

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL J. LOCKER,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 84070

Electronically Filed
Feb 03 2022 09:56 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

**Appeal from a Judgment of Conviction, Case No. CR21-1297B
The Second Judicial District Court of the State of Nevada
The Honorable David A. Hardy, District Judge**

JOINT APPENDIX

JOHN L. ARRASCADA
Washoe County Public Defender

JOHN REESE PETTY
Chief Deputy

350 South Center Street, 5th Floor
Reno, Nevada 89501

Attorneys for Appellant

CHRISTOPHER J. HICKS
Washoe County District Attorney

JENNIFER P. NOBLE
Chief Appellate Deputy

One South Sierra Street, 7th Floor
Reno, Nevada 89501

Attorneys for Respondent

TABLE OF CONTENTS

1.	Election of Assignment to a Program of Treatment Pursuant to NRS 176A.240 <u>filed</u> on December 8, 2021	20
2.	Guilty Plea Memorandum <u>filed</u> on October 26, 2021	4
3.	Information <u>filed</u> on September 20, 2021	1
4.	Judgment <u>filed</u> on December 9, 2021	42
5.	Notice of Appeal <u>filed</u> on January 19, 2022	47
6.	Order Admitting Defendant to Probation and Fixing the Terms Thereof <u>filed</u> on December 9, 2021	44
7.	Transcript of Proceedings: Arraignment <i>held</i> on October 21, 2021, <u>filed</u> on November 26, 2021	9
8.	Transcript of Proceedings: Sentencing <i>held</i> on December 9, 2021, <u>filed</u> on January 6, 2022	23

DA #21-5621

RPD RP21-006828

FILED
Electronically
CR21-1297B
2021-09-20 03:55:06 PM
Alicia L. Lerud
Clerk of the Court
Transaction # 8655806 : bblough

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

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

12 * * *

13 THE STATE OF NEVADA,

14 Plaintiff,

Case No.: CR21-1297B

15 v.

Dept. No.: D15

16 MICHAEL J. LOCKER,

17 Defendants.

18 INFORMATION

19 CHRISTOPHER J. HICKS, District Attorney within and for the
20 County of Washoe, State of Nevada, in the name and by the authority
21 of the State of Nevada, informs the above-entitled Court that, the
22 defendants above-named, MICHAEL J. LOCKER, have committed the crime
23 of:

24 POSSESSION OF LESS THAN FOURTEEN GRAMS OF A SCHEDULE I
25 CONTROLLED SUBSTANCE, a violation of NRS 453.336(2)(a), a category E
26 felony, (62073) in the manner following:

That the said defendant, MICHAEL J. LOCKER, on or about
April 20, 2021, within the County of Washoe, State of Nevada, did
knowingly or intentionally, possess less than 14 grams of a Schedule

1 I controlled substance, specifically Methamphetamine AND/OR
2 Psilocybin AND/OR Heroin, at or near Vine Street.
3

4 All of which is contrary to the form of the Statute in such
5 case made and provided, and against the peace and dignity of the
6 State of Nevada.
7

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

11 By: 
12 TRAVIS LUCIA
13 11188
14 DEPUTY District Attorney
15
16
17
18
19
20
21
22
23
24
25
26

1 The following are the names of such witnesses as are known
2 to me at the time of the filing of the within Information:

3 THOMAS W. RADLEY
4 JACOB ROUSSEAU
5 BRYAN SANCHEZ
6 ANTHONY SOTELO
7

8 AFFIRMATION PURSUANT TO NRS 239B.030

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

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

16 By: 
17 TRAVIS LUCIA
18 11188
19 DEPUTY District Attorney
20
21
22
23
24
25
26

PCN RPD0068728C-LOCKER

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

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

12 * * *

13 THE STATE OF NEVADA,

14 Plaintiff,

Case No. CR21-1297B

15 v.

Dept. No. D15

16 MICHAEL J. LOCKER,

17 Defendant.

18 GUILTY PLEA MEMORANDUM

19 1. I, MICHAEL J. LOCKER, understand that I am charged with
20 the offense of: POSSESS SCHEDULE I OR II CONTROLLED SUBSTANCE, LESS
21 THAN 14 GRAMS, FIRST OR SECOND OFFENSE, a violation of NRS
22 453.336.2a, a category E Felony.

23 2. I desire to enter a plea of guilty to the offense of,
24 POSSESS SCHEDULE I OR II CONTROLLED SUBSTANCE, LESS THAN 14 GRAMS,
25 FIRST OR SECOND OFFENSE, a violation of NRS 453.336.2a, a category E
26 Felony, as more fully alleged in the charge filed against me.

///

///

///

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

3 A. I waive my privilege against self-incrimination.

4 B. I waive my right to trial by jury, at which trial the
5 State would have to prove my guilt of all elements of the offense
6 beyond a reasonable doubt.

7 C. I waive my right to confront my accusers, that is, the
8 right to confront and cross examine all witnesses who would testify
9 at trial.

10 D. I waive my right to subpoena witnesses for trial on my
11 behalf.

12 4. I understand the charge against me and that the
13 elements of the offense which the State would have to prove beyond a
14 reasonable doubt at trial are that on April 20th, 2021, or
15 thereabout, in the County of Washoe, State of Nevada, I did,
16 knowingly or intentionally, possess less than 14 grams of a Schedule
17 I controlled substance, specifically Methamphetamine AND/OR
18 Psilocybin AND/OR Heroin, at or near Vine Street.

19 5. I understand that I admit the facts which support all
20 the elements of the offense by pleading guilty. I admit that the
21 State possesses sufficient evidence which would result in my
22 conviction. I have considered and discussed all possible defenses
23 and defense strategies with my counsel. I understand that I have the
24 right to appeal from adverse rulings on pretrial motions only if the
25 State and the Court consent to my right to appeal in a separate

26 ///

1 written agreement. I understand that any substantive or procedural
2 pretrial issue(s) which could have been raised at trial are waived by
3 my plea.

