

AUG 30 2021  
WHITE PINE CO. CLERK

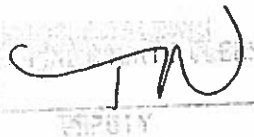
SEARS LAW FIRM, LTD.  
457 FIFTH STREET • ELY, NEVADA 89301  
775.289.3366

Case No. CR-1903028

Dept. No. 2

FILED

AUG 30 AM 8:00

  
CLERK  
DEPUTY

Electronically Filed  
Aug 30 2021 11:30 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

IN THE SEVENTH JUDICIAL DISTRICT COURT

STATE OF NEVADA, COUNTY OF WHITE PINE

• • • • •

THE STATE OF NEVADA,  
PLAINTIFF,

NOTICE OF APPEAL

VS.

MYRTIS TYRONE JAMES,  
DEFENDANT.

Myrtis James, by his counsel, notifies the State that he appeals his conviction and sentenced for Driving Under the Influence of Alcohol, a felony, that was entered against him on August 18th, 2021 in this court. Myrtis was convicted by jury verdict after trial and sentenced to 84 months maximum term of incarceration with a minimum parole eligibility of 32 months. The defendant was also fined \$2,000 and ordered to pay fees of \$888.

Date: Saturday, August 28, 2021.



Richard W. Sears, 5489  
457 Fifth Street,  
Ely, Nevada 89301  
(775) 289-3366

CERTIFICATE OF MAILING

I hereby certify that I am an employee of Richard W. Sears Law Firm and that on the date below written, I deposited in the United State Post Office, as Ely, Nevada, in a sealed envelope with first class postage fully paid, a true and correct copy of the above and foregoing Notice of Appeal, dated and addressed as follows:

☐ By placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Ely, Nevada: and/or

☒ Via Facsimile; and/or email

☐ To be hand-delivered to the attorney listed below at the address indicated below:

Hon. James Beecher  
White Pine County District Attorney  
801 Clark Street  
Ely, Nevada 89301

Date: Saturday, August 28, 2021



An employee of  
Richard W. Sears Law Firm

Run: 08/30/2021  
8:29:54

Case Summary

Page 1

**Case #:** CR1903028  
**Judge:** FAIRMAN, GARY D  
**Date Filed:** 03/06/2019 **Department:** Dept. 2  
**Case Type:** MOTOR VEHICLE DUI (FELONY)

**Title/Caption:** THE STATE OF NEVADA  
PLAINTIFF  
VS.  
MYRTIS TYRONE JAMES  
DEFENDANT

**Attorney(s)**

**Defendant**

JAMES, MYRTIS TYRONE

SEARS, RICHARD WAYNE

**Plaintiff**

THE STATE OF NEVADA

No \*Attorney 1\* Listed

**Fees:**

Date Assessed:	Fee	Total	Paid	Waived	Outstanding
08/18/2021	CNTYAA5.00	\$5.00	\$0.00	\$0.00	\$5.00
08/18/2021	STATEAA20.00	\$20.00	\$0.00	\$0.00	\$20.00
08/18/2021	GMAFEE3.00	\$3.00	\$0.00	\$0.00	\$3.00
08/18/2021	DNAFEE150.00	\$150.00	\$0.00	\$0.00	\$150.00
08/18/2021	CHEMANA	\$60.00	\$0.00	\$0.00	\$60.00
08/18/2021	ATTYFEE300.00	\$300.00	\$0.00	\$0.00	\$300.00
08/18/2021	PSIFEE350.00	\$350.00	\$0.00	\$0.00	\$350.00
08/18/2021	FINE	2,000.00	\$0.00	\$0.00	\$2,000.00

**Charge:** DUI 4TH NRS 484C.110, 484C.020, 484C.400, 484C.410 F/ Count 1

**Sent:** 32-84 MONTHS NDOC; 5 DAYS CREDIT FOR TIME SERVED; \$2,000 FINE;  
INSTALL THE IGNITION INTERLOCK DEVICE FOR 24 MONTHS IN ANY VEHICLE  
HE DRIVES

**Disp/Judgment:** Jury Trial: Date: 08/18/2021  
Conviction

**Hearings:**

Date	Time	Hearing	Court Result
05/13/2019	12:00AM	ARRGNMNT HRG/CHANGE OF PLEA	
10/07/2019	12:00AM	CRIMINAL MOTIONS HEARING	
03/18/2020	9:30AM	CRIMINAL MOTIONS HEARING	
03/24/2020	9:30AM	CRJT	
03/25/2020	9:30AM	CRJT	
03/26/2020	9:30AM	CRJT	
07/15/2020	9:30AM	CRIMINAL MOTIONS HEARING	
05/18/2021	9:30AM	JURY TRIAL	
05/19/2021	9:30AM	JURY TRIAL	
08/16/2021	9:30AM	SENTENCING HEARING	

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8:29:59

Case Summary

Page 2

Filings:

