

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL L. COTA,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent,

Electronically Filed
Dec 17 2021 02:32 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case No. 2018-CR-00084
2018-CR-00084BD

RECORD ON APPEAL

VOLUME 2

COPIES OF ORIGINAL PLEADINGS
PAGES 129-310

MICHAEL L. COTA
INMATE #1206075
ELY STATE PRISON
P.O. BOX 1989
ELY, NEVADA 89301

IN PROPER PERSON

THE STATE OF NEVADA

DOUGLAS COUNTY DISTRICT ATTORNEY

1
2 INDEX OF PLEADINGS

| 3 | <u>DESCRIPTION</u> | <u>PAGE NO.</u> | <u>VOL. NO.</u> |
|----|----------------------------------|-----------------|-----------------|
| 4 | (SEALED) MOTION TO STRIKE | | |
| 5 | THE STATE'S SENTENCING | | |
| 6 | MEMORANDUM AND ATTACHED EXHIBITS | | |
| 7 | (Filed Sep 06'18) | 301-310 | VOL. 2 |
| 8 | (SEALED) SENTENCING MEMORANDUM | | |
| 9 | (Filed Aug 28'18) | 129-290 | VOL. 2 |
| 10 | (SEALED) ORDER | | |
| 11 | (Filed Sep 13'18) | 317-324 | VOL. 3 |
| 12 | AFFIDAVIT OF ATTORNEY | | |
| 13 | JOHN E. MALONE IN SUPPORT | | |
| 14 | OF THE REPOSE TO ORDER TO | | |
| 15 | SHOW CAUSE | | |
| 16 | (Filed May 26'21) | 531-536 | VOL. 4 |
| 17 | AMENDED NOTICE OF ENTRY OF ORDER | | |
| 18 | (Filed Oct 22'21) | 698-702 | VOL. 5 |
| 19 | ANSWER TO PETITION FOR | | |
| 20 | WRIT OF HABEAS CORPUS | | |
| 21 | (POST-CONVICTION) | | |
| 22 | (Filed Sep 15'21) | 639-659 | VOL. 5 |
| 23 | CASE APPEAL STATEMENT | | |
| 24 | (Filed Nov 06'18) | 487-490 | VOL. 3 |
| 25 | CASE APPEAL STATEMENT | | |
| 26 | (ORDER DENYING MOTION TO | | |
| 27 | HOLD JOHN MALONE IN CONTEMPT) | | |
| 28 | (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 |

INDEX OF PLEADINGS

| | <u>DESCRIPTION</u> | <u>PAGE NO.</u> | <u>VOL. NO.</u> |
|----|---|-----------------|-----------------|
| 1 | | | |
| 2 | | | |
| 3 | | | |
| 4 | CASE APPEAL STATEMENT (ORDER DENYING MOTION TO VACATE SENTENCING) | | |
| 5 | (Filed Dec 16'21) | 616-617 | VOL. 5 |
| 6 | CASE APPEAL STATEMENT | | |
| 7 | (Filed Oct 28'21) | 703-704 | VOL. 5 |
| 8 | CASE APPEAL STATEMENT | | |
| 9 | (Filed Nov 15'21) | 602-603 | VOL. 4 |
| 10 | CERTIFICATE OF SERVICE (Filed Oct 15'21) | 570 | VOL. 4 |
| 11 | CLERK'S CERTIFICATE (Filed Apr 17'20) | 511 | VOL. 4 |
| 12 | | | |
| 13 | DEFENDANT'S SUBMISSION OF DOCUMENTATION IN MITIGATION OF SENTENCING | | |
| 14 | (Filed Oct 04'18) | 373-379 | VOL. 3 |
| 15 | DISCLOSURE | | |
| 16 | (Filed Sep 13'18) | 325-326 | VOL. 3 |
| 17 | EX PARTE INVOICE AND REQUEST FOR PAYMENT | | |
| 18 | (Filed Sep 17'19) | 496-498 | VOL. 4 |
| 19 | EXPARTE MOTION FOR PSYCHOLOGICAL EVALUTATION AND FEES | | |
| 20 | (Filed Aug 30'18) | 294-296 | VOL. 2 |
| 21 | GUILTY PLEA AGREEMENT | | |
| 22 | (Filed Jun 04'18) | 69-74 | VOL. 1 |
| 23 | INFORMATION | | |
| 24 | (Filed May 29'18) | 64-68 | VOL. 1 |
| 25 | JUDGMENT OF CONVICTION | | |
| 26 | (Filed Oct 10'18) | 381-382 | VOL. 3 |
| 27 | MOTION TO HOLD JOHN MALONE IN CONTEMPT/SHOW CAUSE | | |
| 28 | (Filed Oct 28'21) | 577-588 | 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 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.</u> | <u>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> |
|----|---|-----------------|-----------------|
| 1 | | | |
| 2 | | | |
| 3 | | | |
| 4 | NOTICE IN LIEU OF REMITTITUR (Filed Dec 02'21) | 716 | VOL. 5 |
| 5 | NOTICE OF APPEAL (Filed Nov 18'21) | 609 | VOL. 4 |
| 6 | | | |
| 7 | NOTICE OF ENTRY OF ORDER (Filed Oct 22'21) | 696-697 | VOL. 5 |
| 8 | | | |
| 9 | NOTICE OF COMPLIANCE (Filed Aug 20'21) | 632-633 | VOL. 5 |
| 10 | NOTICE OF APPEAL (Filed Oct 21'21) | 694-695 | VOL. 5 |
| 11 | | | |
| 12 | NOTICE OF COUNSEL (Filed Aug 19'21) | 629-631 | VOL. 5 |
| 13 | | | |
| 14 | NOTICE OF NON-COMPLIANCE BY STATE OF NEVADA. REQUEST TO GRANT HABEAS | | |
| 15 | (Filed Oct 20'21) | 691-693 | VOL. 5 |
| 16 | NOTICE OF APPEAL (Filed Nov 18'21) | 607 | VOL. 4 |
| 17 | | | |
| 18 | NOTICE IN LIEU OF REMITTITUR (SUPREME COURT) (Filed Dec 16'21) | 719 | VOL. 5 |
| 19 | | | |
| 20 | NOTICE OF TRANSFER TO COURT OF APPEALS (SUPREME COURT) (Filed Dec 16'19) | 505 | VOL. 4 |
| 21 | | | |
| 22 | OPPOSITION TO MOTION TO VACATE ILLEGAL SENTENCE (Filed Oct 20'21) | 571-573 | VOL. 4 |
| 23 | | | |
| 24 | OPPOSITION TO MOTION TO STRIKE THE STATE'S SENTENCING MEMORANDUM AND ATTACHED EXHIBITS (Filed Sep 07'18) | 311-315 | VOL. 3 |
| 25 | | | |
| 26 | ORDER DENYING REHEARING (Filed Nov 09'21) | 707 | VOL. 5 |
| 27 | | | |
| 28 | | | |

INDEX OF PLEADINGS

| <u>DESCRIPTION</u> | <u>PAGE NO.</u> | <u>VOL. NO.</u> |
|---|-----------------|-----------------|
| 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 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 | ORDER DENYING MOTION TO VACATE SENTENCE | | | |
| 8 | (Filed Nov 10'21) | 595-597 | VOL. | 4 |
| 9 | ORDER DENYING MOTION TO CHANGE VENUE | | | |
| 10 | (Filed Nov 10'21) | 598-599 | VOL. | 4 |
| 11 | ORDER DENYING PEREMPTORY CHALLENGE | | | |
| 12 | (Filed Nov 10'21) | 600-601 | VOL. | 4 |
| 13 | ORDER CONCERNING BAIL (Filed Jun 18'18) | 82-83 | VOL. | 1 |
| 14 | ORDER REGARDING MOTION FOR COMPLETE DOCKET SHEET | | | |
| 15 | (Filed Oct 15'21) | 665-666 | VOL. | 5 |
| 16 | ORDER DENYING POST CONVICTION PETITION REQUESTING GENETIC MARKER ANALYSIS | | | |
| 17 | (Filed Oct 15'21) | 663-664 | VOL. | 5 |
| 18 | ORDER OF AFFIRMANCE (Filed Mar 20'20) | 507-509 | VOL. | 4 |
| 19 | ORDER DENYING MOTION (Filed Nov 19'19) | 503-504 | VOL. | 4 |
| 20 | ORDER SETTING HEARING (Filed Jun 22'18) | 84 | VOL. | 1 |
| 21 | ORDER FOR PAYMENT (Filed Oct 04'19) | 499 | VOL. | 4 |
| 22 | | | | |
| 23 | | | | |
| 24 | | | | |
| 25 | | | | |
| 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, AND DENYING MOTION (SUPREME COURT) | | |
| 9 | (Filed Dec 15'21) | 717-718 | VOL. 5 |
| 10 | | | |
| 11 | ORDER DENYING MOTION TO HOLD COUNSEL IN CONTEMPT AND DIRECTING COUNSEL TO RESENT PORTIONS OF CASE FILE | | |
| 12 | (Filed Nov 10'21) | 592-594 | VOL. 4 |
| 13 | | | |
| 14 | ORDER TO FILE UNDER SEAL (Filed Sep 05'18) | 300 | VOL. 2 |
| 15 | | | |
| 16 | ORDER FOR PAYMENT OF ATTORNEY FEES | | |
| 17 | (Filed Feb 15'19) | 495 | VOL. 4 |
| 18 | ORDER SETTING HEARING (Filed Jul 10'18) | 87 | VOL. 1 |
| 19 | ORDER AND COMMITMENT (Filed May 29'18) | 10-63 | VOL. 1 |
| 20 | | | |
| 21 | ORDER FOR PAYMENT OF ATTORNEY FEES | | |
| 22 | (Filed Aug 14'18) | 128 | VOL. 1 |
| 23 | ORDER DIRECTING TRANSMISSION OF RECORD, REGARDING BRIEFING, AND DENYING MOTION (SUPREME COURT) | | |
| 24 | (Filed Nov 29'21) | 714-715 | VOL. 5 |
| 25 | | | |
| 26 | | | |
| 27 | | | |
| 28 | | | |

INDEX OF PLEADINGS

| <u>DESCRIPTION</u> | <u>PAGE NO.</u> | <u>VOL. NO.</u> |
|---|-----------------|-----------------|
| 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 | | | |

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

RECEIVED

FILED

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Case No. 18-CR-0116/ 18-CR-0084

AUG 28 2018

2018 AUG 28 AM 9: 07

Dept No. II

Douglas County
Clerk

BOBBIE R. WILLIAMS
CLERK

BY ANOWA DEPUTY

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

THE STATE OF NEVADA,

Petitioner,

SENTENCING MEMORANDUM

vs.

MICHAEL LUIS COTA JR.,

Respondents.

THE STATE'S SENTENCING MEMORANDUM

Michael Louis Cota Jr. entered a guilty plea to one count of PRINCIPAL TO GRAND LARCENY OF A FIREARM, a violation of a NRS 205.226 and NRS 195.020, a category B felony, on July 9, 2018 in 18-CR-0084, and entered a separate guilty plea to one count of BATTERY BY A PRISONER IN CUSTODY, a violation of NRS 200.481(2)(f), a category B felony, on August 6, 2018 in 18-CR-0116. A sentencing hearing in both cases is scheduled for September 10, 2018.

Michael Cota (Cota) should be punished by imprisonment in the state prison for consecutive terms of 12 to 30 months for Grand Larceny of a Firearm and 28 to 72 months for Battery by a Prisoner in Custody. Cota's acts of violence and threats of violence against law enforcement and disregard for the sanctity of the homes and property of the members of the Douglas County community deserves a significant punishment. Prison is the only punishment that will specifically deter Cota from continuing to prey on members this community. Lesser forms of punishment and treatment have all failed. Placements in Willow Springs Center,

1 Copper Hills Youth Center, Northwest Academy, Nevada Youth Training Center, Caliente
2 Youth Center, Jans Evans Juvenile Detention Center, and the Douglas County Jail, along with
3 the administration of medications have all failed to rehabilitate Cota or deter him from
4 committing future crimes and acts of violence in the community.

5 Sending Cota to prison will also send a strong message to other members of the
6 Douglas County community who may be considering joining a criminal street gang. Members
7 of the community will face heightened danger if criminal enterprises like the Playboy Bloods
8 street gang are allowed to gain traction in Douglas County. Punishing gang members like Cota
9 communicates to other gang members and their associates residing in Douglas County that if
10 they commit crimes here they will be punished in proportion to the danger and risk posed by
11 their criminal enterprise.

12 Prison will not only punish Cota and deter him and others from committing crimes in
13 the community, it will also protect the community by removing him from society. A 2013
14 psychological evaluation predicted that Cota has 58% chance of offending sexually which will
15 increase to 76% by the time he is 24 years old. And since committing his most recent crimes
16 he has expressed his intent to commit future acts of violence against law enforcement and
17 "shank" someone in prison.

18 Therefore, the sentence recommend above is the appropriate punishment for Cota.

19 I

20 DEFENDANT'S OFFENSES

21 A. GRAND LARCENY OF A FIREARM

22 Cota and a fourteen-year-old juvenile stole a Spikes Tactical AR-15 rifle (Serial
23 #SAR76407), two .40 caliber magazines for a Glock 22 handgun, a single shot pellet rifle, an
24 ammunition can containing various caliber ammunition, and a black "Combat Style" fixed
25 blade knife, from the residence of Jonathan Hanks in Gardnerville, Nevada on February 22,
26 2018. See Exhibit 14.

27 In a recorded interview the juvenile described how the offense was committed. *Id.*
28

1 The pair drove to the residence in Cota's truck during school hours and climbed through a
2 window. Cota hid the large guns in his shirt and pants as they made multiple trips to his truck
3 from the residence through the front door. *Id.* Cota transported the stolen items to his home
4 where he called Robert Donald Brown to help him find a buyer for the guns. *Id.* Brown
5 quickly found a buyer for the guns. *Id.* He referred to the two men that that came to purchase
6 the guns a few hours later as the "Mafia." *Id.* Cota and the juvenile sold the guns for around
7 \$200 each the same day they stole them and they split the proceeds. *Id.* In a subsequent
8 recorded interview Cota told investigators that he believed the buyer was "with the Mexican
9 Mafia," and had stopped to buy the guns on his way from Reno to Las Vegas. Minute 3:25-
10 3:28.

11 **B. BATTERY BY A PRISONER IN CUSTODY**

12 Cota was taken into custody and booked into the Douglas County Jail on May 1, 2018,
13 on charges which include the offense described above. On July 6, 2018, Deputy Sheriffs
14 working in the jail moved Cota from the B-block to Holding Cell 10 after he began causing a
15 disturbance. Exhibit 16. As he walked by A-block, Cota began yelling "sooey." *Id.* Cota
16 entered the holding cell, threw down his property bin, and tried to charge the door in the
17 direction of the deputies before it was closed. *Id.* Cota began to punch, kick, and hit his head
18 on the cell door. *Id.* For Cota's safety and the safety and security of the jail facility, deputies
19 decided to place Cota in a restraint chair. *Id.* Before the deputies entered the holding cell, Cota
20 assumed a fighting stance. *Id.* Cota refused commands to get on the ground and maintained an
21 aggressive posture. *Id.* As deputies tried to gain physical control over Cota and take him to the
22 ground, Cota punched Douglas County Sheriff's Deputy Joshua Hodges in the face and hit
23 Douglas County Sheriff's Deputy Michael Barden's hand, knocking an electroshock weapon
24 out of his hand. *Id.* After gaining control of Cota he was placed in a restraint chair. *Id.* While
25 he was being secured in the chair, Cota called for "J," the nickname for Jabrontae Warner, a
26 member of the Playboy Bloods criminal street gang who recruited Cota into the gang. Warner
27 was in custody in the Douglas County Jail at the time. Cota called for "J" to "turn up" and
28 "beat the fuck out of these cops." *Id.* He told Deputy Hodges "wait till I see you next bro.

1 Your jaw is gonna get broke.” *Id.* He then told Deputy Hodges again, “your jaw is getting
2 broke bro,” “Bloods bro,” “your jaw’s getting broke.” *Id.* Cota then turns to Deputy Kylie
3 Shepherd and tells her, “I’m gonna tell “J” to break your jaw too. Watch.” *Id.*

4 II

5 DEFENDANT’S HISTORY OF VIOLENT BEHAVIOR

6 Michael Cota has displayed a consistent pattern of violent behavior towards members
7 of the Douglas County community and elsewhere since he was ten years old. *See* Exhibits 1-
8 16. His first act of violence documented by the Douglas County Sheriff’s Office occurred on
9 July 20, 2009, when he kicked a thirteen-year-old female in the groin from behind, causing
10 significant bruising, as she bent over to pick up her three-year-old sister. Exhibit 1. Since
11 2009, members of law enforcement, mental health professionals, and other treatment providers
12 have documented more than 40 acts of violence perpetrated by the defendant both in and out of
13 custody. Exhibits 1-16. These acts are summarized below in chronological order with
14 supporting documentation attached to this memorandum.

- 15 • July 20, 2009 – Michael Cota kicked a thirteen year old female in the groin from behind
16 as she bent over to pick up her 3 year old sister. She sustained significant bruising.
17 Exhibit 1.
- 18 • November 3, 2009 – Michael Cota pushed a ten-year-old female student from behind
19 into a table. Exhibit 2.
- 20 • September 27, 2010 – Michael Cota threw objects at his mother and sister striking each
21 of them. Exhibit 3.
- 22 • October 21, 2010 – Michael Cota kicked another student in the back of the ankle three
23 times and punched him in the stomach. Exhibit 4.
- 24 • May 3, 2011 – Michael Cota pushed an eleven-year-old boy, dragged him down the
25 steps of a slide, and put his hands around the boy’s neck until he became light-headed
26 and started to cry. Exhibit 5.
- 27 • November 15, 2011 – Michael Cota choked a twelve-year-old boy after bullying him
28 for two weeks. Exhibit 6.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- December 7, 2011 – Michael Cota was ordered attend the Willow Spring Center treatment facility in Reno for a second time. He is admitted on January 3, 2012, and transferred to Copper Hills Youth Center on April 23, 2012. While in a treatment center, Michael Cota entered an area of a treatment center in which he did not belong and enticed or allowed a 10-year-old female to sit on his lap as he touched her over her clothing on her vagina and her breasts. While at Willow Springs Center, Michael Cota assaulted a female nurse, battered a male nurse, attacked a roommate (4/7/12), and hit another male peer (4/12/12). Exhibits 7, 8, and 9.
 - Michael Cota was admitted to Copper Hills Youth Center on May 3, 2012 and was discharged on August 9, 2013. During his time there, Cota committed the following acts of violence: shoved a peer down (6/1/12), fought with staff (6/1/12), shoved staff and bit staff on leg (6/5/12), head-butted staff, bit staff on leg, and tripped staff (6/7/12), grabbed peers in their private parts (6/11/12), told peers he was going to grab and grope a female staff member (6/20/12), pushed staff and punched a staff member in the face (6/26/12), punched a peer in the head several times (8/8/12), punched a peer in the face (11/7/12), grabbed a female staff member's breast (11/8/12), shoved staff multiple times, fought them, and attempted to trip them (11/13/12), kicked staff twice and tried to attack them (1/22/13), punched a peer in the face (1/24/13), kicked a peer and threw a ball hitting the peer in the face (2/6/13), kicked a peer and kicked staff and attempted to take staff to the ground, (2/6/13), attempted the push, tackle and hit staff (2/6/13), stabbed a staff member in the knuckle with a pen breaking the skin (2/13/13), attempted to attack staff (2/15/13), kicked a peer in the head (3/8/13), tried to attack a peer and punched a staff member (6/16/13), attacked a staff member by punching them in the stomach and chest (7/27/13), pushed a peer (7/29/13), kicked a peer in the face and pushed staff (8/2/13), threw a chair at staff and pushed staff (8/4/13). Exhibit 9.
 - November 24, 2014 – Michael Cota punched a fifteen year old in the leg and left neck and chin area. Exhibit 10.
 - December 28, 2014 – Michael Cota hit his sister in the back and shoulder and knocked her into a television Exhibit 11.
 - January 14, 2015 – Michael Cota punched a sixteen year old on the right side of his face with a closed fist. Exhibit 12.
 - May 12, 2015 – Michael Cota was admitted to Northwest Academy. While there he assaulted a male staff member and was discharged negatively on May 20, 2015. Exhibit 13.
 - March 14, 2018 – Michael Cota sent texts to a pregnant female telling her to kill herself and if she didn't he would kill her and her son. Exhibit 15.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

III

DEFENDANT'S GANG MEMBERSHIP

Michael Cota is a validated member of the Playboy Bloods criminal street gang. Deputy Francisco Torres will testify that Michael Cota has admitted to Douglas County Sheriff's Deputies that he is a Bloods gang member, wears clothing, uses symbols, and displays tattoos associated with the Bloods criminal street gang, and associates with other known members of the Playboy Bloods. Cota told a Douglas County Sheriff's Deputy that he makes money by selling drugs.

The Bloods is a nationally-known criminal street gang whose members engage in drug trafficking and acts of violence. The Playboy Bloods is a local "set" or affiliate of the national Bloods gang with local control and operation within the Las Vegas metropolitan area. The Playboy Bloods operate primarily in the Sherman Gardens Annex, a Las Vegas public housing complex commonly called the "Jets." Several members of the Las Vegas Playboy Bloods criminal street gang, including its leader, were recently convicted in federal court for engaging in a racketeering conspiracy, committing violent crimes in aid of racketeering activity, engaging in a racketeering conspiracy involving two murders, engaging in a drug-trafficking conspiracy, using a firearm during a crime of violence, and possessing crack cocaine with the intent to distribute it.

IV

DEFENDANT'S LACK OF REMORSE

Shortly after Michael Cota punched a Douglas County Sheriff's Deputy in the face inside the Douglas County Jail and threatened to break his jaw the next time he saw him, he made a recorded jail phone call. During the call Michael Cota laughs about the injuries he caused to the Deputy and exclaims "that shit is fucking hilarious." Minute 2:05-3:15¹ He goes on to laugh about the "cops" being scared of him because he wanted to go to prison so he can "shank" someone. Minute 4:15-4:30 ("these cops are fucking scaredy bro . . . I told McKenna

¹Jail calls referenced in this sentencing memorandum will be marked, admitted, and published at the sentencing hearing.

1 over the phone that I want to go to prison so I can shank somebody so now they have moved
2 me into a different cell.”). In another recorded jail call Cota tells the call recipient that he does
3 not have any emotions about the crimes he committed but he intends to cry in court to get a
4 more favorable sentence. Minute 1:25-1:33.

5 V

6 DEFENDANT’S THREAT TO THE COMMUNITY

7 Mental health professionals have concluded that Michael Cota has a high probability of
8 committing a sexual offense. Exhibit 8. While in a treatment program, Michael Cota entered
9 an area in which he did not belong and enticed or allowed a 10-year-old female to sit on his lap
10 and he touched her over her clothing, her vagina, and her breasts. *Id.* According to Cota’s
11 evaluator, this is one of two known incidents where he has touched younger females for his
12 own sexual gratification. *Id.* In a psychosexual evaluation completed prior to his admission to
13 Copper Hills Youth Center, Robert Stuyvesant reported, “Michael recently admitted to
14 touching a 10-year-old female and stated, “I prefer younger girls around 10-years old.” *Id.*
15 According to the 2013 risk assessment a Sex Offender Risk Appraisal Guide (SORAG) “total
16 score of 26 places Michael in the SORAG category 6, which suggests that the current
17 probability of Michael sexually offending if released at this point is 58%, and increases to 76%
18 within ten years.” *Id.* This is a moderate-high risk classification. *Id.*

19 VI

20 DEFENDANT’S DECLARED INTENT TO MISLEAD THE COURTS
21 TO OBTAIN A FAVORABLE SENTENCE

22 In recorded jail calls Cota tells call recipients that he intends to feign “being a hard
23 core drug addict” and acting “hell of psycho” so that he can get felony probation and enter a
24 diversion program. Minute 3:35, 3:55 He reassures the recipient that he will not attend any
25 mental health classes that he is assigned to attend. Minute 3:55.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

VII

RESTITUTION

At the writing of this sentencing memorandum, the victim, Jonathan Hanks, is seeking \$969.19 in restitution for the parts he purchased to assemble the Spikes Tactical AR-15 rifle which was stolen from his residence. If the State receives additional information about the value of the other stolen items it will update this amount at the time of sentencing.

VIII

CONCLUSION

Cota should be punished by imprisonment in the state prison for consecutive terms of 12 to 30 months for Grand Larceny of a Firearm and 28 to 72 months for Battery by a Prisoner in Custody.

Dated this 28 day of August, 2018.

MARK B. JACKSON
DISTRICT ATTORNEY

By: 
Matthew Johnson
Deputy District Attorney
P. O. Box 218
Minden, Nevada 89423
(775)782-9800

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

1 Case No. 18-CR-0116/ 18-CR-0084

2 Dept No. II

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

6
7 THE STATE OF NEVADA,
8 Petitioner,

9 vs.

