

# INDEX OF PLEADINGS

<u>DESCRIPTION</u>	<u>PAGE NO.</u>	<u>VOL. NO.</u>
(SEALED) MOTION TO STRIKE THE STATE'S SENTENCING MEMORANDUM AND ATTACHED EXHIBITS (Filed Sep 06'18)	301-310	Electronically Filed Dec 17 2021 02:21 p.m. Elizabeth A. Brown Clerk of Supreme Court VOL. 2
(SEALED) SENTENCING MEMORANDUM (Filed Aug 28'18)	129-290	VOL. 2
(SEALED) ORDER (Filed Sep 13'18)	317-324	VOL. 3
AFFIDAVIT OF ATTORNEY JOHN E. MALONE IN SUPPORT OF THE REPOSE TO ORDER TO SHOW CAUSE (Filed May 26'21)	531-536	VOL. 4
AMENDED NOTICE OF ENTRY OF ORDER (Filed Oct 22'21)	698-702	VOL. 5
ANSWER TO PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) (Filed Sep 15'21)	639-659	VOL. 5
CASE APPEAL STATEMENT (Filed Nov 06'18)	487-490	VOL. 3
CASE APPEAL STATEMENT (ORDER DENYING MOTION TO HOLD JOHN MALONE IN CONTEMPT) (Filed Dec 16'21)	614-615	VOL. 5
CASE APPEAL STATEMENT (ORDER DENYING MOTION TO CHANGE VENUE) (Filed Dec 16'21)	618-619	VOL. 5
CASE APPEAL STATEMENT (Filed Nov 10'21)	708-709	VOL. 5
CASE APPEAL STATEMENT (ORDER DENYING PEREMPTORY CHALLENGE) (Filed Dec 16'21)	612-613	VOL. 5

1  
2 INDEX OF PLEADINGS

3	<u>DESCRIPTION</u>	<u>PAGE NO.</u>	<u>VOL. NO.</u>
4	CASE APPEAL STATEMENT		
5	(ORDER DENYING MOTION TO		
6	VACATE SENTENCING)		
7	(Filed Dec 16'21)	616-617	VOL. 5
8	CASE APPEAL STATEMENT		
9	(Filed Oct 28'21)	703-704	VOL. 5
10	CASE APPEAL STATEMENT		
11	(Filed Nov 15'21)	602-603	VOL. 4
12	CERTIFICATE OF SERVICE		
13	(Filed Oct 15'21)	570	VOL. 4
14	CLERK'S CERTIFICATE		
15	(Filed Apr 17'20)	511	VOL. 4
16	DEFENDANT'S SUBMISSION OF		
17	DOCUMENTATION IN MITIGATION		
18	OF SENTENCING		
19	(Filed Oct 04'18)	373-379	VOL. 3
20	DISCLOSURE		
21	(Filed Sep 13'18)	325-326	VOL. 3
22	EX PARTE INVOICE AND		
23	REQUEST FOR PAYMENT		
24	(Filed Sep 17'19)	496-498	VOL. 4
25	EXPORTE MOTION FOR PSYCHOLOGICAL		
26	EVALUTATION AND FEES		
27	(Filed Aug 30'18)	294-296	VOL. 2
28	GUILTY PLEA AGREEMENT		
29	(Filed Jun 04'18)	69-74	VOL. 1
30	INFORMATION		
31	(Filed May 29'18)	64-68	VOL. 1
32	JUDGMENT OF CONVICTION		
33	(Filed Oct 10'18)	381-382	VOL. 3
34	MOTION TO HOLD JOHN MALONE		
35	IN CONTEMPT/SHOW CAUSE		
36	(Filed Oct 28'21)	577-588	VOL. 4
37			
38			

INDEX OF PLEADINGS

<u>DESCRIPTION</u>	<u>PAGE NO.</u>	<u>VOL. NO.</u>
MOTION FOR COURT APPOINTED FEES WITH AFFIDAVIT IN SUPPORT THEREOF (Filed Oct 03'18)	370-372	VOL. 3
MOTION FOR ORDER FOR COMPLETE DOCKET SHEET (Filed Sep 23'21)	550-551	VOL. 4
MOTION TO SUBMIT FOR DECISION (Filed Sep 27'21)	556-557	VOL. 4
MOTION TO FILE UNDER SEAL (Filed Aug 31'18)	298-299	VOL. 2
MOTION TO SUBMIT FOR DECISION (JUVENILE COURT RECORDS) (Filed Sep 27'21)	558-559	VOL. 4
MOTION FOR CHANGE OF VENUE (Filed Oct 20'21)	574-576	VOL. 4
MOTION TO COMPEL (Filed Apr 23'21)	522-526	VOL. 4
MOTION FOR WITHDRAWAL OF ATTORNEY OF RECORD OR IN THE ALTERNATIVE, REQUEST FOR RECORDS/COURT CASE DOCUMENTS (Filed Apr 29'20)	515-519	VOL. 4
MOTION TO HOLD JOHN MALONE IN CONTEMPT (Filed Aug 16'21)	546-549	VOL. 4
MOTION TO WITHDRAWAL AS COUNSEL (Filed Jun 07'18)	75-78	VOL. 1
MOTION FOR COURT APPOINTED FEES WITH AFFIDAVIT IN SUPPORT THEREOF (Filed Feb 13'19)	492-494	VOL. 4

INDEX OF PLEADINGS

<u>DESCRIPTION</u>	<u>PAGE NO.</u>	<u>VOL. NO.</u>
MOTION FOR COURT APPOINTED FEES WITH AFFIDAVIT IN SUPPORT THEREOF (Filed Jul 12'18)	88-90	VOL. 1
MOTION TO VACATE ILLEGAL SENTENCE (Filed Oct 12'21)	560-563	VOL. 4
MOTION FOR ORDER FOR COMPLETE DOCKET SHEET (Filed Sep 23'21)	661-662	VOL. 5
MOTION TO FILE SENTENCING MEMORANDUM AND/OR EXHIBITS UNDER SEAL (Filed Aug 28'18)	291-292	VOL. 2
MOTION FOR MODIFICATION OF SENTENCE (Filed Jul 28'21)	539-543	VOL. 4
MOTION (Filed Oct 18'19)	500-502	VOL. 4
NOTICE OF JUDGE DISQUALIFICATION (SUPREME COURT) (Filed Mar 19'20)	506	VOL. 4
NOTICE OF APPEAL (Filed Nov 18'21)	606	VOL. 4
NOTICE OF APPEAL (Filed Nov 18'21)	608	VOL. 4
NOTICE OF APPEAL (Filed Oct 28'21)	705-706	VOL. 5
NOTICE OF APPEAL (Filed Oct 28'21)	589	VOL. 4
NOTICE OF APPEAL (Filed Nov 06'18)	485-486	VOL. 3

INDEX OF PLEADINGS

<u>DESCRIPTION</u>	<u>PAGE NO.</u>	<u>VOL. NO.</u>
NOTICE IN LIEU OF REMITTITUR (Filed Dec 02'21)	716	VOL. 5
NOTICE OF APPEAL (Filed Nov 18'21)	609	VOL. 4
NOTICE OF ENTRY OF ORDER (Filed Oct 22'21)	696-697	VOL. 5
NOTICE OF COMPLIANCE (Filed Aug 20'21)	632-633	VOL. 5
NOTICE OF APPEAL (Filed Oct 21'21)	694-695	VOL. 5
NOTICE OF COUNSEL (Filed Aug 19'21)	629-631	VOL. 5
NOTICE OF NON-COMPLIANCE BY STATE OF NEVADA. REQUEST TO GRANT HABEAS (Filed Oct 20'21)	691-693	VOL. 5
NOTICE OF APPEAL (Filed Nov 18'21)	607	VOL. 4
NOTICE IN LIEU OF REMITTITUR (SUPREME COURT) (Filed Dec 16'21)	719	VOL. 5
NOTICE OF TRANSFER TO COURT OF APPEALS (SUPREME COURT) (Filed Dec 16'19)	505	VOL. 4
OPPOSITION TO MOTION TO VACATE ILLEGAL SENTENCE (Filed Oct 20'21)	571-573	VOL. 4
OPPOSITION TO MOTION TO STRIKE THE STATE'S SENTENCING MEMORANDUM AND ATTACHED EXHIBITS (Filed Sep 07'18)	311-315	VOL. 3
ORDER DENYING REHEARING (Filed Nov 09'21)	707	VOL. 5

INDEX OF PLEADINGS

<u>DESCRIPTION</u>	<u>PAGE NO.</u>	<u>VOL. NO.</u>
ORDER CONCERNING BAIL (Filed Jul 09'18)	85-86	VOL. 1
ORDER DISCHARGING COUNSEL AND ORDERING COUNSEL TO PROVIDE DEFENDANT WITH CASE FILE (Filed May 21'20)	520-521	VOL. 4
ORDER REGARDING MOTION FOR COMPLETE DOCKET SHEET (Filed Oct 15'21)	564-565	VOL. 4
ORDER DENYING MOTION FOR MODIFICATION OF SENTENCE (Filed Oct 15'21)	566-567	VOL. 4
ORDER DENYING MOTION TO HOLD JOHN MALONE IN CONTEMPT (Filed Oct 15'21)	568-569	VOL. 4
ORDER GRANTING EX PARTE MOTION FOR PSYCHOLOGICAL EVALUATION AND FEES (Filed Aug 31'18)	297	VOL. 2
ORDER (Filed Aug 12'21)	544-545	VOL. 4
ORDER GRANTING MOTION TO WITHDRAWAL AS COUNSEL (Filed Jun 12'18)	79	VOL. 1
ORDER SEALING SENTENCING MEMORANDUM AND EXHIBITS (Filed Aug 29'18)	293	VOL. 2
ORDER OF AFFIRMANCE (SUPREME COURT) (Filed Apr 17'20)	512-514	VOL. 4

# INDEX OF PLEADINGS

	<u>DESCRIPTION</u>	<u>PAGE NO.</u>	<u>VOL.</u>	<u>NO.</u>
1				
2				
3				
4	ORDER APPOINTING COUNSEL (MALONE)			
5	(Filed Jun 13'18)	80-81	VOL.	1
6	ORDER TO SHOW CAUSE (Filed May 19'21)	527-528	VOL.	4
7				
8	ORDER DENYING MOTION TO VACATE SENTENCE (Filed Nov 10'21)	595-597	VOL.	4
9				
10	ORDER DENYING MOTION TO CHANGE VENUE (Filed Nov 10'21)	598-599	VOL.	4
11				
12	ORDER DENYING PEREMPTORY CHALLENGE (Filed Nov 10'21)	600-601	VOL.	4
13				
14	ORDER CONCERNING BAIL (Filed Jun 18'18)	82-83	VOL.	1
15				
16	ORDER REGARDING MOTION FOR COMPLETE DOCKET SHEET (Filed Oct 15'21)	665-666	VOL.	5
17				
18	ORDER DENYING POST CONVICTION PETITION REQUESTING GENETIC MARKER ANALYSIS (Filed Oct 15'21)	663-664	VOL.	5
19				
20	ORDER OF AFFIRMANCE (Filed Mar 20'20)	507-509	VOL.	4
21				
22	ORDER DENYING MOTION (Filed Nov 19'19)	503-504	VOL.	4
23				
24	ORDER SETTING HEARING (Filed Jun 22'18)	84	VOL.	1
25	ORDER FOR PAYMENT (Filed Oct 04'19)	499	VOL.	4
26				
27				
28				

# INDEX OF PLEADINGS

	<u>DESCRIPTION</u>	<u>PAGE NO.</u>	<u>VOL. NO.</u>
1			
2			
3			
4	ORDER DISMISSING APPEALS (SUPREME COURT)		
5	(Filed Dec 07'21)	610-611	VOL. 5
6	ORDER FOR PAYMENT OF ATTORNEY'S FEES		
7	(Filed Oct 09'18)	380	VOL. 3
8	ORDER DIRECTING TRANSMISSION OF RECORDS, REGARDING BRIEFING,		
9	AND DENYING MOTION (SUPREME COURT)		
10	(Filed Dec 15'21)	717-718	VOL. 5
11	ORDER DENYING MOTION TO HOLD COUNSEL IN CONTEMPT		
12	AND DIRECTING COUNSEL TO RESENT PORTIONS OF CASE FILE		
13	(Filed Nov 10'21)	592-594	VOL. 4
14	ORDER TO FILE UNDER SEAL (Filed Sep 05'18)	300	VOL. 2
15	ORDER FOR PAYMENT OF ATTORNEY FEES		
16	(Filed Feb 15'19)	495	VOL. 4
17	ORDER SETTING HEARING (Filed Jul 10'18)	87	VOL. 1
18	ORDER AND COMMITMENT (Filed May 29'18)	10-63	VOL. 1
19	ORDER FOR PAYMENT OF ATTORNEY FEES		
20	(Filed Aug 14'18)	128	VOL. 1
21	ORDER DIRECTING TRANSMISSION OF RECORD, REGARDING BRIEFING,		
22	AND DENYING MOTION (SUPREME COURT)		
23	(Filed Nov 29'21)	714-715	VOL. 5
24			
25			
26			
27			
28			



# INDEX OF PLEADINGS

DESCRIPTION	PAGE NO.	VOL. NO.
ORDER DENYING WRIT OF HABEAS CORPUS POST CONVICTION (Filed Oct 19'21)	688-690	VOL. 5
ORDER DENYING PETITION (SUPREME COURT) (Filed Oct 18'21)	686-687	VOL. 5
ORDER (Filed Aug 12'21)	627-628	VOL. 5
ORDER DENYING PETITION (SUPREME COURT) (Filed Nov 23'21)	712-713	VOL. 5
ORDER DENYING MOTION TO COMPEL, VACATING OSC HEARING (Filed May 28'21)	537-538	VOL. 4
ORDER SETTING HEARING (Filed Sep 10'18)	316	VOL. 3
PEREMPTORY CHALLENGE TO JUDGE (Filed Nov 08'21)	590-591	VOL. 4
PETITION FOR WRIT OF MANDAMUS (Filed Oct 15'21)	667-685	VOL. 5
PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION) (Filed Aug 09'21)	620-626	VOL. 5
POSTCONVICTION PETITION REQUESTING A GENETIC MARKER ANALYSIS OF EVIDENCE WITHIN THE POSSESSION OR CUSTODY OF THE STATE OF NEVADA (NRS 176.0918) (Filed Aug 26'21)	634-638	VOL. 5

INDEX OF PLEADINGS

	<u>DESCRIPTION</u>	<u>PAGE NO.</u>	<u>VOL. NO.</u>
1			
2			
3			
4	PRE-SENTENCE INVESTIGATION REPORT		
5	(Filed Aug 27 '18)	1-9	VOL. 1
6	RECEIPT FOR DOCUMENTS (SUPREME COURT)		
7	(Filed Sep 20 '21)	660	VOL. 5
8	RECEIPT FOR DOCUMENTS (SUPREME COURT)		
9	(Filed Nov 19 '18)	491	VOL. 3
10	RECEIPT FOR DOCUMENTS (SUPREME COURT)		
11	(Filed Nov 16 '21)	604	VOL. 4
12	RECEIPT FOR DOCUMENTS (SUPREME COURT)		
13	(Filed Nov 17 '21)	605	VOL. 4
14	RECEIPT FOR DOCUMENTS (SUPREME COURT)		
15	(Filed Nov 16 '21)	710	VOL. 5
16	RECEIPT FOR DOCUMENTS (SUPREME COURT)		
17	(Filed Nov 16 '21)	711	VOL. 5
18	REMITTITUR		
19	(Filed Apr 17 '20)	510	VOL. 4
20	REQUEST FOR SUBMISSION OF PLEADING		
21	(Filed Sep 23 '21)	554-555	VOL. 4
22	REQUEST FOR SUBMISSION OF PLEADING		
23	(Filed Sep 23 '21)	552-553	VOL. 4
24	REQUEST FOR TRANSCRIPT OF PROCEEDINGS		
25	(Filed Nov 06 '18)	482-484	VOL. 3
26			
27			
28			

INDEX OF PLEADINGS

DESCRIPTION

PAGE NO.

VOL. NO.

RESPONSE TO ORDER TO SHOW  
CAUSE

(Filed May 26 '21)

529-530

VOL. 4

TRANSCRIPT OF PROCEEDINGS  
(SENTENCING HEARING 7/9/18)

(Filed Jul 27 '18)

103-127

VOL. 1

TRANSCRIPT OF PROCEEDINGS  
(ARRAIGNMENT 6/18/18)

(Filed Jul 13 '18)

91-102

VOL. 1

TRANSCRIPT OF PROCEEDINGS  
(SENTENCING 9/10/18)

(Filed Sep 25 '18)

327-369

VOL. 3

TRANSCRIPT OF PROCEEDINGS  
(SENTENCING 10/8/18)

(Filed Oct 24 '18)

383-481

VOL. 3

18-CP-0084

II

St. v. COTA, Michael

THIS ENVELOPE IS NOT TO BE OPENED WITHOUT A COURT ORDER AUTHORIZING THE OPENING UPON GOOD CAUSE BEING SHOWN TO THE JUDGE.

CONTENTS OF THIS FILE

**SEALED**

ADOPTION

JUVENILE

PATERNITY

CRIMINAL

OTHER:

CONTENTS OF THIS FILE

**CONFIDENTIAL**

Not to be opened except by Court

☒ PRE-SENTENCE REPORT

PATERNITY

PSYCHIATRIC REPORT

ADOPTION REPORT

CASA REPORT

WELFARE REPORT

INVESTIGATIVE REPORT

OTHER:



FILED ORIGINAL

RECEIVED

2018 AUG 27 AM 10:19

AUG 27 2018  
Douglas County  
Court Clerk

ROBBIE B. WILLIAMS  
BY AWMA DEPUTY  
**PRESENTENCE INVESTIGATION REPORT**

The Honorable Thomas W. Gregory  
Department II, Douglas County  
Ninth Judicial District Court

Date Report Prepared: August 21, 2018

Prosecutor: Matthew Johnson, Deputy District Attorney  
Defense Attorney: John Malone, Appointed

PSI: 551942

**I. CASE INFORMATION**

Defendant: Michael Luis Cota  
Case: 18-CR-0084  
ID: N/A  
P&P Bin: 1004700897

PCN: DCSO4001777C  
Offense Date: 02/13/2018  
Arrest Date: 05/01/2018  
Plea Date: 07/09/2018; Guilty  
Sentencing Date: 09/10/2018

**II. CHARGE INFORMATION**

Offense: Principal to Grand Larceny of a Firearm (F)  
NRS: 205.226 and 195.020  
NOC: 50526  
Category: B

Penalty: By a minimum term of not less than 1 year(s) and a maximum term of not more than 10 years in the Nevada Department of Corrections, and may be further punished by a fine of not more than \$10,000.00.

**III. DEFENDANT INFORMATION**

**Address:** 1386 Village Way  
**City/State/Zip:** Gardnerville, NV 89410  
**NV Resident:** Yes  
**SSN:** 518-65-8929  
**POB:** Idaho  
**Date of Birth:** 02/02/1999  
**Age:** 19  
**Phone:** 775 901-8604 home, 775 790-5557 (work)  
775 790-5973 (cell)  
**Identification Card:** 0205451175  
**State:** Nevada  
**Status:** Valid

**FBI:** JENCCT5KL  
**SID:** NV04588576  
**Aliases:** None reported  
**Additional SSNs:** None reported  
**Additional DOBs:** None reported  
**Alien Registration:** N/A  
**US Citizen:** Yes  
**Notification Required per NRS 630.307:** N/A

**Identifiers:**

**Sex:** M                      **Race:** W                      **Height:** 6'1"                      **Weight:** 173  
**Hair:** Brown                      **Eyes:** Brown  
**Scars:** Head; scar (hit by a pole) (uv)  
**Tattoos (type and location):** Left arm: AK-47; Right arm: "family", skull; Face: crown, crows; Neck: "Laura", side burns, "5/50" (uv)

**Social History:** The following social history is as related by the defendant and is unverified unless otherwise noted:

**Childhood/Family:** The defendant reported the following: "My mother and father never lived together. I have regular contact with extended family members. My father was incarcerated and social services were involved when I was little, but my mom refused to have their attention. I need mental help to be honest, that's why I'm the person I am today."

*Not married - Jd*  
**Marital Status:** Married. The defendant reported being married to Alie Cota for one year. The defendant previously dated Deanna Joan McVay for one year.

**Children:** One infant son.

**Custody Status of Children:** The defendant's son lives with his mother (Deanna) who has legal custody of him.

**Monthly Child Support Obligation:** None reported

**Employment Status:** Unemployed. The defendant reported prior work with Smiths as a stocker, stating he left that job as he "got tired of working night shift" and Carson Valley Movers, which he left as he moved to Idaho with his father.

**Age at first arrest:** 19 or younger ☒                      20- 23 ☐                      24 or older ☐

**Income:** None reported                      **Other Sources:** None reported

**Assets:** None reported                      **Debts:** None reported

**Military Service:** None

**Health and Medical History:** The defendant reported good physical health.

**Gambling History:** The defendant reported gambling as non-problematic for him.

**Gang Activity/Affiliation:** The defendant self-reported that he's been a member of the Blood gang and has been wearing red since he was 15 years old.

#### IV. CRIMINAL RECORD

**Criminal history records obtained by the Division reflect the following information:**

**CONVICTIONS- FEL: 0 GM: 0 MISD: 1**

**SENTENCES- PRISON: 0 JAIL: 0**

**SUPERVISION HISTORY:**

**CURRENT- Probation Terms: 0 Parole Terms: 0**

**PRIOR TERMS:**

**Probation-      Revoked: 0                      Discharged:      Honorable: 0      Other: 0**

**Parole-      Revoked: 0      Discharged:      Honorable: 0      Other: 0**

**Juvenile:**

On August 16, 2018, the Douglas County Juvenile Office reported that the defendant was on Juvenile Probation in Douglas County from September 20, 2010 to July 08, 2015, at which time he was transferred to Nevada Youth Parole. Most of the defendant's charges were minor but primarily dealt with not following rules at school and instigating fights. Below is a list of charges:

NRS 200.481	M	Battery	09SO21280
NRS 200.471	M	Battery	09SO32626
NRS 200.490	M	Provoking Assault	11SO37251
NRS 62.281	V	Probation Violation	11PV
NRS 9.206.310	M	Destruction Property	Jacks Valley

The Division has attempted to contact the Carson City Juvenile Detention office for further information regarding the defendant. As of the date of this writing, no information has been received.

**Adult:**

<b>Arrest Date:</b>	<b>Offense:</b>	<b>Disposition:</b>
08/26/2017 Douglas County, NV SO	Contribute to Delinquency/Neglect of Minor (M) False Statement to/Obstruct Public Officer (M)	<b>17-CR-0686</b> 08/30/2017: Convicted of Contribute to Delinquency/Neglect of Minor (M), special conditions.
05/01/2018 Douglas County, NV SO	Two Counts (2) Conspiracy to Commit Crime (GM) Burglary (F) Grand Larceny of Gun (F) Buy/Possess/Receive Stolen Property \$650-\$3500 (F)	<b>18-CR-0084</b> <b>Instant Offense</b>
07/07/2018 Douglas County, NV SO	Two Counts (2) Battery By Prisoner/PNP (F) Extortion by Threat (F)	<b>18-CR-0116</b> Pending

**Additionally, the defendant was arrested, detained or cited for the following offenses for which no disposition is noted, prosecution was not pursued or charges were dismissed:**

11/22/2017, Douglas County, NV; Grand Larceny, LT \$2500, Buy/Possess/Receive Stolen Property, \$250-\$2500

04/14/2018, Douglas County, NV; FTA After Bail, Felony Crime

**V. OFFENSE SYNOPSIS**

The following information was obtained from the files of the District Attorney's office which contains files from the Sheriff's office.

On February 13, 2018, Douglas County Sheriff's deputies were dispatched to 1340 Bishop Circle, in Gardnerville, Nevada in regards to a burglary. Upon arrival deputies met with the reporting party who advised that when he returned home that day, he observed several boxes that had been moved from his closet to his bed. When he questioned his fiancé's daughter, she denied being in his room. The reporting party then discovered that his AR-15 rifle was missing. The AR-15 had a "Punisher Skull" logo on one side of the receiver on the magazine well. It was built by the reporting party and was equipped with an "A2" stock, flat top upper receiver, Tasco scope, 20" heavy or "bull" barrel, bi-pod, extended charging handle and tan rubber rail covers. He continued to look through his room and discovered various ammunitions, two Glock 22.40 caliber magazines missing, a black "combat style" fixed blade knife, a black hunting knife with a black rubber handle, silver edges and a black leather sheath were missing. The reporting party then showed the deputy the kitchen window where the blinds had been broken off. Outside the window, the barbeque grill had been moved and a white lawn chair had been moved under the window. A written statement was completed, fingerprints were collected and photos were taken for evidence.

Upon questioning the fiancé's daughter, she reported that after returning home from school she noticed urine in the toilet and on the toilet seat. She flushed the toilet and went to her room. Inside her room, she observed



her jewelry box on the floor along with old cell phones. When looking through her bedroom, she discovered her hunting knife with a wooden handle; gold cap and hilt were missing along with a black leather sheath. She identified Michael Cota, the defendant and Aiden Gordon as possible suspects, explaining that they were known for stealing items. She completed a written statement for evidence.

Later that day, Michael Cota and Aiden Gordon were contacted and questioned about their whereabouts. Both denied being involved in the burglary. A search was completed of Michael Cota's residence; deputies were unable to locate any of the missing items.

On February 25, 2018, the reporting party provided the serial number of the stolen AR15 to deputies and the stolen AR15 was entered into NCIC.

On March 29, 2018, deputies, along with a Resource Officer met with a Douglas County High School student who reported that he was previously friends with Michael Cota, Four to five weeks prior, on an unknown date, he was picked up by Michael Cota and they went back to his residence. Once at Michael Cota's residence, he showed the student two firearms that he stated he was selling. One of them was an AR-15 rifle that was black and had a logo on it. The other was a rifle. Michael told the student that two men were coming from Reno to purchase the firearm for \$150.00. Shortly after, two Hispanic males arrived at Michael Cota's residence and purchased the firearm paying cash. He further advised that an additional kid was there, but he didn't know him or his name. The two are no longer talking, as Michael Cota threatened to "shoot up" a house and he was not okay with that.

On April 09, 2018, a deputy received a call from a Douglas County Juvenile probation officer informing them that one of his probationers indicated that on Michael Cota's Facebook page under "Real Tru Savage", he is seen in a photograph with Aiden Gordon holding an AR-15 rifle.

Upon interviewing Aiden Gordon at the Douglas County Juvenile Detention Center, he reported that he and Michael Cota drove over to the victim's house in Michael Cota's truck. They entered the residence through the window, located the items and removed them from the residence through the front door. After leaving the residence, they drove around for a while. Michael Cota was laughing about stealing the firearms. They then picked up the student and went back to Michael Cota's house. Michael then called a guy named "Bobby", later identified as Robert Brown, who came over to the residence and helped Michael Cota find a buyer for the firearms. Michael Cota sold the firearms for \$200.00 each. Bobby helped move the guns from the house to the buyer's vehicle by wrapping them in blankets. After Michael Cota sold the guns he gave him \$200.00 for his part of the burglary. He further reported that he believed Michael Cota was still in possession of the stolen knives and that he and Michael Cota were responsible for several vehicle burglaries in the Chichester area and the area of Industrial Way. They were also responsible for taking a motor vehicle from the Industrial Way area, "joyriding" in it and then returning it to the exact location. These burglaries were committed before and after the current one he's being investigated for.

