

1 Case No. DC-CR-21-248

2 Dept. No. 3

FILED

2021 DEC 16 PM 2:40

ELKO CO DISTRICT COURT

Electronically Filed

Dec 23 2021 12:58 p.m.

CLERK DEPUTY Elizabeth A. Brown

Clerk of Supreme Court

3
4
5 IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
6 OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO

7
8 THE STATE OF NEVADA,

Plaintiff,

9 vs.

NOTICE OF APPEAL

10 RAJ NARESH DUGGAL,

Defendant.

11
12 COMES NOW, Petitioner, by and through his attorneys, LOCKIE &
13 MACFARLAN, LTD., and appeals from the JUDGMENT OF CONVICTION entered
14 on December 13, 2021, in the Fourth Judicial District Court, Elko County, Nevada.

15 DATED this 16 day of December, 2021.

16 LOCKIE & MACFARLAN, LTD.

17 By

Sherrburne M. MacFarlan #2378 For

18 SHERBURNE M. MACFARLAN, III

Nevada Bar No. 3999

19 Attorneys for Petitioner

919 Idaho Street

20 Elko, Nevada 89801

(775) 738-8084

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Raj N. Duggal
c/o Elko County Jail
P. O. Box 2028
Elko, NV 89803

FILED

Case No. DC-CR-21-248

2021 DEC 17 PM 1:39

Dept. No. 3

4th JUDICIAL DISTRICT COURT

CLERK _____ DEPUTY Dr

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

THE STATE OF NEVADA,

Plaintiff,

vs.

CASE APPEAL STATEMENT

RAJ NARESH DUGGAL,

Defendant.

1. RAJ N. DUGGAL is the appellant filing this case appeal statement.

2. The Honorable MASON E. SIMONS, District Judge of Department 3 of the Fourth Judicial District Court of the State of Nevada, issued the Judgment of Conviction which is being appealed.

3. The State of Nevada was the plaintiff; RAJ N. DUGGAL was the defendant in the proceedings in the District Court.

4. The parties involved in this appeal are RAJ N. DUGGAL, as appellant, and The State of Nevada as respondent.

1 5. Representing the appellant in this appeal is Sherburne M. Macfarlan, III
2 of Lockie & Macfarlan, Ltd., 919 Idaho Street, Elko, Nevada 89801, (775) 738-8084.
3 The respondent, State of Nevada, is represented by Jeffrey C. Slade, Deputy, Elko
4 County District Attorney, 540 Court Street, 2nd Floor, Elko, Nevada 89801, (775) 738-
5 3101.

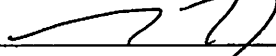
6 6. The appellant was represented by retained counsel in the District Court.

7 7. The appellant is represented by retained counsel in this appeal.

8 8. The proceedings commenced in District Court on September 8, 2021,
9 when the Criminal Information was filed.

10 DATED this 17 day of December, 2021.

11 LOCKIE & MACFARLAN, LTD.


12 By 
13 SHERBURNE M. MACFARLAN, III
14 Nevada Bar No. 3999
15 Attorney for Defendant
16 919 Idaho Street
17 Elko, Nevada 89801
18 (775) 738-8084
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By mailing to:

and

By delivering to:


Georgia Jordan

FILED

Case No. DC-CR-21-248

2021 DEC 17 PM 1:38

Dept. No. 3

4th JUDICIAL DISTRICT COURT

CLERK _____ DEPUTY DA

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

THE STATE OF NEVADA,

Plaintiff,

vs.

**REQUEST FOR ROUGH
DRAFT TRANSCRIPT**

RAJ NARESH DUGGAL,

Defendant.

TO: JULIE ROWAN, TRANSCRIPTIONIST

RAJ NARESH DUGGAL, defendant named above, requests preparation of a rough draft transcript of certain portions of the proceedings before the district court, as follows:

Dates of proceeding: December 10, 2021.