10 MICHAEL LUIS COTA JR.,
11 Respondents.

12
13 INDEX OF EXHIBITS TO SENTENCING MEMORANDUM

| Exhibit | Title | Date |
|---------|--|--------------------|
| 1 | DCSO Deputy Report for Incident 09SO21280 | July 20, 2009 |
| 2 | DCSO Deputy Report for Incident 09SO32626 | November 4, 2009 |
| 3 | DCSO Deputy Report for Incident 10SO30635 | September 27, 2010 |
| 4 | DCSO Deputy Report for Incident 10SO33214 | October 21, 2010 |
| 5 | DCSO Deputy Report for Incident 11SO14243 | May 3, 2011 |
| 6 | DCSO Deputy Report for Incident 11SO37251 | November 15, 2011 |
| 7 | Probation Officer's Review Report with attached Willow Springs Center Letter | April 12, 2012 |
| 8 | Copper Hills Youth Center Psychological Services Consultation - Assessment of Risk | June 4, 2013 |
| 9 | Copper Hills Youth Center Discharge Summary | August 9, 2013 |
| 10 | DCSO Deputy Report for Incident 14SO32821 | November 24, 2014 |
| 11 | DCSO Deputy Report for Incident 14SO36011 | December 28, 2014 |
| 12 | DCSO Deputy Report for Incident 15SO01393 | January 14, 2015 |
| 13 | Northwest Academy Discharge Summary | May 20, 2015 |
| 14 | DCSO Deputy Report for Incident 18SO05042 | February 13, 2018 |
| 15 | DCSO Deputy Report for Incident 18SO08450 | March 14, 2018 |
| 16 | DCSO Deputy Report for Incident 18SO22094 | July 6, 2018 |

27
28

EXHIBIT 1

EXHIBIT 1

| Date | Type | Description | Relationship |
|-------------|-------------|---------------------------|---------------------|
| 04/20/18 | Name | BATCHELDER, KIMBERLEY ANN | mentioned |
| 04/20/18 | Name | STEPHANCIN, RHYS | mentioned |
| 04/20/18 | Name | MUNOZ, ALEXANDER JAMES | mentioned |
| 04/20/18 | Name | CLARK, TRINITY ANN | mentioned |
| 04/20/18 | Name | RUIZ, LUCIANO BENNIE | mentioned |
| 04/20/18 | Name | WARNER, JOBRONTAE XAVIER | mentioned |
| 07/22/09 | Name | SCHOFIELD, JENNIFER ROBYN | reporting party |
| 07/22/09 | Name | THOMAS, LAURA LEE | contacted |
| 07/22/09 | Name | PRESHER, AMANDA NICOLE | victim |
| 07/22/09 | Name | COTA, MICHAEL LOUIS JR | suspect |

Narrative

Douglas County Sheriff's Department
Investigation Narrative
Case# 09SO21280

Classification:

Battery / NRS 200.481
Incorrigible Juvenile

Details:

On 07/20/09, at approximately 2056 hours, I was dispatched to 927 Mica Dr. #103 for a battery report.

Upon arrival I contacted Jennifer Schofield (the reporting party) and her 13 year old daughter, Amber Presher. Amber told me the following:

On Thursday, 07/16/09, at approximately 1800 hours, Amber had been playing on the apartment complex lawn with other neighborhood children. One of the children, 10 year old Michael Cota, kicked Amber in the groin from behind when she bent over to pick-up her 3 year old sister off the lawn.

Jennifer told me she did not report the incident immediately because Amber left town to spend the weekend with her father and Jennifer did not think the incident was that serious. However, on today's date, Amber was still complaining of pain in her groin area. Jennifer stated she checked the area for injury and noticed significant bruising that she described "as yellowish and black". Jennifer stated she was not yet ready to take Amber to the hospital for evaluation, but would if the pain did not go away soon.

Jennifer told me that shortly before making the report she contacted Michael's mother (later identified as Laura Thomas) and told her about the incident, hoping Laura would make Michael apologize to Amber. Jennifer told me Laura seemed unconcerned, told her Michael suffered from "ADHD" (attention deficit hyperactivity disorder) and was on medication. Jennifer told me Laura stated, "there's not much I can do about it" and left it at that. Jennifer told me she knows Michael is on juvenile probation with Carson City JPO and she wants his probation officer made aware of the incident.

After speaking with Jennifer and Amber, I contacted Laura at her residence (3501 Vista Grande #H120). Jennifer told me she was aware of the incident and had already spoken to Michael about it. Laura stated Michael suffers from a severe case of ADHD, is "heavily medicated", is on juvenile probation with Carson City and goes to regular counseling sessions. She also told me this type of incident occurs frequently and she "tries the best (she) can" to control Michael but he is "very rough (to deal with)".

I asked to speak to Michael but Laura told me he was spending the night at a friends house in Carson City. I told Laura the incident would be forwarded to Michael's probation officer. Laura stated she understood.

Disposition:

Closed by report.
Forward to Carson City Juvenile Probation for review.
Forward to Douglas County Juvenile Probation for review.

Date, Time, Reporting Officer:

Wed Jul 22 06:02:18 PDT 2009, Deputy Jasperson #431

Reporting Officer

Responsible LEO:

Approved by:

Date

Supplement

Douglas County Sheriff's Department
Supplemental Narrative
Case # 09so21280

Classification:

Warrant Service

Failure to Appear

Attachments:

District Court Warrant 09-JV-0058D (No Bail)

Details:

On Saturday, April 14th, 2018 I completed a warrant service at 1386 Village Way #16. I learned Michael Cota had a felony warrant out of District Court II for failure to appear. I arrived on scene with other deputies and attempted to make contact at unit 16. While standing near the front door a neighbor approached and told Deputy F. Torres he saw Michael walk into unit 35.

We approached unit 35 and Deputy Torres heard Michael's voice coming from inside. Deputy Torres has dealt with Michael several times and recognized his voice. Deputy Torres also spoke to Michael on the telephone just before I arrived on scene. Deputy Torres knocked on the door, announced our presence and called Michael out by name. Michael opened the door and stepped out of the apartment.

Deputy Torres placed Michael into handcuffs, checked for proper fit and double locked them. I requested Dispatch confirm the warrant. A few minutes later, Dispatch advised the warrant was confirmed (09-JV-0058D / No Bail.)

At approximately 1535 hours, I arrested Michael. I searched Michael's person and transported him to the Minden Jail without incident.

Disposition:

Forward to the Douglas County District Attorney for Prosecution

Reporting Officer:

Deputy M. Sampson # 542

Supplement

Douglas County Sheriff's Department
Supplemental Narrative
Case # 09so21280

Details of Supplemental Narrative:

The purpose of this supplemental report is to provide additional information regarding the original report.

Classification:

Trespass Warning

Details:

On Saturday, April 14th, 2018 while assisting Deputy Sampson with a warrant service at the Rancho Apartments (1386 Village Way), I was approached by Kimberley Batchelder (Rancho Vista Apartments Manager).

Kimberley requested I accompany her to apartment #35 so she could issue a trespass warning to the individuals inside the apartment. The following individuals were issued a trespass warning, Jobrontae Warner (Validated Bloods Gang Member), Alexander Munoz (Validated Norteno Gang Member), Trinity Ann Clark, Luciano Bennie Ruiz and Rhys Arthur Stefancin Whitney (Bloods Associate). All the individuals acknowledged the warning and understood they would be arrested if they returned to the property.

DISPOSITION:

Closed by Report.

F. Torres #538

Name Involvements:

| | | | |
|----------------------------|--|---|---|
| mentioned : 129330 | Last: RUIZ DOB: 05/06/99 Race: W Sex: M | First: LUCIANO Dr Lic: Phone: ()- | Mid: BENNIE Address: 1379 VILLAGE WY; GVIL; #B City: GARDNERVILLE, NV 89410 |
| mentioned : 54354 | Last: BATCHELDER DOB: 11/20/68 Race: W Sex: F | First: KIMBERLEY Dr Lic: Phone: (775)782-9319 | Mid: ANN Address: 1386 VILLAGE WY; GVIL; 7 City: GARDNERVILLE, NV 89410 |
| mentioned : 138069 | Last: WARNER DOB: 09/08/92 Race: B Sex: M | First: JOBRONTAE Dr Lic: Phone: ()- | Mid: XAVIER Address: 400 MULLER LANE City: MINDEN, NV 89423 |
| mentioned : 69924 | Last: STEPHANCIN DOB: 10/18/99 Race: W Sex: M | First: RHYS Dr Lic: Phone: (775)782-0360 | Mid: Address: 1648 LANTANA DR; MIND City: MINDEN, NV 89423 |
| suspect : 41055 | Last: COTA DOB: 02/02/99 Race: W Sex: M | First: MICHAEL Dr Lic: Phone: (775)292-0704 | Mid: LOUIS Address: 1386 VILLAGE WY; GVIL; GVIL #16 City: GARDNERVILLE, NV 89410 |
| mentioned : 120518 | Last: CLARK DOB: 10/29/01 Race: W Sex: F | First: TRINITY Dr Lic: Phone: (760)895-0279 | Mid: ANN Address: 3669 CHEROKEE DR; INHL City: CARSON CITY, NV 89705 |
| victim : 41054 | Last: PRESHER DOB: 07/23/96 Race: W Sex: F | First: AMANDA Dr Lic: Phone: (775)267-4602 | Mid: NICOLE Address: 1385 MARY JO DR; RNCH City: G'VILLE RANCHOS, NV 89460 |
| mentioned : 83301 | Last: MUNOZ DOB: 12/12/94 Race: K Sex: M | First: ALEXANDER Dr Lic: Phone: (775)835-2600 | Mid: JAMES Address: 956 OPALITE DR; INHL City: CARSON CITY, NV 89705 |
| reporting party 24144 : | Last: SCHOFIELD DOB: 04/14/76 | First: JENNIFER Dr Lic: | Mid: ROBYN Address: 1445 ANNKIM CI; RNCH |

| | | | |
|-------------------|--------|----------------------|--|
| Race: W | Sex: F | Phone: (775)781-5606 | City: G'VILLE RANCHOS, NV 89460 |
| contacted : 38985 | | | |
| Last: THOMAS | | First: LAURA | Mid: LEE |
| DOB: 05/19/64 | | Dr Lic: | Address: 1386 VILLAGE WY; GVIL; GVIL; #16 |
| Race: W | Sex: F | Phone: (775)292-0704 | City: Gardnerville, NV 89410 |

EXHIBIT 2

EXHIBIT 2



Douglas County Sheriff
Deputy Report for Incident 09SO32626

Minden, Nevada

Nature: Juvenile Prob

Address: 701 JACKS VALLEY RD; JV EL;
JKVY, JKVY
Carson City NV 89705

Location: VO60

Offense Codes: DSPE, JBPC

| | | |
|----------------------------------|---|--------------|
| Received By: Deitrick K | How Received: T | Agency: DCSO |
| Responding Officers: Hubbard G | | |
| Responsible Officer: Hubbard G | Disposition: CJA 11/03/09 | |
| When Reported: 11:06:02 11/04/09 | Occurred Between: 11:06:02 11/04/09 and 11:06:02 11/04/09 | |

| | | |
|--------------|-----------------------|-------------------------|
| Assigned To: | Detail: | Date Assigned: **/**/** |
| Status: | Status Date: **/**/** | Due Date: **/**/** |

Complainant: 43402

| | | |
|---------------|----------------------|----------------------------------|
| Last: MAURER | First: DIANE | Mid: LYNN |
| DOB: 06/11/62 | Dr Lic: | Address: 217 S RICHMOND AV; CRSN |
| Race: W | Sex: F | City: CARSON CITY, NV 89703 |
| | Phone: (775)882-3744 | |

Offense Codes

| | |
|---|-----------|
| Reported: | Observed: |
| Additional Offense: DSPE Disturbing the Peace | |
| Additional Offense: JBPC Juvenile Beyond Parental Contr | |

Circumstances

| | | |
|----------------------------------|---|--|
| Responding Officers: | Unit : | |
| Hubbard G | 204 | |
| Responsible Officer: Hubbard G | Agency: DCSO | |
| Received By: Deitrick K | Last Radio Log: 12:21:54 11/04/09 CMPLT | |
| How Received: T Telephone | Clearance: ARR Arrest | |
| When Reported: 11:06:02 11/04/09 | Disposition: CJA Date: 11/03/09 | |
| Judicial Status: | Occurred between: 11:06:02 11/04/09 | |
| Misc Entry: | and: 11:06:02 11/04/09 | |

| | | |
|-----------------|---------------|----------|
| Modus Operandi: | Description : | Method : |
|-----------------|---------------|----------|

Involvements

| Date | Type | Description | Relationship |
|-------------|-------------|------------------------|---------------------|
| 11/04/09 | Name | COTA, MICHAEL LOUIS JR | Suspect |
| 11/04/09 | Name | MAURER, DIANE LYNN | Complainant |
| 11/04/09 | Name | DENNIS, JADA | Battery Victim |

Narrative

Douglas County Sheriff's Department
Investigation Narrative

CLASSIFICATION: NRS 392.910 Disturbance of School
NRS 200.481 Battery (Simple)

DETAILS:

On 11-03-2009 at about 1110 hours I was dispatched to the Jack's Valley Elementary School in regards to a battery report. Dispatch advised that a male fifth grade student had struck a female class mate. Upon my arrival I met with the special education teacher, Diane Maurer.

Maurer stated that the school has been having continuous problems with Michael Cota, the suspect in this case. Maurer stated that he fails to follow directions in class, throws things at other students and at staff members and teachers of the school. Maurer stated that he had been wandering all over the school today (11-03-2009) failing to follow instructions.

Maurer stated that Cota was currently in the school's conference room with another teacher, being kept separate from the rest of the student body.

Maurer told me that she had not witnessed the battery incident but had been told that Cota had struck another student while they were in class. At my request Maurer had the female victim escorted to the office where I could talk to her.

I met with the female student, Jada Dennis, in the front lobby area of the school. Also present was the school counselor, Jackie Hostler.

Jada stated that she had been in her classroom and they had been sent out for recess. She stated she stood up and started moving towards the door when Michael pushed her from behind. Jada stated that she was pushed into a table, striking the table with her upper legs. She denied being hurt. I asked Jada if she had said something or did something to Michael that may have caused him to push her. She stated she had not said anything to him prior to being pushed or even after being pushed. She stated her teacher (Barbara Sloan) had immediately told Michael to stop. Jada also stated her whole class had been present when she had been pushed.

I asked Jada if she wanted Michael to be arrested for pushing her. Jada stated she did not as Michael was her friend.

Maurer stated that the school would be calling Michael's mother and informing her of the incident.

I met with Michael, who was cooperative. I took him into custody for being disruptive in school and transported him to the Juvenile Probation Offices in Minden where he was turned over to the juvenile probation officers.

Date, Time, Reporting Officer:
11-04-2009 @ 1520 hours
Deputy Hubbard, G. S. #262

Reporting Officer

Responsible LEO:

Approved by:

Date

Name Involvements:

Suspect : 41055

Last: COTA

DOB: 02/02/99

Race: W

Sex: M

First: MICHAEL

Dr Lic:

Phone: (775)292-0704

Mid: LOUIS

**Address: 1386 VILLAGE WY; GVIL; GVIL
#16**

City: GARDNERVILLE, NV 89410

Battery Victim :45269

Last: DENNIS

DOB: 08/14/99

Race: W

Sex: F

First: JADA

Dr Lic:

Phone: (775)450-9793

Mid:

Address: 947 OPALITE DR; INHL; APT 3

City: CARSON CITY, NV 89705

Complainant : 43402

Last: MAURER

DOB: 06/11/62

Race: W

Sex: F

First: DIANE

Dr Lic:

Phone: (775)882-3744

Mid: LYNN

Address: 217 S RICHMOND AV; CRSN

City: CARSON CITY, NV 89703

| DOUGLAS COUNTY JUVENILE BOOKING SHEET | | | | BILLINGS | | | |
|--|---------------|----------------------------------|---------------------------|---|------------------------------------|-----------------------------|--|
| PRINT OR TYPE ALL INFORMATION LAST NAME: COTA FIRST: MICHAEL MIDDLE: Luis | | | | BILLINGS # 5221 Other: 0950 32626 | | | |
| | | | | DATE OF ARREST: 110309 | | TIME OF ARREST: 1150 | |
| ALIAS/NICKNAMES: _____ | | PHONE NO.: 775 883 1221 | | CHARGES: DISRUPTION OF SCHOOL ACTIVITIES Incorrigible 83. lbs | | | |
| RESIDENCE ADDRESS (Number, Street, City, State): 3501 W. GROVE #1130 CARSON CITY, NV | | | | | | | |
| MAILING ADDRESS (if different from above): _____ | | | | | | | |
| BIRTHPLACE (City and State): IDAHO | | DATE OF BIRTH: 020299 | | | | | |
| AGE: 10 | SEX: M | RACE OR COLOR: W | HEIGHT: 5'6" | WEIGHT: _____ | COLOR EYES: Brown | COLOR HAIR: BROWN | BUILD TYPE: SMALL |
| INJURED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | | MEDICAL TREATMENT BY: N/A | | | SOCIAL SECURITY NUMBER: N/A | | |
| MARKS, SCARS, TATOOS: _____ | | | SCHOOL: JUN. G. S. | | GRADE: 5TH | | DRIVER'S LICENSE OR OTHER I.D.: N/A |
| PARENT/GUARDIAN: LAURA THOMAS | | ADDRESS: SAME | | PHONE NO.: 775 883 1221 | | RELATIONSHIP: MOTHER | |
| PARENT'S EMPLOYED BY: CARSON PLAZA | | | | PHONE NO.: Non cell 450-6723 | | | |
| PROBATION OFFICER CONTACTED: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | | DATE: 110309 | | PARTENTS CONTACTED: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | | BY: SCHOOL OFF. | |
| RELEASED TO: <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | | | DATE: _____ | |
| ON PROBATION?: <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | TYPE: <input type="checkbox"/> INFORMAL <input type="checkbox"/> FORMAL | | WITH WHOM: _____ | |
| SPECIAL COMMENTS/ADDITIONAL INFORMATION: _____ | | | | | | | |
| OFFICER'S SIGNATURE:  | | | | | | | |
| _____ HUBBARD, G.S. | | | | | | | |

EXHIBIT 3

EXHIBIT 3



Douglas County Sheriff
Deputy Report for Incident 10SO30635

Minden, Nevada

Nature: Domestic

Address: 3501 VISTA GRANDE BL;#H120
INHL
Carson City NV 89705

Location: VNC11

Offense Codes: JBPC

Received By: Rahme D

How Received: 9

Agency: DCSO

Responding Officers: Harker J, McKone J

Responsible Officer: Harker J

Disposition: CLO 09/27/10

When Reported: 18:55:26 09/27/10

Occurred Between: 18:55:14 09/27/10 and 18:55:19 09/27/10

Assigned To:

Detail:

Date Assigned: **/**/**

Status:

Status Date: **/**/**

Due Date: **/**/**

Complainant:

Last:

First:

Mid:

DOB: **/**/**

Dr Lic:

Address:

Race:

Sex:

Phone:

City: ,

Offense Codes

Reported:

Observed: JBPC Juvenile Beyond Parental Contr

Additional Offense: JBPC Juvenile Beyond Parental Contr

Circumstances

LT20 Residence or Home

Responding Officers:

Unit :

Harker J

304

McKone J

302

Responsible Officer: Harker J

Agency: DCSO

Received By: Rahme D

Last Radio Log: 19:25:23 09/27/10 CMPLT

How Received: 9 911 Line

Clearance: RTF Report To Follow

When Reported: 18:55:26 09/27/10

Disposition: CLO Date: 09/27/10

Judicial Status:

Occurred between: 18:55:14 09/27/10

Misc Entry:

and: 18:55:19 09/27/10

Modus Operandi:

Description :

Method :

Involvements

| Date | Type | Description | Relationship |
|-------------|-------------|------------------------|---------------------|
| 09/27/10 | Name | THOMAS, LAURA LEE | Contacted |
| 09/27/10 | Name | COTA, MICHAEL LOUIS JR | Contacted |
| 09/27/10 | Name | COTA, MCKENNA LYNN | Contacted |

Narrative

Douglas County Sheriff's Department
Investigation Narrative
10SO309635

CLASSIFICATION:

Incorrigible Juvenile Report.

DETAILS:

On Monday September 27th 2010 at approximately 1855 hours, I was dispatched to 3501 Vista Grande Boulevard unit H120 for an incorrigible juvenile.

Upon arrival I contacted Laura Thomas and her son Michael Cota. Michael was sobbing on the couch pleading with me not to take him to jail. I told Michael to calm down and stop crying. Michael is an eleven year old juvenile who is on several different medications. Michael has mood swings, and gets violent sometimes. Michael is not on probation currently, but Laura told me this week the paperwork was completed with the courts.

Tonight Michael and his family arrived home about 1850 hours. Laura told Michael to go get his homework, and come back into the living room. Michael went into his room and shut the door. Laura told me Michael became upset because she insisted he complete his book report. Michael told me he hates homework and he hates school.

Laura told me she went into Michael's room and he started throwing things at her. Michael threw a pillow that hit a lamp, a shirt several toys among other items. Michael went into the dining area and overturned the dining table and began to throw the chairs down on the ground. Laura told me she and her daughter McKenna were hit with something. Laura was hit on her left forearm but does not know what it was, and there are no marks. McKenna was hit on her left hand, however she also has no marks and does not know what was thrown at her.

Laura told me she bought some supplies from Walmart that Michael destroyed. I contacted Juvenile Probation Officer Mike Torres and informed of the situation. Torres spoke with Michael via the telephone. Torres told me to complete this report and forward it to their probation office for review.

DISPOSITION:

Closed, forward to the Juvenile Probation Office for review.

Date, Time,
Mon Sep 27 23:12:57 PDT 2010
Reporting Officer:
J Harker #500

Responsible LEO:

Approved by: _____

Date _____

Name Involvements:

Contacted : 41055

Last: COTA

DOB: 02/02/99

Race: W

Sex: M

Contacted : 48602

Last: COTA

DOB: 10/31/97

Race: W

Sex: F

Contacted : 38985

Last: THOMAS

DOB: 05/19/64

Race: W

Sex: F

First: MICHAEL

Dr Lic:

Phone: (775)292-0704

First: MCKENNA

Dr Lic:

Phone: (775)671-5101

First: LAURA

Dr Lic:

Phone: (775)292-0704

Mid: LOUIS

Address: 1386 VILLAGE WY; GVIL; GVIL
#16

City: GARDNERVILLE, NV 89410

Mid: LYNN

Address: 1386 VILLAGE WY; #36 GVIL

City: GARDNERVILLE, NV 89410

Mid: LEE

Address: 1386 VILLAGE WY; GVIL;
GVIL; #16

City: Gardnerville, NV 89410

EXHIBIT 4

EXHIBIT 4



Douglas County Sheriff
Deputy Report for Incident 10SO33214

Minden, Nevada

Nature: Assault/Sexual

Address: 701 JACKS VALLEY RD; JV
ELEM; JKVY
Carson City NV 89705

Location: VO60

Offense Codes: ASIM

Received By: Oilar

How Received: T

Agency: DCSO

Responding Officers: Meyer J A-DCSO

Responsible Officer: Meyer J A-DCSO

Disposition: PEN 10/21/10

When Reported: 15:42:46 10/21/10

Occurred Between: 10:30:00 10/21/10 and 10:40:00 10/21/10

Assigned To:

Detail:

Date Assigned: **/**/**

Status:

Status Date: **/**/**

Due Date: **/**/**

Complainant: 14

Last: JACKS VALLEY
ELEMENTARY
SCHOOL

First:

Mid:

DOB: **/**/**

Dr Lic:

Address: 701 JACKS VALLEY RD; JKVY

Race: Sex:

Phone: ()-

City: CC,

Offense Codes

Reported:

Observed: ASIM Assault, Simple

Additional Offense: ASIM Assault, Simple

Circumstances

LT22 School or College

Responding Officers:

Unit :

Meyer J A-DCSO

SRO1

Responsible Officer: Meyer J A-DCSO

Agency: DCSO

Received By: Oilar

Last Radio Log: 15:48:20 10/21/10 CMPLT

How Received: T Telephone

Clearance: RTF Report To Follow

When Reported: 15:42:46 10/21/10

Disposition: PEN Date: 10/21/10

Judicial Status: PSP

Occurred between: 10:30:00 10/21/10

Misc Entry:

and: 10:40:00 10/21/10

Modus Operandi:

Description :

Method :

Involvements

| Date | Type | Description | Relationship |
|-------------|-------------|---------------------------------|---------------------|
| 10/25/10 | Name | MAURER, DIANE LYNN | Contacted |
| 10/22/10 | Name | JACKS VALLEY ELEMENTARY SCHOOL, | Complainant |
| 10/22/10 | Name | GREEN, NICHOLAS JAHN | Victim |
| 10/21/10 | Name | HILL-GILMARTIN, PAMELA JEAN | RP |
| 10/21/10 | Name | COTA, MICHAEL LOUIS JR | Suspect |
| 10/21/10 | Name | LAMB, VICKY | Contacted |

Narrative

Douglas County Sheriff's Department
Investigation Narrative
10SO33214

Classification: DCC 9.392.480 - Disturbance of School
NRS 200.481 - Battery

Attachments: 1 - Statement

Details: On October 21, 2010 at about 1515 hours I received a phone call from Jacks Valley Elementary School Principal Pam Gilmartin. Principal Gilmartin said Diane Maurer, a Special Education Teacher at JVES, reported to her that at about 10:30 AM she was at recess in the Four Square area outside of Jacks Valley Elementary School, 701 Jacks Valley Road, monitoring Michael Cota. Principal Gilmartin said Mrs. Maurer reported Michael Cota kicked Nick Green three (3) times in the back of ankle and then punched him (Green) in the stomach. Principal Gilmartin said she spoke with Bruno from Juvenile Probation who advised her to bring Michael Cota to JPO. I asked Principal Gilmartin if she had contacted Nick Green's parents yet, Principal Gilmartin said she did not.

I telephonically contacted JPO and spoke to Vicky Lamb. I explained the altercation to Mrs. Lamb and asked her if she would like Michael Cota brought to JPO as recommended by Bruno. Mrs. Lamb said if Michael is arrested he needs to be brought to JPO.

I telephonically contacted Principal Gilmartin and advised her I would not be able to arrest Michael. I requested she have Nick Green complete a statement of the incident. I then provided Principal Gilmartin with the case number and requested she provide it to Nick's parents and have them contact me if they would like Michael Cota charged.

On October 22, 2010 at about 0730 hours I responded to JVES and met with Principal Gilmartin and Mrs. Maurer. Principal Gilmartin provided me with Nick Green's statement. Principal Gilmartin told me that Nick's parents did not appear to want to pursue the incident. I asked Mrs. Maurer if the incident occurred while other students were around, Mrs. Maurer said it did. Principal Gilmartin said she has suspended Michael Cota for two (2) days for the incident.

Disposition: Closed - Forward to the Douglas county District Attorney's Office and JPO for review and decision.

