

IN THE SUPREME COURT OF THE STATE OF NEVADA

No. 84612

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~~Elizabeth A. Brown~~
Clerk of Supreme Court

APRIL PARKS

Appellant,

v.

THE STATE OF NEVADA,

Respondent.

Appeal from Amended Judgment of Conviction
Eighth Judicial District Court, Clark County
The Honorable Tierra Jones, District Court Judge
District Court Case No. C-17-321808-1

**APPELLANT'S APPENDIX
VOLUME IV**

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1 COUNT 15 - THEFT

2 Defendants APRIL PARKS and MARK SIMMONS did on or between April 4, 2013
3 and November 4, 2015 willfully, knowingly, feloniously, and without lawful authority, use the
4 services or property of another person entrusted to them, or placed in their possession for a
5 limited, authorized period of determined or prescribed duration or for a limited use, having a
6 value of \$3,500.00 or more, belonging to DELMOND FOSTER and/or the ESTATE OF
7 DELMOND FOSTER, in the following manner, to wit: by working in their role as guardian
8 and fiduciary, overbilling for visits, shopping trips, court filings, and banking visits thereby
9 unlawfully converting money belonging to DELMOND FOSTER in the amount of
10 approximately \$5,134.40. Defendants are criminally liable under one or more of the following
11 principles of criminal liability, to wit: (1) by directly committing this crime; and/or (2) by
12 aiding or abetting in the commission of this crime, with the intent that this crime be committed,
13 by providing counsel and/or encouragement and by entering into a course of conduct whereby
14 APRIL PARKS acted as guardian for DELMOND FOSTER and overcharged for ward visits,
15 shopping trips, bank deposits, and/or other tasks on behalf of A Private Professional Guardian,
16 LLC that either did not benefit DELMOND FOSTER or did not occur, and/or directed
17 Angelica Sanchez and/or Heidi Kramer and/or Sue Pehrson to do the same; and MARK
18 SIMMONS documented the same ward visits, shopping trips, bank deposits, and/or other
19 tasks on behalf of A Private Professional Guardian, LLC that either did not benefit
20 DELMOND FOSTER or did not occur, and/or directed Angelica Sanchez and/or Heidi Kramer
21 and/or Sue Pehrson to do the same; and/or (3) pursuant to a conspiracy to commit this crime,
22 with the intent that the crime be committed.

23 COUNT 16 - EXPLOITATION OF AN OLDER PERSON

24 Defendants APRIL PARKS and MARK SIMMONS did on or between April 2, 2013
25 and November 4, 2015 willfully, unlawfully and feloniously exploit an older person having
26 been born in 1928, to wit: WILLIAM BRADY, by use of a guardianship converting
27 WILLIAM BRADY's money, assets or property, Defendants intending to permanently
28 deprive WILLIAM BRADY of the ownership, use, benefit or possession of his money, assets

1 or property having an value of more than \$5,000.00, by working in their role as guardian and
2 fiduciary, overbilling for visits, shopping trips, court filings, and banking visits thereby
3 exploiting WILLIAM BRADY in the amount of approximately \$9,470.80. Defendants are
4 criminally liable under one or more of the following principles of criminal liability, to wit: (1)
5 by directly committing this crime; and/or (2) by aiding or abetting in the commission of this
6 crime, with the intent that this crime be committed, by providing counsel and/or
7 encouragement and by entering into a course of conduct whereby APRIL PARKS acted as
8 guardian for WILLIAM BRADY and overcharged for ward visits, shopping trips, bank
9 deposits, and/or other tasks on behalf of A Private Professional Guardian, LLC that either did
10 not benefit WILLIAM BRADY or did not occur, and/or directed Angelica Sanchez and/or
11 Heidi Kramer and/or Sue Pehrson to do the same; and MARK SIMMONS documented the
12 same ward visits, shopping trips, bank deposits, and/or other tasks on behalf of A Private
13 Professional Guardian, LLC that either did not benefit WILLIAM BRADY or did not occur,
14 and/or directed Angelica Sanchez and/or Heidi Kramer and/or Sue Pehrson to do the same;
15 and/or (3) pursuant to a conspiracy to commit this crime, with the intent that the crime be
16 committed.

17 COUNT 17 - THEFT

18 Defendants APRIL PARKS and MARK SIMMONS did on or between April 2, 2013
19 and November 4, 2015 willfully, knowingly, feloniously, and without lawful authority, use the
20 services or property of another person entrusted to them, or placed in their possession for a
21 limited, authorized period of determined or prescribed duration or for a limited use, having a
22 value of \$3,500.00 or more, belonging to WILLIAM BRADY and/or the ESTATE OF
23 WILLIAM BRADY, in the following manner, to wit: by working in their role as guardian and
24 fiduciary, overbilling for visits, shopping trips, court filings, and banking visits thereby
25 unlawfully converting money belonging to WILLIAM BRADY in the amount of
26 approximately \$9,470.80. Defendants are criminally liable under one or more of the following
27 principles of criminal liability, to wit: (1) by directly committing this crime; and/or (2) by
28 aiding or abetting in the commission of this crime, with the intent that this crime be committed,

1 by providing counsel and/or encouragement and by entering into a course of conduct whereby
2 APRIL PARKS acted as guardian for WILLIAM BRADY and overcharged for ward visits,
3 shopping trips, bank deposits, and/or other tasks on behalf of A Private Professional Guardian,
4 LLC that either did not benefit WILLIAM BRADY or did not occur, and/or directed Angelica
5 Sanchez and/or Heidi Kramer and/or Sue Pehrson to do the same; and MARK SIMMONS
6 documented the same ward visits, shopping trips, bank deposits, and/or other tasks on behalf
7 of A Private Professional Guardian, LLC that either did not benefit WILLIAM BRADY or did
8 not occur, and/or directed Angelica Sanchez and/or Heidi Kramer and/or Sue Pehrson to do
9 the same; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that the
10 crime be committed.

11 COUNT 18 - EXPLOITATION OF AN OLDER PERSON

12 Defendants APRIL PARKS and MARK SIMMONS did on or between April 4, 2013
13 and September 3, 2015 willfully, unlawfully and feloniously exploit an older person having
14 been born in 1931, to wit: PATRICIA SMOAK, by use of a guardianship converting
15 PATRICIA SMOAK's money, assets or property, Defendants intending to permanently
16 deprive PATRICIA SMOAK of the ownership, use, benefit or possession of her money, assets
17 or property having an value of more than \$5,000.00, by working in their role as guardian and
18 fiduciary, overbilling for visits, shopping trips, court filings, and banking visits thereby
19 exploiting PATRICIA SMOAK in the amount of approximately \$5,563.60. Defendants are
20 criminally liable under one or more of the following principles of criminal liability, to wit: (1)
21 by directly committing this crime; and/or (2) by aiding or abetting in the commission of this
22 crime, with the intent that this crime be committed, by providing counsel and/or
23 encouragement and by entering into a course of conduct whereby APRIL PARKS acted as
24 guardian for PATRICIA SMOAK and overcharged for ward visits, shopping trips, bank
25 deposits, and/or other tasks on behalf of A Private Professional Guardian, LLC that either did
26 not benefit PATRICIA SMOAK or did not occur, and/or directed Angelica Sanchez and/or
27 Heidi Kramer and/or Sue Pehrson to do the same; and MARK SIMMONS documented the
28 same ward visits, shopping trips, bank deposits, and/or other tasks on behalf of A Private

1 Professional Guardian, LLC that either did not benefit PATRICIA SMOAK or did not occur,
2 and/or directed Angelica Sanchez and/or Heidi Kramer and/or Sue Pehrson to do the same;
3 and/or (3) pursuant to a conspiracy to commit this crime, with the intent that the crime be
4 committed.

5 COUNT 19 - THEFT

6 Defendants APRIL PARKS and MARK SIMMONS did on or between April 4, 2013
7 and September 3, 2015 willfully, knowingly, feloniously, and without lawful authority, use
8 the services or property of another person entrusted to them, or placed in their possession for
9 a limited, authorized period of determined or prescribed duration or for a limited use, having
10 a value of \$3,500.00 or more, belonging to PATRICIA SMOAK and/or the ESTATE OF
11 PATRICIA SMOAK, in the following manner, to wit: by working in their role as guardian and
12 fiduciary, overbilling for visits, shopping trips, court filings, and banking visits thereby
13 unlawfully converting money belonging to PATRICIA SMOAK in the amount of
14 approximately \$5,563.60. Defendants are criminally liable under one or more of the following
15 principles of criminal liability, to wit: (1) by directly committing this crime; and/or (2) by
16 aiding or abetting in the commission of this crime, with the intent that this crime be committed,
17 by providing counsel and/or encouragement and by entering into a course of conduct whereby
18 APRIL PARKS acted as guardian for PATRICIA SMOAK and overcharged for ward visits,
19 shopping trips, bank deposits, and/or other tasks on behalf of A Private Professional Guardian,
20 LLC that either did not benefit PATRICIA SMOAK or did not occur, and/or directed Angelica
21 Sanchez and/or Heidi Kramer and/or Sue Pehrson to do the same; and MARK SIMMONS
22 documented the same ward visits, shopping trips, bank deposits, and/or other tasks on behalf
23 of A Private Professional Guardian, LLC that either did not benefit PATRICIA SMOAK or
24 did not occur, and/or directed Angelica Sanchez and/or Heidi Kramer and/or Sue Pehrson to
25 do the same; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that the
26 crime be committed.

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1 COUNT 20 - EXPLOITATION OF AN OLDER PERSON

2 Defendants APRIL PARKS and MARK SIMMONS did on or between October 24,
3 2013 and September 3, 2015 willfully, unlawfully and feloniously exploit an older person
4 having been born in 1934, to wit: MARILYN SCHOLL, by use of a guardianship converting
5 MARILYN SCHOLL's money, assets or property, Defendants intending to permanently
6 deprive MARILYN SCHOLL of the ownership, use, benefit or possession of her money, assets
7 or property having an value of more than \$5,000.00, by working in their role as guardian and
8 fiduciary, overbilling for visits, shopping trips, court filings, and banking visits thereby
9 exploiting MARILYN SCHOLL in the amount of approximately \$6,262.48. Defendants are
10 criminally liable under one or more of the following principles of criminal liability, to wit: (1)
11 by directly committing this crime; and/or (2) by aiding or abetting in the commission of this
12 crime, with the intent that this crime be committed, by providing counsel and/or
13 encouragement and by entering into a course of conduct whereby APRIL PARKS acted as
14 guardian for MARILYN SCHOLL and overcharged for ward visits, shopping trips, bank
15 deposits, and/or other tasks on behalf of A Private Professional Guardian, LLC that either did
16 not benefit MARILYN SCHOLL or did not occur, and/or directed Angelica Sanchez and/or
17 Heidi Kramer and/or Sue Pehrson to do the same; and MARK SIMMONS documented the
18 same ward visits, shopping trips, bank deposits, and/or other tasks on behalf of A Private
19 Professional Guardian, LLC that either did not benefit MARILYN SCHOLL or did not occur,
20 and/or directed Angelica Sanchez and/or Heidi Kramer and/or Sue Pehrson to do the same;
21 and/or (3) pursuant to a conspiracy to commit this crime, with the intent that the crime be
22 committed.

23 COUNT 21 - THEFT

24 Defendants APRIL PARKS and MARK SIMMONS did on or between October 24,
25 2013 and September 3, 2015 willfully, knowingly, feloniously, and without lawful authority,
26 use the services or property of another person entrusted to them, or placed in their possession
27 for a limited, authorized period of determined or prescribed duration or for a limited use,
28 having a value of \$3,500.00 or more, belonging to MARILYN SCHOLL and/or the ESTATE

OF MARILYN SCHOLL, in the following manner, to wit: by working in their role as guardian and fiduciary, overbilling for visits, shopping trips, court filings, and banking visits thereby unlawfully converting money belonging to MARILYN SCHOLL in the amount of approximately \$6,262.48. Defendants are criminally liable under one or more of the following principles of criminal liability, to wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by providing counsel and/or encouragement and by entering into a course of conduct whereby APRIL PARKS acted as guardian for MARILYN SCHOLL and overcharged for ward visits, shopping trips, bank deposits, and/or other tasks on behalf of A Private Professional Guardian, LLC that either did not benefit MARILYN SCHOLL or did not occur, and/or directed Angelica Sanchez and/or Heidi Kramer and/or Sue Pehrson to do the same; and MARK SIMMONS documented the same ward visits, shopping trips, bank deposits, and/or other tasks on behalf of A Private Professional Guardian, LLC that either did not benefit MARILYN SCHOLL or did not occur, and/or directed Angelica Sanchez and/or Heidi Kramer and/or Sue Pehrson to do the same; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that the crime be committed.

COUNT 22 - EXPLOITATION OF AN OLDER PERSON

Defendants APRIL PARKS and MARK SIMMONS did on or between January 5, 2015 and September 3, 2015 willfully, unlawfully and feloniously exploit an older person having been born in 1944, to wit: KENNETH EDWARDS, by use of a guardianship converting KENNETH EDWARDS' money, assets or property, Defendants intending to permanently deprive KENNETH EDWARDS of the ownership, use, benefit or possession of his money, assets or property having an value of more than \$650.00, by working in their role as guardian and fiduciary, overbilling for visits, shopping trips, court filings, and banking visits thereby exploiting KENNETH EDWARDS in the amount of approximately \$2,622.62. Defendants are criminally liable under one or more of the following principles of criminal liability, to wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by providing counsel and/or

1 encouragement and by entering into a course of conduct whereby APRIL PARKS acted as
2 guardian for KENNETH EDWARDS and overcharged for ward visits, shopping trips, bank
3 deposits, and/or other tasks on behalf of A Private Professional Guardian, LLC that either did
4 not benefit KENNETH EDWARDS or did not occur, and/or directed Angelica Sanchez and/or
5 Heidi Kramer and/or Sue Pehrson to do the same; and MARK SIMMONS documented the
6 same ward visits, shopping trips, bank deposits, and/or other tasks on behalf of A Private
7 Professional Guardian, LLC that either did not benefit KENNETH EDWARDS or did not
8 occur, and/or directed Angelica Sanchez and/or Heidi Kramer and/or Sue Pehrson to do the
9 same; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that the crime
10 be committed.

11 COUNT 23 - THEFT

12 Defendants APRIL PARKS and MARK SIMMONS did on or between January 5, 2015
13 and September 3, 2015 willfully, knowingly, feloniously, and without lawful authority, use
14 the services or property of another person entrusted to them, or placed in their possession for
15 a limited, authorized period of determined or prescribed duration or for a limited use, having
16 a value of \$650.00 or more, belonging to KENNETH EDWARDS and/or the ESTATE OF
17 KENNETH EDWARDS, in the following manner, to wit: by working in their role as guardian
18 and fiduciary, overbilling for visits, shopping trips, court filings, and banking visits thereby
19 unlawfully converting money belonging to KENNETH EDWARDS in the amount of
20 approximately \$2,622.62. Defendants are criminally liable under one or more of the following
21 principles of criminal liability, to wit: (1) by directly committing this crime; and/or (2) by
22 aiding or abetting in the commission of this crime, with the intent that this crime be committed,
23 by providing counsel and/or encouragement and by entering into a course of conduct whereby
24 APRIL PARKS acted as guardian for KENNETH EDWARDS and overcharged for ward
25 visits, shopping trips, bank deposits, and/or other tasks on behalf of A Private Professional
26 Guardian, LLC that either did not benefit KENNETH EDWARDS or did not occur, and/or
27 directed Angelica Sanchez and/or Heidi Kramer and/or Sue Pehrson to do the same; and
28 MARK SIMMONS documented the same ward visits, shopping trips, bank deposits, and/or

1 other tasks on behalf of A Private Professional Guardian, LLC that either did not benefit
2 KENNETH EDWARDS or did not occur, and/or directed Angelica Sanchez and/or Heidi
3 Kramer and/or Sue Pehrson to do the same; and/or (3) pursuant to a conspiracy to commit this
4 crime, with the intent that the crime be committed.

5 COUNT 24 - EXPLOITATION OF AN OLDER PERSON

6 Defendants APRIL PARKS and MARK SIMMONS did on or between September 5,
7 2013 and September 17, 2015 willfully, unlawfully and feloniously exploit an older person
8 having been born in 1931, to wit: GLORIA SCHNERINGER, by use of a guardianship
9 converting GLORIA SCHNERINGER's money, assets or property, Defendants intending to
10 permanently deprive GLORIA SCHNERINGER of the ownership, use, benefit or possession
11 of her money, assets or property having an value of more than \$650.00, by working in their
12 role as guardian and fiduciary, overbilling for visits, shopping trips, court filings, and banking
13 visits thereby exploiting GLORIA SCHNERINGER in the amount of approximately
14 \$2,830.50. Defendants are criminally liable under one or more of the following principles of
15 criminal liability, to wit: (1) by directly committing this crime; and/or (2) by aiding or abetting
16 in the commission of this crime, with the intent that this crime be committed, by providing
17 counsel and/or encouragement and by entering into a course of conduct whereby APRIL
18 PARKS acted as guardian for GLORIA SCHNERINGER and overcharged for ward visits,
19 shopping trips, bank deposits, and/or other tasks on behalf of A Private Professional Guardian,
20 LLC that either did not benefit GLORIA SCHNERINGER or did not occur, and/or directed
21 Angelica Sanchez and/or Heidi Kramer and/or Sue Pehrson to do the same; and MARK
22 SIMMONS documented the same ward visits, shopping trips, bank deposits, and/or other
23 tasks on behalf of A Private Professional Guardian, LLC that either did not benefit GLORIA
24 SCHNERINGER or did not occur, and/or directed Angelica Sanchez and/or Heidi Kramer
25 and/or Sue Pehrson to do the same; and/or (3) pursuant to a conspiracy to commit this crime,
26 with the intent that the crime be committed.

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1 COUNT 25 - THEFT

2 Defendants APRIL PARKS and MARK SIMMONS did on or between September 5,
3 2013 and September 17, 2015 willfully, knowingly, feloniously, and without lawful authority,
4 use the services or property of another person entrusted to them, or placed in their possession
5 for a limited, authorized period of determined or prescribed duration or for a limited use,
6 having a value of \$650.00 or more, belonging to GLORIA SCHNERINGER and/or the
7 ESTATE OF GLORIA SCHNERINGER, in the following manner, to wit: by working in their
8 role as guardian and fiduciary, overbilling for visits, shopping trips, court filings, and banking
9 visits thereby unlawfully converting money belonging to GLORIA SCHNERINGER in the
10 amount of approximately \$2,830.50. Defendants are criminally liable under one or more of
11 the following principles of criminal liability, to wit: (1) by directly committing this crime;
12 and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime
13 be committed, by providing counsel and/or encouragement and by entering into a course of
14 conduct whereby APRIL PARKS acted as guardian for GLORIA SCHNERINGER and
15 overcharged for ward visits, shopping trips, bank deposits, and/or other tasks on behalf of A
16 Private Professional Guardian, LLC that either did not benefit GLORIA SCHNERINGER or
17 did not occur, and/or directed Angelica Sanchez and/or Heidi Kramer and/or Sue Pehrson to
18 do the same; and MARK SIMMONS documented the same ward visits, shopping trips, bank
19 deposits, and/or other tasks on behalf of A Private Professional Guardian, LLC that either did
20 not benefit GLORIA SCHNERINGER or did not occur, and/or directed Angelica Sanchez
21 and/or Heidi Kramer and/or Sue Pehrson to do the same; and/or (3) pursuant to a conspiracy
22 to commit this crime, with the intent that the crime be committed.

23 COUNT 26 - EXPLOITATION OF AN OLDER PERSON

24 Defendants APRIL PARKS and MARK SIMMONS did on or between April 4, 2013
25 and September 3, 2015 willfully, unlawfully and feloniously exploit an older person having
26 been born in 1937, to wit: JANICE MITCHELL, by use of a guardianship converting JANICE
27 MITCHELL's money, assets or property, Defendants intending to permanently deprive
28 JANICE MITCHELL of the ownership, use, benefit or possession of her money, assets or

1 property having an value of more than \$650.00, by working in their role as guardian and
2 fiduciary, overbilling for visits, shopping trips, court filings, and banking visits thereby
3 exploiting JANICE MITCHELL in the amount of approximately \$4,766.37. Defendants are
4 criminally liable under one or more of the following principles of criminal liability, to wit: (1)
5 by directly committing this crime; and/or (2) by aiding or abetting in the commission of this
6 crime, with the intent that this crime be committed, by providing counsel and/or
7 encouragement and by entering into a course of conduct whereby APRIL PARKS acted as
8 guardian for JANICE MITCHELL and overcharged for ward visits, shopping trips, bank
9 deposits, and/or other tasks on behalf of A Private Professional Guardian, LLC that either did
10 not benefit JANICE MITCHELL or did not occur, and/or directed Angelica Sanchez and/or
11 Heidi Kramer and/or Sue Pehrson to do the same; and MARK SIMMONS documented the
12 same ward visits, shopping trips, bank deposits, and/or other tasks on behalf of A Private
13 Professional Guardian, LLC that either did not benefit JANICE MITCHELL or did not occur,
14 and/or directed Angelica Sanchez and/or Heidi Kramer and/or Sue Pehrson to do the same;
15 and/or (3) pursuant to a conspiracy to commit this crime, with the intent that the crime be
16 committed.