4 6. I understand that the consequences of my plea of guilty
5 are that I may be imprisoned for a period of 1 to 4 years in the
6 Nevada State Department of Corrections. I am eligible for probation.
7 I may also be fined up to \$5,000.00.

8 7. In exchange for my plea of guilty, the State, my
9 counsel and I have agreed to recommend the following: The State and
10 I will be free to argue for an appropriate sentence. The State will
11 not pursue any other criminal charges arising out of this transaction
12 or occurrence.

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

17 9. Where applicable, I additionally understand and agree
18 that I will be responsible for the repayment of any costs incurred by
19 the State or County in securing my return to this jurisdiction.

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

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

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

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

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

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

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

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

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

AFFIRMATION PURSUANT TO NRS 239B.030

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

DATED this 21 day of October, 2021

Defendant

Translator/Interpreter

Erica P. Roth
Attorney Witnessing Defendant's Signature

Prosecuting Attorney

Code No. 4185

FILED
Electronically
CR21-1297B
2021-11-26 02:15:43 PM
Alicia L. Lerud
Clerk of the Court
Transaction # 8768217

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE
BEFORE THE HONORABLE DAVID A. HARDY, DISTRICT JUDGE

THE STATE OF NEVADA,
Plaintiff,
-vs-
MICHAEL LOCKER,
Defendant.

:
:
:
:
:
:
:
:
:
:
:

Case No. CR21-1297B
Dept. No. 15

ARRAIGNMENT
October 21, 2021
Reno, Nevada

Reported by: Lesley A. Clarkson, CCR #182

A_P_P_E_A_R_A_N_C_E_S

FOR THE STATE:

AMANDA SAGE
Deputy District Attorney
One South Sierra Street
Reno, Nevada

FOR THE DEFENDANT:

ERICA ROTH
Deputy Public Defender
350 South Center Street
Reno, Nevada

FOR THE DIVISION OF
PAROLE AND PROBATION:

ERIN LUKL

THE DEFENDANT:

MICHAEL LOCKER

1 RENO, NEVADA, THURSDAY, OCTOBER 21, 2021, 10:00 A.M.

2 -o0o-

3
4 THE COURT: Good morning, ladies and gentlemen. I'm
5 Judge David Hardy in Department 15. This is the Second Judicial
6 District Court in-custody criminal calendar. I see many people
7 on my screen. Good morning to all.

8 As I proceed through our Zoom technology, in light of
9 the COVID pandemic, please let me know if you object when your
10 case is called. Otherwise there's nothing to say. You are free
11 to mute yourselves and to deactivate your videos when your case
12 is not called.

13 My next case is CR21-1297B, the State versus Michael
14 Locker.

15 MS. ROTH: I'm sorry to jump in, Your Honor.

16 Mr. Locker, I don't see the guilty plea memorandum
17 there with you.

18 THE COURT: Before I start my script, I notice this
19 case was continued from September 30. My notes indicate that it
20 was continued because of new charges, but I don't know what's
21 going on in addition to this case, if anything.

22 Counsel, would you help me, please.

23 MS. ROTH: Your Honor, Mr. Locker did pick up
24 additional charges. Those charges are resolving as a
25 misdemeanor, and so we are ready to proceed today.

1 THE COURT: Okay. Good morning, Mr. Locker.

2 I turn first to Ms. Roth. I have an information filed
3 stamped September 20. It charges Mr. Locker with a Category E
4 felony, possession of less than 14 grams of a Schedule I
5 controlled substance. If counsel will please confirm that your
6 client is properly identified in the charging document, familiar
7 with the contents of the charging document, please declare if you
8 wish the information to be read in open court, and you may end
9 with any negotiations.

10 MS. ROTH: Thank you, Your Honor. We are in receipt of
11 the information filed September 20 of this year. Mr. Locker's
12 name is spelled correctly at line 12. He understands the
13 contents and waives a formal reading.

14 Today he will be entering a guilty plea to the sole
15 count alleged in the information, possession of a controlled
16 substance less than 14 grams. In exchange for his plea, the
17 parties will be free to argue for any legally appropriate
18 sentence, and the State will not pursue any additional
19 transactionally-related charges or enhancements.

20 THE COURT: Thank you. To the State, are you
21 satisfied?

22 MS. SAGE: Yes, Your Honor.

23 THE COURT: Mr. Locker, please face my clerk, raise
24 your right hand and be sworn.

25 (Defendant sworn.)

1 THE COURT: Mr. Locker, has you attorney accurately
2 stated the agreement as you understand it?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Have you had an adequate time to discuss
5 this matter with your attorney?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: The State has charged this Category E
8 felony alleging that on April 20, 2021, in Washoe County you
9 knowingly or intentionally possessed less than 14 grams of a
10 Schedule I controlled substance, specifically methamphetamine
11 and/or psycho -- you know what, I have always mispronounced this.
12 Psilo --

13 THE DEFENDANT: Psilocybin.

14 THE COURT: I have mispronounced it more than a hundred
15 times I bet. It's just not phonetic for me. Psilocybin and/or
16 heroin, this occurring at or near Vine Street. Do you understand
17 what the State has alleged against you, Mr. Locker?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: As I have told other people this morning,
20 this is your time, it's your life, it's your case, and I don't
21 want to influence you in any way, and I would never knowingly or
22 unknowingly trick you or influence you. So we are at an equal
23 level here. If you don't understand what's going on, you tell
24 me, I will respond to you. If you need additional time to speak
25 to your attorney, I'll give that time to you.

1 The reason why I want to be so careful is that you are
2 going to make a decision here in a few minutes, and that decision
3 will be to continue your decision to plead guilty or to plead not
4 guilty, and you can make either choice this morning. It may be
5 appropriate for you to plead guilty, but only you can decide
6 that. You know what happened, you know the State's position, you
7 know your conversations with your attorney. If you believe it's
8 appropriate, you may do so. But again, no one can force you to
9 plead guilty. If you plead guilty, you will be waiving important
10 constitutional rights. You will be incriminating yourself, and
11 next time I see you will be for sentencing.