Reporting Deputy: John A. Meyer DCSO #506

Responsible LEO:

Approved by: _____

Date _____

Name Involvements:

Suspect : 41055

Last: COTA

DOB: 02/02/99

Race: W

Sex: M

RP: 58

Last: HILL

GILMARTIN

DOB: 11/25/61

Race: W

Sex: F

Contacted : 55353

Last: LAMB

DOB: **/**/**

Race:

Sex:

Victim : 57323

Last: GREEN

DOB: 11/22/98

Race: W

Sex: M

Complainant : 14

Last: JACKS VALLEY

ELEMENTARY

SCHOOL

DOB: **/**/**

Race:

Sex:

Contacted : 43402

Last: MAURER

DOB: 06/11/62

Race: W

Sex: F

First: MICHAEL

Dr Lic:

Phone: (775)292-0704

First: PAMELA

Dr Lic:

Phone: (775)267-0569

First: VICKY

Dr Lic:

Phone: ()-

First: NICHOLAS

Dr Lic:

Phone: (775)267-3397

First:

Dr Lic:

Phone: ()-

First: DIANE

Dr Lic:

Phone: (775)882-3744

Mid: LOUIS

Address: 1386 VILLAGE WY; GVIL; GVIL
#16

City: GARDNERVILLE, NV 89410

Mid: JEAN

Address: 3506 LONG DR; INHL

City: MINDEN, NV 89423

Mid:

Address: 1625 8TH ST; MIND

City: MINDEN, NV 89423

Mid: JAHN

Address: 1006 SUNNYCREST DR; INHL

City: CARSON CITY, NV 89705

Mid:

Address: 701 JACKS VALLEY RD; JKVY

City: CC,

Mid: LYNN

Address: 217 S RICHMOND AV; CRSN

City: CARSON CITY, NV 89703

Nick Green
Nick Green
10-22-10

Thursday, October 21st, I was
kicked during recess by
Mike above the ankle. I said
stop. He listened. At lunch recess
Mike kicked me 3 times lightly while
I was tying my shoe. We were
at Y square. He cut me. I tried
to get back my spot but he
shoved me back. I tried again
he shoved me again and punched
me in the stomach and twice
in the arm. He ran, then I
hit him 3 times
back

105033214

EXHIBIT 5

EXHIBIT 5



Douglas County Sheriff
Deputy Report for Incident 11SO14243

Minden, Nevada

Nature: Assault/Sexual

Address: 3394 JAMES LEE PARK RD;
JAMES LEE ; INHL
Carson City NV 89705

Location: VO60

Offense Codes: ASIM

Received By: Bowling M

How Received: T

Agency: DCSO

Responding Officers: Battcher S, Love L, Brooks L

Responsible Officer: Battcher S

Disposition: PEN 05/04/11

When Reported: 19:27:54 05/03/11

Occurred Between: 19:27:49 05/03/11 and 19:27:49 05/03/11

Assigned To:

Detail:

Date Assigned: **/**/**

Status:

Status Date: **/**/**

Due Date: **/**/**

Complainant: 9384

Last: OATES

First: RICHARD

Mid: PAUL

DOB: 10/05/69

Dr Lic:

Address: 3325 SOMERSET WY; INHL

Race: W

Sex: M

Phone: (775)434-4796

City: CARSON CITY, NV 89705

Offense Codes

Reported:

Observed:

Additional Offense: ASIM Assault, Simple

Circumstances

Responding Officers:

Unit :

Battcher S

304

Love L

302

Brooks L

371

Responsible Officer: Battcher S

Agency: DCSO

Received By: Bowling M

Last Radio Log: 20:44:29 05/03/11 CMPLT

How Received: T Telephone

Clearance: RTF Report To Follow

When Reported: 19:27:54 05/03/11

Disposition: PEN Date: 05/04/11

Judicial Status:

Occurred between: 19:27:49 05/03/11

Misc Entry:

and: 19:27:49 05/03/11

Modus Operandi:

Description :

Method :

Involvements

| Date | Type | Description | Relationship |
|-------------|-------------|------------------------|---------------------|
| 05/03/11 | Name | OATES, RICHARD PAUL | Complainant |
| 05/03/11 | Name | HEAROLD, BRIAN RAY | Involved |
| 05/03/11 | Name | THOMAS, LAURA LEE | contacted |
| 05/03/11 | Name | COBB, DUEL ANTHONY | Involved |
| 05/03/11 | Name | COTA, MICHAEL LOUIS JR | Involved |
| 05/03/11 | Name | DAVIS, KIYAH JENEA | Involved |
| 05/03/11 | Name | SOBER, ALEXIA | Contacted |
| 05/03/11 | Name | STOREY, BLAKE | Involved |

Narrative

Douglas County Sheriff's Department
Investigation Narrative

CLASSIFICATION:

BATTERY NRS 200.481

ATTACHMENTS:

01 DCSO STATEMENT

On 5/03/11, at about 1927 hours, I was dispatched to James Lee Park for a possible brandishing of a knife. When I arrived, there were several people pointing in multiple directions regarding who I should contact. I was told a juvenile with a white T-shirt and shorts, with brown hair, possibly had the knife and was over at the skate park. I drove to the skate park and made contact with 16-year-old Brian Hearold.

Due to the nature of the call, I asked Hearold if I could check his person for any knives. Hearold consented to a pat down search. I did not locate any knives on Hearold. I asked Hearold if he had a knife at one point and he told me, "No." Hearold told me an older male, approximately 18-25 years old, had displayed a knife but the blade was not visible. I asked Hearold where this person was and he looked around and told me he could not find him.

While I was speaking to Hearold, an adult male, who identified himself as Richard Oates, came up to me and told me he had seen Hearold with a knife. Oates told me Hearold was wielding a small, black handled pocket knife with the blade extended. Oates was very adamant about Hearold wielding this knife and yelling at several people that he (Hearold) was going to use the knife.

Oates told me Hearold never pointed the knife at him but told me Hearold pointed it at the unknown male who had left the park that Hearold was talking about.

Hearold adamantly denied he ever had a knife and told me he was carrying a lighter in his hand at the time of the incident. Sgt. Brooks and Deputy L. Love arrived to assist.

After I was able to get everyone calmed down, I was told the following:

11-year-old Blake Storey and his friends were playing on the park playground equipment. Storey's friends were identified as 11-year-old Duel Cobb and 11-year-old Kiyah Davis.

While the three were playing on the slide, 12-year-old Michael Cota came over to Storey and forcefully pushed him. Storey pushed Cota back and then Cota grabbed Storey and drug him down the steps of the slide. Once on the ground, Cota put his hand up around Storey's neck area.

Both Cobb and Davis told me Cota's thumb was being pushed into Storey's neck area around his Adam's Apple, causing Storey to become light-headed. Storey then began to cry and Cota let him go. East Fork Paramedics arrived and medically treated Storey for a bump on his head he stated he received when he fell to the ground. Storey received a cold pack for his injury.

Hearold told me he saw this commotion and went to help Storey due to the size

difference between Storey and Cota. Hearold told me the unidentified male mistook Hearold as being a bully and on Cota's side, instead of trying to help. Hearold told me the unidentified male took Hearold's skateboard and tried to snap it in half.

I spoke to Storey's mother, Alexia Sober. Sober told me she was in the park and saw Hearold display a knife, with the blade visible. Sober told me Hearold never pointed the knife at her. Sober was more concerned with her son's welfare. Sober also wanted something done about Cota attacking her son.

We checked several areas in the park and did not locate a knife. Due to not locating a knife and not having a victim to report there was an assault with knife, Hearold was released.

DCSO dispatch advised me Cota is currently on Juvenile Probation. On-call Juvenile Probation Officer (JPO) Eric Anderson, contacted me by phone regarding Cota. I had not contacted Cota yet, as he was not at the park when I arrived. JPO Anderson advised me if I discovered anything more than the battery, to release Cota to his mother and instruct them to report to JPO in the morning.

I explained this to Sober and told her I was going to attempt to contact Cota at his residence. Sober was satisfied with this course of action.

Deputy Love and I went to Cota's residence located at 3501 Vista Grande, apartment #H120. I made contact with Cota and his mother, Laura Thomas.

Cota initially tried to tell me he was not involved in any altercation with Storey. Then he told me Storey punched him first and he responded with a light push. Then he told me he lightly pushed Storey first and then Storey punched him, so he punched Storey. Then Cota told me he forcefully pushed Storey and then Storey hit him. Then Cota finally told me he forcefully pushed Storey and Storey pushed him back.

Cota then told me he grabbed Storey and drug him down the steps of the slide and threw him to the ground. Cota told me he placed his hand up around Storey's throat. Cota told me Storey started to cry, so he let him up. I instructed Cota and Thomas to contact JPO in the morning regarding this case.

DISPOSITION:

Forward to the Juvenile Probation Office for prosecution of Cota for Battery. Cota admitted he was the primary aggressor in this incident.

Date, Time, Reporting Officer:

5/03/11 J. Scott Battcher #388

Reporting Officer

Responsible LEO:

Approved by: _____

Date _____

Name Involvements:

| | | |
|------------------------------|-----------------------------|--|
| Involved : 39155 | | |
| Last: COBB | First: DUEL | Mid: ANTHONY |
| DOB: 09/03/99 | Dr Lic: | Address: 903 OPALITE DR |
| Race: L Sex: M | Phone: (775)443-2072 | City: CARSON CITY, NV 897057127 |
| Contacted : 63140 | | |
| Last: SOBER | First: ALEXIA | Mid: |
| DOB: 09/13/79 | Dr Lic: | Address: 3325 SOMERSET WY; INHL |
| Race: W Sex: F | Phone: (775)434-4796 | City: CARSON CITY, NV 89705 |
| Involved : 63141 | | |
| Last: STOREY | First: BLAKE | Mid: |
| DOB: 02/17/00 | Dr Lic: | Address: 3325 SOMERSET WY; INHL |
| Race: W Sex: M | Phone: (775)434-4796 | City: CARSON CITY, NV 89705 |
| Involved : 41055 | | |
| Last: COTA | First: MICHAEL | Mid: LOUIS |
| DOB: 02/02/99 | Dr Lic: | Address: 1386 VILLAGE WY; GVIL; GVIL #16 |
| Race: W Sex: M | Phone: (775)292-0704 | City: GARDNERVILLE, NV 89410 |
| Involved : 63139 | | |
| Last: DAVIS | First: KIYAH | Mid: JENEA |
| DOB: 04/17/00 | Dr Lic: | Address: 2596 PINEBROOK DR; CRSN |
| Race: W Sex: F | Phone: (775)830-0314 | City: CARSON CITY, NV 89701 |
| Involved : 20187 | | |
| Last: HEAROLD | First: BRIAN | Mid: RAY |
| DOB: 01/18/95 | Dr Lic: | Address: 3332 PLYMOUTH DR; INHL |
| Race: W Sex: M | Phone: (775)267-3091 | City: CARSON CITY, NV 89705 |
| contacted : 38985 | | |
| Last: THOMAS | First: LAURA | Mid: LEE |
| DOB: 05/19/64 | Dr Lic: | Address: 1386 VILLAGE WY; GVIL; GVIL; #16 |
| Race: W Sex: F | Phone: (775)292-0704 | City: Gardnerville, NV 89410 |
| Complainant : 9384 | | |
| Last: OATES | First: RICHARD | Mid: PAUL |
| DOB: 10/05/69 | Dr Lic: | Address: 3325 SOMERSET WY; INHL |
| Race: W Sex: M | Phone: (775)434-4796 | City: CARSON CITY, NV 89705 |



**SHERIFF-CORONER'S
DEPARTMENT**
Douglas County, Nevada

STATEMENT FORM

VICTIM _____
WITNESS _____
DRIVER _____
PASSENGER _____

Page 1 of 1

| | | | | | | | | | | | |
|--|--|------------------------------------|------|--------------------------------|------------------------|--------------------------------------|------------------|--------------------|-------------------|--------------------|--------------------|
| LAST NAME - FIRST - MIDDLE <u>Heard Ray Brian</u> | | | | D.O.B. <u>1/18/75</u> | RACE - SEX <u>M</u> | CASE # <u>11 50 14243</u> | AGE <u>16</u> | HT. <u>5'6"</u> | WT. <u>160</u> | HAIR <u>brn</u> | EYES <u>brn</u> |
| PHYSICAL ADDRESS <u>3332 Plymouth DR</u> | | | | MAILING ADDRESS <u>SAME</u> | | HOME PHONE # <u>1775-267-3091</u> | | | | | |
| SS # | | EMPLOYMENT LOCATION <u>None</u> | | | | WORK PHONE # <u>None</u> | | | | | |
| VEHICLE INFORMATION | | YEAR | MAKE | MODEL | COLOR | | | | | | |
| LICENSE PLATE/STATE | | | | DRIVER'S LIC NO. | | | | STATE | | | |

MY OBSERVATION OR INVOLVEMENT IN THIS MATTER WAS AS FOLLOWS:

me and my girlfriend were walking down the street and there was a group of people yelling so we ran over there and grabbed the little kids bike and gave it to his sister and then some other guy was yelling at one of the little kids so I told the guy to calm down and back and grabbed my board and tried breaking it multiple times and threw it at my face so I pushed him and put my lighter in my hand and he picked up some big rocks so I walked back to the park

SIGNATURE OF PERSON MAKING STATEMENT:
Brian Heard

DATE/TIME:
5/3

EXHIBIT 6

EXHIBIT 6



Douglas County Sheriff
Deputy Report for Incident 11SO37251

Minden, Nevada

Nature: Assault/Sexual

Address: 1475 US HWY 395 N; CV MIDDLE
SCH; GVIL
Gardnerville NV 89410

Location: VO60

Offense Codes: ASIM

Received By: May A

How Received: T

Agency: DCSO

Responding Officers: Meyer J A-DCSO

Responsible Officer: Meyer J A-DCSO

Disposition: CJA 11/15/11

When Reported: 10:58:50 11/15/11

Occurred Between: 10:58:45 11/15/11 and 10:58:45 11/15/11

Assigned To:

Detail:

Date Assigned: **/**/**

Status:

Status Date: **/**/**

Due Date: **/**/**

Complainant: 20

Last: CARSON
VALLEY
MIDDLE
SCHOOL

First:

Mid:

DOB: **/**/**

Dr Lic:

Address: 1477 US HWY 395 N; GVIL;
GVIL

Race:

Sex:

Phone: (775)782-2265

City: Gardnerville, NV 89410

Offense Codes

Reported:

Observed: ASIM Assault, Simple

Additional Offense: ASIM Assault, Simple

Circumstances

CVMS Carson Valley Middle School

Responding Officers:

Meyer J A-DCSO

Unit :

SRO1

Responsible Officer: Meyer J A-DCSO

Received By: May A

How Received: T Telephone

When Reported: 10:58:50 11/15/11

Judicial Status: PSP

Misc Entry:

Agency: DCSO

Last Radio Log: 12:24:00 11/15/11 CMPLT

Clearance: ARR Arrest

Disposition: CJA Date: 11/15/11

Occurred between: 10:58:45 11/15/11

and: 10:58:45 11/15/11

| | | |
|------------------------|----------------------|-----------------|
| Modus Operandi: | Description : | Method : |
|------------------------|----------------------|-----------------|

Involvements

| Date | Type | Description | Relationship |
|-------------|-------------|------------------------------|---------------------|
| 11/18/11 | Name | PERKINS, ERNEST EDWARD | Contacted |
| 11/18/11 | Name | MONTES, DANIA | itness |
| 11/18/11 | Name | CARAS, BRANDON TAYLOR | Witness |
| 11/16/11 | Name | COTA, MICHAEL LOUIS JR | Arrested |
| 11/16/11 | Name | HARRIS, JOSEPH JOHN | Victim |
| 11/16/11 | Name | ONEILL, DANIEL JAKE | Witness |
| 11/15/11 | Name | CARSON VALLEY MIDDLE SCHOOL, | Complainant |
| 11/15/11 | Name | WOLD, DANNY WILLIAM | Reporting Party |

Narrative

Douglas County Sheriff's Department
Investigation Narrative
11SO37251

Classification: NRS 200.481 - Battery

Attachments: 5 - Carson Valley Middle School Statement Forms
1 - Douglas County Juvenile Booking Sheet
1 - Douglas County Detention Form
1 - Carson Valley Middle School Referral Form

Details: On November 15, 2011 at about 1050 hours I was at Carson Valley Middle School (CVMS), 1475 Highway 395, regarding an unrelated incident. The front office staff advised me that Assistant Principal Dan Wold needed to meet with me regarding an Assault investigation.

I met with Mr. Wold who told me that Student Joseph Harris reported that Student Michael Cota has been bullying him for the past two weeks. Mr. Wold said Joseph told him that Michael choked him today.

Mr. Wold told me that this was not the only issue with Michael today. Mr. Wold told me that me that Student Dania Montes has had unrelated problems with Michael today. Mr. Wold said that Dania told him and wrote "I was walking and then Mike says hey so I said hey back then he hit my leg with his big binder because last time he hit my head with it and it really hurt. As soon as I told him that he hit me again and I said oh woe dude and he keeps on walking"

Mr. Wold gave me a one-page Carson Valley Middle School Statement Form detailing the incident.

Mr. Wold told me that he has not interviewed Michael yet, but that Michael is currently in the office regarding an additional referral from a teacher who said Michael pushed another student in class with a full body press to the other students chest.

Mr. Wold then gave me a Carson Valley Middle School Referral Form regarding the incident.

Mr. Wold said he has already met with Joseph and got his side of the story. I asked Mr. Wold if there were any witnesses, Mr. Wold said there was and that he has already interviewed and deposed the following students:

Student Daniel "Jake" O'Neill said "Mike was pushing Joe and then I told Mike to stop pushing Joe. So then he choked Joe so I pulled Mike back and then me and Mike went to class".

Student Brandon Caras wrote "I saw Mike choking Joe in the hallway and throw him against the wall. I told Mike that that's not cool don't mess with Joe like that"

Mr. Wold then gave me two Carson Valley Middle School Statement Form regarding the above witnesses.

Mr. Wold and I then met with Joseph Harris who said for the past couple of

weeks he has been having trouble with Michael Cota. Joseph said he has told his teachers about the problems but Michael continues to bother him. Joseph said today at about 9:00 AM he was walking with Student Daniel "Jake" O'Neill in the C-Hall. Joseph said Michael Cota came up behind him and struck him the leg with his book bag. Joseph said when he turned around and told Michael to stop Michael grabbed the front of his neck with his (Michael's) left hand and tried to choke him. Joseph said he went into a classroom to get the teacher to help him and Michael followed him into the classroom. Joseph said Michael then ran out of the room before he (Joseph) got to the teacher.

I asked Joseph if Michael squeezed his neck or just put his hand on it, Joseph said Michael squeezed his neck.

Joseph Harris completed a one-page Carson Valley Middle School Statement Form detailing his recollection of the incident.

Assistant Principal Perkins and I then reviewed the video surveillance system and could see Michael Cota walking fast down the hallway weaving in between students. Mr. Perkins asked Michael what he was doing there, Michael said trying to catch up to Joe. We then checked a second camera in the hallway and could see Michael Cota follow Joseph into a classroom. Michael exited the classroom quickly a few seconds later. Mr. Perkins asked Michael why he went into the classroom because he had no business in there, Michael said Joe asked him to follow him into the classroom. Due to decorations hanging in the hallway the incident was not captured on video.

Mr. Perkins and I then met with Michael Cota. Mr. Perkins asked Michael if he choked another student, Michael said they were only playing around, adding that he put his hands on the back of Joe's neck. Michael continued and said Joe turned around and he (Michael) grabbed Joe's chest. Michael said Joe then asked him to go into the classroom with him so he followed him into the classroom. Michael said he then walked out of the classroom.

Mr. Perkins said that witnesses all say that he grabbed the front of Joe's neck. Michael denied grabbing Joe's neck and said he grabbed his chest not his neck. Michael denied trying to choke Joseph.

Based on Michael's admission he grabbed Joseph's neck and struck him with his book bag, Joseph's allegations and witness statements that Michael choked Joseph, I placed Michael under arrest for Battery. I handcuffed him, double locked the cuffs and checked their tightness. I then searched him and transported him to the Douglas County Juvenile Probation Office (JPO) and turned him over to JPO Officer Jon Enos.

I completed a Douglas County Juvenile Booking Sheet and a Douglas County Detention Facility Form.

Disposition: Closed - Forward to the Douglas County District Attorney's Office and JPO.

Reporting Deputy: John A. Meyer DCSO #506

Responsible LEO:

Approved by:

Date

Name Involvements:

Witness : 69618

Last: CARAS

DOB: 08/23/99

Race: W

Sex: M

Witness : 69509

Last: ONEILL

DOB: 05/18/98

Race: W

Sex: M

Reporting Party41

Last: WOLD

DOB: 10/20/56

Race: W

Sex: M

Witness : 64849

Last: MONTES

DOB: 02/23/99

Race: L

Sex: F

Arrested : 41055

Last: COTA

DOB: 02/02/99

Race: W

Sex: M

Complainant : 20

Last: CARSON

VALLEY

MIDDLE

SCHOOL

DOB: **/**/**

Race:

Sex:

Contacted : 64

Last: PERKINS

DOB: 11/26/55

Race: W

Sex: M

Victim : 43164

Last: HARRIS

DOB: 05/14/99

First: BRANDON

Dr Lic:

Phone: (775)292-0509

First: DANIEL

Dr Lic:

Phone: (775)267-4287

First: DANNY

Dr Lic:

Phone: (775)392-2160

First: DANIA

Dr Lic:

Phone: (775)220-1824

First: MICHAEL

Dr Lic:

Phone: (775)292-0704

First:

Dr Lic:

Phone: (775)782-2265

First: ERNEST

Dr Lic:

Phone: (775)267-4281

First: JOSEPH

Dr Lic:

Mid: TAYLOR

Address: 1320 GRANBOROUGH DR;
GVIL

City: GARDNERVILLE, NV 89410

Mid: JAKE

Address: 1311 JUDY ST; JNLN

City: MINDEN, NV 89423

Mid: WILLIAM

Address: 209 LAURA SPRINGS CI; MTVL
City: G'VILLE RANCHOS, NV 89460

Mid:

Address: 946 OPALITE DR; INHL

City: CARSON CITY, NV 89705

Mid: LOUIS

Address: 1386 VILLAGE WY; GVIL; GVIL
#16

City: GARDNERVILLE, NV 89410

Mid:

Address: 1477 US HWY 395 N; GVIL;
GVIL

City: Gardnerville, NV 89410

Mid: EDWARD

Address: 1314 CATHY LN; JNLN

City: MINDEN, NV 89423

Mid: JOHN

Address: 1620 10TH ST; MIND

Race: W

Sex: M

Phone: (775)225-1356

City: MINDEN, NV 89423

[Lined area for writing, mostly blank]

MIKE WAS PUSHING JOE AND THEY'RE TALKING
MIKE TO STOP PUSHING JOE SO THEY HE CHECKED
JOE SO I CALLED MIKE BACK AND THEY
ME AND MIKE WENT TO CLASS

STATEMENT BY JAKE O'NEILL 11-15-11

CARSON VALLEY MIDDLE SCHOOL STATEMENT BY JAKE O'NEILL





CARSON VALLEY MIDDLE SCHOOL
Statement Form

Student Name: Brandon Casas Date: 11/15/11

I saw mike checking Joe in the hallway
and throw him against the wall. I
told mike that that's not cool don't mess
with Joe like that.



CARSON VALLEY MIDDLE SCHOOL Statement Form

Student Name Dania Montes Date 11-15-11

I was walking and then Mike says hey so I said hey back then he hit my leg with his big binder and I told him to stop hitting me with his binder because last time he hit my head with it and it really hurt and as soon as I told him that he hit me again and I said oh woe dude and he keeps on walking.

witnesses - Crystal and Chardany

Signature Dania Montes



CARSON VALLEY MIDDLE SCHOOL
Statement Form

Student Name: Miky Cola Date: 11-15-11

We were walking in the hallway
I swung the back pack and it hit
him in the leg I grabbed the
back of his neck the 2nd
time he turned around a grade
his chest where he told me
to go in class room to tell
the teacher I walked in there
walked out.

Signature: _____

115037251



CARSON VALLEY MIDDLE SCHOOL
Statement Form

Student Name JOE Harris Date 11-15-11

Mike Has Been Pulling for the past 2 weeks.
I tell the teachers and they tell him But
He still does. Today Mike grabed my Neck
and tried chocking me But I took His
hand off me. I have a witness and It
is Brandon carroll. But I dont know His
last Name.