17 COUNT 27 - THEFT

18 Defendants APRIL PARKS and MARK SIMMONS did on or between April 4, 2013
19 and September 3, 2015 willfully, knowingly, feloniously, and without lawful authority, use
20 the services or property of another person entrusted to them, or placed in their possession for
21 a limited, authorized period of determined or prescribed duration or for a limited use, having
22 a value of \$3,500.00 or more, belonging to JANICE MITCHELL and/or the ESTATE OF
23 JANICE MITCHELL, in the following manner, to wit: by working in their role as guardian
24 and fiduciary, overbilling for visits, shopping trips, court filings, and banking visits thereby
25 unlawfully converting money belonging to JANICE MITCHELL in the amount of
26 approximately \$4,766.37. Defendants are criminally liable under one or more of the following
27 principles of criminal liability, to wit: (1) by directly committing this crime; and/or (2) by
28 aiding or abetting in the commission of this crime, with the intent that this crime be committed,

1 by providing counsel and/or encouragement and by entering into a course of conduct whereby
2 APRIL PARKS acted as guardian for JANICE MITCHELL and overcharged for ward visits,
3 shopping trips, bank deposits, and/or other tasks on behalf of A Private Professional Guardian,
4 LLC that either did not benefit JANICE MITCHELL or did not occur, and/or directed Angelica
5 Sanchez and/or Heidi Kramer and/or Sue Pehrson to do the same; and MARK SIMMONS
6 documented the same ward visits, shopping trips, bank deposits, and/or other tasks on behalf
7 of A Private Professional Guardian, LLC that either did not benefit JANICE MITCHELL or
8 did not occur, and/or directed Angelica Sanchez and/or Heidi Kramer and/or Sue Pehrson to
9 do the same; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that the
10 crime be committed.

11 COUNT 28 - EXPLOITATION OF AN OLDER PERSON

12 Defendants APRIL PARKS and MARK SIMMONS did on or between December 3,
13 2013 and December 8, 2014 willfully, unlawfully and feloniously exploit an older person
14 having been born in 1932, to wit: MARY VITEK, by use of a guardianship converting MARY
15 VITEK's money, assets or property, Defendants intending to permanently deprive MARY
16 VITEK of the ownership, use, benefit or possession of her money, assets or property having
17 an value of more than \$650.00, by working in their role as guardian and fiduciary, overbilling
18 for visits, shopping trips, court filings, and banking visits thereby exploiting MARY VITEK
19 in the amount of approximately \$2,705.39. Defendants are criminally liable under one or more
20 of the following principles of criminal liability, to wit: (1) by directly committing this crime;
21 and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime
22 be committed, by providing counsel and/or encouragement and by entering into a course of
23 conduct whereby APRIL PARKS acted as guardian for MARY VITEK and overcharged for
24 ward visits, shopping trips, bank deposits, and/or other tasks on behalf of A Private
25 Professional Guardian, LLC that either did not benefit MARY VITEK or did not occur, and/or
26 directed Angelica Sanchez and/or Heidi Kramer and/or Sue Pehrson to do the same; and
27 MARK SIMMONS documented the same ward visits, shopping trips, bank deposits, and/or
28 other tasks on behalf of A Private Professional Guardian, LLC that either did not benefit

1 MARY VITEK or did not occur, and/or directed Angelica Sanchez and/or Heidi Kramer
2 and/or Sue Pehrson to do the same; and/or (3) pursuant to a conspiracy to commit this crime,
3 with the intent that the crime be committed.

4 COUNT 29 - THEFT

5 Defendants APRIL PARKS and MARK SIMMONS did on or between December 3,
6 2013 and December 8, 2014 willfully, knowingly, feloniously, and without lawful authority,
7 use the services or property of another person entrusted to them, or placed in their possession
8 for a limited, authorized period of determined or prescribed duration or for a limited use,
9 having a value of \$650.00 or more, belonging to MARY VITEK and/or the ESTATE OF
10 MARY VITEK, in the following manner, to wit: by working in their role as guardian and
11 fiduciary, overbilling for visits, shopping trips, court filings, and banking visits thereby
12 unlawfully converting money belonging to MARY VITEK in the amount of approximately
13 \$2,705.39. Defendants are criminally liable under one or more of the following principles of
14 criminal liability, to wit: (1) by directly committing this crime; and/or (2) by aiding or abetting
15 in the commission of this crime, with the intent that this crime be committed, by providing
16 counsel and/or encouragement and by entering into a course of conduct whereby APRIL
17 PARKS acted as guardian for MARY VITEK and overcharged for ward visits, shopping trips,
18 bank deposits, and/or other tasks on behalf of A Private Professional Guardian, LLC that either
19 did not benefit MARY VITEK or did not occur, and/or directed Angelica Sanchez and/or Heidi
20 Kramer and/or Sue Pehrson to do the same; and MARK SIMMONS documented the same
21 ward visits, shopping trips, bank deposits, and/or other tasks on behalf of A Private
22 Professional Guardian, LLC that either did not benefit MARY VITEK or did not occur, and/or
23 directed Angelica Sanchez and/or Heidi Kramer and/or Sue Pehrson to do the same; and/or (3)
24 pursuant to a conspiracy to commit this crime, with the intent that the crime be committed.

25 COUNT 30 - EXPLOITATION OF AN OLDER PERSON

26 Defendants APRIL PARKS and MARK SIMMONS did on or between July 5, 2013
27 and February 3, 2015 willfully, unlawfully and feloniously exploit an older person having been
28 born in 1921, to wit: CLYDE BOWMAN, by use of a guardianship converting CLYDE

1 BOWMAN's money, assets or property, Defendants intending to permanently deprive
2 CLYDE BOWMAN of the ownership, use, benefit or possession of his money, assets or
3 property having an value of more than \$650.00, by working in their role as guardian and
4 fiduciary, overbilling for visits, shopping trips, court filings, and banking visits thereby
5 exploiting CLYDE BOWMAN in the amount of approximately \$3,820.14. Defendants are
6 criminally liable under one or more of the following principles of criminal liability, to wit: (1)
7 by directly committing this crime; and/or (2) by aiding or abetting in the commission of this
8 crime, with the intent that this crime be committed, by providing counsel and/or
9 encouragement and by entering into a course of conduct whereby APRIL PARKS acted as
10 guardian for CLYDE BOWMAN and overcharged for ward visits, shopping trips, bank
11 deposits, and/or other tasks on behalf of A Private Professional Guardian, LLC that either did
12 not benefit CLYDE BOWMAN or did not occur, and/or directed Angelica Sanchez and/or
13 Heidi Kramer and/or Sue Pehrson to do the same; and MARK SIMMONS documented the
14 same ward visits, shopping trips, bank deposits, and/or other tasks on behalf of A Private
15 Professional Guardian, LLC that either did not benefit CLYDE BOWMAN or did not occur,
16 and/or directed Angelica Sanchez and/or Heidi Kramer and/or Sue Pehrson to do the same;
17 and/or (3) pursuant to a conspiracy to commit this crime, with the intent that the crime be
18 committed.

19 COUNT 31 - THEFT

20 Defendants APRIL PARKS and MARK SIMMONS did on or between July 5, 2013
21 and February 3, 2015 willfully, knowingly, feloniously, and without lawful authority, use the
22 services or property of another person entrusted to them, or placed in their possession for a
23 limited, authorized period of determined or prescribed duration or for a limited use, having a
24 value of \$3,500.00 or more, belonging to CLYDE BOWMAN and/or the ESTATE OF
25 CLYDE BOWMAN, in the following manner, to wit: by working in their role as guardian and
26 fiduciary, overbilling for visits, shopping trips, court filings, and banking visits thereby
27 unlawfully converting money belonging to CLYDE BOWMAN in the amount of
28 approximately \$3,820.14. Defendants are criminally liable under one or more of the following

1 principles of criminal liability, to wit: (1) by directly committing this crime; and/or (2) by
2 aiding or abetting in the commission of this crime, with the intent that this crime be committed,
3 by providing counsel and/or encouragement and by entering into a course of conduct whereby
4 APRIL PARKS acted as guardian for CLYDE BOWMAN and overcharged for ward visits,
5 shopping trips, bank deposits, and/or other tasks on behalf of A Private Professional Guardian,
6 LLC that either did not benefit CLYDE BOWMAN or did not occur, and/or directed Angelica
7 Sanchez and/or Heidi Kramer and/or Sue Pehrson to do the same; and MARK SIMMONS
8 documented the same ward visits, shopping trips, bank deposits, and/or other tasks on behalf
9 of A Private Professional Guardian, LLC that either did not benefit CLYDE BOWMAN or did
10 not occur, and/or directed Angelica Sanchez and/or Heidi Kramer and/or Sue Pehrson to do
11 the same; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that the
12 crime be committed.

13 COUNT 32 - EXPLOITATION OF AN OLDER PERSON

14 Defendants APRIL PARKS and MARK SIMMONS did on or between July 5, 2013
15 and July 3, 2015 willfully, unlawfully and feloniously exploit an older person having been
16 born in 1925, to wit: ROY FRANKLIN, by use of a guardianship converting ROY
17 FRANKLIN's money, assets or property, Defendants intending to permanently deprive ROY
18 FRANKLIN of the ownership, use, benefit or possession of his money, assets or property
19 having an value of more than \$5,000.00, by working in their role as guardian and fiduciary,
20 overbilling for visits, shopping trips, court filings, and banking visits thereby exploiting ROY
21 FRANKLIN in the amount of approximately \$5,806.97. Defendants are criminally liable
22 under one or more of the following principles of criminal liability, to wit: (1) by directly
23 committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with
24 the intent that this crime be committed, by providing counsel and/or encouragement and by
25 entering into a course of conduct whereby APRIL PARKS acted as guardian for ROY
26 FRANKLIN and overcharged for ward visits, shopping trips, bank deposits, and/or other tasks
27 on behalf of A Private Professional Guardian, LLC that either did not benefit ROY
28 FRANKLIN or did not occur, and/or directed Angelica Sanchez and/or Heidi Kramer and/or

1 Sue Pehrson to do the same; and MARK SIMMONS documented the same ward visits,
2 shopping trips, bank deposits, and/or other tasks on behalf of A Private Professional Guardian,
3 LLC that either did not benefit ROY FRANKLIN or did not occur, and/or directed Angelica
4 Sanchez and/or Heidi Kramer and/or Sue Pehrson to do the same; and/or (3) pursuant to a
5 conspiracy to commit this crime, with the intent that the crime be committed.

6 COUNT 33 - THEFT

7 Defendants APRIL PARKS and MARK SIMMONS did on or between July 5, 2013
8 and July 3, 2015 willfully, knowingly, feloniously, and without lawful authority, use the
9 services or property of another person entrusted to them, or placed in their possession for a
10 limited, authorized period of determined or prescribed duration or for a limited use, having a
11 value of \$3,500.00 or more, belonging to ROY FRANKLIN and/or the ESTATE OF ROY
12 FRANKLIN, in the following manner, to wit: by working in their role as guardian and
13 fiduciary, overbilling for visits, shopping trips, court filings, and banking visits thereby
14 unlawfully converting money belonging to ROY FRANKLIN in the amount of approximately
15 \$5,806.97. Defendants are criminally liable under one or more of the following principles of
16 criminal liability, to wit: (1) by directly committing this crime; and/or (2) by aiding or abetting
17 in the commission of this crime, with the intent that this crime be committed, by providing
18 counsel and/or encouragement and by entering into a course of conduct whereby APRIL
19 PARKS acted as guardian for ROY FRANKLIN and overcharged for ward visits, shopping
20 trips, bank deposits, and/or other tasks on behalf of A Private Professional Guardian, LLC that
21 either did not benefit ROY FRANKLIN or did not occur, and/or directed Angelica Sanchez
22 and/or Heidi Kramer and/or Sue Pehrson to do the same; and MARK SIMMONS
23 documented the same ward visits, shopping trips, bank deposits, and/or other tasks on behalf
24 of A Private Professional Guardian, LLC that either did not benefit ROY FRANKLIN or did
25 not occur, and/or directed Angelica Sanchez and/or Heidi Kramer and/or Sue Pehrson to do
26 the same; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that the
27 crime be committed.

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1 COUNT 34 - EXPLOITATION OF AN OLDER PERSON

2 Defendants APRIL PARKS and MARK SIMMONS did on or between December 3,
3 2013 and November 4, 2015 willfully, unlawfully and feloniously exploit an older person
4 having been born in 1929, to wit: JUANITA GRAHAM, by use of a guardianship converting
5 JUANITA GRAHAM's money, assets or property, Defendants intending to permanently
6 deprive JUANITA GRAHAM of the ownership, use, benefit or possession of her money,
7 assets or property having an value of more than \$5,000.00, by working in their role as guardian
8 and fiduciary, overbilling for visits, shopping trips, court filings, and banking visits thereby
9 exploiting JUANITA GRAHAM in the amount of approximately \$5,766.75. Defendants are
10 criminally liable under one or more of the following principles of criminal liability, to wit: (1)
11 by directly committing this crime; and/or (2) by aiding or abetting in the commission of this
12 crime, with the intent that this crime be committed, by providing counsel and/or
13 encouragement and by entering into a course of conduct whereby APRIL PARKS acted as
14 guardian for JUANITA GRAHAM and overcharged for ward visits, shopping trips, bank
15 deposits, and/or other tasks on behalf of A Private Professional Guardian, LLC that either did
16 not benefit JUANITA GRAHAM or did not occur, and/or directed Angelica Sanchez and/or
17 Heidi Kramer and/or Sue Pehrson to do the same; and MARK SIMMONS documented the
18 same ward visits, shopping trips, bank deposits, and/or other tasks on behalf of A Private
19 Professional Guardian, LLC that either did not benefit JUANITA GRAHAM or did not occur,
20 and/or directed Angelica Sanchez and/or Heidi Kramer and/or Sue Pehrson to do the same;
21 and/or (3) pursuant to a conspiracy to commit this crime, with the intent that the crime be
22 committed.

23 COUNT 35 - THEFT

24 Defendants APRIL PARKS and MARK SIMMONS did on or between December 3,
25 2013 and November 4, 2015 willfully, knowingly, feloniously, and without lawful authority,
26 use the services or property of another person entrusted to them, or placed in their possession
27 for a limited, authorized period of determined or prescribed duration or for a limited use,
28 having a value of \$3,500.00 or more, belonging to JUANITA GRAHAM and/or the ESTATE

1 OF JUANITA GRAHAM, in the following manner, to wit: by working in their role as guardian
2 and fiduciary, overbilling for visits, shopping trips, court filings, and banking visits thereby
3 unlawfully converting money belonging to JUANITA GRAHAM in the amount of
4 approximately \$5,766.75. Defendants are criminally liable under one or more of the following
5 principles of criminal liability, to wit: (1) by directly committing this crime; and/or (2) by
6 aiding or abetting in the commission of this crime, with the intent that this crime be committed,
7 by providing counsel and/or encouragement and by entering into a course of conduct whereby
8 APRIL PARKS acted as guardian for JUANITA GRAHAM and overcharged for ward visits,
9 shopping trips, bank deposits, and/or other tasks on behalf of A Private Professional Guardian,
10 LLC that either did not benefit JUANITA GRAHAM or did not occur, and/or directed
11 Angelica Sanchez and/or Heidi Kramer and/or Sue Pehrson to do the same; and MARK
12 SIMMONS documented the same ward visits, shopping trips, bank deposits, and/or other
13 tasks on behalf of A Private Professional Guardian, LLC that either did not benefit JUANITA
14 GRAHAM or did not occur, and/or directed Angelica Sanchez and/or Heidi Kramer and/or
15 Sue Pehrson to do the same; and/or (3) pursuant to a conspiracy to commit this crime, with the
16 intent that the crime be committed.

17 COUNT 36 - EXPLOITATION OF AN OLDER PERSON

18 Defendants APRIL PARKS and MARK SIMMONS did on or between July 3, 2014
19 and May 4, 2015 willfully, unlawfully and feloniously exploit an older person having been
20 born in 1935, to wit: YOSHIKO KINDAICHI, by use of a guardianship converting
21 YOSHIKO KINDAICHI's money, assets or property, Defendants intending to permanently
22 deprive YOSHIKO KINDAICHI of the ownership, use, benefit or possession of her money,
23 assets or property having an value of more than \$650.00, by working in their role as guardian
24 and fiduciary, overbilling for visits, shopping trips, court filings, and banking visits thereby
25 exploiting YOSHIKO KINDAICHI in the amount of approximately \$3,699.28. Defendants
26 are criminally liable under one or more of the following principles of criminal liability, to wit:
27 (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of
28 this crime, with the intent that this crime be committed, by providing counsel and/or

1 encouragement and by entering into a course of conduct whereby APRIL PARKS acted as
2 guardian for YOSHIKO KINDAICHI and overcharged for ward visits, shopping trips, bank
3 deposits, and/or other tasks on behalf of A Private Professional Guardian, LLC that either did
4 not benefit YOSHIKO KINDAICHI or did not occur, and/or directed Angelica Sanchez and/or
5 Heidi Kramer and/or Sue Pehrson to do the same; and MARK SIMMONS documented the
6 same ward visits, shopping trips, bank deposits, and/or other tasks on behalf of A Private
7 Professional Guardian, LLC that either did not benefit YOSHIKO KINDAICHI or did not
8 occur, and/or directed Angelica Sanchez and/or Heidi Kramer and/or Sue Pehrson to do the
9 same; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that the crime
10 be committed.

11 COUNT 37 - THEFT

12 Defendants APRIL PARKS and MARK SIMMONS did on or between July 3, 2014
13 and May 4, 2015 willfully, knowingly, feloniously, and without lawful authority, use the
14 services or property of another person entrusted to them, or placed in their possession for a
15 limited, authorized period of determined or prescribed duration or for a limited use, having a
16 value of \$3,500.00 or more, belonging to YOSHIKO KINDAICHI and/or the ESTATE OF
17 YOSHIKO KINDAICHI, in the following manner, to wit: by working in their role as guardian
18 and fiduciary, overbilling for visits, shopping trips, court filings, and banking visits thereby
19 unlawfully converting money belonging to YOSHIKO KINDAICHI in the amount of
20 approximately \$3,699.28. Defendants are criminally liable under one or more of the following
21 principles of criminal liability, to wit: (1) by directly committing this crime; and/or (2) by
22 aiding or abetting in the commission of this crime, with the intent that this crime be committed,
23 by providing counsel and/or encouragement and by entering into a course of conduct whereby
24 APRIL PARKS acted as guardian for YOSHIKO KINDAICHI and overcharged for ward
25 visits, shopping trips, bank deposits, and/or other tasks on behalf of A Private Professional
26 Guardian, LLC that either did not benefit YOSHIKO KINDAICHI or did not occur, and/or
27 directed Angelica Sanchez and/or Heidi Kramer and/or Sue Pehrson to do the same; and
28 MARK SIMMONS documented the same ward visits, shopping trips, bank deposits, and/or

1 other tasks on behalf of A Private Professional Guardian, LLC that either did not benefit
2 YOSHIKO KINDAICHI or did not occur, and/or directed Angelica Sanchez and/or Heidi
3 Kramer and/or Sue Pehrson to do the same; and/or (3) pursuant to a conspiracy to commit this
4 crime, with the intent that the crime be committed.

5 COUNT 38 - EXPLOITATION OF AN OLDER PERSON

6 Defendants APRIL PARKS and MARK SIMMONS did on or between July 4, 2013
7 and June 5, 2015 willfully, unlawfully and feloniously exploit an older person having been
8 born in 1934, to wit: WALTER WRIGHT, by use of a guardianship converting WALTER
9 WRIGHT's money, assets or property, Defendants intending to permanently deprive
10 WALTER WRIGHT of the ownership, use, benefit or possession of his money, assets or
11 property having an value of more than \$650.00, by working in their role as guardian and
12 fiduciary, overbilling for visits, shopping trips, court filings, and banking visits thereby
13 exploiting WALTER WRIGHT in the amount of approximately \$4,183.08. Defendants are
14 criminally liable under one or more of the following principles of criminal liability, to wit: (1)
15 by directly committing this crime; and/or (2) by aiding or abetting in the commission of this
16 crime, with the intent that this crime be committed, by providing counsel and/or
17 encouragement and by entering into a course of conduct whereby APRIL PARKS acted as
18 guardian for WALTER WRIGHT and overcharged for ward visits, shopping trips, bank
19 deposits, and/or other tasks on behalf of A Private Professional Guardian, LLC that either did
20 not benefit WALTER WRIGHT or did not occur, and/or directed Angelica Sanchez and/or
21 Heidi Kramer and/or Sue Pehrson to do the same; and MARK SIMMONS documented the
22 same ward visits, shopping trips, bank deposits, and/or other tasks on behalf of A Private
23 Professional Guardian, LLC that either did not benefit WALTER WRIGHT or did not occur,
24 and/or directed Angelica Sanchez and/or Heidi Kramer and/or Sue Pehrson to do the same;
25 and/or (3) pursuant to a conspiracy to commit this crime, with the intent that the crime be
26 committed.

