 have it, I can't make her give it to you. So I mean, I was not happy to
14 hear that, but she intentionally, I believe, destroys information, and
15 material, anything that would lead to having any requirements, or
16 requests of anything for us.

17 I got from being under her guardianship because I had a -- a
18 psychiatrist determine that I was competent. And then I requested to be
19 my wife's guardian, and that was approved, and I was sworn in, in
20 November of 2015. And I'm still her guardian. And we're out from
21 under this dilemma, that -- the suffering and torment, but not just myself.
22 I mean, we had property that we wanted to be able to pass on to our
23 children, that's gone. Everything is gone.

24 I had some paintings, some artwork. We had an appraisal by
25 the state that was done some -- end of November after -- some nine

1 weeks or so after she had access to our property, and
2 our -- everything -- and it -- I don't know. The -- the appraisal said that
3 we had -- my wife had \$200 worth of costume jewelry. She was a
4 favorite customer of Malachi [phonetic] The Jewelers on Industrial Road,
5 who is the jeweler to the stars, and has stores in all of the casinos. She
6 got at least \$2,000 a year worth of jewelry from him, which he can
7 document and verify, but that was gone. That was missing.

8 And there was much more than that. I would value her
9 jewelry alone, rings, necklaces, bracelets, you know, she had a diamond
10 stick pin that was from her grandfather that alone was valued at
11 \$500 -- at \$5,000, and that was -- that appraisal was done before I met
12 her, and that was -- we were married in 1975.

13 So, you know, but the artwork -- two things I would almost
14 consider to be priceless. We had paintings made. We -- I brought back
15 from around the world as a consultant and I traveled a great deal. We
16 had personal property that was quite valuable. We had ceramics. We
17 had dolls. We had wedge wood from -- from England, Hummels from
18 Germany and Gerba. There was a small fortune there in the house, and
19 none of this was on our list of assets that when our appraisal was done
20 by the state. And I -- I didn't get that until very near the end.

21 We're also, we had invoices three of them before we went to
22 court in November of '15 -- three invoices \$8,000 for her and \$5,000 for
23 her attorney that I got sometime a couple of months before November
24 that there had been three invoices. And then the fourth one we got the
25 day that I was award -- that I was sworn in as Kathy's guardian for

1 another 8,000 and 5,000 altogether coming to \$52,000. That's all of my
2 Social Security money essentially. None of it went anywhere else, other
3 than to April Parks, as far as I understand it.

4 And, you know, really, people like this don't deserve to have
5 any freedom. These are the people that we should be putting in jail and
6 should never see the light of day again as a free person.

7 Thank you for your attention.

8 THE COURT: And thank you very much for being here, sir.
9 Any questions?

10 MR. GOLDSTEIN: No questions, Your Honor.

11 MS. BORDER: No questions.

12 MS. WALDO: No questions.

13 THE COURT: Okay. Sir, thank you very much.

14 State, your next speaker.

15 MR. RAMAN: Amy Wilkening.

16 THE COURT: And, ma'am, if you could raise your right hand
17 for me to be sworn. Thank you.

18 AMY WILKENING, SWORN

19 THE CLERK: Please state your full name, spelling your first
20 and last name for the record.

21 MS. WILKENING: Amy Wilkening, A-M-Y W-I-L-K-E-N-I-N-G.

22 THE COURT: And, ma'am, what would you like to tell me
23 today?

24 MS. WILKENING: Your Honor, I address the Court on behalf
25 of my dad, Norbert Wilkening, who is deceased. He was conscripted into

1 guardianship by April Parks and her company, a private professional
2 guardian, despite the fact that my parents had advanced directives that I
3 was to be their power of attorney and attorney for financial and
4 healthcare decisions.

5 My dad was involuntarily removed from his home and was
6 placed in an assisted living facility under the guardianship of April Parks.
7 The alleged need for guardianship, a nurse practitioner, and Parks
8 unqualified office manager Mark Simmons assessed him and
9 determined he had Alzheimer's.

10 In July of 2014 I was notified by a staff member at the facility
11 where Parks had placed my dad that he had fallen and been in Boulder
12 City Hospital for several days. The staff at Lake View Terrace was told by
13 Parks that they would notify me. I was not contacted by anyone at a
14 private professional guardian.

15 At this point, I finally found an attorney to represent me
16 against Parks. When I filed a petition for guardianship, my attorney
17 found out that Parks had never filed an annual accounting or an itemized
18 inventory of assets. We were not given receipts for -- for services she
19 claimed to provide and failed to -- by -- any consistent documentation.

20 When Parks finally provided her accounting, the beginning
21 balance was not accurate. It was full of dubious recordkeeping,
22 overbillings, double billings, questionable hourly rate fees, and services
23 and supplies that she didn't provide.

24 In December of 2014, my husband and I were appointed
25 guardians of the person. Staff at Lake View Terrace began requesting

1 items from that they claimed they had requested multiple times from
2 Parks and her staff, but the requests were ignored. This is when I began
3 to suspect that the contents of my parent's home had not been detailed
4 in an itemized inventory and in storage, as Parks had told me.

5 In January 2015 guardianship of the person and the estate
6 was granted to my husband and myself. After getting full guardianship,
7 a very small box of items was dropped off at my attorney's office that
8 contained a few pieces of jewelry. Per Parks that was all the "valuables"
9 that were saved from my parent's home. Everything else, including the
10 rest of the jewelry, personal belongings, furniture, electronics, and family
11 heirlooms had disappeared.

12 Parks sold my parent's home for under value. She failed to
13 take an inventory of items in the house and then lied saying the items
14 were in storage, but when I took over guardianship I found out that it
15 was all gone.

16 She then lied about that several times, saying that everything
17 was donated. Then everything was discarded. Then everything was
18 abandoned in the home. Then everything was a biohazard, and so on.

19 She never filed taxes on my parent's behalf. My dad was
20 owed thousands in IRS returns, which we had to hire a tax professional
21 to file and retrieve for him.

22 I contested Parks' fees and in October of 2015 Parks agreed
23 to waive her excessive fees that had been in dispute because she had
24 double billed, billed at her hourly rate --- rate -- and at the same date and
25 time billed at the hour rate of another of her employees, billed

1 excessively for travel, billed for visits with my dad that never took place,
2 and billed for items that were not received by my dad like food and
3 clothes. She even billed him to drop off his Christmas gift that and I
4 never saw any gifts from her.

5 In addition, my family was robbed of all their belongings,
6 both necessary and sentimental. Had I been notified I'd have retrieved
7 all their personal belongings.

8 During her deposition with my attorney, when asked about
9 who secured the home, and who had access to the property, she stated it
10 was an employee who no longer worked for her. After being questioned
11 by my attorney, it was revealed that this employee is her husband Gary
12 Neal Taylor.

13 Also, during her deposition, she said that she didn't consider
14 me when she allegedly discarded the belongings of my parent's home. I
15 was deceived by April Parks and her employees, Mark Simmons, and
16 Gary Neal Taylor.

17 Park repeatedly bragged about being an expert guardian, her
18 staff and what a wonderful job she does. She deferred all my inquiries
19 with smooth talk and excuses, yet all the while failed to provide basic
20 necessities.

21 She attempted to hide from me the fact that my dad was
22 hospitalized after a fall, overcharged on her billing, and repeatedly lied to
23 me about the whereabouts of the contents of my parent's home. Parks
24 misrepresented herself by stating she was an officer of the court and by
25 telling me that the paperwork my parents already had in place giving me

1 general power of attorney and power of attorney for healthcare decisions
2 would not hold up in court against a guardianship declaration from a
3 professional guardian.

4 She took advantage of me in a vulnerable situation by using
5 scare tactics like telling me that my parents would not be reunited
6 without the help of a professional guardian. She provided false
7 financials and accountings to the court and perjured herself hearing after
8 hearing. She lied when she said that I never asked for their personal
9 property. She lied when she said there was nothing salvageable in my
10 parent's home. She lied when she said that I was an absentee daughter,
11 who didn't care about my parents.

12 My family was scammed, degraded, and robbed. My dad
13 was never the same after he was yanked from his home, and no
14 consideration was given to him for loss of rights and dignity. The only
15 constant in his life were myself and my husband. The only thing Parks
16 and her employees did was try to exploit him for their personal gains.

17 She defrauded the guardianship system, my parents, and
18 myself for her own benefit. Her and her company's goal was to
19 maximize profits while providing a minimal amount of effort. Destroying
20 ward's lives and stealing everything that they worked for without any
21 empathy or respect for anyone.

22 Although I have received professional counseling, I still
23 suffer from the guilt that I cannot stop initially what happened when
24 parents -- when Parks was appointed guardian. Although I was able to
25 make it right for my dad by hiring my own attorney, and contending

1 Parks in the family court, I still have anger and resentment that my
2 husband and I had to go through a drawn out court battle, during which
3 Parks repeatedly lied about her company's practices and tried to slander
4 me personally. I had to go through all of this just so that I could take
5 care of my own father, which was his wishes all along, and I had the
6 legal documentation to prove it.

7 My husband and I work regular jobs. Each day at court, or at
8 an attorney's office is time away from work, and once we were granted
9 guardianship, we still worked our regular job. We would never would
10 have considered compensating ourselves to visit my dad, or charge
11 travel expenses, or bill him to bring him a gift.

12 I have serious trust issues, and I still suffer from so much
13 anxiety that I've sheltered myself from humanity because this whole
14 situation was an eye opener to how ugly people can be. I can't forget
15 feeling powerless and intimidated. I can't forget realizing the depth of
16 Parks and her employee's manipulation and lies, of realizing they
17 financially stole from my family, and that my parent's assets were gone.
18 I still have nightmares about what happened. I endure more than grief at
19 losing my parents, because I carry the anguish of knowing they were
20 exploited prior to their passing.

21 The fact that is that Parks and her employees are racist
22 predators, who have done anything to keep their lucrative, criminal
23 enterprise operating. And it didn't matter to any of them who they
24 ruined or harmed along the way.

25 I ask for the maximum sentence that can be imposed for all

1 Defendants: April Parks, Mark Simmons, and Gary Neal Taylor. I can
2 come here and speak on behalf of my dad today, but there are many
3 other victims, who have passed away, or who -- who don't have family to
4 come to court and speak for them, please consider them as well.