Brandon C. 49

JAKE ON 63

Signature JOE Harris

**DOUGLAS COUNTY JUVENILE
BOOKING SHEET**

BILLING COUNTY: (CIRCLE ONE)

Douglas; Lyon; Churchill; Nye; Parole; BIA;

Other: _____

PRINT OR TYPE ALL INFORMATION

BOOKING # 115037251

| | | | | | | | | | |
|--|--------------------|---|---|----------------------|---|--|-------------------------------|---|------|
| LAST NAME Cota | | | FIRST Michael | | MIDDLE Luis | DATE OF ARREST 11/15/11 | TIME OF ARREST 1130 | DATE/TIME OF BOOKING 11/15/11 | |
| ALIASES/NICKNAMES n/a | | | PHONE NO. 671-5101 | | | CHARGES: PV - Battery at school - School Suspension 62.040 | | | |
| RESIDENCE ADDRESS (Number, Street, City, State) 1386 Village Way Apt 36, Gville, Nevada, 89460 | | | | | | | | | |
| MAILING ADDRESS (If different from above) Same | | | | | | | | | |
| BIRTHPLACE (City and State) Boise, Idaho | | | DATE OF BIRTH 2/2/99 | | | | | | |
| AGE 13 | SEX Male | RACE OR COLOR White | HEIGHT 5' 6" | WEIGHT 120 | COLOR EYES brown | COLOR HAIR brown | BUILD TYPE small | | |
| INJURED <input type="checkbox"/> YES <input type="checkbox"/> NO | | MEDICAL TREATMENT BY N/A <input type="checkbox"/> | | | | SOCIAL SECURITY NUMBER unknown | | | |
| MARKS, SCARS, TATTOOS Eraser burns on lft forearm | | | SCHOOL CVMS | | GRADE 7th | DRIVER'S LICENSE OR OTHER I.D. N/a | | | |
| PARENT/GUARDIAN Laura Thomas | | ADDRESS SAJ | | | PHONE NO. SAJ | | RELATIONSHIP Mother | | |
| PARENT'S EMPLOYED BY Carson Plaza | | | | | PHONE NO. 883-1221 | | | | |
| PROBATION OFFICER CONTACTED <input type="checkbox"/> YES <input type="checkbox"/> NO | | | DATE | TIME | PARENTS CONTACTED <input type="checkbox"/> YES <input type="checkbox"/> NO | | BY | DATE | TIME |
| RELEASED TO <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | | | | DATE | TIME | |
| ON PROBATION? <input type="checkbox"/> YES <input type="checkbox"/> NO | | | TYPE <input type="checkbox"/> INFORMAL <input type="checkbox"/> FORMAL | | | WITH WHOM Enos | | | |
| SPECIAL COMMENTS/ADDITIONAL INFORMATION | | | | | | | | | |
| OFFICER'S SIGNATURE  A506 | | | | | | | | | |

Douglas County Detention Facility

Juvenile Arrest/Synopsis

| | | | |
|--|--------------|--|---|
| Juvenile Arrest/Synopsis | | | |
| NAME: | Last Cota | First Michael | Middle Luis |
| Date Booked: | | Time Booked: | |
| CHARGES | | N.R.S. / CODE | CASE # |
| 1. PV - Battery | | 62.040 | 11SO37251 |
| 2. - School Suspension | | | |
| 3. | | | |
| 4. | | | |
| 5. | | | |
| 6. | | | |
| BRIEF DESCRIPTION OF VIOLATION (PROBABLE CAUSE): | | | |
| <p>On November 15, 2011 at about 0900 hours Michael Cota was in the C-Hallway at Carson Valley Middle School, 1475 Highway 395. Michael walked quickly up behind a student and struck the student in the leg with his book bag. The Student turned around and Michael grabbed the student's neck with his (Michael's) left hand. The student told Michael to stop and Michael continued. The student then walked to his classroom and Michael followed him into the room and then exited the room prior to the teacher contacting him,</p> | | | |
| Location of Arrest: Carson Valley Middle School 1475 Highway 395 | | Time of Arrest: 1130 | |
| OFFENSE: Misdemeanor <input checked="" type="checkbox"/> Gross Misdemeanor <input type="checkbox"/> Felony <input type="checkbox"/> Status Offense <input type="checkbox"/> | | | |
| ACCOMPLICES: | | 1. _____ Juvenile <input type="checkbox"/> Adult <input type="checkbox"/> | 2. _____ Juvenile <input type="checkbox"/> Adult <input type="checkbox"/> |
| PARENTS AWARE: yes <input type="checkbox"/> no <input checked="" type="checkbox"/> present at arrest <input type="checkbox"/> by phone <input type="checkbox"/> | | | |
| ATTITUDE: Cooperative <input checked="" type="checkbox"/> Depressed <input type="checkbox"/> Combative <input type="checkbox"/> Frightened <input type="checkbox"/> | | | |
| Did youth mention suicide? yes <input type="checkbox"/> no <input checked="" type="checkbox"/> | | Is the youth dangerous to himself or others? yes <input type="checkbox"/> no <input checked="" type="checkbox"/> | |
| Are there current symptoms of alcohol or drug use? yes <input type="checkbox"/> no <input checked="" type="checkbox"/> | | | |
| Arresting Officer Enos | | Badge # 605 | Agency DCJPO |
| Transport Officer / JPO Signature Meyer | | Badge # 506 | Agency DCSO |

115037251

DISCIPLINARY REFERRAL

| | | |
|------------------------------------|--|-------------------------------------|
| Student's Name <i>Mike Cota</i> | Carson Valley Middle School 1477 Hwy 395 Gardnerville, NV 89410 (775)782-2265 | Date of Incident <i>11/15/11</i> |
| Teacher <i>Ms. Hawks</i> | | Period <i>4</i> |

Reason(s) for this notice:

Notice to Parents:

- | | | |
|--|-------------------------------------|----------------------------------|
| TRUANCY | POSSESSION OF TOBACCO | FIGHTING |
| DANGEROUS BEHAVIOR | DEFIANCE OF AUTHORITY/DISRESPECT | ACADEMIC DISHONESTY |
| HARASSMENT | FAILURE TO SERVE ASSIGNED DETENTION | STEALING |
| VANDALISM/DESTRUCTION OF SCHOOL PROPERTY | PERSISTENT MISCONDUCT | <u>OTHER</u> - <i>Aggression</i> |
| FAILURE TO REPORT UNSAFE CONDITION | | |

Referring Comments: *As Mike walked into class, he pushed another student with a full body press to the other student's chest.*

Teacher Action/Dates *11/15/11* *Asked student to step outside and go w/ Ms. Sandy to front office. He refused and I asked Ms. Sandy to get an admin to come get him. He then complied and went.*

Administrative Action:

- | | | | |
|------------------------|-------------------|-----------------|------------|
| STUDENT REPRIMAND | PARENT CONFERENCE | LUNCH DETENTION | SUSPENSION |
| AFTER SCHOOL DETENTION | | | |

Administrator Comments: _____

Administrators Signature _____ Date _____

WHITE - PARENT'S YELLOW - OFFICE PINK - TEACHER'S AMBER - COUNSELOR

EXHIBIT 7

EXHIBIT 7

RECEIVED

APR 13 2012

**DOUGLAS COUNTY
DISTRICT COURT CLERK**

FILED

2012 APR 13 PM 12:45

TED THUAN
CLERK
M. BIAGGIN
BY _____ DEPUTY

1 09-JV-0058B

2 Dept. No. II

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

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

In the Matter of

MICHAEL COTA

Probation Officer's Review Report

A Child Under the Age
of Eighteen Years.
Date of Birth: 2/2/99

On January 3, 2012, Michael Cota was admitted to the Willow Springs Treatment Center in Reno, Nevada. At the writing of this report, Michael has been there a total of one hundred days. During this time, Michael has shown minimal improvement. Michael had nine episodes in the first two months of this placement in which he showed high levels of aggression towards peers and staff. In the past month, Michael swung at a female doctor and hit a male nurse in the face. Last week, Michael attacked a roommate in his room and punched him in the face.

Today, April 12, 2012, Dr. Bruno Bielat, Daniel Crump, Michael's Therapist, Dr. Nussbaum, Michael's Psychiatrist, and myself, met to discuss Michael's status in the Program and a possible alternative placement for Michael. At the beginning of the meeting, we were informed that Michael had been involved in a situation prior to our arrival in which he had thrown water on another resident. We were then informed that Michael had been accepted for the program at Copper Hills Youth Center in West Jordan, Utah, and that it was the recommendation of the Willow Springs Program that he be sent there as soon as possible. Daniel Crump explained that they felt that Michael had hit a plateau with them and that he needed more specialized care than what they could provide. He also expressed that if Michael was released to go home, they felt that he would be set up for failure and would be back in detention very quickly.

WILLOW



SPRINGS CENTER

'A Residential Treatment Center
For Children and Adolescents'

To whom this may concern:

The following letter is being written on behalf of Michael Cota's recommendation to be transferred to Copper Hills Youth Center. Michael was admitted to Willow Springs Center on 01/03/2012 due to ongoing aggressive behavior and unstable mood. While at Willow Springs, patient as shown some progress as evident by a decline in aggressive outburst, resulting in restraint and some insight into core issues in therapy. Patient however has been unable to stabilize while in treatment with showing a pattern of weekly aggressive acting out. Patient is easily activated by other peers and large milieu resulting in patient making limited progress with skills in generalized environment. Patient has had 9 seclusions and restraints in the first 2 months of treatment. Dates are 1/12, 1/9, 1/19, 1/22, 1/25, 2/6, 2/8, 2/8, 2/15 each event is due to high levels of aggression toward peers, staff, and showing harm to self or others. Patient in the last month swung at female doctor and male nurse with making physical contact with male nurse. When questioned on the incident patient reported "I was just playing". As of 4/7/2012 attacked roommate resulting in patient needing to be isolated from the rest of the unit and on 4/12/12 hit another male peer outside during free time. Patient demonstrates ongoing property destruction on the unit when presented with uncomfortable emotions. Patient struggles with identification of any emotion other than anger resulting in ongoing acting out. The treatment team at this point feels patient has reached a plateau at current center, with a need for more specialized care in a smaller milieu that would allow for more one on one focused treatment. It is the treatment teams concern if patient was released he would quickly decompensate resulting in ongoing juvenile detention, not allowing patient to have long term recovery. If you have any questions please feel free to contact me. Thank you.

Daniel Crump CSW Intern
Therapist I
775-858-4553

EXHIBIT 8

EXHIBIT 8

**Copper Hills
Youth Center**

5899 West Rivendell Drive
West Jordan, Utah 84068

| | |
|----------------------|------------------------|
| PATIENT: | Michael Cota |
| MEDICAL RECORD #: | 005278 |
| DATE OF ADMISSION: | 05/03/2012 |
| DATE OF BIRTH: | 02/02/1999 |
| AGE: | 14-4 |
| SEX: | Male |
| DATE OF EVALUATION: | 06/04/2013 |
| ATTENDING PHYSICIAN: | Bret Marshall, M.D. |
| PSYCHOLOGIST: | David H Gambles, Ph.D. |

PSYCHOLOGY SERVICES CONSULTATION
Assessment of Risk

REASON FOR REFERRAL

The Copper Hills treatment team has requested that a sexual risk assessment be conducted with Michael Cota to assist with treatment coordination and discharge planning. Significant background information is available in Michael's medical chart and will not be repeated in its entirety in this report. The reader is referred to the medical chart for detailed background information.

COLLATERAL INFORMATION

Information for this report was collected from an interview, psychological testing and mental status exam with Michael. Additional information was collected from an interview with Michael's primary therapist, Linda Carlson, LCSW. Records were reviewed, including the following: Michael's medical chart, updated treatment plan, psychosocial evaluations, polygraph examination, psychiatric evaluation, therapist notes, monthly staffing meetings note, and attending physician's notes.

BACKGROUND INFORMATION

IDENTIFICATION

Michael is a 14-year-old male from Gardnerville, Nevada who is transferred from Willow Springs Center to Copper Hills Youth Center due to ungovernable behavioral and sexual misconduct. He has been admitted to the Bridges treatment unit at Copper Hills Youth Center in West Jordan, Utah for sexual misconduct treatment.

Michael has a long history of behavioral problems and mood instability. He has a history of verbal and physical aggression at home as well as a history of destruction of property, cruelty to animals, and has set fire at home putting other people in the apartment complex at risk. He has been on probation and most recently violated his probation when he assaulted a peer at school by attempting to choke him. He was subsequently admitted at Willow Springs Treatment Center on January 9, 2012 but transferred to Copper Hills following a sexual assessment which determined that Michael had likely committed criminal sexual offenses and that sexual misconduct should be addressed.

HISTORY CURRENT PROBLEMS

Records indicate a pattern of Michael touching his genitals in public and then denying an intentionality stating, "I was just adjusting myself." While in a treatment program Michael entered an area he did not belong and enticed or allowed a 10-year-old female to sit on his lap and he touched her over her clothing, her vagina and her breasts. This incidence is one of two known instances in which he has touched younger females for his own sexual gratification. In a psychosexual evaluation completed prior to his admission, Robert Stuyvesant reported, "Michael recently admitted to touching a 10-year-old female and stated, 'I prefer younger girls around 10-years-old'." Records report that since age 11 he has had extremely poor boundaries particularly involving females.

Records indicate that Michael has been diagnosed with Bipolar Disorder NOS and the related diagnosis of Mood Disorder NOS. Records indicate periods of elevated mood characterized by increased energy, increased impulsivity, poor judgment, lack of sleep and anger outbursts. The prominent theme is that Michael has a significantly unstable mood that falls on the spectrum of a mixed Bipolar Disorder.

Michael has previously been diagnosed with Attention Deficit/Hyperactivity Disorder, combined type. Records indicate the classic picture of this diagnosis. Environmental stimuli readily distract him such that his task durability is poor and task completion is impaired. He is more likely to finish short simple projects with concrete outcomes than longer than longer multi-step projects. He tends to be readily bored and prefers to move from one activity to another. He is impulsive in seeking immediate gratification of desires; which features as direct consequences for sexual acting out.

Confidential Consultation

Re: Michael Cota
Medical ID # 005278
Page 3 of 9

Michael has previously been diagnosed with both Oppositional Defiant Disorder and Conduct Disorder. He has long exhibited an oppositional attitude and frequently disobeys rules. He has had multiple behavioral problems as described above.

Records indicate that Michael's father has played a very limited role in his life. He does remember his father physically assaulting his mother, a behavior Michael has engaged in as well.

CURRENT PSYCHIATRIC MEDICATIONS

1. Zyprexa 15 mg each day in divided doses morning, noon and night
2. Amantadine 200 mg daily in two doses
3. Lamictal 300 mg daily
4. Clonidine 0.1 mg at bedtime
5. Trazadone 75 mg nightly

PAST PSYCHIATRIC CARE

Michael was first required to meet with a psychiatrist at the age of nine for anger and fights. He has had two acute admissions at Willow Springs and has been in residential care at Willow Springs Treatment Center.

HISTORY OF PHYSICAL OR SEXUAL ABUSE

Michael has witnessed domestic violence and potentially has suffered physical abuse from his father.

LEGAL HISTORY

Michael is on probation. He has a history of multiple charges.

SIGNIFICANT FAMILY HISTORY

Father has a history of drug and alcohol abuse or dependence. His mother has a history of alcohol abuse but apparently no longer uses alcohol. Michael has been living at home but had many behavioral problems at home and school.

ASSESSMENT PROCEDURES

Review of Prior Records
Clinical Interview
Mental Status Evaluation
The Wide Range Achievement Test - Revision 4 (WRAT-4)
Incomplete Sentence Blank (ISB)
Juvenile Sex Offender Assessment Protocol-II (J-SOAP-II)
Sex Offender Risk Appraisal Guide (SORAG)
Hare Psychopathy Checklist: Youth Version (Hare PCL: YV)

TESTING RESULTS

ACADEMIC DEVELOPMENT

The Wide Range Achievement Test - Revision 4 (WRAT-4): The WRAT-4 is an individually administered, reliable, and valid measure of academic achievement. It has been shown to measure knowledge and academic skills. While an IQ test can be thought of as a measure of what a person can learn an achievement test measures what academic information they have learned. Achievement tests can be very helpful in providing information to assist in determining the nature of an individual's learning difficulties.

Table 1: WRAT-4 Results

| Area | Score | Standard Error | Grade Equivalent |
|------------------------|-------|----------------|------------------|
| Word Reading | 74 | 4 | 2-3 |
| Sentence Comprehension | 72 | 3 | 2-4 |
| Spelling | 79 | 8 | 3-1 |
| Math Computation | 67 | 1 | 2-4 |
| Reading Composite | 71 | 3 | - |
| Average | 74* | 4* | - |

*calculated estimates, not including Reading Composite

Michael's academic achievement indicates that he is functioning at an academic level consistent with that of the typical mid-year third grader. His actual intellectual ability is likely to be higher than what these scores indicate. What is represented here is that he has likely not benefited from his past educational experiences, probably due to lack of involvement, behavior, ADHD or other learning impairment.

PERSONALITY OBSERVATIONS

Personality Development: Michael becomes defensive when he is expected to discuss psychological problems. He anticipates criticism and derogation. There is a fear of expressing emotion and losing control.

His self-doubts and low self-esteem may result in social withdrawal and a pattern of aggressive denial. A consistent and rigid behavioral pattern is maintained in which normal impulses toward adult autonomy and independence are restrained.

Sexuality: Sexuality is a major problem for Michael. He harbors serious reservations as well as a measure of confusion and discontent in relation to his impulses and the adult roles he is expected to assume. Troubled by these feelings, he may restrain his romantic inclinations toward

those who would be considered appropriate targets and may choose to pursue sexual gratification from individuals considered weaker or less likely to activate feelings of inadequacy. This young man recalls having been victimized by adults through much of his childhood. He exhibits features often associated with individuals who have internalized an identification with an aggressive role model.

Michael's impulses associated with body maturation and sexuality are likely to be rather troubling and difficult for Michael to control. He may also have an obsessive concern with some aspects of sexuality that create feelings of shame, inadequacy, and guilt. Others with similar personality feature may tend to act-out sexual in an attempt to free themselves, even though it may only be temporary, from these feelings of shame and guilt.

SEXUAL RISK PROTOCOL

Juvenile Sex Offender Assessment Protocol-II (J-SOAP-II): The J-SOAP-II is a formal checklist whose purpose is to aid in the systematic review of risk factors that have been identified in the professional literature as being associated with sexual re-offending. It is designed to be used with youth in the age range of 12 to 19 who have been adjudicated for sexual offenses and non-adjudicated youth with a history of sexually coercive behavior.

Michael was rated on the J-SOAP-II by the examining psychologist after an interview with Michael, a review of records and consultation with Michael's current therapist. The J-SOAP-II assesses three areas pertinent to risk of reoffending; these are: Sexual Drive and Preoccupation, Impulsive/Antisocial Behavior, and Response to Interventions.

Sexual Drive/Preoccupation Scale: Four items out of the 8 on this scale were endorsed at a moderate to high level giving this sub-scale a 25% endorsement rate. The results indicate the presence of the following risk factors.

- **Legally Charged and Chargeable Sex Offenses:** Due diligence of prior records indicate that Michael committed multiple chargeable offenses in the course of two incidences of molestation.
- **Number of Sexual Abuse Victims:** There were at least two victims of sexual abuse.
- **Degree of Planning:** There was a moderate degree of planning and execution involved in Michael's offenses.
- **Sexual Drive and Preoccupation:** History and observations at Copper Hills indicate that Michael has somewhat more sexual interest, preoccupation, and sexual impulsivity than do others his age.

Impulsive/Antisocial Behavior Scale: Following are the risk factors present under the Impulsive/Antisocial Behavior scale. Seven out of 8 risk factors were endorsed at a moderate to high level on this scale giving an overall endorsement rate of 25%.

- **Caregiver Consistency:** Evidence indicates that Michael experienced a moderate level of caregiver inconsistency without his father being positively involved in his life.

- **Pervasive Anger:** Currently, Michael is having few problems with anger management issues. However in the early stages of treatment there was a notable undercurrent of anger and frustration that was nearly always present.
- **School Behavior Problems:** In Prior academic setting Michael had behavioral and academic problems. He currently is doing better in school, but continues to have some behavioral problems.
- **History of Conduct Disorder:** There is a significant history of conduct problems in Michael's past.
- **Charged/Arrested Before Age 16:** Much of Michael's criminal-type behavior occurred before the age of 16.
- **Multiple Types of Offenses:** Michael has engaged in a high number and various types of personal and property offenses.
- **Exposure to Family Violence:** Records indicate that Michael was exposed and was likely the victim of domestic violence. He is reported to have perpetrated domestic violence on his mother.

Intervention Scale: Five out of seven items on this scale were rated at a moderate to high level of endorsement. The overall endorsement rate of this scale was 57%.

- **Accepting Responsibility for Offenses:** Michael has acknowledged all incidences of sexual misconduct, however he still finds situational or victim factors to shift blame for these events away from him. He takes an estimated 75% of the blame for his victimization on himself.
- **Internal Motivation for Change:** Michael will state that he does not want this type of behavior to occur again, however he struggles to create and accept a plan to insure that none of the pre-emptive behaviors or mental status that lead to the abuse occurs again. He simply and adamantly states that it will not happen again. Michael is currently more highly motivated by typical external consequences, than by internal motivations. Currently his behavior is modified only by environmental controls.
- **Understanding Risk Factors:** Michael can recite risk factors that have been reviewed in therapy sessions; however his expressed understanding is quite superficial.
- **Empathy:** While Michael appears to understand the concept, he expresses little empathy for others in general and does not tend to spontaneously express empathy for his victims, but will do so when prompted in therapy sessions.
- **Cognitive Distortions:** Interview and records indicate that Michael struggles regularly with thinking errors.

The results of the J-SOAP-II indicate that critical risk factors exist. Taken together, J-SOAP-II items were endorsed at rate of 52%. This would suggest a **Moderate-High** risk classification. Michael has features associated with a planning and opportunistic offender.

Sex Offender Risk Appraisal Guide (SORAG): The SORAG is an actuarial tool for the prediction of sexual offending recidivism. This measurement tool gives the probability (from zero to 100%) that an offender will commit a new sexual offense within a specified period of community access. The tool predicts how one offender's risk compares to a comparative group

of offenders who have re-offended. The SORAG is normed on and developed for adult and older adolescent male sex offenders. The SORAG was developed by members of the Quinsey, Rice, & Harris research group by studying the recidivism of more than 800 serious offenders; half of whom were forensic patients while the other half were convicted criminals. The SORAG uses 14 personal characteristics or variables to predict recidivism. However, the SORAG has been developed and shown to be valid even when a few of the variables are "unknown" and when the offender might be somewhat younger than the norm group.

The following table represents the results of the evaluation of Michael's current and historic risk variables:

TABLE 2: SORAG Scores

| | | |
|--------------------------------|--------------------------------|----|
| Lived with both bio-parents | No | 3 |
| Elementary School Adjustment | Severe and frequent | 5 |
| Alcohol & substance problems | Alcohol | 0 |
| Relationships | Problematic | 1 |
| Criminal History, non-violent | Yes | 3 |
| Criminal History, violent | Yes | 3 |
| Number Sexual Offenses, prior | Yes | 1 |
| Sex Offense, girl vic. only | Yes | 0 |
| Failure of conditional release | Yes | 3 |
| Age at offense | >26 | 2 |
| DSM-IV Personality Disorder | No | -2 |
| DSM-IV Schizophrenia | No | 1 |
| Phallic deviancy | Unknown | 0 |
| Hare PLC score | 12 | -1 |
| Total Score | Category 6 5yrs=58%; 10yrs=76% | 19 |

The results of the SORAG rating indicate that critical risk factors exist. The SORAG total score of 26 places Michael in the SORAG category 6, which suggests that the current probability of Michael sexually offending if released at this point is 58%, and increases to 76% within ten years. These results are associated with a Moderate-High risk classification.

BEHAVIORAL OBSERVATIONS

ANTISOCIAL TRAITS

Hare PCL: Youth Version (PCL: YV): The Hare PCL: YV provides a reliable and valid assessment of psychopathic traits and behaviors. The results of Michael's PCL: YV indicate the presences of some psychopathic traits. In terms of the degree to which he exhibits and possess psychopathic traits as compared to other male youth who are in residential settings, Michael scores at the 20th percentile rank. This score indicates that Michael manifests some antisocial traits, but not nearly enough to be considered for a DSM-IV diagnosis of antisocial personality disorder. While first impressions are positive, extended relationships tend to be exploitive. Michael is stimulus seeking. He will tend to dominate others. He has been assaultive. Compared to others his age he is less guided by societal norms, rules, or expectations. He is impulsive and irresponsible. He struggles to attribute failures and problems to his own decisions and actions; preferring to assume external causation for problem behaviors and their negative outcomes. The results of the PCL: YV suggest a Moderate risk classification.

CONCLUSIONS

In regard to Michael's current risk of sexual recidivism testing data indicate that a Moderate-High Risk classification is appropriate. Michael should be considered capable of planned offenses.

Michael has not reached completion of all residential treatment goals. Those who have authority in this case should consider allowing him the opportunity to continue in residential treatment until he has met all residential treatment goals. There are some key factors in Michael's risk profile that should be monitored carefully. At discharge Michael must be actively involved in sexual misconduct specific psychotherapy. Both group and individual therapy would be ideal. Michael will continue to require close monitoring and supervision. Michael should not have unsupervised access to the internet. He must not use substances. His time should be carefully structured and productively occupied. Only a minimum amount of his daily time should be allowed to be unstructured and unregulated. He must be accountable at all times for himself and his actions. He must be taking his psychiatrist prescribed medication. Currently medication is critical to Michael's success and critical to relapse prevention. Michael should at all times maintain good emotional and physical health. Any deviation from these recommendations and guidelines will result in increased risk of re-offense. Michael must not be allowed unsupervised access to children or vulnerable peers.

Michael must not re-connect with past delinquent peers. There is some indication that he wishes to do so.

As with any evaluation intended to assess risk, ongoing re-evaluation is necessary to account for the fact that adolescents are still developing; physically, emotionally and cognitively. A wide variety of factors may continue to influence their relative level of risk over time. In addition, adolescents that are progressing through treatment may sometimes return to unstable environments and living situations which further complicate an exact determination of risk.

Confidential Consultation
Re: Michael Cota
Medical ID # 005278
Page 9 of 9

Given the uncertain influence of maturational and environmental variables, future risk assessments are necessary. It should also be noted that this risk assessment is time-limited given the influence of dynamic and treatment outcome factors on an individual's overall risk level. At the time of any major transition, Michael's risk to re-offend will increase.

David H Gambles, Ph.D. Licensed Psychologist

EXHIBIT 9

EXHIBIT 9

Discharge Summary: Michael Cota
 Therapist: Linda Carlson, LCSW
 Admit: 5/03/2012
 Discharge: 8/9/2013
 Diagnosis: 296.80 Axis I Bipolar Disorder, NOS
 313.81 Oppositional Defiant Disorder
 314.01 ADHD, Combined Type
 312.30 Impulse Control disorder, (sexual misconduct)
 305.20 Cannabis Abuse

Axis II No Dx.