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1 COUNT 39 - THEFT

2 Defendants APRIL PARKS and MARK SIMMONS did on or between July 4, 2013
3 and June 5, 2015 willfully, knowingly, feloniously, and without lawful authority, use the
4 services or property of another person entrusted to them, or placed in their possession for a
5 limited, authorized period of determined or prescribed duration or for a limited use, having a
6 value of \$3,500.00 or more, belonging to WALTER WRIGHT and/or the ESTATE OF
7 WALTER WRIGHT, in the following manner, to wit: by working in their role as guardian and
8 fiduciary, overbilling for visits, shopping trips, court filings, and banking visits thereby
9 unlawfully converting money belonging to WALTER WRIGHT in the amount of
10 approximately \$4,183.08. Defendants are criminally liable under one or more of the following
11 principles of criminal liability, to wit: (1) by directly committing this crime; and/or (2) by
12 aiding or abetting in the commission of this crime, with the intent that this crime be committed,
13 by providing counsel and/or encouragement and by entering into a course of conduct whereby
14 APRIL PARKS acted as guardian for WALTER WRIGHT and overcharged for ward visits,
15 shopping trips, bank deposits, and/or other tasks on behalf of A Private Professional Guardian,
16 LLC that either did not benefit WALTER WRIGHT or did not occur, and/or directed Angelica
17 Sanchez and/or Heidi Kramer and/or Sue Pehrson to do the same; and MARK SIMMONS
18 documented the same ward visits, shopping trips, bank deposits, and/or other tasks on behalf
19 of A Private Professional Guardian, LLC that either did not benefit WALTER WRIGHT or
20 did not occur, and/or directed Angelica Sanchez and/or Heidi Kramer and/or Sue Pehrson to
21 do the same; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that the
22 crime be committed.

23 COUNT 40 - EXPLOITATION OF AN OLDER PERSON

24 Defendants APRIL PARKS and MARK SIMMONS did on or between March 5, 2014
25 and June 4, 2015 willfully, unlawfully and feloniously exploit an older person having been
26 born in 1932, to wit: DELORES SMITH, by use of a guardianship converting DELORES
27 SMITH's money, assets or property, Defendants intending to permanently deprive DELORES
28 SMITH of the ownership, use, benefit or possession of her money, assets or property having

1 an value of more than \$5,000.00, by working in their role as guardian and fiduciary, overbilling
2 for visits, shopping trips, court filings, and banking visits thereby exploiting DELORES
3 SMITH in the amount of approximately \$6,166.30. Defendants are criminally liable under
4 one or more of the following principles of criminal liability, to wit: (1) by directly committing
5 this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that
6 this crime be committed, by providing counsel and/or encouragement and by entering into a
7 course of conduct whereby APRIL PARKS acted as guardian for DELORES SMITH and
8 overcharged for ward visits, shopping trips, bank deposits, and/or other tasks on behalf of A
9 Private Professional Guardian, LLC that either did not benefit DELORES SMITH or did not
10 occur, and/or directed Angelica Sanchez and/or Heidi Kramer and/or Sue Pehrson to do the
11 same; and MARK SIMMONS documented the same ward visits, shopping trips, bank
12 deposits, and/or other tasks on behalf of A Private Professional Guardian, LLC that either did
13 not benefit DELORES SMITH or did not occur, and/or directed Angelica Sanchez and/or
14 Heidi Kramer and/or Sue Pehrson to do the same; and/or (3) pursuant to a conspiracy to
15 commit this crime, with the intent that the crime be committed.

16 COUNT 41 - THEFT

17 Defendants APRIL PARKS and MARK SIMMONS did on or between March 5, 2014
18 and June 4, 2015 willfully, knowingly, feloniously, and without lawful authority, use the
19 services or property of another person entrusted to them, or placed in their possession for a
20 limited, authorized period of determined or prescribed duration or for a limited use, having a
21 value of \$3,500.00 or more, belonging to DELORES SMITH and/or the ESTATE OF
22 DELORES SMITH, in the following manner, to wit: by working in their role as guardian and
23 fiduciary, overbilling for visits, shopping trips, court filings, and banking visits thereby
24 unlawfully converting money belonging to DELORES SMITH in the amount of
25 approximately \$6,166.30. Defendants are criminally liable under one or more of the following
26 principles of criminal liability, to wit: (1) by directly committing this crime; and/or (2) by
27 aiding or abetting in the commission of this crime, with the intent that this crime be committed,
28 by providing counsel and/or encouragement and by entering into a course of conduct whereby

1 APRIL PARKS acted as guardian for DELORES SMITH and overcharged for ward visits,
2 shopping trips, bank deposits, and/or other tasks on behalf of A Private Professional Guardian,
3 LLC that either did not benefit DELORES SMITH or did not occur, and/or directed Angelica
4 Sanchez and/or Heidi Kramer and/or Sue Pehrson to do the same; and MARK SIMMONS
5 documented the same ward visits, shopping trips, bank deposits, and/or other tasks on behalf
6 of A Private Professional Guardian, LLC that either did not benefit DELORES SMITH or did
7 not occur, and/or directed Angelica Sanchez and/or Heidi Kramer and/or Sue Pehrson to do
8 the same; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that the
9 crime be committed.

10 COUNT 42 - EXPLOITATION OF AN OLDER PERSON

11 Defendants APRIL PARKS and MARK SIMMONS did on or between August 3, 2012
12 and December 17, 2015 willfully, unlawfully and feloniously exploit an older person having
13 been born in 1939, to wit: MARLENE HOMER, by use of a guardianship converting
14 MARLENE HOMER's money, assets or property, Defendants intending to permanently
15 deprive MARLENE HOMER of the ownership, use, benefit or possession of her money, assets
16 or property having an value of more than \$5,000.00, by working in their role as guardian and
17 fiduciary, overbilling for visits, shopping trips, court filings, and banking visits thereby
18 exploiting MARLENE HOMER in the amount of approximately \$11,582.40. Defendants are
19 criminally liable under one or more of the following principles of criminal liability, to wit: (1)
20 by directly committing this crime; and/or (2) by aiding or abetting in the commission of this
21 crime, with the intent that this crime be committed, by providing counsel and/or
22 encouragement and by entering into a course of conduct whereby APRIL PARKS acted as
23 guardian for MARLENE HOMER and overcharged for ward visits, shopping trips, bank
24 deposits, and/or other tasks on behalf of A Private Professional Guardian, LLC that either did
25 not benefit MARLENE HOMER or did not occur, and/or directed Angelica Sanchez and/or
26 Heidi Kramer and/or Sue Pehrson to do the same; and MARK SIMMONS documented the
27 same ward visits, shopping trips, bank deposits, and/or other tasks on behalf of A Private
28 Professional Guardian, LLC that either did not benefit MARLENE HOMER or did not occur,

1 and/or directed Angelica Sanchez and/or Heidi Kramer and/or Sue Pehrson to do the same;
2 and/or (3) pursuant to a conspiracy to commit this crime, with the intent that the crime be
3 committed.

4 COUNT 43 - THEFT

5 Defendants APRIL PARKS and MARK SIMMONS did on or between August 3, 2012
6 and December 17, 2015 willfully, knowingly, feloniously, and without lawful authority, use
7 the services or property of another person entrusted to them, or placed in their possession for
8 a limited, authorized period of determined or prescribed duration or for a limited use, having
9 a value of \$3,500.00 or more, belonging to MARLENE HOMER and/or the ESTATE OF
10 MARLENE HOMER, in the following manner, to wit: by working in their role as guardian
11 and fiduciary, overbilling for visits, shopping trips, court filings, and banking visits thereby
12 unlawfully converting money belonging to MARLENE HOMER in the amount of
13 approximately \$11,582.40 Defendants are criminally liable under one or more of the following
14 principles of criminal liability, to wit: (1) by directly committing this crime; and/or (2) by
15 aiding or abetting in the commission of this crime, with the intent that this crime be committed,
16 by providing counsel and/or encouragement and by entering into a course of conduct whereby
17 APRIL PARKS acted as guardian for MARLENE HOMER and overcharged for ward visits,
18 shopping trips, bank deposits, and/or other tasks on behalf of A Private Professional Guardian,
19 LLC that either did not benefit MARLENE HOMER or did not occur, and/or directed Angelica
20 Sanchez and/or Heidi Kramer and/or Sue Pehrson to do the same; and MARK SIMMONS
21 documented the same ward visits, shopping trips, bank deposits, and/or other tasks on behalf
22 of A Private Professional Guardian, LLC that either did not benefit MARLENE HOMER or
23 did not occur, and/or directed Angelica Sanchez and/or Heidi Kramer and/or Sue Pehrson to
24 do the same; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that the
25 crime be committed.

26 COUNT 44 - EXPLOITATION OF AN OLDER PERSON

27 Defendants APRIL PARKS and MARK SIMMONS did on or between August 3, 2012
28 and March 4, 2015 willfully, unlawfully and feloniously exploit an older person having been

1 born in 1919, to wit: MARIE LONG, by use of a guardianship converting MARIE LONG's
2 money, assets or property, Defendants intending to permanently deprive MARIE LONG of
3 the ownership, use, benefit or possession of her money, assets or property having an value of
4 more than \$5,000.00, by working in their role as guardian and fiduciary, overbilling for visits,
5 shopping trips, court filings, and banking visits thereby exploiting MARIE LONG in the
6 amount of approximately \$10,708.45. Defendants are criminally liable under one or more of
7 the following principles of criminal liability, to wit: (1) by directly committing this crime;
8 and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime
9 be committed, by providing counsel and/or encouragement and by entering into a course of
10 conduct whereby APRIL PARKS acted as guardian for MARIE LONG and overcharged for
11 ward visits, shopping trips, bank deposits, and/or other tasks on behalf of A Private
12 Professional Guardian, LLC that either did not benefit MARIE LONG or did not occur, and/or
13 directed Angelica Sanchez and/or Heidi Kramer and/or Sue Pehrson to do the same; and
14 MARK SIMMONS documented the same ward visits, shopping trips, bank deposits, and/or
15 other tasks on behalf of A Private Professional Guardian, LLC that either did not benefit
16 MARIE LONG or did not occur, and/or directed Angelica Sanchez and/or Heidi Kramer
17 and/or Sue Pehrson to do the same; and/or (3) pursuant to a conspiracy to commit this crime,
18 with the intent that the crime be committed.

19 COUNT 45 - THEFT

20 Defendants APRIL PARKS and MARK SIMMONS did on or between August 3, 2012
21 and March 4, 2015 willfully, knowingly, feloniously, and without lawful authority, use the
22 services or property of another person entrusted to them, or placed in their possession for a
23 limited, authorized period of determined or prescribed duration or for a limited use, having a
24 value of \$3,500.00 or more, belonging to MARIE LONG and/or the ESTATE OF MARIE
25 LONG, in the following manner, to wit: by working in their role as guardian and fiduciary,
26 overbilling for visits, shopping trips, court filings, and banking visits thereby unlawfully
27 converting money belonging to MARIE LONG in the amount of approximately \$10,708.45.
28 Defendants are criminally liable under one or more of the following principles of criminal

1 liability, to wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the
2 commission of this crime, with the intent that this crime be committed, by providing counsel
3 and/or encouragement and by entering into a course of conduct whereby APRIL PARKS acted
4 as guardian for MARIE LONG and overcharged for ward visits, shopping trips, bank deposits,
5 and/or other tasks on behalf of A Private Professional Guardian, LLC that either did not benefit
6 MARIE LONG or did not occur, and/or directed Angelica Sanchez and/or Heidi Kramer
7 and/or Sue Pehrson to do the same; and MARK SIMMONS documented the same ward visits,
8 shopping trips, bank deposits, and/or other tasks on behalf of A Private Professional Guardian,
9 LLC that either did not benefit MARIE LONG or did not occur, and/or directed Angelica
10 Sanchez and/or Heidi Kramer and/or Sue Pehrson to do the same; and/or (3) pursuant to a
11 conspiracy to commit this crime, with the intent that the crime be committed.

12 COUNT 46 - EXPLOITATION OF AN OLDER PERSON

13 Defendants APRIL PARKS and MARK SIMMONS did on or between September 19,
14 2013 and July 3, 2014 willfully, unlawfully and feloniously exploit an older person having
15 been born in 1936, to wit: RUDY NORTH, by use of a guardianship converting RUDY
16 NORTH's money, assets or property, Defendants intending to permanently deprive RUDY
17 NORTH of the ownership, use, benefit or possession of his money, assets or property having
18 an value of more than \$650.00, by working in their role as guardian and fiduciary, overbilling
19 for visits, shopping trips, court filings, and banking visits thereby exploiting RUDY NORTH
20 in the amount of approximately \$1,449.30. Defendants are criminally liable under one or more
21 of the following principles of criminal liability, to wit: (1) by directly committing this crime;
22 and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime
23 be committed, by providing counsel and/or encouragement and by entering into a course of
24 conduct whereby APRIL PARKS acted as guardian for RUDY NORTH and overcharged for
25 ward visits, shopping trips, bank deposits, and/or other tasks on behalf of A Private
26 Professional Guardian, LLC that either did not benefit RUDY NORTH or did not occur, and/or
27 directed Angelica Sanchez and/or Heidi Kramer and/or Sue Pehrson to do the same; and
28 MARK SIMMONS documented the same ward visits, shopping trips, bank deposits, and/or

1 other tasks on behalf of A Private Professional Guardian, LLC that either did not benefit
2 RUDY NORTH or did not occur, and/or directed Angelica Sanchez and/or Heidi Kramer
3 and/or Sue Pehrson to do the same; and/or (3) pursuant to a conspiracy to commit this crime,
4 with the intent that the crime be committed.

5 COUNT 47 - THEFT

6 Defendants APRIL PARKS and MARK SIMMONS did on or between September 19,
7 2013 and July 3, 2014 willfully, knowingly, feloniously, and without lawful authority, use the
8 services or property of another person entrusted to them, or placed in their possession for a
9 limited, authorized period of determined or prescribed duration or for a limited use, having a
10 value of \$650.00 or more, belonging to RUDY NORTH and/or the ESTATE OF RUDY
11 NORTH, in the following manner, to wit: by working in their role as guardian and fiduciary,
12 overbilling for visits, shopping trips, court filings, and banking visits thereby unlawfully
13 converting money belonging to RUDY NORTH in the amount of approximately \$1,449.30.
14 Defendants are criminally liable under one or more of the following principles of criminal
15 liability, to wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the
16 commission of this crime, with the intent that this crime be committed, by providing counsel
17 and/or encouragement and by entering into a course of conduct whereby APRIL PARKS acted
18 as guardian for RUDY NORTH and overcharged for ward visits, shopping trips, bank deposits,
19 and/or other tasks on behalf of A Private Professional Guardian, LLC that either did not benefit
20 RUDY NORTH or did not occur, and/or directed Angelica Sanchez and/or Heidi Kramer
21 and/or Sue Pehrson to do the same; and MARK SIMMONS documented the same ward visits,
22 shopping trips, bank deposits, and/or other tasks on behalf of A Private Professional Guardian,
23 LLC that either did not benefit RUDY NORTH or did not occur, and/or directed Angelica
24 Sanchez and/or Heidi Kramer and/or Sue Pehrson to do the same; and/or (3) pursuant to a
25 conspiracy to commit this crime, with the intent that the crime be committed.

26 COUNT 48 - EXPLOITATION OF AN OLDER PERSON

27 Defendants APRIL PARKS and MARK SIMMONS did on or between October 4, 2013
28 and May 5, 2014 willfully, unlawfully and feloniously exploit an older person having been

1 born in 1938, to wit: RENNIE NORTH, by use of a guardianship converting RENNIE
2 NORTH's money, assets or property, Defendants intending to permanently deprive RENNIE
3 NORTH of the ownership, use, benefit or possession of her money, assets or property having
4 an value of more than \$650.00, by working in their role as guardian and fiduciary, overbilling
5 for visits, shopping trips, court filings, and banking visits thereby exploiting RENNIE NORTH
6 in the amount of approximately \$1,449.30. Defendants are criminally liable under one or more
7 of the following principles of criminal liability, to wit: (1) by directly committing this crime;
8 and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime
9 be committed, by providing counsel and/or encouragement and by entering into a course of
10 conduct whereby APRIL PARKS acted as guardian for RENNIE NORTH and overcharged
11 for ward visits, shopping trips, bank deposits, and/or other tasks on behalf of A Private
12 Professional Guardian, LLC that either did not benefit RENNIE NORTH or did not occur,
13 and/or directed Angelica Sanchez and/or Heidi Kramer and/or Sue Pehrson to do the same;
14 and MARK SIMMONS documented the same ward visits, shopping trips, bank deposits,
15 and/or other tasks on behalf of A Private Professional Guardian, LLC that either did not benefit
16 RENNIE NORTH or did not occur, and/or directed Angelica Sanchez and/or Heidi Kramer
17 and/or Sue Pehrson to do the same; and/or (3) pursuant to a conspiracy to commit this crime,
18 with the intent that the crime be committed.

19 COUNT 49 - THEFT

20 Defendants APRIL PARKS and MARK SIMMONS did on or between October 4, 2013
21 and May 5, 2014 willfully, knowingly, feloniously, and without lawful authority, use the
22 services or property of another person entrusted to them, or placed in their possession for a
23 limited, authorized period of determined or prescribed duration or for a limited use, having a
24 value of \$650.00 or more, belonging to RENNIE NORTH and/or the ESTATE OF RENNIE
25 NORTH, in the following manner, to wit: by working in their role as guardian and fiduciary,
26 overbilling for visits, shopping trips, court filings, and banking visits thereby unlawfully
27 converting money belonging to RENNIE NORTH in the amount of approximately \$1,449.30.
28 Defendants are criminally liable under one or more of the following principles of criminal

1 liability, to wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the
2 commission of this crime, with the intent that this crime be committed, by providing counsel
3 and/or encouragement and by entering into a course of conduct whereby APRIL PARKS acted
4 as guardian for RENNIE NORTH and overcharged for ward visits, shopping trips, bank
5 deposits, and/or other tasks on behalf of A Private Professional Guardian, LLC that either did
6 not benefit RENNIE NORTH or did not occur, and/or directed Angelica Sanchez and/or Heidi
7 Kramer and/or Sue Pehrson to do the same; and MARK SIMMONS documented the same
8 ward visits, shopping trips, bank deposits, and/or other tasks on behalf of A Private
9 Professional Guardian, LLC that either did not benefit RENNIE NORTH or did not occur,
10 and/or directed Angelica Sanchez and/or Heidi Kramer and/or Sue Pehrson to do the same;
11 and/or (3) pursuant to a conspiracy to commit this crime, with the intent that the crime be
12 committed.

13 COUNT 50 - EXPLOITATION OF AN OLDER PERSON

14 Defendants APRIL PARKS and MARK SIMMONS did on or between September 3,
15 2013 and August 3, 2015 willfully, unlawfully and feloniously exploit an older person having
16 been born in 1927, to wit: HAROLD LOCKWOOD, by use of a guardianship converting
17 HAROLD LOCKWOOD's money, assets or property, Defendants intending to permanently
18 deprive HAROLD LOCKWOOD of the ownership, use, benefit or possession of his money,
19 assets or property having an value of more than \$650.00, by working in their role as guardian
20 and fiduciary, overbilling for visits, shopping trips, court filings, and banking visits thereby
21 exploiting HAROLD LOCKWOOD in the amount of approximately \$4,528.00. Defendants
22 are criminally liable under one or more of the following principles of criminal liability, to wit:
23 (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of
24 this crime, with the intent that this crime be committed, by providing counsel and/or
25 encouragement and by entering into a course of conduct whereby APRIL PARKS acted as
26 guardian for HAROLD LOCKWOOD and overcharged for ward visits, shopping trips, bank
27 deposits, and/or other tasks on behalf of A Private Professional Guardian, LLC that either did
28 not benefit HAROLD LOCKWOOD or did not occur, and/or directed Angelica Sanchez

1 and/or Heidi Kramer and/or Sue Pehrson to do the same; and MARK SIMMONS
2 documented the same ward visits, shopping trips, bank deposits, and/or other tasks on behalf
3 of A Private Professional Guardian, LLC that either did not benefit HAROLD LOCKWOOD
4 or did not occur, and/or directed Angelica Sanchez and/or Heidi Kramer and/or Sue Pehrson
5 to do the same; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that
6 the crime be committed.

7 COUNT 51 - THEFT

8 Defendants APRIL PARKS and MARK SIMMONS did on or between September 3,
9 2013 and August 3, 2015 willfully, knowingly, feloniously, and without lawful authority, use
10 the services or property of another person entrusted to them, or placed in their possession for
11 a limited, authorized period of determined or prescribed duration or for a limited use, having
12 a value of \$3,500.00 or more, belonging to HAROLD LOCKWOOD and/or the ESTATE OF
13 HAROLD LOCKWOOD, in the following manner, to wit: by working in their role as guardian
14 and fiduciary, overbilling for visits, shopping trips, court filings, and banking visits thereby
15 unlawfully converting money belonging to HAROLD LOCKWOOD in the amount of
16 approximately \$4,528.00. Defendants are criminally liable under one or more of the following
17 principles of criminal liability, to wit: (1) by directly committing this crime; and/or (2) by
18 aiding or abetting in the commission of this crime, with the intent that this crime be committed,
19 by providing counsel and/or encouragement and by entering into a course of conduct whereby
20 APRIL PARKS acted as guardian for HAROLD LOCKWOOD and overcharged for ward
21 visits, shopping trips, bank deposits, and/or other tasks on behalf of A Private Professional
22 Guardian, LLC that either did not benefit HAROLD LOCKWOOD or did not occur, and/or
23 directed Angelica Sanchez and/or Heidi Kramer and/or Sue Pehrson to do the same; and
24 MARK SIMMONS documented the same ward visits, shopping trips, bank deposits, and/or
25 other tasks on behalf of A Private Professional Guardian, LLC that either did not benefit
26 HAROLD LOCKWOOD or did not occur, and/or directed Angelica Sanchez and/or Heidi
27 Kramer and/or Sue Pehrson to do the same; and/or (3) pursuant to a conspiracy to commit this
28 crime, with the intent that the crime be committed.