5 THE COURT: Thank you.

6 Any questions?

7 MR. GOLDSTEIN: No, Your Honor.

8 MS. BORDER: No thank you.

9 MS. WALDO: No, Your Honor.

10 THE COURT: And, ma'am, thank you very much for being
11 here today.

12 MS. WILKENING: Thank you.

13 THE COURT: State, your next speaker.

14 MR. RAMAN: Elizabeth Indig.

15 THE COURT: Okay. And, ma'am, if you could raise your
16 right hand for me so you could be sworn. Okay.

17 ELIZABETH INDIG, SWORN

18 THE CLERK: Please state your full name, spelling your first
19 and last name for the record.

20 MS. INDIG: Elizabeth -- oh, Elizabeth Indig, I-N-D-I-G.

21 THE COURT: Okay. And, ma'am, what would you like to tell
22 me today?

23 MS. INDIG: Hi, Your Honor. First, of all, thank you for giving
24 me the opportunity to speak to the Court today.

25 My name is Elizabeth Dianna Indig, and my mother Elizabeth

1 Indig and I were some of the many victims of the Defendants: April
2 Parks, Mark Simmons, and Gary Taylor.

3 The Defendants April Parks and Mark Simmons came to my
4 home on June 20th of 2012. Defendant April Parks was dressed like a
5 police officer, complete with boots, and a big wide belt, and keys, and a
6 baton, and she showed me a badge very quickly at first. I -- my friend
7 and I asked to see it again, and it clearly said, "Las Vegas Metro" on it.

8 She demanded the keys to my mom's house and mailbox. I
9 told her it was a trust asset and I was not handing over the keys. She
10 was very threatening. She kept saying I will see to it that you rot in
11 prison forever, and I still wouldn't give her the keys. And then she said I
12 will never let you see your mother again, so I handed over the keys and
13 she proceeded to steal everything in the house.

14 One of the first things she did like kind of I thought to show
15 me her power, was she band me from seeing my mom in the hospital.
16 And the excuse given for not letting me see my mom was that I was a
17 danger to my mom because I brought my mom macaroni and cheese
18 from El Pollo Loco because my mom was losing a ton of weight. She
19 was begging me in Hungarian to bring her macaroni and cheese from El
20 Pollo Loco, but that made me a danger to my mom, and I wasn't allowed
21 to see my mom for weeks except for the times I wore disguises.

22 But anyway, my mom -- well, when my mom was a little
23 better, she dumped my mom into a nursing facility. My mom was very
24 angry and upset and maybe a little bit too much to handle, but certainly
25 not enough to warrant what happened to her. She kept wanting her

1 things and -- which unbeknownst to her were already gone and stolen by
2 the Defendants.

3 Well, anyway, to silence my mom, Parks put my 89-year-old
4 mom into Desert Springs Psych Ward for almost one month, retrained
5 and drugged, Your Honor. When my mom came out of there she didn't
6 even know her own name, so it was no longer a problem for the
7 Defendant, April Parks, that she's asking for her home and her things.

8 It was heartbreaking. My mom's social security check for
9 that month was stolen by Defendant Parks as well. Since there was no
10 nursing home charge for that month, she pocketed the social security
11 check and this is why I think so many of her wards are being put into the
12 Desert Springs Psych Ward, because the State is paying for that and she
13 gets to keep the social security checks and the pensions and everything.

14 My mom died all alone in the nursing home in the middle of
15 the night without my holding her hand as I had promised her. The
16 Defendants, April Parks, Mark Simmons and Gary Taylor took a
17 sledgehammer to their moral compasses. These Defendants had evil
18 intent to steal from vulnerable persons using any and all heinous acts
19 necessary to achieve their goals of fattening their wallets. I believe that
20 the crimes committed by these Defendants can be classified as crimes of
21 moral turpitude.

22 I am haunted every single day by the look of terror on my
23 mom's face as she lay dead. She was my only family member left and I
24 am devastated by how she was made to suffer at the hands of these
25 ruthless and cruel Defendants for six years. Even after Judge Steel was

1 kind enough to give them back guardianship, the damage was done. It
2 was too late. She was already stuck in there and her mind was gone
3 from the psych ward at Desert Springs.

4 The only thing that keeps me going is the hope that justice
5 will be served, and these Defendants are given the maximum sentence
6 possible on the few crimes of the hundreds they were not -- of the few
7 crimes of the hundreds they were charged with, not to mention the
8 hundreds that they were not charged with, maybe thousands. The
9 Defendants sentenced my mom to a life sentence in a nursing facility
10 and deserve to be incarcerated for the longest time possible and robbed
11 of their lives as my mom was robbed of hers.

12 Your Honor, I beg of you not to only consider the deceased
13 victims but also the family members of all of the victims, like myself who
14 were victimized as well and who are counting on you to bring us a bit of
15 peace and closure by doling out a punishment that fits these crimes.
16 And also, I really don't want to live in fear of the day Defendant, April
17 Parks, and the rest of the Defendants get out and decide to take revenge
18 on my exposing them and the other people who exposed them.
19 Anything less than the maximum is a slap in the face to all of us
20 victimized by the Defendants.

21 The Defendant April Parks, was such a master of
22 manipulation, that she was able to manipulate doctors, social workers,
23 nurses, judges, employees at Wells Fargo. She was able to manipulate
24 Lloyd's of London either by her manipulation tactics or by paying
25 kickbacks to hospital workers to refer families like mine to her. She is

1 not sorry for her actions. She is only sorry that she got caught. If
2 released, she will most likely victimize many others. Please do not let
3 this happen. Any sentence less than the -- oh, I already said that, I'm
4 sorry. Okay, that's fine. Thank you for your time and consideration,
5 Your Honor.

6 THE COURT: Thank you very much. Any questions for this
7 witness?

8 MR. GOLDSTEIN: No, Your Honor.

9 UNIDENTIFIED SPEAKER: No, thank you, Your Honor.

10 THE COURT: Ma'am, thank you very much for being here
11 today. State, your next speaker?

12 MR. RAMAN: John Denton. I'm sorry, he was here earlier.
13 Barbara Neely.

14 THE COURT: And ma'am, if you can raise your right hand for
15 me so we can be sworn? Thank you very much.

16 BARBARA NEELY, STATE'S WITNESS, SWORN

17 THE CLERK: Please state your full name spelling your first
18 and last name for the record.

19 MS. NEELY: Barbara Ann Neely, B-A-R-B-A-R-A A-N-N N-E-E-
20 L-Y.

21 THE COURT: Thank you. And ma'am, what would you like
22 to tell me today?

23 MS. NEELY: Human has tried to embrace the moral principle
24 known as the Golden Rule, otherwise known as the ethic of reciprocity,
25 which means they believe people should have the ability to treat each

1 other as they would like to be treated themselves with tolerance,
2 consideration and passion.

3 It's obvious that the individual that forced their way into my
4 life from September of 2014 through now, do not know the Golden Rule.
5 They do not know biblical sense. Do on to others as you would have
6 them do on to you. Today I've been given the opportunity to speak.
7 Therefore, I'm speaking not only as a voice for myself, but for all. We
8 each have our own story. I was made to think I was dysfunctional. I was
9 forced into solitude, drugged so my thoughts were skewed. No family,
10 no friends, no pet, no live possession. And most importantly, no voice
11 and no rights.

12 Everything had been taken away. I was stripped of
13 everything. As a ward of the State and court-appointed April Parks,
14 why? I did not need her. She was not a guardian to me. She did not
15 protect me. She did not help me. Every time I asked questions I can
16 remember going weeks and occasionally getting a telephone return call
17 returned. I can remember after going weeks for not being able to see
18 without my contacts, I mean visually see without contacts and glasses. I
19 requested them. I was told they were in storage. When I asked for my
20 computer, I was told it was in storage. As each day passed, I felt like I
21 was in a grave buried alive.

22 As a ward of the State and court-appointed to April Parks as
23 why? Why was she allowed to become me? Make all my decisions both
24 in health and finances. Why would the Court's allow someone to run
25 my life? Why was I not allowed to attend court hearings? Why did she

1 have my new car voluntarily repossessed? Why was my home sold and
2 the purchase of my new home not followed through with? Was the
3 expectation was I was never to get out from underneath the
4 guardianship? Why was my dog abandoned and not cared for? Why
5 was I given donated clothes to wear? Why was I put in elder care as a
6 woman in her mid-50s? Why was I not heard? Why was my loved ones
7 portrayed as negligent? Why were my contents inventoried sold off?
8 Why was I paying to be where I did not want to be nor needed to be?
9 Why all this enforced solitude? Why was I released from the
10 guardianship with literally nothing?

11 It does not end with the guardianship when it terminated.
12 Try to explain to a stranger over the telephone that you were interested
13 in renting, however, you were in a different city, you needed to be picked
14 up because you have no transportation, you live in an assisted living
15 home, and furthermore, you have no job, no car, no, clothes, nothing
16 except one small bank account and if given a ride to the bank you could
17 rent from him as you tried to recreate a life that was taken away from
18 you.

19 Judge Jones, now in 2019, as I continue to try to reestablish
20 myself, I'm required to have two jobs to do this. I teach full-time and I
21 have a 30 hour part-time job working 11:00 p.m. to 7:00 a.m. And it's
22 another job to just try to reestablish myself when I should be thinking of
23 retirement but there is no way I can. That's a small glimpse of my
24 experience. And I would like to share my sons' impact letter.

25 "Dear Judge Tierra Jones, I write you today to share the

1 impact April Parks, et al., had and continues to have on Barbara A. Neely,
2 my mother and victim of their crimes. In September 2014, I was made
3 aware that my mother was hospitalized in need of care. I volunteered
4 myself but was denied as an appointed guardian as I was not a Nevada
5 resident. I was 25-years-old living in New York City. Whether Nevada
6 state law misunderstandings at the hospital or coercion and submissive
7 tactics by Parks, et al., I was denied the ability to care for my mother
8 because -- and told that I had no other options. Immediately upon enter
9 care with Parks, et al., the mission to sell my mother's home and deplete
10 her bank accounts were under way.

11 "It was communicated to me -- with me to get me to submit
12 to coercion techniques to move the sale forward of her home. I was
13 made to feel powerless and any intent I made to do something other
14 than the guardian's will would hurt my mother and her changes at a
15 normal life. My mom would get no new clothes, toiletries, or necessities.
16 The trauma and pain that Parks, et al., created on top of all the already
17 difficult situations is hard to relive. For me, the experience has forever
18 reshaped my relationship with my mother. I felt powerless to help and
19 protect her. Parks created the conditions of isolation and no contact
20 between us. I knew they would charge exuberate sums that would come
21 from my moms' accounts with everything from a phone call with a ride
22 to church for her. I truly didn't want that to happen to her.

23 "I ask the Court to uphold the maximum sentence for all the
24 individuals in this case. My mother joins the Court today as a brave and
25 strong woman. While healing is an ongoing process, justice is an

1 integral part of the closure along that journey. Please consider our story
2 when you make your recommendations for punishments. Park and all
3 deserve to spend every day permissible behind bars. They deserve to
4 know the pain of isolation and powerlessness just as they have created
5 for others. I ask this in the name of justice and fairness. Ross
6 Thomason, son of Barbara Ann Neely. "

7 I'd like to read a friend's letter, Pam. "Dear Judge Tierra
8 Jones, my name is Pam Schilling and I live in Arkansas, but I had been a
9 friend of Barbara Ann Neely since 1996. She was my professor in
10 college and then became my work colleague at Southwest Airlines."