12 The range of sentence for this crime -- now, counsel, I
13 acknowledge it's a Category E felony. I'm just simply reciting
14 from the guilty plea memorandum -- the range of possible sentence
15 is probation to a maximum of four years in the Nevada Department
16 of Corrections. You could also be ordered to pay a fine not to
17 exceed \$5,000. So if you plead guilty, you are guilty, and you
18 will be sentenced. The range is known to all of us. There may
19 be some statutory influences on how I sentence you, and I will
20 follow the law, but I can't promise this morning exactly what
21 your sentence will be. For example, even if you were placed on
22 probation, I could order you into a therapeutic program. I could
23 order you to serve additional time in the county jail as a
24 condition of probation.

25 I'm not threatening you in any way. I just want you to

1 know that you are placing your future in my hands. Do you have
2 any questions about what I have said so far?

3 THE DEFENDANT: No, Your Honor.

4 THE COURT: Have I said anything new that you haven't
5 heard before?

6 THE DEFENDANT: No, Your Honor.

7 THE COURT: Good. Well done, counsel.

8 I hope that through my routine script, and I'm just
9 kind of speaking at a higher level now, I hope that from my
10 routine script counsel know exactly what to tell their clients
11 before they appear in Department 15.

12 I mentioned that you would be waiving important
13 constitutional rights if you plead guilty. I want to emphasize
14 what some of those rights are. You have the right to be presumed
15 innocent, to demand the State prove your guilt beyond a
16 reasonable doubt. That would occur at a public and fair trial,
17 speedily set at your request. You would always have an effective
18 attorney assisting you at trial. You are not required to prove
19 your innocence because you are presumed innocent. You have no
20 burden of proof at trial. All 12 members of the jury must agree
21 the State had met that burden of proof. You could remain silent,
22 or you could choose of your own voluntary choice to testify.

23 Do you understand what I have said so far?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: Mr. Locker, have you read the guilty plea

1 memorandum?

2 THE DEFENDANT: Yes, I have.

3 THE COURT: Do you have any question about its
4 contents?

5 THE DEFENDANT: No, Your Honor.

6 THE COURT: Are you ready to enter your plea,
7 Mr. Locker?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: All right. To the felony charge possession
10 of less than 14 grams of a Schedule I controlled substance, how
11 do you plead?

12 THE DEFENDANT: Guilty.

13 THE COURT: Did you do what you are accused of doing,
14 Mr. Locker?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: Has anybody promised anything to you or
17 threatened you in any way to obtain your plea?

18 THE DEFENDANT: No, Your Honor.

19 THE COURT: Thank you. Will you please sign the guilty
20 plea memorandum.

21 Thank you. I see that you are doing that.

22 The Court finds that Mr. Locker is competent to enter
23 his plea, there's a factual basis to accept his plea, he
24 understands his rights which he has waived, he understands the
25 nature of the charge and its consequences. The Court accepts the

1 plea. This matter is set for entry of judgment and imposition of
2 sentence.

3 Miss Clerk.

4 THE CLERK: December 9 at 9:00 a.m.

5 MS. ROTH: I'm sorry, Your Honor. I'm making a request
6 to waive the, I believe it's 15 days to review the presentence
7 investigation report in this case.

8 THE CLERK: Your Honor, due to our calendar, getting
9 this sentencing moved up much further than December 9 is going to
10 be very difficult.

11 THE COURT: Is that because of that trial that starts
12 on the 2nd?

13 THE CLERK: We have got the trial, we have some
14 holidays, and our calendar -- we could do the 2nd, but it's going
15 to be a gigantic calendar, just to let you guys know.

16 THE COURT: Well, I understand why you have made the
17 request, and I don't quarrel with that, and I have to battle the
18 additional seven days of what appears be custodial time with a
19 calendar. The clerk knows how large it is and I don't.

20 Are we already, we have defined what our max capacity
21 is. Are we already at max capacity?

22 THE CLERK: Your Honor, the 2nd is going to be very
23 difficult at best. It's going to be gigantic just because we
24 have a lot of Thursdays that are either dark or holidays.

25 THE COURT: I'm in a CLE the Thursday preceding

1 Thanksgiving, and then there is the Thanksgiving.

2 I am denying the request and setting it for December 9.

3 MS. ROTH: Thank you, Judge.

4 THE COURT: Thank you. Mr. Locker, how old are you?

5 THE DEFENDANT: I just turned 34 last week.

6 THE COURT: Where are you from originally?

7 THE DEFENDANT: Reno, Nevada.

8 THE COURT: I wish that I could see everybody in person
9 and not by Zoom. I observe the way people stand, the way they
10 speak to me, the way they walk from their seats and so forth.
11 You appeared to me in a positive way this morning, and I want to
12 acknowledge that. I will see you on December 9.

13 THE DEFENDANT: Thank you, Your Honor.

14 -o0o-

15

16

17

18

19

20

21

22

23

24

25

1 STATE OF NEVADA)
2 COUNTY OF WASHOE) ss

3
4
5 I, LESLEY A. CLARKSON, Official Reporter of the
6 Second Judicial District Court of the State of Nevada, in
7 and for the County of Washoe, DO HEREBY CERTIFY:

8 That I was present in Department No. 15 of the
9 within-entitled Court on Thursday, October 21, 2021, and took
10 stenotype notes of the proceedings entitled herein and
11 thereafter transcribed them into typewriting as herein appears;

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

14 Dated this 2nd day of November, 2021.
15
16
17
18

19 /s/ Lesley A. Clarkson

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

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

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

1 CODE 1642
2 WASHOE COUNTY PUBLIC DEFENDER
3 ERICA P. ROTH, #14757
4 350 S. CENTER ST., 5TH FL
5 EROTH@WASHOECOUNTY.GOV
6 RENO, NV 89501
7 (775) 337-4800
8 ATTORNEY FOR: DEFENDANT
9

10 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
11
12 IN AND FOR THE COUNTY OF WASHOE
13

14 THE STATE OF NEVADA,

15 Plaintiff,

Case No. CR21-1297B

16 vs.