Later, Bobby Brown was contacted at the Lampe Skate Park. Bobby Brown stated he was contacted by Michael Cota and gave him the number to a male named Oscar, who goes by "Cheespa" or something similar. Bobby stated that "Cheespa" is a "south sider" from Las Vegas and that he bought the firearms from Michael Cota. He denied being involved with the burglary, stating he only gave Michael Cota the phone number.

On April 10, 2018, contact was made with Michael Cota who initially denied entering the victim's house with Aiden Gordon and removing the stolen items. He then admitted to driving to the residence and standing at the front door while Aiden Gordon removed the firearms. Michael Cota did not deny selling the firearms to "Cheespa" for \$200.00 each. He reported that he is just as guilty as Aiden Gordon in the investigation.

6

The above information was forwarded to the Douglas County District Attorney's office for review and a warrant of arrest was requested for both Michael Cota and Aiden Gordon.

On May 01, 2018, Michael Cota was located walking across Waterloo Lane in Gardnerville, Nevada and arrested on the above mentioned bench warrant.

**Co-Defendant/Offender Information:** Aiden Gordon – No further criminal information at this time.  
Robert Brown – No further criminal information at this time.

#### **VI. DEFENDANT'S STATEMENT**

☐ See Attached    ☒ Defendant interviewed, no statement submitted    ☐ Defendant not interviewed

On July 30, 2018, the defendant was interviewed at the Douglas County Jail. The defendant reported that he would like to be placed in the Mental Health Court and he would like his new case (18-CR-0116) to be run concurrent with this case. The defendant declined to submit a written statement for the courts review.

#### **VII. VICTIM INFORMATION/STATEMENT**

To date, the victim has not responded to attempt(s) made to obtain victim impact information and/or documentation of financial loss. Therefore, the Division is unable to provide any information at this time. Should the victim respond with the requested information, all documentation will be forwarded for the courts review.

#### **VIII. CUSTODY STATUS/CREDIT FOR TIME SERVED**

**Custody Status:** In custody

**CTS:** 05/01/18 – 09/10/18 = 133 days

#### **IX. PLEA NEGOTIATIONS**

In accordance with the Guilty Plea Memorandum; the defendant agrees to testify truthfully in any Preliminary Hearing or Trial set in 18-CR-0430, involving Robert Donald Brown, and the defendant agrees to not have any contact or communication with Brittany Massera or Deanna Joan McVay during the period the defendant is incarcerated, on parole, or on probation as a result of the defendants conviction for this offense unless contact or communication is permitted by the district court for the purposes of establishing and/or facilitating custody/visitation with the children in common, the State has agreed to, dismiss the remaining counts in the Information, not file charges in Douglas County Sheriff's Office case number 18SO08450, in which the defendant is alleged to have threatened violence against Skyler Reese-Bamford, Brittany Massera and Deanna Joan McVay, and recommend that the defendant be sentenced to a minimum term of not less than 12 months in state prison and a maximum term of 60 months in state prison. The defendant understands that, at the time of sentencing, the parties are free to present arguments, facts, and/or witnesses about whether a lesser sentence, probation, and/or some other substance abuse treatment is appropriate to the extent the defendant is eligible.

**X. RECOMMENDATIONS**

Based on information obtained and provided in this report, the following recommendations are submitted.

**190 Day Regimental Discipline Program: N/A**

**Deferred Sentence Per NRS 453.3363, 458.300,  
458A.200, 176A.250, 176A.280: N/A**

**FEES**

**Administrative Assessment: \$25.00**

**Chemical/Drug Analysis: N/A**

**DNA: \$150.00**

**Genetic Marker Fee: \$3.00**

**Attorney Fee: \$500.00**

**Domestic Violence Fee: N/A**

**Extradition: N/A**

**Psychosexual Fee: N/A**

**SENTENCE**

**Minimum Term: 16 months**

**Maximum Term: 72 months**

**Location: NDOC**

**Consecutive to/Concurrent With: N/A**

**Probation Recommended: No**

**Probation Term: N/A**

**Fine: No**

**Restitution: No**

**Mandatory Prison: No**

☒ Pursuant to NRS 239B.030, the undersigned hereby affirms this document contains the social security number of a person as required by NRS 176.145.

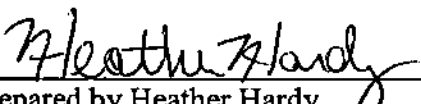
☐ Pursuant to NRS 239B.030, the undersigned hereby affirms this document does not contain the social security number of any person.

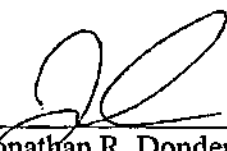
Per the Nevada Revised Statutes, any changes to factual allegations in the Presentence Investigation report may be ordered by the court within 180 days of the entry of Judgement of conviction. The prosecuting attorney and defendant must agree to correct the contents.

The information used in the Presentence Investigation Report may be utilized reviewed by federal, state and/or local agencies for the purpose of prison classification, program eligibility and parole consideration.

Respectfully Submitted,

Natalie A. Wood, Chief

  
Prepared by Heather Hardy  
DPS Parole and Probation Specialist III

  
Jonathan R. Dondero, Lieutenant  
Northern Command, Carson City, Nevada



## DIVISION OF PAROLE AND PROBATION

August 24, 2018

### PROBATION SUCCESS PROBABILITY (PSP) SCORE

Offender:	COTA, MICHAEL	Offense Score Total:	32
PSI #:	551942	Social Score Total:	17
BIN #:	1004700897	Raw Score Total:	27
Case #:	18-CR-00084	Total PSP Score:	49

#### Prior Criminal History:

Felony Convictions:	1 = None	Jail Sentences:	2 = None
Misdemeanor Convictions:	1 = 1-3	Juvenile Commitments:	0 = Two
Pending, unrelated cases:	0 = Felony	Years free of Conv:	0 = Less than 3
Subsequent Crim Hist:	2 = None	Prior Formal Suprv:	2 = None
Prior Incarcerations:	3 = None	Criminal Pattern:	0 = Same Type or Increased Severity

#### Present Offense:

Circumstances of Arrest:	2 = Non-prob.	Sophistication/Premeditation:	0 = High
Type of Offense:	2 = Property	Plea Bargain Benefits:	0 = High
Psych or Medical Impact:	3 = N/A	Financial Impact:	2 = Minimal or no loss
Weapon:	3 = N/A	CoOffender:	1 = Equal Responsibility
Controlled Substances:	3 = N/A	Motive:	0 = Deliberate

**Raw Score x 1.2 = Offense Score Total: 32**

#### Social History:

Age:	1 = Under 25	Family Situation:	0 = Disruptive
Employment/Program:	0 = Almost Non-existent	Education:	1 = Incomplete
Financial:	1 = Inadequate	Military:	1 = Hon Discharge/No Mil Serv
Employability:	1 = Could be developed		

#### Pre Sentence Adjustment:

Commitment/Ties:	2 = Local/In State	Resource Availability:	2 = Available
Program Participation:	1 = Planned/Current	Substance Drug:	-2 = Serious Abuser/Addict
Honesty/Cooperation:	2 = Candid	Substance Alcohol:	3 = Non-Problematic
Attitude/Supervision:	2 = Positive	Attitude/Offense:	2 = Contrite

**Social Score Total: 17**

**Offense Score + Social Score = PSP TOTAL SCORE: 49**

RECEIVED

MAY 29 2018

FILED

NO. 18-0429

Douglas County  
District Court Clerk

2018 MAY 29

AM 11:41

2018 MAY 29 AM 9:52

IN THE JUSTICE COURT OF EAST FORK TOWNSHIP

COUNTY OF DOUGLAS STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff,

ORDER AND COMMITMENT

vs

MICHAEL LOUIS COTA  
DOB: 02/02/1999

18-CR-0084

II

Defendant.

It appearing to me by the evidence or a waiver of preliminary examination that there is probable cause to believe that the offense(s) have been committed, to wit:

One count of, CONSPIRACY TO COMMIT BURGLARY AND/OR LARCENY, a gross misdemeanor, a violation of NRS 199.480

One count of, CONSPIRACY TO COMMIT AN OFFENSE INVOLVING STOLEN PROPERTY, a gross misdemeanor, a violation of NRS 199.480

One count of, PRINCIPAL TO BURGLARY WITH A DEADLY WEAPON OR A FIREARM, a category B felony, a violation of NRS 205.060(1), (4), NRS 195.020

One count of, PRINCIPAL TO GRAND LARCENY OF A FIREARM, a category B felony, a violation of NRS 205.226, NRS 195.020

One count of, PRINCIPAL TO POSSESSION OF STOLEN PROPERTY, a category C felony, a violation of NRS 205.275, 195.020

One count of, PRINCIPAL TO POSSESSION OF STOLEN PROPERTY, a category C felony, a violation of NRS 205.275, NRS 195.020

there is probable cause to believe that they have been committed by MICHAEL LOUIS COTA, and that said Defendant be held to answer the same in District Court.

1 This matter is set before Department II on JUNE 18, 2018, at 9:00 a.m. said Defendant will be  
2 appearing with his/her Appointed Counsel, MATTHEW ENCE.

3 DATED this 25<sup>TH</sup> day of MAY, 2018

4   
5 \_\_\_\_\_  
6 Justice of the Peace  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

# CERTIFIED COPY

Case No. 18-CR-0429

SO No. 18SO05042

DA No. 18-0675M

## EAST FORK JUSTICE COURT

### Confidential Judge's Notes

Michael Louis Cota

02/02/1999

Bail/Custody status:

Priors:

Waiver of 15 day rule 6/11

Attorney: Paul

Waiver of 60 day rule \_\_\_\_\_

Date:

Outcome:

Proceeding:

Date:

Outcome:

Proceeding:

Date:

Outcome:

Proceeding:

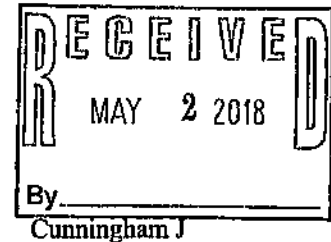
The Document to which this certificate is attached is a full, true and correct copy of the original on file and of record in my office.

5-29-18  
Date: Clerk of the East Fork Justice Court  
County of Douglas, State of Nevada  
(Sent)

By: [Signature]  
Deputy Clerk

05/01/2018  
19:05:35

Douglas County Sheriffs Office  
NEVADA PRETRIAL RISK  
ASSESSMENT (NPR)



**Booking Number:** 18SOJ1072

Confined

**Name Number:** 41055      **MICHAEL COTA JR**

**Assessment Date:** Tuesday, 05/01/2018 07:00 PM

**Who:**

Cunningham J

**Risk Class:**

**Final Score:** 9

**Classification:**

From	To	Description
0	4	LOW
5	10	MODERATE
11	20	HIGHER

**Risk Assessment Questions:**

**Question:** CASE NUMBER?

**Answer:** Next

**Notes:** 18so05042

**Question:** MOST SERIOUS CHARGE?

**Answer:** Next

**Notes:** burg

**Question:** INITIAL TOTAL BAIL SET?

**Answer:** Next

**Notes:** 50,000.00

**Question:** ADDRESS: (CITY, STATE, ZIP)?

**Answer:** Next

**Notes:** 1386 VILLAGE WY; GVIL #36 Gardnerville, NV 89410

**Question:** 1. DOES THE DEFENDANT HAVE AN ADDITIONAL PENDING CASE AT BOOKING?

**Answer:** Yes (2 Pts.)

**Notes:** possibly a carson case

**Question:** 2. AGE AT FIRST ARREST?

**Answer:** Under age 21 yrs (2 Pts.)

**Notes:**



**Question: 3. PRIOR MISDEMEANOR ARRESTS?**

**Answer:** Two or less (0 Pts.)

**Notes:** False stmt to/obstruct pub off. and Contribute to delinquency of a minor

**Question: 4. PRIOR FELONY/GROSS MISD ARRESTS?**

**Answer:** 2 or more (2 Pts.)

**Notes:** Buy/ Poss/Rcv Stolen Prop \$250-\$2500, Grand Larceny LT \$2500

**Question: 5. PRIOR ARRESTS - VIOLENCE?**

**Answer:** None (0 Pts.)

**Notes:**

**Question: 6. PRIOR FTA's IN PAST 24 MONTHS?**

**Answer:** 1 FTA warrant (1 Pt.)

**Notes:**

**Question: 7. EMPLOYMENT STATUS AT ARREST?**

**Answer:** Employed or Student or Retired (0 Pts.)

**Notes:**

**Question: 8. RESIDENTIAL STATUS?**

**Answer:** Nevada Resident - Living in current residence 6 months or longer (0 Pts.)

**Notes:**

**Question: 9. SUBSTANCE ABUSE?**

**Answer:** Otherwise (0 Pts.)

**Notes:**

**Question: 10. VERIFIED CELL PHONE?**

**Answer:** No (2 Pts.)

**Notes:**

**Question: OVER-RIDE? YES \_\_\_\_\_ NO \_\_\_\_\_ REASON(S)? \_\_\_\_\_**

**MENTAL HEALTH \_\_\_\_\_ DISABILITY \_\_\_\_\_ GANG MEMBER \_\_\_\_\_ FLIGHT RISK \_\_\_\_\_**

**OTHER REASON: \_\_\_\_\_**

**FINAL RECOMMENDED RISK LEVEL: LOW \_\_\_\_\_ MODERATE \_\_\_\_\_ HIGH \_\_\_\_\_**

**Answer: END OF ASSESSMENT**

**Notes:**

FILED

DA'S NO 18-0675M

CITATION/CASE NO 18-CR-0429

NO. 18-0675M SONO18SO05042

EAST FORK JUSTICE COURT  
COUNTY OF DOUGLAS, STATE OF NEVADAEAST FORK JUSTICE COURT  
NOTICE OF SETTING  
ORDER TO APPEARTHE STATE OF NEVADA,  
Plaintiff,

vs.

Michael Louis Cota, Defendant.

☒ Waived 15/60 Rule

TO: The above-named Defendant and his or her attorney(s), YOU AND EACH OF YOU are hereby notified that the:

☒ Arraignment Hearing in the above-entitled matter is set for:**June 18, 2018 10:30 a.m. WAIVE PRELIM DEPT II**

in the above-entitled Court at 1038 Buckeye Road, Minden, Nevada. The defendant is ordered to appear at the set times absent other Order of the Court.

9:00 am

Dated this 23rd day of May, 2018

THOMAS E. PERKINS  
JUSTICE OF PEACE

## CUSTODIAL STATUS:

☒ Cash Bail or Bond: \$50,000.00

A DEFENDANT, BEING RELEASED ON BAIL OR HIS/HER OWN RECOGNIZANCE (WITHOUT BAIL) AGREES THAT:

He/she understands that pursuant to NRS 199.335 willful FAILURE TO APPEAR to answer the misdemeanor charge(s) is a separate violation for which punishment may be 6 months in County jail and/or \$1,000.00 fine, regardless of the disposition of this case. He/she understands that willful FAILURE TO APPEAR to answer the felony charge(s) is a separate violation for which punishment can be state prison for not less than 1 year nor more than 6 years and/or a fine of not more than \$5,000.00, regardless of the disposition of this case.

I HAVE RECEIVED A COPY, READ, UNDERSTAND AND AGREE TO THE CONDITIONS OF THIS ORDER AND I PROMISE TO APPEAR IN COURT ON THE DATE AND TIME INDICATED ABOVE.

Defendant Signature

Mailing Address

City

State

Zip

Phone Number

Physical Address

/

Place of Employment

Pursuant to NRCP 5(b), I certify that I am an employee of East Fork Justice Court, Douglas County, Nevada and that on this day I:

☐ Hand delivered to plaintiff and defendant (or defendant's attorney) in court☐ Deposited for mailing at Minden, Nevada, a true copy of the within document addressed to:

Dated: 05/23/2018 Signed: \_\_\_\_\_, Clerk

Distribution: ☐ D.A. ☐ Jail ☐ DAS ☐ Def. ☐ Attorney Matthew Ence

1 Case No. 18-CR-0429

2 DA No. 18-0675 M

FILED

NO. 18-0429

2018 MAY 25 AM 11:34

EAST FORK JUSTICE COURT

BY MIL

3  
4  
5  
6 **IN THE JUSTICE COURT OF THE EAST FORK TOWNSHIP**  
7 **COUNTY OF DOUGLAS, STATE OF NEVADA**  
8

9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

12 Michael Luis Cota

13 Defendant.

**UNCONDITIONAL WAIVER OF  
PRELIMINARY HEARING**

14  
15 I, Michael Luis Cota, THE DEFENDANT in this matter,  
16 understand that I am charged with the crime(s) as listed in the complaint.

17 MIL It has been fully explained to me and I acknowledge and understand that I have the right  
18 to a Preliminary Hearing on the crime(s) as listed in the complaint. At the Preliminary Hearing,  
19 the State would be required to show by admissible evidence that there is probable cause to  
20 believe that the charged crime(s) were committed and that I committed said crime(s).

21 MIL I do hereby and unconditionally waive (give up) my right to a Preliminary Hearing on  
22 the above crime(s).


23 MIL I understand that by waiving my Preliminary Hearing, my case will be transferred to the  
24 Ninth Judicial District Court for all further proceedings.

25 MIL I have fully discussed this waiver with my attorney and I fully understand the  
26 consequences of waiving my Preliminary Hearing.

27 MIL I believe that this unconditional waiver is in my best interest.  
28

1 Me I am not under the influence of alcohol or any non-prescribed controlled substances.

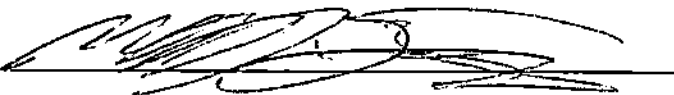
2  
3 DATED this 23 day of May, 2008.

4   
5 Michael  
6 DEFENDANT

7  
8 **ATTORNEY ACKNOWLEDGMENT**

9 I certify that I am the attorney of record for the above-named Defendant and that I have  
10 fully explained to the Defendant the right to a Preliminary Hearing and the consequences of  
11 waiving said hearing. After discussing this matter with the Defendant, I believe that it is in the  
12 best legal interest of the Defendant to waive the Preliminary Hearing.

13 DATED this 23 day of May, 2008.

14  
15   
16 Attorney for Defendant

## Case Notes

---

**Michael Louis Cota ~ Consp commit criminal contempt**

Court: 18-CR-0429

Agency: East Fork Justice Court

Prosecutor: 18-0675M

Law: 18SO05042

Type: Criminal

CaseID: 18-3448

Status: Closed

Status Date: 5/23/2018

Case Age: 24 days

---

### Undesignated

5/16/2018 | Mindi Huntington

Defendant appeared in custody w/atty Ence; DA - Russom

Ence: Waives 15 days. Prelim 9 am Friday 6/1/18 Dept 6/18/18

5/9/2018 | Mindi Huntington

Defendant appeared in custody w/atty Pence; DA - Johnson

Pence: I have a conflict. I will file a formal motion. He's been here in the valley for a long time. He has a job.

Asking for an OR release. Asking for \$1000.00 cash bail.

Judge: Bail stands.

Ence appointed

PPH 1 pm Wed 5/16/17

5/2/2018 | Mindi Huntington

Defendant appeared in custody; DA - Johnson; Defendant received copy of complaint and understands charges;

Understands and signs right; Advised of an attorney

Pence appointed

State: Bail should stand

PPH 1 pm Wed 5/9/18

Judge: Bail stands

FILED

DA'S NO 18-0675M

CITATION/CASE NO 18-CR-0429

NO. \_\_\_\_\_ SONO18SO05042

EAST FORK JUSTICE COURT  
COUNTY OF DOUGLAS, STATE OF NEVADA

EAST FORK JUSTICE COURT  
NOTICE OF SETTING  
ORDER TO APPEAR

THE STATE OF NEVADA,  
Plaintiff,

vs.

Michael Louis Cota, Defendant.

☒ Waived 15/60 Rule

TO: The above-named Defendant and his or her attorney(s), YOU AND EACH OF YOU are hereby notified that the:

☒ Pre-Preliminary Hearing in the above-entitled matter is set for:

**May 23, 2018 1:00 p.m.**

☒ Preliminary Hearing in the above-entitled matter is set for:

**June 01, 2018 9:00 a.m.**

in the above-entitled Court at 1038 Buckeye Road, Minden, Nevada. The defendant is ordered to appear at these times absent other Order of the Court.

Dated this 16th day of May, 2018

THOMAS E. PERKINS  
JUSTICE OF PEACE

CUSTODIAL STATUS:

☒ Cash Bail or Bond: \$50,000.00

A DEFENDANT, BEING RELEASED ON BAIL OR HIS/HER OWN RECOGNIZANCE (WITHOUT BAIL) AGREES THAT:

He/she understands that pursuant to NRS 199.335 willful FAILURE TO APPEAR to answer the misdemeanor charge(s) is a separate violation for which punishment may be 6 months in County jail and/or \$1,000.00 fine, regardless of the disposition of this case. He/she understands that willful FAILURE TO APPEAR to answer the felony charge(s) is a separate violation for which punishment can be state prison for not less than 1 year nor more than 6 years and/or a fine of not more than \$5,000.00, regardless of the disposition of this case.

I HAVE RECEIVED A COPY, READ, UNDERSTAND AND AGREE TO THE CONDITIONS OF THIS ORDER AND I PROMISE TO APPEAR IN COURT ON THE DATE AND TIME INDICATED ABOVE.

Defendant Signature

Mailing Address

City

State

Zip

Phone Number

Physical Address

/

Place of Employment

Pursuant to NRCP 5(b), I certify that I am an employee of East Fork Justice Court, Douglas County, Nevada and that on this day I:

☐ Hand delivered to plaintiff and defendant (or defendant's attorney) in court

☐ Deposited for mailing at Minden, Nevada, a true copy of the within document addressed to:

Dated: 05/16/2018 Signed: \_\_\_\_\_, Clerk

Distribution: ☒ D.A. ☐ Jail ☐ DAS ☐ Def. ☒ Attorney Matthew Ence

## Case Notes

---

**Michael Louis Cota - Consp commit criminal contempt**

Court: 18-CR-0429

Agency: East Fork Justice Court

Prosecutor: 18-0675M

Law: 18SO05042

Type: Criminal

CaseID: 18-3448

Status: Reactivated

Status Date: 5/1/2018

Case Age: 16 days

---

### Undesignated

5/16/2018 | Mindi Huntington

Defendant appeared in custody w/atty Ence; DA - Russom

Ence: Waives 15 days. Prelim 9 am Friday 6/1/18

5/9/2018 | Mindi Huntington

Defendant appeared in custody w/atty Pence; DA - Johnson

Pence: I have a conflict. I will file a formal motion. He's been here in the valley for a long time. He has a job.

Asking for an OR release. Asking for \$1000.00 cash bail.

Judge: Bail stands.

Ence appointed

PPH 1 pm Wed 5/16/17

5/2/2018 | Mindi Huntington

Defendant appeared in custody; DA - Johnson; Defendant received copy of complaint and understands charges;

Understands and signs right; Advised of an attorney

Pence appointed

State: Bail should stand

PPH 1 pm Wed 5/9/18

Judge: Bail stands

20

1 Case No. 18-CR-0429

2 DA No. 18-0675M

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

FILED

NO. 18-0429

2018 MAY 14 PM 12:10

EAST FORK JUSTICE COURT

BY MU

IN THE JUSTICE COURT OF EAST FORK TOWNSHIP

COUNTY OF DOUGLAS, STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

**ORDER**

MICHAEL LUIS COTA,

Defendant.

Based upon the stipulation of counsel and good causing appearing,

IT IS HEREBY ORDERED that the Preliminary Hearing in the above-referenced matter be vacated and this matter be continued to the 1st day of June, 2018 at 9:00 a.m.

DATED this 14 day of May, 2018.

Thomas E. Perkins  
THOMAS E. PERKINS  
Judge



FILED

NO. 18-0429

2018 MAY 11 PM 3:47

EAST FORK JUSTICE COURT

BY MJ

1 Case No. 18-CR-0429

2 DA No. 18-0675M

3  
4  
5  
6 IN THE JUSTICE COURT OF EAST FORK TOWNSHIP  
7 COUNTY OF DOUGLAS, STATE OF NEVADA  
8

9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

STIPULATION TO CONTINUE

12 MICHAEL LUIS COTA,

13 Defendant.  
14


15 IT IS HEREBY STIPULATED by and between the State of Nevada, through the  
16 Douglas County District Attorney's Office and the above-named defendant, to continue the  
17 Preliminary Hearing in this matter set for May 17, 2018 to June 1, 2018.

18 This stipulation is based upon the agreement of all the parties and the unavailability of  
19 two Douglas County Sheriff's Office Investigators.

20 DATED this 11 day of May, 2018

DATED this 11 day of May, 2018

21  
22   
23 MATTHEW JOHNSON  
Deputy District Attorney

24   
25 MATTHEW PENCE  
26 Attorney at Law  
27  
28

CITATION/CASE NO 18-CR-0429

FILED

NO. 18-0429 DA'S NO 18-0675M  
SOND18S005042

EAST FORK JUSTICE COURT  
COUNTY OF DOUGLAS, STATE OF NEVADA

EAST FORK JUSTICE COURT  
NOTICE OF SETTING  
ORDER TO APPEAR

THE STATE OF NEVADA,  
Plaintiff,

vs.

Michael Louis Cota, Defendant.

TO: The above-named Defendant and his or her attorney(s), YOU AND EACH OF YOU are hereby notified that the:

☒ Pre-Preliminary Hearing in the above-entitled matter is set for:

**May 16, 2018 1:00 p.m.**

☒ Preliminary Hearing in the above-entitled matter is set for:

**May 17, 2018 9:00 a.m.**

in the above-entitled Court at 1038 Buckeye Road, Minden, Nevada. The defendant is ordered to appear at these times absent other Order of the Court.

Dated this 9th day of May, 2018

THOMAS E. PERKINS  
JUSTICE OF PEACE

CUSTODIAL STATUS:

☒ Cash Bail or Bond: \$50,000.00

A DEFENDANT, BEING RELEASED ON BAIL OR HIS/HER OWN RECOGNIZANCE (WITHOUT BAIL) AGREES THAT:

He/she understands that pursuant to NRS 199.335 willful FAILURE TO APPEAR to answer the misdemeanor charge(s) is a separate violation for which punishment may be 6 months in County jail and/or \$1,000.00 fine, regardless of the disposition of this case. He/she understands that willful FAILURE TO APPEAR to answer the felony charge(s) is a separate violation for which punishment can be state prison for not less than 1 year nor more than 6 years and/or a fine of not more than \$5,000.00, regardless of the disposition of this case.

I HAVE RECEIVED A COPY, READ, UNDERSTAND AND AGREE TO THE CONDITIONS OF THIS ORDER AND I PROMISE TO APPEAR IN COURT ON THE DATE AND TIME INDICATED ABOVE.