11 THE COURT: I'm sorry, Ms. Neely, I'm going to cut you off.
12 But did she also write this letter and send this letter?

13 MS. NEELY: Yes.

14 THE COURT: And it's included in your packet, because I've
15 read this letter?

16 MS. NEELY: Yes.

17 THE COURT: Okay.

18 MS. NEELY: Should I continue or not?

19 THE COURT: Yes, you can go ahead and continue. I just
20 want to make sure that it's the same letter we're referring to?

21 MS. NEELY: Yes, ma'am.

22 THE COURT: Okay.

23 MS. NEELY: "Ann shared her story with me two years ago
24 when we reconnected. She was ashamed about all the things that had
25 happened to her and was afraid to share with me. She went two years

1 not calling nor wanting to get in touch with me thinking I might not
2 believe her. After much crying and praying, I let her know that no matter
3 what I would be here for her. She began to open up more and more as
4 she could talk about it. Needless to say, I was totally deflated at her
5 story of what she had been through. I couldn't wrap my mind around it.
6 She is still weary that information be known in the small towns that she
7 lives in now and her reputation ruined.

8 "She has only shared with a handful of people who she
9 considers close to her. I'm appalled at the things that April Parks and her
10 comrades have done to my friend. Ann has always been a hard worker
11 and has worked for everything she has ever gotten. She has always
12 been the one to help others as best she can. She's now having to work
13 two jobs to make ends meet because she was left with nothing
14 compared to the things that she had accumulated over her lifetime. All
15 the people responsible for the lies of her health, bleeding ulcers, the lies
16 of property and overbilling the doctor's bills should be severely
17 punished.

18 "If they're allowed to not pay their penalty in jail, they should
19 be made to work and give back the monies that they took from the
20 people the defiled. They should be made to pay for the pain and
21 suffering that my friend, Ann, and others have suffered at their hand.

22 "This is really scary that people like them got away with so
23 much before they were caught. I am so proud of Ann that she has come
24 a long ways from the time they had taken from her. She's a full-time
25 schoolteacher by day and works at least 30 hours a week as a condo

1 manager at night. She should be able to enjoy some of her time as she
2 will be soon close to retirement for school, but probably not as she will
3 continue to build her life back that they took from her.

4 "I pray April Parks and all the other individuals involved
5 should get their just punishment from the law and I pray the Court's in
6 Nevada punish them to the fullest extent. Thank you, Pam Schilling."

7 And I have one last I would like to read, but I do have others,
8 but I'd ask to just read one more.

9 THE COURT: Okay.

10 MS. NEELY: Another friend's letter, Nick. "Dear Honorable
11 Judge Tierra Jones, I've had the pleasure of knowing Barbara Ann Neely
12 Ann for 24 years. Ann has been there for me through my life's ups and
13 downs. To say that I felt powerless throughout the time the Defendant's
14 controlled Ann's life is an understatement. I was not able to be there for
15 her as she has always been there for me.

16 "My calls to April parks requesting information were
17 repeatedly ignored. The Defendants' unconscionable acts that have Ann
18 scared are beyond repair in the worst and most fertile times in her life
19 instead of being cared for. She was abused by the Defendants. April
20 Parks intentionally disregarded her duty to protect Ann by ignoring a
21 case worker report that Ann had requested information as to how she
22 could be released from the guardianship. April ignored this request for
23 30 days. April was awarded the State for 150 -- Ann was a ward of the
24 State for 115 days at such dis-request for 30 days ignored. Ann was a
25 ward for the State, a total of 115. As such, more than 1/4th of the time

1 Ann was forced into having her rights taken away. It could have been
2 eliminated had April acted on her duty to protect Ann.

3 "In addition to the emotional impact, the financial impacts of
4 the Defendant's actions have devastated Ann. Her life savings had been
5 depleted. Ann's jewelry and other items that she collected throughout
6 her life have not been found to this day. These are the same valuables
7 that the Defendants were hired to protect. In addition, the fees charged
8 by the attorney April hired to sell Ann's home was beyond unreasonable.
9 The sale of Ann's home was not in her best interest, but the Defendant
10 saw it's another scheme profit from. These are just a few examples.

11 "The Defendants' crimes have affected Ann ways too
12 numerous to count. I'm asking Your Honorable Judge Tierra Jones that
13 the Court sentence the Defendants to the maximum sentence allowed by
14 law. I pray the Defendants never have an opportunity to destroy another
15 person's life. Respectfully, Dick Engle."

16 So lastly, Judge Jones, I thank God on a daily basis I had the
17 mental capacity to fight my way out. I'm here today while others are not.
18 I ask today that the maximum allow both punishment by law be imposed
19 on each of these individuals known to their chosen actions. Not to
20 mention the known actions. I too, ask that the Court continue to
21 investigate guardianship regulations. Overall, I feel the system failed
22 each of us. We were not protected. We were the victims. Thank you.

23 THE COURT: Thank you, very much. Does anybody -- do
24 you have any questions?

25 MR. GOLDSTEIN: No questions.

1 UNIDENTIFIED SPEAKER: No thank you.

2 THE COURT: And ma'am, thank you very much for being
3 here today. State, your next victim?

4 MR. RAMAN: Scott Belshe.

5 THE COURT: Okay. Okay, sir, if you'd come forward.

6 SCOTT BELSHE, SWORN

7 THE CLERK: Please state your full name spelling your first
8 and last name for the record.

9 MR. BELSHE: William Scott Belshe, W-I-L-L-I-A-M B-E-L-S-H-
10 E.

11 THE COURT: Thank you, sir. And sir, what would you like to
12 tell me today?

13 MR. BELSHE: Well, Judge, I'm here as a witness. My father
14 and mother-in-law was kidnapped by these Defendants, taken out of
15 their home and not even put a note on their door until taken over a
16 holiday weekend. Which subsequently on the fourth day there was a
17 court hearing, which nobody is notified about. Well, the deliberate
18 intentions that these Defendants did and the stifling that I've watched
19 them do to Adolfo Gonzalez, people that were -- I don't even see them on
20 this board, but there were at least eight other at Lakeview when we
21 finally did recover my in-laws that were just grabbing my wife and I by
22 the arms pleadings us for help.

23 And as days gone on, and we seen their actions, because we
24 couldn't believe what we had stumbled into, this woman would stand
25 over these people and just look at them. It was terrible. They're fighting

1 for their lives. They're telling us not to take the medication, not to have
2 our in-laws take the medications. Everything we could do to stay with
3 our in-laws 8 to 10 hours a day for the first week or so just so they could
4 recoup because they were in the fetus position when we found them.
5 They don't have any of the things that they had. If it wasn't for us, they
6 wouldn't even let them show up in court. We demanded that. And when
7 the cahoots -- I don't know why there's a lot of other Defendants over
8 here. It's unfortunate. We're very pleased to see that we do have
9 somebody over here.

10 And the deliberate intention, the intentional harm that she
11 would put on people, not to mention people -- their pets. Adolfo had five
12 pets and the new Yorker they had mentioned that he was returned and
13 reunited with his dogs, no. He got a couple other dogs when he finally
14 got home. But to the day that he died, Blacky, we got really close with
15 him. He was really tight with this dog. And I got pets. Come on, nobody
16 does anything like that.

17 And there's no remorse that I see or have in the five years
18 that we worked with these people. It was walking on eggshells just to
19 get around. It took my wife over two years to fight this to get her
20 appearance. Why? We should up in court. Why would it take any time
21 at all? It's a no brainer. Family first.

22 So, the maximum sentence is not enough as far as I'm
23 concerned. I would appreciate that you would at least consider that and
24 please allow that -- us to have a little bit of peace of mind that this
25 women and her crew and rows and rows of every other, because I've

1 mentioned her and a few other names of people that have testified and
2 were in cahoots with the guys, which should be in jail with them. So,
3 other than that, these guys get out. They already have a crew already
4 assembled. Let's please stop this. This has got to stop. And even with
5 this sentencing, it's just not enough.

6 Nothing can bring back what the damage that this woman
7 has done and her family. And her and Mark Simmons, the way they
8 would stand over the people and tell them you're not going to see your
9 family today or you're going to be trespassing or we're going to sue you
10 for being a vexatious litigant and being supported by the courts. It's just
11 unheard of.

12 So, at least we can count on -- we're very grateful for our
13 attorney general or the district attorney and the work that they have
14 done, and we trust that the Court is going to help us. Thank you very
15 much.

16 THE COURT: Thank you, sir. Thank you for being here.

17 MR. GOLDSTEIN: No questions.

18 UNIDENTIFIED SPEAKER: Nothing.

19 THE COURT: State, your next speaker?

20 UNIDENTIFIED SPEAKER: Julie Belshe.

21 THE COURT: Okay, Ms. Belshe. And ma'am, if you could
22 raise your right hand to be sworn. Thank you.

23 JULIE BELSHE, SWORN

24 THE CLERK: Please state your full name spelling your first
25 and last name for the record.

1 MS. BELSHE: My first name is Julie, J-U-L-I-E, Lynne, L-Y-N-
2 N-E, Belshe, B-E-L-S-H-E.

3 THE COURT: Thank you very much, ma'am. And ma'am,
4 what would you like to tell me today?

5 MS. BELSHE: Well first, thank you, Your Honor, for allowing
6 me to speak. I first would like to read something that my mom would
7 like to say. She was one of April Park's wards. She's an elderly woman
8 and she now has terminal cancer, so she's not able to be here today.

9 THE COURT: Okay.

10 MS. BELSHE: "Dear Judge Jones, I speak for not only myself
11 and family, but for the hundreds of wards that this Defendant and
12 Defendants caused a great deal of harm to their wards, even death. This
13 isn't caring or compassionate human being. All she cared about is me,
14 myself, and I. The Defendant took great pleasure in controlling my life
15 and my husband's making us feel like prisoners with no rights. The
16 Defendant's only goal was greed. Nothing would stop this Defendant
17 from bullying the elderly and their families around with a smirk on her
18 face like she actually got off on it.

19 "This Defendant truly is a devil in disguise. I pray that this
20 Defendant and Defendants are never set free and live just how they
21 treated their elderly, like second class citizens, prisoners, Nazi
22 concentration camp victims. It is my pleasure to see the Defendant who
23 stole my life and my husband's and my daughter's and our family's life
24 rot and hurt in front of everyone. This is a selfish and inhumane person.
25 This Defendant stole my life, my husband's life and my beautiful

1 daughter and family's life for years. Nobody should have the right to
2 treat another human being so inhumanely, including their animals that
3 were euthanized.