1 COUNT 52 - EXPLOITATION OF AN OLDER PERSON

2 Defendants APRIL PARKS and MARK SIMMONS did on or between May 24, 2013
3 and January 5, 2015 willfully, unlawfully and feloniously exploit an older person having been
4 born in 1932, to wit: NORBERT WILKENING, by use of a guardianship converting
5 NORBERT WILKENING's money, assets or property, Defendants intending to permanently
6 deprive NORBERT WILKENING of the ownership, use, benefit or possession of his money,
7 assets or property having an value of more than \$650.00, by working in their role as guardian
8 and fiduciary, overbilling for visits, shopping trips, court filings, and banking visits thereby
9 exploiting NORBERT WILKENING in the amount of approximately \$4,533.20. Defendants
10 are criminally liable under one or more of the following principles of criminal liability, to wit:
11 (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of
12 this crime, with the intent that this crime be committed, by providing counsel and/or
13 encouragement and by entering into a course of conduct whereby APRIL PARKS acted as
14 guardian for NORBERT WILKENING and overcharged for ward visits, shopping trips, bank
15 deposits, and/or other tasks on behalf of A Private Professional Guardian, LLC that either did
16 not benefit NORBERT WILKENING or did not occur, and/or directed Angelica Sanchez
17 and/or Heidi Kramer and/or Sue Pehrson to do the same; and MARK SIMMONS
18 documented the same ward visits, shopping trips, bank deposits, and/or other tasks on behalf
19 of A Private Professional Guardian, LLC that either did not benefit NORBERT WILKENING
20 or did not occur, and/or directed Angelica Sanchez and/or Heidi Kramer and/or Sue Pehrson
21 to do the same; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that
22 the crime be committed.

23 COUNT 53 - THEFT

24 Defendants APRIL PARKS and MARK SIMMONS did on or between May 24, 2013
25 and January 5, 2015 willfully, knowingly, feloniously, and without lawful authority, use the
26 services or property of another person entrusted to them, or placed in their possession for a
27 limited, authorized period of determined or prescribed duration or for a limited use, having a
28 value of \$3,500.00 or more, belonging to NORBERT WILKENING and/or the ESTATE OF

1 NORBERT WILKENING, in the following manner, to wit: by working in their role as
2 guardian and fiduciary, overbilling for visits, shopping trips, court filings, and banking visits
3 thereby unlawfully converting money belonging to NORBERT WILKENING in the amount
4 of approximately \$4,533.20. Defendants are criminally liable under one or more of the
5 following principles of criminal liability, to wit: (1) by directly committing this crime; and/or
6 (2) by aiding or abetting in the commission of this crime, with the intent that this crime be
7 committed, by providing counsel and/or encouragement and by entering into a course of
8 conduct whereby APRIL PARKS acted as guardian for NORBERT WILKENING and
9 overcharged for ward visits, shopping trips, bank deposits, and/or other tasks on behalf of A
10 Private Professional Guardian, LLC that either did not benefit NORBERT WILKENING or
11 did not occur, and/or directed Angelica Sanchez and/or Heidi Kramer and/or Sue Pehrson to
12 do the same; and MARK SIMMONS documented the same ward visits, shopping trips, bank
13 deposits, and/or other tasks on behalf of A Private Professional Guardian, LLC that either did
14 not benefit NORBERT WILKENING or did not occur, and/or directed Angelica Sanchez
15 and/or Heidi Kramer and/or Sue Pehrson to do the same; and/or (3) pursuant to a conspiracy
16 to commit this crime, with the intent that the crime be committed.

17 COUNT 54 - EXPLOITATION OF AN OLDER PERSON

18 Defendants APRIL PARKS and MARK SIMMONS did on or between June 5, 2013
19 and November 4, 2013 willfully, unlawfully and feloniously exploit an older person having
20 been born in 1941, to wit: ADOLFO GONZALEZ, by use of a guardianship converting
21 ADOLFO GONZALEZ's money, assets or property, Defendants intending to permanently
22 deprive ADOLFO GONZALEZ of the ownership, use, benefit or possession of his money,
23 assets or property having an value of more than \$650.00, by working in their role as guardian
24 and fiduciary, overbilling for visits, shopping trips, court filings, and banking visits thereby
25 exploiting ADOLFO GONZALEZ in the amount of approximately \$1,413.60. Defendants are
26 criminally liable under one or more of the following principles of criminal liability, to wit: (1)
27 by directly committing this crime; and/or (2) by aiding or abetting in the commission of this
28 crime, with the intent that this crime be committed, by providing counsel and/or

1 encouragement and by entering into a course of conduct whereby APRIL PARKS acted as
2 guardian for ADOLFO GONZALEZ and overcharged for ward visits, shopping trips, bank
3 deposits, and/or other tasks on behalf of A Private Professional Guardian, LLC that either did
4 not benefit ADOLFO GONZALEZ or did not occur, and/or directed Angelica Sanchez and/or
5 Heidi Kramer and/or Sue Pehrson to do the same; and MARK SIMMONS documented the
6 same ward visits, shopping trips, bank deposits, and/or other tasks on behalf of A Private
7 Professional Guardian, LLC that either did not benefit ADOLFO GONZALEZ or did not
8 occur, and/or directed Angelica Sanchez and/or Heidi Kramer and/or Sue Pehrson to do the
9 same; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that the crime
10 be committed.

11 COUNT 55 - THEFT

12 Defendants APRIL PARKS and MARK SIMMONS did on or between June 5, 2013
13 and November 4, 2013 willfully, knowingly, feloniously, and without lawful authority, use the
14 services or property of another person entrusted to them, or placed in their possession for a
15 limited, authorized period of determined or prescribed duration or for a limited use, having a
16 value of \$3,500.00 or more, belonging to ADOLFO GONZALEZ and/or the ESTATE OF
17 ADOLFO GONZALEZ, in the following manner, to wit: by working in their role as guardian
18 and fiduciary, overbilling for visits, shopping trips, court filings, and banking visits thereby
19 unlawfully converting money belonging to ADOLFO GONZALEZ in the amount of
20 approximately \$1,413.60. Defendants are criminally liable under one or more of the following
21 principles of criminal liability, to wit: (1) by directly committing this crime; and/or (2) by
22 aiding or abetting in the commission of this crime, with the intent that this crime be committed,
23 by providing counsel and/or encouragement and by entering into a course of conduct whereby
24 APRIL PARKS acted as guardian for ADOLFO GONZALEZ and overcharged for ward visits,
25 shopping trips, bank deposits, and/or other tasks on behalf of A Private Professional Guardian,
26 LLC that either did not benefit ADOLFO GONZALEZ or did not occur, and/or directed
27 Angelica Sanchez and/or Heidi Kramer and/or Sue Pehrson to do the same; and MARK
28 SIMMONS documented the same ward visits, shopping trips, bank deposits, and/or other

1 tasks on behalf of A Private Professional Guardian, LLC that either did not benefit ADOLFO
2 GONZALEZ or did not occur, and/or directed Angelica Sanchez and/or Heidi Kramer and/or
3 Sue Pehrson to do the same; and/or (3) pursuant to a conspiracy to commit this crime, with the
4 intent that the crime be committed.

5 COUNT 56 - EXPLOITATION OF A VULNERABLE PERSON

6 Defendants APRIL PARKS and MARK SIMMONS did on or between August 6, 2013
7 and August 3, 2015 willfully, unlawfully and feloniously exploit a vulnerable person having,
8 to wit: LINDA PHILLIPS, by use of a guardianship converting LINDA PHILLIPS's money,
9 assets or property, Defendants intending to permanently deprive LINDA PHILLIPS of the
10 ownership, use, benefit or possession of his money, assets or property having an value of more
11 than \$650.00, by working in their role as guardian and fiduciary, overbilling for visits,
12 shopping trips, court filings, and banking visits thereby exploiting LINDA PHILLIPS in the
13 amount of approximately \$3,445.26. Defendants are criminally liable under one or more of
14 the following principles of criminal liability, to wit: (1) by directly committing this crime;
15 and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime
16 be committed, by providing counsel and/or encouragement and by entering into a course of
17 conduct whereby APRIL PARKS acted as guardian for LINDA PHILLIPS and overcharged
18 for ward visits, shopping trips, bank deposits, and/or other tasks on behalf of A Private
19 Professional Guardian, LLC that either did not benefit LINDA PHILLIPS or did not occur,
20 and/or directed Angelica Sanchez and/or Heidi Kramer and/or Sue Pehrson to do the same;
21 and MARK SIMMONS documented the same ward visits, shopping trips, bank deposits,
22 and/or other tasks on behalf of A Private Professional Guardian, LLC that either did not benefit
23 LINDA PHILLIPS or did not occur, and/or directed Angelica Sanchez and/or Heidi Kramer
24 and/or Sue Pehrson to do the same; and/or (3) pursuant to a conspiracy to commit this crime,
25 with the intent that the crime be committed.

26 COUNT 57 - THEFT

27 Defendants APRIL PARKS and MARK SIMMONS did on or between August 6, 2013
28 and August 3, 2015 willfully, knowingly, feloniously, and without lawful authority, use the

1 services or property of another person entrusted to them, or placed in their possession for a
2 limited, authorized period of determined or prescribed duration or for a limited use, having a
3 value of \$3,500.00 or more, belonging to LINDA PHILLIPS and/or the ESTATE OF LINDA
4 PHILLIPS, in the following manner, to wit: by working in their role as guardian and fiduciary,
5 overbilling for visits, shopping trips, court filings, and banking visits thereby unlawfully
6 converting money belonging to LINDA PHILLIPS in the amount of approximately \$3,445.26.
7 Defendants are criminally liable under one or more of the following principles of criminal
8 liability, to wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the
9 commission of this crime, with the intent that this crime be committed, by providing counsel
10 and/or encouragement and by entering into a course of conduct whereby APRIL PARKS acted
11 as guardian for LINDA PHILLIPS and overcharged for ward visits, shopping trips, bank
12 deposits, and/or other tasks on behalf of A Private Professional Guardian, LLC that either did
13 not benefit LINDA PHILLIPS or did not occur, and/or directed Angelica Sanchez and/or Heidi
14 Kramer and/or Sue Pehrson to do the same; and MARK SIMMONS documented the same
15 ward visits, shopping trips, bank deposits, and/or other tasks on behalf of A Private
16 Professional Guardian, LLC that either did not benefit LINDA PHILLIPS or did not occur,
17 and/or directed Angelica Sanchez and/or Heidi Kramer and/or Sue Pehrson to do the same;
18 and/or (3) pursuant to a conspiracy to commit this crime, with the intent that the crime be
19 committed.

20 COUNT 58 - EXPLOITATION OF AN OLDER PERSON

21 Defendants APRIL PARKS and MARK SIMMONS did on or between March 3, 2012
22 and November 30, 2015, willfully, unlawfully and feloniously exploit an older person having
23 been born in 1941, to wit: NORMAN WEINSTOCK, by use of a guardianship converting
24 NORMAN WEINSTOCK's money, assets or property, Defendants intending to permanently
25 deprive NORMAN WEINSTOCK of the ownership, use, benefit or possession of his money,
26 assets or property having an value of more than \$5,000.00, by working in their role as guardian
27 and fiduciary, overbilling for visits, shopping trips, court filings, and banking visits thereby
28 exploiting NORMAN WEINSTOCK in the amount of approximately \$15,068.18. Defendants

1 are criminally liable under one or more of the following principles of criminal liability, to wit:
2 (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of
3 this crime, with the intent that this crime be committed, by providing counsel and/or
4 encouragement and by entering into a course of conduct whereby APRIL PARKS acted as
5 guardian for NORMAN WEINSTOCK and overcharged for ward visits, shopping trips, bank
6 deposits, and/or other tasks on behalf of A Private Professional Guardian, LLC that either did
7 not benefit NORMAN WEINSTOCK or did not occur, and/or directed Angelica Sanchez
8 and/or Heidi Kramer and/or Sue Pehrson to do the same; and MARK SIMMONS
9 documented the same ward visits, shopping trips, bank deposits, and/or other tasks on behalf
10 of A Private Professional Guardian, LLC that either did not benefit NORMAN WEINSTOCK
11 or did not occur, and/or directed Angelica Sanchez and/or Heidi Kramer and/or Sue Pehrson
12 to do the same; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that
13 the crime be committed.

14 COUNT 59 - THEFT

15 Defendants APRIL PARKS and MARK SIMMONS did on or between March 3, 2012
16 and November 30, 2015, willfully, knowingly, feloniously, and without lawful authority, use
17 the services or property of another person entrusted to them, or placed in their possession for
18 a limited, authorized period of determined or prescribed duration or for a limited use, having
19 a value of \$3,500.00 or more, belonging to NORMAN WEINSTOCK and/or the ESTATE OF
20 NORMAN WEINSTOCK, in the following manner, to wit: by working in their role as
21 guardian and fiduciary, overbilling for visits, shopping trips, court filings, and banking visits
22 thereby unlawfully converting money belonging to NORMAN WEINSTOCK in the amount
23 of approximately \$15,068.18. Defendants are criminally liable under one or more of the
24 following principles of criminal liability, to wit: (1) by directly committing this crime; and/or
25 (2) by aiding or abetting in the commission of this crime, with the intent that this crime be
26 committed, by providing counsel and/or encouragement and by entering into a course of
27 conduct whereby APRIL PARKS acted as guardian for NORMAN WEINSTOCK and
28 overcharged for ward visits, shopping trips, bank deposits, and/or other tasks on behalf of A

1 Private Professional Guardian, LLC that either did not benefit NORMAN WEINSTOCK or
2 did not occur, and/or directed Angelica Sanchez and/or Heidi Kramer and/or Sue Pehrson to
3 do the same; and MARK SIMMONS documented the same ward visits, shopping trips, bank
4 deposits, and/or other tasks on behalf of A Private Professional Guardian, LLC that either did
5 not benefit NORMAN WEINSTOCK or did not occur, and/or directed Angelica Sanchez
6 and/or Heidi Kramer and/or Sue Pehrson to do the same; and/or (3) pursuant to a conspiracy
7 to commit this crime, with the intent that the crime be committed.

8 COUNT 60 - EXPLOITATION OF AN OLDER PERSON

9 Defendants APRIL PARKS and MARK SIMMONS did on or between January 1, 2011
10 and December 31, 2015, willfully, unlawfully and feloniously exploit an older person having
11 been born in 1927, to wit: MARIA COOPER, by use of a guardianship converting MARIA
12 COOPER's money, assets or property, Defendants intending to permanently deprive MARIA
13 COOPER of the ownership, use, benefit or possession of her money, assets or property having
14 an value of more than \$5,000.00, by working in their role as guardian and fiduciary, overbilling
15 for visits, shopping trips, court filings, and banking visits thereby exploiting MARIA
16 COOPER in the amount of approximately \$6,920.00. Defendants are criminally liable under
17 one or more of the following principles of criminal liability, to wit: (1) by directly committing
18 this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that
19 this crime be committed, by providing counsel and/or encouragement and by entering into a
20 course of conduct whereby APRIL PARKS acted as guardian for MARIA COOPER and
21 overcharged for ward visits, shopping trips, bank deposits, and/or other tasks on behalf of A
22 Private Professional Guardian, LLC that either did not benefit MARIA COOPER or did not
23 occur, and/or directed Angelica Sanchez and/or Heidi Kramer and/or Sue Pehrson to do the
24 same; and MARK SIMMONS documented the same ward visits, shopping trips, bank
25 deposits, and/or other tasks on behalf of A Private Professional Guardian, LLC that either did
26 not benefit MARIA COOPER or did not occur, and/or directed Angelica Sanchez and/or Heidi
27 Kramer and/or Sue Pehrson to do the same; and/or (3) pursuant to a conspiracy to commit this
28 crime, with the intent that the crime be committed.

1 COUNT 61 - THEFT

2 Defendants APRIL PARKS and MARK SIMMONS did on or between January 1, 2011
3 and December 31, 2015, willfully, knowingly, feloniously, and without lawful authority, use
4 the services or property of another person entrusted to them, or placed in their possession for
5 a limited, authorized period of determined or prescribed duration or for a limited use, having
6 a value of \$3,500.00 or more, belonging to MARIA COOPER and/or the ESTATE OF MARIA
7 COOPER, in the following manner, to wit: by working in their role as guardian and fiduciary,
8 overbilling for visits, shopping trips, court filings, and banking visits thereby unlawfully
9 converting money belonging to MARIA COOPER in the amount of approximately \$6,920.00.
10 Defendants are criminally liable under one or more of the following principles of criminal
11 liability, to wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the
12 commission of this crime, with the intent that this crime be committed, by providing counsel
13 and/or encouragement and by entering into a course of conduct whereby APRIL PARKS acted
14 as guardian for MARIA COOPER and overcharged for ward visits, shopping trips, bank
15 deposits, and/or other tasks on behalf of A Private Professional Guardian, LLC that either did
16 not benefit MARIA COOPER or did not occur, and/or directed Angelica Sanchez and/or Heidi
17 Kramer and/or Sue Pehrson to do the same; and MARK SIMMONS documented the same
18 ward visits, shopping trips, bank deposits, and/or other tasks on behalf of A Private
19 Professional Guardian, LLC that either did not benefit MARIA COOPER or did not occur,
20 and/or directed Angelica Sanchez and/or Heidi Kramer and/or Sue Pehrson to do the same;
21 and/or (3) pursuant to a conspiracy to commit this crime, with the intent that the crime be
22 committed.

23 COUNT 62 - EXPLOITATION OF AN OLDER PERSON

24 Defendants APRIL PARKS, MARK SIMMONS, and GARY NEAL TAYLOR did on
25 or between July 5, 2013 and May 4, 2015, willfully, unlawfully and feloniously exploit an
26 older person having been born in 1939, to wit: KENNETH CHRISTOPHERSON, by use of
27 a guardianship converting KENNETH CHRISTOPHERSON's money, assets or property,
28 Defendants intending to permanently deprive KENNETH CHRISTOPHERSON of the

1 ownership, use, benefit or possession of his money, assets or property having an value of more
2 than \$650.00, by working in their role as guardian and fiduciary, overbilling for visits,
3 shopping trips, court filings, and banking visits thereby exploiting KENNETH
4 CHRISTOPHERSON in the amount of approximately \$4,290.00. Defendants are criminally
5 liable under one or more of the following principles of criminal liability, to wit: (1) by directly
6 committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with
7 the intent that this crime be committed, by providing counsel and/or encouragement and by
8 entering into a course of conduct whereby APRIL PARKS acted as guardian for KENNETH
9 CHRISTOPHERSON and overcharged for ward visits, shopping trips, bank deposits, house
10 checks, and/or other tasks on behalf of A Private Professional Guardian, LLC that either did
11 not benefit KENNETH CHRISTOPHERSON or did not occur, and/or directed Angelica
12 Sanchez and/or Heidi Kramer and/or Sue Pehrson to do the same; and MARK SIMMONS
13 documented the same ward visits, shopping trips, bank deposits, house checks, and/or other
14 tasks on behalf of A Private Professional Guardian, LLC that either did not benefit KENNETH
15 CHRISTOPHERSON or did not occur, and/or directed Angelica Sanchez and/or Heidi Kramer
16 and/or Sue Pehrson to do the same; and GARY NEAL TAYLOR conducted unnecessary
17 services and/or overbilled for services on behalf of A Private Professional Guardian, LLC;
18 and/or (3) pursuant to a conspiracy to commit this crime, with the intent that the crime be
19 committed.

20 COUNT 63 - THEFT

21 Defendants APRIL PARKS, MARK SIMMONS, and GARY NEAL TAYLOR did on
22 or between July 5, 2013, and May 4, 2015, willfully, knowingly, feloniously, and without
23 lawful authority, use the services or property of another person entrusted to them, or placed in
24 their possession for a limited, authorized period of determined or prescribed duration or for a
25 limited use, having a value of \$3,500.00 or more, belonging to KENNETH
26 CHRISTOPHERSON and/or the ESTATE OF KENNETH CHRISTOPHERSON, in the
27 following manner, to wit: by working in their role as guardian and fiduciary, overbilling for
28 visits, shopping trips, court filings, and banking visits thereby unlawfully converting money

1 belonging to KENNETH CHRISTOPHERSON in the amount of approximately \$4,290.00.
2 Defendants are criminally liable under one or more of the following principles of criminal
3 liability, to wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the
4 commission of this crime, with the intent that this crime be committed, by providing counsel
5 and/or encouragement and by entering into a course of conduct whereby APRIL PARKS acted
6 as guardian for KENNETH CHRISTOPHERSON and overcharged for ward visits, shopping
7 trips, bank deposits, house checks, and/or other tasks on behalf of A Private Professional
8 Guardian, LLC that either did not benefit KENNETH CHRISTOPHERSON or did not occur,
9 and/or directed Angelica Sanchez and/or Heidi Kramer and/or Sue Pehrson to do the same;
10 and MARK SIMMONS documented the same ward visits, shopping trips, bank deposits,
11 house checks, and/or other tasks on behalf of A Private Professional Guardian, LLC that either
12 did not benefit KENNETH CHRISTOPHERSON or did not occur, and/or directed Angelica
13 Sanchez and/or Heidi Kramer and/or Sue Pehrson to do the same; and GARY NEAL
14 TAYLOR conducted unnecessary services and/or overbilled for services on behalf of A
15 Private Professional Guardian, LLC; and/or (3) pursuant to a conspiracy to commit this crime,
16 with the intent that the crime be committed.