Defendant Signature

Mailing Address

City

State

Zip

Phone Number

Physical Address

/

Place of Employment

Pursuant to NRCP 5(b), I certify that I am an employee of East Fork Justice Court, Douglas County, Nevada and that on this day I:

☐ Hand delivered to plaintiff and defendant (or defendant's attorney) in court

☐ Deposited for mailing at Minden, Nevada, a true copy of the within document addressed to:

Dated: 05/09/2018 Signed: \_\_\_\_\_, Clerk

Distribution: ☒ D.A. ☐ Jail ☐ DAS ☐ Def. ☒ Attorney Matthew Ence

## Case Notes

---

**Michael Louis Cota ~ Consp.commit criminal contempt**

Court: 18-CR-0429

Agency: East Fork Justice Court

Prosecutor: 18-0675M

Law: 185005042

Type: Criminal

CaseID: 18-3448

Status: Reactivated

Status Date: 5/1/2018

Case Age: 9 days

---

### Undesignated

5/9/2018 | Mindi Huntington

Defendant appeared in custody w/atty Pence; DA - Johnson

Pence: I have a conflict. I will file a formal motion. He's been here in the valley for a long time. He has a job.

Asking for an OR release. Asking for \$1000.00 cash bail.

Judge: Bail stands.

Ence appointed

PPH 1 pm Wed 5/16/17

5/2/2018 | Mindi Huntington

Defendant appeared in custody; DA - Johnson; Defendant received copy of complaint and understands charges;

Understands and signs right; Advised of an attorney

Pence appointed

State: Bail should stand

PPH 1 pm Wed 5/9/18

Judge: Bail stands

CITATION/CASE NO 18-CR-0429

NO. DA'S NO 18-0675M

SONO 18SO05042  
2018 MAY -2 AM 10:13EAST FORK JUSTICE COURT  
COUNTY OF DOUGLAS, STATE OF NEVADA

EAST FORK JUSTICE COURT

THE STATE OF NEVADA,  
Plaintiff,NOTICE OF SETTING  
ORDER TO APPEAR

vs.

Michael Lewis Cota, Defendant.

Luis

TO: The above-named Defendant and his or her attorney(s), YOU AND EACH OF YOU are hereby notified that the:

☒ Pre-Preliminary Hearing in the above-entitled matter is set for:**May 09, 2018 1:00 p.m.**☒ Preliminary Hearing in the above-entitled matter is set for:**May 17, 2018 9:00 a.m.**

In the above-entitled Court at 1038 Buckeye Road, Minden, Nevada. The defendant is ordered to appear at these times absent other Order of the Court.

Dated this 2nd day of May, 2018

THOMAS E. PERKINS  
JUSTICE OF PEACE

## CUSTODIAL STATUS:

☒ Cash Bail or Bond: \$50,000.00

A DEFENDANT, BEING RELEASED ON BAIL OR HIS/HER OWN RECOGNIZANCE (WITHOUT BAIL) AGREES THAT:

He/she understands that pursuant to NRS 199.335 willful FAILURE TO APPEAR to answer the misdemeanor charge(s) is a separate violation for which punishment may be 6 months in County jail and/or \$1,000.00 fine, regardless of the disposition of this case. He/she understands that willful FAILURE TO APPEAR to answer the felony charge(s) is a separate violation for which punishment can be state prison for not less than 1 year nor more than 6 years and/or a fine of not more than \$5,000.00, regardless of the disposition of this case.

I HAVE RECEIVED A COPY, READ, UNDERSTAND AND AGREE TO THE CONDITIONS OF THIS ORDER AND I PROMISE TO APPEAR IN COURT ON THE DATE AND TIME INDICATED ABOVE.

Defendant Signature

Phone Number

Mailing Address

City

State

Zip

Physical Address

Place of Employment

Pursuant to NRCP 5(b), I certify that I am an employee of East Fork Justice Court, Douglas County, Nevada and that on this day I:

☐ Hand delivered to plaintiff and defendant (or defendant's attorney) in court☐ Deposited for mailing at Minden, Nevada, a true copy of the within document addressed to:

Dated: 05/02/2018 Signed: \_\_\_\_\_

Clerk

Distribution: ☒ D.A. ☐ Jail ☐ DAS ☐ Def ☒ Attorney Maria Pence

## Case Notes

---

**Michael Louis Cota - Consp commit criminal contempt**

Court: 18-CR-0429

Agency: East Fork Justice Court

Prosecutor: 18-0675M

Law: 18SO05042

Type: Criminal

CaseID: 18-3448

Status: Reactivated

Status Date: 5/1/2018

Case Age: 1 day

---

### Undesignated

5/2/2018 | Mindi Huntington

Defendant appeared in custody; DA - Johnson; Defendant received copy of complaint and understands charges;

Understands and signs right; Advised of an attorney

Pence appointed

State: Bail should stand

PPH 1 pm Wed 5/9/18

Judge: Bail stands

JUSTICE COURT  
EAST FORK TOWNSHIP  
MINDEN, NEVADA

18-CE-0429  
FILED

NO. \_\_\_\_\_

2018 MAY -2 AM 10:14

YOU, AS A DEFENDANT, ARE INFORMED OF THE FOLLOWING RIGHTS AND PRIVILEGES GRANTED TO YOU UNDER THE LAWS AND CONSTITUTIONS OF THE UNITED STATES AND THE STATE OF NEVADA.

1. You as a defendant are charged with a violation of criminal law, and the primary purpose of this hearing is to insure that you know and understand the charge(s) that are alleged against you.
2. At this hearing there will be no determination made about your guilt or innocence of the alleged violation, but only that you know and understand the charge(s) against you.
3. You are entitled to be represented by an attorney in these proceedings. You have a right to have your own attorney. If you cannot afford to hire an attorney, one will be appointed for you free of charge if you qualify for such representation.
4. You have a right to talk with your attorney, and if necessary, reasonable means will be provided in order to enable you to do so.
5. You are entitled to a preliminary hearing within fifteen days before a judge to determine whether the prosecution has sufficient evidence to establish that you probably committed the crime(s) with which you are charged, or in the alternative, you may waive, that is, give up your right to such preliminary hearing.
6. If, at the conclusion of the preliminary hearing, the Judge finds that sufficient evidence has been shown to establish that a crime has been committed with which you are charged, and you could be the person who committed the crime, he will then bind you over to the district court for further action.
7. If, on the other hand, the Judge finds that the evidence is insufficient to establish that you probably committed the crime(s) charged, then he will dismiss the charge and discharge you from further custody or pre-trial release obligations.

I HAVE READ MY RIGHTS, HEARD THEM EXPLAINED BY THE JUDGE, AND FULLY UNDERSTAND THEM.

Signed: [Signature] Dated: 5/2/18

I AM CURRENTLY REPRESENTED BY \_\_\_\_\_, ATTORNEY AT LAW

Signed: \_\_\_\_\_ Dated: \_\_\_\_\_

I HEREBY WAIVE, THAT IS, GIVE UP MY RIGHT TO A PRELIMINARY HEARING WITHIN THE PRESCRIBED FIFTEEN (15) DAYS.

Signed: [Signature] Dated: 5/16/18

FILED *Peace*

NO. \_\_\_\_\_

# FINANCIAL AFFIDAVIT

2018 MAY -2 AM 10: 11

IN SUPPORT OF REQUEST FOR ATTORNEY, EXPERT, INVESTIGATIVE OR OTHER COURT SERVICES FOR INDIGENT PERSONS

EAST FORK JUSTICE COURT

## JUSTICE COURT EAST FORK TOWNSHIP

IN THE CASE OF

STATE OF NEVADA VS.

CASE # 18-0429 *MD*

Cota, Michael ~~*1015*~~

DATE: 5-2-18

### SECTION 1

I, Michael Cota, do solemnly swear under penalty or perjury that I am named as defendant in the case of State of Nevada VS. Michael Cota and that I do not have the ability to pay for an attorney or for any other court services necessary for my defense because : (check (✓) all that apply)

- ☐ I currently receive SSI benefits;
- ☒ I am currently a public housing resident/Section 8 recipient;
- ☐ I am currently receiving food stamps;
- ☐ I am currently a welfare recipient (TANF);
- ☐ I currently receive Unemployment/Workers Compensation benefits as my sole income;
- ☐ I have been determined disabled but benefits are pending;
- ☐ I am unemployed with no source of income;
- ☐ I am a resident of Shade Tree Shelter;
- ☐ I am a recipient of HELP Homeless Outreach Subsidy;
- ☐ I am a recipient of Women's Development Housing Assistance;
- ☐ I am a recipient of Medicaid Disability Insurance;
- ☐ I am a resident of the Salvation Army or a Transitional Housing Program;
- ☐ I am currently incarcerated;

Are you a veteran or a member of the military?

I Am ☐ I Am Not ☒

### COMMENTS:

I would like to try a rehab before any charges we talk about

Are you employed? ☒

How much do you earn each month? \$115

FILED

Name and Address of employer Construction

Does your spouse work? ☒

NO.

How much does he/she earn per month? 300\*

2011 MAY -2 AM 10:15

Do you have any other income (from retirement funds, interest, dividends, rents, etc.)?

EAST PARK JUSTICE COURT

List all other income source:

How much money do you have in bank accounts? \_\_\_\_\_

Do you own any real estate, motor vehicles, motor homes, stocks or other valuable property? \_\_\_\_\_ Please describe and list value:

Marital Status:

Total Number of dependents: \_\_\_\_\_

List the people you support (Name, Age & Relationship):

What is your address: \_\_\_\_\_

How much do you pay monthly in rent or mortgage? \_\_\_\_\_

List all other significant debts:

I declare under penalty of perjury that the foregoing is true and correct. (NRS 53.045)

SIGNATURE OF DEFENDANT \_\_\_\_\_

COURT/OFFICE USE ONLY

Based upon the foregoing,

IT IS HEREBY ORDERED that Pence be appointed to represent said defendant.

DATED this 2 day of May, 2018

Thomas E. Perkins

JUSTICE OF THE PEACE





**Douglas County Sheriff Minden, Nevada**  
**Booking Sheet for Inmate # 18SOJ1072**

18-CR-0429

Name #: 41055

Name: COTA, MICHAEL LOUIS

Address: 1386 VILLAGE WY; GVIL; GVIL #16  
GARDNERVILLE, NV 89410

Born: Blackfoot, ID



**Personal Identification**

Drivers Lic:

Home Phone: (775)292-0704

Work Phone: (775)790-5973 Cell

**Physical Description**

DOB: 02/02/99 (19 yrs)

Race: W

Sex: M

Hgt: 6'00"

Wgt: 150

State: NV

Local ID: 18so05042

Soc. Sec.

Eyes: BRO

Glasses: N

Hair: BLK

Hair Style: CRSH

Beard: N

Complexn: MED

Build: SLDR

Ethnic: ENG

2019 MAY -2 AM 7:17  
EAST FORK JUSTICE COURT

NO.

FILED

Assigned Housing: Hold 08

Current Location: Hold 08

Property Bag: 139

No Active Holds Located

Booking Date: 16:40:00 05/01/18

Booked By: Cunningham J

Case #	Description	Billing Agency	CRT	Bail Amt	Bail Type	DSP	Sent
18SO05042	50424e: Burglary, Resd Force Entry (F)	DCSO	EJC	\$50000.00	CABO		0
18SO05042	02339: Conspiracy to commit a crime	DCSO	EJC	\$50000.00	CABO		0
18SO05042	00000: Other Arrest / Noc to be added (F)	DCSO	EJC	\$50000.00	CABO		0
18SO05042	02339: Conspiracy to commit a crime	DCSO	EJC	\$50000.00	CABO		0
18SO05042	54801: Poss of Stolen Property (F)	DCSO	EJC	\$50000.00	CABO		0

DA \*18-0675M



COTA, MICHAEL  
Name #41055DOB: 02/02/99

FILED

NO. \_\_\_\_\_

2018 MAY -2 AM 7:19

EAST FORK JUSTICE COURT

BY \_\_\_\_\_

# Douglas County Sheriffs Office

## Declaration of Probable Cause and Detention

The undersigned, Freeman, Kevin, of the, Douglas County Sheriffs Office, hereby declares under penalty of perjury that the above named individual has been arrested on probable cause and is subject to detention for the listed offense(s). That upon information and belief, this officer learned the following facts and circumstances which support the probable cause arrest and detention:

Name of person arrested      DOB  
**MICHAEL COTA**                      **02/02/1999**

Date of arrest                      Time  
**5/1/2018**                              **4:29:41 PM**

Place of arrest  
**1362 US HWY 395 N; PIZZA HUT; GVIL**

The above-named person is currently being detained on the following charges:

Counts	Offense	Statute Code	Date/Time	CC	Bail Amount
1	Burglary, Resd Force Entry	50424e	5/1/2018 4:29:41 PM	F	_____
1	Conspiracy to commit a crime	02339		G	_____
1	Other Arrest / Noc to be added	00000		F	_____

31

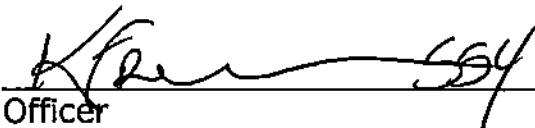
1	Conspiracy to commit a crime	02339		G	
1	Poss of Stolen Property	54801		F	

On 5/1/2018 at approximately 1629 hours I arrested Michael Cota on a Warrant of Arrest out of the East Fork Township Justice Court. DCSO Investigators advised deputies in briefing that Michael Cota had a new warrant (Warrant #18-CR-0429 DA-180675M) for his arrest.

At approximately 1620 hours on 5/1/18, I observed Michael Cota crossing US Hwy 395 at Waterloo Lane. I know Michael Cota by site from multiple, previous interactions. I confirmed the warrant via telephone with the DCSO Investigators, contacted Michael Cota in the Parking lot of 1362 US Hwy 395 and took him into custody.

Michael was transported to the DCSO Minden Jail and booked.

Dated the 1 day of May, 2018

  
Officer

### Magistrate's Finding and Order

Based upon the above declaration of probable cause:

☐ The court finds that there is probable cause to support the arrest and detention of the name defendant, and it is hereby ordered that said defendant be held for further criminal proceedings.

☐ The court finds that there is insufficient evidence to support the continued detention of the above name defendant and it is hereby ordered that said defendant be immediately released on his/her own recognizance until ordered to appear before a magistrate.

Other order \_\_\_\_\_  
\_\_\_\_\_

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Magistrate

Arrestee: MICHAEL COTA

Arrest Number: 18AR01014

CASE NO. 18-CR-0429  
DA 18-0675M  
DCSO 18SO05042

FILED  
NO. 18-CR-0429  
MAY -1 PM 2:11  
EAST FORK JUSTICE COURT  
TB

IN THE JUSTICE COURT OF EAST FORK TOWNSHIP  
COUNTY OF DOUGLAS, STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff,

WARRANT OF ARREST

vs.

MICHAEL LOUIS COTA,

Defendant.

D.O.B. 02/02/1999 W M  
SS: XXX-XX-8929  
Ht.: 6'00" Wt.: 150  
Eyes: Brown Hair: Black  
LKA: 1386 Village Way, #16  
Gardnerville, NV 89410

STATE OF NEVADA )  
: ss.  
COUNTY OF DOUGLAS )

THE STATE OF NEVADA: To any sheriff, constable, marshal, policeman, or other peace officer in the State:

It appears from the Complaint and corresponding Affidavit and attachments that there is probable cause to believe the crimes of CONSPIRACY TO COMMIT BURGLARY AND/OR LARCENY, a violation of NRS 199.480, a gross misdemeanor, CONSPIRACY TO COMMIT AN OFFENSE INVOLVING STOLEN PROPERTY, a violation of NRS 199.480, a gross misdemeanor, PRINCIPAL TO BURGLARY WITH A DEADLY WEAPON OR A FIREARM, a violation of NRS 205.060(1), (4), NRS 195.020, a category B felony, PRINCIPAL TO GRAND LARCENY OF A FIREARM, a violation of NRS 205.226, NRS 195.020 a category B felony, and PRINCIPAL TO POSSESSION OF STOLEN PROPERTY, a violation of NRS 205.275, NRS 195.020, a category C felony, triable within Douglas County, Nevada, have been committed by MICHAEL LOUIS COTA.

1 YOU ARE THEREFORE COMMANDED forthwith to arrest the above-named  
2 MICHAEL LOUIS COTA, and bring him before me forthwith, at my office at East Fork  
3 Township Justice Court, County of Douglas, State of Nevada, or in case of my absence or  
4 inability to act, before the nearest and most accessible magistrate in this county.

5 Witness my hand this 20 day of April, 2018

6 ☒ I direct that this warrant may be served at any hour of the day or night on MICHAEL  
7 LOUIS COTA.

8 ☐ I direct that this warrant may be served between 7:00 a.m. and 7:00 p.m. on MICHAEL  
9 LOUIS COTA.

10   
11 THOMAS E. PERKINS, Judge  
12 East Fork Township Justice Court

13 Defendant may be admitted to bail in the amount of \$ 50,000 -

14 **APPROVED FOR EXTRADITION: Five Northern Nevada Counties**

15  
16 by:   
17 Matthew Johnson  
18 Deputy District Attorney

19 I HEREBY CERTIFY that I received the above warrant on the \_\_\_\_\_ day of April,  
20 2018, and served the warrant by arresting the within named defendant, MICHAEL LOUIS  
21 COTA, and bringing him into Court this \_\_\_\_\_ day of April, 2018.  
22  
23  
24  
25  
26  
27  
28

1 CASE NO. 18-CR- 0429 / 18-CR 0430  
2 DA 18-0675M  
3 DCSO 18SO05042  
4

FILED  
18-CR 0429  
NO. 18-CR 0430  
2017 MAY -1 PM 2: 00  
EAST FORK JUSTICE COURT  
15

5  
6 IN THE JUSTICE COURT OF EAST FORK TOWNSHIP  
7 COUNTY OF DOUGLAS, STATE OF NEVADA  
8

9 THE STATE OF NEVADA,  
10 Plaintiff,

11 vs.

CRIMINAL  
COMPLAINT

12 MICHAEL LOUIS COTA,  
13 DOB: 02/02/1999

14 ROBERT DONALD BROWN  
15 DOB: 02/08/1996

Defendants. /

16 Matthew Johnson, Deputy District Attorney, County of Douglas, State of Nevada, on  
17 information and belief, being first duly sworn, makes complaint and charges Michael Louis  
18 Cota with the crimes of CONSPIRACY TO COMMIT BURGLARY AND/OR LARCENY, a  
19 violation of NRS 199.480, a gross misdemeanor, CONSPIRACY TO COMMIT AN OFFENSE  
20 INVOLVING STOLEN PROPERTY, a violation of NRS 199.480, a gross misdemeanor,  
21 PRINCIPAL TO BURGLARY WITH A DEADLY WEAPON OR A FIREARM, a violation of  
22 NRS 205.060(1), (4), NRS 195.020, a category B felony, PRINCIPAL TO GRAND  
23 LARCENY OF A FIREARM, a violation of NRS 205.226, NRS 195.020 a category B felony,  
24 and PRINCIPAL TO POSSESSION OF STOLEN PROPERTY, a violation of NRS 205.275,  
25 NRS 195.020, a category C felony, and charges Robert Donald Brown with the crimes of  
26 CONSPIRACY TO COMMIT AN OFFENSE INVOLVING STOLEN PROPERTY, a  
27 violation of NRS 199.480, a gross misdemeanor and PRINCIPAL TO POSSESSION OF  
28

1 STOLEN PROPERTY, a violation of NRS 205.275, NRS 195.020, a category C felony,  
2 committed in the County of Douglas, State of Nevada on or about February 13, 2018, as  
3 follows:

4 **COUNT ONE: CONSPIRACY TO COMMIT BURGLARY**  
5 **AND/OR LARCENY, a violation of NRS**  
6 **199.480, a gross misdemeanor**

7 Defendant Michael Louis Cota did willfully and unlawfully conspire with  
8 another person to commit burglary and/or larceny, by agreeing with "AG"  
9 DOB 11/06/03 to enter the residence located at 1340 Bishop Circle in  
10 Gardnerville to steal items inside and/or agreeing with "AG" DOB  
11 11/06/03 to transport "AG" to the residence located at 1340 Bishop Circle  
12 in Gardnerville so that "AG" could enter the residence to steal items inside  
13 and in furtherance of said conspiracy, did commit the acts as set forth in  
14 Counts 3 and 4 said acts being incorporated by reference as though fully set  
15 forth herein, all of which occurred in the County of Douglas, State of  
16 Nevada,

17 **COUNT TWO: CONSPIRACY TO COMMIT AN OFFENSE**  
18 **INVOLVING STOLEN PROPERTY, a**  
19 **violation of NRS 199.480, a gross misdemeanor**

20 Defendants Michael Louis Cota and/or Robert Donald Brown did willfully  
21 and unlawfully conspire with another person to commit an offense  
22 involving stolen property, as prohibited by NRS 205.275, by agreeing with  
23 each other and/or a male named Oscar, also known as "Cheespa," and/or  
24 "AG" DOB 11/06/03 that Oscar and/or Robert Donald Brown, and/or  
25 Michael Louis Cota buy, receive, possess, or withhold a stolen firearm(s),  
26 and in furtherance of said conspiracy defendant(s) did commit the acts as  
27 set forth in Counts 5 and 6 said acts being incorporated by reference as  
28 though fully set forth herein, all of which occurred in the County of  
Douglas, State of Nevada,

23 **COUNT THREE: PRINCIPAL TO BURGLARY WITH A**  
24 **DEADLY WEAPON OR A FIREARM, a**  
25 **violation of NRS 205.060(1), (4), NRS 195.020 a**  
26 **category B felony**

27 Defendant Michael Louis Cota did willfully and unlawfully enter, any  
28 house, room, apartment, warehouse, barn or other building, and/or whether  
present or absent aid, abet, counsel, encourage, hire, command, induce, or  
otherwise procure another person to enter, any house, room, apartment,



1 warehouse, barn or other building, and/or act in furtherance of a  
2 conspiracy, such that he is liable for the acts of his co-conspirator(s) to  
3 enter, any house, room, apartment, warehouse, barn or other building, with  
4 the intent to commit grand or petit larceny, or any felony therein, and said  
5 defendant had in his possession or gained possession of any firearm or  
6 deadly weapon at any time before leaving the structure or upon leaving the  
7 structure, to-wit: the defendant drove "AG" DOB 11/06/03 to the residence  
8 located at 1340 Bishop Circle in Gardnerville and/or entered the same  
9 residence to commit grand or petit larceny and had in his possession or did  
10 gain possession of a Spikes Tactical AR-15 rifle and/or Single Shot Pellet  
11 Rifle, all of which occurred in the County of Douglas, State of Nevada

12 **COUNT FOUR: PRINCIPAL TO GRAND LARCENY OF A**  
13 **FIREARM, a violation of NRS 205.226, NRS**  
14 **195.020 a category B felony**

15 Defendant Michael Louis Cota did willfully and unlawfully and  
16 intentionally, steal, take and carry away a firearm owned by another  
17 person, and/or whether present or absent aid, abet, counsel, encourage,  
18 hire, command, induce, or otherwise procure another person to steal, take  
19 and carry away a firearm owned by another person, and/or act in  
20 furtherance of a conspiracy, such that he is liable for the acts of his co-  
21 conspirator(s) to steal, take and carry away a firearm owned by another  
22 person, to-wit: the defendant and/or "AG" DOB 11/06/03 took a Spikes  
23 Tactical AR-15 rifle and/or Single Shot Pellet Rifle after defendant drove  
24 "AG" to the residence located at 1340 Bishop Circle in Gardnerville, all of  
25 which occurred in the County of Douglas, State of Nevada,

26 **COUNT FIVE: PRINCIPAL TO POSSESSION OF STOLEN**  
27 **PROPERTY, a violation of NRS 205.275, NRS**  
28 **195.020 a category C felony**

Defendant Michael Louis Cota did willfully, unlawfully, and knowingly,  
possess, buy, receive, or withhold stolen property, and/or whether present  
or absent aid, abet, counsel, encourage, hire, command, induce, or  
otherwise procure another person to possess, buy, receive, or withhold the  
stolen property and/or act in furtherance of a conspiracy, such that he is  
liable for the acts of his co-conspirator(s), to possess, buy, receive, or  
withhold the stolen property, for the their own gain or to prevent the true  
owner(s) from again possessing the property, knowing that such property  
was stolen, or under such circumstances as should have caused a  
reasonable person to know that such goods were so obtained, said property  
having a value of \$650.00 or more, to-wit: Michael Louis Cota possessed,  
received, or withheld a Spikes Tactical AR-15 rifle and/or Single Shot  
Pellet Rifle and/or two Glock .40 caliber magazines, and/or an ammunition  
can containing various caliber ammunition, and/or a black "Combat Style"

1 fixed blade knife; and/or arranged for a male named Oscar, also known as  
2 "Cheespa," and/or "AG" DOB 11/06/03, and/or Robert Donald Brown to  
3 possess, buy, receive, or withhold a Spikes Tactical AR-15 rifle and/or  
4 Single Shot Pellet Rifle, all of which occurred in the County of Douglas,  
5 State of Nevada,

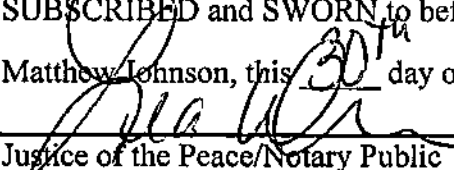
6 **COUNT SIX: PRINCIPAL TO POSSESSION OF STOLEN**  
7 **PROPERTY, a violation of NRS 205.275, NRS**  
8 **195.020 a category C felony**

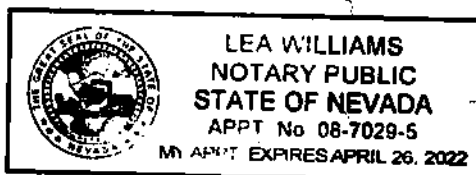
9 Defendant Robert Donald Brown did willfully, unlawfully, and knowingly,  
10 possess, buy, receive, or withhold stolen property, and/or whether present  
11 or absent aid, abet, counsel, encourage, hire, command, induce, or  
12 otherwise procure another person to possess, buy, receive, or withhold the  
13 stolen property and/or act in furtherance of a conspiracy, such that he is  
14 liable for the acts of his co-conspirator(s), to possess, buy, receive, or  
15 withhold the stolen property, for the their own gain or to prevent the true  
16 owner(s) from again possessing the property, knowing that such property  
17 was stolen, or under such circumstances as should have caused a  
18 reasonable person to know that such goods were so obtained, said property  
19 having a value of \$650.00 or more, to-wit: Robert Donald Brown found a  
20 buyer for a Spikes Tactical AR-15 rifle and/or Single Shot Pellet Rifle  
21 and/or provided the contact information for a potential buyer named Oscar,  
22 also known as "Cheespa," and/or helped move the firearm(s) to the buyer's  
23 vehicle, all of which occurred in the County of Douglas, State of Nevada,

24 against the peace and dignity of the State of Nevada. Complainant prays the Defendant be dealt  
25 with according to law.