4 "This Defendant took not only my memories from my home,
5 my money, but almost succeeded in killing me. I was a 180 pounds and
6 wheelchair bound, blood clots, in and out of the hospital, over medicated
7 to the point of not being able to move all due to the Defendant, April
8 Parks, and doctors that were making my mom sicker. I spent quite a bit
9 of time in the hospital and I was close to dying several times. I had
10 many friends that were the Defendants' wards at Lakeview Assisted
11 Living Facility that have lost their lives. And they are here to tell you,
12 Your Honor, how horrendous all of her treatment was.

13 "Under the Defendant's supposed fraudulent guardianship, I
14 can never get back these years. But thanks for my daughter Julie
15 fighting for me and my husband's rights being restored we are now
16 living, and we are able to create new memories with our family. People
17 that hurt other people for their own monetary gain should be in prison
18 for the rest of their lives. Please, Your Honor, I pray for the maximum
19 sentence for all of the Defendants, but especially for the main Defendant,
20 April Parks. Let her die behind bars with no rights like she let hundreds
21 of people die without their life, liberties, or their ability to pursue
22 happiness. Shame on this Defendant, April Parks, and Defendants for
23 taking a life, robbing so many innocent elderly people and families from
24 living a good life.

25 "There are really so many experiences that have lead me to

1 this point of knowing if this Defendant is let out she will harm innocent
2 people again. Thank you, Your Honor, for allowing me a most horrifying
3 experience of my life." And this is from my mom, Rennie North.

4 The second one is from my son. My youngest son who was
5 15 at the time that this happened and disrupted our entire family. "Ever
6 since I've been a kid, my mom and dad made it clear that family is first.
7 This all started with some very bad people that do not care if they kill
8 others. My grandparents used to come to my football games when I was
9 a kid. I used to love visiting my grandparent's house all the time then
10 out of nowhere they were gone. One thing that really bothers me is how
11 smart these Defendants think they are. They're very sick people.

12 "I don't want to get into everything, but this is crazy. They
13 completed destroyed my family for a couple years. They stole life from
14 my family. It's just so great my family is so strong. They can do
15 whatever they want but at the end of the day there's a God and there's
16 angels and they're watching over us. I have overcome this tragic course
17 of events because of my parents. Now it's time for redemption. It's not
18 okay for the Defendant to ruin people's lives and get away with it. How
19 many storage units did this Defendant really have? After the police
20 found 27 urns in one storage unit of people's loved ones.

21 "I met a man named Harold Lockwood who is one of the
22 Defendants' wards. He used to live Carmel, California and he was the
23 board with Clint Eastwood. Harold Lockwood moved out to Las Vegas,
24 Nevada as a chiropractor. He moved out here to retire and he was taken
25 by April Parks, the Defendant. He was telling me how all he wanted was

1 to golf. This is an act of torture. My grandparents were put forcibly into
2 an assisted living facility and came out transformed like they had been in
3 a Nazi Hitler camp. My grandparents looked like they had been stripped
4 of life. The worst part is they involved my mom and dad. No one has
5 the right to destroy someone's family, their loved ones. This doesn't
6 make sense.

7 "The Defendant, April Parks, and anyone involved
8 intentionally were destroying my families' lives and many other families'
9 lives. This again, doesn't make any sense. To take someone's family
10 member is an act of torture.

11 I went to my grandparent's home with my parents and the
12 Defendant locked up their home without giving my mom notice of
13 removing them from their home. Why would they throw all of my
14 grandparent's personal belongings away? For example, their 60-year-
15 old wedding album. My deceased Uncle Randy's art portfolio and
16 personal drawings. All of our family memorabilia was left in Hefty trash
17 bags on the sidewalk.

18 "Thank God my parents got there in time before it was gone
19 forever. Anything worth value is gone from my grandparents. My
20 family's lives were stolen in a way. All of our relative's belongings were
21 taken that were supposed to be enjoyed with our family. The only way
22 for this Defendant any anyone involved to give our family any sort of
23 justice would be for them to all serve the maximum amount of time
24 behind bars. Thank you, Your Honor, and please know that your
25 decision means a tremendous amount to my family and to many families

1 and to all the other victims that have been impacted by this tragedy.

2 "An act of crime, hate, human cruelty, there is nothing worse
3 than taking one's family member and isolating them. They're all family
4 members. My mom and dad went to see my grandparents at the
5 assisted living facility and the Defendant then called the police and the
6 police wouldn't let my parents see my grandparents. The Defendant
7 went on to tell my mom that she has the police and the fire department
8 by her side. My mom still fought every way she could, which meant my
9 mom dedicated her life to get her parent's life -- to get her parent's out of
10 the Defendant's reach.

11 "My grandmother gained over 70 pounds over 22 months
12 under the care of the Defendant. My grandmother told me they would
13 force her to take these medications and she couldn't move at all. I'm 20-
14 years-old and this has hurt and impacted my families' lives
15 tremendously. The only justice is for these Defendants to get the
16 maximum sentence and everyone involved needs to put behind bars for
17 a very long time before they hurt more innocent people. Let's define
18 cruelty as acts that cause intentional suffering, destruction or damage to
19 be for the benefit of aid." And that was by my son, Aaron Belshe.

20 The last five years have been a true test from God. In 2013
21 on Labor Day weekend my parents were illegally kidnapped from their
22 home in all false pretenses. I was never notified by the Defendant, April
23 Parks, and this was declared an emergency temporary guardianship, but
24 she waited two weeks until appearing at my parent's front door stating
25 that she was an officer of the court. She gave them three options to

1 forcibly remove my parents from their home.

2 I spoke with my mom the day before she had to leave her
3 home for the rest of her life, and we had plans to visit just like every
4 other day or every year before the kids would go to school we'd go out
5 to dinner with our family and my parents would give them a check for
6 clothes and we would wish them well for school. I phoned their home
7 and the cell phone there were signs on August 30, 2013, and nobody
8 answered. I immediately drove out to their home and nobody was there.
9 The newspaper was lying on the doormat. That was my dad's thing, the
10 first thing he did in the morning was he went to the bathroom and he got
11 his newspaper. So, that was a sign -- the first sign I had that entered me
12 into this horrifying existence.

13 My dad -- my parents were at their own home minding their
14 own business when they were taken from their life and never to be
15 returned to what they once called their home. How in the world can this
16 Defendant, April Parks, have ever thought she possessed such a power
17 to kidnap my parents or anybody else?

18 THE COURT: Ma'am, I'm sorry. I just have to ask that you
19 direct your comments towards me.

20 MS. BELSHE: I will. I'm sorry, Your Honor. A guardian is
21 supposed to protect and preserve a human being that is incapacitated.
22 This Defendant did the exact opposite for her own personal gain. I met
23 plenty of the Defendants' ward who pleaded with me to help them. Each
24 and every time I went to visit my parents at the assisted living facility,
25 the Defendants' wards were so scared to talk. And one could tell they

1 were being controlled and it was like they were like slaves, like they were
2 so fearful. Maria Long, Marlene Homer, they were creeping around in
3 the assisted living facility. They were so fearful of this Defendant.

4 Adolfo Gonzalez, who is no longer here, he was so fearful.
5 When he finally got out of guardianship I went to have lunch with him
6 over at his home. We came out on the driveway and he said, you know,
7 I'm so glad I could see you on the other side. You know, we survived
8 this. He since has passed, and his caretaker has since passed.

9 It was so overwhelming to experience and watch this
10 Defendant bark orders to her wards and treat them so inhumanely. I
11 couldn't wrap my mind around the evilness of her soul. I've never
12 experienced such a cold hearted person in my life. I've always believed
13 that every human being deserves a chance and that we all have good in
14 us. After meeting the Defendant, April Parks, Marks Simmons, Gary Neal
15 Taylor, I truly started questioning all my beliefs and I realized some
16 people are just evil to the core and they don't have compassion, love in
17 their hearts, or any warmth in their soul.

18 The Defendant attempted to terminate my parent's lives and
19 destroy my family. The Defendant walked around as if she was a mini
20 God toying with people and their families as she laughed while I cried. I
21 will never forget the ugliness of this soul. Standing next to her makes
22 me shake. There is truly something wrong with a human being when
23 they lack empathy or compassion. There's a term. It's called sociopathic
24 behavior. I dedicated my life to free my parents from the Defendants'
25 clutches and to make sure that she and her partners can't hurt another

1 innocent soul. I now am dedicated to working around the world to help
2 people in similar situations that have lost all of their human rights to
3 another person.

4 This has been the hardest experience that any family could
5 ever go through in their life. It's like waking up and knowing that your
6 family members are slowly being tortured. There is nothing you can do
7 to help them. I surely wasn't about to give up that easy. During that
8 time so that you can understand the emotional toll it takes on all of our
9 families, and the families that suffer, they get sick with serious illnesses
10 and they're seeing psychiatrist. They are getting no justice. So, this
11 consumes not only the ward but their family down to the children, down
12 to the grandchildren, grandchildren that are 3 or 4-years-old know this
13 Defendant's name and what is going on.

14 After all to see people day in and day out begging to be
15 released from this Defendant and only wanting their basic human rights,
16 it was very distressing. I would sit and bring cookies and each lunch
17 with the wards while giving them hope to get through the day. The
18 Defendant made the wards feel like prisoners that had no rights while
19 she made an extravagant life for her family. How in the world can
20 anybody look at their self in the mirror every day and be okay with
21 harming another human being for their own financial gain is beyond me.
22 I've truly come to realize that some people just don't care, and I believe
23 the Defendant, April Parks, is definitely not capable of caring for another
24 human being.

25 For 22 months it took me to free my parents who were left

1 with basically nothing but their souls, which is more than most of the
2 Defendants' wards were left with. I could go on and on but it's not
3 necessary. I carried out in defending my parents pro per se but not one
4 attorney would take this case or wanted anything to do with it or the
5 family court. This amazed me that nobody wanted to help me get my
6 parents out of this Defendant, April Park's clutches. So I continued on
7 for 22 months and they were finally set free with their rights restored.

8 I continually wondered how nobody would want to get
9 involved and now I know why, it's a form of human trafficking. For the
10 nation and the monies to break for one attorney to want to get involved
11 in stopping the cruel and inhuman way of treating our elderly, disabled,
12 and children, I do believe that helped to shine a light on the corruption.
13 But I also know that the elderly, disabled, and children continue to be
14 trafficked and used for monetary purposes.

15 Even with that being said, for the Defendant to knowingly
16 participate in hurting human beings without any remorse proves that she
17 is a sociopath and has manipulated all of the people around her. This
18 proves how dangerous she is to our society and how nobody can stand
19 in her way if she is ever freed into our society again.

20 It could easily be one of your family members or friends if
21 these Defendants are freed ever. The years that the Defendant has taken
22 from not only my family but from so many families and the scarring of
23 the souls is forever. How well we heal on a daily basis, some people will
24 never be that fortunate to have that opportunity to go public because of
25 the bullying and defamation and the simple fact that they're not here

1 because of what has taken place from these Defendants.