Dept. No. 15

17 MICHAEL J LOCKER,

18 Defendant.
19
20
21
22
23
24
25
26

ELECTION OF ASSIGNMENT TO A PROGRAM OF TREATMENT
PURSUANT TO NRS 176A.240

COMES NOW, the Defendant, MICHAEL J LOCKER, by and through the Washoe County Public Defender's Office and ERICA P. ROTH, Deputy Public Defender, and pursuant to NRS 176A.240, respectfully requests that his election to undergo a treatment program be accepted by the Court.

Defendant is eligible for such election and hereby elects such a program; he is not disqualified by law.

Defendant is aware of the provisions of NRS 176A.240. He knows that if he elects treatment and is accepted for treatment, which must be supervised by a state-approved facility, (a) the Court may impose any conditions that could be imposed as conditions of probation; (b) he could be under the supervision of the

1 treatment provider for a period of not less than one year nor more than three
2 years; (c) that he could be confined inside a treatment facility or released for
3 supervised care in the community and (d) that if he satisfactorily completes the
4 treatment program and satisfies the conditions of the Court, the conviction will be
5 set aside, but if he does not satisfactorily complete the treatment program and
6 satisfy the Court's conditions, he may be sentenced and the sentence executed.

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

8 The undersigned does hereby affirm that the preceding document does not
9 contain the personal information of any person.

10 Dated this 8th day of December, 2021.

11 JOHN L. ARRASCADA
12 Washoe County Public Defender

13 By: /s/ ERICA P. ROTH
14 ERICA P. ROTH
15 Deputy Public Defender
16
17
18
19
20
21
22
23
24
25
26

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Washoe County Public Defender's Office, Reno, Washoe County, Nevada, and that on this date electronically filed the foregoing with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

Deputy District Attorney

Dated this 8th day of December, 2021.

/s/ Jessica Haro
Jessica Haro

4185

IN THE SECOND JUDICIAL DISTRICT COURT
STATE OF NEVADA, COUNTY OF WASHOE
THE HONORABLE DAVID HARDY, DISTRICT JUDGE

STATE OF NEVADA, Department No. 15
Plaintiff, Case CR21-1297B
vs.
MICHAEL LOCKER,
Defendant.

Pages 1 to 19, inclusive.

TRANSCRIPT OF PROCEEDINGS
SENTENCING
December 9, 2021

A P P E A R A N C E S:

FOR THE PLAINTIFF: AMANDA SAGE
DEPUTY DISTRICT ATTORNEY
1 So. Sierra St., So. Tower
Reno, NV 89502

FOR THE DEFENDANT: ERICA ROTH
PUBLIC DEFENDER
350 So. Center Street
Reno, NV 89520

DEPT. OF P&P: Officer De La Luz

REPORTED BY: Tina Amundson, CCR #641
Litigation Services 323.3411

1 RENO, NEVADA -- 12/9/21 -- 9:00 A.M.

2 -o0o-

3 THE COURT: State vs. Michael Locker. He
4 is present in custody represented by Ms. Roth, who
5 appears remotely, and also remotely is Ms. Sage for
6 the state. This is the time for entry of judgment
7 and imposition of sentence.

8 I've read the materials and Presentence
9 Investigation Report. That's an election of
10 assignment that's been filed and yesterday Defense
11 filed a substance abuse evaluation, which I have
12 reviewed.

13 Mr. Locker, your attorney will speak for
14 you in a moment. Before she does, you have the
15 right to address the court. Is there anything you'd
16 like to say this morning?

17 THE DEFENDANT: I would just like to say
18 I'm remorseful for my actions that occurred
19 April 20th and I'm remorseful for how it affected
20 my family and my son and fiancée and her kids. I
21 would just like to thank Ms. Sage and her office for
22 accepting the deal they offered and thank my
23 attorney as well.

24 THE COURT: That's a nice statement. Thank

1 you. How did you meet Mr. Kelly?

2 THE DEFENDANT: We met in Crossroads a few
3 years back.

4 THE COURT: As I understand your history,
5 you've had lots of opportunities for therapeutic
6 assistance. Is that fair to say?

7 THE DEFENDANT: I'd say that's fair. I've
8 always completed every program also.

9 THE COURT: That's important. Thank you
10 for saying that. Let's travel over some of these
11 together. Your attorney, I'm confident, is prepared
12 and will emphasize the highlights, but I want to do
13 this exercise with you here.

14 So, you've been previously evaluated for
15 substance abuse. You've attended administrative
16 assessment meetings as a court order. It appears to
17 me that you graduated at Counseling Compliance
18 Program and you've been to Young Offenders Court and
19 done community service. You appear to have been in
20 some form of drug court program.

21 Is that right or wrong?

22 THE DEFENDANT: Yes, your Honor.

23 THE COURT: Okay. What actual inpatient
24 programs have you attended?

1 THE DEFENDANT: I've graduated from
2 Crossroads and then I went to Carson City's
3 Behavioral Health Services, and also most recently
4 in 2019 to 2020 I was in the Salvation Army on my
5 own accord.

6 THE COURT: Okay. Ms. Roth, I don't want
7 to ask your client about the battery by prisoner
8 because I don't want him to say anything
9 incriminating. I want him to be represented by a
10 reasoned voice. I'm kind of interested in what that
11 charge is that dates to September of this year.

12 Do you know what the nature of that charge
13 is?

14 MR. ROTH: Your Honor, that charge did
15 resolve as a misdemeanor battery. Mr. Locker was
16 sentenced to 90 days and that was part of the
17 negotiations in that case. Your Honor, the nature
18 of the offense, you know, unfortunately, there are
19 conflicts in the jail. People are not always at
20 their best and there was a conflict with another
21 inmate, but we did come to a negotiation to resolve
22 that as a misdemeanor.