26   
27 COMPLAINANT

28 SUBSCRIBED and SWORN to before me by  
29 Matthew Johnson, this 30<sup>th</sup> day of April, 2018.

30   
31 Justice of the Peace/Notary Public



1 CASE NO. 18-CR-  
2 DA 18-0675M  
3 DCSO 18SO05042  
4  
5  
6

FILED  
NO. 18-CR-0429  
2019 MAY -1 PM 2:11  
EAST FORK JUSTICE COURT

7 IN THE JUSTICE COURT OF EAST FORK TOWNSHIP  
8 COUNTY OF DOUGLAS, STATE OF NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

**AFFIDAVIT IN SUPPORT  
OF ARREST WARRANT  
NRS 171.106**

12 MICHAEL LOUIS COTA,

13 Defendant  
14 \_\_\_\_\_/

15 STATE OF NEVADA )  
16 : ss.  
16 COUNTY OF DOUGLAS )

17 Matthew Johnson, Deputy District Attorney, being first duly sworn, deposes and states  
18 under the penalty of perjury:

19 That he is a Deputy District Attorney with the Douglas County District Attorney's Office,  
20 and that during the course of his employment as such, he received and reviewed investigative  
21 reports submitted by the indicating that the crimes of CONSPIRACY TO COMMIT  
22 BURGLARY AND/OR LARCENY, a violation of NRS 199.480, a gross misdemeanor,  
23 CONSPIRACY TO COMMIT AN OFFENSE INVOLVING STOLEN PROPERTY, a  
24 violation of NRS 199.480, a gross misdemeanor, PRINCIPAL TO BURGLARY WITH A  
25 DEADLY WEAPON OR A FIREARM, a violation of NRS 205.060(1), (4), NRS 195.020, a  
26 category B felony, PRINCIPAL TO GRAND LARCENY OF A FIREARM, a violation of  
27 NRS 205.226, NRS 195.020 a category B felony, and PRINCIPAL TO POSSESSION OF  
28 STOLEN PROPERTY, a violation of NRS 205.275, NRS 195.020, a category C felony, were

1 committed on or about February 13, 2018, and it appears that such crimes are attributable to  
2 MICHAEL LOUIS COTA.

3 The investigative reports are attached hereto and incorporated herein by reference.

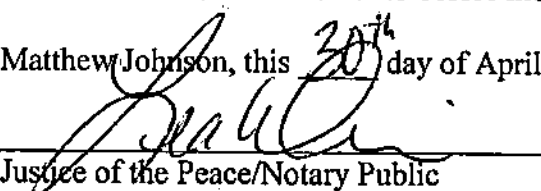
4 WHEREFORE, Affiant prays that a Warrant of Arrest be issued upon a Criminal  
5 Complaint for the above-named individual and that the defendant be held in custody or a  
6 reasonable bail be set in order to assure his presence at any future hearings.

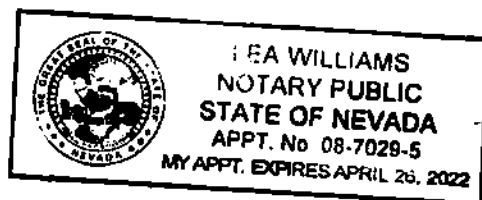
7 DATED this 30 day of April, 2018.

8  
9   
10 AFFIANT

11 SUBSCRIBED and SWORN to before me by

12 Matthew Johnson, this 30<sup>th</sup> day of April, 2018.

13   
14 Justice of the Peace/Notary Public





# Douglas County Sheriff

Deputy Report for Incident 18SO05042

## Minden, Nevada

Nature: Burg Resd P3  
Location: VGV37

Address: 1340 BISHOPS CI; GVIL; GVIL  
Gardnerville NV 89410

Offense Codes: BRFE

Received By: Ripa T

How Received: 9

Agency: DCSO

Responding Officers: Hickman Z, Carson C, West M

Responsible Officer: Hickman Z

Disposition: PEN 02/19/18

When Reported: 21:50:05 02/13/18

Occurred Between: 06:30:00 02/13/18 and 21:49:59 02/13/18

Assigned To: Chrzanowski N  
Status: ICW

Detail:  
Status Date: 04/12/18

Date Assigned: 02/20/18  
Due Date: \*\*/\*\*/\*\*

Complainant: 18226

Last: HANKS

First: JONATHAN

Mid: CODYWULFGA  
R

DOB: 12/07/82

Dr Lic:

Address: 1340 BISHOPS CI; GVIL

Race: W

Sex: M

Phone: (775)450-5429

City: GARDNERVILLE, NV 89410

### Offense Codes

Reported:

Observed: BRFE Burglary, Resd, Force En

Additional Offense: BRFE Burglary, Resd, Force En

### Circumstances

LT20 Residence or Home

Responding Officers:

Unit :

Hickman Z

102

Carson C

112

West M

112

Responsible Officer: Hickman Z

Agency: DCSO

Received By: Ripa T

Last Radio Log: 23:07:34 02/13/18 CMPLT

How Received: 9 911 Line

Clearance: RTF Report To Follow

When Reported: 21:50:05 02/13/18

Disposition: PEN Date: 02/19/18

Judicial Status:

Occurred between: 06:30:00 02/13/18

Misc Entry:

and: 21:49:59 02/13/18

Modus Operandi:

Description :

Method :

04/13/18

42

**Involvements**

<b>Date</b>	<b>Type</b>	<b>Description</b>	<b>Relationship</b>
03/14/18	Name	DILLISHAW, JASON RAY	Mentioned
03/14/18	Name	HOWELL, JACCOB CHARLES	Mentioned
02/14/18	Name	HANKS, JONATHAN CODYWULFGAR	Complainant
02/14/18	Name	COTA, MICHAEL LOUIS JR	Subject
02/14/18	Name	COFFELT, SUSAN MARIE	Contacted
02/14/18	Name	GORDON, AIDAN JASON	Subject
02/14/18	Name	HAYNES, ALEXIS ARIANA	Subject
02/14/18	Property	BLK Rifle Spikes Tactical AR15 2500	Property
02/14/18	Property	BLK Magazine Glock 22 60	Property
02/14/18	Property	BLK Knife combat 40	Property
02/14/18	Property	Ammunition can 100	Property
04/12/18	Evidence	PHOTOGRAPHS	Evidence Incident
04/12/18	Evidence	CD-R	Evidence Incident
04/12/18	Evidence	CD-R	Evidence Incident
02/14/18	Evidence	6 fingerprint cards	Evidence Incident
02/14/18	Evidence	7 digital photos	Evidence Incident
02/14/18	Evidence	20 digital photographs	Evidence Incident

## Narrative

Douglas County Sheriff's Office  
Investigation Narrative  
Case #18SO05042

### Classification:

Burglary

### Evidence:

Twenty (20) digital photographs

### Attachments:

Two (2) written statements

### Details:

On the 13th of February 2018, at approximately 2149 hours, I was dispatched to 1340 Bishop Circle, Gardnerville, for a report of a past tense residential burglary.

Upon my arrival I met with Jonathan Hanks and Alexis Haynes. Jonathon provided me with the following statement, not verbatim. Jonathon left his residence at approximately 0630 hours today and returned home at approximately 2150 hours. When Jonathon entered his bed room, he noticed several boxes had been moved from his closet to his bed. Jonathan asked his fiancée's daughter, Alexis, if she had been in his room which she denied. Jonathon then discovered his AR15 rifle was missing from its location. Jonathon contacted law enforcement to respond. Jonathon continued to look through his room where he found a single shot pellet rifle, an ammo can containing various ammunitions, and two Glock 22 .40 caliber magazines missing. Jonathan continued to say a black "combat style" fixed blade knife and a black hunting knife with black rubber handle, silver edges, and black leather sheath were missing.

Jonathan showed me the kitchen window where window blinds had been broken off; outside the window Jonathan saw the barbeque grill had been moved and a white lawn chair had been moved under the window. Jonathan completed a written statement which I have attached to this report. I took photographs throughout the residence, all of which are attached to this report.

Deputy Carson and Deputy West arrived I spoke with Jonathan. I requested Dep. West search the front window nearest the front door for fingerprints, at which she recovered multiple prints from the exterior and interior window panes, and from the top of a metal filing cabinet inside. Dep. West photographed the prints prior to lifting them, submitting a total of six (6) finger cards and seven (7) digital photographs into evidence. See attached supplement for more information.

Jonathan was unable to provide me with a serial number for his AR15 rifle at that time. Jonathan did say a "Punisher Skull" logo was featured on one side of the receiver on the magazine well. Jonathan stated he purchased the lower receiver approximately 2 years prior from High Desert Guns. In that time,

Jonathan built the rifle, equipping it with a fixed, "A2" style stock, flat top upper receiver, Tasco Scope, 20" heavy or "bull" barrel, bi-pod, extended charging handle, and tan rubber rail covers. Jonathan was able to provide one digital photograph of him shooting the rifle, minus the bi-pod. That digital photograph is attached to this report. Jonathan continued to say he would contact High Desert Guns, requesting his ATF form from his purchase and would provide a serial number at a later time.

I asked Jonathan if he could identify anyone who may have committed the crime. Jonathan stated Alexis had several friends whom he would suspect.

I spoke with Alexis who provided the following statement, not verbatim. Alexis left the residence that morning at approximately 0640 hours for school. Alexis returned home at approximately 1440 hours. Upon returning home, Alexis noticed urine in the toilet and on the toilet seat, saying it was clean when she left. Alexis flushed the toilet and went to her room. In her room, Alexis noticed her jewelry box was on the floor with her old cell phones. Looking through her room, Alexis found her hunting knife was missing. Alexis described her knife as a fixed blade hunting knife with a wooden handle with a gold end cap and hilt and a black leather sheath. Alexis completed a written statement which I have attached to this report.

I asked Alexis if she could identify anyone who may have committed the crime. Alexis identified Michael Cota and Aiden Gordon as possible suspects. According to Alexis, both Michael and Aiden knew Jonathan had firearms, they were known to steal items, and had stolen from Jonathan and Alexis before. Alexis continued to say she had seen Aiden and Michael together earlier today at Burger King with Michael's white Chevrolet truck. Alexis continued to say Aiden lived nearby on Kingslane.

I left the scene, providing Jonathan with the case number. Jonathan stated he would later provide me with the rifle's serial number as well as if any other items were found missing.

At approximately 2305 hours, I responded with Deputy Miller to a report of a suspicious vehicle parked at 1373 Toiyabe Ave, Gardnerville. The vehicle was described as a white Chevrolet pickup truck, Nevada Registration plate 580A76, registered to Michael Cota. At that location, the inside of the truck was seen and none of the stolen items were visible.

At approximately 2332 hours, Deputy Miller and I contacted Aiden's mother, Susan Coffelt at her residence, 1358 Kingslane, Gardnerville, looking for Aiden. Susan informed me Aiden was with Michael Cota and provided his address, 1386 Village Way, Unit #16, Gardnerville.

At approximately 2352 hours, I made contact with Michael and Aiden at 1386 Village Way, Unit #16. Deputy Miller and I spoke with Michael while Deputies Carson and West spoke with Aiden; see attached supplemental report for further information.

I advised Michael of his Miranda Rights which he waived and agreed to speak with me. According to Michael, he and Aiden stayed at his apartment most of the day. Michael stated he and Aiden went to his sister's apartment at an unknown time. Michael denied driving his white Chevrolet truck, saying he didn't have a driver's license. Michael denied ever going to Burger King earlier in the day or being on Kingslane. Michael could not account for his whereabouts most of the day. Michael gave me and Deputy Miller consent to search the apartment which did not locate any of the stolen items.



---

Dep. Fricke advised Dep. Carson and Dep. West he saw Michael and another smaller male subject on Kingslane at approximately 1800 hours.

Based on a lack of evidence, neither Michael nor Aiden were arrested at that time. Susan responded to our location to take Aiden home.

Disposition:

Forward to investigations

Date, Time, Reporting Deputy:

14th of February 2018, 0628 hours, Dep. Z. Hickman #588

---

Responsible LEO:

---

Approved by:

---

Date

## Supplement

### DOUGLAS COUNTY SUPPLEMENTAL NARRATIVE

#### CLASSIFICATION:

The purpose of this supplemental report is to add evidence to the current case.

#### ATTACHED:

6 fingerprint cards of fingerprints dusted and lifted at the scene

#### DETAILS:

On 02/13/2018, at approximately 2151 hours, Deputy Carson and I responded to 1340 Bishops Cir, in Gardnerville, NV, for a report of a burglary. The reporting party, Jonathan Hanks, stated several items, including his firearms, were missing.

Upon arrival, I contacted Deputy Hickman who had already spoken to Jonathan regarding the theft. Deputy Hickman requested I dust the front window nearest the front door.

The front window had an exterior and interior panes of glass. I dusted the outside of the exterior window and located a hand print in the lower center portion of the pane. The print appeared to be a right hand and appeared small in size.

I photographed the print, which I later uploaded to the R-Drive as evidence. I lifted two fingerprints, believed to be the pinkie and ring finger, and a palm print from the exterior pane, which I later booked as evidence.

I dusted the outside of the interior window and located fingerprints along the edge and lower portion of the pane. These prints also appeared small in size.

I photographed the prints, which I later uploaded to the R-Drive as evidence. I lifted two fingerprints from the interior pane, which I later booked as evidence.

Inside the residence, I located a metal filing cabinet just below the window. Due to the disruption of dust on top of the cabinet as well as the presence of visible prints, I dusted the top of the filing cabinet and located fingerprints. These fingerprints again appeared small in size.

The prints appeared to be from a left hand. I photographed the prints, which I later submitted to the R-Drive as evidence. I lifted two fingerprints, which I later booked as evidence.

The reporting party's daughter stated she locked herself out of her residence last week. In order to get into the residence, Jonathan lifted his step-daughter through the front window. Due to the recent weather, it is unknown if they belong to the suspect or the reporting party or family of the reporting party.

The reporting party's daughter believed the suspects to be Michael Cota and Aidan Gordon. Deputy Hickman later responded to a call of a suspicious vehicle parked on Toiyabe Ln. The vehicle returned to Michael.

Deputies Carson, Hickman, Miller and I responded to Kingslane and contacted, Susan Coffelt, Aidan's mother. Susan told us Aidan was currently with Michael at

Michael's residence located at 1358 Village Way #16.

Deputies Carson, Hickman, Miller and I travelled to the above address where we contacted Michael and Aidan. I contacted Aidan in the living room while Deputy Miller contacted Michael the bedroom located adjacent to the living room. Aidan contradicted himself and the story he told me did not make sense.

I asked Aidan how long he has known Michael. Aidan and Michael have been friends since they were young and hang out often. Aidan told me he "had to stay with Michael" because he was not allowed home. I asked Aidan why he could not return home. Aidan stated his mother, Susan, was working all day so he asked her to stay the night at Michael's. I asked Michael if Susan told him he had to stay with Michael. Aidan stated he wanted to stay to hang out with Michael.

I asked Aidan how long he had been hanging out with Michael today. Aidan arrived at Michael's residence yesterday, 02/12/2018, later in the afternoon and spent the night. Aidan stated he and Michael had been together all day and only left the apartment once to go to Burger King. When asked further, Aidan stated he and Michael also left to visit a friend who lived across the street and Michael left the apartment "to quickly go out to his car" and left Aidan in the apartment alone. Aidan stated Michael was not gone long but when I asked him for an approximate amount of time, Aidan estimated Michael was gone for up to 45 minutes.

Aidan changed the timeline of his day with Michael several times. Aidan at first stated he and Michael went to Burger King in the morning at approximately 0900 hours but later stated they went around lunchtime at approximately 1300 hours. Aidan later stated he and Michael went to a friend's house approximately one hour before we arrived but when I asked him again, Aidan stated they were there approximately two hours before we arrived.

Aidan was confused with the times because he "doesn't care what time it is, only if it is dark outside." I asked Aidan what time he believed it was. Aidan stated he believed it was around 2000 or 2100 hours. I informed Aidan it was after midnight. Aidan stated he did not keep track of times today but informed us Aidan was checking in with Susan every two hours via text message.

Deputy Fricke advised us he saw Michael and another smaller male on Kingslane at approximately 1800 hours. Aidan denied going to Kingslane today and stated the only time he was away from Michael was when Michael ran out to his truck.

Due to the fact there was no substantial evidence linking Michael and Aidan to the burglary, neither was arrested. Aidan was released to Susan.

**DISPOSITION:**

Attached to original report

**DATE, TIME, REPORTING OFFICER:**

02/14/2018 03:56:15

M. West #573

## Supplement

Douglas County Sheriff's Department  
Supplemental Narrative  
Case #18SO05042

### Details of Supplemental Narrative:

On the 13th of February 2018, at approximately 2149 hours, I took a residential burglary report from 1340 Bishop Circle, Gardnerville.

The reporting party, Jonathon Hanks, came home and found multiple items missing including an AR 15 style rifle. At the time of the report, Jonathon did not have the serial number for the rifle and could only provide a detailed description of it. According to Jonathon, he had purchased the lower receiver locally from a licensed dealer and built the rifle. I advised Jonathon to contact the dealer in an attempt to get the serial number in order to enter the rifle into NCIC as stolen.

On the 25th of February, 2018, at approximately 1404 hours, I received an email from Jonathon with the serial number for the rifle. The lower receiver manufacturer was Spikes Tactical with a serial number of SAR76407. The Spillman property table was updated with that information. The rifle was entered into the NCIC, NIC/G014335382 on the 27th of February 2018 at 0110 hours, by C. Woods.

A query through leadsonline.com did not result with any transactions for that rifle or serial number.

Date, Time, Reporting Officer

27th of February 2018, 0136 hours, Dep. Z. Hickman #588

## Supplement

### Douglas County Sheriff's Department Supplemental Narrative

CLASSIFICATION: Burglary (NRS 205.060)  
Conspiracy to Commit Burglary (NRS 205.060)  
Grand Larceny (NRS 205.220)  
Offenses Involving Stolen Property (NRS 205.275)(Cat C Felony)

POINT OF ENTRY: Kitchen Window

PROPERTY TAKEN: (1) Spikes Tactical AR-15 rifle (Serial #SAR76407)(\$3000)  
(2) Glock 22 .40 caliber magazines (\$80)  
(1) Single Shot Pellet Rifle (\$40)  
(1) Ammunition Can containing various caliber ammunition (\$50)  
(1) Black "Combat Style" fixed blade knife (\$45)

APPROXIMATE TOTAL VALUE OF LOSS: \$3215.00

EVIDENCE: DVD-R Containing copy of interview with Aiden Gordon  
DVD-R Containing copy of interview with Michael Cota  
Copy of Photograph taken from Facebook.com page of M. Cota

#### DETAILS:

On February 20, 2018, I was assigned DCSO 18SO05042 for investigative follow-up. Upon receiving the case, I reviewed the original reports, written by Deputy Hickman, and learned the following:

On February 13, 2018, Jonathan Hanks reported a burglary of his residence, located at 1340 Bishop Circle, Gardnerville, Nevada. Jonathan reported he left his residence on February 13, 2018 at approximately 0630 hours and returned home at approximately 2150 hours. Upon returning home and entering his bedroom, Jonathan noted several items had been moved within his room and discovered several items missing. Jonathan stated he spoke with his fiancée's daughter, Alexis Haynes, to ascertain if she had entered his room and moved anything or taken anything, and Alexis stated she had not. Jonathan reported the following items as missing from his residence:

- (1) Spikes Tactical AR-15 rifle (Serial #SAR76407)
- (2) Glock 22 .40 caliber magazines
- (1) Single Shot Pellet Rifle
- (1) Ammunition Can containing various caliber ammunition
- (1) Black "Combat Style" fixed blade knife

Jonathan reported the Spikes Tactical Rifle is equipped with a fixed, "A2" style stock, flat top upper receiver, Tasco Scope, 20" heavy or "bull" barrel, bi-pod, extended charging handle and tan rubber rail covers. Jonathan reported on the side of the receiver, on the magazine well, is a "Punisher Skull" logo. Jonathan provided photographs of him shooting the firearm as reference.

Jonathan reported he believes the kitchen window was the point of entry, showing Deputy Hickman where the blinds covering the kitchen window had been broken off and where a white lawn chair had been moved to directly underneath the window.

Deputy Hickman photographed the residence as he found it and booked these photographs into evidence under this case number.

Deputy Hickman interviewed Alexis Haynes regarding this case and learned the following:

On February 13, 2018, Alexis left the residence at approximately 0640 hours for school and returned to the residence at approximately 1440 hours. Upon returning home, Alexis noticed urine in the toilet and on the toilet seat, stating she knew this to be clean when she left for school. Alexis stated she flushed the toilet and went into her bedroom. Upon entering her room, Alexis noticed that her jewelry box was lying on the floor, along with her older cellular phones. After looking through her room, Alexis discovered that her hunting knife was missing. Alexis described this knife as a fixed blade hunting knife with a wooden handle with a gold end cap, hilt, and a black leather sheath.

Alexis told Deputy Hickman she believed Michael Cota and Aiden Gordon to be suspects in this case. Alexis reported that both Cota and Gordon know Jonathan owns firearms and have stolen from their residence before in the past. Alexis reported she saw Cota and Gordon together earlier in the day at Burger King and stated Gordon lives in the area.

Deputy West collected 6 fingerprints cards as evidence in this case and booked them into evidence under this case number.

Deputy Hickman and Deputy Miller contacted Michael Cota and Aiden Gordon at Cota's residence, located at 1386 Village Way, Apartment 16, Gardnerville, Nevada regarding this case. Both denied any involvement and allowed Deputy Hickman and Deputy Miller to search the premises for any of the stolen property listed above. However, during this conversation, Cota and Gordon were not able to account for their whereabouts for the majority of the day and were not overly forthcoming with information.

Deputy Hickman entered the AR-15 rifle into NCIC as stolen. The remainder of the property was not entered, as there are no serial numbers available for these items.

#### FOLLOW-UP INVESTIGATION:

##### CONTACT WITH JONATHAN HANKS:

On March 07, 2018, I contacted Jonathan Hanks regarding this case. I asked Jonathan if he had any additional information that would be helpful in ascertaining the identity of the suspects in this case. The only information Jonathan was able to provide was the following:

One of the two stolen Glock .22 magazine is "old" and is from the time when they dated the magazines, with Jonathan's missing magazine being dated 1994. Jonathan stated both of the magazines were filled with federal ammunition.

I told Jonathan that the fingerprints collected in this case were submitted as evidence and I was awaiting the results. I encouraged Jonathan to call me with any new or updated information.

##### CHECK OF LEADSONLINE.COM:

I checked leadsonline.com, an internet based nationwide pawn shop database, for any pawns recently made by either Michael Cota or Aiden Gordon, without success. I searched leadsonline.com specifically for the stolen rifle, via serial number, without success.

WINS/AFIS:

The fingerprints collected by Deputy West in this case were submitted to the WINS/AFIS system and results are pending.

ADDITIONAL LEADS:

On March 15, 2018, I learned that Douglas County Sheriff's School Resource Officer Deputy Meyer received information that Jason Dillishaw had information that Michael Cota had recently sold an AR-15 to an unknown person.

CONTACT WITH JASON DILLISHAW:

On March 29, 2018, at approximately 1105 hours, I contacted Jason Dillishaw regarding this case. This interview was conducted at Douglas High School in the office of School Resource Officer Deputy J. Meyer and was audio recorded. Following the completion of the interview, a copy of the interview was later placed onto DVD-R and booked into evidence under this case number. The following is a summary of my interview with Jason Dillishaw:

Jason Dillishaw was previously a friend of Michael Cota's. Approximately four to five weeks ago, on an unknown date and around 1400 hours in the afternoon, Jason was picked up by Michael as he was walking from the Gardnerville Ranchos, after which they went back to Michael's residence located at 1386 Village Way, Unit 16, Gardnerville, Nevada. Once back at Michael's residence, Michael showed Jason two firearms that he told Jason he was selling. Jason stated one of these firearms was "an AR," referencing an AR-15 rifle. Jason stated the firearm was black and had a logo on it of some sort but stated he could not remember what the logo was. Jason stated Michael told him that two men were coming from Carson City to the residence to purchase the firearm for \$150.00. Jason stated the second firearm that Michael had was a "rifle," but stated he could not describe it. Jason stated, at the time he saw the firearms, Michael had them stored in his bedroom closet. Jason stated he was at Michael's residence when the buyers arrived to purchase the firearm.

Jason described the males as follows:

Suspect #1: Hispanic male, approximately 30 years old, muscular to heavy build, tall, with dark hair cut short, approximately two inches long.

Suspect #2: Hispanic male, no further details

Jason stated the males arrived in dark colored, four door Audi, possibly dark blue in color. Jason was unsure of the license plates on the vehicle.

Jason stated he witnessed Michael hand the firearm to the Hispanic male and later saw the cash paid to Michael for the firearm.

Jason stated he and Michael are no longer friends, as Michael threatened to "shoot up" a house and Jason was not okay with this type of threat.

I asked Jason if any other person was present at the residence during the time of the incident where Michael sold the gun. Jason stated "some kid" was there but stated he did not know who the kid was or his name.

Jason was unable to provide me with any additional information pertinent to this investigation but agreed to speak to me again should it become necessary during the course of this investigation.

## ADDITIONAL INFORMATION:

On April 09, 2018, I received a message from Douglas County Juvenile Probation Officer Dan Hames. Officer Hames indicated that one of his probationers indicated that on Michael Cota's facebook.com page, screen name "Real Tru Savage," was a photograph of Michael Cota holding an AR-15.

On April 09, 2018, I went to Michael Cota's facebook.com page and confirmed this page belonged to him via his profile picture. On this page, first posted on February 18, 2018, 5 days after the burglary of Jonathan Hanks residence, Cota posted a photograph of himself and Aiden Gordon. In this photograph, Michael Cota is holding an AR-15 rifle. I printed this photograph as evidence under this case number.

## INTERVIEW WITH AIDEN GORDON:

On April 09, 2018, at approximately 1200 hours, I interviewed Aiden Gordon regarding this investigation. This interview was conducted in the day room of the Douglas County Juvenile Detention Facility located at Stateline, Nevada and was audio recorded. Following completion of the interview, a copy of the interview was later placed onto DVD-R and booked into evidence under this case number for later review. The following is a summary of my conversation with Aiden Gordon:

I told Aiden that I wished to speak with him regarding the residential burglary he and Michael Cota committed. However, prior to asking Aiden any questions regarding this investigation, I advised Aiden of his Miranda Rights, both verbally and in writing. Aiden indicated he understood his rights and was willing to speak to me regarding this investigation.

Aiden stated that he is friends with Alexis Haynes and that Michael Cota was friendly with Jonathan Hanks, stating this is how they knew there were firearms inside the residence located at 1340 Bishop Circle. Aiden stated he and Michael drove to the residence during school hours in Michael Cota's truck and entered the residence through a window. Aiden stated both he and Michael entered the residence. While in the residence, Aiden stated they located two firearms and two knives, which they removed from the residence. Aiden described the guns as a black rifle and a gun similar to a shotgun. Aiden stated they made multiple trips in and out of the residence, with Michael hiding the large guns under his shirt and in his pants to conceal them from view. Aiden stated they also took a green and black "hard plastic box," which contained miscellaneous firearm magazines and miscellaneous ammunition. Aiden stated they put the two knives they took inside this box and carried it out to Michael's vehicle. Aiden stated they unlocked the front door of the residence and utilized this door to enter and exit the residence while removing property from the house.

Aiden stated, after leaving the residence, he and Michael drove around for a while with the firearms in the vehicle. Aiden stated Michael was laughing about stealing them. Aiden stated they picked up another male, Jason Dillishaw, to hangout with them and drove back to Michael's residence.