Date	Filing
03/06/2019	ORDER SETTING PRELIMINARY HEARING
03/07/2019	CRIMINAL INFORMATION FOR DRIVING OR BEING IN ACTUAL PHYSICAL CONTROL OF A VEHICLE WHILE BEING UNDER THE INFLUENCE OF INTOXICATING LIQUOR, FELONY OFFENSE
03/14/2019	TRANSCRIPT PRELIMINARY HEARING MARCH 5, 2019
03/22/2019	CERTIFICATE OF SERVICE
08/02/2019	STATE'S REQUEST FOR DISCOVERY N.R.S. 174.245
08/06/2019	SUBPOENA RETURNED SERVED-BRANDI SUMRALL, R.N.
08/09/2019	SUBPOENA RETURNED SERVED-FELICIA MASON
08/12/2019	SUBPOENA RETURNED SERVED-SERGEANT LUKE SHADY
09/06/2019	ORDER SETTING CRIMINAL JURY TRIAL
09/12/2019	MOTION TO INTORDUCE DEFENDANT'S STATEMENTS AND MOTION FOR JACKSON-DENNO HEARING
09/26/2019	ORDER SETTING HEARING ON MOTION TO INTRODUCE DEFENDANT'S STATEMENTS AND MOTION FOR JACKSON-DENNO HEARING
10/04/2019	NOTICE OF INTENT TO PRESENT POST-DRIVING DRINKING DEFENSE
10/08/2019	ORDER VACATING CRIMINAL JURY TRIAL
10/09/2019	SUBPOENA RETURNED SERVED-SERGEANT LUKE SHADY
10/17/2019	SUBPOENA RETURNED SERVED-FELICIA MASON
10/29/2019	SUBPOENA RETURNED SERVED-DEPUTY STEVE SAUNDERS
10/31/2019	SUBPOENA RETURNED SERVED-BRANDI SUMRALL R.N.
12/30/2019	MOTION TO SUPPRESS
01/09/2020	STATE'S OPPOSITION TO DEFENDANT'S MOTION TO SUPPRESS
01/23/2020	REPLY TO STATE'S OPPOSITION TO SUPPRESSION
02/13/2020	ORDER SETTING CRIMINAL JURY TRIAL
02/13/2020	PRETRIAL ORDER (CRIMINAL CASE)
02/13/2020	ORDER CALLING JURY
02/13/2020	CERTIFICATE OF SERVICE
02/13/2020	DEFENSE ATTORNEY: SEARS, RICHARD WAYNE ASSIGNED
03/03/2020	SUBPOENA RETURNED SERVED SERGEANT LUKE SHADY
03/05/2020	STIPULATION AND ORDER TO CONTINUE MOTION HEARING
03/17/2020	SUBPOENA ISSUED DEPUTY STEVE SAUNDERS
03/17/2020	SUBPOENA ISSUED SERGEANT LUKE SHADY
03/17/2020	SUBPOENA ISSUED BRANDI SUMRALL, R.N.
03/17/2020	SUBPOENA ISSUED FELICIA MASON
03/17/2020	SUBPOENA ISSUED SERGEANT LUKE SHADY
03/18/2020	ORDER CONTINUING CRIMINAL JURY TRIAL; ORDER VACATING AND CALLING OFF JURY; ORDER SETTING EVIDENTIARY HEARING ON MOTION TO SUPPRESS EVIDENCE
03/18/2020	CERTIFICATE OF SERVICE
03/18/2020	PRETRIAL ORDER (CRIMINAL CASE)
03/18/2020	ORDER CALLING JURY
03/24/2020	SUBPOENA RETURNED SERVED DEPUTY STEVE SAUNDERS
03/24/2020	SUBPOENA RETURNED SERVED SERGEANT LUKE SHADY
04/03/2020	SUBPOENA RETURNED SERVED FELICIA MASON
04/20/2020	SUBPOENA RETURNED SERVED BRANDI SUMRALL R.N.
07/31/2020	ORDER DENYING DEFENDANT'S MOTION TO SUPPRESS

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8:29:59

Case Summary

Page 3

07/31/2020 CERTIFICATE OF SERVICE  
08/14/2020 ORDER SETTING CRIMINAL JURY TRIAL  
08/14/2020 ORDER CALLING JURY  
08/14/2020 PRETRIAL ORDER (CRIMINAL CASE)  
08/14/2020 CERTIFICATE OF SERVICE  
10/07/2020 SECOND AMENDED ORDER SETTING CRIMINAL JURY TRIAL  
10/07/2020 ORDER CALLING JURY  
10/07/2020 CERTIFICATE OF SERVICE  
10/28/2020 NOTICE OF INTENT TO PRESENT EVIDENCE OF POST-DRIVING CONSUMPTION OF ALCOHOL BY DEFENDANT  
11/16/2020 LEFT SIDE DOCUMENTS- SUBPOENA ISSUED- FELICIA MASON, BRANDI SUMRALL R.N., SERGEANT LUKE SHADY, DEPUTY STEVE SAUNDERS  
11/23/2020 SUBPOENA RETURNED SERVED-BRANDI SUMRALL R.N.  
11/23/2020 SUBPOENA RETURNED SERVED-FELICIA MASON  
11/23/2020 SUBPOENA RETURNED SERVED-DEPUTY STEVE SAUNDERS  
11/30/2020 SUBPOENA RETURNED SERVED SERGEANT LUKE SHADY  
12/02/2020 ORDER VACATING CRIMINAL JURY TRIAL; ORDER CALLING OFF JURY  
12/02/2020 CERTIFICATE OF SERVICE  
12/02/2020 TRIAL CONTINUANCE-COURT NEED  
01/14/2021 BOND 000004 POSTED  
01/14/2021 SURETY BOND 000004 POSTED \$10,000.00  
02/03/2021 LEFT SIDE DOCUMENTS- SUBPOENA ISSUED-DEPUTY STEVE SAUNDERS; SERGEANT LUKE SHADY; BRANDI SUMRALL R.N. ; FELICIA MASON  
02/09/2021 SUBPOENA RETURNED SERVED BRANDI SUMRALL R.N.  
02/09/2021 SUBPOENA RETURNED SERVED DEPUTY STEVE SAUNDERS  
02/09/2021 SUBPOENA RETURNED SERVED SERGEANT LUKE SHADY  
02/17/2021 SUBPOENA RETURNED SERVED FELICIA MASON  
05/06/2021 ORDER SETTING CRIMINAL JURY TRIAL; ORDER CALLING JURY  
05/06/2021 CERTIFICATE OF SERVICE  
05/06/2021 AMENDED CRIMINAL INFORMATION FOR DRIVING OR BEING IN ACTUAL PHYSICAL CONTROL OF A VEHICLE WHILE BEING UNDER THE INFLUENCE OF INTOXICATING LIQUOR, FELONY OFFENSE  
05/12/2021 MOTION FOR LEAVE TO AMEND INFORMATION  
05/12/2021 ORDER GRANTING LEAVE TO AMEND INFORMATION  
05/12/2021 AMENDED CRIMINAL INFORMATION FOR DRIVING OR BEING IN ACTUAL PHYSICAL CONTROL OF A VEHICLE WHILE BEING UNDER THE INFLUENCE OF INTOXICATING LIQUOR, FELONY OFFENSE  
05/12/2021 SUBPOENA RETURNED SERVED SERGEANT LUKE SHADY  
05/14/2021 STATE'S PROPOSED JURY INSTRUCTIONS  
05/18/2021 SUBPOENA RETURNED SERVED FELICIA MASON  
05/18/2021 SUBPOENA RETURNED SERVED DEPUTY STEVE SAUNDERS  
05/19/2021 INSTRUCTIONS  
05/19/2021 VERDICT  
05/20/2021 ORDER SETTING SENTENCING DATE  
05/20/2021 CERTIFICATE OF SERVICE  
08/06/2021 PRE-SENTENCE INVESTIGATION REPORT (CONFIDENTIAL)  
08/12/2021 SUBMISSION OF DEFENDANT'S PRIOR CONVICTIONS  
08/18/2021 JUDGMENT AND SENTENCE  
08/18/2021 CERTIFICATE OF MAILING

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8:29:59

## Case Summary

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08/18/2021	NOTICE OF ENTRY OF JUDGMENT
08/18/2021	CERTIFICATE OF HAND DELIVERY
08/30/2021	NOTICE OF APPEAL

FILED

Case No. CR- 1903028

2021 MAY 19 PM 4:02

Dept No. 2

SHARLE BALDWIN  
WHITE PINE COUNTY CLERK  
BY DA  
DEPUTY

THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF  
NEVADA, IN AND FOR THE COUNTY OF WHITE PINE

\*\*\*\*\*

THE STATE OF NEVADA,

Plaintiff,

vs.