17 COUNT 64 - EXPLOITATION OF AN OLDER PERSON

18 Defendants APRIL PARKS and MARK SIMMONS did on or between January 1, 2011
19 and December 31, 2015, willfully, unlawfully and feloniously exploit an older person having
20 been born in 1918, to wit: JOSEPH MASSA, by use of a guardianship converting JOSEPH
21 MASSA's money, assets or property, Defendants intending to permanently deprive JOSEPH
22 MASSA of the ownership, use, benefit or possession of his money, assets or property having
23 an value of more than \$5,000.00, by working in their role as guardian and fiduciary, overbilling
24 for visits, shopping trips, court filings, and banking visits thereby JOSEPH MASSA in the
25 amount of approximately \$5,396.40. Defendants are criminally liable under one or more of
26 the following principles of criminal liability, to wit: (1) by directly committing this crime;
27 and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime
28 be committed, by providing counsel and/or encouragement and by entering into a course of

1 conduct whereby APRIL PARKS acted as guardian for JOSEPH MASSA and overcharged for
2 ward visits, shopping trips, casino trips, bank deposits, and/or other tasks on behalf of A
3 Private Professional Guardian, LLC that either did not benefit JOSEPH MASSA or did not
4 occur, and/or directed Angelica Sanchez and/or Heidi Kramer and/or Sue Pehrson to do the
5 same; and MARK SIMMONS documented the same ward visits, shopping trips, casino trips,
6 bank deposits, and/or other tasks on behalf of A Private Professional Guardian, LLC that either
7 did not benefit JOSEPH MASSA or did not occur, and/or directed Angelica Sanchez and/or
8 Heidi Kramer and/or Sue Pehrson to do the same; and/or (3) pursuant to a conspiracy to
9 commit this crime, with the intent that the crime be committed.

10 COUNT 65 - THEFT

11 Defendants APRIL PARKS and MARK SIMMONS did on or between January 1, 2011
12 and December 31, 2015, willfully, knowingly, feloniously, and without lawful authority, use
13 the services or property of another person entrusted to them, or placed in their possession for
14 a limited, authorized period of determined or prescribed duration or for a limited use, having
15 a value of \$3,500.00 or more, belonging to JOSEPH MASSA and/or the ESTATE OF JOSEPH
16 MASSA, in the following manner, to wit: by working in their role as guardian and fiduciary,
17 overbilling for visits, shopping trips, court filings, and banking visits thereby unlawfully
18 converting money belonging to JOSEPH MASSA in the amount of approximately \$5,396.40.
19 Defendants are criminally liable under one or more of the following principles of criminal
20 liability, to wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the
21 commission of this crime, with the intent that this crime be committed, by providing counsel
22 and/or encouragement and by entering into a course of conduct whereby APRIL PARKS acted
23 as guardian for JOSEPH MASSA and overcharged for ward visits, shopping trips, casino trips,
24 bank deposits, and/or other tasks on behalf of A Private Professional Guardian, LLC that either
25 did not benefit JOSEPH MASSA or did not occur, and/or directed Angelica Sanchez and/or
26 Heidi Kramer and/or Sue Pehrson to do the same; and MARK SIMMONS documented the
27 same ward visits, shopping trips, casino trips, bank deposits, and/or other tasks on behalf of A
28 Private Professional Guardian, LLC that either did not benefit JOSEPH MASSA or did not

1 occur, and/or directed Angelica Sanchez and/or Heidi Kramer and/or Sue Pehrson to do the
2 same; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that the crime
3 be committed.

4 COUNT 66 - EXPLOITATION OF AN OLDER PERSON

5 Defendants APRIL PARKS and MARK SIMMONS did on or between July 1, 2014
6 and January 6, 2016, willfully, unlawfully and feloniously exploit an older person having been
7 born in 1920, to wit: BLANCA GINORIO, by use of a guardianship converting BLANCA
8 GINORIO's money, assets or property, Defendants intending to permanently deprive
9 BLANCA GINORIO of the ownership, use, benefit or possession of his money, assets or
10 property having an value of more than \$650.00, by working in their role as guardian and
11 fiduciary, overbilling for visits, shopping trips, court filings, and banking visits thereby
12 BLANCA GINORIO in the amount of approximately \$2,497.20. Defendants are criminally
13 liable under one or more of the following principles of criminal liability, to wit: (1) by directly
14 committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with
15 the intent that this crime be committed, by providing counsel and/or encouragement and by
16 entering into a course of conduct whereby APRIL PARKS acted as guardian for BLANCA
17 GINORIO and overcharged for ward visits, shopping trips, bank deposits, and/or other tasks
18 on behalf of A Private Professional Guardian, LLC that either did not benefit BLANCA
19 GINORIO or did not occur, and/or directed Angelica Sanchez and/or Heidi Kramer and/or Sue
20 Pehrson to do the same; and MARK SIMMONS documented the same ward visits, shopping
21 trips, bank deposits, and/or other tasks on behalf of A Private Professional Guardian, LLC that
22 either did not benefit BLANCA GINORIO or did not occur, and/or directed Angelica Sanchez
23 and/or Heidi Kramer and/or Sue Pehrson to do the same; and/or (3) pursuant to a conspiracy
24 to commit this crime, with the intent that the crime be committed.

25 COUNT 67 - THEFT

26 Defendants APRIL PARKS and MARK SIMMONS did on or between July 1, 2014
27 and January 6, 2016, willfully, knowingly, feloniously, and without lawful authority, use the
28 services or property of another person entrusted to them, or placed in their possession for a

1 limited, authorized period of determined or prescribed duration or for a limited use, having a
2 value of \$650.00 or more, belonging to BLANCA GINORIO and/or the ESTATE OF
3 BLANCA GINORIO, in the following manner, to wit: by working in their role as guardian
4 and fiduciary, overbilling for visits, shopping trips, court filings, and banking visits thereby
5 unlawfully converting money belonging to BLANCA GINORIO in the amount of
6 approximately \$2,497.20. Defendants are criminally liable under one or more of the following
7 principles of criminal liability, to wit: (1) by directly committing this crime; and/or (2) by
8 aiding or abetting in the commission of this crime, with the intent that this crime be committed,
9 by providing counsel and/or encouragement and by entering into a course of conduct whereby
10 APRIL PARKS acted as guardian for BLANCA GINORIO and overcharged for ward visits,
11 shopping trips, bank deposits, and/or other tasks on behalf of A Private Professional Guardian,
12 LLC that either did not benefit BLANCA GINORIO or did not occur, and/or directed Angelica
13 Sanchez and/or Heidi Kramer and/or Sue Pehrson to do the same; and MARK SIMMONS
14 documented the same ward visits, shopping trips, bank deposits, and/or other tasks on behalf
15 of A Private Professional Guardian, LLC that either did not benefit BLANCA GINORIO or
16 did not occur, and/or directed Angelica Sanchez and/or Heidi Kramer and/or Sue Pehrson to
17 do the same; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that the
18 crime be committed.

19 COUNT 68 - EXPLOITATION OF AN OLDER PERSON

20 Defendants APRIL PARKS and MARK SIMMONS did on or between December 31,
21 2009 and October 7, 2015, willfully, unlawfully and feloniously exploit an older person having
22 been born in 1935, to wit: DANIEL CURRIE, by use of a guardianship converting DANIEL
23 CURRIE's money, assets or property, Defendants intending to permanently deprive DANIEL
24 CURRIE of the ownership, use, benefit or possession of his money, assets or property having
25 an value of more than \$5,000.00, by working in their role as guardian and fiduciary, overbilling
26 for visits, shopping trips, court filings, and banking visits thereby DANIEL CURRIE in the
27 amount of approximately \$8,149.70. Defendants are criminally liable under one or more of
28 the following principles of criminal liability, to wit: (1) by directly committing this crime;

1 and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime
2 be committed, by providing counsel and/or encouragement and by entering into a course of
3 conduct whereby APRIL PARKS acted as guardian for DANIEL CURRIE and overcharged
4 for ward visits, shopping trips, bank deposits, and/or other tasks on behalf of A Private
5 Professional Guardian, LLC that either did not benefit DANIEL CURRIE or did not occur,
6 and/or directed Angelica Sanchez and/or Heidi Kramer and/or Sue Pehrson to do the same;
7 and MARK SIMMONS documented the same ward visits, shopping trips, bank deposits,
8 and/or other tasks on behalf of A Private Professional Guardian, LLC that either did not benefit
9 DANIEL CURRIE or did not occur, and/or directed Angelica Sanchez and/or Heidi Kramer
10 and/or Sue Pehrson to do the same; and/or (3) pursuant to a conspiracy to commit this crime,
11 with the intent that the crime be committed.

12 COUNT 69 - THEFT

13 Defendants APRIL PARKS and MARK SIMMONS did on or between December 31,
14 2009 and October 7, 2015, willfully, knowingly, feloniously, and without lawful authority, use
15 the services or property of another person entrusted to them, or placed in their possession for
16 a limited, authorized period of determined or prescribed duration or for a limited use, having
17 a value of \$3,500.00 or more, belonging to DANIEL CURRIE and/or the ESTATE OF
18 DANIEL CURRIE, in the following manner, to wit: by working in their role as guardian and
19 fiduciary, overbilling for visits, shopping trips, court filings, and banking visits thereby
20 unlawfully converting money belonging to DANIEL CURRIE in the amount of approximately
21 \$8,149.70. Defendants are criminally liable under one or more of the following principles of
22 criminal liability, to wit: (1) by directly committing this crime; and/or (2) by aiding or abetting
23 in the commission of this crime, with the intent that this crime be committed, by providing
24 counsel and/or encouragement and by entering into a course of conduct whereby APRIL
25 PARKS acted as guardian for DANIEL CURRIE and overcharged for ward visits, shopping
26 trips, bank deposits, and/or other tasks on behalf of A Private Professional Guardian, LLC that
27 either did not benefit DANIEL CURRIE or did not occur, and/or directed Angelica Sanchez
28 and/or Heidi Kramer and/or Sue Pehrson to do the same; and MARK SIMMONS

1 documented the same ward visits, shopping trips, bank deposits, and/or other tasks on behalf
2 of A Private Professional Guardian, LLC that either did not benefit DANIEL CURRIE or did
3 not occur, and/or directed Angelica Sanchez and/or Heidi Kramer and/or Sue Pehrson to do
4 the same; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that the
5 crime be committed.

6 COUNT 70 - EXPLOITATION OF AN OLDER PERSON

7 Defendants APRIL PARKS and MARK SIMMONS did on or between March 1, 2013
8 and July 10, 2015, willfully, unlawfully and feloniously exploit an older person having been
9 born in 1926, to wit: RITA LAMPPA, by use of a guardianship converting RITA LAMPPA's
10 money, assets or property, Defendants intending to permanently deprive RITA LAMPPA of
11 the ownership, use, benefit or possession of his money, assets or property having an value of
12 more than \$5,000.00, by working in their role as guardian and fiduciary, overbilling for visits,
13 shopping trips, court filings, and banking visits thereby RITA LAMPPA in the amount of
14 approximately \$4,311.20. Defendants are criminally liable under one or more of the following
15 principles of criminal liability, to wit: (1) by directly committing this crime; and/or (2) by
16 aiding or abetting in the commission of this crime, with the intent that this crime be committed,
17 by providing counsel and/or encouragement and by entering into a course of conduct whereby
18 APRIL PARKS acted as guardian for RITA LAMPPA and overcharged for ward visits,
19 shopping trips, bank deposits, and/or other tasks on behalf of A Private Professional Guardian,
20 LLC that either did not benefit RITA LAMPPA or did not occur, and/or directed Angelica
21 Sanchez and/or Heidi Kramer and/or Sue Pehrson to do the same; and MARK SIMMONS
22 documented the same ward visits, shopping trips, bank deposits, and/or other tasks on behalf
23 of A Private Professional Guardian, LLC that either did not benefit RITA LAMPPA or did not
24 occur, and/or directed Angelica Sanchez and/or Heidi Kramer and/or Sue Pehrson to do the
25 same; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that the crime
26 be committed.

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1 COUNT 71 - THEFT

2 Defendants APRIL PARKS and MARK SIMMONS did on or between March 1, 2013
3 and July 10, 2015, willfully, knowingly, feloniously, and without lawful authority, use the
4 services or property of another person entrusted to them, or placed in their possession for a
5 limited, authorized period of determined or prescribed duration or for a limited use, having a
6 value of \$3,500.00 or more, belonging to RITA LAMPPA and/or the ESTATE OF RITA
7 LAMPPA, in the following manner, to wit: by working in their role as guardian and fiduciary,
8 overbilling for visits, shopping trips, court filings, and banking visits thereby unlawfully
9 converting money belonging to RITA LAMPPA in the amount of approximately \$4,311.20.
10 Defendants are criminally liable under one or more of the following principles of criminal
11 liability, to wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the
12 commission of this crime, with the intent that this crime be committed, by providing counsel
13 and/or encouragement and by entering into a course of conduct whereby APRIL PARKS acted
14 as guardian for RITA LAMPPA and overcharged for ward visits, shopping trips, bank
15 deposits, and/or other tasks on behalf of A Private Professional Guardian, LLC that either did
16 not benefit RITA LAMPPA or did not occur, and/or directed Angelica Sanchez and/or Heidi
17 Kramer and/or Sue Pehrson to do the same; and MARK SIMMONS documented the same
18 ward visits, shopping trips, bank deposits, and/or other tasks on behalf of A Private
19 Professional Guardian, LLC that either did not benefit RITA LAMPPA or did not occur, and/or
20 directed Angelica Sanchez and/or Heidi Kramer and/or Sue Pehrson to do the same; and/or (3)
21 pursuant to a conspiracy to commit this crime, with the intent that the crime be committed.

22 COUNT 72 - EXPLOITATION OF AN OLDER PERSON

23 Defendants APRIL PARKS, MARK SIMMONS, and GARY NEAL TAYLOR did on
24 or about October 31, 2013 willfully, unlawfully and feloniously exploit persons over the age
25 of 60, to wit: CYPRIAN FRASER and/or DONALD GRAHAM and/or HANS SCHOLL
26 and/or ADOLFO GONZALEZ and/or RUDY NORTH, RENNIE NORTH and/or HAROLD
27 LOCKWOOD and/or MARLENE HOMER and/or MARIE LONG and/or MARY VITEK
28 and/or NORBERT WILKENING and/or JACQUELINE NOSBICH, by use of a guardianship

1 converting said victims' money, assets or property, Defendants intending to permanently
2 deprive said victims of the ownership, use, benefit or possession of their money, assets or
3 property having an value of more than \$650.00, by Defendants working in their role as
4 guardian and fiduciary, overbilling for visits, shopping trips, dropping off toilet paper, and
5 visiting mortuary, thereby depriving said victims in the amount of approximately \$1,405.20.
6 Defendants are criminally liable under one or more of the following principles of criminal
7 liability, to wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the
8 commission of this crime, with the intent that this crime be committed, by providing counsel
9 and/or encouragement and by entering into a course of conduct whereby APRIL PARKS acted
10 as guardian for the above-listed victims, and overcharged for ward visits, shopping trips,
11 and/or other tasks on behalf of A Private Professional Guardian, LLC that either did not benefit
12 the victims or did not occur, and/or directed GARY NEAL TAYLOR to do the same; and
13 MARK SIMMONS documented the same ward visits, shopping trips, and/or other tasks on
14 behalf of A Private Professional Guardian, LLC that either did not benefit the victims or should
15 have been provided by a greatly reduced cost; and/or (3) pursuant to a conspiracy to commit
16 this crime, with the intent that the crime be committed.

17 COUNT 73 - THEFT

18 Defendants APRIL PARKS, MARK SIMMONS, and GARY NEAL TAYLOR did on
19 or about October 31, 2013 willfully, knowingly, feloniously, and without lawful authority, use
20 the services or property of another person entrusted to them, or placed in their possession for
21 a limited, authorized period of determined or prescribed duration or for a limited use, having
22 a value of \$650.00 or more, belonging to CYPRIAN FRASER and/or DONALD GRAHAM
23 and/or HANS SCHOLL and/or ADOLFO GONZALEZ and/or RUDY NORTH and/or
24 RENNIE NORTH and/or HAROLD LOCKWOOD and/or MARLENE HOMER and/or
25 MARIE LONG and/or MARY VITEK and/or NORBERT WILKENING and/or
26 JACQUELINE NOSBICH and/or the estates of said victims, in the following manner, to wit:
27 by working in their role as guardian and fiduciary, overbilling for visits, shopping trips,
28 dropping off toilet paper, and visiting mortuary, thereby unlawfully converting money

1 belonging said victims in the amount of approximately \$1,405.20. Defendants are criminally
2 liable under one or more of the following principles of criminal liability, to wit: (1) by directly
3 committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with
4 the intent that this crime be committed, by providing counsel and/or encouragement and by
5 entering into a course of conduct whereby APRIL PARKS acted as guardian for the above-
6 listed victims, and overcharged for ward visits, shopping trips, and/or other tasks on behalf of
7 A Private Professional Guardian, LLC that either did not benefit the victims or did not occur,
8 and/or directed GARY NEAL TAYLOR to do the same; and MARK SIMMONS documented
9 the same ward visits, shopping trips, and/or other tasks on behalf of A Private Professional
10 Guardian, LLC that either did not benefit the victims or should have been provided by a greatly
11 reduced cost; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that the
12 crime be committed.

13 COUNT 74 - EXPLOITATION OF A VULNERABLE PERSON

14 Defendants APRIL PARKS and MARK SIMMONS did on or about February 20, 2015
15 willfully, unlawfully and feloniously exploit a vulnerable person having a mental illness, to
16 wit: BARBARA NEELY, by use of a guardianship converting BARBARA NEELY's money,
17 assets or property, Defendants intending to permanently deprive BARBARA NEELY of the
18 ownership, use, benefit or possession of his money, assets or property having an value of more
19 than \$650.00, by working in their role as guardian and fiduciary, overbilling for visits,
20 shopping trips, court filings, and banking visits and/or by withdrawing funds from BARBARA
21 NEELY's account in excess of the amount actually billed to BARBARA NEELY, thereby
22 depriving BARBARA NEELY in the amount of approximately \$895.00. Defendants are
23 criminally liable under one or more of the following principles of criminal liability, to wit: (1)
24 by directly committing this crime; and/or (2) by aiding or abetting in the commission of this
25 crime, with the intent that this crime be committed, by providing counsel and/or
26 encouragement and by entering into a course of conduct whereby APRIL PARKS acted as
27 guardian for BARBARA NEELY, and overcharged for ward visits, shopping trips, bank
28 deposits, and/or other tasks on behalf of A Private Professional Guardian, LLC that either did

1 not benefit BARBARA NEELY or did not occur, and/or withdrew excessive funds from the
2 account of BARBARA NEELY, and/or directed Angelica Sanchez and/or Heidi Kramer
3 and/or Sue Pehrson to do the same; and MARK SIMMONS documented the same ward visits,
4 shopping trips, bank deposits, and/or other tasks on behalf of A Private Professional Guardian,
5 LLC that either did not benefit BARBARA NEELY or did not occur, and/or withdrew
6 excessive funds from the account of BARBARA NEELY, and/or directed Angelica Sanchez
7 and/or Heidi Kramer and/or Sue Pehrson to do the same; and/or (3) pursuant to a conspiracy
8 to commit this crime, with the intent that the crime be committed.

9 COUNT 75 - THEFT

10 Defendants APRIL PARKS and MARK SIMMONS did on or about February 20, 2015
11 willfully, knowingly, feloniously, and without lawful authority, use the services or property of
12 another person entrusted to them, or placed in their possession for a limited, authorized period
13 of determined or prescribed duration or for a limited use, having a value of \$650.00 or more,
14 belonging to BARBARA NEELY and/or the ESTATE OF BARBARA NEELY, in the
15 following manner, to wit: by working in their role as guardian and fiduciary, overbilling for
16 visits, shopping trips, court filings, and banking visits, and/or by withdrawing funds from
17 BARBARA NEELY's account in excess of the amount actually billed to BARBARA NEELY,
18 thereby unlawfully converting money belonging to BARBARA NEELY in the amount of
19 approximately \$895.00. Defendants are criminally liable under one or more of the following
20 principles of criminal liability, to wit: (1) by directly committing this crime; and/or (2) by
21 aiding or abetting in the commission of this crime, with the intent that this crime be committed,
22 by providing counsel and/or encouragement and by entering into a course of conduct whereby
23 APRIL PARKS acted as guardian for BARBARA NEELY, and overcharged for ward visits,
24 shopping trips, bank deposits, and/or other tasks on behalf of A Private Professional Guardian,
25 LLC that either did not benefit BARBARA NEELY or did not occur, and/or withdrew
26 excessive funds from the account of BARBARA NEELY, and/or directed Angelica Sanchez
27 and/or Heidi Kramer and/or Sue Pehrson to do the same; and MARK SIMMONS
28 documented the same ward visits, shopping trips, bank deposits, and/or other tasks on behalf

1 of A Private Professional Guardian, LLC that either did not benefit BARBARA NEELY or
2 did not occur, and/or withdrew excessive funds from the account of BARBARA NEELY,
3 and/or directed Angelica Sanchez and/or Heidi Kramer and/or Sue Pehrson to do the same;
4 and/or (3) pursuant to a conspiracy to commit this crime, with the intent that the crime be
5 committed.