Aiden stated, while at Michael's residence, Michael called a male named "Bobby" who came over to the residence. Aiden stated Bobby helped Michael find a buyer for the guns they stole. Aiden stated Michael sold the guns the same afternoon they stole them, stating he sold them for \$200 each. Aiden stated he did not know the males who purchased the guns but believed them to be from either Reno or Las Vegas. Aiden stated Bobby helped move the guns from the house by wrapping them in blankets and carrying them to the buyers vehicle. Aiden



described the buyers vehicle as a newer family van. Aiden stated after Michael sold the guns, Michael gave him \$200 for his part in the burglary.

Aiden described "Bobby" as approximately 22 years old with tattoos on his hands. Aiden stated he believes Bobby lives in the Ranchos and drives a dark colored sedan.

Aiden stated he believes that Michael Cota is still in possession of the stolen knives and the stolen green and black box. Aiden stated on the night DCSO Deputies came to Michael's residence to question them about this incident, these items were present in the residence, specifically in Michael's mothers bedroom, covered with a blanket. Aiden stated, when the deputies searched the residence, they missed the hidden items. Aiden stated, to his knowledge, Cota has not gotten rid of them. Aiden confirmed that by the time DCSO deputies arrived at Cota's residence to discuss this investigation, the firearms had already been sold and moved from the residence.

I asked Aiden if he knew and understood that what he had done was wrong. Aiden stated yes, he knew it was wrong but that "it is what it is." Aiden did not seem overly apologetic. I asked Aiden if he was coerced in any way. Aiden stated no, that although it was Michael's idea to burglarize the residence and steal the guns for purposes of sale, Aiden willingly went along with the plan and was not forced in any way.

I asked Aiden if he and Michael Cota had committed any other crimes that he wished to discuss. Aiden stated he and Michael were responsible for several vehicle burglaries in the Chichester area and the area of Industrial Way. Aiden stated he and Michael were also responsible for taking of a motor vehicle from the area of Industrial Way, joyriding it, and returning it to the area where they originally took it from. Aiden was not able to state exact dates that they committed these crimes but stated it was both before and after they committed the burglary of the residence at 1340 Bishop Circle. Aiden stated they did not take anything of value during these incidents, stating they took loose change and cellular telephone chargers from the vehicles.

Aiden agreed to speak to me again if it became necessary during the course of this investigation.

#### CONTACT WITH BOBBY BROWN:

On April 09, 2018, Investigator Young and I went to 1386 Village Way, Unit 16, Gardnerville, Nevada in an attempt to contact Michael Cota regarding this report. I contacted Michael's mother, who told me Michael was not home and was most likely at the skate park.

On April 09, 2018, Investigator Young and I went to the Lampe Skate Park in an attempt to locate Michael Cota. While at the skate park, I made contact with a male who identified himself as "Bobby," later determined to be Bobby Brown. Bobby matched the description of "Bobby" provided to me by Aiden Gordon. During our contact with Bobby Brown, we learned the following:

Bobby Brown is friends with Michael Cota and Aiden Gordon. Several months ago, Bobby was contacted by Michael Cota, who had guns he wished to sell and asked Bobby if he knew anyone that would want to purchase guns. Bobby stated he gave Michael the telephone number of a male named Oscar, who goes by "Cheespa," or something similar. Bobby stated this male is a "south sider" from Las Vegas. Bobby stated this male purchased the firearms from Michael Cota.

Bobby stated he was aware of the burglary committed by Michael Cota and Aiden Gordon because they told him what they had done. Bobby stated he knew they drove to the location in Michael's truck, parked on the back side of the fence, and entered the residence through a window. Bobby stated Aiden Gordon was familiar with the residence, as he is friends with one of the occupants (Alexis Haynes). Bobby denied being involved in the burglary of the residence.

Bobby stated he no longer had the telephone contact information for "Cheespa" and stated that Michael should still have it.

I asked Bobby if he had helped Michael move the stolen guns from inside Michael's residence to the vehicle of the person purchasing the guns. Bobby stated no. Bobby admitted he was present when the sale of the guns occurred but denied having anything to do with it, other than providing the contact information to Michael Cota.

#### CONTACT WITH MICHAEL COTA:

On April 10, 2018, while at the Lampe Skate Park talking to Bobby Brown, Brown received a telephone call from Michael Cota. Brown answered and Michael Cota requested to speak to me. I spoke with Michael Cota on the telephone. The following is a summary of my conversation with Michael Cota.

I told Michael I wished to speak to him regarding the burglary that he and Aiden Gordon committed at the residence at 1340 Bishop Circle. Michael denied being involved in this burglary and told me repeatedly that I do not have any physical proof of this and so I could not arrest him. I told Michael that, in fact, there was physical evidence, that he and Aiden left behind fingerprints at the residence while committing the burglary and told Michael Cota that Aiden Gordon had already admitted to his part in this crime. Michael stated that this did not prove anything, as he had been to the residence in the past and had been inside the house. I asked Michael if during his previous visits to the residence he entered the residence through the window. Michael stated no. I told Michael that the fingerprints left behind were on the window, where they entered the residence. Michael had nothing to say about these fingerprints. Michael repeatedly blamed Aiden Gordon, stating that Aiden committed this crime alone. I told Michael I knew this was not the case and asked him to be honest about his part in this crime. I asked Michael for permission to speak to him face to face about this investigation. Michael ultimately agreed to meet with me at his mother's residence, located at 1386 Village Way, Apartment 16, Gardnerville, Nevada.

On April 10, 2018, Investigator Young and I went to 1386 Village Way, Apartment 16, Gardnerville, Nevada where we made contact with Michael Cota. This contact was audio recorded. Following completion of this interview, a copy of this interview was later placed onto DVD-R and booked into evidence under this case number. The following is a summary of my conversation with Michael Cota:

I told Michael Cota I knew that he drove himself and Aiden Gordon to the residence at 1340 Bishop Circle and parked behind the fence. I told Michael I knew they entered the residence and stole two firearms, along with two knives and an ammunition can. Michael admitted to driving the vehicle to the residence and parking behind the fence. Michael denied entering the residence and stated that Aiden entered the residence without him. However, Michael later admitted he went to the front door of the residence and helped carry out guns from the residence. I told Michael that I knew he sold the guns for \$200 each and that he sold them to a male named Oscar, who goes by "Cheespa." Michael did not deny

this fact but told me he no longer had contact information for "Cheespa" and had no way of getting in touch with him or any way to assist me in the recovery of the stolen guns.

Michael repeatedly told me he did not enter the residence at 1340 Bishop Circle, that only Aiden did, seeming to believe that this absolved him of guilt in this case. I told Michael that he was just as guilty as Aiden, even if he did not enter the residence through the window, reminding him that he conspired with Aiden and made a plan to burglarize the home, that he drove himself and Aiden to the residence, that he assisted Aiden in removing the guns from the residence, and that he facilitated the sales of the guns following the theft. After this, Michael acknowledged that he is as guilty as Aiden is in this investigation. I encouraged Michael to take responsibility for his behavior and encouraged him to make things right if at all possible.

I told Michael that, based on his criminal history, he involves himself in smaller, misdemeanor type crimes generally and asked him why he decided to make the jump to such a major felony crime. Michael told me he had always wanted to do something like this and did not seem to believe that his actions in this case were a big deal.

#### ATTEMPT TO IDENTIFY "CHEESPA: "

Investigator Young and I contacted Deputy F. Torres, assigned to the Tri County Gang Unit regarding Oscar, aka Cheespa, named as a suspect in this case. Deputy Torres was not familiar with the subject but stated he would research and contact us with any suspect information. At the submission of this report, there is no information available to assist me in identifying or contacting Oscar aka Cheespa.

#### ADDITIONAL INFORMATION:

I was contacted by Johnathan Hanks, who informed me he had located the hunting knife previously reported as stolen. Hanks reported all other items were still missing from his residence.

#### CONCLUSION:

On February 13, 2018, Aiden Gordon and Michael Cota entered the residence at 1340 Bishop Circle with the intent to steal property from the residence. Cota and Gordon removed two firearms, an AR-15 rifle and a single shot pellet rifle from the residence, along with two knives and an ammunition can containing pistol magazines and miscellaneous ammunition. Following the burglary, Michael Cota sold the firearms, knives, and ammunition can to an adult male known only as Oscar aka "Cheespa" for \$200 each. Aiden and Michael both admitted to conspiring to commit this burglary and admitted to going to 1340 Bishop Circle with the intent to steal items from the residence.

#### WARRANT REQUEST:

I request the District Attorney's Office review the facts of this case in consideration of an arrest warrant for Michael Cota and Aiden Gordon on the following charges: Burglary (NRS 205.060), Conspiracy to Commit Burglary (NRS 205.060), Grand Larceny (NRS 205.220), and Offense Involving Stolen Property (NRS 205.275)(Cat C Felony).

#### DISPOSITION:

Forward to District Attorney's Office for issuance of arrest warrant/prosecution.

DCSO Investigator N. Chrzanowski #424

Investigative Hours: 20

---

**Supplement**

Douglas County Sheriff's Department  
Supplemental Narrative  
18SO05042

Classification: Follow Up

Details: On March 14, 2018 at about 1330 hours I met with Alexis Haynes at Douglas High School, 1670 Highway 88. Alexis told me the following: She heard from Jason Dillishaw that Michael Cota recently sold a AR15. Jason told her he was there when Michael sold it and didn't know it was stolen. Jason told he he thought the gun had a punisher on it. She also heard from Jaacob Howell that Michael Cota had a tweet with him holding an AR.

Disposition: Closed - Forward to Investigations

Reporting Deputy: John A. Meyer DCSO #506

**Property****Property Number:** 18PR00355**Item:** Rifle**Owner Applied Nmbr:****Characteristic:** 5.56C Caliber, 5.56**Brand:** Spikes Tactical**Model:** AR15**Year:** 0**Quantity:** 1**Meas:** DU**Serial Nmbr:** SAR76407**Total Value:** \$2,500.00**Color:** BLK**Owner:** HANKS JONATHAN CODYWULFGAR 18226**Agency:** DCSO Douglas County Sheriffs Office**Tag Number:****Accum Amt Recov:** \$0.00**Officer:** Hickman Z**UCR:** FIR Firearms**UCR Status:** SNR**Local Status:****Storage Location:****Crime Lab Number:****Status Date:** 02/13/18**Date Released:** \*\*/\*\*/\*\***Date Recov/Rcvd:** \*\*/\*\*/\*\***Released By:****Amt Recovered:** \$0.00**Released To:****Custody:** \*\*/\*\*/\*\* \*\*/\*\*/\*\***Reason:****Comments:** AR15 rifle, "Punisher Skull" logo on lower receiver, fixed stock, 20" bull barrel, Tasco Scope, bi-pod, tan rubber rail covers**Property Number:** 18PR00356**Item:** Magazine**Owner Applied Nmbr:****Brand:** Glock**Model:** 22**Year:** 0**Quantity:** 2**Meas:** DU**Serial Nmbr:****Total Value:** \$60.00**Color:** BLK**Owner:** HANKS JONATHAN CODYWULFGAR 18226**Agency:** DCSO Douglas County Sheriffs Office**Tag Number:****Accum Amt Recov:** \$0.00**Officer:** Hickman Z**UCR:** FRA Firearm Accessories**UCR Status:** SNR**Local Status:****Storage Location:****Crime Lab Number:****Status Date:** 02/13/18**Date Released:** \*\*/\*\*/\*\***Date Recov/Rcvd:** \*\*/\*\*/\*\***Released By:****Amt Recovered:** \$0.00**Released To:****Custody:** \*\*/\*\*/\*\* \*\*/\*\*/\*\***Reason:****Comments:****Property Number:** 18PR00357

---

<b>Item:</b> Knife	<b>Owner Applied Nmbr:</b>
<b>Brand:</b>	<b>Model:</b> combat
<b>Year:</b> 0	<b>Quantity:</b> 1
<b>Meas:</b> DU	<b>Serial Nmbr:</b>
<b>Total Value:</b> \$40.00	<b>Color:</b> BLK
<b>Owner:</b> HANKS JONATHAN CODYWULFGAR 18226	
<b>Agency:</b> DCSO Douglas County Sheriffs Office	<b>Tag Number:</b>
<b>Accum Amt Recov:</b> \$0.00	<b>Officer:</b> Hickman Z
<b>UCR:</b> TOO Tools, Hand or Power	<b>UCR Status:</b> SNR
<b>Local Status:</b>	<b>Storage Location:</b>
<b>Crime Lab Number:</b>	<b>Status Date:</b> 02/13/18
<b>Date Released:</b> **/**/**	<b>Date Recov/Rcvd:</b> **/**/**
<b>Released By:</b>	<b>Amt Recovered:</b> \$0.00
<b>Released To:</b>	<b>Custody:</b> **/**/** **/**/**
<b>Reason:</b>	
<b>Comments:</b>	
<b>Property Number:</b> 18PR00358	
<b>Item:</b> Ammunition	<b>Owner Applied Nmbr:</b>
<b>Brand:</b> can	<b>Model:</b>
<b>Year:</b> 0	<b>Quantity:</b> 1
<b>Meas:</b> DU	<b>Serial Nmbr:</b>
<b>Total Value:</b> \$100.00	<b>Color:</b>
<b>Owner:</b> HANKS JONATHAN CODYWULFGAR 18226	
<b>Agency:</b> DCSO Douglas County Sheriffs Office	<b>Tag Number:</b>
<b>Accum Amt Recov:</b> \$0.00	<b>Officer:</b> Hickman Z
<b>UCR:</b> FRA Firearm Accessories	<b>UCR Status:</b> SNR
<b>Local Status:</b>	<b>Storage Location:</b>
<b>Crime Lab Number:</b>	<b>Status Date:</b> 02/13/18
<b>Date Released:</b> **/**/**	<b>Date Recov/Rcvd:</b> **/**/**
<b>Released By:</b>	<b>Amt Recovered:</b> \$0.00
<b>Released To:</b>	<b>Custody:</b> **/**/** **/**/**
<b>Reason:</b>	
<b>Comments:</b> 500 rnds 22 LR, 25 rnds 20 GA shells	



SHERIFF-CORONER'S  
DEPARTMENT  
Douglas County, Nevada

STATEMENT FORM

VICTIM  
WITNESS  
DRIVER  
PASSENGER

Page 1 of 1

CASE #  
185005042

1ST NAME - FIRST - MIDDLE

D.O.B.

RACE - SEX

AGE

HT

WT

HAIR

EYES

Hanley J C

VEHICLE INFORMATION

YEAR

MAKE

MODEL

COLOR

LICENSE PLATE/STATE

DRIVER'S LIC NO.

STATE

IF OBSERVATION OR INVOLVEMENT IN THIS MATTER WAS AS FOLLOWS:

On the date of 2-13-18 about 9:50 pm I came in to my house after Fire department training. I walked in my room noticed my boxes from my closet I asked my daughter Lexi if she was in my room. Lexi answered No so I ran back into my room and noticed my AR-15 was missing (it has a Spanish skull on the side of it).

Has a Tasco scope, made in Florida, By pad e tan rubber grips a extra handle, M7 stock, 20" bull barrel, in the stock is a cleaning snake, Extincting on the charging handle, missing both Glock 22 40 clips both Federal self defenses 10 in each, a combat knife,

~~From my person~~ I also missing a pellet gun single shot wood frame, I left for work around 6:30 am and arrived back a 9:50 pm.

I'm missing a ammo can with a 500 rounds of 22'

61



The took My youngest girls hunting knife Black Rubber  
handle given down the Front & Back Black leather  
holder.

3 ~~AR-15~~ clips 2, 25 pound. 1 10 round  
1 25 round midale 1 25-30 plastic.



SHERIFF-CORONER'S  
DEPARTMENT  
Douglas County, Nevada

STATEMENT FORM

VICTIM  
WITNESS  
DRIVER  
PASSENGER

Page \_\_\_\_\_ of \_\_\_\_\_

CASE #

18-50185741

LAST NAME - FIRST - MIDDLE

Haynes Alexis Ariana

PHYSICAL ADDRESS

MAILING ADDRESS

HOME PHONE #

SS #

EMPLOYMENT/LOCATION

WORK PHONE #

VEHICLE INFORMATION

YEAR

MAKE

MODEL

COLOR

LICENSE PLATE/STATE

DRIVER'S LIC NO.

STATE

MY OBSERVATION OR INVOLVEMENT IN THIS MATTER WAS AS FOLLOWS:

I left for school at 6:40, the ~~house~~ bathroom didn't have anything in the toilet, nothing on the seat, my jewelry box had everything in it, my 2 extra phones were on top of my jewelry box. When I got home from school around 2:40, I unlocked my front door and I set my stuff down and I noticed an odd smell and I looked in the bathroom and ~~and~~ saw a bunch of piss in the toilet and on the seat. I flushed it but didn't wipe it off the seat. There didn't seem to be anything out of the ordinary. I didn't notice the blinds were on the ground till my dad pointed it out when he got home. I saw that my jewelry box drawer was on the ground along with my 2 phones. I can't find my hunting knife, it's not where I last saw it. My hunting knife has a wooden handle, gold at the end of the handle, gold metal between the blade and wooden part of the handle, the sheath is black leather.

SIGNATURE OF PERSON MAKING STATEMENT:

Alexis Haynes

DATE/TIME:

2-13-18 10:53

63

RECEIVED

MAY 29 2018

Douglas County  
District Court Clerk

FILED

2018 MAY 29 PM 3:20

BOBBIE R. WILLIAMS  
CLERK

BY ANOWA DEPUTY

Case No. 18-CR - ~~0048~~ <sup>0084</sup>

Dept. No. II

DA Case No. 18-0675M

This document does not contain personal information of any person

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF DOUGLAS

THE STATE OF NEVADA,

Plaintiff,

vs.

INFORMATION

MICHAEL LUIS COTA,

Defendant.

Matthew Johnson, Deputy District Attorney, within and for the County of Douglas, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court that Michael Luis Cota has committed the crimes of CONSPIRACY TO COMMIT BURGLARY AND/OR LARCENY, a violation of NRS 199.480, a gross misdemeanor, CONSPIRACY TO COMMIT AN OFFENSE INVOLVING STOLEN PROPERTY, a violation of NRS 199.480, a gross misdemeanor, PRINCIPAL TO BURGLARY WITH A DEADLY WEAPON OR A FIREARM, a violation of NRS 205.060(1), (4), NRS 195.020, a category B felony, PRINCIPAL TO GRAND LARCENY OF A FIREARM, a violation of NRS 205.226, NRS 195.020, a category B felony, and PRINCIPAL TO POSSESSION OF STOLEN PROPERTY, a violation of NRS 205.275, NRS 195.020, a category C felony,

The defendant, on or about February 13, 2018, and before the filing of this Information, at and within the County of Douglas, State of Nevada,

**COUNT ONE: CONSPIRACY TO COMMIT BURGLARY  
AND/OR LARCENY, a violation of NRS 199.480,  
a gross misdemeanor**

did willfully and unlawfully conspire with another person to commit burglary and/or larceny, by agreeing with "AG" DOB 11/06/03 to enter the residence located at 1340 Bishop Circle in Gardnerville to steal items inside and/or agreeing with "AG" DOB 11/06/03 to transport "AG" to the residence located at 1340 Bishop Circle in Gardnerville so that "AG" could enter the residence to steal items inside, and in furtherance of said conspiracy, did commit the acts as set forth in Counts 3 and 4 said acts being incorporated by reference as though fully set forth herein,

**COUNT TWO: CONSPIRACY TO COMMIT AN OFFENSE  
INVOLVING STOLEN PROPERTY, a violation  
of NRS 199.480, a gross misdemeanor**

did willfully and unlawfully conspire with another person to commit an offense involving stolen property, as prohibited by NRS 205.275, by agreeing with Robert Donald Brown and/or a male named Oscar, also known as "Cheespa," and/or "AG" DOB 11/06/03 that Oscar and/or Robert Donald Brown, and/or Michael Louis Cota buy, receive, possess, or withhold a stolen firearm(s), and in furtherance of said conspiracy defendant did commit the acts as set forth in Count 5 said acts being incorporated by reference as though fully set forth herein,

**COUNT THREE: PRINCIPAL TO BURGLARY WITH A DEADLY  
WEAPON OR A FIREARM, a violation of NRS  
205.060(1), (4), NRS 195.020 a category B felony**

did willfully and unlawfully enter, any house, room, apartment, warehouse, barn or other building, and/or whether present or absent aid, abet, counsel, encourage, hire, command, induce, or otherwise procure another person to enter, any house, room, apartment, warehouse, barn or other building, and/or act in furtherance of a conspiracy, such that he is liable for the acts of his co-conspirator(s) to enter, any house, room, apartment, warehouse, barn or other building, with the intent to commit grand or petit larceny, or any felony therein, and said defendant had in his possession or gained possession of any firearm or deadly weapon at any time before leaving the structure or upon leaving the structure, to-wit: the defendant drove "AG" DOB 11/06/03 to the residence located at 1340 Bishop Circle in Gardnerville and/or entered the same residence to commit grand or petit larceny, and had in his possession or did gain possession of a Spikes Tactical AR-15 rifle and/or Single Shot Pellet Rifle,

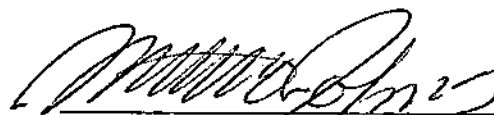
**COUNT FOUR: PRINCIPAL TO GRAND LARCENY OF A FIREARM, a violation of NRS 205.226, NRS 195.020 a category B felony**

did willfully and unlawfully and intentionally, steal, take and carry away a firearm owned by another person, and/or whether present or absent aid, abet, counsel, encourage, hire, command, induce, or otherwise procure another person to steal, take and carry away a firearm owned by another person, and/or act in furtherance of a conspiracy, such that he is liable for the acts of his co-conspirator(s) to steal, take and carry away a firearm owned by another person, to-wit: the defendant and/or "AG" DOB 11/06/03 took a Spikes Tactical AR-15 rifle and/or Single Shot Pellet Rifle after defendant drove "AG" to the residence located at 1340 Bishop Circle in Gardnerville,

**COUNT FIVE: PRINCIPAL TO POSSESSION OF STOLEN PROPERTY, a violation of NRS 205.275, NRS 195.020 a category C felony**

did willfully, unlawfully, and knowingly, possess, buy, receive, or withhold stolen property, and/or whether present or absent aid, abet, counsel, encourage, hire, command, induce, or otherwise procure another person to possess, buy, receive, or withhold the stolen property and/or act in furtherance of a conspiracy, such that he is liable for the acts of his co-conspirator(s), to possess, buy, receive, or withhold the stolen property, for the their own gain or to prevent the true owner(s) from again possessing the property, knowing that such property was stolen, or under such circumstances as should have caused a reasonable person to know that such goods were so obtained, said property having a value of \$650.00 or more, to-wit: Michael Louis Cota possessed, received, or withheld a Spikes Tactical AR-15 rifle and/or Single Shot Pellet Rifle and/or two Glock .40 caliber magazines, and/or an ammunition can containing various caliber ammunition, and/or a black "Combat Style" fixed blade knife; and/or arranged for a male named Oscar, also known as "Cheespa," and/or "AG" DOB 11/06/03, and/or Robert Donald Brown to possess, buy, receive, or withhold a Spikes Tactical AR-15 rifle and/or Single Shot Pellet Rifle,

against the peace and dignity of the State of Nevada. Complainant prays the defendant be dealt with according to law.



Matthew Johnson  
Deputy District Attorney

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

3  
4 Deputy Justin Fricke Douglas County Sheriff's Office  
5 1038 Buckeye Road  
6 Minden, Nevada 89423

7 Investigator Nadine Chrzanowski Douglas County Sheriff's Office  
8 1038 Buckeye Road  
9 Minden, Nevada 89423

10 Deputy Christopher Carson Douglas County Sheriff's Office  
11 1038 Buckeye Road  
12 Minden, Nevada 89423

13 Deputy Zack Hickman Douglas County Sheriff's Office  
14 1038 Buckeye Road  
15 Minden, Nevada 89423

16 Deputy Mariah West Douglas County Sheriff's Office,  
17 1038 Buckeye Road  
18 Minden, Nevada 89423

19 Jonathan Cody Wulfgar Hanks 1340 Bishops Circle  
20 Gardnerville, Nevada 89410

21 Jason Ray Dillishaw 1420 Bumblebee Drive  
22 Gardnerville, Nevada 89460

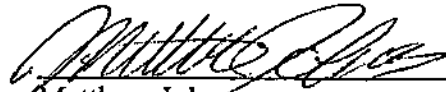
23 Alexis Ariana Haynes 1340 Bishops Circle  
24 Gardnerville, Nevada 89410

25 Aidan Jason Gordon 1358 Kingslane  
26 Gardnerville, Nevada 89410

27 Investigator Ryan Young Douglas County Sheriff's Office  
28 1038 Buckeye Road  
Minden, Nevada 89423

Robert Donald Brown

931 Sweetwater Drive  
Gardnerville, Nevada 89460



Matthew Johnson  
Deputy District Attorney

Douglas County District Attorney  
Post Office Box 218  
Minden, Nevada 89423  
(775) 782-9800 Fax (775) 782-9807

RECEIVED

FILED

JUN -4 2018

2018 JUN -4 PM 2:32

Douglas County  
District Court Clerk

BOBBIE R. WILLIAMS  
CLERK

BY ANONAK DEPUTY

Case No. 18-CR--0084

Dept. No. II

DA Case No. 18-0675M

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF DOUGLAS

THE STATE OF NEVADA,

Plaintiff,

vs.

**GUILTY PLEA AGREEMENT**

MICHAEL LUIS COTA,

Defendant.

I hereby agree to plead guilty to Count Four: PRINCIPAL TO GRAND LARCENY OF A FIREARM, a violation of a NRS 205.226, NRS 195.020, a category B felony, as more fully alleged in the Information which I have read and reviewed with my attorney.

My decision to plead guilty is based upon the plea agreement in this case which is as follows: In exchange for my plea of guilty to Count Four in the Information, charging PRINCIPAL TO GRAND LARCENY OF A FIREARM, a violation of a NRS 205.226, NRS 195.020, a category B felony, my agreement to testify truthfully in any Preliminary Hearing or Trial set in 18-CR-0430, involving Robert Donald Brown, and my agreement to not have any contact or communication with Brittany Massera or Deanna Joan McVay during the period I am incarcerated, on parole, or on probation as a result of my conviction for this offense unless contact or communication is permitted by the district court for the purposes of establishing and/or facilitating custody/visitation with our child(ren) in common, the State has agreed to, dismiss the remaining counts in the Information, not file charges in Douglas County Sheriff's Office case number 18SO08450, in which I am alleged to have threatened violence against Skyler Reese-Bamford, Brittany Massera, and Deanna Joan McVay, and recommend that I be



1 sentenced to a minimum term of not less than 12 months in state prison and a maximum term of  
2 60 months in state prison. I understand that, at the time of sentencing, the parties are free to  
3 present arguments, facts, and/or witnesses about whether a lesser sentence, probation, and/or  
4 some other substance abuse treatment is appropriate to the extent I am eligible.

5 I understand that the State also reserves the right at sentencing to provide the court with  
6 relevant information that may not be in the court's possession; to call victims to make a victim  
7 impact statement; to question my character witnesses; to comment on the circumstances of the  
8 crime and my criminal history; and to correct factual misstatements made by me or my  
9 character witnesses.