Portions of the transcript requested: Complete Transcript of the Sentencing

1 Hearing.

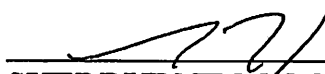
2 This notice requests a transcript of only those portions of the district court
3 proceedings which counsel reasonably and in good faith believes are necessary to
4 determine whether appellate issues are present. .

5 I recognize that I must personally serve a copy of this form on the above named
6 court reporter and opposing counsel, and that the above named court reporter shall have
7 twenty-one (21) days from the receipt of this notice to prepare and submit to the district
8 court the rough draft transcript requested herein.

9 DATED this 17 day of December, 2021.

10 LOCKIE & MACFARLAN, LTD.

11
12 By


13 SHERBURNE M. MACFARLAN, III
14 Nevada State Bar No. 2384
15 Attorney for Defendant
16 919 Idaho Street
17 Elko, Nevada 89801
18 (775) 738-8084
19


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By delivering or emailing to:

**Elko Co. District Attorney's Office.
540 Court Street, 2nd Floor
Elko, NV 89801
(by placing in box at Clerk of Court)**

By mailing to:

Raj N. Duggal
c/o Elko Co. Jail
P. O. Box 2028
Elko, NV 89803


Georgia Jordan

Case Summary

DC-CR-21-248 - STATE OF NEVADA VS. DUGGAL, RAJ NARESH

Court: DC-CR-21-248

Agency: Elko County Clerk's Office

Prosecution: G-21-01046

CaseID: 21-1706

Type: Criminal

Received Date: 9/8/2021

Status: Closed

Status Date: 12/13/2021

Age: 103 days Active Age: 104 days

Involvements

SIMONS, MASON Judge

MILLS, MARK Prosecution Attorney

DUGGAL, RAJ Defendant

MACFARLAN III, SHERBURNE Retained Attorney

Filed Charge - Criminal Information

1. NRS 200.481.2 - Conspiracy To Commit Battery Occurred: 3/9/2021

Gross Misdemeanor Gross Misdemeanor - Crimes Against Persons

9/8/2021 12:00:00 PM

Plea: Nolo Contendere (No Contest) Plea Date: 10/8/2021 Disposition: Guilty Plea (Before Trial) Dispo Date: 12/13/2021

Notes: EL-JC-CR-F-21-3169

Notes: PCN: NVELSO4009961 C

Case History

Date	Event Type Desc	Status
	Awaiting Charging Decision - Case Status	
	Case Status Change	
	Pending - Case Status	
	CI FILED	
	Awaiting Return of Original Warrant - Task	
	Arraignment Hearing - Event	
10/8/2021	10/8/2021 8:30 AM	10/8/2021 8:30:00 AM
	8:30:00 AM	

Case Summary

	Sentencing Hearing - Event	12/10 /2021 8:30:00 AM	12/10/2021 8:30:00 AM
	Closed - Case Status		
	JOC FILED		
6/11/2021	CRIMINAL COMPLAINT - Document		
6/29/2021	Cash Bond - District Court - BOND For: DUGGAL, RAJ NARESH Amount \$5,000.00 RAJ NARESH DUGGAL	For:	DUGGAL, RAJ NARESH
6/30/2021	BOOKING SHEET 6.30.2021 - UNREDACTED - Document		
6/30/2021	BOOKING SHEET 6.30.2021 - REDACTED - Document		
6/30/2021	RECEIPT - Document ECSO RECEIPT #29983		
6/30/2021	COURT APPEARANCE NOTIFICATION - Document		
6/30/2021	NPRA QUESTIONNAIRE - Document		
7/2/2021	WARRANT OF ARREST - Document		
7/8/2021	WAIVER OF PERSONAL APPEARANCE, WAIVER OF RIGHT TO SPEEDY PRELIM - Document		
8/26/2021	WAIVER OF PRELIM - Document		
8/27/2021	ORDER BINDING OVER - OUT OF CUSTODY - Document RELEASED ON POSTED BOND		
8/31/2021	COPY OF CHECK FOR CASH BAIL - Document		