VERDICT

MYRTIS TYRONE JAMES, A.K.A.,  
JAMES TYRONE MYRTIS,

Defendant.

WE, the Jury in the above-entitled case, unanimously find the Defendant,  
MYRTIS TYRONE JAMES, A.K.A., JAMES TYRONE MYRTIS, as follows:

COUNT I - DRIVING OR BEING IN ACTUAL PHYSICAL CONTROL OF A VEHICLE WHILE  
UNDER THE INFLUENCE OF INTOXICATING LIQUOR.

(You may select one or both of these theories of guilt in Count I by  
checking the appropriate box or boxes or you may find the Defendant not guilty by  
checking that box.)

☒ Guilty of Being in Actual and/or Physical Control Of A Motor Vehicle While  
Under The Influence Of Intoxicating Liquor; and/or

1 ☒ Guilty of Being Found By Measurement Within Two (2) Hours After Driving  
2 Or Being In Actual Physical Control Of A Vehicle To Have A Concentration Of  
3 alcohol of 0.08 Or More In His Blood.

4 ☐ Not Guilty.

5 DATED this 19<sup>th</sup> day of May, 2021.

6   
7 FOREPERSON



RECORDED

WHITE PINE COUNTY DISTRICT ATTORNEY

801 Clark Street, Suite 3 • Ely, Nevada 89301

TEL: 775-293-6565 • FAX: 775-289-1559

DAOoffice@WhitePineCountyNV.gov

AUG 18 2021

2021 AUG 18 9:05 AM

1 Case No.: CR-1903028

2 Dept. No.: 2

FILED

2021 AUG 18 AM 9:05

*[Signature]*

SEVENTH JUDICIAL DISTRICT COURT  
COUNTY OF WHITE PINE, STATE OF NEVADA

\*\*\*\*\*

8 THE STATE OF NEVADA,

9 Plaintiff,

10 -vs-

11 JAMES TYRONE MYRTIS,

12 Defendant.

JUDGMENT AND SENTENCE

13 WHEREAS, On the 19<sup>th</sup> day of May, 2021, the above-named Defendant, JAMES  
14 TYRONE MYRTIS, further described as: Date of Birth: February 28, 1975; Place of Birth:  
15 Keams Canyon, Arizona; was found guilty at jury trial of the crimes described below and as  
16 more fully set forth in the Amended Criminal Information filed herein, and the Court  
17 entered judgment. Legal counsel present at the Defendant's jury trial were RICHARD W.  
18 SEARS ESQ., White Pine County Public Defender, representing Defendant, and  
19 MCKINZIE M. HILTON ESQ., White Pine County Chief Deputy District Attorney,  
20 representing the State, and the Nevada Division of Parole and Probation was also present.

22 DESCRIPTION OF CONVICTION

23 COUNT I: DRIVING OR BEING IN ACTUAL PHYSICAL CONTROL OF  
24 A VEHICLE WHILE BEING UNDER THE INFLUENCE OF INTOXICATING LIQUOR,  
25 FELONY OFFENSE

26 On the 16<sup>th</sup> day of August, 2021, the above-named defendant appeared before this Court for

1 the purpose of sentencing and entry of a final judgment of conviction in this matter. This  
2 Court, the State and the Defense Counsel previously received a Pre-Sentence Report  
3 prepared by the Division of Parole and Probation. The State previously filed a certified copy  
4 of the Defendant's prior felony DUI conviction, judgment filed the 7<sup>th</sup> day of May, 2015.  
5 The above-named Defendant was personally present at the sentencing. Legal counsel  
6 present at the Defendant's sentencing were RICHARD W. SEARS ESQ., White Pine  
7 County Public Defender, representing Defendant, and MCKINZIE M. HILTON ESQ.,  
8 White Pine County Chief Deputy District Attorney, representing the State, and the Nevada  
9 Division of Parole and Probation was also present.

10 The Court found that the appropriate judgment in this case is as follows:

11 **IT IS HEREBY ADJUDGED** that for COUNT I, Defendant is sentenced to serve a  
12 maximum term of 84 months in the Nevada Department of Corrections, with parole  
13 eligibility after a minimum term of 32 months. Defendant is given credit for 5 days  
14 previously served.

15 **IT IS HEREBY ORDERED** that the Clerk of this court enter this Judgment of  
16 Conviction as part of the record in the above-entitled matter.

17 **IT IS HEREBY FURTHER ORDERED** that the Defendant shall pay a \$25.00  
18 Administrative Assessment fee.

19 **IT IS HEREBY FURTHER ORDERED** that the Defendant shall pay a \$3.00  
20 Genetic Marker Analysis Administrative Assessment fee.

21 **IT IS HEREBY FURTHER ORDERED** that the Defendant submit to DNA  
22 Analysis Testing to determine genetic markers and pay a \$150.00 fee for such testing.

23 **IT IS HEREBY FURTHER ORDERED** that the Defendant shall pay a \$60.00  
24 Chemical Analysis fee.

25 **IT IS HEREBY FURTHER ORDERED** that the Defendant shall pay a \$300.00  
26 toward the cost of public defender services.

1       **IT IS HEREBY FURTHER ORDERED** that the Defendant shall reimburse White  
2 Pine County the sum of \$350.00 towards the cost of the Pre-Sentence Investigation Report  
3 fee.

4       **IT IS HEREBY FURTHER ORDERED** that the Defendant shall pay a fine in the  
5 amount of \$2,000.

6       **IT IS HEREBY FURTHER ORDERED** that the fees assessed shall be paid to the  
7 White Pine County Clerk's Office, 801 Clark Street, Suite 4, Ely, Nevada 89301.