23 THE COURT: Thank you for that.

24 Ms. Roth, this is your time.

1 MR. ROTH: Thank you, Judge.

2 We are in receipt of the Presentence
3 Investigation Report. I have no changes or
4 corrections at this time. I would just note that
5 Mr. Locker does have a place to live. It indicates
6 he has no known address.

7 But, Mr. Locker, were you able to get that
8 address?

9 THE DEFENDANT: Yes, ma'am. It is 655 West
10 Fourth Street, Reno, Nevada 89503.

11 MR. ROTH: Your Honor, as you're well
12 aware, I think the issue is what these terms are
13 going to be as far as given this is a Category E
14 felony. I hear the Court going through Mr. Locker's
15 history of treatment and I can surmise there's a
16 question here about whether he should be directly
17 transported to the inpatient program or not.

18 Obviously, Mr. Locker has suffered from
19 drug and alcohol abuse for most of his adult and
20 young adult life. He has shown great reflection on
21 his issues with substances. He's not a person who
22 is in denial. He understands the effects that this
23 has on his life.

24 I do want to note, although he has -- he's

1 always completed his programs -- and I think that's
2 significant -- he does -- he wants to be clean. He
3 wants to be a good person and wants to stay out of
4 trouble. That's something he wants. But it is a
5 demon that he has that's following him and the one
6 -- when he's put in a program he puts his nose down
7 and gets to work and completes them.

8 I will note that a change in Mr. Locker's
9 life, aside from what happened in his past, is going
10 on right now. He has a son and he granted his son's
11 grandmother temporary custody because, while Mr.
12 Locker has been in custody on this case, it came to
13 light that his son was not in a safe environment
14 with the mother of his child.

15 So, because of that, the son was placed in
16 a home with Mr. Locker's -- excuse me -- with his
17 son's grandmother. Mr. Locker has been appearing
18 from jail for these family court hearings to
19 determine custody.

20 Being a father, being in custody during
21 this time, this is a big change for him. This is a
22 consequence, his son being out of his custody, and
23 not in the custody of the mother due to it being an
24 unsafe environment. That's been a huge change for

1 Mr. Locker. He is dedicated more than ever to being
2 a good father to his son and that, he understands,
3 requires that he stay clean.

4 So, you know, we get to this question
5 regarding direct transport. He does have -- I want
6 the Court to understand that he does have a custody
7 hearing next week. He has been working hard to be
8 able to appear at that custody hearing out of
9 custody, so I just want the Court to have that
10 information. It is -- I just think it's a change in
11 circumstance so the Court understands that, although
12 there are relapses, although, you know, Mr. Locker,
13 he does successfully complete these programs, he
14 does have a pattern of relapsing after these
15 programs.

16 I do just want to note there's a change at
17 this point in his life as far as what he understands
18 is required of him. And, really, you know, there's
19 a change in responsibility that's being put on him.
20 He wants to have custody of his child, he wants to
21 provide a safe and loving environment for that
22 child, and he understands that the only way for him
23 to do that is to stay sober.

24 So, I will note that he has been working

1 hard. He would like to appear at that custody
2 hearing, not via Zoom, not from the jail, to be
3 there out of custody and to make a showing that he
4 is ready to take on the responsibility for his son.

5 Your Honor, with that, I'll turn, if the
6 Court has any specific questions regarding either --
7 any additional questions regarding his history or
8 the family court matter, the battery.

9 THE COURT: Quickly going back to see how
10 old the child is. Eight years of age.

11 MR. ROTH: I'm sorry to add, your Honor,
12 Mr. Locker does have a verbal acceptance from
13 Bristle Cone. They've asked when he's released that
14 he come in with them to do an intake.

15 That's correct, Mr. Locker, right?

16 THE DEFENDANT: Yeah. The outpatient
17 program I just need to go to the administrative
18 office to complete the paperwork with them.

19 THE COURT: Ms. Roth, if you know -- and,
20 if not, then Ms. Sage -- when I look at page six,
21 which is this offense and I see one, two, three,
22 four, five, six, seven, eight, nine -- maybe 11 or
23 12 drug positive drug tests or missed drug tests,
24 who's doing all of that supervision?

1 Is this through our Pretrial Court Services
2 program or was he rerouted initially somewhere?
3 That seems like an extraordinary amount of positive
4 testing. Ms. Pitt, what do you know about that?

5 MS. PITT: Good morning, your Honor. That
6 wasn't up to me. He was being supervised out of
7 Reno Justice Court on Pretrial Services. Pretrial
8 does try and work with defendants to -- especially
9 heroin and drugs that are super hard to get off. If
10 the person's checking in and testing, the court is
11 very lenient. They want to get them to court, they
12 want to work with them to get clean, the lower
13 court, Reno Justice Court I'm speaking of,
14 especially Judge Pearson.

15 Mr. Locker was reporting, I was trying to
16 work with him. The court ordered him to test daily
17 and so I had numerous positive drug tests. I have
18 at least seven violation reports and at least four
19 revocation requests, because after a certain point
20 the defendant exhausts the resources with Pretrial,
21 so we can only do so much.

22 If I see someone making progress, trying to
23 get into treatment, trying to do their part, we are
24 completely willing to work with them if the court

1 is, so that's where we stand.

2 THE COURT: Well, I just have a concern
3 about that in Department 15. I don't intend to
4 reach into another court and violate another judge's
5 independent decision-making. But when I look at
6 this type of pattern and I overlay it on the facts
7 of this offense, this was resolved as a simple
8 possession Category E, but the facts are
9 extraordinarily troubling to me because he has a
10 concealed weapon on his person.