2 This Defendant was taught illegal criminal game to make
3 money off hurting people and taking over their person and estate. I'm
4 deeply hurt to this date when writing this and sharing this to the public.
5 My one and only hope is that the public is made aware of what has been
6 a tragic and out of control business called legal guardianship. I really
7 have nothing to say to these Defendants as they have no souls and no
8 capacity to allow this in. These Defendants aren't smart at all, but are
9 very sick. And I pray are put behind bars for life, so they don't ever have
10 a chance to manipulate and hurt a single soul for as long as they live.

11 The choice is up to Your Honor, and I could go on and on
12 about how precious families are and family lives. Today, I trust you,
13 Your Honor, that you will give the Defendant and Defendants the
14 maximum sentence. I thank you in advance for allowing me to speak my
15 mind and God bless all of the wards in the world that have no voice,
16 have died under guardianships and families are deeply suffering. I will
17 go on for the rest of my life and educate people in how to prevent being
18 put under guardianships and have their life, liberty, and pursuit of
19 happiness stripped away from them. Thank you, Your Honor.

20 THE COURT: Thank you. Any questions?

21 MR. GOLDSTEIN: No, questions, Your Honor.

22 UNIDENTIFIED SPEAKER: Nothing.

23 THE COURT: Okay. And ma'am, thank you very much for
24 being here today. State, your next speaker?

25 MR. RAMAN: Your Honor, before we call Mr. North, can I

1 just scan the courtroom one more time for Mr. Denton, John Denton. I
2 thought he had checked in. In that case, we're going to call Rudy North.

3 THE COURT: Okay, Mr. North. And, sir, if you could raise
4 your right hand for me so you can be sworn?

5 MR. NORTH: I can stand.

6 THE COURT: Okay. Can you raise your right hand so we can
7 swear you in?

8 MR. NORTH: I'm sorry.

9 THE COURT: It's okay.

10 MR. NORTH: I don't hear very well either.

11 THE COURT: It's okay.

12 RUDY NORTH, SWORN

13 THE CLERK: Please state your full name spelling your first
14 and last name for the record.

15 MR. NORTH: Rudy North, R-U-D-Y N-O-R-T-H.

16 THE COURT: Okay. And sir, what would you like to tell me
17 today?

18 MR. NORTH: I'm happy to see you again. I saw you before.
19 May I call you, Judge?

20 THE COURT: Yes, please.

21 MR. NORTH: I listened as best I could to what went on with
22 this lady. The Defendant has been at this craft for over 12 years. That
23 means that a lot of people have passed. That means that millions and
24 millions of dollars of assets have been taken. That means that the only
25 thing I can think of when I get into things of this latitude is I feel that

1 somehow this is biblical. And when I say biblical, I'm talking about
2 you're looking at Lilith [phonetic], Adam's first wife. Not Adam and Eve,
3 but Adam and Lilith. And she's of the old Bible and she's the one that
4 was stealing babies. She stole the elderly babies is who she stole.

5 I listened to a gentlemen talk about, how he trusted. Adam
6 trusted also. But God fixed it and that's why we're here today. I would
7 rather not be here today. I would rather be home watching my favorite
8 programs or reading a good book. But thank you for inviting me. I really
9 appreciate that.

10 God banished Lilith. He didn't say here's 10 years in prison
11 or here's 5 years over here. He banished her forever. This lady should
12 be banished. That's how serious her crimes are. The crimes are
13 heinous. There's no need for me to amplify what she's done. She stole
14 millions of dollars. She accelerated the death of people. Is that a blue
15 collar, a white collar crime? What is that? What collar is that? I have no
16 idea. When Gandhi said that if you have a strong heart you can forgive.
17 My heart is not that strong. I can't forgive her. This is again, this is
18 Lilith.

19 I once questioned her, the Defendant, about how she felt
20 about these deaths that she's accelerated. And you know what her
21 answer was? You're born with an expiration date. How dare she say
22 such a thing. I go to the market and if there's an expiration date on the
23 food at all -- but humans are not born with an expiration date, but that
24 makes everything okay for her.

25 Further to that point, she talks about siding with different

1 ways of living at all. No doubt about it in my way of looking at her, she
2 says one thing to me, she really believes in the dark parallel sides that
3 some of us believe in, narcissism, psycho and Machiavellianism. I
4 remember talking to one of the people who lost his wife and he said to
5 me in my dreams, and by the way, I met him and two weeks later he was
6 dead. This was in an assisted living home. He says, in my dreams, you
7 know what bothers me, Rudy, he says I lost my wife of 50 years, but I see
8 her nude in the naked. He says that's the way she was buried. That's
9 beyond me. And he said that he was a man of some means and all.
10 Obviously he had enough money to buy clothes.

11 So, I say the same thing to the people here today. If you
12 dream tonight, see if you can live with that, where your mother or your
13 father or your brother or your sister or your child is buried in the nude or
14 in the naked. See if you can live with that. I can't live with it. I won't live
15 with it. And by the way, my wife has lymphoma. She has number four,
16 so she's having a problem.

17 I say this to you, to wrap it up. This is completely Hitlerian
18 [sic]. This is Hitler. That is Hitler. That is Hitler. And there is Hitler who
19 talks about --

20 THE COURT: And sir, can you just direct your comments
21 towards me? You're not allowed to address them. You can only address
22 me.

23 MR. NORTH: Sorry, forgive me for that.

24 THE COURT: That's okay.

25 MR. NORTH: The decorum of the Court is important to me.

1 Please understand that. That is Hitler. He is Hitler. He talks -- her
2 husband talks about two years he hasn't seen his children and this and
3 that. I remember him telling people not to worry about life and all that
4 type of stuff just like she did. She's completely brain washed him so he
5 can say exactly the same. And Mark is the same way, they're all the
6 same. This is a racket. She was the head of the racket. She goes and
7 she asks you for leniency. Don't give her leniency. Banish her from
8 what we live in every day that we live. She does not have the right to be
9 here.

10 And I'll close with this, it was very simple during the World
11 War II when the Jews were in their terrible death beds. They asked,
12 where is God? Where is God? Where is God? And that wasn't the
13 problem. It was where is man? Where is man? I ask you to be that man
14 if I may. Thank you.

15 THE COURT: Thank you, sir. Any questions?

16 MR. GOLDSTEIN: No, Your Honor.

17 THE COURT: Okay, sir. Thank you very much for being here
18 today. State?

19 MR. RAMAN: I believe that's our final victim speakers.

20 THE COURT: Okay. Okay, so we've heard from all the victim
21 speakers. Well, first and foremost, one of the first things I wants to say is
22 after hearing everything that I've heard here today, I mean I really wish
23 that there was something that the Court could absolutely do 100 percent
24 right the wrongs that have happened here as well as eliminate the
25 suffering that has been incurred by so many people. And it's a very

1 unfortunate situation because no matter what happens here today, we
2 are not going to eliminate the suffering that has happened or the wrongs
3 that have been done to so many people. I mean, there are just so many
4 lives that have been affected by what has happened here today. And not
5 -- I'm saying what happened here today, but what I've heard about
6 today, these are acts that have occurred over several years and families
7 that have been involved in this for several years.

8 The first thing is, State, in regards to the restitution. I know
9 that there are some of these victims who might have estates who have
10 been deceased, so would you prefer that the restitution be ordered by
11 the victim number in the PSI or by the names that are listed in the
12 indictment?

13 MR. RAMAN: Traditionally, I would ask for the names.

14 THE COURT: Okay.

15 MR. RAMAN: However, the PSI has not aided the Court in
16 that endeavor.

17 THE COURT: Well, the PSI goes exactly in order as you do
18 on your documents, but I just didn't know because some people may
19 have estates, or some people may have had things that have occurred.
20 Even since the filing of this indictment or prior to that, so whichever you
21 would prefer to make sure that any money that is paid will be returned to
22 the proper entity.

23 MR. RAMAN: We would prefer the names, Judge.

24 THE COURT: Okay. All right. So, we're going to take the
25 sentencings in the order of who is the least culpable in all these acts. So,

1 Mr. Neal, we are going to start with you. If you could please stand.

2 SENTENCING

3 THE COURT: Mr. Neal, in accordance with the law of the
4 State of Nevada, you're going to be adjudicated guilty of exploitation of
5 an older or -- exploitation of an older vulnerable person. In accordance
6 with the laws of State of Nevada, you're going to be sentenced to a \$25
7 administrative assessment fee, \$150 DNA testing fee, a \$3 DNA
8 assessment fee, \$2,281.90 in extradition. And you are going to be
9 ordered to pay restitution as follows. And madam clerk, the restitution
10 will be the same for all Defendants.

11 You will be ordered to pay \$3,820.14 to Clyde Bownan. You
12 will be ordered to pay \$5,134.40 to Delmond Foster. You will be ordered
13 to pay \$6,346.30 to Delores Smith. You will be ordered to pay \$4,528 to
14 Harold Lockwood. You will be ordered to pay \$6,032.50 to James Poya.
15 You will be ordered to pay \$4,766.37 to Janice Mitchell. You will be
16 ordered to pay a \$5,766.75 to Juanita Graham. You will be ordered to
17 pay \$11,582. 40 to Marlene Homer. \$2,705.39 to Mary Vitek. \$4,533.20
18 to Norbert Wilkening.

19 You'll be ordered to pay \$167,204.49 to Dorothy Trumbich.
20 \$1,413.60 to Adolfo Gonzalez. \$3,804.49 Carolyn Rickenbaugh. \$2,830.50
21 to Gloria Schneringer. \$2,622.62 to Kenneth Edwards. \$5,806.97 to Roy
22 Franklin. \$6,262.48 to Marilyn Scholl. \$10,708.45 to Mare Long.
23 \$2,074.80 to Rennie North. \$5,563.60 to Patricia Smoak. \$2,016.30 to
24 Rudy North. \$13,180.67 to Ruth Braslow. \$4,183.08 to Walter Wright.
25 \$9,470.80 to William Brady. \$4,870.61 to William Flewellen. \$3,699.28 to

1 Yoshiko Kindaichi.

2 \$15,068.18 to Normal Weinstock. \$6,920 to Maria Cooper.
3 \$4,290 to Kenneth Cristopherson. \$5,396.40 to Joseph Massa. \$2,497.20
4 to Blanca Ginorio. \$1,049.70 to Daniel Currie. \$4,301.20 to Rita Lamppa.
5 \$895 to Barbara Neely. \$3,819.60 to Audrey Webber. \$32,006.72 to
6 Baxter Burns. \$3,445.26 to Linda Phillips. \$4,807.61 to William
7 Flewellen. And \$25,278.57 to Mary Wood and/or John and Sally Den.
8 That is a grand total of \$559,205.32. And that will be paid jointly and
9 severely with your co-defendants, April Parks and Mark Simmons.