8       **IT IS HEREBY FURTHER ORDERED** that the Defendant shall install an ignition  
9 interlock device for 24 months in any vehicle he drives, once he is eligible to drive again.

10       **IT IS HEREBY FURTHER ORDERED** that any Bond in this matter shall be  
11 exonerated.

12       **IT IS HEREBY FURTHER ORDERED AND THE COURT ADVISES**  
13 **DEFENDANT** that pursuant to NRS 176.063, all administrative assessment fees, all other  
14 fees, and all fines constitute a lien pursuant to NRS 176.275; and should the Defendant fail to  
15 satisfy said lien(s), collection efforts may be undertaken against the Defendant pursuant to  
16 the laws of this State.

17       DATED this 17<sup>th</sup> day of August, 2021.

18  
19         
20       DISTRICT COURT JUDGE  
21  
22  
23  
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26

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

The undersigned does hereby affirm that the attached document:

☒ Does not contain the personal information of any person pursuant to NRS 603A.040;

-OR-

☐ Contains the personal information of a person as required by:

☐ A specific state or federal law, to wit: \_\_\_\_\_

-or-

☐ For the administration of a public program

-or-

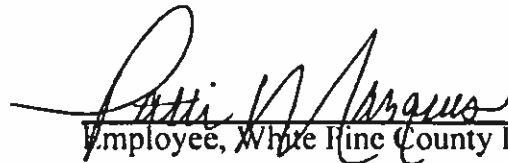
☐ For an application for a federal or state grant

-or-

☐ Confidential Family Court Information Sheet

(NRS 125.130, NRS 125.230 and NRS 125B.055)

DATED this 17<sup>th</sup> day of August, 2021.



Employee, White Pine County District Attorney

**CERTIFICATE OF SERVICE**


I, the undersigned, hereby certify that I am an employee of the White Pine County District Attorney and that on the 17<sup>th</sup> day of August, 2021, I served a true and correct copy of this document on:

Richard W. Sears Esq.  
White Pine County Public Defender  
457 Fifth Street  
Ely, NV 89301

by:

- ☐ mailing a copy thereof, first class mail, postage prepaid.
- ☐ delivering by hand to the person of, office of, or dwelling.
- ☐ leaving a copy in their box in the White Pine County Clerk's office.
- ☒ leaving a copy in their box in the White Pine County District Attorney's office.
- ☐ electronic-mail address or facsimile number.

DATED this 17<sup>th</sup> day of August, 2021.

  
Patti M. Marquis

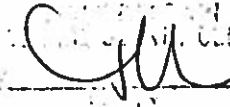
WHITE PINE COUNTY DISTRICT ATTORNEY  
801 Clark Street, Suite 3 • Ely, Nevada 89301  
TEL: 775-293-6565 • FAX: 775-289-1559  
DAO@WhitePineCountyNV.gov

AUG 18 2021

Case No. CR-1903028

FILED

AUG 18 AM 9:00

  
CLERK

IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF  
NEVADA, IN AND FOR THE COUNTY OF WHITE PINE

\*\*\*\*\*

THE STATE OF NEVADA,

Plaintiff,

vs.


JAMES TYRONE MYRTIS,

Defendant.

NOTICE OF ENTRY OF JUDGMENT

PLEASE TAKE NOTICE that on the 17 day of August, 2021, the Court entered an order or judgment in this matter, a true and correct copy of which is attached. If you wish to appeal, you must file a Notice of Appeal with the Clerk of the Court within thirty (30) days after the entry of judgment or order being appealed.

DATED this 17 day of August, 2021.

  
McKinzie M. Hilton Esq.,  
Nevada Bar No. 14447  
Chief Deputy District Attorney  
for White Pine County

Case No.: CR-1903028

Dept. No.: 2

FILED

AUG 18 AM 9:05

*[Signature]*

SEVENTH JUDICIAL DISTRICT COURT  
COUNTY OF WHITE PINE, STATE OF NEVADA

\*\*\*\*\*

THE STATE OF NEVADA,  
Plaintiff,

-vs-

JAMES TYRONE MYRTIS,  
Defendant.

JUDGMENT AND SENTENCE

WHEREAS, On the 19<sup>th</sup> day of May, 2021, the above-named Defendant, JAMES TYRONE MYRTIS, further described as: Date of Birth: February 28, 1975; Place of Birth: Keams Canyon, Arizona; was found guilty at jury trial of the crimes described below and as more fully set forth in the Amended Criminal Information filed herein, and the Court entered judgment. Legal counsel present at the Defendant's jury trial were RICHARD W. SEARS ESQ., White Pine County Public Defender, representing Defendant, and MCKINZIE M. HILTON ESQ., White Pine County Chief Deputy District Attorney, representing the State, and the Nevada Division of Parole and Probation was also present.

DESCRIPTION OF CONVICTION

COUNT I: DRIVING OR BEING IN ACTUAL PHYSICAL CONTROL OF  
A VEHICLE WHILE BEING UNDER THE INFLUENCE OF INTOXICATING LIQUOR,  
FELONY OFFENSE

On the 16<sup>th</sup> day of August, 2021, the above-named defendant appeared before this Court for

1 the purpose of sentencing and entry of a final judgment of conviction in this matter. This  
2 Court, the State and the Defense Counsel previously received a Pre-Sentence Report  
3 prepared by the Division of Parole and Probation. The State previously filed a certified copy  
4 of the Defendant's prior felony DUI conviction, judgment filed the 7<sup>th</sup> day of May, 2015.  
5 The above-named Defendant was personally present at the sentencing. Legal counsel  
6 present at the Defendant's sentencing were RICHARD W. SEARS ESQ., White Pine  
7 County Public Defender, representing Defendant, and MCKINZIE M. HILTON ESQ.,  
8 White Pine County Chief Deputy District Attorney, representing the State, and the Nevada  
9 Division of Parole and Probation was also present.

10 The Court found that the appropriate judgment in this case is as follows:

11 **IT IS HEREBY ADJUDGED** that for COUNT I, Defendant is sentenced to serve a  
12 maximum term of 84 months in the Nevada Department of Corrections, with parole  
13 eligibility after a minimum term of 32 months. Defendant is given credit for 5 days  
14 previously served.

15 **IT IS HEREBY ORDERED** that the Clerk of this court enter this Judgment of  
16 Conviction as part of the record in the above-entitled matter.