6 COUNT 76 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

7 Defendant APRIL PARKS did on or about April 15, 2015, willfully, unlawfully,
8 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
9 or recorded at Clark County District Court, to wit: a receipt falsely representing that Defendant
10 had paid herself full and final guardianship fees related to BARBARA NEELY, which
11 instrument, if genuine, might be filed, registered or recorded in a public office under any law
12 of the State of Nevada.

13 COUNT 77 - EXPLOITATION OF AN OLDER PERSON

14 Defendants APRIL PARKS and MARK SIMMONS did on or between February 1,
15 2012 and October 7, 2015 willfully, unlawfully and feloniously exploit persons over the age
16 of 60, to wit: over 130 elderly persons under APRIL PARKS' guardianship, by converting
17 said persons' money, assets or property, with Defendants intending to permanently deprive
18 said persons of the ownership, use, benefit or possession of their money, assets or property,
19 having a value of more than \$5,000.00, in the amount of approximately \$67,775.70, by use of
20 a scheme involving overbilling and/or multiple-billing while making bank deposits for said
21 persons. Defendants are criminally liable under one or more of the following principles of
22 criminal liability, to wit: (1) by directly committing this crime; and/or (2) by aiding or abetting
23 in the commission of this crime, with the intent that this crime be committed, by providing
24 counsel and/or encouragement and by entering into a course of conduct whereby APRIL
25 PARKS acted as guardian for the above-listed victims, and overcharged for bank deposits
26 and/or other tasks on behalf of A Private Professional Guardian, LLC that either did not benefit
27 the victims or did not occur, and/or directed Angelica Sanchez and/or Heidi Kramer and/or
28 Sue Pehrson to do the same; and MARK SIMMONS documented the same bank deposits

1 and/or other tasks on behalf of A Private Professional Guardian, LLC that either did not benefit
2 the victims or did not occur, and/or directed Angelica Sanchez and/or Heidi Kramer and/or
3 Sue Pehrson to do the same; and/or (3) pursuant to a conspiracy to commit this crime, with the
4 intent that the crime be committed.

5 COUNT 78 - THEFT

6 Defendants APRIL PARKS and MARK SIMMONS did on or between February 1,
7 2012 and October 7, 2015 willfully, knowingly, feloniously, and without lawful authority, use
8 the services or property of another person entrusted to them, or placed in their possession for
9 a limited, authorized period of determined or prescribed duration or for a limited use, having
10 a value of \$3,500.00 or more, belonging to over 130 elderly persons under APRIL PARKS'
11 guardianship, in the following manner, to wit: by use of a scheme involving overbilling and/or
12 multiple-billing while making bank deposits for said persons, thereby unlawfully converting
13 money belonging to said persons in the amount of approximately \$67,775.70. Defendants are
14 criminally liable under one or more of the following principles of criminal liability, to wit: (1)
15 by directly committing this crime; and/or (2) by aiding or abetting in the commission of this
16 crime, with the intent that this crime be committed, by providing counsel and/or
17 encouragement and by entering into a course of conduct whereby APRIL PARKS acted as
18 guardian for the above-listed victims, and overcharged for bank deposits and/or other tasks on
19 behalf of A Private Professional Guardian, LLC that either did not benefit the victims or did
20 not occur, and/or directed Angelica Sanchez and/or Heidi Kramer and/or Sue Pehrson to do
21 the same; and MARK SIMMONS documented the same bank deposits and/or other tasks on
22 behalf of A Private Professional Guardian, LLC that either did not benefit the victims or did
23 not occur, and/or directed Angelica Sanchez and/or Heidi Kramer and/or Sue Pehrson to do
24 the same; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that the
25 crime be committed.

26 COUNT 79 - EXPLOITATION OF AN OLDER PERSON

27 Defendants APRIL PARKS, MARK SIMMONS and GARY NEAL TAYLOR did on
28 or between March 7, 2012 and October 7, 2015 willfully, unlawfully and feloniously exploit

1 persons over the age of 60, to wit: over 109 elderly persons under APRIL PARKS'
2 guardianship, by converting said persons' money, assets or property, with Defendants
3 intending to permanently deprive said persons of the ownership, use, benefit or possession of
4 their money, assets or property, having a value of more than \$5,000.00, in the amount of
5 approximately \$74,229.90, by use of a scheme involving overbilling and/or multiple-billing
6 while making court appearances and/or filing court paperwork for said persons. Defendants
7 are criminally liable under one or more of the following principles of criminal liability, to wit:
8 (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of
9 this crime, with the intent that this crime be committed, by providing counsel and/or
10 encouragement and by entering into a course of conduct whereby APRIL PARKS acted as
11 guardian for the above-listed victims, and overcharged for making court appearances and/or
12 filing court paperwork and/or other tasks on behalf of A Private Professional Guardian, LLC
13 that either did not benefit the victims or did not occur, and/or directed Angelica Sanchez and/or
14 Heidi Kramer and/or Sue Pehrson and/or GARY NEAL TAYLOR to do the same; and MARK
15 SIMMONS documented the same court appearances and/or other tasks on behalf of A Private
16 Professional Guardian, LLC that either did not benefit the victims or did not occur, and/or
17 directed Angelica Sanchez and/or Heidi Kramer and/or Sue Pehrson and/or GARY NEAL
18 TAYLOR to do the same; and GARY NEAL TAYLOR made unnecessary court trips and
19 multiple-billed said victims for making these court trips; and/or (3) pursuant to a conspiracy
20 to commit this crime, with the intent that the crime be committed.

21 COUNT 80 - THEFT

22 Defendants APRIL PARKS, MARK SIMMONS and GARY NEAL TAYLOR did on
23 or between March 7, 2012 and October 7, 2015 willfully, knowingly, feloniously, and without
24 lawful authority, use the services or property of another person entrusted to them, or placed in
25 their possession for a limited, authorized period of determined or prescribed duration or for a
26 limited use, having a value of \$3,500.00 or more, belonging to over 109 elderly persons under
27 APRIL PARKS' guardianship, in the following manner, to wit: by use of a scheme involving
28 overbilling and/or multiple-billing while making court appearances and/or filing court

1 paperwork for said persons, thereby unlawfully converting money belonging to said persons
2 in the amount of approximately \$74,229.90. Defendants are criminally liable under one or
3 more of the following principles of criminal liability, to wit: (1) by directly committing this
4 crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this
5 crime be committed, by providing counsel and/or encouragement and by entering into a course
6 of conduct whereby APRIL PARKS acted as guardian for the above-listed victims, and
7 overcharged for making court appearances and/or filing court paperwork and/or other tasks on
8 behalf of A Private Professional Guardian, LLC that either did not benefit the victims or did
9 not occur, and/or directed Angelica Sanchez and/or Heidi Kramer and/or Sue Pehrson and/or
10 GARY NEAL TAYLOR to do the same; and MARK SIMMONS documented the same court
11 appearances and/or other tasks on behalf of A Private Professional Guardian, LLC that either
12 did not benefit the victims or did not occur, and/or directed Angelica Sanchez and/or Heidi
13 Kramer and/or Sue Pehrson and/or GARY NEAL TAYLOR to do the same; and GARY NEAL
14 TAYLOR made unnecessary court trips and multiple-billed said victims for making these
15 court trips; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that the
16 crime be committed.

17 COUNT 81 - THEFT

18 Defendant APRIL PARKS did on or between April 1, 2012 and August 27, 2013
19 willfully, knowingly, feloniously, and without lawful authority, use the services or property of
20 another person entrusted to her, or placed in her possession for a limited, authorized period of
21 determined or prescribed duration or for a limited use, having a value of \$650.00 or more,
22 belonging to WILLIAM ARNOLD and/or DOUGLAS JOBSON and/or AUDREY WEBER,
23 AVA MARTIN and/or DAKOTA JONES and/or PATRICIA BROADAWAY, in the
24 following manner, to wit: by use of a false billing scheme involving applications to become a
25 Social Security representative payee for each of the above-named individuals, thereby
26 unlawfully converting money belonging to said persons in the amount of approximately
27 \$1,344.00, and/or by directing Angelica Sanchez and/or Heidi Kramer and/or Sue Pehrson to
28 do the same.

1 COUNT 82 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

2 Defendant APRIL PARKS did on or about December 21, 2011 willfully, unlawfully,
3 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
4 or recorded at Clark County District Court, to wit: a Petition for Appointment of Temporary
5 and General Guardian of the Person and Estate containing false statements in the case of
6 BAXTER BURNS G-11-036744-A, which instrument, if genuine, might be filed, registered
7 or recorded in a public office under any law of the State of Nevada.

8 COUNT 83 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

9 Defendant APRIL PARKS did on or about May 15, 2013 willfully, unlawfully,
10 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
11 or recorded at Clark County District Court, to wit: a First and Final Account and Report of
12 Guardian, Petition for Payment of Fees, Termination of Guardianship, and for Instructions
13 containing false statements in the case of WILLIAM ARNOLD G-11-036382-A, which
14 instrument, if genuine, might be filed, registered or recorded in a public office under any law
15 of the State of Nevada.

16 COUNT 84 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

17 Defendants APRIL PARKS and NOEL PALMER SIMPSON did on or about April 19,
18 2012 willfully, unlawfully, knowingly and feloniously, procure or offer a false or forged
19 instrument to be filed, registered or recorded at Clark County District Court, to wit: a Petition
20 to Set Aside Estate without Administration in the probate case of MARY WOODS P-12-
21 074144-E, in which Petition Defendants claim that there is no record of a last will and
22 testament of MARY WOODS, knowing this to be false; which instrument, if genuine, might
23 be filed, registered, or recorded in a public office under any law of the State of Nevada.
24 Defendants are criminally liable under one or more of the following principles of criminal
25 liability, to wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the
26 commission of this crime, with the intent that this crime be committed, by providing counsel
27 and/or encouragement and by entering into a course of conduct whereby APRIL PARKS acted
28 as guardian for MARY WOODS, and offered for filing a Petition to Set Aside Estate without

1 Administration in the probate case of MARY WOODS P-12-074144-E; and whereby NOEL
2 PALMER SIMPSON authored the same Petition to Set Aside Estate Without Administration
3 in the probate case of MARY WOODS P-12-074144-E, knowing that APRIL PARKS would
4 file said petition without having authority to do so; and/or (3) pursuant to a conspiracy to
5 commit this crime, with the intent that the crime be committed.

6 COUNT 85 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

7 Defendant APRIL PARKS did on or about June 15, 2013 willfully, unlawfully,
8 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
9 or recorded at Clark County District Court, to wit: a Petition to Terminate Guardianship and
10 Approve Final Accounting containing false statements in the case of DOUGLAS JOBSON G-
11 12-036961-A, which instrument, if genuine, might be filed, registered or recorded in a public
12 office under any law of the State of Nevada.

13 COUNT 86 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

14 Defendant APRIL PARKS did on or about June 18, 2013 willfully, unlawfully,
15 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
16 or recorded at Clark County District Court, to wit: a Petition to Terminate Guardianship and
17 Approve Final Accounting containing false statements in the case of AUDREY WEBER G-
18 12-036900-A, which instrument, if genuine, might be filed, registered or recorded in a public
19 office under any law of the State of Nevada.

20 COUNT 87 - PERJURY

21 Defendant APRIL PARKS did on or about June 18, 2013 willfully made a false
22 statement in a declaration made under penalty of perjury, to wit: by offering for filing with the
23 Clark County District Court, under penalty of perjury, a Petition to Terminate Guardianship
24 and Approve Final Accounting in the guardianship case of AUDREY WEBER G-12-036900-
25 A, which document claimed that Defendant was owed fees for services rendered that were not
26 in fact rendered to the extent and duration claimed, which statement was material to the filing
27 in question.

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1 COUNT 88 - PERJURY

2 Defendant MARK SIMMONS did on or about June 18, 2013, suborn APRIL PARKS
3 to commit perjury, to wit: by falsifying records and/or instructing other employees of A Private
4 Professional Guardian, LLC to falsify records, of the amount and value of services provided
5 in the guardianship case of AUDREY WEBER G-12-036900-A, knowing that APRIL PARKS
6 would knowingly offer for filing with the Clark County District Court, under penalty of
7 perjury, a Petition to Terminate Guardianship and Approve Final Accounting in the
8 guardianship case of AUDREY WEBER G-12-036900-A, which document claimed that
9 APRIL PARKS was owed fees for services rendered that were not in fact rendered to the extent
10 and duration claimed, which statement was material to the filing in question.

11 COUNT 89 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

12 Defendant APRIL PARKS did on or about June 27, 2013 willfully, unlawfully,
13 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
14 or recorded at Clark County District Court, to wit: a Petition to Terminate Guardianship and
15 Approve Final Accounting containing false statements in the case of AVA MARTIN G-11-
16 036663-A, which instrument, if genuine, might be filed, registered or recorded in a public
17 office under any law of the State of Nevada.

18 COUNT 90 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

19 Defendant APRIL PARKS did on or about June 28, 2013 willfully, unlawfully,
20 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
21 or recorded at Clark County District Court, to wit: a Petition to Terminate Guardianship and
22 Approve Final Accounting containing false statements in the case of DAKOTA JONES G-12-
23 036960-A, which instrument, if genuine, might be filed, registered or recorded in a public
24 office under any law of the State of Nevada.

25 COUNT 91 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

26 Defendant APRIL PARKS did on or about October 8, 2013 willfully, unlawfully,
27 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
28 or recorded at Clark County District Court, to wit: a Petition to Terminate Guardianship and

1 Approve Final Accounting containing false statements in the case of PATRICIA
2 BROADAWAY G-12-036924-A, which instrument, if genuine, might be filed, registered or
3 recorded in a public office under any law of the State of Nevada.

4 COUNT 92 - PERJURY

5 Defendant APRIL PARKS did on or about December 18, 2014 willfully make a false
6 statement in a declaration made under penalty of perjury, to wit: by offering for filing with the
7 Clark County District Court, under penalty of perjury, a First Annual Accounting and Report
8 of Guardian in the guardianship case of JAMES POYA G-11-036043-A, which document
9 claimed that Defendant was owed fees for services rendered that were not in fact rendered to
10 the extent and duration claimed, which statement was material to the filing in question.

11 COUNT 93 - PERJURY

12 Defendant MARK SIMMONS did on or about December 18, 2014, suborn APRIL
13 PARKS to commit perjury, to wit: by falsifying records and/or instructing other employees of
14 A Private Professional Guardian, LLC to falsify records, of the amount and value of services
15 provided in the guardianship case of JAMES POYA G-11-036043-A, knowing that APRIL
16 PARKS would knowingly offer for filing with the Clark County District Court, under penalty
17 of perjury, a First Annual Accounting and Report of Guardian in the guardianship case of
18 JAMES POYA G-11-036043-A, which document claimed that APRIL PARKS was owed fees
19 for services rendered that were not in fact rendered to the extent and duration claimed, which
20 statement was material to the filing in question.

21 COUNT 94 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

22 Defendant APRIL PARKS did on or about December 18, 2014 willfully, unlawfully,
23 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
24 or recorded at Clark County District Court, to wit: a First Annual Accounting and Report of
25 Guardian containing false statements in the guardianship case of JAMES POYA G-11-
26 036043-A, which instrument, if genuine, might be filed, registered or recorded in a public
27 office under any law of the State of Nevada.

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1 COUNT 95 - PERJURY

2 Defendant APRIL PARKS did on or about July 30, 2015 willfully make a false
3 statement in a declaration made under penalty of perjury, to wit: by offering for filing with the
4 Clark County District Court, under penalty of perjury, a Second Annual Accounting and
5 Report of Guardian in the guardianship case of JAMES POYA G-11-036043-A, which
6 document claimed that Defendant was owed fees for services rendered that were not in fact
7 rendered to the extent and duration claimed, which statement was material to the filing in
8 question.

9 COUNT 96 - PERJURY

10 Defendant MARK SIMMONS did on or about July 30, 2015, suborn APRIL PARKS
11 to commit perjury, to wit: by falsifying records and/or instructing other employees of A Private
12 Professional Guardian, LLC to falsify records, of the amount and value of services provided
13 in the guardianship case of JAMES POYA G-11-036043-A, knowing that APRIL PARKS
14 would knowingly offer for filing with the Clark County District Court, under penalty of
15 perjury, a Second Annual Accounting and Report of Guardian in the guardianship case of
16 JAMES POYA G-11-036043-A, which document claimed that APRIL PARKS was owed fees
17 for services rendered that were not in fact rendered to the extent and duration claimed, which
18 statement was material to the filing in question.

19 COUNT 97 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

20 Defendant APRIL PARKS did on or about July 30, 2015 willfully, unlawfully,
21 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
22 or recorded at Clark County District Court, to wit: a Second Annual Accounting and Report
23 of Guardian containing false statements in the guardianship case of JAMES POYA G-11-
24 036043-A, which instrument, if genuine, might be filed, registered or recorded in a public
25 office under any law of the State of Nevada.

26 COUNT 98 - PERJURY

27 Defendant APRIL PARKS did on or about March 25, 2016, willfully make a false
28 statement in a declaration made under penalty of perjury, to wit: by offering for filing with the

1 Clark County District Court, under penalty of perjury, a Petition to Terminate Guardianship
2 and Approve Final Accounting in the guardianship case of JAMES POYA G-11-036043-A,
3 which document claimed that Defendant was owed fees for services rendered that were not in
4 fact rendered to the extent and duration claimed, which statement was material to the filing in
5 question.

6 COUNT 99 - PERJURY

7 Defendant MARK SIMMONS did on or about March 25, 2015, suborn APRIL PARKS
8 to commit perjury, to wit: by falsifying records and/or instructing other employees of A Private
9 Professional Guardian, LLC to falsify records, of the amount and value of services provided
10 in the guardianship case of JAMES POYA G-11-036043-A, knowing that APRIL PARKS
11 would knowingly offer for filing with the Clark County District Court, under penalty of
12 perjury, a Petition to Terminate Guardianship and Approve Final Accounting in the
13 guardianship case of JAMES POYA G-11-036043-A, which document claimed that APRIL
14 PARKS was owed fees for services rendered that were not in fact rendered to the extent and
15 duration claimed, which statement was material to the filing in question.

16 COUNT 100 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

17 Defendant APRIL PARKS did on or about March 25, 2016 willfully, unlawfully,
18 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
19 or recorded at Clark County District Court, to wit: a Petition to Terminate Guardianship and
20 Approve Final Accounting containing false statements in the guardianship case of JAMES
21 POYA G-11-036043-A, which instrument, if genuine, might be filed, registered or recorded
22 in a public office under any law of the State of Nevada.

23 COUNT 101 - PERJURY

24 Defendant APRIL PARKS did on or about June 18, 2014, willfully make a false
25 statement in a declaration made under penalty of perjury, to wit: by offering for filing with the
26 Clark County District Court, under penalty of perjury, a First Annual Accounting and Report
27 of Guardian in the guardianship case of RUTH BRASLOW G-13-038228-A, which document

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1 claimed that Defendant was owed fees for services rendered that were not in fact rendered to
2 the extent and duration claimed, which statement was material to the filing in question.

3 COUNT 102 - PERJURY

4 Defendant MARK SIMMONS did on or about June 18, 2014, suborn APRIL PARKS
5 to commit perjury, to wit: by falsifying records and/or instructing other employees of A Private
6 Professional Guardian, LLC to falsify records, of the amount and value of services provided
7 in the guardianship case of RUTH BRASLOW G-13-038228-A, knowing that APRIL PARKS
8 would knowingly offer for filing with the Clark County District Court, under penalty of
9 perjury, a First Annual Accounting and Report of Guardian in the guardianship case of RUTH
10 BRASLOW G-13-038228-A, which document claimed that APRIL PARKS was owed fees
11 for services rendered that were not in fact rendered to the extent and duration claimed, which
12 statement was material to the filing in question.

13 COUNT 103 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

14 Defendant APRIL PARKS did on or about June 18, 2014, willfully, unlawfully,
15 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
16 or recorded at Clark County District Court, to wit: a First Annual Accounting and Report of
17 Guardian containing false statements in the guardianship case of RUTH BRASLOW G-13-
18 038228-A, which instrument, if genuine, might be filed, registered or recorded in a public
19 office under any law of the State of Nevada.

20 COUNT 104 - PERJURY

21 Defendant APRIL PARKS did on or about May 4, 2015, willfully make a false
22 statement in a declaration made under penalty of perjury, to wit: by offering for filing with the
23 Clark County District Court, under penalty of perjury, a Second Annual Accounting and
24 Report of Guardian in the guardianship case of RUTH BRASLOW G-13-038228-A, which
25 document claimed that Defendant was owed fees for services rendered that were not in fact
26 rendered to the extent and duration claimed, which statement was material to the filing in
27 question.

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1 COUNT 105 - PERJURY

2 Defendant MARK SIMMONS did on or about May 4, 2015, suborn APRIL PARKS to
3 commit perjury, to wit: by falsifying records and/or instructing other employees of A Private
4 Professional Guardian, LLC to falsify records, of the amount and value of services provided
5 in the guardianship case of RUTH BRASLOW G-13-038228-A, knowing that APRIL PARKS
6 would knowingly offer for filing with the Clark County District Court, under penalty of
7 perjury, a Second Annual Accounting and Report of Guardian in the guardianship case of
8 RUTH BRASLOW G-13-038228-A, which document claimed that APRIL PARKS was owed
9 fees for services rendered that were not in fact rendered to the extent and duration claimed,
10 which statement was material to the filing in question.