Axis III No Diagnosis

Axis IV Legal system, domestic violence, witness and perpetrator, educational and familial

Axis V Current: 38 Past Year: 50

INDIVIDUAL THERAPY: Michael was violent, defiant and disruptive when he first came to Copper Hills. He denied that he needed to be here and did not admit to any sexual acting out. He consistently chose negative peers and acted out with them. He seemed to enjoy acting out and not following rules. When he got upset that he was told no or didn't get what he wanted, he would self-harm or threaten suicide. He struggled with following rules and thought they didn't apply to him. Over time and with some medication adjustments he was able to calm down, participate in groups, school and activities and achieve the highest level. He led that for about a month and then dropped to the lowest level. He struggled in therapy to talk about his feelings and made progress in being able to recognize and identify his feelings and he could use adequate coping skills when he wanted to. He worked in his Roadmaps workbook and was on Chapter 10 when he left here. This is the section about safety rules and good boundaries. He struggled with sexual feelings toward some of the female staff members and wrote notes to them. They were able to handle it well and helped him see that it was inappropriate without shaming him. He had one incident of a peer touching his private parts over his clothes and he didn't tell about that until he took his polygraph. We reported it to the proper authorities. He passed the polygraph and admitted that he did need help with his sexual thoughts. He started to open up more in therapy and was working to understand and develop coping skills for his thoughts when he got angry and stopped working in therapy. One of his recurring issues was that he would be told that he could earn a visit, an LOA, an outing or one time, special trip downtown to meet his dad if he could maintain positive behaviors for a certain period of time. He would start acting out and not earn the privilege and would become angry at everyone around him, especially the people that he thought were the authorities. He usually wouldn't accept responsibility for his choices and would deny that he caused himself to lose the privilege.

Due to his JPO's and the treatment team's concerns about his acting out prior to his scheduled discharge in June, we ordered a risk assessment. This is a partial result of that testing: In regard to Michael's current risk of sexual recidivism testing data indicate that a Moderate-High Risk classification is appropriate. Michael should be considered capable of planned offenses. The recommendations are in that section of the discharge summary.

While here he worked on these goals: sexual misconduct, impulse control, communication, recognizing and expressing feelings appropriately, improving his reading, learning and applying effective coping skills rather than acting out, and taking responsibility for his actions.

RECREATION THERAPY: Mike struggled when he first arrived at Copper Hills. He was often violent and off task. He would disrupt the group and show no regret or remorse for doing so. He then was able to show improved behaviors. He earned his level and came on outings. He was able to be a positive peer, have positive interactions and follow directions. He demonstrated excellent social skills. He then began to regress and got back to a lower level. He never got back up to a high level and towards the end of his stay he had very inconsistent behaviors in groups. He would follow directions and be kind at times and other times disrupt the group and be disrespectful. It is recommended upon discharge that he has very strong boundaries set and held consistently, and that he has opportunities for positive and healthy recreation.

SCHOOL: Michael's level of participation in school has been inconsistent. At times he was well behaved and acted as a leader to his peers. However, Michael often fell into negativity and joined other peers who were acting out. Once Michael is off task and distracted it is very difficult for him to redirect. If Michael had a bad day, it was hard for him to let the past go and move on. Hence, the bad day would turn into a bad week. Michael has a hard time taking accountability for his actions and receiving consequences for his actions. During his time in our program, Michael's learning has been interrupted by long stretches of time when he refused to take part in school. In future placements, Michael will need a very structured environment.

CD: We worked on his CD issues in individual therapy. At first he denied drug use and then after he admitted it he minimized it. Toward the end he admitted that he was afraid to go home partly because he thought he would relapse into drug use again. We worked on a relapse prevention plan which included building positive relationships and talking about his feelings with his sisters, mom, or other trusted people in his life. He did not complete his relapse plan.

MILIEU: When Michael first came to Copper Hills he was on the youngest pod, the Roadrunners. He chose the negative peers and acted out with them. He was defiant, rude, disrespectful and bullied staff and peers. He rarely attended school and groups and was in the hall or away from the unit a significant amount of time. He would self-harm and threatened to kill himself a few times. Over time he started being more compliant and was able to achieve his higher levels, go on outings and stay in school and groups. He would ask to help out and showed empathy for his peers. After a family visit he lost his level and regressed to his old behaviors. He struggled for a few months and then started doing well again. While here he grew up and matured enough that we moved him up to the Pathfinders pod. He did well for awhile but when he found out in June that his discharge was moved due to his acting out, he got angry and started acting out again. He gave up, self-harmed, threatened to commit suicide and was up and down again. He never got up to his higher levels after June.

GROUP: Mike struggled to attend and participate in groups and often would walk out. When he did stay in group his participation varied from helpful, insightful and complaint to disruptive, rude and disrespectful. He seemed to learn the group topics and applied them to his life at times but other times didn't use them even when staff or peers would prompt him of the techniques they had learned.

He did not complete his goals but improved in many areas including improved social skills, recognizing and expressing feelings, improving communication skills, improving his relationship with his mom and sisters, using coping skills, and working on his sexual misconduct.

RECOMMENDATIONS:

Michael has not reached completion of all residential treatment goals. Those who have authority in this case should consider allowing him the opportunity to continue in residential treatment until he has met all residential treatment goals. There are some key factors in Michael's risk profile that should be monitored carefully. At discharge Michael must be actively involved in sexual misconduct specific psychotherapy. Both group and individual therapy would be ideal. Michael will continue to require close monitoring and supervision. Michael should not have unsupervised access to the internet. He must not use substances. His time should be carefully structured and productively occupied. Only a minimum amount of his daily time should be allowed to be unstructured and unregulated. He must be accountable at all times for himself and his actions. He must be taking his psychiatrist prescribed medication. Currently medication is critical to Michael's success and critical to relapse prevention. Michael should at all times maintain good emotional and physical health. Any deviation from these recommendations and guidelines will result in increased risk of re-offense. Michael must not be allowed unsupervised access to children or vulnerable peers.

He should have random UA's to support his sobriety and it would be helpful if he could attend a group to address the CD and sexual acting out issues. He also needs to complete his Roadmaps workbook beginning where we ended in chapter 10. He will need to attend school according to his IEP with close supervision in a very structured environment. He will need to continue to take his medications as ordered and have medication management and therapy through Carson Mental Health. Michael must not re-connect with past delinquent peers. There is some indication that he wishes to do so.

Michael Cota's Incidents (Fax)

08/04/13 (1900) Michael and a peer were refusing to return to the unit. They walked with staff down the hall and were being disruptive and kicking doors and walls. They stayed in the hallway and ran out into the courtyard when a staff opened the door. Michael and his peer stated that they were going to stay in the courtyard until 2200. They climbed up a tree and sat there for a while before finally deciding to take their meds and return to the unit for bed time.

08/04/13 (1140) Michael was talking to the unit shift manager and got very upset. He then picked up a chair and threw it at staff. He then shoved the staff and walked to the end of the hall and sat down where he verbally threatened to fight the staff.

08/03/13 (1330) Michael had been struggling all day and after PM group he went into a patient restricted area and refused to leave. He was processing with staff when a peer walked up and provoked Michael. He got up and attempted to attack the peer. Staff had to physically redirect him several times. He did not attack the staff or peer and was able to process and redirect.

08/02/13 (1300) Michael and a peer were making rude comments to each other. Michael became upset and got up and kicked the peer in the face. Staff stood between them and additional staff responded. Michael pushed the staff but did not attack them; he then paced the hallway and sat down. He stayed on the unit during lunch.

07/29/13 (0810) Michael was upset with a peer who had taken another peer's Legos. When the peer went to return the Legos Michael followed him to make sure he did it. The peer turned around and yelled at Michael which upset him more. Michael then pushed the peer which caused him to knock over the hygiene bins and hit the ground hard. Michael walked away and was able to redirect. Michael told a staff that he did not mean to push the peer that hard.

07/28/13 (1200) Michael became upset when he was told he could not go to the gym because he of an issue the previous day. He kicked through the unit doors and went into the cafeteria. He climbed up on the conveyer belt and was not following prompts. He returned to the unit and took a pair of scissors that was being used for an art project and went to the end of the hall. He clipped himself twice on the arm with the scissors. Staff was able to talk with Michael and he returned the scissors. The nurse then checked on him to make sure that he was fine.

07/27/13 (1825) Michael was agitated throughout the day because of a previous incident. When another peer was acting out Michael picked up a piece of DVD case that had broken and began to self harm by cutting himself on his left arm. He took a PRN and had his arm examined by the nurse. Michael continued to act out by kicking doors. When he was told he couldn't go to the cafeteria because of his behaviors he then attacked staff by

punching them in the stomach and chest. Michael went down to the end of the hall and agreed to take a time out off the unit. He was able to return to the unit for bed prep.

07/07/13 (1230) Mike was playing catch with a peer and slipped as he went to catch the ball the previous day (07/06/13). He stated he was poo, however today (07/07/13) he showed staff he had a scrape on his arm.

06/30/13 (1500) Multiple peers reported to staff that Mike and a second peer have been bullying them for their food. The peers stated they are too scared to say no when bullied and asked for food from the two. The second peer has also stolen another peer's candy and given it to Mike. Mike and the second peer become upset when the peers say no, however the peers eventually give in due to being scared of the repercussions.

06/29/13 (1810) Upon returning to the unit from the gym Mike took a basketball and bounced it in the hall. He refused to give it to staff and intentionally bounced it hard enough to break a ceiling tile. Once this happened he laughed and continued to refuse giving the staff the ball then broke additional ceiling tiles. Once additional staff arrived Mike willingly went to the timeout room where he broke a ceiling tile that had fallen. Once he redirected Mike cleaned up the mess he made.

06/29/13 (1426) A peer was agitated and began to act out while in the cafeteria. When the peer walked out of the cafeteria Mike followed him and encouraged him to break a ceiling tile the peer grabbed. Both Mike and the peer refused to process with staff. Mike then told the peer to go back into the cafeteria and they did. The peer then continued to act out and Mike threatened to act out with the peer when the peer throw a chair. Additional staff arrived and Mike agreed to return to the unit.

06/27/13 (1645) Mike was upset he was on gym restriction and began to kick a bedroom door breaking the deadbolt. He then wanted to the staff bathroom on the unit and kicked the handle u nit he was able to open it due to breaking the lock/handle. Once he opened the door he entered and kicked the trashcan and paper towel dispenser. He left the bathroom and attempted to kick into the balls closet but was unable to and ran out of the unit. Staff was able to eventually calm him down and he redirected.

06/26/13 (1547) Mike became disruptive in class and stood on the table then stuck pens in the ceiling. He also lied down on the table and tipped it over. he then broke the teacher's boundaries and jumped up on down on the table and broke it when prompted.

06/25/13 (1735) Mike was agitated with staff in the gym and threw a basketball into the ceiling breaking tiles once back on the unit. He was able to go with his to calm down and redirect.

06/25/13 (0800) A peer was sitting on top of a trash can when Mike and a peer began to kick the trash can. Mike eventually kicked it hard enough to where the trash can tipped over and the peer fell and hit his head on the door.

06/22/13 (1945) Mike entered the lounge and slammed the door then stated he was upset with a staff. At bedtime he began to kick the doors because he wanted to make a phone call. Once he calmed down he was allowed to make a call but continued to act out once the call ended. Staff processed with him and found Mike had been refusing his meds but said he would start taking them again.

06/19/13 (0835) Staff heard Mike tell a peer he did not appreciate the peer quickly opening the bathroom door while he was in there. The peer asked Mike what he was going to do about it and they began to punch and push each other. Mike was able to walk away from the peer after pushing him.

06/16/13 (2015) Mike wanted to attack a peer and chased after him during bed time. When staff prevented him from doing so Mike punched staff and verbally threatened them. Later Mike found a spork and began to self-harm while in the timeout room.

06/15/13 (1300) Mike became upset when his peers confronted him about his negative behaviors. He found a spork in the lounge then ran to the timeout room where he began to self-harm. Staff processed with Mike and he gave them the spork, the nurse was called and evaluated Mike's wounds then applied basic first aid.

06/14/13 (0945) Mike and a peer were feeding into each other then became upset when staff did not allow them to pick a movie. Mike and the peer became verbally aggressive with staff the peer hit the filing cabinet and Mike tinkered with it until the sliding doors came out.

06/13/13 (1300) Mike and a peer found aluminum foil which had been thrown away from a peer's breakfast. They took the foil and began to self-harm making themselves bleed. Mike also broke a spork later and attempted to self-harm with it as well.

06/11/13 (1320) Mike walked out of the cafeteria and a peer soon followed him. They began to jump on the window ledge, bang the windows and tried to pull open the door to the courtyard. A second peer joined them and they pushed through the doors leading to the main hallway. Additional staff arrived and separated the three boys.

06/09/13 Mike flipped off male residents from another unit who were in the courtyard. Later Mike and a peer told a second peer they were going to jump a resident from the arches unit and beat him up.

06/09/13 (1800) A peer approached staff during dinner and informed them they overheard Mike and a second peer planning to act out. Mike and the second peer were planning on knocking the windows out and upsetting the female residents in the courtyard. Soon after Mike and the second peer began to pace, look out the windows and pretended to posture staff. The second peer then pushed through staff into the hallway and Mike followed. Staff blocked the door leading to the courtyard and both stayed in the hall for an extended period of time until a staff opened the door unknowingly. Mike as well as the peer ran through it to the main hall and refused to return to the unit; Mike ran

up the stairs to the therapist's office and the peer soon followed. After a few moments, both agreed to walk to the unit however they broke through the doors and pulled open the door to the courtyard. Mike began to climb a tree but stopped when told he would be on unit restriction longer. After several minutes both Mike and the peer agreed to return to the unit and spoke with the shift manger.

04/06/13 (1850) A peer was eating a banana during dinner time when Mike and his peers began to make inappropriate comments. Mike denied making any comments however two of his peers stated Mike made comments.

03/08/13 (0945) Mike approached a peer that was pushed to the ground and being targeted by other peers then kicked him in the head. Mike walked away, however when additional staff arrived Mike was taken to a timeout room and placed on seclusion for 135 minutes and given a PO PRN.

03/06/13 (1145) Michael walked out of class after receiving a consequence for being defiant. As he was walking to the unit he punched walls and broke a ceiling tile. When he made it to the unit he attempted to break door handles but was prevented from doing so by staff. He eventually redirected with staff distraction.

02/20/13 (1525) A peer was provoking Mike and attempted to take an object from Mike's hands. When the peer attempted this, Mike grabbed the peer's head and shoved it making the peer lose his balance. Mike was then removed from the area and was able to redirect quickly.

02/17/13 (1740) Mike went out into the hallway and began to pick at a scab using a bendy pen and his fingernail. Staff attempted to process with him and asked for the pen back. Mike dropped the pen and went back into the lounge where he took another bendy pen and began self-harming by picking at the scab again. Staff processed with him again and he began to redirect. He told staff he was upset with his therapist because she pushed back his discharge date. He agreed to take a PO PRN and redirected soon after.

02/15/13 (1155) Mike became upset when he was not allowed to go to the computer lab and after he was told he was on a comm. block with a peer. He walked out of class and went down the hall. He then targeted staff and attempted to attack them. He was placed in a restraint for 15 minutes and given a PRN via IM prior to being released from the restraint.

02/14/13 (2020) Mike and a peer began to argue when the peer was taking an excessive time in the bathroom. The peer began to posture Mike and Mike got out of bed and began to verbally threaten and posture the peer. Staff intervened however they both continued to threaten each other. Mike was then escorted out of the room and placed in a brief 1 minute restraint before being taken off the unit and placed on seclusion for 44 minutes. While in seclusion he took a PO PRN.

02/13/13 (1145) Mike was given a cleaning rag to clean the ink off the wall. When staff asked for the rag back Mike told staff he was going to kill himself with the rag. He then took the rag and tied it in a loop on the door hinge. He then tried to jump and put his neck through the loop. Staff intervened and was able to get the rag down and away from Mike, Mike then paced the hallway.

02/13/13 (1045) Mike was in the hallway and shouted to a staff he was going to stab them. The staff was helping a peer when Mike came closer and tried to get into the sharps room by pushing past them. The staff saw Mike had a bendy pen and stabbed the staff in the knuckle breaking the skin. Mike attempted to stab the staff again but was not able to.

02/12/13 (1115) Mike was uncooperative and refused to follow prompts. He became disruptive in class then used a small plastic piece to cut his fore arm. He was able to redirect once he began to work on his assignment and after talking to staff.

02/11/13 (2000) Mike became more agitated when he was told he would not be seeing his dad the next day and began to threaten and posture multiple staff. During bed prep he stood in his doorway with sweatpants wrapped around his neck, and appeared to be choking himself, he then told staff he wanted to die. Staff was able to get their fist between his neck and the pants while they talked Mike into removing the pants from his neck.

02/06/13 (2000) Mike was sitting in the hallway from previously being in a restraint. He began to walk the hallway and stated he was going to attack a specific male staff. Staff held him against the wall while the targeted staff left the area. Once the staff left Mike willingly went to the timeout room and processed with staff.

02/06/13 (1925) Mike returned to the unit after redirecting from an earlier restraint. Staff asked him if he would be ok in the lounge, but Mike became disrespectful and used vulgar language towards the staff. He was told he needed to stay in the hall due to his behavior. A few moments later, Mike knocked on the door to be let in however when staff opened the door Mike attempted to push, tackle, and hit staff. Additional staff arrived and pulled Mike off the staff but he continued to threaten the staff.

02/06/13 (1902) During wrap up group a peer began to provoke the others. Staff was redirecting the peer when Mike muttered something under his breath then left his seat and walked towards the disruptive peer and kicked him in the foot and began to posture him. The peer kicked Mike back and staff intervened however Mike continued to go towards the peer. Staff attempted to de-escalate Mike but he began to push staff and attempted to take staff to the ground and into the book shelf. When staff was able to break loose Mike went into the hallway and attempted to interfere with staff placing another resident in a restraint and attempting to push them over. Additional staff placed Mike in a restraint for 10 minutes and took a PO PRN once he was released.

02/06/12 (1655) Mike was agitated while in the gym and took a peer's volleyball even though Mike already had a basketball. The peer attempted to take back the volleyball and

Mike became more agitated. Mike kicked the peer and threw the ball hitting the peer in the face after the peer refused to leave him alone. The peer was removed and Mike eventually agreed to leave the gym with staff.

01/29/13 (1030) Mike was in group and when he finished his assignment he asked if he could play with his Legos. Staff told him that he was unable to play with them at that time. He became agitated and left the lounge to pace the hallway. Mike then entered a patient restricted area where another staff was at and began to throw things on the ground. Staff prompted Mike to leave but he refused and additional staff was called for. He was placed into a restraint for 10 minutes, given a PRN IM and placed on seclusion for 150 minutes.

01/24/13 (1430) Mike joined his peers who were in line going to school. A peer started to provoke him and Mike went up to the peer and punched him in the face. The peer didn't hit him back.

01/22/13 (1520) Michael was off task while on the unit and asked staff if he could go to the lounge. Staff said no and he then kicked staff twice. Michael was informed that he was getting a consequence and he then tried to attack staff. He was placed into a restraint for 10 minutes and given a PRN IM.

01/19/13 (1403) Michael was being disruptive through out the day. Michael was told by staff that he would not be attending lunch due to his unsafe behaviors. He agitated and standing in the hallway calmly while his peers were going to lunch. Once all of his peers were off the unit Michael rushed the door and tried running off the unit. Staff stopped him. Michael continued to try to get through the door but eventually stopped. He stood in the hallway with staff and would jerk towards the door every time it opened as if he was going to try and run off the unit again. He spent time in and out of the time out room.

01/18/13 (1340) Michael used a piece of plastic to scratch his arm causing it to bleed lightly.

11/16/12 (1025) Mike expressed he had feeling for another staff member to staff. Mike was encouraged to keep appropriate boundaries with the staff he mentioned. Shortly after he broke a piece of the Lego's he was playing with, went to the hallway and started to cut himself on the left forearm. Mike eventually gave staff the Lego piece then had his forearm evaluated by the nurse.

11/13/12 (0800) Mike got upset when he found he received a consequence from the previous day and began throwing laundry baskets. He then stated he was going to throw chairs and staff stepped in front of a chair. Mike shoved staff forcefully then walked toward a different chair and threw it. He then shoved staff multiple times. Additional staff then attempted to escort him to the timeout room however he began to fight against staff and attempted to trip them, staff then placed Mike in a restraint for 10 minutes which was followed with 120 minute seclusion upon being released.

11/08/12 (0912) Mike left the lounge and began hitting the walls. He told staff he was mad at everyone and began calling female staff names when she went to check on the situation. Mike then began to encourage a peer to act out and told him he would help him multiple times. Staff tried to remove the peer however Mike followed them and pushed staff as the peer slapped staff. Mike then grabbed the female staff's breast and was placed in a restraint for 7 minutes. He was given a PO PRN once he was released then placed on seclusion for 120 minutes.

11/07/12 (1400) Mike became upset with a peer during a football game and threw two footballs at the peer. He then ran up to the peer and punched him in the face. Mike was escorted back to the unit and claimed the peer provoked him and deserved to be hit.

11/07/12 (1200) Staff saw Mike ask down to the end of the hall and approached him. When asked if he was ok staff noticed he had a sharp object from his hygiene box and was using it to scratch himself with it. Staff was able to process with him and he willingly gave the sharp object to them.

10/25/12 (1815) Mike was provoking his peers and not following directions. After being asked to leave the lounge Mike went to the timeout room and tried to destroy the light. He was placed in a restraint for 5 minutes after he began pushing staff and tried to hit them. He was able to redirect once he was released.

10/25/12 (0745) Mike was upset when he could not get the weighted vest he wanted. He kicked a chair multiple times and broke a piece of plastic from it. Mike took the piece and scraped his left arm with the plastic. He was able to talk to staff about his frustration and voluntarily gave the plastic piece back to staff.

10/11/12 (1720) Mike refused to walk out of the gym with the unit and began threatening staff. He was able to walk away from staff and began punching the metal door leading out to a lawn. When a different staff approached him to ask if his bloody knuckles were ok he called them derogatory names. He was given space and decided to walk back down with the unit.

09/09/12 (1746) Mike slipped and fell while playing in the courtyard. He told staff he hit his big toe on his right foot and that it hurt.

08/08/12 A peer was in his room when a second peer pushed past staff to try and attack the peer. As staff was removing the peer when Michael and a second peer ran past staff to attack the peer and punched him in the head several times before staff was able to separate them.

08/08/12 (1825) Mike broke a plastic container and used to cut his wrist. He then gave to contraband to a peer and encouraged him to act out and self-harm. They eventually gave staff the contraband after the peer inflicted self-harm with the plastic.

08/08/12 (1815) Mike was agitated and began to act out in the day room. he escalated and threw the water cooler then jumped on it causing it to break.

07/30/12 (1710) Mike had a confrontation with a peer while playing football. Mike thought the peer intentionally hit him with the football and attacked him. Staff was able to separate them; however Mike became aggressive toward staff and was placed in a restraint for 5 minutes.

07/25/12 (1245) Mike was upset over losing his level and was wandering the hall kicking doors. He found a piece of a plastic toy on the floor and began to scrape his arm with it. He eventually stopped and was given ointment and a band aid.

06/27/12 (0745): Mike was upset, picked up a garbage can and chased a peer into a bedroom and threw it at him. Staff was able to grab his arms before further aggression and calmed him down.

06/26/12 (1350) While in the courtyard Mike left the game he was playing with peers and refused to return to play. He began banging on the windows then took a wooden stake use to mark off an area. When staff approached him he threatened to hit staff then pushed the staff. Additional staff came to help deescalate however Mike punched the second staff in the face and he was placed in a restraint. During the restraint Mike bit the second staff in the leg but was eventually able to calm down enough to be escorted to the timeout room. Once in the timeout room he was placed on seclusion for 240 minutes.

06/22/12 (1055) A peer was provoking Mike and both became agitated. They began to go after each other however staff intervened and removed the peer from the area. Mike was eventually able to calm down and redirect.

06/20/12 (0800) Mike was upset from a previous altercation with a peer, and said he was going to self-harm in the bathroom. He broke the lid of a deodorant bottle and entered the bathroom. Staff knocked on the door and warned they were going to enter. When they opened the door he was on the toilet scratching at his arm with the plastic. He eventually gave staff he plastic and there was little harm done upon evaluation.

06/20/12 (1740) Michael was plotting and telling peers he was going to grab a female staff's buttocks and grope her in front of everyone. He was taken aside and told that if he did what he was telling others it is considered a form of sexual assault. His therapist was notified of the incident.

06/14/12 (1400) A peer stated he was upset and began to move slowly towards Michael. Staff attempted to redirect the peer however Michael and the peer attempted to charge at each other. Staff intervened and removed the peer from the area. Michael continued to encourage the peer to act out and the peer charged after Michael but was unsuccessful. Michael was placed in a restraint for about 15 minutes then placed on seclusion for 60 minutes.

06/11/12 Two peers told staff Michael had grabbed their private parts in the morning when they were horse playing. When Michael was asked about the situation he said the two peers were doing it to him as well.

06/07/12 (1350) Michael was trying to punch another peer and staff intervened. Michael punched the staff and was placed in a restraint where he head butted staff and bit the other staff in the knee and tripped them.

06/05/12 (2225) Michael stole an object from staff and refused to return it. He began to fight with staff and was placed in a restraint then taken to the timeout room and given a PO PRN. Prior to the restraint he has made comments of wanting to be placed in a restraint.

06/05/12 (1955) Michael was in the timeout room and became aggressive towards staff when trying to exit. He was placed in a restraint and upon being released he began to punch himself in the face resulting in a bloody nose. He was able to calm down was given a PO PRN and cleaned up.

06/05/12 (1457) Michael was kicked out of class and began to walk back to the unit with staff. He threatened staff and then shoved staff aggressively. He was placed in a restraint where he bit staff on the left leg. He was released for the restraint when he agreed to be safe.

06/01/12 (2000): Mike was agitated in the day room. He slammed a drawer shut and began yelling derogatory things. Staff told him to go to the timeout room, He refused. Staff told him to go to the timeout room or he would be escorted there. He agreed to go and while walking to the timeout room; Mike became more agitated with additional staff and peers and began to get aggressive. He was restrained and while he was restrained he fought staff causing them to fall. When he finally calmed down he was released and taken to the timeout room. Mike took a PRN medication.

06/01/12 (1120): Mike and a peer began to argue and then posture each other. Mike shoved the peer down and then walked out of the room, with staff, to the timeout room. The peer was offered a timeout but was able to redirect and rejoin the group.