17 **IT IS HEREBY FURTHER ORDERED** that the Defendant shall pay a \$25.00  
18 Administrative Assessment fee.

19 **IT IS HEREBY FURTHER ORDERED** that the Defendant shall pay a \$3.00  
20 Genetic Marker Analysis Administrative Assessment fee.

21 **IT IS HEREBY FURTHER ORDERED** that the Defendant submit to DNA  
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26 toward the cost of public defender services.



1       **IT IS HEREBY FURTHER ORDERED** that the Defendant shall reimburse White  
2 Pine County the sum of \$350.00 towards the cost of the Pre-Sentence Investigation Report  
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4       **IT IS HEREBY FURTHER ORDERED** that the Defendant shall pay a fine in the  
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6       **IT IS HEREBY FURTHER ORDERED** that the fees assessed shall be paid to the  
7 White Pine County Clerk's Office, 801 Clark Street, Suite 4, Ely, Nevada 89301.

8       **IT IS HEREBY FURTHER ORDERED** that the Defendant shall install an ignition  
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10       **IT IS HEREBY FURTHER ORDERED** that any Bond in this matter shall be  
11 exonerated.

12       **IT IS HEREBY FURTHER ORDERED AND THE COURT ADVISES**  
13 **DEFENDANT** that pursuant to NRS 176.063, all administrative assessment fees, all other  
14 fees, and all fines constitute a lien pursuant to NRS 176.275; and should the Defendant fail to  
15 satisfy said lien(s), collection efforts may be undertaken against the Defendant pursuant to  
16 the laws of this State.

17       DATED this 17<sup>th</sup> day of August, 2021.

18  
19         
20       DISTRICT COURT JUDGE  
21  
22  
23  
24  
25  
26

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

The undersigned does hereby affirm that the attached document:

☒ Does not contain the personal information of any person pursuant to NRS 603A.040;

-OR-

☐ Contains the personal information of a person as required by:

☐ A specific state or federal law, to wit: \_\_\_\_\_

-or-

☐ For the administration of a public program

-or-

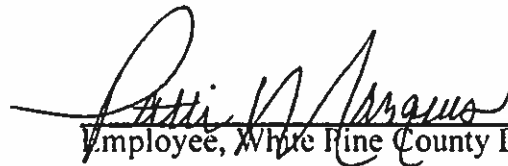
☐ For an application for a federal or state grant

-or-

☐ Confidential Family Court Information Sheet

(NRS 125.130, NRS 125.230 and NRS 125B.055)

DATED this 17<sup>th</sup> day of August, 2021.



\_\_\_\_\_  
Employee, White Pine County District Attorney

**CERTIFICATE OF SERVICE**

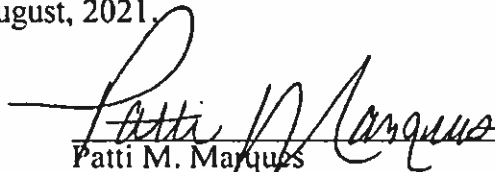
I, the undersigned, hereby certify that I am an employee of the White Pine County District Attorney and that on the 17<sup>th</sup> day of August, 2021, I served a true and correct copy of this document on:

Richard W. Sears Esq.  
White Pine County Public Defender  
457 Fifth Street  
Ely, NV 89301

by:

- ☐ mailing a copy thereof, first class mail, postage prepaid.
- ☐ delivering by hand to the person of, office of, or dwelling.
- ☐ leaving a copy in their box in the White Pine County Clerk's office.
- ☒ leaving a copy in their box in the White Pine County District Attorney's office.
- ☐ electronic-mail address or facsimile number.

DATED this 17<sup>th</sup> day of August, 2021.

  
Patti M. Marques



## Session Report - Standard

CR1903028

### THE STATE OF NEVADA VS MYRTIS TYRONE JAMES

Prosecution: McKinzie Hilton

Defendant: Myrtis Tyrone Janes AKA James Tyrone Myrtis

Defense: Richard Sears

Judge: Gary D. Fairman

Clerk: Taylor Adams; Melissa Tremain; Leia Wells; Tracy Woolf

Bailiff: Visilio Casarez; Dustin Ringueberg

Date:	Type:	Location:	Department:
5/18/2021	Criminal Jury Trial	Courtroom 1	Department 2
Event Time	Log Event		
9:20:41 AM	Session Started		
9:20:42 AM	Appearing in Court Note: Court, Clerk	Defendant, represented by Richard Sears; McKinzie Hilton representing the State of Nevada	
9:21:28 AM	Session Paused		
9:32:11 AM	Session Resumed		
9:32:12 AM	Clerk Calls Roll		
9:47:08 AM	Clerk seats 23 prospective jurors		
9:53:36 AM	Court is in Session Note: Court, Clerk	Judge Gary D. Fairman presiding. Time and Place for a Criminal Jury Trial	
9:54:57 AM	Clerk reads the First Juror's Oath		
9:56:11 AM	Court advises the prospective panel of 23 of the proceedings during the pandemic		
9:58:35 AM	McKinzie Hilton for the State of Nevada and Richard Sears for the Defendant introduce themselves to the prospective jurors		
10:00:08 AM	Clerk reads the Amended Criminal Information		
10:10:09 AM	Court voir dres the prospective panel of 23 Note: Court, Clerk	Court excuses Juror # 7 and replaces juror # 7; Court excuses juror #14 and replaces juror #14; Court excuses Juror # 12 and replaces juror # 12	
10:55:53 AM	State voir dres the prospective panel of 23 Note: Court, Clerk	State passes the panel for cause	
11:05:13 AM	Mr. Sears voir dres the prospective panel of 23 Note: Court, Clerk	Mr. Sears passes the panel for cause	
11:15:48 AM	Court admonishes the prospective panel of 23 and grants a brief recess Note: Court, Clerk	Court takes a brief recess to meet with juror # 2	
11:17:19 AM	Session Paused		
11:30:00 AM	Session Resumed		
11:30:05 AM	Appearing in Court Note: Court, Clerk	Defendant, represented by Richard Sears; McKinzie Hilton representing the State of Nevada; Panel of 23 are present	
11:30:10 AM	Court is in Session Note: Court, Clerk	Judge Gary D. Fairman presiding. Time and Place for a continuation of Criminal Jury Trial	
11:30:38 AM	Court excuses Juror #2 and replaces juror # 2 Note: Court, Clerk	Court voir dres Juror #2. State voir dres Juror #2. Mr. Sears voir dres Juror #2. Juror #2 was passed for cause	
11:37:32 AM	Court admonishes the prospective panel of 23 Note: Court, Clerk	Court excuses remaining jurors. Court grants a brief recess for peremptory challenges	