#### 10 CONSEQUENCES OF THE PLEA

11 I understand that, by pleading guilty, I admit the facts which support all the elements of  
12 the offense to which I now plead as more fully alleged in the Information, a copy of which I  
13 have received and the contents of which I have reviewed with my attorney. I admit that the  
14 State possesses sufficient evidence which would result in my conviction.

15 I understand that, as a consequence of my plea of guilty, I may be imprisoned in the  
16 state prison for a minimum term of not less than 12 months and a maximum term of not more  
17 than 120 months. I also understand that I may be fined up to \$10,000. I understand that the  
18 law requires me to pay an administrative assessment fee.

19 I understand that, if appropriate, I will be ordered to make restitution to the victim of the  
20 offense to which I am pleading guilty and to the victim of any related offenses which are being  
21 dismissed or not prosecuted pursuant to this agreement. I will also be ordered to reimburse the  
22 State of Nevada for expenses related to my extradition, if any.

23 I understand that I am eligible for probation for the offense to which I am pleading  
24 guilty. I understand that, except as otherwise provided by statute, the question of whether I  
25 receive probation is in the discretion of the sentencing judge.

26 I understand that, except as otherwise provided by statute, if more than one sentence of  
27 imprisonment is imposed, the sentencing judge has the discretion to order the sentences to be  
28 served concurrently or consecutively. My attorney has explained the terms concurrent and

1 consecutive and I understand their meaning as it relates to sentencing.

2 I understand that this plea and resulting conviction may have adverse effects upon my  
3 residency in this country if I am not a United States citizen.

4 I understand and agree that the State, at its discretion, is entitled to either withdraw from  
5 this agreement and proceed with the prosecution of the original offenses or be free to argue for  
6 an appropriate sentence at the time of the sentencing hearing if I: (1) fail to appear at any  
7 scheduled court proceeding in this matter; (2) am arrested for a violation of law in any  
8 jurisdiction prior to my sentencing hearing; (3) violate any of my bail conditions; (4) fail to  
9 cooperate fully with the Division of Parole and Probation in the preparation of the presentence  
10 investigation report in this case if said report is ordered by the court; or (5) fail to comply with  
11 any other condition stated herein. I understand and agree that the occurrence of any of these  
12 acts constitutes a material breach of my guilty plea agreement with the State. I further agree to  
13 waive any right I may have to remand this matter to Justice Court should this agreement be set  
14 aside for any reason.

15 I understand that information regarding offenses not filed, dismissed offenses or  
16 offenses to be dismissed pursuant to this agreement may be considered by the judge at  
17 sentencing.

18 I have not been promised or guaranteed any particular sentence by anyone. I know that  
19 my sentence is to be determined by the court within the limits prescribed by statute. I  
20 understand that if my attorney, the State of Nevada, or both recommend any specific  
21 punishment to the court, the court is not obligated to accept the recommendation.

22 I understand that the Division of Parole and Probation of the Department of Public  
23 Safety may or will prepare a report for the sentencing judge before sentencing. This report will  
24 include matters relevant to the issue of sentencing, including my criminal history. I understand  
25 that this report may contain hearsay information regarding my criminal history and the facts  
26 and circumstances related to the offense. My attorney and I will each have the opportunity to  
27 comment on the information contained in the report at the time of sentencing.  
28

1 WAIVER OF RIGHTS

2 By entering my plea of guilty, I understand that I have waived the following rights and  
3 privileges:

4 1. The constitutional privilege against self-incrimination, including the right to refuse  
5 to testify at trial, in which event the prosecution would not be allowed to comment to the jury  
6 about my refusal to testify.

7 2. The constitutional right to a speedy and public trial by an impartial jury, free of  
8 excessive pretrial publicity prejudicial to the defense, at which trial I would be entitled to the  
9 assistance of an attorney, either appointed or retained. At trial, the State would bear the burden  
10 of proving beyond a reasonable doubt each element of the offense charged.

11 3. The constitutional right to confront and cross-examine any witnesses who would  
12 testify against me.

13 4. The constitutional right to subpoena witnesses to testify on my behalf.

14 5. The constitutional right to testify in my own defense.

15 6. The right to appeal the conviction, with the assistance of an attorney, either  
16 appointed or retained, unless the appeal is based upon reasonable constitutional, jurisdictional  
17 or other grounds that challenge the legality of the proceedings and except as otherwise provided  
18 in subsection 3 of NRS 174.035.

19 VOLUNTARINESS OF PLEA

20 I have discussed the elements of all the original offenses against me with my attorney  
21 and I understand the nature of these offenses against me.

22 I understand that the State would have to prove each element of the offenses against me  
23 at trial.

24 I have discussed with my attorney any possible defenses and circumstances which  
25 might be in my favor.

26 All of the foregoing elements, consequences, rights and waiver of rights have been  
27 thoroughly explained to me by my attorney.

28 I believe that pleading guilty and accepting this plea bargain is in my best interest and

1 that a trial would be contrary to my best interest.

2 I am signing this agreement voluntarily, after consultation with my attorney, and I am  
3 not acting under duress or coercion or by virtue of any promises of leniency, except for those  
4 set forth in this agreement.


5 I am not now under the influence of intoxicating liquor, a controlled substance or other  
6 drug which would in any manner impair my ability to comprehend or understand this  
7 agreement or the proceedings surrounding my entry of this plea.

8 My attorney has answered all my questions regarding this guilty plea agreement and its  
9 consequences to my satisfaction, and I am satisfied with the services provided by my attorney.

10 Dated this 1 day of June, 2018.

11  
12   
13 MICHAEL LUIS COTA  
14 Defendant

15 Agreed to this 30 day of May, 2018.

16   
17 MATTHEW JOHNSON  
18 Deputy District Attorney

19 CERTIFICATE OF COUNSEL

20 I, the undersigned, as the attorney for the defendant named herein and as an officer of  
21 the court hereby certify:

22 1. I have fully explained to the defendant the allegations contained in the charges to  
23 which guilty or guilty but mentally ill pleas are being entered.

24 2. I have advised the defendant of the penalties for each charge and the restitution that  
25 the defendant may be ordered to pay.

26 3. All pleas of guilty or guilty but mentally ill offered by the defendant pursuant to this  
27 agreement are consistent with all the facts known to me and are made with my advice to the  
28 defendant and are in the best interest of the defendant.


1 4. To the best of my knowledge and belief, the defendant:

2 a. Is competent and understands the charges and the consequences of pleading  
3 guilty or guilty but mentally ill as provided in this agreement.

4 b. Executed this agreement and will enter all guilty or guilty but mentally ill  
5 pleas pursuant hereto voluntarily.

6 c. Was not under the influence of intoxicating liquor, a controlled substance or  
7 other drug at the time of the execution of this agreement.

8 Dated this 1 day of June, 2018.

9   
10 MATTHEW ENCE, ESQ.  
11 Attorney for Defendant  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

RECEIVED

JUN - 7 2018

Douglas County  
District Court Clerk

2018 JUN -7 PM 2:29

BOBBIE R. WILLIAMS  
CLERK

BY W. R. Agency

Case No. 18-CR-0084

Dept No. II

DA No. 18-0675M

This document does not contain the  
personal information of anyone

**IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

**IN AND FOR THE COUNTY OF DOUGLAS**

THE STATE OF NEVADA,

Plaintiff,

v.

**MOTION TO WITHDRAW AS  
COUNSEL**

MICHAEL LUIS COTA,

Defendant.

COMES NOW, Matthew D. Ence, attorney appointed pursuant to NRS 178.397 to represent MICHAEL LUIS COTA in the instant matter, hereby moves this Court for an Order permitting counsel to withdraw from said representation.

Your Movant, Matthew D. Ence, was appointed to represent MICHAEL LUIS COTA on or about May 10, 2018, after Mr. COTA's prior counsel, Maria Pence, withdrew for a conflict of interest.

Mr. COTA has been charged with two (2) Gross Misdemeanor conspiracy counts, and four (4) felony larceny/stolen property counts, as class B & C felony offenses. Movant, Matthew D. Ence, has previously negotiated a plea agreement with the State, wherein Mr. COTA would plead guilty to a single class B felony count of PRINCIPAL TO GRAND LARCENY OF A FIREARM, and the State would not seek more than a 12-60 month sentence, but the parties are free to argue as to a lesser sentence, probation and/or some other substance abuse treatment. The plea agreement is expressly conditioned on Mr. COTA testifying truthfully at any preliminary hearing or trial of an alleged co-defendant, Mr. Brown. A preliminary hearing for Mr. Brown was scheduled for June 8, 2018, but has apparently been re-scheduled for July 6, 2018.

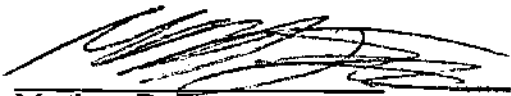
1 To accept the plea agreement, Mr. COTA was required to waive his right to a preliminary  
2 hearing in the East Fork Justice Court, which he did on May 23, 2018. However, due to the  
3 District Court's law and motion calendar being full, despite being held in custody, Mr. COTA's  
4 arraignment was not set until June 18, 2018.

5 On May 29, 2018, Movant, Matthew D. Ence, received notice that he would be attending  
6 the Trial Practice Institute program at the National Criminal Defense College in Macon, Georgia  
7 June 16-30, and requested that the District Court move Mr. COTA's arraignment up to June 11,  
8 2018 to accommodate this calendaring conflict. That request was denied by the Court. Due to  
9 conflicts of all of the other indigent defense contract attorneys, Movant, Matthew D. Ence,  
10 subsequently made arrangements for Justin Clouser to appear for him at Mr. COTA's  
11 arraignment on June 18, 2018.

12 On June 7, 2018, Movant, Matthew D. Ence, received Supplemental Discovery in this  
13 matter. Upon review of the Supplemental Narrative report of Investigator Chrzanowski, Movant  
14 discovered that he currently represents/represented the girlfriend of one of the alleged co-  
15 defendant who is accusing MICHAEL LUIS COTA of possessing "stolen guns." Movant  
16 represents/represented Amber Arlene Johnson in the Ninth Judicial District Court in case number  
17 17-CR-0019. Based on this current/prior representation, Movant believe that it would be a  
18 conflict of interest to continue to represent MICHAEL LUIS COTA in the instant matter.

19 Based on the foregoing, your Movant requests this Court to enter an Order permitting  
20 counsel to withdraw from representation of MICHAEL LUIS COTA in this matter.

21 RESPECTFULLY SUBMITTED this 7<sup>th</sup> day of June, 2018.

22  
23   
24 Matthew D. Ence  
25 Nevada State Bar No. 5632  
26 1662 US Hwy 395 North, #104  
27 Minden, Nevada 89423  
28 (775) 783-8501

Your declarant, Matthew D. Ence, declares the following to be true and correct, under penalty of perjury:

2. On or about May 10, 2018, I was appointed to represent MICHAEL LUIS COTA.

4. On June 7, 2018 I received supplemental discovery in the instant matter and learned that Amber Arlene Johnson is a potential witness against MICHAEL LUIS COTA.

6. I have read the contents of the foregoing Motion and know the contents thereof and know them to be true of my own knowledge or upon information and belief, I believe them to be true.

  
Matthew D. Ence



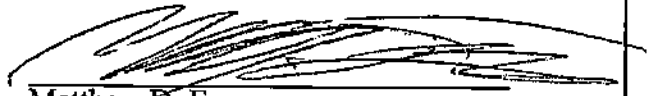
1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I certify that on this day, I hand-delivered and/or deposited with  
3 the United States Postal Service, postage prepaid, for delivery a true and correct copy of a  
4 Motion to Withdraw as Counsel (with attached Declaration of Counsel in Support of Motion to  
5 Withdraw as Counsel) addressed to:

6 District Attorney's Office  
7 1625 N. 8<sup>th</sup> Street  
8 Minden, Nevada 89423  
(Hand-delivered)

MICHAEL LUIS COTA  
c/o: Douglas County Sheriff - Jail  
P. O. Box 1777  
Minden, NV 89423

9 DATED this 7<sup>th</sup> day of June, 2018.

10   
11 Matthew D. Ence  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Case No. 18-CR-0084

Dept No. II

DA No. 18-0675M

This document does not contain the  
personal information of anyone

**RECEIVED**

**JUN - 7 2018**

**Douglas County  
District Court Clerk**

**FILED**

**2018 JUN 12 PM 3:09**

**ROBBIE R. WILLIAMS  
CLERK**

BY msr APR 11

**IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF DOUGLAS**

THE STATE OF NEVADA,

Plaintiff,

v.

MICHAEL LUIS COTA,

Defendant.

**ORDER GRANTING MOTION TO  
WITHDRAW AS COUNSEL**

Based upon the motion of counsel, Matthew D. Ence, and good cause appearing,  
IT IS HEREBY ORDERED that Matthew D. Ence is discharged from any further  
representation of MICHAEL LUIS COTA in this matter.

DATED this 12<sup>th</sup> day June, 2018.

  
DISTRICT JUDGE

RECEIVED

JUN 13 2018

FILED

1 Case No. 18-CR-0084

Douglas County  
District Court Clerk

2 Dept. No. II

2018 JUN 13 PM 1:47

BOBBIE R. WILLIAMS  
CLERK  
BY ANOM DEPUTY

3  
4  
5  
6 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
7 IN AND FOR THE COUNTY OF DOUGLAS  
8

9 THE STATE OF NEVADA,

10 Plaintiff,

11 v.

ORDER APPOINTING COUNSEL

12 MICHAEL LUIS COTA,

13 Defendant.  
14

15 The Defendant, MICHAEL LUIS COTA, having requested the  
16 appointment of an attorney to represent him and having represented to  
17 the Court that he is without means of employing an attorney and  
18 indicating therein the facts concerning his financial status, and  
19 Good Cause Appearing, Therefore,

20 IT IS HEREBY ORDERED that JOHN E. MALONE, ESQ., be appointed to  
21 represent the Defendant in all further proceedings herein.

22 DATED this 13<sup>th</sup> day of June, 2018.  
23

24 THOMAS W. GREGORY  
25 THOMAS W. GREGORY  
26 DISTRICT JUDGE  
27  
28

1 Copies served by hand delivery and mail on June 13<sup>th</sup>, 2018,  
2 addressed to: Douglas County District Attorney's Office (Hand  
3 Delivery), John E. Malone, Esq., 209 North Pratt Avenue, Carson City,  
4 Nevada 89701 (Mail); Douglas County Jail (Hand Delivery), Division  
5 of Parole and Probation (Hand Delivery)

6 Erin C. Plante  
7 Erin C. Plante  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

RECEIVED

Case No. 18-CR-0084

JUN 18 2018

Dept. No. II

Douglas County  
District Court Clerk

This document does not contain personal information of any person.

2018 JUN 18 PM 12:50

DOBBIE WILLIAMS  
CLERK

DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF DOUGLAS

STATE OF NEVADA,

Plaintiff,

vs.

MICHAEL LUIS COTA

Defendant

ORDER CONCERNING BAIL

Based on the motion of defendant's counsel, and good cause appearing, it is here by ordered that the defendant be released

☐ On his/her own recognizance.

☒ Bail as previously ordered.

☐ Bail set at: \_\_\_\_\_ Bondable/Cash Only (Circle One).

☐ Defendant ordered to attend residential treatment for drugs/alcohol on an "outcount" basis.

☐ During the defendant's release from custody, he/she is subject to the terms set forth by the Department of Alternative Sentencing and the following additional conditions:

☐ The defendant shall, at his/her own expense, be supervised by the Douglas County Department of Alternative Sentencing.

☐ Supervision will include house arrest under the normal terms of residential confinement.

☐ The defendant shall not possess or consume any alcohol or unauthorized drugs.

ORDER CONCERNING BAIL - 1

☐ The defendant's person, vehicle and residence shall be subject to search and seizure, at any time of the day or night, by any peace or probation officer without the requirement of a warrant or probable cause for the presence of alcohol, drugs

☐ The defendant shall submit to chemical testing to determine the presence of alcohol and/or drugs at any time upon the request of a peace or probation officer, the Department of Alternative Sentencing or employee of the Division of Parole and Probation.

☐ The defendant shall not drive a motor vehicle.

☐ The defendant shall not drive unless properly licensed, registered and insured.

☐ The defendant shall violate no laws.

☐ The defendant shall not possess any firearms or other dangerous weapons.

☐ The defendant shall have no contact, directly or indirectly, with the victim or the witnesses, except through counsel, until further Order of the Court.

☐ The defendant shall cooperate with the Department of Alternative Sentencing and the Division of Parole and Probation, including attending any scheduled meetings.

☐ The defendant shall participate in counseling \_\_\_\_\_

☒ The defendant is ordered to appear in this Court on 7.3.1 @ \_\_\_\_\_ am/pm and all future court dates.

☐ Other: \_\_\_\_\_

**PURSUANT TO NRS 178.484(13) AND NRS 178.4851(6) ANY LAW ENFORCEMENT OFFICER HAVING PROBABLE CAUSE TO BELIEVE THAT THE DEFENDANT HAS VIOLATED THESE CONDITIONS OF RELEASE IS ORDERED TO ARREST THE DEFENDANT.**

Dated this 18<sup>th</sup> day of June, 2018.

  
District Court Judge

1 Case No. 18-CR-0084

2 Dept. No. II

RECEIVED

JUN 22 2018

Douglas County  
District Court Clerk

FILED

2018 JUN 22 PM 1:09

BOBBIE R. WILLIAMS

CLERK

BY  DEPUTY

6 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
7 IN AND FOR THE COUNTY OF DOUGLAS

9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

ORDER SETTING HEARING

12 MICHAEL L. COTA,

13 Defendant.

14

15 The above-entitled matter is set for:


16 (XX) Continued Arraignment Hearing

17 TO COMMENCE on Monday, July 9, 2018 at the hour of 9:00 a.m.

18 DATED this 22<sup>nd</sup> day of June, 2018.

19

20

  
THOMAS W. GREGORY  
DISTRICT JUDGE

21

22 Copies served by hand delivery/mail on June 22<sup>nd</sup>, 2018, addressed  
23 to: Douglas County District Attorney's Office (Hand Delivery),  
24 John Malone, Esq., 209 North Pratt Street, Carson City, Nevada  
25 89701 (Mail); Douglas County Jail (Hand Delivery); Division of  
26 Parole and Probation (Hand Delivery)

26

27

  
Erin C. Plante

28

Case No. 18-CR-0084

**RECEIVED**

**FILED**

Dept. No. II

**JUL -9 2018**

**2018 JUL -9 PM 3:43**

This document does not contain personal information of any person.  
County Clerk

**BOBBIE R. WILLIAMS**  
CLERK

BY *m. [signature]* 12/8/18

**IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF DOUGLAS**

STATE OF NEVADA,

Plaintiff,

vs.

MICHAEL L. COTA

Defendant

**ORDER CONCERNING BAIL**

Based on the motion of defendant's counsel, and good cause appearing, it is here by ordered that the defendant be released

☐ On his/her own recognizance.

☒ Bail as previously ordered.

☐ Bail set at: \_\_\_\_\_ Bondable/Cash Only (Circle One).

☐ Defendant ordered to attend residential treatment for drugs/alcohol on an "outcount" basis.

☐ During the defendant's release from custody, he/she is subject to the terms set forth by the Department of Alternative Sentencing and the following additional conditions:

☐ The defendant shall, at his/her own expense, be supervised by the Douglas County Department of Alternative Sentencing.

☐ Supervision will include house arrest under the normal terms of residential confinement.

☐ The defendant shall not possess or consume any alcohol or unauthorized drugs.

ORDER CONCERNING BAIL - 1



☐ The defendant's person, vehicle and residence shall be subject to search and seizure, at any time of the day or night, by any peace or probation officer without the requirement of a warrant or probable cause for the presence of alcohol, drugs

☐ The defendant shall submit to chemical testing to determine the presence of alcohol and/or drugs at any time upon the request of a peace or probation officer, the Department of Alternative Sentencing or employee of the Division of Parole and Probation.

☐ The defendant shall not drive a motor vehicle.

☐ The defendant shall not drive unless properly licensed, registered and insured.

☐ The defendant shall violate no laws.

☐ The defendant shall not possess any firearms or other dangerous weapons.

☐ The defendant shall have no contact, directly or indirectly, with the victim or the witnesses, except through counsel, until further Order of the Court.

☐ The defendant shall cooperate with the Department of Alternative Sentencing and the Division of Parole and Probation, including attending any scheduled meetings.

☐ The defendant shall participate in counseling \_\_\_\_\_

☒ The defendant is ordered to appear in this Court on 9/10/18 @ 9:00 am/pm and all future court dates.

☐ Other: \_\_\_\_\_

**PURSUANT TO NRS 178.484(13) AND NRS 178.4851(6) ANY LAW ENFORCEMENT OFFICER HAVING PROBABLE CAUSE TO BELIEVE THAT THE DEFENDANT HAS VIOLATED THESE CONDITIONS OF RELEASE IS ORDERED TO ARREST THE DEFENDANT.**

Dated this 9<sup>th</sup> day of July, 2018.

  
District Court Judge

RECEIVED

JUL 10 2018

Douglas County  
District Court Clerk

2810 JUL 10 AM 9:21

BORDIER, WILLIAMS  
CLERK

BY ANOM DEPUTY

Case No. 18-CR-0084

Dept. No. II

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF DOUGLAS

THE STATE OF NEVADA,

Plaintiff,

vs.

ORDER SETTING HEARING

MICHAEL L. COTA,

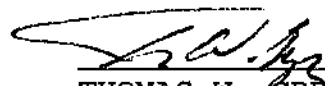
Defendant.

The above-entitled matter is set for:

(XX) Sentencing Hearing

TO COMMENCE on Monday, September 10, 2018 at the hour of 9:00 a.m.

DATED this 9<sup>th</sup> day of July, 2018.

  
THOMAS W. GREGORY  
DISTRICT JUDGE

Copies served by hand delivery/mail on July 18<sup>th</sup>, 2018, addressed to: Douglas County District Attorney's Office (Hand Delivery), John Malone, Esq., 209 North Pratt Street, Carson City, Nevada 89701 (Mail); Douglas County Jail (Hand Delivery); Division of Parole and Probation (Hand Delivery)

  
Erin C. Plante

1 John E. Malone, Esq.  
2 State Bar No. 5706  
3 209 N. Pratt Ave.  
4 Carson City, NV 89701  
5 (775) 461-0254

RECEIVED

JUL 12 2018

Douglas County  
District Court Clerk

FILED  
2018 JUL 12 PM 3:09

ROSE R. WILLIAMS  
CLERK

SEANOM DEPUTY

6  
7 **IN THE NINTH JUDICIAL DISTRICT COURT**  
8  
9 **IN AND FOR THE COUNTY OF DOUGLAS, STATE OF NEVADA**

10 \*\*\*

11 STATE OF NEVADA,

12 Plaintiff,

CASE NO. 18-CR-0084

13 vs.

DEPT NO. II

14 MICHAEL LUIS COTA,

15 Defendant.

16 **MOTION FOR COURT APPOINTED FEES**  
17 **WITH AFFIDAVIT IN SUPPORT THEREOF**

18 COMES NOW, John E. Malone, Esq., having been appointed as counsel to represent  
19 Defendant, MICHAEL LUIS COTA, in the above-entitled matter and moves this Honorable Court  
20 for an Order for Payment of Appointed Counsel, pursuant to NRS 7.125.

21 This motion is made and based upon the pleadings and papers on file herein and the  
22 affidavit attached hereto.

23 DATED this 10<sup>th</sup> day of July, 2018.

24  
\_\_\_\_\_  
JOHN E. MALONE, ESQ.  
State Bar No. 5706  
209 N. Pratt Ave.  
Carson City, NV 89701  
(775) 461-0254

**AFFIDAVIT**

STATE OF NEVADA )

Carson City )  
:ss

John E. Malone, being first duly sworn, under penalty of perjury, hereby deposes and says:

1. That affiant is an attorney licensed to practice law in the State of Nevada;

2. That affiant was appointed as counsel to represent Defendant, Michael Luis Cota, in the above-entitled matter;

3. That affiant rendered the following services at the statutory rate of \$100.00 per hour for in court or out of court services:

<u>Date</u>	<u>Hours</u>	<u>Description</u>
06/12/18	0.25	Telephone call/accept appointment and schedule court date.
06/18/18	3.00	Travel (31 miles) to meet with client; appear at arraignment and continue hearing; arrange for file transfer.
06/28/18	3.50	Travel (31 miles) to pick up Attorney Matthew Ence's file; review all discovery and file contents; extended meeting with client at Douglas County Jail.
07/03/18	3.50	Travel (31 miles) to Court Complex; extended meeting with D.A. Matt Johnson regarding client's testimony; meeting with client, D.A. and investigator.
07/09/18	3.25	Travel (31 miles) and appearance at arraignment.
HOURS	13.50 hours @ \$100/hour	\$1,350.00
MILEAGE	124 miles @ 54.5/mile	\$ 67.58
<b>TOTAL</b>	<b>\$1,417.58</b>	

4. That to the best of affiant's knowledge, the items set forth above are correct and have been necessarily incurred in these proceedings;

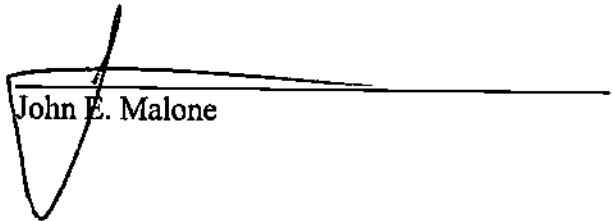
///

///

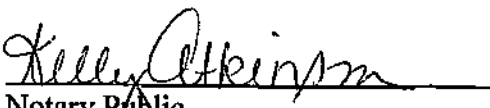
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

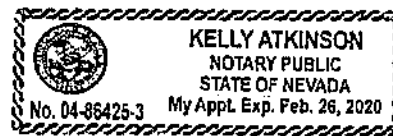
5. That affiant has not been paid from any other source for the time and costs summarized herein.

Further affiant sayeth not.

  
John E. Malone

Subscribed and Sworn to before me  
this 10th day of July, 2018.

  
Notary Public



Case No. 18-CR-00084

Dept. No. 2

2018 JUL 13 PM 3:58

RECEIVED  
ORIGINAL  
JUL 13 2018

CLERK R. WILLIAMS

*ANNA*

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF DOUGLAS

BEFORE THE HONORABLE DISTRICT COURT JUDGE THOMAS GREGORY

---oOo---

THE STATE OF NEVADA,

Plaintiff,

vs.

MICHAEL L. COTA,

Defendant.

TRANSCRIPT OF PROCEEDINGS

ARRAIGNMENT

MONDAY, JUNE 18, 2018

MINDEN, NEVADA

APPEARANCES:

For the Plaintiff:

MATTHEW JOHNSON, ESQ.  
Deputy District Attorney

For the Defendant:

JOHN MALONE, ESQ.  
Attorney at Law

REPORTED BY:

CHRISTY Y. JOYCE, CCR #625  
Capitol Reporters  
(775) 882-5322

1 MONDAY, JUNE 18, 2018

2 ---oOo---

3 THE COURT: The next case is the State of Nevada  
4 versus Michael Louis Cota, Case Number 18-CR-0084. Show the  
5 appearance of Matthew Johnson on behalf of the State. Good  
6 morning, Mr. Johnson.