11 So, we're mixing two -- we're mixing
12 irrational thought processes with lethal mechanisms,
13 and it's just not okay. It's not safe for our
14 community. If he won't take advantage of his own
15 sobriety, then he needs to be in custody. So, when
16 these defendants transfer up to Department 15, I'm
17 putting a hard stop on what the justice court
18 practices are and I want to make decisions based
19 upon the facts that are presented to me.

20 I hope that my voice is stern
21 prophylactically but not in any form of reprimand.
22 That's not my intention. All right. Let me think
23 for a moment before I hear from Ms. Sage.

24 Ms. Sage.

1 MS. SAGE: Thank you, your Honor.

2 And by my reading of the criminal history,
3 I do believe this is a mandatory probation case,
4 given what he has ultimately pled to. I do think
5 that a 19 to 48 underlying is appropriate and I
6 believe that as a condition of probation he should
7 have to complete the adult drug court. I have no
8 confidence if he's just released and allowed to do
9 any kind of outpatient programs that he will be
10 successful.

11 As you noted, he had multiple violations.
12 In this case I counted 21 positive tests and then
13 multiple missed tests. He picked up a new offense
14 while in custody that -- the allegations there was
15 that he got into a fight in the bathroom with
16 another inmate over a toilet paper issue. That
17 resolved.

18 While he doesn't have any prior felonies,
19 he has -- what we can see here is a very long
20 history of drug violations and attempts at
21 treatment, as you've noted, that have ultimately put
22 us right back to where we are. He hasn't changed
23 his path.

24 The other reason I ask for probation -- and

1 I know Diversion's talked about this -- probation is
2 I think that the firearm presence requires probation
3 as opposed to a deferred sentence. The state is
4 concerned that he continues to use and the state is
5 concerned that he has a firearm while using with the
6 amount of drugs that he had in this particular case.
7 So, I think it's important, given the pattern that
8 we have seen of him seeking treatment and going back
9 to using, that there never be a permissible
10 situation where he's allowed to have a firearm, and
11 that felony conviction would ensure that. That if
12 he decides to arm himself, concealed or otherwise,
13 in the future, that he would face penalties for
14 that. I think that's necessary here.

15 With that, your Honor, I submit.

16 THE COURT: I'm just pausing. Some people
17 might think it's easy to make quick decisions in the
18 conveyor belt of life. I want to treat each person
19 who appears before me first with dignity and
20 courtesy and respect, but I want to make an
21 individuated judgment based upon specific facts.

22 And the broad category is Category E,
23 mandatory probation. I get that. Under that broad
24 category is a vibrant living person who has

1 struggled mightily and who has endangered our
2 community in the past, whose conduct in this case
3 endangered our community and who has victimized the
4 property rights of others. And I'm really pausing
5 because I'm not sure the right thing to do, so I
6 want to think through it.

7 Mr. Locker, I suspect you're not going to
8 like the sentence that I land on. I want you to
9 know as I listened to you this morning I thought it
10 was a good statement. I told you that. There's two
11 ways you can make a statement for the court. One is
12 you're so experienced being in court that you know
13 exactly what the judge wants to hear and you've
14 refined your presentation and you're just an actor
15 saying what needs to be said. That's one
16 possibility, and I have those types of statements.

17 The other possibility is that you sincerely
18 believe what you say, that when you clear your mind
19 you recognize the negative influence that your
20 addiction has created in your life and you
21 desperately, sincerely want to be different. I
22 think you're that second person.

23 I often like and admire the addicts who
24 appear before me when they're not under the

1 influence. I think they're good people. They're
2 likable people, and I want to see each person is
3 larger than the addiction that they have. You have
4 some real problems in this case before me, and I
5 want to say what some of them are, not to pick on
6 you or embarrass you, but to be bold.

7 I used the phrase a minute ago, patience,
8 dignity and courtesy. Those are actually words from
9 the Judicial Bible. I'm required to be patient,
10 dignified, and courteous to every person who appears
11 in front of me. I'm also required to make difficult
12 decisions without fear of criticism or public
13 clamor. Those are also words in the Judicial Bible.
14 So, I have to kind of be bold and intellectually
15 honest and not fearful of what people think.

16 I'm going to tell you where you are right
17 now. You have 12 prior convictions. This will be
18 your first felony. And you fall within that
19 category of people who will either maintain their
20 sobriety or they will go to prison for most of their
21 lives or they will die. That's the depth of this
22 problem that you carry with you. And I want to
23 partner with you in fixing it, but I'm also not
24 going to be blind to the past efforts and to the

1 risks you've created.

2 I'll say something about your attorney's
3 presentation about your child, that you want to be
4 in person next week. It may be good or it may be
5 bad, Mr. Locker, but I spent the first six years of
6 my judicial career in the family division, and I
7 yearn for meaningful relationships between parent
8 and child. But when a parent is so addicted, so
9 unregulated in the addiction, I've severed parental
10 relationships. I've terminated them. I've removed
11 children. Because as much as your child needs you,
12 your child doesn't need you addicted.

13 In my work I see generational influences.
14 Parents who are addicted and unregulated create an
15 environment for their children to also be addicted
16 and unregulated, and I don't really pay attention to
17 what you want when you're addicted and unregulated.
18 I care solely about what's best for your child.

19 Those are hard words and I don't mean them
20 to be offensive, but that you want to be in person
21 next week means nothing to me. What means
22 everything to me is you reunite with your child when
23 you can be a healthy influence in your child's life.

24 So, we're going to try something today that

1 we haven't tried in the past because it's just time
2 to try stuff different. You're going to stay in
3 jail as a condition of probation for a significant
4 period of time and then you'll go to drug court.

5 What's the longest period of time you've
6 spent in jail so far before this 120 days you have
7 now?

8 THE DEFENDANT: I believe 45 days.

9 THE COURT: So, in the past you've served
10 45 days and now you're at at least 120 days.

11 Is there a corrected time served or is that
12 where we are? 120 days?

13 MS. SAGE: I just want to make sure it
14 reflects that his misdemeanor case was to run
15 consecutive so he shouldn't be getting credit for
16 time served towards that battery.