11:41:05 AM	Court advises the parties of the process of the peremptory challenges Note: Court, Clerk	Court grants a recess
11:43:47 AM	Session Paused	
11:55:09 AM	Session Resumed	
11:55:14 AM	Appearing in Court Note: Court, Clerk	Defendant, represented by Richard Sears; McKinzie Hilton representing the State of Nevada; Panel of 23 are not present
11:55:18 AM	Court is in Session Note: Court, Clerk	Judge Gary D. Fairman presiding. Time and Place for continuation of Criminal Jury Trial
11:56:00 AM	Court goes forward with the process of the peremptory challenges Note: Court, Clerk	State: #2, 8, 16, 19 Mr. Sears: #17, 6, 12, 11. State Alternate: #23. Mr. Sears Alternate: #20. parties stipulate to the final panel of 13
12:08:44 PM	Panel of 13 enters back into the court room	
12:12:03 PM	Court seats the panel of 13	
12:13:10 PM	Clerk reads the Second Juror's Oath	
12:13:54 PM	Court addresses the panel of 13 regarding the proceedings	
12:16:44 PM	Clerk reads the Amended Criminal Information	
12:19:32 PM	Court admonishes the Panel of 13 and takes a lunch recess	
12:20:52 PM	Session Paused	
12:21:30 PM	Session Resumed	
12:21:32 PM	Court advises the parties regarding juror #2 and the excusal of juror #2	
12:23:23 PM	Court grants a recess for lunch	
12:23:36 PM	Session Paused	
1:31:57 PM	Session Resumed	
1:32:00 PM	Appearing in Court Note: Court, Clerk	Defendant, represented by Richard Sears; McKinzie Hilton representing the State of Nevada; Panel of 23 are present
1:32:06 PM	Court is in Session Note: Court, Clerk	Judge Gary D. Fairman presiding. Time and Place for a continuation of a Criminal Jury Trial
1:32:52 PM	Court addresses the panel of 13 regarding the proceedings and reads the Jury Instructions	
1:44:59 PM	State is heard in opening statements	
1:48:00 PM	Mr. Sears is heard in opening statements	
1:55:32 PM	State calls Sergeant Luke Shady for direct examination Note: Court, Clerk	Sergeant Luke Shady is duly sworn
2:08:04 PM	State motions to admit State's Exhibit 1	
2:08:25 PM	Mr. Sears cross examines the witness	
2:09:44 PM	Web Conference Activated	
2:11:13 PM	State continues to direct examine Sergeant Luke Shady Note: Court, Clerk	State moves to publish State's Exhibit 1. Court grants
2:34:29 PM	State motions to admit State's Exhibit #2. Court grants Note: Court, Clerk	State motions to publish State's Exhibit #2 to the Jury. Court grants
2:36:34 PM	State continues to direct examine Sergeant Luke Shady	
2:37:53 PM	Mr. Sears request a breif recess Note: Court, Clerk	Court grants a brief recess
2:38:04 PM	Court admonishes the panel of 13 and takes a brief recess	
2:38:48 PM	Session Paused	
2:56:45 PM	Session Resumed	
2:56:49 PM	Appearing in Court Note: Court, Clerk	Defendant, represented by Richard Sears; McKinzie Hilton representing the State of Nevada; Panel of 23 are present

2:57:18 PM	Court Is in Session Note: Court, Clerk	Judge Gary D. Fairman presiding. Time and Place for a continuation of a Criminal Jury Trial
2:57:23 PM	Mr. Sears cross examines Sergeant Luke Shady Note: Court, Clerk	State objects. Mr. Sears follows up with a different question. Sergeant Luke Shady demonstrates a horizontal gaze nystagmus test
3:14:28 PM	State re direct examines Sergeant Luke Shady	
3:17:27 PM	Mr. Sears re cross examines Sergeant Luke Shady Note: Court, Clerk	Witness is excused
3:18:33 PM	State calls Brandi Sumrall for direct examination Note: Court, Clerk	Brandi Sumrall is duly sworn
3:28:15 PM	State motions to admit State's Exhibit #3. Court grants	
3:28:29 PM	Mr. Sears voir dres Brandi Sumrall Note: Court, Clerk	State objects. State motions to publish State's Exhibit #3 to the Jury. Court grants
3:33:22 PM	Mr. Sears cross examines Brandi Sumrall Note: Court, Clerk	State objects. Court allows Mr. Sears to question the witness
3:34:55 PM	State re directs brandi Sumrall Note: Court, Clerk	Witness is excused
3:35:35 PM	State advises the Court the next witness will not be ready until tomorrow morning	
3:35:57 PM	Court admonishes the panel of 13 and excuses them for the evening	
3:37:10 PM	Panel of 13 exits the room	
3:38:00 PM	Court addresses the parties regarding the Jury Instructions	
3:39:57 PM	Mr. Sears advises the Court regarding concerns with the Jury Instructions Note: Court, Clerk	State objects using a California Jury Instruction
3:46:09 PM	Court addresses the parties regarding Jury Instructions and will consider both parties opinions	
3:48:13 PM	Court will recess until tomorrow morning	
3:49:27 PM	Session Ended	



## Session Report - Standard

CR1903028

### THE STATE OF NEVADA VS MYRTIS TYRONE JAMES

Prosecution: McKinzie Hilton

Defendant: Myrtis Tyrone Janes AKA James Tyrone Myrtis

Defense: Richard Sears

Judge: Gary D. Fairman

Clerk: Taylor Adams; Melissa Tremain; Leia Wells; Tracy Woolf

Bailiff: Visilio Casarez; Dustin Ringueberg

Date:	Type:	Location:	Department:
5/19/2021	Criminal Jury Trial	Courtroom 1	Department 2

