IN THE SUPREME COURT OF THE STATE OF NEVADA

2 3	NICHOLAS CHARLES LANZALACA,)	Electronically Filed Nov 30 2021 01:57 CASE NO. Elizabeth A. Brown	l 7 p.m
4		Clerk of Supreme (
5	v.)		
6			
7	THE STATE OF NEVADA,		
8	Respondent.		
9			

MOTION TO TRANSMIT UNDER SEAL PRESENTENCE INVESTIGATION REPORT

The Appellant above-named, NICHOLAS CHARLES

LANZALACA, by and through his counsel of record, BENJAMIN C.

GAUMOND, ESQ. of the BEN GAUMOND LAW FIRM, PLLC, hereby moves for an order directing the Fourth Judicial District Court Clerk to transmit a sealed copy of the Presentence Investigation Report in this case for review by this Court. That report is dated September 8, 2021.

Pursuant to NRS 176.156, NRAP 10, and NRAP 30, the document must not be made a part of any public record and therefore cannot be a part of any appendix or exhibits attached to a motion.

The Fast Track Statement shall make reference to information contained in the Presentence Investigation Report insofar as such information supports Mr. Lanzalaca's position that he suffered no prior conviction for an infraction under NRS 453.336 and, as such, the infraction in the instant case was subject to mandatory diversion under NRS 176.211. This is relevant to the appeal because the district court lacked jurisdiction to sentence Mr. Lanzalaca to a felony conviction.

DATED this 30th day of November, 2021.

BEN GAUMOND LAW FIRM, PLLC

BENJAMIN C. GAUMOND, ESQ., OWNER NEVADA STATE BAR NUMBER 8081 495 IDAHO STREET, SUITE 209 ELKO, NV 89801 (775)388-4875 (PHONE) (800)466-6550 (FACSIMILE) BEN@BENGAUMONDLAWFIRM.COM

///

///

///

25

CERTIFICATE OF SERVICE

I, Benjamin C. Gaumond, certify that I am the owner of the Ben
Gaumond Law Firm, PLLC and that on the 30th day of November,
2021, I served a copy of the foregoing MOTION TO TRANSMIT
UNDER SEAL PRESENTENCE INVESTIGATION REPORT by:
(a) algetronically conving said document to the Clark of the

(a) electronically serving said document to the Clerk of the

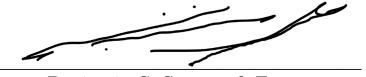
Supreme Court, Tyler J. Ingram and Justin M. Barainca of the

Elko County District Attorney's Office, and Nevada Attorney

General Aaron D. Ford; and

(b) emailing a copy to Nicholas Charles Lanzalaca.

DATED this 30th day of November, 2021.



Benjamin C. Gaumond, Esq.