17 THE COURT: Thank you.

18 What is the current CTS in this case
19 without regard to the consecutive battery?

20 OFFICER DE LA LUZ: 120 days, your Honor.

21 THE COURT: Okay. Let me just think.

22 It is the judgment of this court that Mr.
23 Locker be adjudicated guilty of the offense. He'll
24 pay a \$25 administrative assessment fee, a \$60

1 chemical drug analysis fee, a DNA test fee of \$130,
2 a DNA administrative assessment of \$3, and an
3 attorney's fee of \$500.

4 I'm sentencing him to the Nevada Department
5 of Corrections for a minimum of 19 months and a
6 maximum of 48 months with CTS in the amount of 120
7 days.

8 I'm suspending execution of the sentence
9 and placing him on probation for a fixed term of 18
10 months. That will give him the longest period of
11 sobriety in his -- probably since -- according to
12 Ms. Fung, since he was an early, early teenager.
13 There's also a punitive component to that in that
14 he's carrying a concealed weapon with prior violent
15 related -- at least one violence-related offense and
16 that that time is in recognition.

17 I agree with Ms. Roth that he's sincere and
18 that he's undoubtedly going to complete the program
19 and he'll have great resolve. But there's a moment
20 in his life when he chooses relapse. The next time
21 he chooses relapse, if ever -- I hope he doesn't --
22 he'll know that this is a graduated system in
23 Department 15 and at some point I'll just remove him
24 from the community, if he endangers our community.

1 Now, I don't want that to happen, Mr.
2 Locker. My deepest hope is that you get healthy,
3 sober, and maintain that healthy sobriety and
4 reunite with your child.

5 Counsel, am I missing anything?

6 MS. SAGE: I don't believe so, your Honor.
7 (End of proceedings.)

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

3 I, CHRISTINA MARIE AMUNDSON, official reporter
4 of the Second Judicial District Court of the State
5 of Nevada, in and for the County of Washoe, do
6 hereby certify:

7 That as such reporter, I was present in
8 Department No. 15 of the above court on 12/9/21, at
9 the hour of 9:00 a.m. of said day, and I then and
10 there took verbatim stenotype notes of the
11 proceedings had and testimony given therein in the
12 case of State v. Michael Locker.

13 That the foregoing transcript is a true and
14 correct transcript of my said stenotype notes so
15 taken as aforesaid, and is a true and correct
16 statement of the proceedings had and testimony given
17 in the above-entitled action to the best of my
18 knowledge, skill and ability.

19 DATED: At Reno, Nevada, on 31st day of December
20 2021.

21
22 /S/ Christina Marie Amundson, CCR #641

23 _____
Christina Marie Amundson, CCR #641

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

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

1 CODE 1850
2
3
4
5

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

9 STATE OF NEVADA,

10 Plaintiff,

Case No. CR21-1297B

11 vs.

Dept. No. 15

12 MICHAEL J. LOCKER,

13 Defendant.
14

15 JUDGMENT

16 The Defendant, having entered a plea of Guilty, and no sufficient cause being
17 shown as to why judgment should not be pronounced against him, the Court rendered
18 judgment as follows:

19 That Michael J. Locker is guilty of the crime of Possession of Less Than
20 Fourteen Grams of a Schedule I Controlled Substance, a violation of NRS 453.336 (2)(a), a
21 category E felony, as charged in the Information, and that he be punished by
22 imprisonment in the Nevada Department of Corrections for the maximum term of forty-
23 eight (48) months with the minimum parole eligibility of nineteen (19) months, with credit
24 for one hundred twenty (120) days time served. It is further ordered that the prison
25 sentence shall be suspended and the Defendant placed on probation for a fixed period of
26 eighteen (18) months under all terms and conditions as stated by the Court and supervised
27 by the Division of Parole and Probation. Special conditions of probation shall be as
28

1 outlined in the Order Admitting Defendant to Probation and Fixing the Terms Thereof,
2 which shall be filed contemporaneously with this Judgment of Conviction.

3 It is further ordered, as a special condition of probation, that the Defendant
4 shall remain in custody and serve an additional sixty (60) days in the Washoe County Jail,
5 straight time, day for day, with no good time credit or alternative sentencing. At the
6 conclusion of the sixty (60) days, the Defendant shall remain in custody until his first
7 appearance in the Second Judicial District Court Specialty Court - Adult Drug Court,
8 which he shall enter and successfully complete.

9 It is further ordered that the Defendant shall pay the statutory Twenty-Five
10 Dollar (\$25.00) administrative assessment fee; that he shall pay a chemical analysis fee in
11 the amount of Sixty Dollars (\$60.00); that he shall submit to a DNA analysis test for the
12 purpose of determining genetic markers and pay a testing fee in the amount of One
13 Hundred Fifty Dollars (\$150.00); that he shall pay the Three Dollar (\$3.00) administrative
14 assessment fee for obtaining a biological specimen and conducting a genetic marker
15 analysis; and that he shall reimburse Washoe County in the amount of Five Hundred
16 Dollars (\$500.00) for legal services rendered.

17 It is further ordered that the fees shall be subject to removal from the
18 Defendant's books at the Washoe County Jail and/or the Nevada Department of
19 Corrections. Any fine, fee, administrative assessment, or restitution ordered today (as
20 reflected in this Judgment) constitutes a lien, as defined in NRS 176.275. Should the
21 Defendant not pay these fines, fees, assessments, or restitution, collection efforts may be
22 undertaken against him.

23 Dated this 9th day of December, 2021.

24
25 
26 DISTRICT JUDGE
27
28

1 CODE 2670

2
3
4
5
6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF WASHOE
8

9 STATE OF NEVADA,

10 Plaintiff,

Case No. CR21-1297B

11 vs.