06/01/12 (1120): Jeffery and a peer began to argue and then posture each other. The peer shoved Jeffery down and then walked out of the room, with staff, to the timeout room. Jeffery was offered a timeout but was able to redirect and rejoin the group.

05/28/12 (1540) Michael was in the timeout room due to his agitation and hitting the walls. He reached out and began playing with metal and refused to let go when prompted. He pushed staff's hand away and Michael got a cut from the metal on his thumb.

05/12/12 (1715) Michael and a peer were provoking each other while waiting to go to the courtyard. Michael grabbed the peer's thumbs and started twisting them. When the peer

was able to release himself he tried to hit Michael. Staff intervened and separated the two.

05/11/12 (1650) Michael and a peer were playing basketball when they began to verbally argue. The argument escalated into a physical confrontation and staff was able to separate the two. Michael was able to walk away from the situation once separated.

EXHIBIT 10

EXHIBIT 10



Douglas County Sheriff
Deputy Report for Incident 14SO32821

Minden, Nevada

Nature: Assault/Sexual
Location: VO60

Address: 1670 SR 88; DHS; MIND
Minden NV 89423

Offense Codes: ASIM
 Received By: Moffat D How Received: O Agency: DCSO
 Responding Officers: Meyer J A-DCSO
 Responsible Officer: Meyer J A-DCSO Disposition: PEN 12/03/14
 When Reported: 15:14:36 11/24/14 Occurred Between: 15:14:36 11/24/14 and 15:14:36 11/24/14

Assigned To: Detail: Date Assigned: **/**/**
 Status: Status Date: **/**/** Due Date: **/**/**

Complainant: 17
 Last: DOUGLAS First: Mid:
 HIGH SCHOOL
 DOB: **/**/** Dr Lic: Address: 1670 SR 88; DHS; MIND
 Race: Sex: Phone: () - City: MINDEN, NV 89423

Offense Codes

Reported: Observed: ASIM Assault, Simple
 Additional Offense: ASIM Assault, Simple

Circumstances

DHS Douglas High School

Responding Officers: Unit :
 Meyer J A-DCSO SRO1

Responsible Officer: Meyer J A-DCSO Agency: DCSO
 Received By: Moffat D Last Radio Log: 15:16:41 11/24/14 CMPLT
 How Received: O Officer Report Clearance: RTF Report To Follow
 When Reported: 15:14:36 11/24/14 Disposition: PEN Date: 12/03/14
 Judicial Status: Occurred between: 15:14:36 11/24/14
 Misc Entry: and: 15:14:36 11/24/14

Modus Operandi: Description : Method :

Involvements

| Date | Type | Description | Relationship |
|-------------|-------------|-------------------------------|---------------------|
| 12/02/14 | Name | DOUGLAS HIGH SCHOOL, | Complainant |
| 12/02/14 | Name | PYLE, DAVID | Contacted |
| 12/02/14 | Name | EVANS, JEFFREY SCOTT | Reporting Party |
| 12/02/14 | Name | COTA, MICHAEL LOUIS JR | Suspect |
| 12/02/14 | Name | LIGGETT, WILLIAM THOMAS III | Witness |
| 12/02/14 | Name | GODOWA, DASHONA RAY | Witness |
| 12/02/14 | Name | MACHART, KIMBERLY JEAN | Mentioned |
| 12/02/14 | Name | KINCHELOE, PATRICK DANIEL III | Victim |
| 12/02/14 | Name | CERNA, FABIAN JUNIOR | Witness |
| 12/02/14 | Evidence | 2 - Photographs | Evidence Incident |

Narrative

Douglas County Sheriff's Department
Investigation Narrative
14SO32821

Classification: NRS 392.910 - Assaulting Pupil
NRS 200.481 - Battery

Attachments: 6 - Statements

Evidence - 2 Photographs

Details: On November 24, 2014 at about 1330 hours I was in my office at Douglas High School, 1670 Highway 88, when Student Michael Cota came into my office. Michael said he just got into a pushing match with Student Patrick Kincheloe. I asked Michael where this happened, Michael said in the hallway. I asked Michael what the issue was between him and Patrick, Michael said it was over KJ (Student Kimberly Machart).

I started reviewing the camera's in the 500 hallway when I received a call from Douglas High School Dean of Students Jeffrey Evans. Mr. Evans requested I respond to his office regarding an assault that just occurred. I asked Mr. Evans if it was involving Michael Cota, Mr. Evans said yes.

I asked Michael if he just got into a fight, Michael said a pushing match.

I escorted Michael to the main office and left him with Assistant Principal Pyle.

I then responded to Mr. Evans office and met with Patrick Kincheloe who said he was talking to some people outside of portable 608 when Mike Cota walked up. Patrick said he told Mike that the conversation didn't concern him and to walk away. Patrick said Mike walked up to him and said he was going to touch him, Patrick said he told Mike not to touch him. Patrick said someone else walked up and Mike hugged him. Patrick said he pushed Mike away and told him not to touch him when Mike punched him in his leg. Patrick said he pushed Mike up against the railing and told him again to stop touching him. Patrick said he let Mike go when Mike punched him in the neck and jaw with a closed fist.

Patrick said he wanted Mike arrested for punching him.

Patrick Kincheloe then completed a two-page DCSO Statement Form detailing his recollection of the incident.

I then asked Patrick where Mike hit him, Patrick pointed to his left neck and chin area. I observed two red marks where Patrick pointed.

I took and secured two digital photographs of Patrick's injuries which I later booked into the Spillman Evidence system and downloaded onto the R-Drive.

Mr. Evans then gave me the following statements:

Student Fabian Caldera wrote: "I was coming out of 500 hall and I was walking towards 600 when I saw Michael Cota was behind me the he saw Mrs. Bell and Patrick then he turned around to followed them and told him to get back to class

then he threatened to hit me".

Student William Liggett wrote: "Pat was sitting on the fence Mike jumped the other fence and took a swing and almost hite me in the head wich was close Patrick then got hit in the leg Pat got up started pushing him into the fence Mike then pushed Pat and swung at him".

Student Dashona Godowa wrote: "What happened was Patrick and I were talking outside room 608 of Ms. Elmquest's room and when we were talking Mike went inside of the class to ask Ms. Elmquest for work to work to work in Mr. Emm's class and she said ill bring it to you in a little bit and when out the classroom to go to class. I asked Patrick if I can talk to him and he said yeah so we went outside to talk and Mike came outside and asked Patrick whats going on and Patrick said none of your damn business and Mike said OK. Patrick said to Mike go back to class and Mike said I don't have to. Mike just stood on the railing listening to what me and Patrick were talking about and Mike touched Patrick and Patrick said don't touch me, that's when Patrick grabbed his neck and punched Mike against the railing and Mike punched Patrick on the face and leg. I said to them guys stop and they both stopped by Patrick said don't touch me again and Mike said well don't grab my throat again. Patrick went inside the classroom and told Mrs. Bell that Mike punched him two time and she asked where Ms. Elmquest was and I said to her she is coming up the tail tight now. Mrs. Bell said to Ms. Elmquest that Mike punched Patrick two times and she said where and Patrick said on the face and leg and Ms. Elmquest said OK. Adrian take Patrick to the front office and she said OK ill take him up there".

I then reviewed the surveillance videos and determined the incident occurred off camera view.

Mr. Pyle and I then met with Michael Cota who admitted Patrick asked him to leave and he (Michael) hit Patrick in the leg. Michael said Patrick put him up against the fence so he punched Patrick in the face.

Michael Cota then completed a one-page statement form.

I telephonically contacted Douglas County Juvenile Probation Officer Michael Torres, Michael Cota's Probation Officer, who requested Michael be turned over to his mother. I advised Officer Torres that Michael's mother does not have a phone, Officer Torres asked to have Michael wait in the office and he would pick him up by 1410 hours.

I advised Michael that Officer Torres wanted him to wait for him in the office. Michael sat in the office waiting. When the 1406 bell rang Michael got up and ran out of the office, ran through a classroom and got onto his bus.

I contacted Transportation and determined Michael got off the bus at Carson Valley Middle School.

I advised Officer Torres.

Disposition: Closed - Forward to the Douglas County District Attorney's Office and the Douglas County Juvenile Probation Office for Review and Charging Decision.

Reporting Deputy: John A. Meyer DCSO #506

Responsible LEO:

Approved by:

Date

Name Involvements:

Witness : 132206

Last: CERNA

DOB: 01/21/96

Race: L Sex: M

First: FABLAN

Dr Lic:

Phone: (775)223-5878

Mid: JUNIOR

Address: 615 VICTORIA CT; RNCH

City: G'VILLE RANCHOS, NV 89460

Victim : 106926

Last: KINCHELOE

DOB: 10/03/98

Race: W Sex: M

First: PATRICK

Dr Lic:

Phone: (775)291-4232

Mid: DANIEL

Address: 1482 HUSSMAN AVE; APT #B

City: GARDNERVILLE, NV 89410

Mentioned : 100644

Last: MACHART

DOB: 09/07/95

Race: W Sex: F

First: KIMBERLY

Dr Lic:

Phone: (775)392-0677

Mid: JEAN

Address: 1417 LEONARD RD; RNCH

City: G'VILLE RANCHOS, NV 89460

Reporting Party72

:

Last: EVANS

DOB: 04/07/68

Race: W Sex: M

First: JEFFREY

Dr Lic:

Phone: (775)267-1181

Mid: SCOTT

Address: 2736 STEWART AV; JNLN

City: MINDEN, NV 89423

Suspect : 41055

Last: COTA

DOB: 02/02/99

Race: W Sex: M

First: MICHAEL

Dr Lic:

Phone: (775)292-0704

Mid: LOUIS

Address: 1386 VILLAGE WY; GVIL; GVIL #16

City: GARDNERVILLE, NV 89410

Witness : 93424

Last: GODOWA

DOB: 12/29/97

Race: I Sex: F

First: DASHONA

Dr Lic:

Phone: (530)694-1158

Mid: RAY

Address: 25 GAL IS DUNGAL CI; WDIC

City: ALPINE, CA 96120

Contacted : 69

Last: PYLE

DOB: 08/29/60

Race: W Sex: M

First: DAVID

Dr Lic:

Phone: (775)450-5965

Mid:

Address: 1666 SOUTH BENTON RD; ESVY

City: GARDNERVILLE, NV 89410

Complainant : 17

Last: DOUGLAS

HIGH SCHOOL

DOB: **/**/**

Race: Sex:

First:

Mid:

Dr Lic:

Phone: ()-

Address: 1670 SR 88; DHS; MIND

City: MINDEN, NV 89423

Witness : 84824

| | | |
|----------------------|-----------------------|--|
| Last: LIGGETT | First: WILLIAM | Mid: THOMAS |
| DOB: 05/09/99 | Dr Lic: | Address: 692 BOWLES LN; RNCH |
| Race: W | Sex: M | Phone: ()- |
| | | City: G'ville Ranchos, NV 89460 |



**SHERIFF-CORONER'S
DEPARTMENT**
Douglas County, Nevada

STATEMENT FORM

VICTIM _____
WITNESS _____
DRIVER _____
PASSENGER _____

Page _____ of _____

CASE # 14S032821

| | | | | | | | | | |
|--|---------------------|---------------------|-----------------|-------|--------------|--------------|----|------|------|
| LAST NAME - FIRST - MIDDLE <u>Kinschloe Patrick D</u> | | D.O.B. | FACE - SEX | | AGE | HT | WT | HAIR | EYES |
| PHYSICAL ADDRESS | | | MAILING ADDRESS | | | HOME PHONE # | | | |
| SS # | | EMPLOYMENT LOCATION | | | WORK PHONE # | | | | |
| VEHICLE INFORMATION | YEAR | MAKE | MODEL | COLOR | | | | | |
| | LICENSE PLATE/STATE | | DRIVERS LIC NO. | | | STATE | | | |

MY OBSERVATION OR INVOLVEMENT IN THIS MATTER WAS AS FOLLOWS:

I was talking to one student outside of my class room and Mike coda walks up. I told him that this doesn't concern you go away so he walked away. Seeing him self Mike came up and he was going to touch me and I told him don't touch me. A few seconds past and someone else came out and Mike came up to me to give me a hug. I pushed him and said don't touch me and he hit my leg and I got up I grab his shirt and put him against the walling and told him don't touch me then he then let him go.

SIGNATURE OF PERSON MAKING STATEMENT: _____ DATE/TIME: _____

and neck he hit me in the
and Jaw.



DOUGLAS HIGH SCHOOL

Statement Form

Fabian
Student Name Junior C. Rivera

Date 11-24-14

I was coming out of 500 Hall and I was walking towards the door when I saw Michael Cota was behind me then he saw Mrs. Bell and Patrick then he turned around to follow them and told him to get back to class then he threatened to hit me.

Signature

Fabian C. Rivera



SHERIFF-CORONER'S
DEPARTMENT
Douglas County, Nevada

STATEMENT FORM

VICTIM _____
WITNESS _____
DRIVER _____
PASSENGER _____

Page _____ of _____

| | | | | | | | | | | | |
|--|---------------------|---------------------|-----------------|------------------|--------|--------------|--------------|-------|-----|------|------|
| LAST NAME - FIRST - MIDDLE <i>Liggett William III</i> | | | | | D.O.B. | FACE - SEX | AGE | HT. | WT. | HAIR | EYES |
| 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:

*PAT WAS SITTING ON THE FENCE MIKE JUMPED
THE OTHER FENCE AND TOOK A SWING AND ALMOST
HIT ME IN THE HEAD WHICH WAS CLOSE PATRICK
THEN GOT HIT IN THE LEG PAT GOT UP STARTED
PUSHING HIM INTO THE FENCE MIKE THEN PUSHED
PAT AND SWUNG AT HIM.*

| | |
|---------------------------------------|-----------|
| SIGNATURE OF PERSON MAKING STATEMENT: | DATE/TIME |
|---------------------------------------|-----------|

230

DT

DOUGLAS HIGH SCHOOL

Statement Form

Student Name: Dashona Godwin Date: 11-24-14

When I arrived was Patrick and I were talking outside room 608 of Ms. Elmquist's room and when we were talking Mike went inside of the class to ask Ms. Elmquist for work to work in Mr. Erma's class and she said I'll bring it to you in a little bit and then went out the classroom to go to class. I asked Patrick if I can talk to him and he said yeah so we went outside to talk and Mike came outside and asked Patrick what's going on and Patrick said none of your damn business and Mike said ok. Patrick said to Mike go back to class and Mike said I don't have to. Mike just stood on the porch listening to what we and Patrick were talking about and Mike touched Patrick and Patrick said don't touch me that's when Patrick grabbed his neck and pushed Mike against the railing and Mike punched Patrick on the face and leg. I said to them guys stand and they both stopped but Patrick said don't touch me again and Mike said well don't grab my throat again. Patrick went inside the classroom and told Mrs. Bell that Mike punched him two times and she asked where Ms. Elmquist was and I said to her she is coming in the fall right now. Mrs. Bell said to Ms. Elmquist that Mike punched Patrick two times and she said where and Patrick said on the face and leg and Ms. Elmquist said ok. Adrian take Patrick to the principal's office and she said ok I'll take him there.

Signature: Dashona Godwin

DT

DOUGLAS HIGH SCHOOL

Statement Form

Student Name: Mike Coley

Date: 1/24/14

I was making ground with him
I was starting his leg and he got
mad at me and he said VA end

Lined area for writing the statement.

Signature: _____

EXHIBIT 11

EXHIBIT 11



Douglas County Sheriff

Minden, Nevada

Deputy Report for Incident 14SO36011

Nature: Domestic
Location: VGV36

Address: 1386 VILLAGE WY; GVIL; #36
Gardnerville NV 89410

Offense Codes: DOMB
 Received By: Bowling M How Received: 9 Agency: DCSO
 Responding Officers: Lake L, Flagg M, Coverley D
 Responsible Officer: Lake L Disposition: CJA 12/28/14
 When Reported: 14:50:23 12/28/14 Occurred Between: 14:50:03 12/28/14 and 14:50:07 12/28/14

Assigned To: Detail: Date Assigned: **/**/**
 Status: Status Date: **/**/** Due Date: **/**/**

Complainant:
 Last: First: Mid:
 DOB: **/**/** Dr Lic: Address:
 Race: Sex: Phone: City: ,

Offense Codes

Reported: Observed:
 Additional Offense: DOMB Domestic Battery

Circumstances

Responding Officers: Unit :
 Lake L 302
 Flagg M 306
 Coverley D 371

Responsible Officer: Lake L Agency: DCSO
 Received By: Bowling M Last Radio Log: 15:08:42 12/28/14 CMPLT
 How Received: 9 911 Line Clearance: ARR Arrest
 When Reported: 14:50:23 12/28/14 Disposition: CJA Date: 12/28/14
 Judicial Status: Occurred between: 14:50:03 12/28/14
 Misc Entry: and: 14:50:07 12/28/14

Modus Operandi: Description : Method :

Involvements

| Date | Type | Description | Relationship |
|-------------|-------------|------------------------|---------------------|
| 12/28/14 | Name | THOMAS, LAURA LEE | contacted |
| 12/28/14 | Name | COTA, MICHAEL LOUIS JR | arrested |
| 12/28/14 | Name | COTA, MIKA LEE | rp/victim |
| 12/28/14 | Evidence | dom batt photos | Evidence Incident |

Narrative

Douglas County Sheriff's Department
Investigation Narrative

Case Number - 14SO36011

Classification:

Domestic Battery

Attachments:

Domestic Violence Statistical Form

Details:

On December 28, 2014 at approximately 1450 hours, I was dispatched to 1386 Village Way Apt #36 for a domestic violence report. Upon arrival I contacted the reporting party, Mica Cota, who told me the following.

Mica was feeding her son, Elijah, a bowl of carrots. Michael came home and took the bowl of carrots from Elijah and started eating them. Mica tried to take the bowl back from Michael. Michael began hitting Mica in the back. Mica was struck several times on the left rear shoulder, shoulder blade and back of the left arm. While Michael hitting Mica he knocked her into the television. Mica hit the television on the top left corner(looking at the tv) with her right cheek bone just below her eye. Mica said she had to run and hide in the bathroom for her safety. Michael said he would "kick her ass if she called the cops and he would kick the cops ass."

I took photographs of the marks on Mica and later entered them into the DCSO Evidence System.

I contacted the on-call JPO and talked to Bruce. I advised Bruce of the incident and told him Michael had probable cause to arrest him on contact.

At approximately 1530 hours, I contacted Michael's mother, Laura and informed her of the incident. Laura said she would find Michael and talk to him.

I told Laura if Michael was found on the streets he would be arrested for domestic battery.

Disposition:

Forward to JPO

Date, Time, Reporting Officer:

Sun Dec 28 22:37:30 PST 2014

Deputy Lake #508

Reporting Officer

Responsible LEO:

Approved by: _____

Date _____

Supplement

Douglas County Sheriff's Department
Supplemental Narrative
CASE14SO36011

Details of Supplemental Narrative:

On 12/28/2014 at approximately 2150 hours, I was on routine patrol near Lampe park, when I observed 2 juvenile females standing in the dark. I turned my patrol vehicle around to check their welfare, but was unable to locate the juveniles.

I began driving down Waterloo, when I saw the juveniles again. I contacted the juveniles standing with a juvenile male. I recognized the male as Michael Cota. While searching if Cota had any warrants, I was advised by Deputy Lake that Probable Cause existed for domestic Battery.

I placed Cota under arrest for the domestic battery and contacted Juvenile Probation officer Bruce Beauchamp. I advised Beauchamp I would be arresting Cota on the Domestic Battery.

I placed Cota in handcuffs, checked for tightness and double locked for safety. Cota was transported to the valley station to wait for transport.

At approximately 2256 hours, JPO officer James Baca arrived to transport Cota to the juvenile detention.

Date, Time, Reporting Officer

B. Wisneski #531
Sun Dec 28 22:54:43 PST 2014

Name Involvements:

| | | | |
|-------------------|----------------|--------------------------------------|------------------------------|
| arrested : 41055 | | | |
| Last: COTA | First: MICHAEL | Mid: LOUIS | |
| DOB: 02/02/99 | Dr Lic: | Address: 1386 VILLAGE WY; GVIL; GVIL | |
| | | #16 | |
| Race: W | Sex: M | Phone: (775)292-0704 | City: GARDNERVILLE, NV 89410 |
| rp/victim : 48603 | | | |
| Last: COTA | First: MIKA | Mid: LEE | |
| DOB: 10/31/97 | Dr Lic: | Address: 1386 VILLAGE WAY | |
| Race: W | Sex: F | Phone: (775)721-8972 | City: GARDNERVILLE, NV 89410 |
| contacted : 38985 | | | |
| Last: THOMAS | First: LAURA | Mid: LEE | |
| DOB: 05/19/64 | Dr Lic: | Address: 1386 VILLAGE WY; GVIL; | |
| | | GVIL; #16 | |
| Race: W | Sex: F | Phone: (775)292-0704 | City: Gardnerville, NV 89410 |

DOUGLAS COUNTY JUVENILE
BOOKING SHEET

DEILING COUNTY

1450 36011

PRINT OR TYPE ALL INFORMATION

DETENTION
BOOKING # _____

| | | | | | | | | | | | | | | | |
|---|--|-------------------------|-------------------------|---|--|--|--|--|-----------------------------------|--------------------------|-------------------------------|--------------------------|----------------------|------------------------------|--|
| LAST NAME COTA | | | FIRST MICHAEL | | | MIDDLE LOUIS | | | DATE OF ARREST 12/28/14 | | TIME OF ARREST 2:50 | | DATE/TIME OF BOOKING | | |
| ALIAS | | | | PHONE NO. | | | | CHARGES: DOM BATT. | | | | | | | |
| RESIDENCE ADDRESS (Number, Street, City, State, and County) 1386 VILLAGE WY # 36 GARDNERVILLE NV. 89410 | | | | | | | | | | | | | | | |
| MAILING ADDRESS (if different from above) | | | | | | | | | | | | | | | |
| BIRTHPLACE (City and State) Blackfoot, ID | | | | | | DATE OF BIRTH 2/2/99 | | | | | | | | | |
| AGE 15 | | SEX M | | RACE OR COLOR W. | | HEIGHT 6'0 | | WEIGHT 150 | | COLOR EYES BRO | | COLOR HAIR BLK | | BUILD TYPE Slender | |
| INJURED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | | | | MEDICAL TREATMENT BY | | | | SOCIAL SECURITY NUMBER [REDACTED] | | | | | | | |
| MARKS, SCARS, ETC. | | | | SCHOOL DOUGLAS 4194 | | GRADE 10 | | DRIVER'S LICENSE OR OTHER I.D. N/A | | | | | | | |
| PARENT/GUARDIAN CAURA THOMAS | | | | ADDRESS 1386 Village 436. Gville | | PHONE NO. NONE | | RELATIONSHIP Mother | | | | | | | |
| PARENT'S EMPLOYED BY | | | | PHONE NO. | | | | | | | | | | | |
| PROBATION OFFICER CONTACTED BEUCE | | DATE 12/28/14 | | TIME 2:51 | | PARENTS CONTACTED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | | BY | | DATE | | TIME | | | |
| RELEASED TO <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | DATE | | TIME | | | | | | | | | |
| ON PROBATION? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | | | | TYPE <input type="checkbox"/> INFORMAL <input type="checkbox"/> FORMAL | | | | WITH WHOM | | | | | | | |
| SPECIAL COMMENTS/ADDITIONAL INFORMATION | | | | | | | | | | | | | | | |
| OFFICER'S SIGNATURE [Signature] | | | | | | | | | | | | | | | |
| JAMES BAPA White - Detention • Yellow - JPO | | | | | | | | | | | | | | | |

Douglas County Detention Facility

Juvenile Arrest/Synopsis

NAME: Last **COTA** First **MICHAEL** Middle **LOUIS**

Date Booked: _____ Time Booked: _____

| CHARGE | P.C. CODE | CASE # |
|---------------------|-----------|-----------|
| 1. Domestic Battery | 200.485 | 145036011 |
| 2. | | |
| 3. | | |
| 4. | | |
| 5. | | |
| 6. | | |

ARREST DESCRIPTION OF OFFENSE (PROBABLE CAUSE)

At approximately 1450 hrs, I (Denny Lake) was dispatched to 1386 Wilton Way Apt 36 for a Domestic Battery report. I contacted Mike Cota who told me his brother Michael had hit her several times and knocked her into the TV. Mike hit the left top corner of the TV with the left right cheek and lower eye. I advised Dispatch that Michael was good for an arrest upon contact. #509

On 12/28/18 at approximately 2150 HRS. I CONTACTED MICHAEL COTA IN THE PARKING LOT OF WALGREENS. I WAS ADVISED OF THE ABOVE OFFENSE CONTACTED JPO AND PLACED COTA INTO CUSTODY.