10 And I mean I have to say the things that I've heard here today
11 are just absolutely horrendous, the things that have happened to these
12 people. The things that were taken from these people in regards to their
13 personal information and things that can never be returned. If each and
14 every one of you paid them this half a million dollars that's owed to
15 them, they still can't get their family heirlooms back. They still can't get
16 the art projects that were done by family members who are now
17 deceased. They still will never be able to overcome opening up a
18 storage unit and seeing that in a storage unit. It is just absolutely
19 horrendous. And to hear from the people who actually are able to be
20 here today who actually went through this is just absolutely devastating
21 to hear what these people have actually had to survive.

22 And taking everything into account, Mr. Taylor, I'm going to
23 follow the negotiation you made with the State and you will be
24 sentenced to 24 to 60 months in the Nevada Department of Corrections,
25 and you have 668 days credit for time served.

1 MR. RAMAN: Thank you, Your Honor.

2 THE COURT: Thank you. Mr. Simmons, in case C321808,
3 Mr. Simmons, everything I've previously said also applies to you. I
4 mean, it is just shocking to me that these things occurred and that they
5 occurred over such an extensive period of time. And earlier today when
6 your attorney was speaking, she said, common sense should have kicked
7 in. And I think she's absolutely correct about that and that did not
8 happen in this case.

9 So, regardless of what you're claiming to have known or
10 what you're claiming to have not have known, at no point did your
11 common sense kick in and let you know that this just was not okay. It
12 was not okay for these people to be taken away from their families and
13 not allowed to see their families. It's not okay. Somebody actually
14 referenced seeing you present at some of these assisted living facilities
15 where these people are being threatened and where these people are
16 not allowed to interact with their families and do any of the normal
17 things that are just considered being part of a normal life and that's just
18 not normal. And it doesn't take any sort of caregiver or any sort of
19 certification for any of us to know that's not normal and that's not
20 acceptable.

21 In accordance with the laws of the State of Nevada, you're
22 going to be adjudicated of guilty of Count I, exploitation of an older
23 vulnerable person; Count II, theft; and Count III, perjury. In addition to
24 the \$25 administrative assessment fee, the \$150 DNA testing fee, and the
25 \$3 DNA assessment fee, you are ordered to pay restitution as I

1 previously stated to be ordered jointly and severely with your co-
2 defendants, April Parks and Gary Neal Taylor.

3 On Count I, you're going to be sentenced to 48 to 120 months
4 in the Nevada Department of Corrections. On Count II, you'll be
5 sentenced to 36 to 96 months in the Nevada Department of Corrections.
6 Count II will run consecutive to Count I. On Count III, you will sentenced
7 to 12 to 48 months in the Nevada Department of Corrections, and that
8 will run concurrent to Count II for an aggregate sentence of 84 to 216
9 months in the Nevada Department of Corrections and you have 668 days
10 credit for time served.

11 In regards to your other case on C329886, you're going to be
12 adjudicated guilty on Count I, exploitation of an older vulnerable person.
13 In addition to the \$25 administrative assessment fee, I just ordered your
14 DNA in the other case, so it's waived in this case. The \$3 DNA testing
15 fee, you're going to be ordered to pay \$1,719.50 in extradition costs. The
16 restitution will be as previously stated in the other case, but the
17 restitution will be concurrent between the cases. You'll be sentenced to
18 48 to 120 months in the Nevada Department of Corrections. And you
19 have 325 days credit for time served. With this case and that case will
20 run concurrent to C321808.

21 MS. BORDER: And I apologize if I missed it. Towards that
22 first case he has that 668 days?

23 THE COURT: Yes. You guys told me his credit was 668.

24 MS. BORDER: Thank you.

25 THE COURT: But on the second case his credit is 325; is that

1 correct?

2 MR. RAMAN: Yes, Your Honor.

3 MS. BORDER: That is, Judge.

4 MR. WESTMEYER: Yes.

5 THE COURT: Okay. Thank you. Okay, Ms. Parks.

6 Ms. Parks, I have to say there is no one in this room who is
7 more culpable than you. And the things that I have heard today that you
8 did to these people is just absolutely shocking that one can continue to
9 go about their life and engage in these activities and watch these people
10 suffer. And you said when you spoke, that you never intended to bring
11 any harm to anyone. I cannot fathom how you think that the actions that
12 occurred at the hands of you did not intend to bring any harm to anyone.

13 These people that have Scotch tapped their shoes together,
14 these people that are being charged for getting Christmas gifts, these
15 people that don't have food to eat, how is that not bringing harm to
16 them. And to hear from the people who actually are able to be present
17 today is just absolutely shocking to me that you continued in this
18 behavior. And you went to court and these documents were filed and at
19 no point did anything occur to you until this investigation happened that
20 this is absolutely not appropriate. The actions that you took in this case
21 are just downright offensive. I have no idea how parole and probation
22 only thinks that you deserve 64 months on the bottom, because that is
23 absolutely not accurate and that is absolutely what is not about to
24 happen today.

25 In accordance with the laws of the State of Nevada, you're

1 going to be adjudicated guilty on Count I, exploitation of an older
2 vulnerable person. And I'm sorry, this is case C321808. Count II,
3 exploitation of an older vulnerable person; Count III, theft; Count IV,
4 theft; and Count V, perjury. In addition to the \$25 administrative
5 assessment fee, the \$150 DNA testing fee, and the \$3 DNA assessment
6 fee, you are ordered to pay restitution in the amount that I previously
7 ordered. That will be jointly and severely with your co-defendants, Mark
8 Simmons and Gary Neal Taylor.

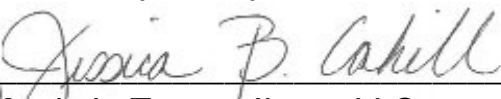
9 On Count I, you're going to be sentenced to 72 to 180 months
10 in the Nevada Department of Corrections. On Count II, you will be
11 sentenced to 72 to 180 months in the Nevada Department of Corrections.
12 Count II will run consecutive to Count I. On Count III, you'll be sentenced
13 to 24 to 60 months in the Nevada Department of Corrections. That will
14 run consecutive to Count II. On Count IV, you will be sentenced to 24 to
15 60 months in the Nevada Department of Corrections. That will run
16 consecutive to Count III. Count V, you will be sentenced to 19 to 48
17 months in the Nevada Department of Corrections and that will run
18 concurrent to Count III for an aggregate sentence of 192 to 480 months in
19 the Nevada Department of Corrections. You have 668 days credit for
20 time served towards that sentence.

21 In regards to case C329886, you will be adjudicated guilty of
22 exploitation of an older vulnerable person. In addition to the \$25
23 administrative assessment fee, I ordered your DNA in the other case, so
24 it'll be waived in this case. The \$3 DNA assessment fee, you will be
25 ordered to pay \$2,281.90 in extradition costs with the Attorney General's

1 Office. I ordered the restitution in the other case, so it will be concurrent
2 in this case, and you will be sentenced to 72 to 180 months in the
3 Nevada Department of Corrections. That will run concurrent to C321808
4 and you have 325 days credit for time served toward that sentence.
5 Thank you.

6 [Proceedings adjourned at 12:47 p.m.]
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21 ATTEST: I do hereby certify that I have truly and correctly transcribed the
22 audio-visual recording of the proceeding in the above entitled case to the
23 best of my ability.

24 

25 Maukele Transcribers, LLC
Jessica B. Cahill, Transcriber, CER/CET-708


CLERK OF THE COURT

PAG
April L. Parks, NCG
1022 Nevada Highway #110
Boulder City, NV 89005
702-629-6200
In Proper Person

DISTRICT COURT
CLARK COUNTY, NEVADA

In the Matter of the Guardianship the
person and the estate of:

RUDY NORTH

an Adult.

CASE NO. G-13-039133-A
DEPT. NO. E

PETITION FOR APPOINTMENT OF TEMPORARY GUARDIAN

COMES NOW, Petitioner, APRIL L. PARKS, NCG, in accordance with Chapter 159
of the Nevada Revised Statutes, whose petition respectfully represents the following to this
Honorable Court:

Information Regarding the Petitioner

1. That Petitioner, APRIL L. PARKS, NCG would
like to be appointed the general guardian over RUDY NORTH.
2. That Petitioner's full legal name is APRIL L. PARKS, NCG.
3. That Petitioner currently resides at 1022 Nevada Highway #110
Boulder City, NV 89005.
4. That Petitioner's mailing or post office address is the same as above.

20. The names and addresses of the following relatives of the ward are:

Relative's Name	Relationship to Ward	Address (street address/city/state/zip code)
N/A		

21. That a Temporary guardianship for the proposed ward is needed because:

The proposed ward has shown a continued decline in his cognitive status and general health.

His continued decline has caused missed appointments for himself and his wife, for whom he is the primary caregiver. There has been suspension of a possible stroke or over-dose of medications due to the proposed wards continued confusion. There is a substantial threat of over-dose and physical harm and concern the proposed ward would be unable to respond to a risk of financial

22.

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AA 0392

1 Loss or physical harm for himself or his wife.

2 The only other family member is a reported addict and has no contact with the proposed ward
3 or his wife.

4 22. The proposed guardian has not yet notified the persons entitled to notice in accordance
5 with NRS. 159.047. The persons entitled to notice will be notified within 48 hours after the appoint-
6 ment of the Temporary Guardianship in accordance with NRS 159.052(4) & NRS 159.0525 (4).

7 23. The proposed guardian acknowledges that proper notification must be given in good
8 faith to all persons entitled to notice of the hearing that will be held within 10 days of Appointment
9 of the Temporary Guardian in order to determine the need to extend the Temporary Guardianship
10 in accordance with NRS 159.052(3) & NRS 159.0525(3) or the court may terminate the Temporary
11 Guardianship.

12 **INFORMATION REGARDING THE PROPOSED WARD'S ESTATE**

13 24. The Petitioner has been unable to locate any assets or income. To the best of the
14 petitioner's knowledge and to the best of the ward's knowledge they are not receiving nor due
15 any veteran's benefits. Any funds located will be protected by being placed in a blocked account.

16 25. The Petitioner has not been appointed as a guardian over the proposed ward in a state
17 other than Nevada. If Petitioner has been appointed Guardian over the proposed ward in another
18 state, Petitioner will file an exemplified copy of the guardianship order with this Court.

19
20 WHEREFORE, Petitioner prays that this Temporary Guardianship be granted and for
21 such other and further relief as the court may deem just and proper.

22
23 DATED this ____ day of _____, ____.