11 COUNT 106 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

12 Defendant APRIL PARKS did on or about May 4, 2015, willfully, unlawfully,
13 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
14 or recorded at Clark County District Court, to wit: a Second Annual Accounting and Report
15 of Guardian containing false statements in the guardianship case of RUTH BRASLOW G-13-
16 038228-A, which instrument, if genuine, might be filed, registered or recorded in a public
17 office under any law of the State of Nevada.

18 COUNT 107 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

19 Defendant APRIL PARKS did on or about May 27, 2015, willfully, unlawfully,
20 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
21 or recorded at Clark County District Court, to wit: a Supplement to Second Annual
22 Accounting and Report of Guardian containing false statements in the guardianship case of
23 RUTH BRASLOW G-13-038228-A, which instrument, if genuine, might be filed, registered
24 or recorded in a public office under any law of the State of Nevada.

25 COUNT 108 - PERJURY

26 Defendant APRIL PARKS did on or about May 3, 2016, willfully make a false
27 statement in a declaration made under penalty of perjury, to wit: by offering for filing with the
28 Clark County District Court, under penalty of perjury, a Petition to Approve Final Accounting

1 in the guardianship case of RUTH BRASLOW G-13-038228-A, which document claimed that
2 Defendant was owed fees for services rendered that were not in fact rendered to the extent and
3 duration claimed, which statement was material to the filing in question.

4 COUNT 109 - PERJURY

5 Defendant MARK SIMMONS did on or about May 3, 2016, suborn APRIL PARKS to
6 commit perjury, to wit: by falsifying records and/or instructing other employees of A Private
7 Professional Guardian, LLC to falsify records, of the amount and value of services provided
8 in the guardianship case of RUTH BRASLOW G-13-038228-A, knowing that APRIL PARKS
9 would knowingly offer for filing with the Clark County District Court, under penalty of
10 perjury, a Petition to Approve Final Accounting in the guardianship case of RUTH
11 BRASLOW G-13-038228-A, which document claimed that Defendant was owed fees for
12 services rendered that were not in fact rendered to the extent and duration claimed, which
13 statement was material to the filing in question.

14 COUNT 110 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

15 Defendant APRIL PARKS did on or about May 3, 2016 willfully, unlawfully,
16 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
17 or recorded at Clark County District Court, to wit: a Petition to Approve Final Accounting
18 containing false statements in the guardianship case of RUTH BRASLOW G-13-038228-A,
19 which instrument, if genuine, might be filed, registered or recorded in a public office under
20 any law of the State of Nevada.

21 COUNT 111 - PERJURY

22 Defendant APRIL PARKS did on or about March 15, 2016 willfully make a false
23 statement in a declaration made under penalty of perjury, to wit: by offering for filing with the
24 Clark County District Court, under penalty of perjury, a Petition to Terminate Guardianship
25 and Approve Final Accounting in the guardianship case of CAROLYN RICKENBAUGH G-
26 14-040726-A, which document claimed that Defendant was owed fees for services rendered
27 that were not in fact rendered to the extent and duration claimed, which statement was material
28 to the filing in question.

1 COUNT 112 - PERJURY

2 Defendant MARK SIMMONS did on or about March 15, 2016, suborn APRIL PARKS
3 to commit perjury, to wit: by falsifying records and/or instructing other employees of A Private
4 Professional Guardian, LLC to falsify records, of the amount and value of services provided
5 in the guardianship case of CAROLYN RICKENBAUGH G-14-040726-A, knowing that
6 APRIL PARKS would knowingly offer for filing with the Clark County District Court, under
7 penalty of perjury, a Petition to Terminate Guardianship and Approve Final Accounting in the
8 guardianship case of CAROLYN RICKENBAUGH G-14-040726-A, which document
9 claimed that APRIL PARKS was owed fees for services rendered that were not in fact rendered
10 to the extent and duration claimed, which statement was material to the filing in question.

11 COUNT 113 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

12 Defendant APRIL PARKS did on or about March 15, 2016 willfully, unlawfully,
13 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
14 or recorded at Clark County District Court, to wit: a Petition to Terminate Guardianship and
15 Approve Final Accounting containing false statements in the guardianship case of CAROLYN
16 RICKENBAUGH G-14-040726-A, which instrument, if genuine, might be filed, registered or
17 recorded in a public office under any law of the State of Nevada.

18 COUNT 114 - PERJURY

19 Defendant APRIL PARKS did on or about August 4, 2015 willfully make a false
20 statement in a declaration made under penalty of perjury, to wit: by offering for filing with the
21 Clark County District Court, under penalty of perjury, a First Annual Accounting and Petition
22 for Payment of Fees in the guardianship case of WILLIAM BRADY G-10-035162-A, which
23 document claimed that Defendant was owed fees for services rendered that were not in fact
24 rendered to the extent and duration claimed, which statement was material to the filing in
25 question.

26 COUNT 115 - PERJURY

27 Defendant MARK SIMMONS did on or about August 4, 2015, suborn APRIL PARKS
28 to commit perjury, to wit: by falsifying records and/or instructing other employees of A Private

1 Professional Guardian, LLC to falsify records, of the amount and value of services provided
2 in the guardianship case of WILLIAM BRADY G-10-035162-A, knowing that APRIL
3 PARKS would knowingly offer for filing with the Clark County District Court, under penalty
4 of perjury, a First Annual Accounting and Petition for Payment of Fees in the guardianship
5 case of WILLIAM BRADY G-10-035162-A, which document claimed that APRIL PARKS
6 was owed fees for services rendered that were not in fact rendered to the extent and duration
7 claimed, which statement was material to the filing in question.

8 COUNT 116 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

9 Defendant APRIL PARKS did on or about August 4, 2015 willfully, unlawfully,
10 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
11 or recorded at Clark County District Court, to wit: a First Annual Accounting and Petition for
12 Payment of Fees containing false statements in the guardianship case of WILLIAM BRADY
13 G-10-035162-A, which instrument, if genuine, might be filed, registered or recorded in a
14 public office under any law of the State of Nevada.

15 COUNT 117 - PERJURY

16 Defendant APRIL PARKS did on or about March 15, 2016 willfully make a false
17 statement in a declaration made under penalty of perjury, to wit: by offering for filing with the
18 Clark County District Court, under penalty of perjury, a Petition to Terminate Guardianship
19 and Approve Final Accounting in the guardianship case of WILLIAM BRADY G-10-035162-
20 A, which document claimed that Defendant was owed fees for services rendered that were not
21 in fact rendered to the extent and duration claimed, which statement was material to the filing
22 in question.

23 COUNT 118 - PERJURY

24 Defendant MARK SIMMONS did on or about March 15, 2016, suborn APRIL PARKS
25 to commit perjury, to wit: by falsifying records and/or instructing other employees of A Private
26 Professional Guardian, LLC to falsify records, of the amount and value of services provided
27 in the guardianship case of William Brady G-10-035162-A, knowing that APRIL PARKS
28 would knowingly offer for filing with the Clark County District Court, under penalty of

1 perjury, a Petition to Terminate Guardianship and Approve Final Accounting in the
2 guardianship case of WILLIAM BRADY G-10-035162-A, which document claimed that
3 APRIL PARKS was owed fees for services rendered that were not in fact rendered to the extent
4 and duration claimed, which statement was material to the filing in question.

5 COUNT 119 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

6 Defendant APRIL PARKS did on or about March 15, 2016 willfully, unlawfully,
7 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
8 or recorded at Clark County District Court, to wit: a Petition to Terminate Guardianship and
9 Approve Final Accounting containing false statements in the guardianship case of WILLIAM
10 BRADY G-10-035162-A, which instrument, if genuine, might be filed, registered or recorded
11 in a public office under any law of the State of Nevada.

12 COUNT 120 - PERJURY

13 Defendant APRIL PARKS did on or about October 2, 2013 willfully make a false
14 statement in a declaration made under penalty of perjury, to wit: by offering for filing with the
15 Clark County District Court, under penalty of perjury, a First Annual Accounting and Report
16 of Guardian in the guardianship case of DELMOND FOSTER G-10-035339-A, which
17 document claimed that Defendant was owed fees for services rendered that were not in fact
18 rendered to the extent and duration claimed, which statement was material to the filing in
19 question.

20 COUNT 121 - PERJURY

21 Defendant MARK SIMMONS did on or about October 2, 2013, suborn APRIL PARKS
22 to commit perjury, to wit: by falsifying records and/or instructing other employees of A Private
23 Professional Guardian, LLC to falsify records, of the amount and value of services provided
24 in the guardianship case of DELMOND FOSTER G-10-035339-A, knowing that APRIL
25 PARKS would knowingly offer for filing with the Clark County District Court, under penalty
26 of perjury, a First Annual Accounting and Report of Guardian in the guardianship case of
27 DELMOND FOSTER G-10-035339-A, which document claimed that APRIL PARKS was
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1 owed fees for services rendered that were not in fact rendered to the extent and duration
2 claimed, which statement was material to the filing in question.

3 COUNT 122 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

4 Defendant APRIL PARKS did on or about October 2, 2013 willfully, unlawfully,
5 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
6 or recorded at Clark County District Court, to wit: a First Annual Accounting and Report of
7 Guardian containing false statements in the guardianship case of DELMOND FOSTER G-10-
8 035339-A, which instrument, if genuine, might be filed, registered or recorded in a public
9 office under any law of the State of Nevada.

10 COUNT 123 - PERJURY

11 Defendant APRIL PARKS did on or about January 9, 2015 willfully make a false
12 statement in a declaration made under penalty of perjury, to wit: by offering for filing with the
13 Clark County District Court, under penalty of perjury, a Second and Final Account and Report
14 of Guardian and/or Petition for Payment of Fees and for Termination of Guardianship in the
15 guardianship case of DELMOND FOSTER G-10-035339-A, which document claimed that
16 APRIL PARKS was owed fees for services rendered that were not in fact rendered to the extent
17 and duration claimed, which statement was material to the filing in question.

18 COUNT 124 - PERJURY

19 Defendant MARK SIMMONS did on or about January 9, 2015, suborn APRIL PARKS
20 to commit perjury, to wit: by falsifying records and/or instructing other employees of A Private
21 Professional Guardian, LLC to falsify records, of the amount and value of services provided
22 in the guardianship case of DELMOND FOSTER G-10-035339-A, knowing that APRIL
23 PARKS would knowingly offer for filing with the Clark County District Court, under penalty
24 of perjury, a Second and Final Account and Report of Guardian and/or Petition for Payment
25 of Fees and for Termination of Guardianship in the guardianship case of DELMOND FOSTER
26 G-10-035339-A, which document claimed that APRIL PARKS was owed fees for services
27 rendered that were not in fact rendered to the extent and duration claimed, which statement
28 was material to the filing in question.

1 COUNT 125 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

2 Defendant APRIL PARKS did on or about January 9, 2015 willfully, unlawfully,
3 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
4 or recorded at Clark County District Court, to wit: a Second and Final Account and Report of
5 Guardian and/or Petition for Payment of Fees and for Termination of Guardianship containing
6 false statements in the guardianship case of DELMOND FOSTER G-10-035339-A, which
7 instrument, if genuine, might be filed, registered or recorded in a public office under any law
8 of the State of Nevada.

9 COUNT 126 - PERJURY

10 Defendant APRIL PARKS did on or about April 3, 2014 willfully make a false
11 statement in a declaration made under penalty of perjury, to wit: by offering for filing with the
12 Clark County District Court, under penalty of perjury, a Second Annual Accounting and
13 Report of Guardian in the guardianship case of PATRICIA SMOAK G-10-035078-A, which
14 document claimed that Defendant was owed fees for services rendered that were not in fact
15 rendered to the extent and duration claimed, which statement was material to the filing in
16 question.

17 COUNT 127 - PERJURY

18 Defendant MARK SIMMONS did on or about April 3, 2014, suborn APRIL PARKS
19 to commit perjury, to wit: by falsifying records and/or instructing other employees of A Private
20 Professional Guardian, LLC to falsify records, of the amount and value of services provided
21 in the guardianship case of PATRICIA SMOAK G-10-035078-A, knowing that APRIL
22 PARKS would knowingly offer for filing with the Clark County District Court, under penalty
23 of perjury, a Second Annual Accounting and Report of Guardian in the guardianship case of
24 PATRICIA SMOAK G-10-035078-A, which document claimed that APRIL PARKS was
25 owed fees for services rendered that were not in fact rendered to the extent and duration
26 claimed, which statement was material to the filing in question.

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1 COUNT 128 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

2 Defendant APRIL PARKS did on or about April 3, 2014 willfully, unlawfully,
3 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
4 or recorded at Clark County District Court, to wit: a Second Annual Accounting and Report
5 of Guardian containing false statements in the guardianship case of PATRICIA SMOAK G-
6 10-035078-A, which instrument, if genuine, might be filed, registered or recorded in a public
7 office under any law of the State of Nevada.

8 COUNT 129 - PERJURY

9 Defendant APRIL PARKS did on or about April 6, 2015 willfully make a false
10 statement in a declaration made under penalty of perjury, to wit: by offering for filing with the
11 Clark County District Court, under penalty of perjury, a Third Annual Accounting and Report
12 of Guardian in the guardianship case of PATRICIA SMOAK G-10-035078-A, which
13 document claimed that Defendant was owed fees for services rendered that were not in fact
14 rendered to the extent and duration claimed, which statement was material to the filing in
15 question.

16 COUNT 130 - PERJURY

17 Defendant MARK SIMMONS did on or about April 6, 2015, suborn APRIL PARKS
18 to commit perjury, to wit: by falsifying records and/or instructing other employees of A Private
19 Professional Guardian, LLC to falsify records, of the amount and value of services provided
20 in the guardianship case of PATRICIA SMOAK G-10-035078-A, knowing that APRIL
21 PARKS would knowingly offer for filing with the Clark County District Court, under penalty
22 of perjury, a Third Annual Accounting and Report of Guardian in the guardianship case of
23 PATRICIA SMOAK G-10-035078-A, which document claimed that APRIL PARKS was
24 owed fees for services rendered that were not in fact rendered to the extent and duration
25 claimed, which statement was material to the filing in question.

26 COUNT 131 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

27 Defendant APRIL PARKS did on or about April 6, 2015 willfully, unlawfully,
28 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered

1 or recorded at Clark County District Court, to wit: a Third Annual Accounting and Report of
2 Guardian containing false statements in the guardianship case of PATRICIA SMOAK G-10-
3 035078-A, which instrument, if genuine, might be filed, registered or recorded in a public
4 office under any law of the State of Nevada.

5 COUNT 132 - PERJURY

6 Defendant APRIL PARKS did on or about March 8, 2016 willfully make a false
7 statement in a declaration made under penalty of perjury, to wit: by offering for filing with the
8 Clark County District Court, under penalty of perjury, a Fourth Annual Accounting of Co-
9 Guardian and Final Account of Former co-Guardian, April L. Parks, Manager of A Private
10 Professional Guardian, LLC, in the guardianship case of PATRICIA SMOAK G-10-035078-
11 A, which document claimed that Defendant was owed fees for services rendered that were not
12 in fact rendered to the extent and duration claimed, which statement was material to the filing
13 in question.

14 COUNT 133 - PERJURY

15 Defendant MARK SIMMONS did on or about March 8, 2016, suborn APRIL PARKS
16 to commit perjury, to wit: by falsifying records and/or instructing other employees of A Private
17 Professional Guardian, LLC to falsify records, of the amount and value of services provided
18 in the guardianship case of PATRICIA SMOAK G-10-035078-A, knowing that APRIL
19 PARKS would knowingly offer for filing with the Clark County District Court, under penalty
20 of perjury, a Fourth Annual Accounting of Co-Guardian and Final Account of Former co-
21 Guardian, April L. Parks, Manager of A Private Professional Guardian, LLC, in the
22 guardianship case of PATRICIA SMOAK G-10-035078-A, which document claimed that
23 APRIL PARKS was owed fees for services rendered that were not in fact rendered to the
24 extent and duration claimed, which statement was material to the filing in question.

25 COUNT 134 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

26 Defendant APRIL PARKS did on or about March 8, 2016 willfully, unlawfully,
27 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
28 or recorded at Clark County District Court, to wit: a Fourth Annual Accounting of Co-

1 Guardian and Final Account of Former co-Guardian, April L. Parks, Manager of A Private
2 Professional Guardian, LLC, containing false statements in the guardianship case of
3 PATRICIA SMOAK G-10-035078-A, which instrument, if genuine, might be filed, registered
4 or recorded in a public office under any law of the State of Nevada.

5 COUNT 135 - PERJURY

6 Defendant APRIL PARKS did on or about November 14, 2014 willfully make a false
7 statement in a declaration made under penalty of perjury, to wit: by offering for filing with the
8 Clark County District Court, under penalty of perjury, a First Annual Accounting and Report
9 of Guardian, in the guardianship case of MARILYN SCHOLL G-13-038909-A, which
10 document claimed that Defendant was owed fees for services rendered that were not in fact
11 rendered to the extent and duration claimed, which statement was material to the filing in
12 question.

13 COUNT 136 - PERJURY

14 Defendant MARK SIMMONS did on or about November 14, 2014, suborn APRIL
15 PARKS to commit perjury, to wit: by falsifying records and/or instructing other employees of
16 A Private Professional Guardian, LLC to falsify records, of the amount and value of services
17 provided in the guardianship case of MARILYN SCHOLL G-13-038909-A, knowing that
18 APRIL PARKS would knowingly offer for filing with the Clark County District Court, under
19 penalty of perjury, a First Annual Accounting and Report of Guardian, in the guardianship
20 case of MARILYN SCHOLL G-13-038909-A, which document claimed that APRIL PARKS
21 was owed fees for services rendered that were not in fact rendered to the extent and duration
22 claimed, which statement was material to the filing in question.

23 COUNT 137 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

24 Defendant APRIL PARKS did on or about November 14, 2014 willfully, unlawfully,
25 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
26 or recorded at Clark County District Court, to wit: a First Annual Accounting and Report of
27 Guardian, containing false statements in the guardianship case of MARILYN SCHOLL G-13-
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1 038909-A, which instrument, if genuine, might be filed, registered or recorded in a public
2 office under any law of the State of Nevada.

3 COUNT 138 - PERJURY

4 Defendant APRIL PARKS did on or about August 31, 2015 willfully make a false
5 statement in a declaration made under penalty of perjury, to wit: by offering for filing with the
6 Clark County District Court, under penalty of perjury, a Second Annual Accounting and
7 Report of Guardian, in the guardianship case of MARILYN SCHOLL G-13-038909-A, which
8 document claimed that Defendant was owed fees for services rendered that were not in fact
9 rendered to the extent and duration claimed, which statement was material to the filing in
10 question.

11 COUNT 139 - PERJURY

12 Defendant MARK SIMMONS did on or about August 31, 2015, suborn APRIL
13 PARKS to commit perjury, to wit: by falsifying records and/or instructing other employees of
14 A Private Professional Guardian, LLC to falsify records, of the amount and value of services
15 provided in the guardianship case of MARILYN SCHOLL G-13-038909-A, knowing that
16 APRIL PARKS would knowingly offer for filing with the Clark County District Court, under
17 penalty of perjury, a Second Annual Accounting and Report of Guardian, in the guardianship
18 case of MARILYN SCHOLL G-13-038909-A, which document claimed that APRIL PARKS
19 was owed fees for services rendered that were not in fact rendered to the extent and duration
20 claimed, which statement was material to the filing in question.

21 COUNT 140 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

22 Defendant APRIL PARKS did on or about August 31, 2015 willfully, unlawfully,
23 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
24 or recorded at Clark County District Court, to wit: a Second Annual Accounting and Report
25 of Guardian, containing false statements in the guardianship case of MARILYN SCHOLL G-
26 13-038909-A, which instrument, if genuine, might be filed, registered or recorded in a public
27 office under any law of the State of Nevada.

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1 COUNT 141 - PERJURY

2 Defendant APRIL PARKS did on or about January 21, 2015 willfully make a false
3 statement in a declaration made under penalty of perjury, to wit: by offering for filing with the
4 Clark County District Court, under penalty of perjury, a First Annual Accounting and Report
5 of Guardian, in the guardianship case of KENNETH EDWARDS G-13-039636-A, which
6 document claimed that Defendant was owed fees for services rendered that were not in fact
7 rendered to the extent and duration claimed, which statement was material to the filing in
8 question.

9 COUNT 142 - PERJURY

10 Defendant MARK SIMMONS did on or about January 21, 2015, suborn APRIL
11 PARKS to commit perjury, to wit: by falsifying records and/or instructing other employees of
12 A Private Professional Guardian, LLC to falsify records, of the amount and value of services
13 provided in the guardianship case of KENNETH EDWARDS G-13-039636-A, knowing that
14 APRIL PARKS would knowingly offer for filing with the Clark County District Court, under
15 penalty of perjury, a First Annual Accounting and Report of Guardian, in the guardianship
16 case of KENNETH EDWARDS G-13-039636-A, which document claimed that APRIL
17 PARKS was owed fees for services rendered that were not in fact rendered to the extent and
18 duration claimed, which statement was material to the filing in question.

19 COUNT 143 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

20 Defendant APRIL PARKS did on or about January 21, 2015, willfully, unlawfully,
21 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
22 or recorded at Clark County District Court, to wit: a First Annual Accounting and Report of
23 Guardian, containing false statements in the guardianship case of KENNETH EDWARDS G-
24 13-039636-A, which instrument, if genuine, might be filed, registered or recorded in a public
25 office under any law of the State of Nevada.