Location of Arrest: **1342 Hwy 895** Time of Arrest: **2150**

OFFENSE: Misdemeanor Gross Misdemeanor Felony Status Offense

| | |
|----|--|
| 1. | Juvenile <input type="checkbox"/> Adult <input type="checkbox"/> |
| 2. | Juvenile <input type="checkbox"/> Adult <input type="checkbox"/> |

PARENTS AWARE: yes no present at arrest by phone

ATTITUDE: Cooperative Depressed Combative Frightened

Did youth mention suicide? yes no Is youth dangerous to himself or others? yes no

Are there current symptoms of alcohol or drug use? yes no

Arresting Officer **WASNESKI** Badge # **531** Agency **DCSO**

Transport Officer / JPO Signature _____ Badge # **610** Agency _____

JAMES BACA

EXHIBIT 12

EXHIBIT 12



Douglas County Sheriff

Minden, Nevada

Deputy Report for Incident 15SO01393

Nature: Assault/Sexual

Address: 1327 WATERLOO LN; SKATE
PARK; GVIL
Gardnerville NV 89410

Location: VO60

Offense Codes: ASIM

Received By: Oilar

How Received: 9

Agency: DCSO

Responding Officers: Marshall G, Brown, Mark

Responsible Officer: Brown, Mark

Disposition: PEN 01/15/15

When Reported: 18:33:49 01/14/15

Occurred Between: 18:33:35 01/14/15 and 18:33:44 01/14/15

Assigned To:

Detail:

Date Assigned: **/**/**

Status:

Status Date: **/**/**

Due Date: **/**/**

Complainant:

Last:

First:

Mid:

DOB: **/**/**

Dr Lic:

Address:

Race:

Sex:

Phone:

City: ,

Offense Codes

Reported:

Observed: APSM Assault, Police, Simple

Additional Offense: ASIM Assault, Simple

Circumstances

LT20 Residence or Home

Responding Officers:

Unit :

Marshall G

302

Brown, Mark

302

Responsible Officer: Brown, Mark

Agency: DCSO

Received By: Oilar

Last Radio Log: 19:43:36 01/14/15 CMPLT

How Received: 9 911 Line

Clearance: RTF Report To Follow

When Reported: 18:33:49 01/14/15

Disposition: PEN Date: 01/15/15

Judicial Status:

Occurred between: 18:33:35 01/14/15

Misc Entry:

and: 18:33:44 01/14/15

Modus Operandi:

Description :

Method :

Involvements

| Date | Type | Description | Relationship |
|-------------|-------------|------------------------|---------------------|
| 01/14/15 | Name | COTA, MICHAEL LOUIS JR | Suspect |
| 01/14/15 | Name | GREENWOOD, DAKODA LEE | Victim |

Narrative

Douglas County Sheriff's Department
Investigation Narrative

Classification:

NRS 200.281 - Battery

Details:

On January 14, 2015 at approximately 1833 hours, Deputy Marshall and I were dispatched to 1281 Sorenson Lane for a report of a battery. The reporting party told dispatch his nephew, Dakota Greenwood, had been assaulted earlier today while at the Lampe Skate Park. Upon our arrival, I met with Dakota who told me the following:

Dakota went to the skate park with a friend today at about 1430 hours. While at the skate park a juvenile male named "Reese" began to "talk shit" about Dakota saying he was on probation. Dakota told Reese this wasn't true and to stop talking about him. Michael Cota, who is friends with Reese, told Dakota he was lucky he didn't "truck slap" him. Dakota described a truck slap as grabbing the metal axle of a skateboard and hitting someone with the board. Dakota said a short time later Michael hit him on the right side of face near his eye with a closed fist. Dakota said he was only hit once and then Michael walked away.

Deputy Marshall asked Dakota if he needed to be seen by paramedics. Dakota said he did not. I looked at Dakota's face and noticed redness on the right side of his face near his eye.

I later responded to Michael's last know address at 1386 Village Way apartment #36 in an attempt to make contact with him with negative results. I requested dispatch check if Michael was on juvenile probation. Dispatch confirmed Michael was on juvenile probation with Douglas County.

Disposition:

Forward to Douglas County Juvenile Probation
Closed by report

Date, Time, Reporting Officer:

Deputy M. Brown #537
Wed Jan 14 23:46:24 PST 2015

Reporting Officer

Responsible LEO:

Approved by:

Date

Name Involvements:

Suspect : 41055

Last: COTA

DOB: 02/02/99

Race: W

Sex: M

Victim : 50450

Last: GREENWOOD

DOB: 12/30/99

Race: W

Sex: M

First: MICHAEL

Dr Lic:

Phone: (775)292-0704

First: DAKODA

Dr Lic:

Phone: (775)450-1269

Mid: LOUIS

Address: 1386 VILLAGE WY; GVIL; GVIL
#16

City: GARDNERVILLE, NV 89410

Mid: LEE

Address: 1281 SORENSEN LN; RNCH

City: G'VILLE RANCHOS, NV 89460

EXHIBIT 13

EXHIBIT 13

Northwest Academy

1472 S. Hwy 373 Amargosa Valley, NV 89020
(775)372-1189 Fax (775)372-1188

Michael Cota
Date of Birth 02/02/1999

Discharge Summary –
May 20, 2015

RECEIVED

MAY 26 2015

DOUGLAS COUNTY
DISTRICT ATTORNEY

Michael was admitted to Northwest Academy on 05/12/2015 as a result of juvenile probation services from Douglas County, NV. Michael had a significant history of acting out behavior which included ungovernable behavior, mood instability as well as sexual misconduct. He had also been involved with destruction of property, cruelty to animals and fire setting. Michael has been on probation services for an extended period of time which produced little in the way of remission of his symptoms. As a result of his continued mood and behavior problems he was admitted to Willow Springs Treatment Center and then transferred to Copper Hills where he was admitted on May 3, 2012. He was released from the program on August 9, 2013. During his time at Copper Hills Michael made minimal improvement. He had seventy five episodes during his placement in which showed high levels of aggression towards peer and staff.

Review of documents and correspondence from Copper Hills and probation services indicate that serious reservations were expressed regarding Michael's readiness to be released. Michael was released in part because of funding concerns. Since his discharge an extensive effort has been made to address Michael's needs however his behavior again deteriorated and he was referred to Northwest Academy with a DSM IV diagnosis of Bipolar Disorder (296.80), Oppositional Defiant Disorder (313.81) and Attention Deficit Hyperactivity Disorder combined type (314.01). He was on no medication at admission.

At the time of his admission to Northwest Academy Michael immediately began testing limits. He was refusing staff and peer instruction and would walk out of the classroom or walk out of his family. Extensive efforts were made to address his behavior and initially he was responsive to staff intervention. His progress was time limited and he would again act out. He began taunting other students in a provocative manner and physical confrontations resulted. He began running out of his family and away from staff on a regular basis. Over the period since his admission (May 12, 2015) to May 19, 2015 he has approximately 20 incidents at the facility. Of serious concern is that these incidents are now more aggressive and physical. He has recently assaulted a male staff and is showing little remorse or insight

into his behavior. Michael has become a serious risk to fellow students and staff. Michael consistently verbalizes his intent not to work at Northwest Academy, is frequently refusing to speak with staff and has verbalized resistance to any medication. He is being discharged negatively with a DSM IV diagnosis consistent with his admission, Bipolar Disorder N.O.S., Oppositional Defiant Disorder and Attention Deficit Hyperactivity Disorder. Michael requires a higher level of service than Northwest Academy can provide and he has been disruptive to the positive peer based program. Again he is a high risk to peers and staff.

Please feel free to contact for any more detailed information.

Marcel Chappuis Ph. D.
Licensed Clinical Psychologist
Program Director

EXHIBIT 14

EXHIBIT 14



Douglas County Sheriff Minden, Nevada
 Deputy Report for Incident 18SO05042

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 :

Involvements

| Date | Type | Description | Relationship |
|-------------|-------------|-------------------------------------|---------------------|
| 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 fiance'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 were 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

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 fiance'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 moved 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 Skata 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 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 Nbr:

Characteristic: 5.56C Caliber, 5.56

Brand: Spikes Tactical

Year: 0

Meas: DU

Total Value: \$2,500.00

Owner: HANKS JONATHAN CODYWULFGAR 18226

Agency: DCSO Douglas County Sheriffs Office

Accum Amt Recov: \$0.00

UCR: FIR Firearms

Local Status:

Crime Lab Number:

Date Released: **/**/**

Released By:

Released To:

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 Nbr:

Brand: Glock

Year: 0

Meas: DU

Total Value: \$60.00

Owner: HANKS JONATHAN CODYWULFGAR 18226

Agency: DCSO Douglas County Sheriffs Office

Accum Amt Recov: \$0.00

UCR: FRA Firearm Accessories

Local Status:

Crime Lab Number:

Date Released: **/**/**

Released By:

Released To:

Reason:

Comments:

Property Number: 18PR00357

Model: AR15

Quantity: 1

Serial Nbr: SAR76407

Color: BLK

Tag Number:

Officer: Hickman Z

UCR Status: SNR

Storage Location:

Status Date: 02/13/18

Date Recov/Rcvd: **/**/**

Amt Recovered: \$0.00

Custody: **/**/**

Model: 22

Quantity: 2

Serial Nbr:

Color: BLK

Tag Number:

Officer: Hickman Z

UCR Status: SNR

Storage Location:

Status Date: 02/13/18

Date Recov/Rcvd: **/**/**

Amt Recovered: \$0.00

Custody: **/**/**

Item: Knife
 Brand: Model: combat
 Year: 0 Quantity: 1
 Meas: DU Serial Nmbr:
 Total Value: \$40.00 Color: BLK
 Owner: HANKS JONATHAN CODYWULFGAR 18226
 Agency: DCSO Douglas County Sheriffs Office Tag Number:
 Accum Amt Recov: \$0.00 Officer: Hickman Z
 UCR: TOO Tools, Hand or Power UCR Status: SNR
 Local Status: Storage Location:
 Crime Lab Number: Status Date: 02/13/18
 Date Released: **/**/18 Date Recov/Rcvd: **/**/18
 Released By: Amt Recovered: \$0.00
 Released To: Custody: **,**,** **/**/18
 Reason:
 Comments:

Property Number: 18PR00358

Item: Ammunition
 Brand: can Model:
 Year: 0 Quantity: 1
 Meas: DU Serial Nmbr:
 Total Value: \$100.00 Color:
 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: **/**/18 Date Recov/Rcvd: **/**/18
 Released By: Amt Recovered: \$0.00
 Released To: Custody: **,**,** **/**/18
 Reason:
 Comments: 500 rnds 22 LR, 25 rnds 20 GA shells

Name Involvements:

Subject : 41055

Last: COTA

DOB: 02/02/99

Race: W

Sex: M

Subject : 137311

Last: HAYNES

DOB: 07/20/02

Race: W

Sex: F

Complainant : 18226

Last: HANKS

DOB: 12/07/82

Race: W

Sex: M

Mentioned : 19498

Last: HOWELL

DOB: 02/23/99

Race: W

Sex: M

Subject : 111364

Last: GORDON

DOB: 11/06/03

Race: W

Sex: M

Contacted : .82797

Last: COFFELT

DOB: 12/10/83

Race: W

Sex: F

Mentioned : .6672

Last: DILLISHAW

DOB: 11/08/00

Race: W

Sex: M

First: MICHAEL

Dr Lic:

Phone: (775)292-0704

First: ALEXIS

Dr Lic:

Phone: (775)781-6911

First: JONATHAN

Dr Lic:

Phone: (775)450-5429

First: JACCOB

Dr Lic:

Phone: (775)782-5397

First: AIDAN

Dr Lic:

Phone: (775)781-8654

First: SUSAN

Dr Lic:

Phone: ()-

First: JASON

Dr Lic:

Phone: (775)783-8057

Mid: LOUIS

Address: 1386 VILLAGE WY; GVIL; GVIL
#16

City: GARDNERVILLE, NV 89410

Mid: ARIANA

Address: 1340 BISHOPS CI; GVIL

City: GARDNERVILLE, NV 89410

Mid: CODYWULFGA

R

Address: 1340 BISHOPS CI; GVIL

City: GARDNERVILLE, NV 89410

Mid: CHARLES

Address: 1376 FALSTAFF LN; GVIL

City: GARDNERVILLE, NV 89410

Mid: JASON

Address: 1358 KINGSLANE; GVIL

City: GARDNERVILLE, NV 89410

Mid: MARIE

Address: 1358 KINGSLANE; GVIL

City: GARDNERVILLE, NV 89410

Mid: RAY

Address: 1420 BUMBLEBEE DR; RNCH

City: GARDNERVILLE, NV 89460



SHERIFF-CORONER'S
DEPARTMENT
Douglas County, Nevada

STATEMENT FORM

VICTIM
WITNESS
DRIVER
PASSENGER

Page: 1 of 1

CASE # 185005042

LAST NAME - FIRST, MIDDLE: Hanks J C D.O.B.: 12-7-84 RACE-SEX: W AGE: 35 HT: 5 WT: 11 HAIR: Bn EYES: Bn

PHYSICAL ADDRESS: 1340 Bishops Cir MAILING ADDRESS: Same HOME PHONE #: 775-450-5929

EMPLOYMENT LOCATION: Ahern Rentals WORK PHONE & WORK CELL: 775-901-6696

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 so it has a Spanish skull on the side of it.

Has a tasco scope made in Florida, by fade tan rubber grips a extra handle, M7 stock, 70" bull barrel, in the stock is a cleaning snake, Extinguisher on the charging handle, missing a both Glock 22 40 clips both Federal self defense 10 in each, a combat knife,

~~my~~ I also missing a pellet gun signal 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

272

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

3 ~~AR-15~~ clips. 2, 25 round. 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 1 of 1

CASE # 185005742
AGE 15 HT 5'4 WT 140 HAIR Red EYES B

LAST NAME - FIRST - MIDDLE Haynes Alexis Ariana
B.O.B. 7-20-02 RACE-SEX White F

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 ~~toilet~~ 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 ~~it~~ 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 10:53 274

EXHIBIT 15

EXHIBIT 15

| | | | |
|----------|------|----------------------------|-------------|
| 03/14/18 | Name | MCDUFFEE, BRITTANY LYNN | Contacted |
| 03/14/18 | Name | REESE BAMFORD, SKYLAR JANE | Contacted |
| 03/14/18 | Name | EMMONS, CORY ALLEN | Contacted |
| 03/14/18 | Name | COTA, MICHAEL LOUIS JR | Suspect |
| 03/14/18 | Name | MCVAY, DEANNA | Complainant |

Narrative

Douglas County Sheriff's Department
Investigation Narrative
18so08450

Classification

NRS 200.571 Harassment

Details:

On Wednesday, March 14, 2018 at approximately 1629 hours I was dispatched to the DCSO Main Station Lobby for a report of threats. Upon arrival I met with reporting party, Deanna Joann Mcvay, who told me the following.

Deanna told me she recently broke up with Michael Cota. Deanna said she was talking with people on facebook and Michael became angry. Deanna said Michael began texting and calling her non stop at 2100 hours on March 13, 2018 until 1130 hours on March 14, 2018. Deanna said Michael texted her and said via text message that she should go kill herself and if she didn't he would kill her and her son. It should be noted, Deanna is 39 weeks pregnant with her son.

Deanna said Michael later called her and told her she needed to watch her back because he might show up at her house tonight or tomorrow.

Deanna said Michael called her approximately 10 times in a two hour time span after she told him to not contact her.

Deanna told me she was in great fear for her life because she thought Michael would come to her house and kill her. Deanna said she did not sleep at all last night because she was so scared.

Deanna told me she would forward me the messages between her and Michael.

Deanna informed me she already obtained paperwork to file for a temporary protection order. Deanna stated she wishes to press charges again Michael.

Deanna provided me with Michael's contact information. She said Michael was currently in Carson City at the hospital because his father was in the ICU. Deanna was unsure exactly of Michael's current address. Deanna also stated Michael did not have a vehicle.

I also spoke with Deanna's friend, Skylar Reese- Bamford, who came to the station with her. Skylar said Michael also told her today she needed to shut her mouth or else he would "drop her". Skylar told me she believed that meant he wanted to kill her.

Skylar said Michael also contacted another friend of theirs, Brittany Massera, and told her he would go to her house and "spray her". Skylar said "spray" meant "shoot up the house".

I contacted Brittany and she confirmed that story. Brittany said the conversation took place via facebook. Brittany told me she would forward the messages between her and Michael.

I contacted Michael and asked him about his conversation with Deanna. Michael stated he did tell Deanna he was going to kill her and her unborn child. Michael said he told Deanna that out of anger. Michael denied telling Deanna he

would come to her house tonight or tomorrow because he didn't have a vehicle.

I asked Michael if he had a plan to hurt Deanna. Michael said he didn't have a vehicle so how could he go to her anyway. Michael then denied actually wanting to hurt Deanna.

I asked Michael if he spoke with Brittany and he stated he did via face book yesterday. I asked Michael if he told Brittany he would "spray her". Michael stated he did not. I told Michael Brittany told me she would provide me pictures of their conversation and Michael became quiet. Michael told me he did not want to "snitch" and he can't get in trouble because he did not follow through with his threats.

Michael told me he can say whatever he wants as long as he doesn't follow through. I told Michael that was not the case and it is against the law to threaten people. Michael screamed, "Put a warrant out for my arrest" and then hung up.

Michael informed me in the very beginning of our conversation he was in between Carson City, Nevada and Yerington, Nevada. Michael said he was going to his father's girlfriend's house in Yerington and would be back in Douglas County after his father is well.

At approximately 1945 hours, Dispatch advised Deanna's brother, Cory Emmons wished to speak to me at Lifepoint Church in Minden, Nevada. I responded to the church and met with Cory. Cory showed me the messages between Deanna and Michael. The messages did show Michael threatening Deanna.

Disposition:

Forward to District Attorney's Office for prosecution

Deputy Torres #530
Wed Mar 14 22:17:25 2018

Date, Time, Reporting Officer:

Description of the Incident:

Responsible LEO:

Approved by:

Date

Name Involvements:

| | | | |
|-----------------------------|-----------------------------|---|--|
| Suspect : 41055 | | | |
| Last: COTA | First: MICHAEL | Mid: LOUIS | |
| DOB: 02/02/99 | Dr Lic: | Address: 1386 VILLAGE WY; GVIL; GVIL | |
| | | #16 | |
| Race: W | Sex: M | City: GARDNERVILLE, NV 89410 | |
| Phone: (775)292-0704 | | | |
| Contacted : 28542 | | | |
| Last: EMMONS | First: CORY | Mid: ALLEN | |
| DOB: 05/30/82 | Dr Lic: | Address: 802 HORNET | |
| Race: W | Sex: M | City: G'VILLE RANCHOS, NV 89460 | |
| Phone: (775)432-5393 | | | |
| Contacted : 8058 | | | |
| Last: REESE | First: SKYLAR | Mid: JANE | |
| BAMFORD | Dr Lic: | Address: 1265 REDWOOD CI; RNCH #6 | |
| DOB: 05/10/91 | Phone: (775)265-7560 | City: G'VILLE RANCHOS, NV 89460 | |
| Race: W | Sex: F | | |
| Contacted : 6514 | | | |
| Last: MCDUFFEE | First: BRITTANY | Mid: LYNN | |
| DOB: 02/04/92 | Dr Lic: | Address: 1253 KINGSTON WY; RNCH | |
| Race: W | Sex: F | City: G'VILLE RANCHOS, NV 89460 | |
| Phone: (775)720-9253 | | | |
| Complainant : 106555 | | | |
| Last: MCVAY | First: DEANNA | Mid: | |
| DOB: 06/04/99 | Dr Lic: | Address: 955 MONUMENT PEAK DR; | |
| | | RNCH | |
| Race: W | Sex: F | City: G'ville Ranchos, NV 89460 | |
| Phone: (775)552-5184 | | | |

EXHIBIT 16

EXHIBIT 16



Douglas County Sheriff
Deputy Report for Incident 18SO22094

Minden, Nevada

Nature: Assault/Sexual
Location: VO60

Address: 1038 BUCKEYE RD; DCSO; MIND
Minden NV 89423

Offense Codes: THRE, APOW

Received By: Rios M

How Received: T

Agency: DCSO

Responding Officers: Savage A, Barden M

Responsible Officer: Barden M

Disposition: CAA 07/06/18

When Reported: 21:29:21 07/06/18

Occurred Between: 21:29:18 07/06/18 and 21:29:18 07/06/18

Assigned To:
Status:

Detail:
Status Date: **/**/**

Date Assigned: **/**/**
Due Date: **/**/**

Complainant:

Last:

First:

Mid:

DOB: **/**/**

Dr Lic:

Address:

Race:

Sex:

Phone:

City:

Offense Codes

Reported:

Observed:

Additional Offense: THRE Threats/Harrasment

Additional Offense: APOW Assault, Police, Othr Weap

Circumstances

Responding Officers:

Unit :

Savage A

J473

Barden M

J540

Responsible Officer: Barden M

Agency: DCSO

Received By: Rios M

Last Radio Log: 21:30:53 07/06/18 CMPLT

How Received: T Telephone

Clearance: ARR Arrest

When Reported: 21:29:21 07/06/18

Disposition: CAA Date: 07/06/18

Judicial Status:

Occurred between: 21:29:18 07/06/18

Misc Entry:

and: 21:29:18 07/06/18

Modus Operandi:

Description :

Method :

Involvements

| Date | Type | Description | Relationship |
|-------------|-------------|-------------------------|---------------------|
| 07/07/18 | Name | COTA, MICHAEL LOUIS JR | arrested |
| 07/07/18 | Evidence | jail surveillance video | Evidence Incident |
| 07/07/18 | Evidence | 3 digital photos | Evidence Incident |
| 07/06/18 | Evidence | taser cartridge | Evidence Incident |

Narrative

Douglas County Sheriff's Department
Arrest Narrative

CASE # 18SO22094

CLASSIFICATION:

NRS 200.481.2 BATTERY BY A PRISONER

NRS 200.571 (A) (1) THREATS

DETAILS:

On July 06, 2018 during swing shift, Inmate Cota (Name #40155) complained of an injured ankle and wanted to have his ankle checked at the hospital. Cota became agitated and hostile towards Deputies when he was told the jail nurse would evaluate his ankle instead of going to the hospital. Due to Cota's verbal belligerent behavior and claimed ankle injury, Sgt. Savage instructed Deputies Barden, Guilford, Shepherd and I to move Cota to Holding Cell 10 for the safety and security of the jail facility.

At approximately 2112 hours before entering B-block, where Cota was housed, Control Deputy Charles instructed the block to "lockdown". Once all the inmates were secured in their cells, we entered the block and proceed to B-2 where Cota was. Upon opening the door, Cota immediately began yelling about how he thought we (the deputies) were not doing our job by not taking him to the hospital. Cota was instructed to gather his belongings and proceed out of the block.

While escorting Cota through Men's Hallway, Cota looked over at A-block and began yelling "sooey". Per jail rules, inmates are not allowed to communicate with inmates in different blocks and I believed Cota was yelling in attempt to incite the other inmates to cause the disturbance to escalate. I told Cota to look forward and to stop yelling at A-block. Cota continued to yell as he walked down Men's Hallway and into Holding Cell 10.

As Cota approached Holding Cell 10, I instructed him to enter the cell. Cota entered, threw down his property bin, and charged the door. Deputy Guilford immediately closed the cell door before Cota could exit. Cota began to punch, kick, and hit his head on the cell door repeatedly. After observing Cota's actions, Sgt. Savage instructed Deputies Guilford, Barden, Shepherd, and I to place Cota in the restraint chair to prevent him from injuring himself and to maintain the safety and security of the jail facility. At this time I activated my Axon Body 2 Camera.

At 2115 hours, we prepared to enter the cell to take control of Cota. Cota moved to the back wall of the cell as we prepared to open the cell door. Before opening the cell door, Deputy Barden advised us Cota had taken a fighting stance. See Deputy Barden's supplemental for further information of the fighting stance. Deputy Barden opened the holding cell door and ordered Cota to get on ground. Cota remained standing and did not respond to the given commands. Due to Cota refusing the commands, Sgt. Savage, Deputies Barden, Guilford, Shepherd, and I entered Holding Cell 10 to restrain Cota.

Deputy Barden made first physical contact with Cota; Cota actively resisted Deputy Barden by attempting to pull away from him. Deputy Guilford, who had his ASP baton deployed, and I then approached and attempted to bring Cota under control. Cota braced himself up against the back wall of the cell attempting to stay on his feet while we were trying to place him on the ground. While attempting to place Cota on the ground I saw him grab Deputy Guilford's ASP

baton in attempt to stop Deputy Guilford from utilizing it. I grabbed Cota's right arm and with my left foot swept out Cota's right foot causing him, Deputies Barden, Guilford, and I to all fall to the ground. Cota actively resisted all deputies by pulling away and attempting to push us away. Numerous commands were given to stop resisting and to roll over on his stomach during the struggle.

While on the ground, Cota viciously attacked me by punching the left side of my face with a closed fist. This caused me to be dazed momentarily and to have a tingling feeling throughout my whole head. Due to the positioning of Deputies Barden, Guilford, and I around Cota, the only opportune area I saw to deliver a body blow was the groin area. Due to Cota's previous actions of attempting to stop the use of Deputy Guilford's ASP baton and the attack of punching me in the face I struck Cota with a closed fist two times to the groin area. I struck Cota in order to stop the attack and to prevent any further injury to myself and my partners. Immediately following my two strikes, Deputy Shepherd deployed the Taser striking Cota in the inner right thigh. After the Taser was deployed, Deputies Barden, Guilford, I were able to roll Cota onto his stomach and place him in handcuffs. See Sgt. Savage, Deputies Shepherd and Barden supplemental reports for further information of their actions.

Once Cota was secured in handcuffs, Deputies Barden, Guilford, and I picked Cota up from the ground and escorted him to the restraint chair. I secured Cota's left leg with leg strap and tightened it. While being secured in the restraint chair, Cota looked toward the male inmate housing blocks and began to yell, "J turn up" and, "J beat the fuck out of these cops". I told Cota to stop yelling. Cota then looked at me and said "Wait till I see you next", "Your jaw is going to be broke bro". As I walked around to the other side of the restraint chair Cota continued to look at me and said "I'm a blood bro", and "I'm going to tell J to break your jaw too, watch". At this point Deputy Shepherd attempted to control Cota's head by holding it back against the seat. Cota jerked his head forward out of the grasp of Deputy Shepherd. I and Deputy Guilford assisted in holding his head back against the seat while Deputy Barden placed a spit mask over Cota's head.

Cota was then wheeled to Holding Cell 3 by Deputy Barden and placed inside. There the handcuffs were removed and his hands were secured using the arm restraints of the restraint chair. I secured Cota's left arm with arm strap and tightened it. A 15-minute medical watch was started to observe Cota while he was in the restraint chair as per department policy. Cota did not complain of any injuries nor were any observed.

After the incident was completed, Deputy Barden told me while we were attempting to roll Cota over onto his stomach while in Holding Cell 10 he attempted to deploy his Taser. Deputy Barden was not able to because Cota hit his hand causing the Taser to be knocked out of his hand. Refer to Deputy Barden's supplemental report for further information.

Cota was booked on two counts of battery by a prisoner (NRS 200.481.2) and one count of threats (NRS 200.571 (A)(1)).

DISPOSITION:

Forward to District Attorney's Office for prosecution.