Dept. No. 15

12 MICHAEL J. LOCKER,

13 Defendant.
14

15 ORDER ADMITTING DEFENDANT TO PROBATION AND
16 FIXING THE TERMS THEREOF

17 The Defendant is guilty of the crime of Possession of Less Than Fourteen
18 Grams of a Schedule I Controlled Substance, a violation of NRS 453.336 (2)(a), a category E
19 felony, as charged in the Information, and he shall be punished by imprisonment in the
20 Nevada Department of Corrections for the maximum term of forty-eight (48) months with
21 the minimum parole eligibility of nineteen (19) months, with credit for one hundred
22 twenty (120) days time served. It is further ordered that the prison sentence shall be
23 suspended and the Defendant placed on probation for a fixed period of eighteen (18)
24 months under all terms and conditions as stated by the Court and supervised by the
25 Division of Parole and Probation.

26 Terms and conditions of probation are as follows:

27 A. General conditions:

- 28 1. **Reporting:** Defendant shall report in person to the Division of Parole and Probation as instructed by the Division or its agent. Defendant is required to

submit a written report each month on forms supplied by the Division. This report shall be true and correct in all aspects.

2. **Residence:** Defendant shall not change his place of residence without first obtaining permission from the Division of Parole and Probation, in each instance.
3. **Intoxicants:** Defendant shall not consume any alcoholic beverages WHATSOEVER. Upon order of the Division of Parole and Probation or its agent, Defendant shall submit to a medically recognized test for blood/breath alcohol content.
4. **Controlled Substances:** Defendant shall not use, purchase or possess any illegal drugs whatsoever; or any prescription drugs, unless first prescribed by a licensed medical professional. Defendant shall immediately notify the Division of Parole and Probation of any prescription received. Defendant shall submit to drug testing as required by the Division or its agent. Defendant shall not use any form of marijuana whatsoever.
5. **Weapons:** Defendant shall not possess, have access to, or have under his control, any type of weapon.
6. **Search:** Defendant shall submit his person, property, place of residence, vehicle or areas under his control to search including electronic surveillance or monitoring of his location, at any time, with or without a search warrant or warrant of arrest, for evidence of a crime or violation of probation by the Division of Parole and Probation or its agent.
7. **Associates:** Defendant must have prior approval by the Division of Parole and Probation to associate with any person convicted of a felony, or any person on probation or parole supervision. Defendant shall not have any contact with persons confined in a correctional institution unless specific written permission has been granted by the Division of Parole and Probation and the correctional institution.
8. **Directives and Conduct:** Defendant shall follow the directives of the Division of Parole and Probation and his conduct shall justify the opportunity granted to him by this community supervision.
9. **Laws:** Defendant shall comply with all municipal, county, state, and federal laws and ordinances.
10. **Out-of-State Travel:** Defendant shall not leave the state without first obtaining written permission from the Division of Parole and Probation.
11. **Employment/Program:** Defendant shall seek and maintain legal employment, or maintain a program approved by the Division of Parole and Probation and not change such employment or program without first obtaining permission. All terminations of employment or program must be immediately reported to the Division.
12. **Financial Obligation:** Defendant shall pay administrative assessment fees, fines and restitution as ordered in the Judgment of Conviction and the special conditions of probation. Any excess monies paid will be applied to

any other outstanding fees, fines and/or restitution, even if it is discovered after Defendant's discharge.

B. Special Conditions as follows:

1. Defendant shall remain in custody and serve an additional sixty (60) days in the Washoe County Jail, straight time, day for day, with no good time credit or alternative sentencing. At the conclusion of the sixty (60) days, the Defendant shall remain in custody until his first appearance in the Second Judicial District Court Specialty Court - Adult Drug Court, which he shall enter and successfully complete.
2. Defendant shall pay the statutory Twenty-Five Dollar (\$25.00) administrative assessment fee; he shall submit to a DNA analysis test for the purpose of determining genetic markers and pay a testing fee in the amount of One Hundred Fifty Dollars (\$150.00); he shall pay a chemical analysis fee in the amount of Sixty Dollars (\$60.00); he shall pay the Three Dollar (\$3.00) administrative assessment fee for obtaining a biological specimen and conducting a genetic marker analysis; and he shall reimburse Washoe County in the amount of Five Hundred Dollars (\$500.00) for legal services rendered.

Further, the Defendant is advised that the Court reserves the right to modify these terms of Probation at any time and as permitted by law.

Dated this 9th day of December, 2021.


DISTRICT JUDGE

1 CODE NO. 2515
2 WASHOE COUNTY PUBLIC DEFENDER
3 JOHN REESE PETTY, State Bar Number 10
4 350 South Center Street, 5th Floor
5 Reno, Nevada 89501
6 (775) 337-4827
7 jpetty@washoecounty.gov
8 Attorney for Defendant

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

13 THE STATE OF NEVADA,

14 Plaintiff,

15 vs.

Case No. CR21-1297B

16 MICHAEL J. LOCKER,

Dept. No. 15

17 Defendant.
18 _____/

19 NOTICE OF APPEAL

20 Defendant, Michael J. Locker, hereby appeals to the Supreme Court of
21 Nevada from the judgment of conviction entered in this action on December 92, 2021.

22 This is a fast track appeal. NRAP 3C.

23 The undersigned hereby affirms, pursuant to NRS 239B.030, that this
24 document does not contain the personal information of any person.

25 DATED this 9th day of January 2022.

26 JOHN L. ARRASCADA
WASHOE COUNTY PUBLIC DEFENDER

By: /s/ John Reese Petty
JOHN REESE PETTY, Chief Deputy

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

6
7

9.0

2.2
2.3

6

8

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 3rd day of February 2022. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Jennifer P. Noble, Chief Appellate Deputy
Washoe County District Attorney's Office

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

Michael J. Locker (#2109419)
JID #P00102151
Washoe County Jail
911 Parr Blvd., H09
Reno, Nevada 89512

John Reese Petty
Washoe County Public Defender's Office