7 MR. JOHNSON: Good morning, your Honor.

8 THE COURT: John Malone is appearing on behalf of  
9 the defendant. Good morning, Mr. Malone.

10 MR. MALONE: Good morning, your Honor.

11 THE COURT: And also appearing in lawful custody  
12 is the defendant, Michael Louis Cota. Good morning,  
13 Mr. Cota.

14 THE DEFENDANT: Good morning, sir.

15 THE COURT: This is Mr. Cota's first appearance  
16 before the Court in this case. The Court previously  
17 appointed Mr. Malone to represent Mr. Cota. Mr. Cota, I did  
18 that operating under the belief that you did not have the  
19 means to afford counsel of your choice. Is that your  
20 financial circumstance?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: And are you asking the Court to  
23 appoint Mr. Malone to represent you?

24 THE DEFENDANT: Yes, sir.

1 THE COURT: So the Court confirms the prior  
2 appointment of Mr. Malone. And, Mr. Malone, thank you for  
3 being here today on somewhat short notice.

4 MR. MALONE: Thank you, your Honor.

5 THE COURT: Mr. Malone, have you received a copy  
6 of the information?

7 MR. MALONE: Yes, your Honor. And if I can maybe  
8 short circuit this very quickly.

9 THE COURT: Yes, you may.

10 MR. MALONE: I'm not sure if I was appointed on  
11 Friday or Thursday. But I did -- those two days were taken  
12 up for me. I had court appearances in Pahrump, so I was on  
13 the road and appearing down there. I have reviewed the  
14 information and the guilty plea memorandum with Mr. Cota.  
15 But I would ask for some additional time to review the  
16 discovery. I know Mr. Cota has asked me to make a motion for  
17 an OR release. We're still in the process of discussing the  
18 best way to deal with that matter. But Mr. Johnson has been  
19 kind enough to allow me to read through the discovery. If I  
20 can satisfy myself that I've gone through enough of it to --  
21 or that I have an understanding of the charges, the possible  
22 defenses, and the best course of action for Mr. Cota, we  
23 could take care of the arraignment today. But, otherwise, I  
24 might be requesting a continuance just to make sure that he's



1 had enough time to consult with counsel. I think I have an  
2 obligation, independent that of Mr. Ence, to do so if I'm  
3 going to be handling this plea.

4 THE COURT: Thank you, Mr. Malone.

5 Mr. Johnson, what is the State's position  
6 regarding continuing the arraignment?

7 MR. JOHNSON: Regarding continuing the  
8 arraignment, your Honor, we wouldn't be opposed to a short  
9 continuance to allow Mr. Malone to review the discovery. We  
10 would be opposed to any OR release.

11 THE COURT: All right. We will discuss further  
12 Mr. Cota's bail status.

13 Mr. Malone, you were just appointed on the 13th.  
14 And so the Court very much understands and appreciates why  
15 you need additional time. And so that time is going to be  
16 given. So I am going to continue this matter.

17 Before setting the next date though, I think it  
18 would be appropriate to next consider Mr. Cota's bail status  
19 so that the parties know what his custody is going to be.  
20 And then we can determine when the next court hearing should  
21 be.

22 So, Mr. Malone, go ahead, you may make any  
23 request you would like regarding your client's bail status.

24 MR. MALONE: Thank you, your Honor. Your Honor,

1 Mr. Cota has been in the area for six or seven years. It's  
2 my understanding he has two prior committal convictions as an  
3 adult. He had a petty larceny and a contributing to the  
4 delinquency of a minor case. He does have an offer of  
5 employment. He would be working as a laborer for a family  
6 friend who is a local contractor. He had made those  
7 arrangements before his incarceration and spoke about that.  
8 The contractor was reported to be -- had promised to be here  
9 today. He's not. Mr. Cota has -- You do have a place to  
10 live with your family; correct?

11 THE DEFENDANT: I do.

12 MR. MALONE: He has a minimal criminal history as  
13 an adult with no prior felony convictions. He does have some  
14 prior criminal history as a juvenile. He doesn't really have  
15 funds to be able to flee the area. He does have a plea  
16 bargain that is beneficial to him and I think would act in a  
17 way that would allow -- would really make it in his best  
18 interest to appear for court. We would have no objection to  
19 him doing random urinalysis. I'm not sure what the Court --  
20 what the pretrial release mechanism here in Douglas County  
21 is, if you have Alternative Sentencing or that kind of  
22 program.

23 THE COURT: We do, yes.

24 MR. MALONE: Then we would definitely want that

1 to happen. He has had a problem with methamphetamine in the  
2 past. I would also -- We would also stipulate that he should  
3 attend and show proof of AA or NA meetings on a daily basis  
4 if he is released.

5 THE COURT: Mr. Malone, I know that -- I'm  
6 looking at the Court's file from the justice court. When the  
7 initial warrant of arrest went out, bail was set in the  
8 amount of \$50,000. Do you know if that continues to be the  
9 bail amount?

10 MR. MALONE: I don't know, your Honor.

11 THE COURT: All right.

12 MR. MALONE: I would suggest that that -- that's  
13 based somewhat upon the fact that he faced multiple charges  
14 originally.

15 THE COURT: All right. Thank you, Mr. Malone.

16 Mr. Johnson, what is the State's position?

17 MR. JOHNSON: Your Honor, we would be opposed to  
18 OR release. We would ask that the bail remain the same as it  
19 was in justice court. Although he has signed a guilty plea  
20 agreement, all of the charges that he -- are in the  
21 information are very serious and we think warrants the  
22 original bail amount that was given. They involve weapons,  
23 theft, and selling -- and conspiracy with other people. And  
24 we would have concerns about his contact with other people

1 that are alleged in the conspiracy who are currently in the  
2 community.

3 THE COURT: Mr. Johnson, I'm looking at the bail.  
4 And, again, it says 50,000. It doesn't say whether that's  
5 cash or bondable. So I assume it's bondable.

6 MR. JOHNSON: I believe it is bondable, your  
7 Honor.

8 THE COURT: All right. Thank you. Bail in this  
9 case is going to stand as previously ordered with all the  
10 previously ordered terms and conditions. The only additional  
11 condition will be that the defendant shall make all future  
12 court dates in this case and that will include the next date  
13 that we're going to come up with at this time. So,  
14 Mr. Malone, given where bail is now set, what would you  
15 suggest as a return date for an arraignment in this case?

16 MR. MALONE: Your Honor, the Court's law and  
17 motion calendars are just on Mondays or Mondays and another  
18 day?

19 THE COURT: It's every Monday at 9:00 o'clock.  
20 And I can tell you that the Court does not -- is not going to  
21 be in session on Monday, July 2nd. Other than that, the  
22 Court would have availability to hear this matter.

23 MR. MALONE: Your Honor, for calendaring  
24 purposes, it certainly would be easier for me to have an 8:30

1 setting. And I know that you did have one today. I don't  
2 know if that's a regular practice.

3 THE COURT: It's not a regular practice. Our  
4 typical time is to start at nine. However, when our calendar  
5 gets -- We follow up our adult calendar with the juvenile  
6 calendar at 10:30 and then a child dependency calendar at 11.  
7 And so on weeks when the calendar has been packed as of late  
8 the Court has added a couple of matters at 8:30. And so  
9 that's kind of a -- not something we do all the time but we  
10 certainly can consider it. And I don't mind the request.

11 MR. MALONE: Your Honor, may I ask that we not  
12 set a date right now and I contact my administrative  
13 assistant and figure out a date that we can appear? My  
14 calendar is complicated a little bit in that I'm covering  
15 case for Noel Waters who has got some medical issues right  
16 now. And so we were able to balance out the calendar this  
17 morning. But I don't know what it's -- what my two calendars  
18 will be next week.

19 THE COURT: Fair enough.

20 MR. MALONE: Law and motion calendars up in  
21 Carson can go late sometimes. So if the Court could arrange  
22 or would not oppose me going -- having an early set down  
23 here, I could run up to Carson fairly quickly and that would  
24 take care of -- that would make appearances down here a

1 little bit easier. But right now I'm not prepared to set a  
2 date.

3 THE COURT: Okay. Fair enough. So it would have  
4 to be a Monday at 9:00 o'clock. And the Court is not going  
5 to set a date. What I would ask that you do, however,  
6 Mr. Malone, if you can, soon check with your assistant,  
7 figure out a couple of dates and communicate that with  
8 Mr. Johnson. And then once the two of you have agreed on a  
9 date, if you also agree that one of you can contact my  
10 judicial assistant to provide that date, you may do that.  
11 And we'll get it set for the next hearing.

12 MR. MALONE: Thank you. And, your Honor, I  
13 don't -- Actually I guess I'll contact Mr. Ence's office to  
14 see about transfer of the file.

15 THE COURT: So you have not received it yet?

16 MR. MALONE: I have not received the file. The  
17 documents I have were provided to me by Mr. Johnson.

18 THE COURT: So, yes, you can pursue the file  
19 transfer through Mr. Ence.

20 MR. MALONE: I'll do that right now.

21 THE COURT: I will tell you he might not -- The  
22 reason he's not available right now, he might not be here, in  
23 fact, Mrs. Pence I think is covering some things for him  
24 today. She might know a little bit more about his

1 availability. I just wanted you to know that.

2 MR. MALONE: Thank you.

3 THE COURT: If you make that request today,  
4 you're probably not going to get an answer today from  
5 Mr. Ence.

6 MR. MALONE: Thank you.

7 THE COURT: Thank you. All right, Mr. Cota,  
8 we'll see you back.

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

1 STATE OF NEVADA )  
2 ) ss.  
3 COUNTY OF WASHOE )

4 I, CHRISTY Y. JOYCE, Nevada Certified Court  
5 Reporter Number 625, do hereby certify:

6 That I was present in the District Court of  
7 Minden Township, in and for the State of Nevada, on Monday,  
8 the 18th day of June, 2018, for the purposes of reporting in  
9 verbatim stenotype notes the within-entitled hearing;

10 That the foregoing transcript, consisting of  
11 pages 1 through 10, is a full, true, and correct transcript  
12 of said hearing.

13  
14 Dated at Reno, Nevada, this 25th day of June,  
15 2018.

16   
17

18 Christy Joyce/  
19 CHRISTY Y. JOYCE, CCR #625  
20  
21  
22  
23  
24



1 CAPITOL REPORTERS  
123 W. Nye Lane Suite 107  
2 Carson City, Nevada 89706  
(775) 882-5322

3 NINTH JUDICIAL DISTRICT COURT  
4 IN AND FOR DOUGLAS COUNTY, STATE OF NEVADA

5 STATE OF NEVADA,  
Plaintiff,

Case No. 18-CR-00084

6 vs.

Dept. No. 2

7 MICHAEL L. COTA,  
Defendant.

8  
9  
10 **AFFIRMATION**

Pursuant to NRS 239B.030

11  
12 The undersigned does hereby affirm that the following  
document **DOES NOT** contain the social security number of any  
13 person: (List document(s) attached below)

14 1) TRANSCRIPT OF PROCEEDINGS 6-18-18

15 2) \_\_\_\_\_

16 3) \_\_\_\_\_

17 -OR-

18 The undersigned does hereby affirm that the document  
named below **DOES** contain the social security number of a  
19 person as required by state or federal law or for the  
administration of a public program or for an application for  
20 a federal or state grant: (List the document(s) attached  
containing social security number information below)

21 1) \_\_\_\_\_

22 2) \_\_\_\_\_

23 3) \_\_\_\_\_

24 Signature \_\_\_\_\_ Date 6-25-18

FILED

Case No. 18-CR-00084

RECEIVED

2018 JUL 27 PM 3:41

Department No. II

JUL 27 2018

Douglas County  
District Court Clerk

BOBBIE R. WILLIAMS  
CLERK

BY Imogene DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF DOUGLAS

THE HONORABLE THOMAS W. GREGORY

-oOo-

STATE OF NEVADA,

Plaintiff,

vs.

MICHAEL L. COTA,

Defendant.

TRANSCRIPT OF PROCEEDINGS

SENTENCING HEARING

MONDAY, JULY 9, 2018

MINDEN, NEVADA

For the State:

Matthew Johnson,  
Deputy District Attorney

For the Defendant:

John Malone, Esq.

Reported by:

Michel Loomis, RPR  
Nevada CCR #228, California CSR #6863

CAPITOL REPORTERS (775) 882-5322

1 MINDEN, NEVADA, MONDAY, JULY 9, 2018, A.M. SESSION

2 -oOo-

3  
4 THE COURT: Next case is the State of Nevada  
5 versus Michael Cota, Case Number 18-CR-0084.

6 MR. MALONE: John Malone.

7 THE COURT: Show the appearance of Matthew  
8 Johnson on behalf of the State.

9 Good morning, Mr. Johnson.

10 MR. JOHNSON: Good morning, Your Honor.

11 THE COURT: John Malone is appearing on behalf of  
12 the Defendant.

13 Good morning, Mr. Malone.

14 MR. MALONE: Good morning, Your Honor.

15 THE COURT: And also appearing, in lawful  
16 custody, is the Defendant, Mr. Cota.

17 Good morning, Mr. Cota.

18 THE DEFENDANT: Good morning, sir.

19 THE COURT: We're here today for a continued  
20 arraignment. It's continued based upon the change in counsel  
21 and so the Court continued the matter at Mr. Malone's request  
22 and gave Mr. Malone an opportunity to meet with Mr. Cota and  
23 to review the case.

24 Mr. Malone are you prepared to go forward today

CAPITOL REPORTERS (775) 882-5322

1 with an arraignment?

2 MR. MALONE: I am, Your Honor. And to address  
3 the Court's earlier statement, I was able to meet with Mr.  
4 Cota for an extended period of time. Actually, twice since  
5 we've last appeared. There was another matter.

6 The signatures on the guilty plea memorandum are  
7 Mr. Ence's but I've gone over the same document with him. So  
8 he's had two attorneys go over the document. And although my  
9 signature is not on that, it's in compliance with the  
10 agreement but the negotiations were made by Mr. Ence.

11 THE COURT: Also, thank you for a that your, Mr.  
12 Malone.

13 Mr. Malone, would you also agree -- Mr. Ence  
14 actually signed the certificate of counsel. Would you make  
15 those same representations?

16 MR. MALONE: Your Honor, I'm not sure I've  
17 reviewed a certificate of counsel, so --

18 THE COURT: Take a moment to that do that. It --  
19 the certificate of counsel --

20 MR. MALONE: Oh.

21 THE COURT: -- is consistent with the NRS  
22 provisions?

23 MR. MALONE: I apologize, Your Honor. That --  
24 that's a little bit new to me but I would make the same

1 representations.

2 THE COURT: Okay. Thank you, Mr. Malone.

3 And, Mr. Malone, have you received and reviewed  
4 with your client a copy of the Information that was file  
5 stamped May 9th, 2018.

6 MR. MALONE: We have, Your Honor.

7 THE COURT: Is your client's name spelled  
8 correctly at line 12?

9 MR. MALONE: It is, Your Honor.

10 THE COURT: And do you waive a formal reading?

11 MR. MALONE: We do.

12 THE COURT: Is it your intent -- understanding  
13 that Mr. Cota will be entering a guilty plea, pursuant to the  
14 guilty plea agreement?

15 MR. MALONE: Correct, Your Honor.

16 THE COURT: Mr. Cota, do you agree with that?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Mr. Cota, do you have a copy of the  
19 Information in front of you?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: As I understand the guilty plea  
22 agreement, and this is directed towards counsel, the guilty  
23 plea would be, I believe, to Count IV.

24 MR. MALONE: That's my understanding.

1 THE COURT: Is that accurate, Mr. Malone?

2 MR. JOHNSON: That's correct, Your Honor.

3 THE COURT: All right. And so, Mr. Cota, we're  
4 going to look primarily here at Count IV.

5 In Count IV, you are formally charged with the  
6 criminal offense of principle to a grand larceny of a firearm,  
7 a category B felony.

8 To that offense, how do you plead?

9 THE DEFENDANT: Guilty.

10 THE COURT: Also, this is addressed to counsel,  
11 it's my understanding that if the plea is consummated today,  
12 then, ultimately, it's by way of the -- by way of the plea  
13 agreement, the remaining charges would be dismissed.

14 Is that correct, Mr. Johnson?

15 MR. JOHNSON: That's correct, Your Honor.

16 THE COURT: Mr. Malone?

17 MR. MALONE: That's correct, Your Honor.

18 THE COURT: So, I'm not going to take Mr. Cota's  
19 plea on the others charges, given the negotiations and we'll  
20 go forward with the canvass regarding the guilty plea to Count  
21 IV and we'll see where that takes us.

22 Mr. Cota, please raise your right hand, face the  
23 Clerk to be sworn.

24 (Sworn.)

1                   THE COURT: You may be seated. Mr. Cota, I'm  
2 going to ask you a series of questions. The purpose of my  
3 questioning is not to talk you into entering a guilty plea  
4 today or to talk you out of that plea. That decision is  
5 entirely yours to make.

6                   The purpose of my questioning is for the Court to  
7 ascertain whether you are entering your plea today freely and  
8 voluntarily and whether you understand your constitutional  
9 rights.

10                  Should you have any questions at any time, please  
11 feel free to stop me and you may ask those questions of either  
12 myself or Mr. Malone.

13                  Mr. Cota, how old are you?

14                  THE DEFENDANT: 19.

15                  THE COURT: What is your level of formal  
16 education?

17                  THE DEFENDANT: I don't know, sir.

18                  THE COURT: How far did you go in school?

19                  THE DEFENDANT: I think 9th grade.

20                  THE COURT: All right. Do you read, write and  
21 understand the English language?

22                  THE DEFENDANT: Yes, sir.

23                  THE COURT: And are you a citizen of the United  
24 States?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: As you appear here today, are you  
3 under the influence of any controlled substances, alcohol or  
4 prescription medication that you do not have a prescription  
5 for?

6 THE DEFENDANT: No, sir.

7 THE COURT: Mr. Cota, do you understand that you  
8 do not have to enter a guilty plea?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Instead, you could enter a plea of  
11 not guilty, thereby preserving all of your constitutional  
12 rights; do you understand that?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: If you were to enter a plea of not  
15 guilty, you would be entitled to have a speedy, public jury  
16 trial. That means a trial within 60 days of today's date; do  
17 you understand that?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Do you also understand, Mr. Cota,  
20 that if you enter a guilty plea here today, you would be  
21 waiving or giving up your right to have a trial in this case?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Do you waive your right to have a  
24 trial?



1 THE DEFENDANT: Yes, sir.

2 THE COURT: Mr. Cota, by pleading guilty, you  
3 would also necessarily waive or give up other important  
4 constitutional rights and those include these: If you were to  
5 enter a plea of not guilty and we were to have a trial in this  
6 case, you would be entitled to the assistance of an attorney.  
7 Meaning that Mr. Malone would be here with you to assist you  
8 throughout the trial; do you understand that?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: And at that trial you would have a  
11 constitutional right to remain silent, meaning that nobody  
12 could make you be a witness in the case. And if you chose to  
13 remain silent, nobody could penalize you for that decision; do  
14 you understand that?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Do you understand that by entering a  
17 guilty plea you waive or give up your right to remain silent?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Do you waive that right?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Mr. Cota, as an alternative to  
22 remaining silent at trial, you could choose to testify in  
23 front of the jury; do you understand that?

24 THE DEFENDANT: Yes, sir.

1 THE COURT: Do you understand that by pleading  
2 guilty, you waive or give up your right to testify before the  
3 jury?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Do you waive that right?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Mr. Cota, at trial, you would enjoy  
8 the right of confrontation. That means that you, through Mr.  
9 Malone, would have a right to question or cross-examine any  
10 witnesses called during the course of trial; do you understand  
11 the right of confrontation?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: And you understand you waive that  
14 right by entering a guilty plea?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Do you waive the right of  
17 confrontation?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Mr. Cota, at trial, you would also  
20 have the right to compel the attendance of witnesses. That  
21 means that you, through Mr. Malone, would have an ability to  
22 subpoena witnesses, which is a Court order, to come to Court  
23 and testify; do you understand that?

24 THE DEFENDANT: Yes, sir.

1 THE COURT: Do you understand that by pleading  
2 guilty you waive your right to compel the attendance of  
3 witnesses?  
4 THE DEFENDANT: Yes, Your Honor.  
5 THE COURT: Do you waive that right?  
6 THE DEFENDANT: Yes.  
7 THE COURT: At trial, Mr. Cota, you would have an  
8 opportunity to present the Court and the jury with any legal  
9 defenses that you might have in this case. Do you understand  
10 that by pleading guilty you waive or give up all such  
11 defenses?  
12 THE DEFENDANT: Yes, Your Honor.  
13 THE COURT: Do you waive your defenses?  
14 THE DEFENDANT: Yes, sir.  
15 THE COURT: Mr. Cota, by entering a guilty plea,  
16 you also greatly reduce those issues for which you can file an  
17 appeal; do you understand that?  
18 THE DEFENDANT: Yes.  
19 THE COURT: Have you discussed all of these  
20 rights with your attorneys in this case?  
21 THE DEFENDANT: Yes.  
22 THE COURT: And are you satisfied with their  
23 representation of you?  
24 THE DEFENDANT: Yes.

1           THE COURT: Do you have any questions for either  
2 myself or Mr. Malone regarding your constitutional rights?  
3           THE DEFENDANT: No, sir.  
4           THE COURT: And, again, do you waive those  
5 rights, at this time?  
6           THE DEFENDANT: Yes, sir.  
7           THE COURT: The Court is in receipt of a document  
8 entitled guilty plea agreement. Do you have a copy of that  
9 document in front of you?  
10          THE DEFENDANT: Yes, sir.  
11          THE COURT: At page 5 of that agreement, there is  
12 a signature line with your name, Michael Louis Cota. Is that  
13 your signature that appears on that line?  
14          THE DEFENDANT: Yes, sir.  
15          THE COURT: Did you place that signature there  
16 only after you had an opportunity to read the guilty plea  
17 agreement?  
18          THE DEFENDANT: Yes, sir.  
19          THE COURT: And did you have a chance to discuss  
20 the guilty plea agreement with Mr. Malone?  
21          THE DEFENDANT: Yes, sir.  
22          THE COURT: Is the guilty plea agreement accurate  
23 as far as the agreement that you've entered into with the  
24 State of Nevada?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Has anybody made any other promises  
3 or inducements to get you to enter a plea of guilty that are  
4 not contained in the guilty plea agreement?

5 THE DEFENDANT: No, Your Honor.

6 THE COURT: And Mr. Cota, do you under the terms  
7 of the guilty plea agreement?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Do you agree to be bound by the terms  
10 of the guilty plea agreement?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: At page 1 and page 2 of the guilty  
13 plea agreement, the Court is informed that in return for your  
14 plea of guilty to principle to grand larceny of a firearm,  
15 which is reflected in Count IV, there are other provisions  
16 that you've agreed to.

17 Specifically, you've agreed to testify truthfully  
18 at any preliminary hearing or trial set in Case Number  
19 18-CR-0430, involving Robert Donald Brown and your agreement  
20 to not have any contact or communication with Brittany Masera  
21 or Deanna Joan McVay during the period you are incarcerated,  
22 on parole or on probation as a result of your conviction for  
23 this offense, unless the contact or communication is permitted  
24 by the District Court for the purpose of establishing and/or

1 facilitating custody visitation with your children in common.

2 The State has also agreed to dismiss the  
3 remaining counts contained in the Information not filed -- and  
4 to not file charges in Douglas County Sheriff's Office Case  
5 Number 18-SO-08450, in which you are alleged to have  
6 threatened violence against Skylar Reese Bamford, Brittany  
7 Masera and Deanna Joan McVay and the State will recommend that  
8 you be sentenced to a minimum term of not less than 12 months  
9 in state prison and a maximum term of 60 months in state  
10 prison.

11 Also, at the time of sentencing, the parties  
12 would be free to present arguments, facts and/or witnesses  
13 about whether a lesser sentence, probation and/or some other  
14 substance abuse treatment is appropriate to the extent that  
15 you are eligible.

16 Do you understand all of that, Mr. Cota?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: And is that your agreement with the  
19 State of Nevada?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Mr. Cota, what is your understanding  
22 of what the maximum penalty is that you could receive in this  
23 case?

24 THE DEFENDANT: One to five. Oh, one to ten.

1           THE COURT: So, Mr. Cota, this is important. Do  
2 you understand that you could be sentenced to serve up to  
3 120 months in prison?

4           THE DEFENDANT: Yes, sir.

5           THE COURT: Ten years; do you understand that?

6           THE DEFENDANT: Yes, sir.

7           THE COURT: Do you understand that, in addition  
8 to that, you could be ordered to pay a fine of up to \$10,000?

9           THE DEFENDANT: Yes, sir.

10          THE COURT: In addition to that, you could be  
11 ordered to be pay any fines -- or administrative assessment  
12 fees and/or restitution; do you understand that?

13          THE DEFENDANT: Yes, sir.

14          THE COURT: Has anybody made any promise to you  
15 regarding what your sentence will be in this case?

16          THE DEFENDANT: No, sir.

17          THE COURT: You understand that what sentence you  
18 receive is entirely up to the Court?

19          THE DEFENDANT: Yes, sir.

20          THE COURT: And so, at the time of sentencing,  
21 the Court will listen to all recommendations. The Court will  
22 then sentence you. The Court could, if the Court deemed it  
23 appropriate, sentence you to serve 120 months in prison and  
24 fine you \$10,000; do you understand that?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Also, the Court would make a decision  
3 regarding whether to give you probation in this case; do you  
4 understand that?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: And so, the Court could deny any  
7 request for probation and sentence you to the term that I just  
8 stated; do you understand that?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Knowing all of that, is it still your  
11 desire to plead guilty in this case?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Mr. Cota, if were you to enter a plea  
14 of not guilty and we were to set this matter for trial, at  
15 that trial you'd be presumed to be innocent and the State  
16 would have the burden of proving the elements of the offense  
17 beyond a reasonable doubt; do you understand that?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: Do you understand that by pleading  
20 guilty, you waive or give up the right to have the State prove  
21 its case at trial?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Do you waive that right?

24 THE DEFENDANT: Yes, sir.



1 THE COURT: The elements that the State would  
2 have to prove beyond a reasonable doubt, at trial, appear at  
3 page 3 of the Information, under Count IV. Do you still have  
4 that document in front of you?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Specifically, the State would have to  
7 prove that you, on or about February 13th, 2018, you did  
8 willfully unlawfully and intentionally steal, take and carry  
9 away a firearm owned by another person and/or whether present  
10 or absent did aid, abet, counsel, encourage, hire, command,  
11 induce or otherwise procure another person to steal, take or  
12 carry away a firearm owned by another person and/or you did  
13 enact in furtherance of a conspiracy, such that you are liable  
14 for the acts of your co-conspirators to steal, take and carry  
15 away a firearm owned by another person.

16 Specifically, you and/or the person with the  
17 initials A.G., with the date of birth of 11-6-03 took a  
18 Spike's Tactical AR15 rifle and/or a single shot pellet rifle,  
19 after you drove A.G. to the residence located at 1340 Bishop  
20 Circle in Gardnerville.

21 Mr. Cota, do you understand what the State would  
22 have to prove at the time of trial, in this case, as it  
23 regards Count IV?

24 THE DEFENDANT: Yes, sir.

1 THE COURT: Do you believe that if we were to  
2 have a trial in this case that the State would have sufficient  
3 evidence to prove those elements beyond a reasonable doubt?