Case Summary

9/7/2021	EJC CASE SUMMARY - Document
9/8/2021	CRIMINAL INFORMATION - Document
9/15/2021	MEMORANDUM OF PLEA AGREEMENT - Document
10/8/2021	PSI FAX CONFIRMATION 10.8.21 - Document
10/8/2021	10.8.21 DC3 ARRAIGNMENT MINUTES- NO CONTEST PLEA - Document
10/8/2021	10.8.21 DC3 PSI REQUEST - Document
12/10/2021	12.10.22 DC3 SENTENCING MINUTES - Document EMAILED TO P&P
12/13/2021	JUDGMENT OF CONVICTION (NO CONTEST PLEA) - Document COUNT 1: CONSPIRACY TO COMMIT BATTERY, A GROSS MISDEMEANOR AS DEFINED BY NRS 199.480 AND NRS 200.481 (NOC 50243); \$25 ADMIN FEE; \$3 DNA ADMIN ASSESSMENT;\$150 GENETIC MARKER ANALYSIS; PAY A\$2,000.00 FINE; TO SERVE 364 DAYS IN ECJ WITH NO CREDIT FOR TIME SERVED. 3 PGS
12/16/2021	MOTION FOR STAY OF SENTENCE AND ADMISSION TO BAIL PENDING APPEAL - Document
12/16/2021	NOTICE OF APPEAL - Document ON ANNETTE'S DESK
12/17/2021	REQUEST FOR ROUGH DRAFT TRANSCRIPT - Document
12/17/2021	CASE APPEAL STATEMENT- Document
12/17/2021	TRANS CONF RPT - DPS - Document BOOKING SHEET, CRIMINAL INFORMATION AND JOC FAXED TO DPS
12/20/2021	CLERK'S CERTIFICATE - Document SIGNED AND SEALED. FILED WITH THE SUPREME COURT

Bonds

Case Summary

For	Bond Dt	Bond Type	Bond Status	Modified DT	Amount	Amt Paid	Paid By
1 - RAJ NARESH DUGGAL	6/29/2021	Cash Bond - District Court	Cash Bond Posted	9/10/2021	\$5,000.00	\$5000.00	DUGGAL, RAJ NARESH on 9/10/2021

Case Obligations

Obligation	Pay By	Due Date	Obligation Amount	Amount Paid	Balance Due
DC3 Admin	1--DUGGAL, RAJ-NRS 200.481.2	1/16/2022	\$20.00	\$0.00	\$20.00
Assessment Fee: NRS 176.062 \$20					
DC3 Admin	1--DUGGAL, RAJ-NRS 200.481.2	1/16/2022	\$5.00	\$0.00	\$5.00
Assessment Fee: NRS 176.062 \$5					
DC3 Genetic Admin	1--DUGGAL, RAJ-NRS 200.481.2	1/16/2022	\$3.00	\$0.00	\$3.00
Assessment Fee: NRS 176.0623 \$3					
DC3 Genetic Marker Test: NRS 176 .0915 \$150	1--DUGGAL, RAJ-NRS 200.481.2	1/16/2022	\$150.00	\$0.00	\$150.00
DC3 Fines	1--DUGGAL, RAJ-NRS 200.481.2	1/16/2022	\$2000.00	\$0.00	\$2000.00
Total Personal Obligation(s):			\$2178.00	\$0.00	\$2,178.00
Total Case Obligation(s):			\$2178.00	\$0.00	\$2178.00

FILED

CASE NO. DC-CR-21-248

DEPT. NO. 3

2021 DEC 13 AM 11:38

4th JUDICIAL DISTRICT COURT
CLERK _____ DEPUTY 8

FOURTH JUDICIAL DISTRICT COURT
COUNTY OF ELKO, STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff,

JUDGMENT OF CONVICTION

vs.

RAJ NARESH DUGGAL,

Defendant.

On October 8, 2021, Defendant, RAJ NARESH DUGGAL, (Date of Birth: March 8, 1962; Place of Birth: India) entered a plea of no contest to the crime of **COUNT 1: CONSPIRACY TO COMMIT BATTERY, A GROSS MISDEMEANOR AS DEFINED BY NRS 199.480 AND NRS 200.481 (NOC 50243)** which crime occurred on or about March 9, 2021, and sentenced Defendant on December 10, 2021 as follows:

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

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

IT IS FURTHER ORDERED that Defendant shall pay a \$150.00 fee for purposes of obtaining a biological specimen from the Defendant and for performing genetic marker analysis of said specimen pursuant to

NRS 176.0915.