24
25 
26 _____
Petitioner

VERIFICATION

STATE OF NEVADA)
County of Clark) ss:

I, APRIL L. PARKS, NCG, being first duly sworn under penalty of perjury, hereby depose and say:

That I am the Petitioner in the within action; that I have read the foregoing Petition For Appointment of Guardian and know the contents thereof; that the same is true of my knowledge except as to those matters therein state upon information and belief and as to those matters, I believe them to be true;


Petitioner

SIGNED and SWORN to before me on the
21 day of Aug, 2013


NOTARY PUBLIC

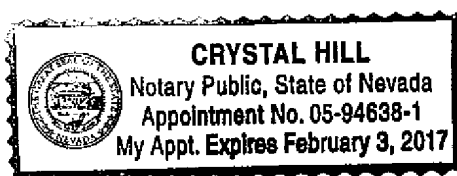


ACKNOWLEDGEMENT

STATE OF NEVADA)
COUNTY OF CLARK) ss.

On this 21 day of Aug, 2013, before me, the undersigned Notary Public in and for the said County and State, personally appeared APRIL L. PARKS known to me to be the person described in and who executed the foregoing instrument, and who acknowledged to me that she did so freely and voluntarily and for the uses and purposes therein mentioned.

Witness my hand and official seal.




NOTARY PUBLIC

27

28

Exhibit 1

PHYSICIAN'S CERTIFICATE

Please print clearly or type

PLEASE NOTE THAT THIS CERTIFICATE HAS BEEN UPDATED TO COMPLY WITH
THE REQUIREMENTS OF NRS 159.044 EFFECTIVE OCTOBER 1, 2009I, SANGHAMITRA BASU, M.D., am a physician licensed to practice in the State of Nevada.I examined RUDY NORTH, an adult, on 8/12/13
Name of Patient Date of examThis adult patient suffers from (Diagnosis): Confusion, Deterioration in
health status.which is a ☒ Permanent ☐ Temporary condition.

I certify that this adult patient is unable to respond (check all that apply; at least one must be provided):

- ☒ To a substantial and immediate risk of physical harm
☒ To an immediate need for medical attention
☒ To a substantial and immediate risk of financial loss

The Proposed Ward ☒ does ☐ does not present a danger to himself or others. POSSIBLE ACCIDENTAL OVERDOSEAttendance at a court hearing ☒ would ☐ would not be detrimental to the health of the Proposed Ward.The Proposed Ward ☐ would ☒ would not comprehend the reason for a hearing and ☐ would ☒ would not contribute to the proceeding.The Proposed Ward ☐ is ☒ is not capable of living independently, ☐ with or ☐ without assistance.Provide an assessment of the needs of the Proposed Ward: MEDICATION MANAGEMENT
FINANCIAL MANAGEMENT, SAFETY ASSISTANCE, ADL ASSISTANCE,
HOUSEKEEPING ASSISTANCEIdentify the limitations of capacity of the Proposed Ward and describe how these limitations affect the ability of the Proposed Ward to maintain his/her safety and basic needs:

Attached hereto is (check all that apply; at least one must be provided):

- ☐ A copy of my report of the above exam which includes my findings, opinion and diagnosis regarding the patient and his/her mental condition and/or capacity.
- ☐ A copy of the patient's chart notes which support and/or detail my findings, opinion and diagnosis regarding the patient and his/her mental condition and/or capacity.
- ☒ A letter, signed by me, detailing my findings, opinion and diagnosis regarding the patient and his/her mental condition and/or capacity.

PHYSICIAN'S CERTIFICATE

PAGE 2 of 2

Patient: RUDY NORTH

It is my opinion that this patient needs a guardian of:

☒ Person and Estate ☐ Estate only

It is my opinion that this patient is:

- ☐ Able to attend the guardianship court hearing.
☒ Unable to attend the guardianship court hearing. (Written documentation specifying reason patient cannot attend must accompany this Physician's Certificate.)

TO BE COMPLETED ONLY IF THE PATIENT IS UNABLE TO ATTEND THE HEARING:

- ☒ I have advised the patient of his/her right to counsel and the Proposed Ward ☐ does ☒ does not wish to be represented by counsel in the guardianship proceeding, or ☐ is unable to respond.

Date: 8/12/13


Signature

Address _____

August 12, 2013

To Whom This May Concern:

I am writing this letter in regards to my patient, Mr. Rudy North. Mr. North and his wife have been pain management patients at my practice for several years. In the last six months, I have noticed a significant change in behavior and decline in Mr. North, both mentally and physically.

Prior to being referred to hospice, Mr. North was the primary caregiver for his wife, Rennie, who is on hospice for end-stage lymphoma and leukemia. He has always been able to manage both of their medical appointments and medication on his own. Now, when I speak with Mr. North, he is more confused and agitated. Mr. North frequently misses his medical appointments with myself and other medical practitioners because he has forgotten them or is not able to drive himself to the appointment. Recently, his wife's hospice provider called me to notify me that Mr. North's behavior was extremely confused and erratic and suspected a possible overdose of medications or even a stroke. 911 was called but Mr. North refused to go to the hospital and has since refused to come to my office for a check-up. He was referred for home health several months ago for physical therapy and medication management. It seems, at this time, that neither is helping as Mr. North is still weak and frequently confuses his medications with his wife's medications. I do not believe that either Mr. North or his wife would be able to appropriately react in case of emergency or threat to their safety. I believe that Mr. North needs daily assistance with his medication to avoid a possible overdose or drug interaction as he frequently forgets if he has taken his medication, when he has taken his medication and how much medication he has taken.

We have attempted to discuss future placement or additional in-home help but Mr. North is confused on the concept and unwilling to explore the options. At this time, my recommendation is for guardianship in order to keep the patient safe.

Sincerely,

Sanghamitra Basu, M.D.

SB:ap

AA 0400


CLERK OF THE COURT

PAG
LEE A. DRIZIN, ESQ.
Nevada Bar No. 4971
LEE A. DRIZIN, CHTD.
2460 Professional Court, Suite 110
Las Vegas, Nevada 89128
(702) 798-4955 FAX (702) 798-5955
lee@leedrizin.com
Attorneys for Petitioner, APRIL L. PARKS

**DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA**

In the Matter of the Guardianship of the
Person and Estate of

Case No.: **G- 14- 040873- A**
Dept. No.: **E**

BARBARA A. NEELY,

an Adult Ward.

**PETITION FOR APPOINTMENT OF TEMPORARY GUARDIAN
AND FOR ISSUANCE OF TEMPORARY LETTERS OF GUARDIANSHIP**

COMES NOW, the Petitioner, A Private Professional Guardian, LLC, by and through
it's attorney, LEE A. DRIZIN, ESQ. of the law firm LEE A. DRIZIN, CHTD., and respectfully
represents the following to this Honorable Court:

1. The Petitioner would like to be appointed as the Temporary Guardian of the
Person and Estate of BARBARA A. NEELY, an Adult Ward.

2. A Private Professional Guardian, LLC, is a Nevada limited liability company
in good standing with the Nevada Secretary of State's Office. The Manager, APRIL L.
PARKS, is a guardian certified by the Center for Guardianship Certification, and is
responsible for the day-to-day management of the Company in accordance with NRS
159.0595, and is a resident of the State of Nevada.

3. Petitioner's mailing address is 1022 Nevada Highway, Suite 110, Boulder
City, Nevada and her date of birth is [REDACTED] 1965.

4. Neither Petitioner nor APRIL L. PARKS have been judicially determined to
have committed abuse, neglect or exploitation of child, spouse, parent or other person and
has never been convicted of a felony.

AA 0401

1 5. Neither Petitioner nor APRIL L. PARKS have been suspended for misconduct
2 or disbarred from the practice of law, the practice of accounting, or any other profession
3 which involves the sale or management of money, investments, securities or real property
4 and requires licensure in Nevada or any other state.

5 6. Petitioner is competent and capable of acting as Temporary Guardian of the
6 Person and Estate of the Proposed Ward, and hereby consents to act in this capacity.

7 7. The Proposed Ward is a resident of Clark County, Nevada and is currently
8 residing at Boulder City Hospital, 901 Adams Boulevard, Boulder City, Nevada 89005.

9 8. Petitioner is informed and believes and, in reliance thereon, alleges that the
10 Proposed Ward is 55 years of age, the Proposed Ward's date of birth being [REDACTED]
11 1958.

12 9. Petitioner is informed and believes and, in reliance thereon, alleges that the
13 Proposed Ward owns assets and receives income as follows:

- 14 a. Any and all bank accounts are unknown at this time;
15 b. Real property located at 511 Brightwater Street, Henderson, Nevada
16 89014, A.P.N. 178-04-311-072¹; and,
17 c. Any and all income sources are unknown at this time.

18 **Medical Condition**

19 10. Petitioner is informed and believes and, in reliance thereon, alleges that the
20 Proposed Ward has been diagnosed with schizophrenia by Akindele Kolade, M.D. on
21 September 4, 2014. A copy of the Physician's Certificate is attached hereto as **Exhibit**
22 **"1."**

23 **Request for Temporary Guardianship**

24 11. As a result, the appointment of a Temporary Guardian is appropriate and
25 necessary since the Proposed Ward faces a substantial and immediate risk of physical
26

27 ¹ Based upon information and belief, the real property has been appraised to be worth \$159,000.00.
28 The Proposed Ward was in the process of selling the real property and a Residential Purchase Agreement
had been executed by the Proposed Ward and prospective buyer.

1 harm and lacks capacity to respond to the risk of harm or to obtain the necessary medical
2 attention. Moreover, the Proposed Ward is unable to respond to a substantial and
3 immediate risk of financial loss and lacks the capacity to respond to the risk of loss.

4 12. Temporary Guardianship for the Proposed Ward is not sought as the result
5 of an investigation of a report of abuse, neglect, or exploitation of the Proposed Ward, the
6 referral being from a law enforcement agency or a state or county agency.

7 13. Petitioner is informed and believes and, in reliance thereon, alleges that the
8 Proposed Ward has known relatives as follows:

9 Hayden R. Thomason
10 305 McMillen Trail
11 Little Rock, Arkansas 72207
Son of Proposed Ward

Morris and Rebecca Beavers
138 Palm Coast Parkway NE, # 254
Palm Coast, FL 32137
Brother and Sister-in-Law of Proposed Ward

12 14. To enable A Private Professional Guardian, LLC, to carry out the function of
13 Temporary Guardian of the Person and Estate of BARBARA A. NEELY, Petitioner
14 requests that all the pertinent powers set forth in NRS 159.077 through 159.175 be vested
15 in the Guardian.

16 15. In order to preserve the assets of the Proposed Ward, the Court should
17 suspend any Durable Powers of Attorney executed by the Proposed Ward.

18 16. Pursuant to NRS 159.183, the Petitioner shall be allowed reasonable
19 compensation for her services as Guardian and shall be allowed the necessary and
20 reasonable expenses incurred in exercising authority and performing duties as Guardian.