Event Time	Log Event
9:26:12 AM	Session Started
9:26:12 AM	Appearing in Court Note: Adams, Taylor Defendant, represented by Richard Sears; McKinzie Hilton representing the State of Nevada; Panel of 13 are present
9:26:12 AM	Judge Gary D. Fairman presiding
9:26:18 AM	Session Paused
9:34:01 AM	Session Resumed
9:34:05 AM	Court is in Session Note: Adams, Taylor time and place for continuation of a Criminal Jury Trial
9:34:38 AM	State calls Felica Mason for direct examination via zoom Note: Adams, Taylor Felica Mason is duly sworn
9:44:25 AM	State motions the Court regarding the witness on her testimony of her personal experience Note: Adams, Taylor Court grants. Mr. Sears voir dres the winess
9:46:19 AM	State continues to direct examine Felica Mason
10:04:35 AM	State moves to admit State's Exhibit #4 Note: Adams, Taylor Court grants with no objections
10:05:36 AM	State continues to direct examine Felica Mason Note: Adams, Taylor State motions to publish State's Exhibit #4 to the jury. Court grants
10:16:37 AM	Mr. Sears has no cross examination questions
10:16:47 AM	Witness is excused
10:17:05 AM	State rests It's case
10:17:24 AM	Court admonishes the panel of 13 and takes a recess
10:18:06 AM	Session Paused
10:18:52 AM	Session Resumed
10:18:54 AM	Court addresses the Defendant regarding his right to testimony
10:19:43 AM	Session Paused
10:39:20 AM	Session Resumed
10:39:23 AM	Appearing in Court Note: Adams, Taylor Defendant, represented by Richard Sears; McKinzie Hilton representing the State of Nevada; Panel of 13 are present
10:39:28 AM	Court is in Session Note: Adams, Taylor Judge Gary D. Fairman presiding. Time and Place for a continuation of a Criminal Jury Trial
10:39:51 AM	Mr. Sears calls Myrtis Tyrone James for direct examination Note: Adams, Taylor Myrtis Tyrone James is duly sworn
10:57:39 AM	State cross examines Myrtis Tyrone James Note: Adams, Taylor Mr. Sears objects. State restates question
11:03:55 AM	Mr. Sears re direct examines Myrtis Tyrone James

11:04:15 AM	State re cross examines Myrtis Tyrone James Note: Adams, Taylor	Witness is excused
11:04:49 AM	Defense rests it's case	
11:05:31 AM	Court addresses the jury regarding the proceedings for the Jury Instructions	
11:06:07 AM	Court admonishes the panel of 13 and takes a recess	
11:07:49 AM	Court addresses the parties regarding the settlement of the Jury Instructions	
11:09:05 AM	Court takes a recess	
11:09:15 AM	Session Paused	
11:49:13 AM	Session Resumed	
11:49:16 AM	Appearing in Court Note: Adams, Taylor	Defendant, not present, represented by Richard Sears; McKinzie Hilton representing the State of Nevada; Panel of 13 are not present
11:49:21 AM	Court is in Session Note: Adams, Taylor	Judge Gary D. Fairman presiding. Time and Place for a continuation of a Criminal Jury Trial
11:50:26 AM	Court addresses the parties regarding the settlement of the Jury Instructions Note: Adams, Taylor	State advises the Court of the changes. Mr. Sears has no changes. Court makes those changes
11:58:10 AM	Mr. Sears advises the Court that he wants to add an additional Jury Instructions Note: Adams, Taylor	State has no objections. Court makes the changes and rewords the instructions
12:15:26 PM	State advises the Court of additional Jury Instructions Note: Adams, Taylor	Mr. Sears objects. Court dismisses that Instruction
12:25:03 PM	Court makes It's Findings Note: Adams, Taylor	Court rejects the instruction
12:29:26 PM	Court will take a recess	
12:29:43 PM	Session Paused	
1:12:50 PM	Session Resumed	
1:13:06 PM	Appearing In Court Note: Adams, Taylor	Defendant, not present, represented by Richard Sears; McKinzie Hilton representing the State of Nevada; Panel of 13 are not present
1:13:19 PM	Court is in Session Note: Adams, Taylor	Judge Gary D. Fairman presiding. Time and Place for a continuation of a Criminal Jury Trial
1:14:08 PM	Court addresses the parties regarding verdict and Jury Instructions	
1:22:48 PM	Court is back on the record Note: Adams, Taylor	Mr. Sears for the Defense and McKinzie Hilton from the State are present. Judge Gary D. Fairman presiding. Time and Place for a continuation of a Criminal Jury Trial; Panel of 13 are not present
1:27:29 PM	Court addresses the parties regarding verdict and Jury Instructions	
1:28:29 PM	Court takes a brief recess	
1:28:38 PM	Session Paused	
1:46:05 PM	Session Resumed	
1:46:11 PM	Appearing in Court Note: Adams, Taylor	Defendant, represented by Richard Sears; McKinzie Hilton representing the State of Nevada; Panel of 13 are present
1:46:14 PM	Court is In Session Note: Adams, Taylor	Judge Gary D. Fairman presiding . Time and Place for a continuation of a Criminal Jury Trial
1:46:41 PM	Court advises the panel of 13 of the proceedings and advises them of the jury instructions	
2:02:23 PM	State is heard in closing arguments	
2:10:33 PM	Mr. Sears is heard in closing argument	
2:26:15 PM	State is heard in final closing argument	
2:32:42 PM	Court addresses the panel of 13 regarding the vedict form	



2:33:50 PM	Clerk gives the Bailiff the oath and gives him the evidence	
2:36:12 PM	Court advises the panel of 13 of the proceedings and the panel of 13 leave the Courtroom for deliberations	
2:36:16 PM	Court addresses the parties regarding leaving the Courthouse to leave a phone number to be reached at. Court grants a recess	
2:36:40 PM	Session Paused	
3:26:25 PM	Session Resumed	
3:26:29 PM	Appearing In Court	
	Note: Adams, Taylor	Defendant, represented by Richard Sears; McKinzie Hilton representing the State of Nevada; Panel of 13 are present
3:26:39 PM	Court is in Session	
	Note: Adams, Taylor	Judge Gary D. Fairman presiding. Time and Place for a continuation of a Criminal Jury Trial
3:27:35 PM	Clerk reads the verdict of Guilty- Count 1	
3:29:56 PM	Court enters formal Judgment	
	Note: Adams, Taylor	Defendant is guilty of Driving or Being in Actual Control of a Vehicle While Being Under the Influence of Intoxicating Liquor, a felony, in violation of NRS 484C.110, NRS 484C.020, NRS 484C.400 and NRS 484C.410
3:30:29 PM	State requests the Defendant be placed into custody pending sentencing	
	Note: Adams, Taylor	Mr. Sears is asking for Defendant to remain out of custody until sentencing.
3:32:09 PM	Court denies the State's request to invoke the Defendant's bond	
	Note: Adams, Taylor	Defendant is to remain out of custody until sentencing
3:32:29 PM	Court sets Sentencing for 8/16/21 at 10:00 AM	
3:32:44 PM	Court orders the Clerk of the Court to formally notify Parole and Probation to prepare a Presentence Investigation Report	
3:33:46 PM	Session Ended	