IT IS FURTHER ORDERED that Defendant shall submit a biological specimen for genetic marker analysis pursuant to NRS 176.0913, unless a biological specimen was previously provided.

IT IS FURTHER ORDERED that Defendant shall pay a fine of \$2,000.00.

IT IS FURTHER ORDERED that the cash bail posted in the amount of \$5,000.00 shall be used to satisfy all outstanding fines and fees owed in this matter, and the remainder shall then be returned to the posting party.

IT IS FURTHER ORDERED that for Count 1, Defendant shall be incarcerated in the Elko County Jail for a period of 364 days. The Defendant shall receive credit for 0 days previously served as December 10, 2021. Defendant shall be immediately remanded into the custody of the Elko County Sheriff's Office to begin serving said sentence.

At the time Defendant entered his plea of guilty, and at the time he was sentenced, he was represented by David Lockie, Esq.

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

DATED this 13 day of December, 2021.

HON. MASON E. SIMONS
District Court Judge

1 **CERTIFICATE OF SERVICE**


2 Pursuant to NRCP 5(b), I certify that I am an employee of the Fourth Judicial District
3 Court, Department 3, and that on this 13 day of December, 2021, I served by hand delivery
4 by placing a copy of said document in the agency box located in the Elko County Clerk's Office,
5 a true copy of the foregoing document to:

6 Elko County District Attorney's Office

7 David Lockie, Esq.

8 State of Nevada, Division of Parole & Probation

9 Elko County Sheriff's Office

10
11
12 
13 Court Employee

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

RECORD OF COURT PROCEEDINGS

Present - Honorable MASON E. SIMONS, District Judge,
and Officers of the Court.

STATE OF NEVADA,

Plaintiff,

Date: October 08, 2021

VS.

Case No.: DC-CR-21-248

Dept: 3

RAJ NARESH DUGGAL,

Defendant.

State of Nevada represented by Mercedes Martinez, Esq.
Defendant present, out of custody, and represented by
David B. Lockie, Esq.
Court Clerk, Kristy Day, present.

ARRAIGNMENT – NO CONTEST PLEA AGREEMENT

Court convened at 9:46 a.m.

The Court noted the presence of the parties.

This was the date and time set for an arraignment on the Criminal Information filed charging
COUNT 1: CONSPIRACY TO COMMIT BATTERY, A GROSS MISDEMEANOR AS DEFINED
BY NRS 200.481 AND NRS 199.480.

A certified copy of the Criminal Information was presented to the Defendant.

The Defendant advised that he reviewed the Criminal Information with his attorney and was
satisfied with legal representation to date.

The name of the Defendant was correctly stated.

Defense counsel waived the formal reading of the Criminal Information.

The Court read the charging portion of the Criminal Information and asked the Defendant to
enter a plea.

The Defendant entered a plea of no contest to the charge.

The Court canvassed the Defendant regarding his personal information.

The Court noted that a 6-page Memorandum of Plea Agreement was filed September 15, 2021 and canvassed the Defendant concerning the agreement.

The Court canvassed the Defendant regarding the elements of the crime, the potential defenses, and his constitutional rights.

Defense counsel placed the terms of the Plea Agreement on the record. All parties concurred.

The State cited the elements of the crime and the potential penalties involved.

The Court advised the Defendant that sentencing was wholly within the discretion of the Court.

The Court reviewed the Defendant's Constitutional Rights and the Defendant waived the same.

The Defendant presented an explanation of the crime alleged in the Criminal Information.

The Court found that the Defendant's plea was offered voluntarily, knowledgeably, and intelligently, with full knowledge of his Constitutional Rights, and there was a factual basis for the plea, and the Defendant understood the consequences of his plea.