21 17. The Petitioner may hire an attorney to represent her, with said attorney
22 allowed necessary compensation and reasonable expenses for services rendered on
23 behalf of the Guardian. Petitioner requests that the Court allow the reasonable and
24 necessary expenses for payment of attorney's fees associated with the commencement
25 and administration of the guardianship of the estate pursuant to NRS 159.183 and NRS
26 159.105, subject to compliance with NRS 159.107 and NRS 159.109.

27 18. Petitioner requests that she be the Proposed Ward's personal representative
28 for purposes of the Health Insurance Portability and Accountability Act of 1996, Public Law

1 104-191, and any applicable regulations, and be authorized to obtain and be permitted to
2 receive any and all medical records and information concerning the past and present
3 condition and historical treatment of the Proposed Ward, including, but not limited to,
4 medical charts, examination reports and notes, which are or may be lodged with any
5 persons, family members, government agencies, businesses, medical providers,
6 physicians, hospitals, care facilities, institutions, and/or third parties.

7 19. Petitioner requests to be authorized to open, inventory and take possession
8 of the contents of all safe deposit box(es) in the name of the Adult Ward.

9 20. The Petitioner requests full access to all historical and current financial
10 information for the Adult Ward. Such information shall include, but not be limited to,
11 statements, cancelled checks, withdrawal authorizations and other information from banks,
12 financial institutions, brokerage or mutual fund firms, the United States Social Security
13 Administration and other persons and agencies which have engaged in transactions
14 concerning the financial affairs of the Ward, whether said accounts or records reflect the
15 name of the Ward individually, or with one or more other persons or trusts.

16 21. Pursuant to NRS 159.0525, Petitioner's authority as Temporary Guardian to
17 take possession of, close, or have access to any accounts of the Proposed Ward or to
18 dispose of tangible personal property shall be limited to only the authority needed to
19 provide for the Proposed Ward's basic living expenses until the appointment of a General
20 or Special Guardian. The Court may also freeze any of the Proposed Ward's assets, if
21 necessary, to protect those assets from transfer and/or loss.

22 22. Petitioner states that Proposed Ward has a mental defect (danger to self or
23 others or lacks capacity to contract or manage own affairs) and, pursuant to NRS 159.0593
24 and 18 USC 922(d)(4), is prohibited from possessing a firearm. A record of the
25 guardianship order shall be transmitted to the Central Repository for Nevada Records of
26 Criminal History, along with a statement that the record is being transmitted for inclusion
27 in each appropriate database of the National Instant Criminal Background Check System.

28 23. Petitioner requests authorization to use the assistance of the Las Vegas

1 Metropolitan Police Department or any other law enforcement agency, fire department,
2 ambulance service, and/or medical personnel, in securing the Proposed Ward, and his
3 estate, and removing or preventing access to the same, by persons alleged to be exploiting
4 the Proposed Ward, if such assistance is necessary. The Temporary Guardian shall have
5 the authority to secure the residence of the Proposed Ward and remove any persons
6 unlawfully residing therein.

7 24. Petitioner has filed a General Acknowledgment covering all guardianships to
8 which the guardian may be appointed by the Court and, pursuant to NRS 159.073(2),
9 requests the Court exempt Petitioner from having to file an acknowledgment in this case.

10 25. It is in the best interests of the Proposed Ward that A Private Professional
11 Guardian, LLC, be appointed as the Temporary Guardian of the Person and Estate of
12 BARBARA A. NEELY.

13 WHEREFORE, Petitioner prays as follows:

14 a. This Honorable Court enter its Order appointing A Private Professional
15 Guardian, LLC, to act as Temporary Guardian of the Person and Estate of BARBARA A.
16 NEELY, and that Letters of Temporary Guardianship be issued to upon APRIL L. PARKS,
17 Manager, taking the oath required by law, without bond and without proof of blocked
18 accounts being required upon issuance;

19 b. A hearing be held within ten (10) days in order to determine the need to
20 extend this temporary guardianship proceeding;

21 c. The Temporary Guardian be vested with all the pertinent powers set forth in
22 NRS 159.077 through 159.175;

23 d. The Temporary Guardian shall be allowed reasonable compensation
24 pursuant to NRS 159.183 for her services as Guardian and shall be allowed the necessary
25 and reasonable expenses incurred in exercising authority and performing duties as
26 Guardian;

27 e. The Temporary Guardian may hire an attorney, with said attorney allowed
28 necessary compensation and reasonable expenses for services rendered on behalf of the

1 Guardian. The Court shall allow the reasonable and necessary expenses for payment of
2 attorney's fees associated with the commencement and administration of the guardianship
3 of the estate pursuant to NRS 159.183 and NRS 159.105, subject to compliance with NRS
4 159.107 and NRS 159.109;

5 f. The Court suspend any durable powers of attorney previously executed by
6 the Proposed Ward;

7 g. The Temporary Guardian be authorized and directed to open, inventory and
8 take possession of the contents of any and all safe deposit box(es) in the name of the
9 Proposed Ward;

10 h. The Temporary Guardian shall have full access to all historical and current
11 financial information for the Adult Ward. Such information shall include, but not be limited
12 to, statements, cancelled checks, withdrawal authorizations and other information from
13 banks, financial institutions, brokerage or mutual fund firms, the United States Social
14 Security Administration and other persons and agencies which have engaged in
15 transactions concerning the financial affairs of the Ward, whether said accounts or records
16 reflect the name of the Ward individually, or with one or more other persons or trusts;

17 i. The Temporary Guardian shall be the Proposed Ward's personal
18 representative for purposes of the Health Insurance Portability and Accountability Act of
19 1996, Public Law 104-191, and any applicable regulations, and be authorized to obtain and
20 be permitted to receive any and all medical records and information concerning the past
21 and present condition and historical treatment of the Proposed Ward, including, but not
22 limited to, medical charts, examination reports and notes, which are or may be lodged with
23 any persons, family members, government agencies, businesses, medical providers,
24 physicians, hospitals, care facilities, institutions, and/or third parties;

25 j. Pursuant to NRS 159.0525, the Temporary Guardian's authority to take
26 possession of, close, or have access to any accounts of the Proposed Ward or to dispose
27 of tangible personal property shall be limited to only the authority needed to provide for the
28 Proposed Ward's basic living expenses until the appointment of a General or Special

Guardian. The Court may also freeze any of the Proposed Ward's assets, if necessary, to protect those assets from transfer and/or loss;

k. Petitioner states that Proposed Ward has a mental defect (danger to self or others or lacks capacity to contract or manage own affairs) and, pursuant to NRS 159.0593 and 18 USC 922(d)(4), is prohibited from possessing a firearm; A record of the guardianship order shall be transmitted to the Central Repository for Nevada Records of Criminal History, along with a statement that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System;

l. The Las Vegas Metropolitan Police Department, or any other law enforcement agency, fire department, ambulance service, and/or medical personnel be ordered to assist APRIL L. PARKS in securing the Proposed Ward, and his estate, relocating the Ward, if appropriate, and removing or preventing access to the same by persons alleged to be exploiting the Proposed Ward, including removal of any occupants not paying rent without notice;

m. The Petitioner be exempt from filing an acknowledgment in this case since Petitioner has filed a General Acknowledgment of Duties and Responsibilities covering all cases to which it may be appointed; and,

n. For such other and further relief as the Court may deem just and proper in the premises.

DATED this 12 day of September, 2014.

LEE A. DRIZIN, CHTD.

By: 

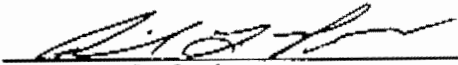
LEE A. DRIZIN, ESQ.
Nevada Bar No. 4971
2460 Professional Court, Ste. 110
Las Vegas, Nevada 89128
Attorneys for Petitioner

VERIFICATION

STATE OF NEVADA)
COUNTY OF CLARK) ss.

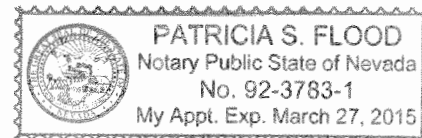
APRIL L. PARKS, Manager, A Private Professional Guardian, LLC, being first duly sworn under penalty of perjury, states the following:

That I am the Petitioner herein; that I have read the foregoing *Petition for Appointment of Temporary Guardian and for Issuance of Temporary Letters of Guardianship* and know the contents thereof; that the contents are true of my own knowledge, except for those matters stated on information and belief, and as to those matters I believe them to be true.


APRIL L. PARKS, Manager,
A Private Professional Guardian, LLC

SUBSCRIBED and SWORN to before
me this 12th day of September, 2014.


NOTARY PUBLIC in and for said
COUNTY and STATE



Submitted by:

LEE A. DRIZIN, CHTD.

By 

LEE A. DRIZIN, ESQ.
Nevada Bar No. 4971
2460 Professional Court, Ste. 110
Las Vegas, Nevada 89128
Attorneys for Petitioner

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EXHIBIT 1

AA 0409

**CERTIFICATE OF INCAPACITY AND REGARDING
THE NEED FOR GUARDIANSHIP**

In accordance with NRS 159.044(2)(j):

I, Akindele Kolade (your name), am:

- ☒ A physician licensed to practice in the State of Nevada
☐ A physician employed by the Department of Veterans Affairs
☐ Employed by _____ (name of agency),
A governmental agency in the State of Nevada who conducts investigations.
☐ Employed by _____ (name of agency).
The title of my position is _____ and I qualify
to execute this Certificate for the following reasons: _____

It is my opinion that the adult patient, Neely Barbara, suffers from a
diagnosis of: SchizophreniaIt is my opinion that this patient ☒ is or ☐ is not a danger to himself/herself or to others.

It is my opinion that (check all that apply):

- ☒ The patient is able to attend the guardianship Court hearing
☒ The patient would not comprehend the reason for the Court hearing or be able to
contribute to the proceeding
☐ Attending the Court hearing would be detrimental to the patient

It is my opinion that this patient:

- ☐ is or ☒ is not capable of living independently;
☐ with or ☒ without assistance. If patient requires assistance, please explain:

(s:PG/Forms/Certificate of Incapacity)

102768/ 912029 958
NEELY, BARBARA A
08/28/14 GERO 756
ATND DR KOLADE MD, AKINDELE



**HIPAA
ALERT**

AA 0410

IN THE SUPREME COURT OF THE STATE OF NEVADA

APRIL PARKS,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

Supreme Court Case No. 82876

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was filed electronically
with the Nevada Supreme Court on the 7th day of September, 2021.

Electronic Service of the foregoing document shall be made in accordance
with the Master Service List as follows:

Steven B. Wolfson, Clark County District Attorneys Office

Aaron Ford, Nevada Attorney General

Jamie J. Resch, Resch Law, PLLC d/b/a Conviction Solutions

By: 
Employee, Resch Law, PLLC d/b/a Conviction Solutions