4 THE DEFENDANT: No, sir.

5 THE COURT: I did not hear you.

6 THE DEFENDANT: No, sir.

7 THE COURT: You do not believe so. All right.

8 MR. MALONE: No. He's asking you if you  
9 understand the State would have enough information.

10 THE DEFENDANT: Yes, sir.

11 THE COURT: So, Mr. Cota, I'm going to re-ask the  
12 question since this is an important question. So, I just went  
13 through, with you, certain things the State would have to  
14 prove beyond a reasonable doubt at trial.

15 Do you understand what they would have to prove  
16 at trial?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Do you have any question about that?

19 THE DEFENDANT: No, sir.

20 THE COURT: Okay. So, my question to you is,  
21 then, knowing what they have to prove at trial, do you believe  
22 if we were to have a trial in this case that they would have  
23 sufficient evidence to prove those things beyond a reasonable  
24 doubt?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Okay. Now, a moment ago you answered  
3 no to that. And so, I need to -- I need you to help me  
4 understand the two different answers. The first time I asked,  
5 when you said no, did you understand the question?

6 THE DEFENDANT: I didn't. I thought, like,  
7 because when I looked back and I looked over there was no  
8 evidence of me going into the house. So, I thought, like,  
9 they wouldn't have enough evidence to find me guilty.

10 THE COURT: Of going into the house?

11 THE DEFENDANT: Right.

12 THE COURT: Okay. So, what you're pleading  
13 guilty to, though, is Count IV only.

14 THE DEFENDANT: Yes.

15 THE COURT: Okay. And I just went through what  
16 they would have to prove regarding Count IV. And Count IV  
17 does not contain any element that you went into a house.

18 Is that correct, Mr. Johnson? An element of  
19 principle to grand larceny of a firearm is not --

20 MR. JOHNSON: No.

21 THE COURT: -- entry to a house.

22 MR. JOHNSON: It is not one of the elements of  
23 the offense, Your Honor.

24 THE COURT: Okay. And Mr. Malone, do you agree

1 with that?

2 MR. MALONE: I agree.

3 THE COURT: So, Mr. Cota, what I want you to do  
4 is carefully read Count IV and take a moment to do that and  
5 then let me know when you have finished.

6 THE DEFENDANT: (Complies.) I am good, sir.

7 THE COURT: Okay. So, have you had a full chance  
8 to review and read, once again, Count IV of the Information?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: And the record will reflect that Mr.  
11 Cota took a moment to review it. He also had a discussion  
12 with Mr. Malone.

13 Mr. Cota, I'm not trying to be difficult here.  
14 This is an important aspect of your guilty plea. And so, I  
15 want to make sure you fully understand. And if you don't,  
16 it's okay to tell me you don't understand; okay?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: So, in Count IV, what is stated there  
19 are the things that the State would have to prove beyond a  
20 reasonable doubt if we had a trial; do you understand that?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Do you have any questions for me or  
23 Mr. Malone about what the State would have to prove at trial  
24 regarding Count IV?

1 THE DEFENDANT: No, sir.

2 THE COURT: So, then, the next question is, is  
3 that knowing those things, okay, you just told me you  
4 understand them, knowing those things do you believe if we  
5 were to have a trial in this case that the State would have  
6 enough evidence to prove those things beyond a reasonable  
7 doubt?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: All right. Do you have any questions  
10 about that?

11 THE DEFENDANT: No, sir.

12 THE COURT: And has Mr. Malone answered any  
13 questions that you've had in that regard?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Do you have any confusion about what  
16 I'm asking regarding Count IV?

17 THE DEFENDANT: No, sir.

18 THE COURT: All right. Mr. Cota, I'm satisfied  
19 that you understand both what the State would have to prove  
20 and that you are telling me that you believe the State has  
21 enough evidence to prove those things beyond a reasonable  
22 doubt.

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Do you agree with that?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Okay. So, the next question then,  
3 Mr. Cota, is did you commit the offense as stated in Count IV  
4 of the Information?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Mr. Malone, are there any other areas  
7 of inquiry that you would ask the Court to canvass Mr. Cota  
8 on?

9 MR. MALONE: No, Your Honor.

10 THE COURT: Mr. Johnson?

11 MR. JOHNSON: No, Your Honor.

12 THE COURT: Mr. Cota, have you understood  
13 everything that we've discussed here today?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Do you have any questions for either  
16 myself or Mr. Malone?

17 THE DEFENDANT: No, sir.

18 THE COURT: At this time, Mr. Cota, is it your  
19 intention and request that the Court enter a guilty plea or  
20 would you prefer to enter a plea of not guilty?

21 THE DEFENDANT: Guilty plea.

22 THE COURT: The Court makes a finding that Mr.  
23 Cota understands his constitutional rights. He's also  
24 voluntarily waived those rights here today. The Court finds

1 that there's a sufficient factual basis for the plea and the  
2 plea is accepted by the Court.

3 I'm going to schedule this matter for sentencing.  
4 Typically, we would set sentencing out eight weeks. That  
5 falls on a holiday. Nine weeks out would be September 10th.

6 Mr. Malone, are you available on that day or is  
7 there a different day that would you request?

8 MR. MALONE: No, I can be available on that day,  
9 Your Honor.

10 THE COURT: Mr. Johnson, does that date work okay  
11 for the State?

12 MR. JOHNSON: September 10th will work for the  
13 State, Your Honor.

14 THE COURT: Sentencing in this matter is  
15 scheduled for September 10th, 2018. Sentencing will be at  
16 nine o'clock in the morning. Mr. Cota is ordered to appear at  
17 that time and date for sentencing.

18 The Court orders a preparation of a Presentence  
19 Investigation Report and, Mr. Cota, you are ordered to  
20 cooperate with the Division as they prepare that report.

21 Mr. Malone, would you like to be heard regarding  
22 your client's custody status?

23 MR. MALONE: Your Honor, not at this time. I do  
24 intend to bring a motion of some kind for an OR release into a

1 drug treatment program but that has not been set up yet.

2 THE COURT: Thank you, Mr. Malone.

3 Mr. Johnson, would you like to be heard regarding  
4 Mr. Cota's bail or conditions of bail?

5 MR. JOHNSON: We'd ask that they remain the same,  
6 Your Honor.

7 THE COURT: Mr. Cota's bail will remain as  
8 previously ordered. As previously ordered, Mr. Cota's  
9 required to make all future Court dates in this case.

10 The only thing I've added is we now know that the  
11 next day is going to be September 10, 2018, and so I put that  
12 into the order. September 10th, 2018, at nine o'clock in the  
13 morning.

14 Mr. Malone, anything further for today's purpose?

15 MR. MALONE: No, Your Honor.

16 THE COURT: Mr. Johnson?

17 MR. JOHNSON: No, Your Honor.

18 THE COURT: That will be the Court's order.

19 (Proceedings concluded.)  
20  
21  
22  
23  
24



1 STATE OF NEVADA )  
2 COUNTY OF DOUGLAS )  
3

4 I, Michel Loomis, Certified Shorthand Reporter of  
5 the Ninth Judicial District Court of the State of Nevada, in  
6 and for the County of Douglas, do hereby certify:

7 That I was present in Department No. II of the  
8 above-entitled Court and took stenotype notes of the  
9 proceedings entitled herein, and thereafter transcribed the  
10 same into typewriting as herein appears;

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

14 DATED: At Carson City, Nevada, this 26th day of  
15 July, 2018.

16   
17

18 Michel Loomis, CCR No. 228  
19  
20  
21  
22  
23  
24

1 Michel Loomis  
2 Capitol Reporters  
3 123 West Nye Lane, Suite 107  
4 Carson City, NV, 89706  
5 (775) 882-5322

6 IN THE NINTH JUDICIAL DISTRICT COURT  
7  
8 IN AND FOR THE COUNTY OF DOUGLAS, STATE OF NEVADA

9 STATE OF NEVADA, )  
10 )  
11 Plaintiff, )  
12 )  
13 vs. ) Case No. 18-CR-00084  
14 )  
15 MICHAEL L. COTA, )  
16 )  
17 Defendant. ) Dept. No. II  
18 )  
19 )  
20 )  
21 )  
22 )  
23 )  
24 )

25 AFFIRMATION

26 Pursuant to NRS 239B.030

27 The undersigned does hereby affirm that the following  
28 document DOES NOT contain the social security number of  
29 any person:

30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100  
101  
102  
103  
104  
105  
106  
107  
108  
109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132  
133  
134  
135  
136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148  
149  
150  
151  
152  
153  
154  
155  
156  
157  
158  
159  
160  
161  
162  
163  
164  
165  
166  
167  
168  
169  
170  
171  
172  
173  
174  
175  
176  
177  
178  
179  
180  
181  
182  
183  
184  
185  
186  
187  
188  
189  
190  
191  
192  
193  
194  
195  
196  
197  
198  
199  
200  
201  
202  
203  
204  
205  
206  
207  
208  
209  
210  
211  
212  
213  
214  
215  
216  
217  
218  
219  
220  
221  
222  
223  
224  
225  
226  
227  
228  
229  
230  
231  
232  
233  
234  
235  
236  
237  
238  
239  
240  
241  
242  
243  
244  
245  
246  
247  
248  
249  
250  
251  
252  
253  
254  
255  
256  
257  
258  
259  
260  
261  
262  
263  
264  
265  
266  
267  
268  
269  
270  
271  
272  
273  
274  
275  
276  
277  
278  
279  
280  
281  
282  
283  
284  
285  
286  
287  
288  
289  
290  
291  
292  
293  
294  
295  
296  
297  
298  
299  
300  
301  
302  
303  
304  
305  
306  
307  
308  
309  
310  
311  
312  
313  
314  
315  
316  
317  
318  
319  
320  
321  
322  
323  
324  
325  
326  
327  
328  
329  
330  
331  
332  
333  
334  
335  
336  
337  
338  
339  
340  
341  
342  
343  
344  
345  
346  
347  
348  
349  
350  
351  
352  
353  
354  
355  
356  
357  
358  
359  
360  
361  
362  
363  
364  
365  
366  
367  
368  
369  
370  
371  
372  
373  
374  
375  
376  
377  
378  
379  
380  
381  
382  
383  
384  
385  
386  
387  
388  
389  
390  
391  
392  
393  
394  
395  
396  
397  
398  
399  
400  
401  
402  
403  
404  
405  
406  
407  
408  
409  
410  
411  
412  
413  
414  
415  
416  
417  
418  
419  
420  
421  
422  
423  
424  
425  
426  
427  
428  
429  
430  
431  
432  
433  
434  
435  
436  
437  
438  
439  
440  
441  
442  
443  
444  
445  
446  
447  
448  
449  
450  
451  
452  
453  
454  
455  
456  
457  
458  
459  
460  
461  
462  
463  
464  
465  
466  
467  
468  
469  
470  
471  
472  
473  
474  
475  
476  
477  
478  
479  
480  
481  
482  
483  
484  
485  
486  
487  
488  
489  
490  
491  
492  
493  
494  
495  
496  
497  
498  
499  
500  
501  
502  
503  
504  
505  
506  
507  
508  
509  
510  
511  
512  
513  
514  
515  
516  
517  
518  
519  
520  
521  
522  
523  
524  
525  
526  
527  
528  
529  
530  
531  
532  
533  
534  
535  
536  
537  
538  
539  
540  
541  
542  
543  
544  
545  
546  
547  
548  
549  
550  
551  
552  
553  
554  
555  
556  
557  
558  
559  
560  
561  
562  
563  
564  
565  
566  
567  
568  
569  
570  
571  
572  
573  
574  
575  
576  
577  
578  
579  
580  
581  
582  
583  
584  
585  
586  
587  
588  
589  
590  
591  
592  
593  
594  
595  
596  
597  
598  
599  
600  
601  
602  
603  
604  
605  
606  
607  
608  
609  
610  
611  
612  
613  
614  
615  
616  
617  
618  
619  
620  
621  
622  
623  
624  
625  
626  
627  
628  
629  
630  
631  
632  
633  
634  
635  
636  
637  
638  
639  
640  
641  
642  
643  
644  
645  
646  
647  
648  
649  
650  
651  
652  
653  
654  
655  
656  
657  
658  
659  
660  
661  
662  
663  
664  
665  
666  
667  
668  
669  
670  
671  
672  
673  
674  
675  
676  
677  
678  
679  
680  
681  
682  
683  
684  
685  
686  
687  
688  
689  
690  
691  
692  
693  
694  
695  
696  
697  
698  
699  
700  
701  
702  
703  
704  
705  
706  
707  
708  
709  
710  
711  
712  
713  
714  
715  
716  
717  
718  
719  
720  
721  
722  
723  
724  
725  
726  
727  
728  
729  
730  
731  
732  
733  
734  
735  
736  
737  
738  
739  
740  
741  
742  
743  
744  
745  
746  
747  
748  
749  
750  
751  
752  
753  
754  
755  
756  
757  
758  
759  
760  
761  
762  
763  
764  
765  
766  
767  
768  
769  
770  
771  
772  
773  
774  
775  
776  
777  
778  
779  
780  
781  
782  
783  
784  
785  
786  
787  
788  
789  
790  
791  
792  
793  
794  
795  
796  
797  
798  
799  
800  
801  
802  
803  
804  
805  
806  
807  
808  
809  
810  
811  
812  
813  
814  
815  
816  
817  
818  
819  
820  
821  
822  
823  
824  
825  
826  
827  
828  
829  
830  
831  
832  
833  
834  
835  
836  
837  
838  
839  
840  
841  
842  
843  
844  
845  
846  
847  
848  
849  
850  
851  
852  
853  
854  
855  
856  
857  
858  
859  
860  
861  
862  
863  
864  
865  
866  
867  
868  
869  
870  
871  
872  
873  
874  
875  
876  
877  
878  
879  
880  
881  
882  
883  
884  
885  
886  
887  
888  
889  
890  
891  
892  
893  
894  
895  
896  
897  
898  
899  
900  
901  
902  
903  
904  
905  
906  
907  
908  
909  
910  
911  
912  
913  
914  
915  
916  
917  
918  
919  
920  
921  
922  
923  
924  
925  
926  
927  
928  
929  
930  
931  
932  
933  
934  
935  
936  
937  
938  
939  
940  
941  
942  
943  
944  
945  
946  
947  
948  
949  
950  
951  
952  
953  
954  
955  
956  
957  
958  
959  
960  
961  
962  
963  
964  
965  
966  
967  
968  
969  
970  
971  
972  
973  
974  
975  
976  
977  
978  
979  
980  
981  
982  
983  
984  
985  
986  
987  
988  
989  
990  
991  
992  
993  
994  
995  
996  
997  
998  
999  
1000  
1001  
1002  
1003  
1004  
1005  
1006  
1007  
1008  
1009  
1010  
1011  
1012  
1013  
1014  
1015  
1016  
1017  
1018  
1019  
1020  
1021  
1022  
1023  
1024  
1025  
1026  
1027  
1028  
1029  
1030  
1031  
1032  
1033  
1034  
1035  
1036  
1037  
1038  
1039  
1040  
1041  
1042  
1043  
1044  
1045  
1046  
1047  
1048  
1049  
1050  
1051  
1052  
1053  
1054  
1055  
1056  
1057  
1058  
1059  
1060  
1061  
1062  
1063  
1064  
1065  
1066  
1067  
1068  
1069  
1070  
1071  
1072  
1073  
1074  
1075  
1076  
1077  
1078  
1079  
1080  
1081  
1082  
1083  
1084  
1085  
1086  
1087  
1088  
1089  
1090  
1091  
1092  
1093  
1094  
1095  
1096  
1097  
1098  
1099  
1100  
1101  
1102  
1103  
1104  
1105  
1106  
1107  
1108  
1109  
1110  
1111  
1112  
1113  
1114  
1115  
1116  
1117  
1118  
1119  
1120  
1121  
1122  
1123  
1124  
1125  
1126  
1127  
1128  
1129  
1130  
1131  
1132  
1133  
1134  
1135  
1136  
1137  
1138  
1139  
1140  
1141  
1142  
1143  
1144  
1145  
1146  
1147  
1148  
1149  
1150  
1151  
1152  
1153  
1154  
1155  
1156  
1157  
1158  
1159  
1160  
1161  
1162  
1163  
1164  
1165  
1166  
1167  
1168  
1169  
1170  
1171  
1172  
1173  
1174  
1175  
1176  
1177  
1178  
1179  
1180  
1181  
1182  
1183  
1184  
1185  
1186  
1187  
1188  
1189  
1190  
1191  
1192  
1193  
1194  
1195  
1196  
1197  
1198  
1199  
1200  
1201  
1202  
1203  
1204  
1205  
1206  
1207  
1208  
1209  
1210  
1211  
1212  
1213  
1214  
1215  
1216  
1217  
1218  
1219  
1220  
1221  
1222  
1223  
1224  
1225  
1226  
1227  
1228  
1229  
1230  
1231  
1232  
1233  
1234  
1235  
1236  
1237  
1238  
1239  
1240  
1241  
1242  
1243  
1244  
1245  
1246  
1247  
1248  
1249  
1250  
1251  
1252  
1253  
1254  
1255  
1256  
1257  
1258  
1259  
1260  
1261  
1262  
1263  
1264  
1265  
1266  
1267  
1268  
1269  
1270  
1271  
1272  
1273  
1274  
1275  
1276  
1277  
1278  
1279  
1280  
1281  
1282  
1283  
1284  
1285  
1286  
1287  
1288  
1289  
1290  
1291  
1292  
1293  
1294  
1295  
1296  
1297  
1298  
1299  
1300  
1301  
1302  
1303  
1304  
1305  
1306  
1307  
1308  
1309  
1310  
1311  
1312  
1313  
1314  
1315  
1316  
1317  
1318  
1319  
1320  
1321  
1322  
1323  
1324  
1325  
1326  
1327  
1328  
1329  
1330  
1331  
1332  
1333  
1334  
1335  
1336  
1337  
1338  
1339  
1340  
1341  
1342  
1343  
1344  
1345  
1346  
1347  
1348  
1349  
1350  
1351  
1352  
1353  
1354  
1355  
1356  
1357  
1358  
1359  
1360  
1361  
1362  
1363  
1364  
1365  
1366  
1367  
1368  
1369  
1370  
1371  
1372  
1373  
1374  
1375  
1376  
1377  
1378  
1379  
1380  
1381  
1382  
1383  
1384  
1385  
1386  
1387  
1388  
1389  
1390  
1391  
1392  
1393  
1394  
1395  
1396  
1397  
1398  
1399  
1400  
1401  
1402  
1403  
1404  
1405  
1406  
1407  
1408  
1409  
1410  
1411  
1412  
1413  
1414  
1415  
1416  
1417  
1418  
1419  
1420  
1421  
1422  
1423  
1424  
1425  
1426  
1427  
1428  
1429  
1430  
1431  
1432  
1433  
1434  
1435  
1436  
1437  
1438  
1439  
1440  
1441  
1442  
1443  
1444  
1445  
1446  
1447  
1448  
1449  
1450  
1451  
1452  
1453  
1454  
1455  
1456  
1457  
1458  
1459  
1460  
1461  
1462  
1463  
1464  
1465  
1466  
1467  
1468  
1469  
1470  
1471  
1472  
1473  
1474  
1475  
1476  
1477  
1478  
1479  
1480  
1481  
1482  
1483  
1484  
1485  
1486  
1487  
1488  
1489  
1490  
1491  
1492  
1493  
1494  
1495  
1496  
1497  
1498  
1499  
1500  
1501  
1502  
1503  
1504  
1505  
1506  
1507  
1508  
1509  
1510  
1511  
1512  
1513  
1514  
1515  
1516  
1517  
1518  
1519  
1520  
1521  
1522  
1523  
1524  
1525  
1526  
1527  
1528  
1529  
1530  
1531  
1532  
1533  
1534  
1535  
1536  
1537  
1538  
1539  
1540  
1541  
1542  
1543  
1544  
1545  
1546  
1547  
1548  
1549  
1550  
1551  
1552  
1553  
1554  
1555  
1556  
1557  
1558  
1559  
1560  
1561  
1562  
1563  
1564  
1565  
1566  
1567  
1568  
1569  
1570  
1571  
1572  
1573  
1574  
1575  
1576  
1577  
1578  
1579  
1580  
1581  
1582  
1583  
1584  
1585  
1586  
1587  
1588  
1589  
1590  
1591  
1592  
1593  
1594  
1595  
1596  
1597  
1598  
1599  
1600  
1601  
1602  
1603  
1604  
1605  
1606  
1607  
1608  
1609  
1610  
1611  
1612  
1613  
1614  
1615  
1616  
1617  
1618  
1619  
1620  
1621  
1622  
1623  
1624  
1625  
1626  
1627  
1628  
1629  
1630  
1631  
1632  
1633  
1634  
1635  
1636  
1637  
1638  
1639  
1640  
1641  
1642  
1643  
1644  
1645  
1646  
1647  
1648  
1649  
1650  
1651  
1652  
1653  
1654  
1655  
1656  
1657  
1658  
1659  
1660  
1661  
1662  
1663  
1664  
1665  
1666  
1667  
1668  
1669  
1670  
1671  
1672  
1673  
1674  
1675  
1676  
1677  
1678  
1679  
1680  
1681  
1682  
1683  
1684  
1685  
1686  
1687  
1688  
1689  
1690  
1691  
1692  
1693  
1694  
1695  
1696  
1697  
1698  
1699  
1700  
1701  
1702  
1703  
1704  
1705  
1706  
1707  
1708  
1709  
1710  
1711  
1712  
1713  
1714  
1715  
1716  
1717  
1718  
1719  
1720  
1721  
1722  
1723  
1724  
1725  
1726  
1727  
1728  
1729  
1730  
1731  
1732  
1733  
1734  
1735  
1736  
1737  
1738  
1739  
1740  
1741  
1742  
1743  
1744  
1745  
1746  
1747  
1748  
1749  
1750  
1751  
1752  
1753  
1754  
1755  
1756  
1757  
1758  
1759  
1760  
1761  
1762  
1763  
1764  
1765  
1766  
1767  
1768  
1769  
1770  
1771  
1772  
1773  
1774  
1775  
1776  
1777  
1778  
1779  
1780  
1781  
1782  
1783  
1784  
1785  
1786  
1787  
1788  
1789  
1790  
1791  
1792  
1793  
1794  
1795  
1796  
1797  
1798  
1799  
1800  
1801  
1802  
1803  
1804  
1805  
1806  
1807  
1808  
1809  
1810  
1811  
1812  
1813  
1814  
1815  
1816  
1817  
1818  
1819  
1820  
1821  
1822  
1823  
1824  
1825  
1826  
1827  
1828  
1829  
1830  
1831  
1832  
1833  
1834  
1835  
1836  
1837  
1838  
1839  
1840  
1841  
1842  
1843  
1844  
1845  
1846  
1847  
1848  
1849  
1850  
1851  
1852  
1853  
1854  
1855  
1856  
1857  
1858  
1859  
1860  
1861  
1862  
1863  
1864  
1865  
1866  
1867  
1868  
1869  
1870  
1871  
1872  
1873  
1874  
1875  
1876  
1877  
1878  
1879  
1880  
1881  
1882  
1883  
1884  
1885  
1886  
1887  
1888  
1889  
1890  
1891  
1892  
1893  
1894  
1895  
1896  
1897  
1898  
1899  
1900  
1901  
1902  
1903  
1904  
1905  
1906  
1907  
1908  
1909  
1910  
1911  
1912  
1913  
1914  
1915  
1916  
1917  
1918  
1919  
1920  
1921  
1922  
1923  
1924  
1925  
1926  
1927  
1928  
1929  
1930  
1931  
1932  
1933  
1934  
1935  
1936  
1937  
1938  
1939  
1940  
1941  
1942  
1943  
1944  
1945  
1946  
1947  
1948  
1949  
1950  
1951  
1952  
1953  
1954  
1955  
1956  
1957  
1958  
1959  
1960  
1961  
1962  
1963  
1964  
1965  
1966  
1967  
1968  
1969  
1970  
1971  
1972  
1973  
1974  
1975  
1976  
1977  
1978  
1979  
1980  
1981  
1982  
1983  
1984  
1985  
1986  
1987  
1988  
1989  
1990  
1991  
1992  
1993  
1994  
1995  
1996  
1997  
1998  
1999  
2000  
2001  
2002  
2003  
2004  
2005  
2006  
2007  
2008  
2009  
2010  
2011  
2012  
2013  
2014  
2015  
2016  
2017  
2018  
2019  
2020  
2021  
2022  
2023  
2024  
2025  
2026  
2027  
2028  
2029  
2030  
2031  
2032  
2033  
2034  
2035  
2036  
2037  
2038  
2039  
2040  
2041  
2042  
2043  
2044  
2045  
2046  
2047  
2048  
2049  
2050  
2051  
2052  
2053  
2054  
2055  
2056  
2057  
2058  
2059  
2060  
2061  
2062  
2063  
2064  
2065  
2066  
2067  
2068  
2069  
2070  
2071  
2072  
2073  
2074  
2075  
2076  
2077  
2078  
2079  
2080  
2081  
2082  
2083  
2084  
2085  
2086  
2087  
2088  
2089  
2090  
2091  
2092  
2093  
2094  
2095  
2096  
2097  
2098  
2099  
2100  
2101  
2102  
2103  
2104  
2105  
2106  
2107  
2108  
2109  
2110  
2111  
2112  
2113  
2114  
2115  
2116  
2117  
2118  
2119  
2120  
2121  
2122  
2123  
2124  
2125  
2126  
2127  
2128  
2129  
2130  
2131  
2132  
2133  
2134  
2135  
2136  
2137  
2138  
2139  
2140  
2141  
2142  
2143  
2144  
2145  
2146  
2147  
2148  
2149  
2150  
2151  
2152  
2153  
2154  
2155  
2156  
2157  
2158  
2159  
2160  
2161  
2162  
2163  
2164  
2165  
2166  
2167  
2168  
2169  
2170  
2171  
2172  
2173  
2174  
2175  
2176  
2177  
2178  
2179  
2180  
2181  
218

RECEIVED

JUL 12 2018

Douglas County  
District Court Clerk

FILED

2018 AUG 14 AM 9:41

BOBBIE R. WILLIAMS  
CLERK

BY AWOW DEPUTY

John E. Malone, Esq.  
State Bar No. 5706  
209 N. Pratt Ave.  
Carson City, NV 89701  
(775) 461-0254

IN THE NINTH JUDICIAL DISTRICT COURT

IN AND FOR THE COUNTY OF DOUGLAS, STATE OF NEVADA

\*\*\*

STATE OF NEVADA,

Plaintiff,

vs.

CASE NO. 18-CR-0084

DEPT NO. II

MICHAEL LUIS COTA,

Defendant.

ORDER FOR PAYMENT OF ATTORNEY FEES

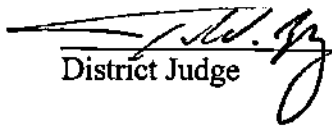
Having reviewed and considered the billing statement submitted *ex parte* by John E. Malone, appointed counsel for Defendant, Michael Luis Cota, and good cause appearing, the court hereby orders payment of \$ 1,417.55 to:

John E. Malone  
209 N. Pratt Ave.  
Carson City, NV 89701

for services rendered for June/July 2018.

IT IS SO ORDERED:

DATED this 14<sup>th</sup> day of August, 2018.

  
District Judge