The Court **ORDERED** a Presentence Investigation Report due on or before November 26, 2021. Sentencing was set for December 10, 2021 at 8:30 a.m.

The Court instructed the Defendant to cooperate with the Division in the preparation of the presentence investigation report.

Court adjourned at 9:59 a.m.

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

RECORD OF COURT PROCEEDINGS

Present - Honorable MASON E. SIMONS, District Judge,
and Officers of the Court.

STATE OF NEVADA,

VS.

Plaintiff,

Date: December 10, 2021

Case No.: DC-CR-21-248

Dept.: 3

RAJ NARESH DUGGAL,

Defendant.

State of Nevada represented by Ryan I. McCormick, Esq.
Defendant present, out of custody, and represented by
David B. Lockie, Esq.
Court Clerk, Lani Broxson, present.

SENTENCING HEARING

Court convened at 10:04 a.m.

The Court noted the presence of the parties.

This was the date and time set for sentencing.

All parties advised they were in receipt of the Presentence Investigation Report.

The State did not make any corrections to the report.

Defense counsel did not make any corrections to the report.

The Court inquired if either party had evidence to present for sentencing.

The State presented its position for sentencing.

Defense counsel presented a recommendation on behalf of the Defendant.

The State made a further statement in regards to the crime.

Defense counsel continued its recommendation on behalf of the Defendant.

The Court advised the Defendant of his right to make a statement on his own behalf.

The Defendant did not address the Court.

After being canvassed by the Court, both parties advised that there was no cause why formal judgment should not be entered at this time.

The Court **ORDERED** a Judgment of Conviction be entered against the Defendant finding the Defendant guilty of COUNT 1: CONSPIRACY TO COMMIT BATTERY, A GROSS MISDEMEANOR AS DEFINED BY NRS 200.481 AND NRS 199.480, by no contest plea entered on October 8, 2021.

The matter being submitted;

The Court **ORDERED** the Defendant to pay a \$25.00 administrative assessment fee, \$3.00 genetic administrative assessment fee, \$150.00 genetic testing fee, submit to testing to determine his genetic markers, \$2,000.00 fine, and be sentenced to serve a maximum 364 days in the Elko County Jail

The Defendant was remanded to the custody of the Elko County Sheriff's Department.

Court adjourned at 10:23 a.m.

FILED

Case No. DC-CR-21-248

Dept. No. 3

2021 DEC 20 AM 9:27

ELKO CO DISTRICT COURT

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

CLERK DEPUTY *Am*

RAJ NARESH DUGGAL,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent,

CLERK'S CERTIFICATION

I, KRISTINE JAKEMAN, the duly elected, acting and qualified County Clerk and Ex-Officio Clerk of the District Court of the Fourth Judicial District of the State of Nevada, in and for the County of Elko, do hereby certify that the annexed are true, full and correct copies of certain documents in Case No. DC-CR-21-248, Dept. 3, RAJ NARESH DUGGAL, Appellant, vs. STATE OF NEVADA, Respondent, as appears on file and of record in my office.

WITNESS My Hand and Seal of said Court on December 20, 2021.

KRISTINE JAKEMAN, ELKO COUNTY CLERK

By

Annette Marshall
Annette Marshall, DEPUTY CLERK

CERTIFICATE OF SERVICE

I hereby certify that I caused to be sent electronically and/or mailed a certified copy of the annexed documents in Case No. DC-CR-21-248, Dept. 3, RAJ NARESH DUGGAL, Appellant, vs. STATE OF NEVADA Respondent, as appears on file and of record in this Court, to the following:

Elko County District Attorney
canchondo@elkocountynv.net
csmith@elkocountynv.net
kdarby@elkocountynv.net
tyell@elkocountynv.net
rmccormick@elkocountynv.net

Sherburne M. MacFarlan, III
919 Idaho Street
Elko, Nevada 89801

Aaron Ford
Nevada Attorney General
Attn: Criminal Division
100 North Carson Street
Carson City, NV 89701-4717

DATED this 20th, day of December, 2021.



Annette Marshall, Deputy Clerk