Date, time, reporting officer:

07/07/2018 @ 2045 Hours Hodges, J. #590

Responsible LEO:

Approved by:

Date

Supplement

Douglas County Sheriff's Department
Supplemental Narrative
Case # 18SO22094

Classification:

Battery by a Prisoner

Details of Supplemental Narrative:

On July 6, 2018 at approximately 2115 hours, Inmate Michael Cota was on the ground fighting with Deputies Barden, Hodges, and Guilford in Holding Cell 10. I, Deputy Shepherd, deployed my Taser hitting Cota's inner right thigh. I held the trigger down on the Taser to run a cycle of approximately 10 seconds.

At approximately 2117 hours, Cota was placed in a restraint chair. I assisted in securing Cota's right foot and waist. I assisted in securing Cota's head to back support of the restraint chair while a spit mask was placed on his head by Deputy Barden.

At approximately 2118 hours, was moved to Holding Cell 3. I assisted in securing Cota's right arm in the restraint chair. I removed the Taser prongs from Cota's inner right thigh.

No medical attention was requested or needed.

Disposition:

Closed.

Reporting Officer/Date and Time:

Deputy Shepherd #586

Fri Jul 06 23:36:26 PDT 2018

Supplement

Douglas County Sheriff's Department
Supplemental Narrative

Details of Supplemental Narrative:

On July 7, 2018 during swing shift, Inmate Michael Cota approached me complaining of a injury to his ankle. I told him that Sergeant Savage spoke to him earlier about it and he has to wait and see the jail nurse. Inmate Cota walked back to B Block where he was housed saying, "this is fucking bullshit."

When he returned to the block, Deputy Charles who was in the control room, received a call over the intercom from Inmate Cota asking to speak with Sergeant Savage. Deputy Charles told Inmate Cota she had already spoke to him and he needed to wait to see the nurse on Monday for the injury to his ankle.

I spoke with Sergeant Savage and she made the decision to move Inmate Cota to a holding cell so the nurse could see him on Monday. We were busy we had to move inmates around so Inmate Cota could be placed in holding cell 10. Sergeant Savage and Deputies Guildford, Hodges and I walked back to B Block to escort Inmate Cota to holding cell 10.

I opened the door on B Block #2 and saw Inmate Cota sitting on the floor next to the door. I asked Inmate Cota to gather his belongings so he could be moved to a holding cell. Inmate Cota complied and walked out of B Block. Prior to me leaving B Block I spoke with Inmate Hooks who was also in B Block #2. He told me Inmate Cota was upset and was trying to calm him down with no success. As I was talking with Inmate Hooks I heard elevated voices coming from the hallway just outside of B Block. I left B Block and proceeded to walk over to holding cell 10. When I arrived Inmate Cota was already placed in holding cell 10 and the door was secured.

I immediately heard loud banging on the door consistent with hands or feet hitting the door. Sergeant Savage made the decision to place Inmate Cota into the restraint chair for his safety. It shall be noted that after incident was completed I reviewed the video recording in holding cell 10 prior to entering. Inmate Cota was hitting the cell door with both his hands and both of his feet.

I retrieved the restraint chair and placed in front of the door and to the right. Prior to opening the door Inmate Cota took a fighting stance in the back of the cell. Inmate Cota's left foot was back, right foot forward and hands in a fist in front of his chest. I opened the door and gave multiple commands to get on the ground. Inmate Cota refused all commands prior to me stepping into the cell and as I was walking into the cell. As I approached Inmate Cota, Sergeant Savage and Deputy Shepherd had their tasers pointed at him.

When I approached Inmate Cota I grabbed his right arm and the back of his neck in an attempted to take him to the ground. Inmate Cota resisted my efforts to take him to the ground. Deputy Guilford stepped in and grabbed his left arm and tried to take him to the ground. I thrust my right knee into his right thigh causing Inmate Cota to fall to the ground onto his butt and back.

Inmate Cota continued to resist as Deputies Guilford, Hodges and I tried to get him onto his stomach. As Inmate Cota continued to resist I unholstered my taser with my left hand and aimed for his stomach. Inmate Cota immediately hit my

Name Involvements:

arrested: 41055

Last: COTA

DOB: 02/02/99

First: MICHAEL

Dr Lic: [REDACTED]

Mid: LOUIS

Address: 1386 VILLAGE WY, GVIL, GVIL
#16

Race: W

Sex: M

Phone: (775)292-0704

City: GARDNERVILLE, NV 89410

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Case No. 18-CR-0116/ 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.

CERTIFICATE OF SERVICE

MICHAEL LUIS COTA JR.,

Defendant.

Pursuant to NRCP 5(b), I certify that I am an employee of the District Attorney for Douglas County, Nevada, and that I deposited for delivery a true copy of Sentencing Memorandum and Index of Exhibits to Sentencing Memorandum, addressed to:

John E. Malone,
209 North Pratt Avenue
Carson City, Nevada 89701

- U.S. Mail
- Reno/Carson Messenger
- Hand Delivery
- By placing a copy in the pick-up folder in the District Attorney's Office.

DATED this 28th day of August, 2018.

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

RECEIVED

AUG 28 2018

Douglas County
District Court Clerk

FILED

2018 AUG 28 AM 9:06

BOBBIE R. WILLIAMS
CLERK

BY ANOM DEPUTY

1 Case No. 18-CR-0116/ 18-CR-0084 ✓

2 Dept No. II

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
11 Petitioner,

11 MOTION TO FILE SENTENCING
12 MEMORANDUM AND/OR EXHIBITS
13 UNDER SEAL

12 vs.

13 MICHAEL LUIS COTA JR.,
14
15 Respondents.

16 The State of Nevada, by and through Matthew Johnson, Deputy District Attorney, of
17 the Douglas County District Attorney's Office moves this Court to file the State's sentencing
18 memorandum and/or the attached exhibits under seal. The records include personal identifying
19 information, the names of juvenile victims of violence, medical diagnoses, and psychological
20 evaluations performed by treatment providers which may affect the privacy interests of the
21 persons identified in those records.

22 DATED this 28 day of August, 2018.

23 MARK B. JACKSON
24 DISTRICT ATTORNEY

25
26 By: [Signature]

27 MATTHEW JOHNSON
28 Deputy District Attorney
P.O. Box 218
Minden, Nevada 89423
(775) 782-9800

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Case No. 18-CR-0116/18-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.

CERTIFICATE OF SERVICE

MICHAEL LUIS COTA, JR.

Defendant.

I certify that I am an employee of the District Attorney for Douglas County, Nevada,
and that I deposited for delivery a true copy of the Motion to File Sentencing Memorandum
and/or Exhibits Under Seal, addressed to:

John E. Malone,
209 North Pratt Avenue
Carson City, Nevada 89701

- U.S. Mail & E-Mail
- Reno/Carson Messenger
- Hand Delivery
- By placing a copy in the pick-up folder in the District Attorney's Office

DATED this 28th day of August, 2018.



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

RECEIVED

AUG 30 2018

Douglas County
District Court Clerk

FILED

2018 AUG 30 PM 3: 35

BOBBIE R. WILLIAMS
CLERK

BY ANCM DEPUTY

4
5 **IN THE NINTH JUDICIAL DISTRICT COURT**
6 **IN AND FOR THE COUNTY OF DOUGLAS, STATE OF NEVADA**

7 STATE OF NEVADA,
8 Plaintiff,

vs.

9 MICHAEL LUIS COTA,
10 Defendant.

CASE NO. 18-CR-0084

DEPT NO. II

11 **EX PARTE MOTION FOR PSYCHOLOGICAL EVALUATION AND FEES**

12 COMES NOW, John E. Malone, Esq., having been appointed as counsel to represent
13 Defendant, MICHAEL LUIS COTA, and respectfully moves this Honorable Court for an Order
14 for Fees be granted.

15 1. It is requested that fees be granted for an in-custody psychological evaluation of the
16 Defendant, Michael Luis Cota, by Melissa Piasecki, M.D., at the expense of Douglas County, not
17 to exceed \$2,800.00.

18 2. This motion is based upon the Affidavit of John E. Malone.

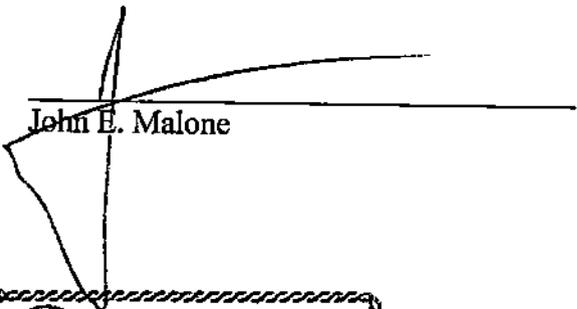
19 DATED this 30th day of August, 2018.

20
21 By: _____
JOHNE. MALONE, ESQ.
22 Attorney for Defendant, Michael Luis Cota
23
24

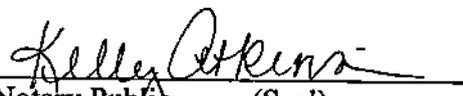
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

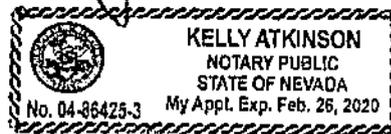
6. That affiant will not been paid from any other source for the time and costs summarized herein.

Further affiant sayeth not.


John E. Malone

Subscribed and Sworn to before me
this 30th day of August, 2018.


Notary Public (Seal)



RECEIVED

AUG 30 2018

Douglas County
District Court Clerk

FILED

2018 AUG 31 PM 2:01

BOBBIE R. WILLIAMS
CLERK

BY ANOMA DEPUTY

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

4
5 **IN THE NINTH JUDICIAL DISTRICT COURT**
6 **IN AND FOR THE COUNTY OF DOUGLAS, STATE OF NEVADA**

7 STATE OF NEVADA,

Plaintiff,

8 vs.

CASE NO: 18-CR-0084

9 MICHAEL LUIS COTA,

DEPT NO. II

10 Defendant.

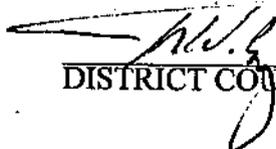
11
12 **ORDER GRANTING EX PARTE MOTION**
FOR PSYCHOLOGICAL EVALUATION AND FEES

13 PURSUANT to the Ex Parte Motion for Psychological Evaluation and Fees of counsel and
14 good cause appearing,

15 IT IS HEREBY ORDERED that the Defendant receive a psychological evaluation.

16 IT IS FURTHER ORDERED that the Douglas County Treasurer pay forthwith a sum not
17 to exceed TWO THOUSAND EIGHT HUNDRED DOLLARS AND NO/100 (\$2,800.00) to
18 Melissa Piasecki, M.D., 561 Keystone Ave., #104, Reno, Nevada 89503, in remuneration for the
19 costs of the psychological evaluation in the above-entitled action.

20 DATED this 31st day of August, 2018.

21 
22 DISTRICT COURT JUDGE

23 Respectfully Submitted By:
John E. Malone, Esq.

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

AUG 31 2018

**Douglas County
District Court Clerk**

FILED

2018 AUG 31 PM 4:40

**DOBBIE R. WILLIAMS
CLERK**

BY [Signature] DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT

IN AND FOR THE COUNTY OF DOUGLAS, STATE OF NEVADA

7 STATE OF NEVADA,

8 Plaintiff,

9 vs.

10 MICHAEL LUIS COTA,

11 Defendant.

CASE NO. 18-CR-0084

DEPT NO. II

12
13 **MOTION TO FILE UNDER SEAL**

14 The Defendant, MICHAEL LUIS COTA, hereby moves this Court for an Order to file
15 Defendant's Motion to Strike The State's Sentencing Memorandum and Attached Exhibits under
16 seal. The defense's motion to strike references the State's Sentencing Memorandum and Attached
17 Exhibits and to file it openly would violate the provisions of NRS 62H.025.

18 DATED this 31st day of August, 2018.

19 By: _____

20 **JOHN E MALONE, ESQ.**
21 **Attorney for Defendant, Michael Luis Cota**

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

CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I hereby certify that service of the foregoing MOTION TO STRIKE EXHIBITS was made this date by depositing a true copy of the same for mailing in Carson City, Nevada, and/or hand delivery addressed to each of the following:

Deputy District Attorney
PO Box 218
Minden, NV 89423

DATED this 31~~st~~ day of August, 2018.



Kelly Atkinson

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

AUG 31 2018
Douglas County
District Court Clerk

FILED

2018 SEP -5 PM 2:33

BOBBIE R. WILLIAMS
CLERK

BY ANOWA DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT

IN AND FOR THE COUNTY OF DOUGLAS, STATE OF NEVADA

7 STATE OF NEVADA,

8 Plaintiff,

CASE NO. 18-CR-0084

9 vs.

DEPT NO. II

10 MICHAEL LUIS COTA,

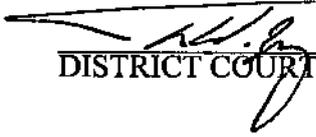
11 Defendant.

ORDER TO FILE UNDER SEAL

14 PURSUANT to the Motion to File Under Seal and good cause appearing,

15 IT IS HEREBY ORDERED, that the Motion to Strike the State's Sentencing Memorandum
16 and Attached Exhibits be filed under seal.

17 DATED this 5th day of September, 2018.

18 
DISTRICT COURT JUDGE

20 Respectfully Submitted By:
21 John E. Malone, Esq.

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

SEP - 6 2018

Douglas County
District Court Clerk

FILED

2018 SEP - 6 PM 1:01

BOBBIE R. WILLIAMS
CLERK

IN THE NINTH JUDICIAL DISTRICT COURT ~~BY COURT~~

IN AND FOR THE COUNTY OF DOUGLAS, STATE OF NEVADA

7 STATE OF NEVADA,

8 Plaintiff,

9 vs.

10 MICHAEL LUIS COTA,

11 Defendant.

CASE NO. 18-CR-0116/18-CR-0084 ✓

DEPT NO. II

12
13 **MOTION TO STRIKE THE STATE'S SENTENCING MEMORANDUM**
14 **AND ATTACHED EXHIBITS**

15 Defendant Michael Cota, through his counsel of record John Malone, moves to strike the
16 State's Sentencing Memorandum and the attached exhibits. The motion is based on the following
17 memorandum of points and authorities, the papers and pleadings on file with the court, and any
18 argument at the time of the hearing.

19 DATED this 6th day of Sept., 2018.

20 By: _____

21 JOHN E. MALONE, ESQ.

22 Attorney for Defendant, Michael Luis Cota
23
24

1 **I. The State's sentencing memorandum contains protected juvenile justice**
2 **information that has been improperly released, in unreliable, incomplete and suspect.**

3 NRS 62H.025 (last amended in 2017) sets forth clear limits on the release of "Juvenile
4 justice information."

5 **NRS 62H.025 Confidentiality of juvenile justice information; release in**
6 **certain circumstances; penalty for unlawful use.**

7 1. Juvenile justice information is confidential and may only be released in
8 accordance with the provisions of this section or as expressly authorized by other
9 federal or state law.

10 2. For the purpose of ensuring the safety, permanent placement, rehabilitation,
11 educational success and well-being of a child **or the safety of the public**, a juvenile
12 justice agency may release juvenile justice information to:

- 13 (a) A director of juvenile services or his or her designee;
- 14 (b) The Chief of the Youth Parole Bureau or his or her designee;
- 15 (c) The Chief Parole and Probation Officer or his or her designee;
- 16 (d) The Director of the Department of Corrections or his or her designee;
- 17 (e) **A district attorney or his or her designee;**
- 18 (f) An attorney representing the child;
- 19 (g) The director, chief or sheriff of a state or local law enforcement agency or
20 his or her designee;
- 21 (h) The director of a state or local agency which administers juvenile justice or
22 his or her designee;
- 23 (i) A director of a state or local facility for the detention of children or regional
24 facility for the treatment and rehabilitation of children or his or her designee;
- (j) The director of an agency which provides child welfare services or his or
her designee;
- (k) The director of an agency which provides mental health services or his or
her designee;
- (l) A guardian ad litem or court appointed special advocate who represents the
child;
- (m) A parent or guardian of the child;
- (n) The child to whom the juvenile justice information pertains if the child has
reached the age of majority, or a person who presents a release that is signed by the
child who has reached the age of majority and which specifies the juvenile justice
information to be released and the purpose for the release;
- (o) A school district, if the juvenile justice agency and the school district have
entered into a written agreement to share juvenile justice information and data from
an educational record of a child maintained by the school district for a purpose
consistent with the purposes of this section;
- (p) A person or organization who has entered into a written agreement with the
juvenile justice agency to provide assessments or juvenile justice services;

1 (q) A person engaged in bona fide research that may be used to improve
2 juvenile justice services or secure additional funding for juvenile justice services if
the juvenile justice information is provided in the aggregate and without any
personal identifying information;

3 (r) A person who is authorized by a court order to receive the juvenile justice
4 information, if the juvenile justice agency was provided with notice and opportunity
to be heard before the issuance of the order; or

5 (s) A law enforcement agency in the course of a criminal investigation, a
6 delinquency proceeding conducted pursuant to the provisions of this title or a
situation involving a child who is subject to the jurisdiction of the juvenile court
and who poses a threat to himself or herself or to the safety or well-being of others.

7 3. A juvenile justice agency may deny a request for juvenile justice
information if:

8 (a) The request does not, in accordance with the purposes of this section,
demonstrate good cause for the release of the information; or

9 (b) The release of the information would cause material harm to the child or
would prejudice any court proceeding to which the child is subject.

10 A denial pursuant to this subsection must be made in writing to the person
requesting the information not later than 5 business days after receipt of the request.

11 4. Any juvenile justice information provided pursuant to this section may not
be used to deny a child access to any service for which the child would otherwise
be eligible, including, without limitation:

12 (a) Educational services;

13 (b) Social services;

(c) Mental health services;

14 (d) Medical services; or

(e) Legal services.

15 5. Except as otherwise provided in this subsection, any person who is
provided with juvenile justice information pursuant to this section and who
further disseminates the information or makes the information public is guilty
of a gross misdemeanor. This subsection does not apply to:

16 (a) A district attorney who uses the information solely for the purpose of
17 initiating legal proceedings; or

18 (b) A person or organization described in subsection 2 who provides a report
concerning juvenile justice information to a court or other party pursuant to this
title or chapter 432B of NRS.

19 6. As used in this section:

20 (a) "Juvenile justice agency" means the Youth Parole Bureau or a director of
juvenile services.

21 (b) "Juvenile justice information" means any information which is directly
related to a child in need of supervision, a delinquent child or any other child who
is otherwise subject to the jurisdiction of the juvenile court.

22 (Added to NRS by 2013, 519; A 2015, 1495; 2017, 2978, 4394)

23 (emphasis added)

24

1 The only relevant portion of this statute that could arguably apply in this matter, i.e. the
2 release of juvenile justice information to a District Attorney, is NRS 62H.025(2), which allows the
3 release of such information for the "...safety of the public,..."

4 This argument fails however as the statute specifically restricts this information to its use
5 for "...initiating legal proceedings..." NRS 62H.025(5)(a). Clearly in this matter, proceedings
6 have already been initiated and the proceeding is near its final phase, sentencing.

7 The importance the Legislature attaches to the protection of juvenile justice information is
8 illustrated by NRS 62H.025(5) which makes any person who disseminates or makes juvenile
9 justice information public guilty of a gross misdemeanor offense.

10 Apart from the questionable propriety of introducing juvenile records, the district court is
11 privileged to consider facts and circumstances at sentencing which would not be admissible at trial,
12 but only so long as they have indicia of reliability. *See Silks v. State*, 92 Nev. 91, 93-94, 545 P.2d
13 1159, 1161 (1976); *United States v. Weston*, 448 F.2d 626, 633 (9th Cir.1971). "So long as the
14 record does not demonstrate prejudice resulting from consideration of information or accusations
15 founded on facts supported only by impalpable or highly suspect evidence, this court will refrain
16 from interfering with the sentence imposed." *Silks*, 92 Nev. at 94, 545 P.2d at 1161. However, the
17 exhibits attached to the State's memorandum constitute precisely such prejudicial suspect
18 evidence.

19 Many of the documents attached to the State's memo are nothing more than raw data
20 without analysis and without explanation. The documents have not been interpreted or prepared
21 for review by untrained readers. Allegations are unsupported hearsay upon hearsay; references are
22 made to concerns or conduct that have no recorded basis in the rest of the record. Many of the
23 documents are also stale, having been created years ago when Mr. Cota was 10 to 12 years old and
24 acting out in elementary and middle school. They are either irrelevant or excessively prejudicial.

1 For example, one entry suggests – without factual analysis or background - that at some age around
2 age 12 to 14 Mr. Cota “admitted to liking” 10-year old girls. *Exhibit 8, p. 2*. This observation
3 means nothing for purposes of sentencing on a larceny or battery charge. At worst, it clearly
4 suggests something untoward – though equally irrelevant. The documents are subject to
5 misunderstanding and misinterpretation by the court and the parties.

6 Apart from the overall confidentiality of juvenile records, the records of a psychologist
7 treating a patient are privileged under NRS 49.209, and the privilege may only be waived by the
8 patient. *Bradley v. District Court (Hudson)*, 133 Nev., Adv. Op. 92, 405 P.3d 688 (2017). Mr. Cota
9 has not waived his privilege with regard to any of the psychological treating records included in
10 the exhibits.

11 Furthermore, the Legislature has provided for limited use of this information at the
12 sentencing of an adult under the age of 21 years. Pursuant to NRS 62H.030(3)(b), the Division of
13 Parole and Probation may inspect juvenile records, which have not been sealed, in preparing a
14 presentence investigation report. *See also* NRS 176.145(1)(b). In this case the Division has done
15 this, following the controlling statutes and the usual order. The Division only submits the charge
16 and conviction – not the psychological reports, police reports, or notes from probation officers.

17 Mr. Cota submits that he has not waived any applicable privileges, that his juvenile
18 information is intended to be kept confidential, and that the documents in the exhibits are unreliable
19 and improper for consideration at sentencing and should be stricken.

20 **II. The State failed to protect the confidentiality of the records and of Mr. Cota’s**
21 **juvenile history.**

22 “Juvenile justice information is confidential and may only be released in accordance with
23 the provisions of this section or as expressly authorized by other federal or state law.” NRS
24 62H.025(1). The exhibits have been released in violation of the statutory provisions.

1 NRS 62H.030 governs the maintenance and inspection of juvenile records:

2 1. The juvenile court shall make and keep records of all cases brought
3 before the juvenile court.

4 2. Except as otherwise provided in this section and NRS 217.110, records
5 of any case brought before the juvenile court may be opened to inspection
6 only by court order to persons who have a legitimate interest in the records.

7 The statutory scheme anticipates that juvenile information will be released by the juvenile
8 court in accordance with the statutory provisions – not that it will be randomly attached to a
9 sentencing memo without any judicial oversight. *See, e.g., Burnside v. State*, 131 Nev., Adv. Op.
10 40, 352 P.3d 627, 648 (2015). The point is that the juvenile court is the gatekeeper and will review
11 the requested material and determine what can be appropriately released and what cannot. This did
12 not happen here. There is no indication that the State obtained a court-ordered release of the
13 exhibits; no notice was given to defense counsel, no opportunity to present argument to the juvenile
14 court. Defense counsel has no access to the records, but apparently, the district attorney's office
15 has the records in its possession because it prosecuted Mr. Cota as a child. It appears that the State
16 simply went to the file cabinet and pulled out whatever documents it wanted to choose and filed
17 them. Who knows what else might be in the file.

18 Not only were the exhibits filed without having been sealed, the sentencing memo itself
19 lists detailed descriptions of what is in the exhibits. The memo itself duplicates the exhibits. In
20 effect, just reading the memo will also reveal the information intended to be confidential. As a
21 result, the contents of the sentencing memo should also be stricken. Mr. Cota acknowledges that
22 along with the sentencing memo, the State filed a motion to file the documents under seal.
23 However, the State nevertheless filed the entire memorandum package unsealed. Before the

24 ///

///

///

1 Court's sealing order was signed and filed, any person could have walked into the courthouse,
2 requested the file, and read everything Mr. Cota's entire juvenile history. The documents have
3 effectively been disclosed.

4 These documents were prepared for review by a juvenile system that is presumed to be
5 confidential and is geared toward helping the child. The courtrooms are closed, the records are
6 closed, the public is not allowed in, the press is not allowed in. The exhibits were prepared under
7 the aegis of a system that was ostensibly helping Mr. Cota – not trying to imprison him.

8 Finally,

9 Except as otherwise provided in this subsection, any person who is provided
10 with juvenile justice information pursuant to this section and **who further
11 disseminates the information or makes the information public is guilty
12 of a gross misdemeanor.** This subsection does not apply to:

13 (a) A district attorney who uses the information solely for the
14 purpose of initiating legal proceedings

15 NRS 62H.025(5) (emphasis added).

16 The sentencing phase of an adult criminal proceeding cannot be considered the "initiation
17 of legal proceedings."

18 The State has not complied with the statutory procedures that insure protections are
19 preserved, and yet the State has disseminated the information. The district attorney is not initiating
20 legal proceedings; he is finalizing them.

21 ///

22 ///

23 ///

24 ///

///

///

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

CONCLUSION

In summary, Mr. Cota objects to the use of his juvenile documents and information at sentencing. While some juvenile information may be permitted by the courts, the case law does not allow for a blanket admission of anything and everything compiled by the juvenile services and juvenile probation departments. The State did not follow proper procedures and has allowed the public dissemination for Mr. Cota's private information. The exhibits as well as the State's entire Sentencing Memorandum should be stricken.

DATED this 6th day of Sept, 2018.

By: _____
JOHN E. MALONE, ESQ.
Attorney for Defendant, Michael Luis Cota

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

CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I hereby certify that service of the foregoing MOTION TO STRIKE EXHIBITS was made this date by depositing a true copy of the same for mailing in Carson City, Nevada, and/or hand delivery addressed to each of the following:

Deputy District Attorney
PO Box 218
Minden, NV 89423

DATED this 6th day of Sept., 2018.


Kelly Atkinson