# Session Report - Standard

CR1903028

## THE STATE OF NEVADA VS JAMES TYRONE MYRTIS

Judge: Gary D. Fairman

Clerk: Leia Wells; Tracy Woolf

Bailiff: Visilio Casarez; Dustin Ringueberg

Date:	Type:	Location:	Department:
10/7/2019	Criminal Motions Hearing	Courtroom 1	Department 2

Event Time	Log Event
9:51:46 AM	Session Started
9:51:46 AM	Appearing in Court Note: Woolf, Tracy Defendant, represented by Richard Sears; McKinzie Peterson, representing the State of Nevada
9:51:48 AM	Judge Gary D. Fairman presiding
9:51:52 AM	Session Paused
9:56:08 AM	Session Resumed
9:56:08 AM	Court is in Session Note: Woolf, Tracy time and place for a Pre-Trial Motions Hearing
9:57:02 AM	Court notes Defendant's Motion for Jackson-Denno Hearing
9:57:49 AM	Ms. Peterson calls Sergeant Lucas Shady for direct examination Note: Woolf, Tracy Lucas Shady is duly sworn. Court advises the parties regarding the Defendant's potential testimony
10:05:04 AM	Mr. Sears cross examines Mr. Shady
10:11:30 AM	State redirects Mr. Shady
10:12:31 AM	Court excuses Mr. Shady, but holds him subject to recall
10:12:50 AM	State is heard in closing argument
10:14:59 AM	Mr. Sears is heard in closing argument
10:17:31 AM	State is heard in final closing argument
10:18:33 AM	Mr. Sears is heard in final closing argument
10:18:50 AM	Court addresses the parties
10:23:03 AM	Court finds the Defendant's statements were given freely and voluntarily made and statements will be admissible
10:24:46 AM	Mr. Sears motions the Court for a continuance in order to prepare for the trial Note: Woolf, Tracy State has no objection for this continuance; Court grants continuance
10:29:05 AM	Session Ended



# Session Report - Standard

CR1903028

THE STATE OF NEVADA VS MYRTIS  
JAMES TYRONE

Judge: Gary D. Fairman

Clerk: Leia Wells

Bailiff: Dustin Ringueberg

Date:	Type:	Location:	Department:
5/13/2019	Arraignment	Courtroom 1	Department 2

Event Time	Log Event
9:37:12 AM	Session Started
9:37:12 AM	Appearing in Court Note: Wells, Leia Defendant, represented by Richard Sears; McKinzie Peterson representing the State of Nevada; Melanie Boynton from Parole and Probation
9:37:13 AM	Judge Steve L. Dobrescu presiding
9:37:16 AM	Session Paused
9:48:31 AM	Session Resumed
9:48:35 AM	Court is in session Note: Wells, Leia time and place for arraignment
9:49:49 AM	Myrtis Tyrone James is the Defendant's true and correct name
9:50:19 AM	Court summarizes the allegations contained in the Criminal Information Note: Wells, Leia Ms. Peterson moves to amend to County of Washington State of Utah, in the Criminal Information. Court grants without objection. Defendant pleads not guilty
9:52:11 AM	Court advises the Defendant of his right to a speedy trial Note: Wells, Leia Defendant waives his right to a speedy trial
9:53:14 AM	Court sets the matter for a jury trial on 10/22/19 at 9:30 am Note: Wells, Leia Court summons 130 jurors. Motion cut off date: 9/13/19
9:56:51 AM	Court addresses the Defendant
9:57:09 AM	Session Ended

Nichole Baldwin  
County Clerk

Leia Wells  
Chief Deputy Clerk



Susan Lujan  
Deputy Clerk

Melissa Tremain  
Deputy Clerk

Tracy Woolf  
Deputy Clerk

## WHITE PINE COUNTY CLERK

August 30, 2021

Clerk of the Supreme Court  
201 South Carson Street  
Carson City, NV 89701  
Attn: Elizabeth Brown

RE: MYRTIS TYRONE JAMES  
Defendant  
vs.  
THE STATE OF NEVADA,  
Plaintiff

RE: CASE NO: CR-1903028

Dear Honorable Clerk Brown,

Please note the following deficiency:

The Notice of Appeal that was submitted to our Clerks office by the Defendant's Attorney, Richard W. Sears, did not come with a Case Appeal Statement.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tracy Woolf", is written over a faint, circular official stamp.

Tracy Woolf  
Deputy Court Clerk

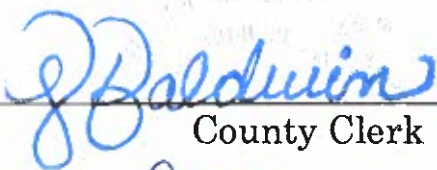
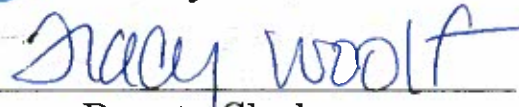


**OFFICE OF  
COUNTY CLERK and EX-OFFICIO CLERK  
OF THE SEVENTH JUDICIAL DISTRICT COURT  
IN AND WHITE PINE COUNTY, NEVADA**

STATE OF NEVADA,                    } ss.  
COUNTY OF WHITE PINE,

I, Nichole Baldwin, County Clerk and ex-officio Clerk of the Seventh Judicial District Court of the State of Nevada, County of White Pine, do hereby certify that the above and foregoing is a full, correct and true copy of the original of *NOTICE OF APPEAL, DISTRICT COURT CASE SUMMARY, VERDICT, JUDGMENT AND SENTENCE, NOTICE OF ENTRY OF JUDGMENT, COURT MINUTES, LETTER OF DEFICIENCY*, which now remains of record in my office at Ely, County of White Pine and State of Nevada, aforesaid.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of said Court, at my office in the City of Ely, this 30<sup>TH</sup> day of AUGUST, 2021.

  
\_\_\_\_\_  
County Clerk  
By:   
\_\_\_\_\_  
Deputy Clerk