26 COUNT 144 - PERJURY

27 Defendant APRIL PARKS did on or about March 15, 2016, willfully make a false
28 statement in a declaration made under penalty of perjury, to wit: by offering for filing with the

1 Clark County District Court, under penalty of perjury, a Petition to Terminate Guardianship
2 and Approve Final Accounting, in the guardianship case of KENNETH EDWARDS G-13-
3 039636-A, which document claimed that Defendant was owed fees for services rendered that
4 were not in fact rendered to the extent and duration claimed, which statement was material to
5 the filing in question.

6 COUNT 145 - PERJURY

7 Defendant MARK SIMMONS did on or about March 15, 2016, suborn APRIL PARKS
8 to commit perjury, to wit: by falsifying records and/or instructing other employees of A Private
9 Professional Guardian, LLC to falsify records, of the amount and value of services provided
10 in the guardianship case of KENNETH EDWARDS G-13-039636-A, knowing that APRIL
11 PARKS would knowingly offer for filing with the Clark County District Court, under penalty
12 of perjury, a Petition to Terminate Guardianship and Approve Final Accounting, in the
13 guardianship case of KENNETH EDWARDS G-13-039636-A, which document claimed that
14 APRIL PARKS was owed fees for services rendered that were not in fact rendered to the extent
15 and duration claimed, which statement was material to the filing in question.

16 COUNT 146 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

17 Defendant APRIL PARKS did on or about March 15, 2016, willfully, unlawfully,
18 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
19 or recorded at Clark County District Court, to wit: a Petition to Terminate Guardianship and
20 Approve Final Accounting, containing false statements in the guardianship case of KENNETH
21 EDWARDS G-13-039636-A, which instrument, if genuine, might be filed, registered or
22 recorded in a public office under any law of the State of Nevada.

23 COUNT 147 - PERJURY

24 Defendant APRIL PARKS did on or about May 30, 2014, willfully make a false
25 statement in a declaration made under penalty of perjury, to wit: by offering for filing with the
26 Clark County District Court, under penalty of perjury, a Fourth Annual Accounting and Report
27 of Guardian, in the guardianship case of GLORIA SCHNERINGER G-09-034019-A, which
28 document claimed that Defendant was owed fees for services rendered that were not in fact

1 rendered to the extent and duration claimed, which statement was material to the filing in
2 question.

3 COUNT 148 - PERJURY

4 Defendant MARK SIMMONS did on or about May 30, 2014, suborn APRIL PARKS
5 to commit perjury, to wit: by falsifying records and/or instructing other employees of A Private
6 Professional Guardian, LLC to falsify records, of the amount and value of services provided
7 in the guardianship case of GLORIA SCHNERINGER G-09-034019-A, knowing that APRIL
8 PARKS would knowingly offer for filing with the Clark County District Court, under penalty
9 of perjury, a Fourth Annual Accounting and Report of Guardian, in the guardianship case of
10 GLORIA SCHNERINGER G-09-034019-A, which document claimed that APRIL PARKS
11 was owed fees for services rendered that were not in fact rendered to the extent and duration
12 claimed, which statement was material to the filing in question.

13 COUNT 149 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

14 Defendant APRIL PARKS did on or about May 30, 2014, willfully, unlawfully,
15 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
16 or recorded at Clark County District Court, to wit: a Fourth Annual Accounting and Report
17 of Guardian, containing false statements in the guardianship case of GLORIA
18 SCHNERINGER G-09-034019-A, which instrument, if genuine, might be filed, registered or
19 recorded in a public office under any law of the State of Nevada.

20 COUNT 150 - PERJURY

21 Defendant APRIL PARKS did on or about March 23, 2015, willfully make a false
22 statement in a declaration made under penalty of perjury, to wit: by offering for filing with the
23 Clark County District Court, under penalty of perjury, a Fifth Annual Account and Report of
24 Guardian, Notice of Death of Co-Guardian James N. Schneringer and/or Order for
25 Confirmation of Investing the wards Funds, in the guardianship case of GLORIA
26 SCHNERINGER G-09-034019-A, which document claimed that Defendant was owed fees
27 for services rendered that were not in fact rendered to the extent and duration claimed, which
28 statement was material to the filing in question.

1 COUNT 151 - PERJURY

2 Defendant MARK SIMMONS did on or about March 23, 2015, suborn APRIL PARKS
3 to commit perjury, to wit: by falsifying records and/or instructing other employees of A Private
4 Professional Guardian, LLC to falsify records, of the amount and value of services provided
5 in the guardianship case of GLORIA SCHNERINGER G-09-034019-A, knowing that APRIL
6 PARKS would knowingly offer for filing with the Clark County District Court, under penalty
7 of perjury, a Fifth Annual Account and Report of Guardian, Notice of Death of Co-Guardian
8 James N. Schneringer and/or Order for Confirmation of Investing the wards Funds, in the
9 guardianship case of GLORIA SCHNERINGER G-09-034019-A, which document claimed
10 that APRIL PARKS was owed fees for services rendered that were not in fact rendered to the
11 extent and duration claimed, which statement was material to the filing in question.

12 COUNT 152 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

13 Defendant APRIL PARKS did on or about March 23, 2015, willfully, unlawfully,
14 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
15 or recorded at Clark County District Court, to wit: a Fifth Annual Account and Report of
16 Guardian, Notice of Death of Co-Guardian James N. Schneringer and/or Order for
17 Confirmation of Investing the wards Funds, containing false statements in the guardianship
18 case of GLORIA SCHNERINGER G-09-034019-A, which instrument, if genuine, might be
19 filed, registered or recorded in a public office under any law of the State of Nevada.

20 COUNT 153 - PERJURY

21 Defendant APRIL PARKS did on or about March 6, 2015, willfully make a false
22 statement in a declaration made under penalty of perjury, to wit: by offering for filing with the
23 Clark County District Court, under penalty of perjury, a Second Annual Accounting and
24 Report of Guardian, in the guardianship case of JANICE MITCHELL G-11-035593-A, which
25 document claimed that Defendant was owed fees for services rendered that were not in fact
26 rendered to the extent and duration claimed, which statement was material to the filing in
27 question.

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1 COUNT 154 - PERJURY

2 Defendant MARK SIMMONS did on or about March 6, 2015, suborn APRIL PARKS
3 to commit perjury, to wit: by falsifying records and/or instructing other employees of A Private
4 Professional Guardian, LLC to falsify records, of the amount and value of services provided
5 in the guardianship case of JANICE MITCHELL G-11-035593-A, knowing that APRIL
6 PARKS would knowingly offer for filing with the Clark County District Court, under penalty
7 of perjury, a Second Annual Accounting and Report of Guardian, in the guardianship case of
8 Janice Mitchell G-11-035593-A, which document claimed that APRIL PARKS was owed fees
9 for services rendered that were not in fact rendered to the extent and duration claimed, which
10 statement was material to the filing in question.

11 COUNT 155 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

12 Defendant APRIL PARKS did on or about March 6, 2015, willfully, unlawfully,
13 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
14 or recorded at Clark County District Court, to wit: a Second Annual Accounting and Report
15 of Guardian, containing false statements in the guardianship case of JANICE MITCHELL G-
16 11-035593-A, which instrument, if genuine, might be filed, registered or recorded in a public
17 office under any law of the State of Nevada.

18 COUNT 156 - PERJURY

19 Defendant APRIL PARKS did on or about August 20, 2014, willfully make a false
20 statement in a declaration made under penalty of perjury, to wit: by offering for filing with the
21 Clark County District Court, under penalty of perjury, a Petition to Terminate Guardianship
22 and Approve Final Accounting, in the guardianship case of MARY VITEK G-12-037215-A,
23 which document claimed that Defendant was owed fees for services rendered that were not in
24 fact rendered to the extent and duration claimed, which statement was material to the filing in
25 question.

26 COUNT 157 - PERJURY

27 Defendant MARK SIMMONS did on or about August 20, 2014, suborn APRIL
28 PARKS to commit perjury, to wit: by falsifying records and/or instructing other employees

1 of A Private Professional Guardian, LLC to falsify records, of the amount and value of services
2 provided in the guardianship case of MARY VITEK G-12-037215-A, knowing that APRIL
3 PARKS would knowingly offer for filing with the Clark County District Court, under penalty
4 of perjury, a Petition to Terminate Guardianship and Approve Final Accounting, in the
5 guardianship case of MARY VITEK G-12-037215-A, which document claimed that APRIL
6 PARKS was owed fees for services rendered that were not in fact rendered to the extent and
7 duration claimed, which statement was material to the filing in question.

8 COUNT 158 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

9 Defendant APRIL PARKS did on or about August 20, 2014, willfully, unlawfully,
10 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
11 or recorded at Clark County District Court, to wit: a Petition to Terminate Guardianship and
12 Approve Final Accounting, containing false statements in the guardianship case of MARY
13 VITEK G-12-037215-A, which instrument, if genuine, might be filed, registered or recorded
14 in a public office under any law of the State of Nevada.

15 COUNT 159 - PERJURY

16 Defendant APRIL PARKS did on or about December 18, 2014, willfully make a false
17 statement in a declaration made under penalty of perjury, to wit: by offering for filing with the
18 Clark County District Court, under penalty of perjury, a First Annual Accounting and Report
19 of Guardian, in the guardianship case of CECILIA CASS G-13-039449-A, which document
20 claimed that Defendant was owed fees for services rendered that were not in fact rendered to
21 the extent and duration claimed, which statement was material to the filing in question.

22 COUNT 160 - PERJURY

23 Defendant MARK SIMMONS did on or about December 18, 2014, suborn APRIL
24 PARKS to commit perjury, to wit: by falsifying records and/or instructing other employees of
25 A Private Professional Guardian, LLC to falsify records, of the amount and value of services
26 provided in the guardianship case of CECILIA CASS G-13-039449-A, knowing that APRIL
27 PARKS would knowingly offer for filing with the Clark County District Court, under penalty
28 of perjury, a First Annual Accounting and Report of Guardian, in the guardianship case of

1 CECILIA CASS G-13-039449-A, which document claimed that APRIL PARKS was owed
2 fees for services rendered that were not in fact rendered to the extent and duration claimed,
3 which statement was material to the filing in question.

4 COUNT 161 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

5 Defendant APRIL PARKS did on or about December 18, 2014, willfully, unlawfully,
6 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
7 or recorded at Clark County District Court, to wit: a First Annual Accounting and Report of
8 Guardian, containing false statements in the guardianship case of CECILIA CASS G-13-
9 039449-A, which instrument, if genuine, might be filed, registered or recorded in a public
10 office under any law of the State of Nevada.

11 COUNT 162 - PERJURY

12 Defendant APRIL PARKS did on or about June 3, 2014, willfully make a false
13 statement in a declaration made under penalty of perjury, to wit: by offering for filing with the
14 Clark County District Court, under penalty of perjury, a Petition to Terminate Guardianship
15 and Approve Final Accounting, in the guardianship case of ROY CASS G-13-039443-A,
16 which document claimed that Defendant was owed fees for services rendered that were not in
17 fact rendered to the extent and duration claimed, which statement was material to the filing in
18 question.

19 COUNT 163 - PERJURY

20 Defendant MARK SIMMONS did on or about June 3, 2014, suborn APRIL PARKS to
21 commit perjury, to wit: by falsifying records and/or instructing other employees of A Private
22 Professional Guardian, LLC to falsify records, of the amount and value of services provided
23 in the guardianship case of Roy Cass G-13-039443-A, knowing that APRIL PARKS would
24 knowingly offer for filing with the Clark County District Court, under penalty of perjury, a
25 Petition to Terminate Guardianship and Approve Final Accounting, in the guardianship case
26 of ROY CASS G-13-039443-A, which document claimed that APRIL PARKS was owed fees
27 for services rendered that were not in fact rendered to the extent and duration claimed, which
28 statement was material to the filing in question.

1 COUNT 164 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

2 Defendant APRIL PARKS did on or about June 3, 2014, willfully, unlawfully,
3 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
4 or recorded at Clark County District Court, to wit: a Petition to Terminate Guardianship and
5 Approve Final Accounting, containing false statements in the guardianship case of ROY CASS
6 G-13-039443-A, which instrument, if genuine, might be filed, registered or recorded in a
7 public office under any law of the State of Nevada.

8 COUNT 165 - PERJURY

9 Defendant APRIL PARKS did on or about May 8, 2015, willfully make a false
10 statement in a declaration made under penalty of perjury, to wit: by offering for filing with the
11 Clark County District Court, under penalty of perjury, a Second and Final Account and Report
12 of Guardian, Petition for Payment of Fees, For Termination of Guardianship and To Set Aside
13 Estate without Administration, in the guardianship case of CLYDE BOWMAN 06G029707,
14 which document claimed that Defendant was owed fees for services rendered that were not in
15 fact rendered to the extent and duration claimed, which statement was material to the filing in
16 question.

17 COUNT 166 - PERJURY

18 Defendant MARK SIMMONS did on or about May 8, 2015, suborn APRIL PARKS
19 to commit perjury, to wit: by falsifying records and/or instructing other employees of A Private
20 Professional Guardian, LLC to falsify records, of the amount and value of services provided
21 in the guardianship case of Clyde Bowman 06G029707, knowing that APRIL PARKS would
22 knowingly offer for filing with the Clark County District Court, under penalty of perjury, a
23 Second and Final Account and Report of Guardian, Petition for Payment of Fees, For
24 Termination of Guardianship and To Set Aside Estate without Administration, in the
25 guardianship case of CLYDE BOWMAN 06G029707, which document claimed that APRIL
26 PARKS was owed fees for services rendered that were not in fact rendered to the extent and
27 duration claimed, which statement was material to the filing in question.

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1 COUNT 167 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

2 Defendant APRIL PARKS did on or about May 8, 2015, willfully, unlawfully,
3 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
4 or recorded at Clark County District Court, to wit: a Second and Final Account and Report of
5 Guardian, Petition for Payment of Fees, For Termination of Guardianship and To Set Aside
6 Estate without Administration, containing false statements in the guardianship case of CLYDE
7 BOWMAN 06G029707, which instrument, if genuine, might be filed, registered or recorded
8 in a public office under any law of the State of Nevada.

9 COUNT 168 - PERJURY

10 Defendant APRIL PARKS did on or about July 22, 2013, willfully make a false
11 statement in a declaration made under penalty of perjury, to wit: by offering for filing with the
12 Clark County District Court, under penalty of perjury, a First Annual Accounting and Report
13 of Guardian, in the guardianship case of ROY FRANKLIN G-12-037404-A, which document
14 claimed that Defendant was owed fees for services rendered that were not in fact rendered to
15 the extent and duration claimed, which statement was material to the filing in question.

16 COUNT 169 - PERJURY

17 Defendant MARK SIMMONS did on or about July 22, 2013, suborn APRIL PARKS
18 to commit perjury, to wit: by falsifying records and/or instructing other employees of A Private
19 Professional Guardian, LLC to falsify records, of the amount and value of services provided
20 in the guardianship case of ROY FRANKLIN G-12-037404-A, knowing that APRIL PARKS
21 would knowingly offer for filing with the Clark County District Court, under penalty of
22 perjury, a First Annual Accounting and Report of Guardian, in the guardianship case of ROY
23 FRANKLIN G-12-037404-A, which document claimed that APRIL PARKS was owed fees
24 for services rendered that were not in fact rendered to the extent and duration claimed, which
25 statement was material to the filing in question.

26 COUNT 170 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

27 Defendant APRIL PARKS did on or about July 22, 2013, willfully, unlawfully,
28 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered

1 or recorded at Clark County District Court, to wit: a First Annual Accounting and Report of
2 Guardian, containing false statements in the guardianship case of ROY FRANKLIN G-12-
3 037404-A, which instrument, if genuine, might be filed, registered or recorded in a public
4 office under any law of the State of Nevada.

5 COUNT 171 - PERJURY

6 Defendant APRIL PARKS did on or about August 20, 2014, willfully make a false
7 statement in a declaration made under penalty of perjury, to wit: by offering for filing with the
8 Clark County District Court, under penalty of perjury, a Second Annual Accounting and
9 Report of Guardian, in the guardianship case of ROY FRANKLIN G-12-037404-A, which
10 document claimed that Defendant was owed fees for services rendered that were not in fact
11 rendered to the extent and duration claimed, which statement was material to the filing in
12 question.

13 COUNT 172 - PERJURY

14 Defendant MARK SIMMONS did on or about August 20, 2014, suborn APRIL
15 PARKS to commit perjury, to wit: by falsifying records and/or instructing other employees of
16 A Private Professional Guardian, LLC to falsify records, of the amount and value of services
17 provided in the guardianship case of ROY FRANKLIN G-12-037404-A, knowing that APRIL
18 PARKS would knowingly offer for filing with the Clark County District Court, under penalty
19 of perjury, a Second Annual Accounting and Report of Guardian, in the guardianship case of
20 ROY FRANKLIN G-12-037404-A, which document claimed that APRIL PARKS was owed
21 fees for services rendered that were not in fact rendered to the extent and duration claimed,
22 which statement was material to the filing in question.

23 COUNT 173 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

24 Defendant APRIL PARKS did on or about August 20, 2014, willfully, unlawfully,
25 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
26 or recorded at Clark County District Court, to wit: a Second Annual Accounting and Report
27 of Guardian, containing false statements in the guardianship case of ROY FRANKLIN G-12-

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1 037404-A, which instrument, if genuine, might be filed, registered or recorded in a public
2 office under any law of the State of Nevada.

3 COUNT 174 - PERJURY

4 Defendant APRIL PARKS did on or about June 23, 2015, willfully make a false
5 statement in a declaration made under penalty of perjury, to wit: by offering for filing with the
6 Clark County District Court, under penalty of perjury, a Third and Final Account and Report
7 of Guardian, Petition for Payment of Fees and for Termination of Guardianship, in the
8 guardianship case of ROY FRANKLIN G-12-037404-A, which document claimed that
9 Defendant was owed fees for services rendered that were not in fact rendered to the extent and
10 duration claimed, which statement was material to the filing in question.

11 COUNT 175 - PERJURY

12 Defendant MARK SIMMONS did on or about June 23, 2015, suborn APRIL PARKS
13 to commit perjury, to wit: by falsifying records and/or instructing other employees of A Private
14 Professional Guardian, LLC to falsify records, of the amount and value of services provided
15 in the guardianship case of ROY FRANKLIN G-12-037404-A, knowing that APRIL PARKS
16 would knowingly offer for filing with the Clark County District Court, under penalty of
17 perjury, a Third and Final Account and Report of Guardian, Petition for Payment of Fees and
18 for Termination of Guardianship, in the guardianship case of ROY FRANKLIN G-12-037404-
19 A, which document claimed that APRIL PARKS was owed fees for services rendered that
20 were not in fact rendered to the extent and duration claimed, which statement was material to
21 the filing in question.

22 COUNT 176 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

23 Defendant APRIL PARKS did on or about June 23, 2015, willfully, unlawfully,
24 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
25 or recorded at Clark County District Court, to wit: a Third and Final Account and Report of
26 Guardian, Petition for Payment of Fees and for Termination of Guardianship, containing false
27 statements in the guardianship case of ROY FRANKLIN G-12-037404-A, which instrument,

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1 if genuine, might be filed, registered or recorded in a public office under any law of the State
2 of Nevada.

3 COUNT 177 - PERJURY

4 Defendant APRIL PARKS did on or about March 3, 2015, willfully make a false
5 statement in a declaration made under penalty of perjury, to wit: by offering for filing with the
6 Clark County District Court, under penalty of perjury, a First Annual Accounting and Report
7 of Guardian, in the guardianship case of JUANITA GRAHAM G-13-039161-A, which
8 document claimed that Defendant was owed fees for services rendered that were not in fact
9 rendered to the extent and duration claimed, which statement was material to the filing in
10 question.

11 COUNT 178 - PERJURY

12 Defendant MARK SIMMONS did on or about March 3, 2015, suborn APRIL PARKS
13 to commit perjury, to wit: by falsifying records and/or instructing other employees of A Private
14 Professional Guardian, LLC to falsify records, of the amount and value of services provided
15 in the guardianship case of JUANITA GRAHAM G-13-039161-A, knowing that APRIL
16 PARKS would knowingly offer for filing with the Clark County District Court, under penalty
17 of perjury, a First Annual Accounting and Report of Guardian, in the guardianship case of
18 JUANITA GRAHAM G-13-039161-A, which document claimed that APRIL PARKS was
19 owed fees for services rendered that were not in fact rendered to the extent and duration
20 claimed, which statement was material to the filing in question.

21 COUNT 179 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

22 Defendant APRIL PARKS did on or about March 3, 2015, willfully, unlawfully,
23 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
24 or recorded at Clark County District Court, to wit: a First Annual Accounting and Report of
25 Guardian, containing false statements in the guardianship case of JUANITA GRAHAM G-13-
26 039161-A, which instrument, if genuine, might be filed, registered or recorded in a public
27 office under any law of the State of Nevada.

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1 COUNT 180 - PERJURY

2 Defendant APRIL PARKS did on or about November 11, 2015, willfully make a false
3 statement in a declaration made under penalty of perjury, to wit: by offering for filing with the
4 Clark County District Court, under penalty of perjury, a Second Annual Accounting and
5 Report of Guardian, in the guardianship case of JUANITA GRAHAM G-13-039161-A, which
6 document claimed that Defendant was owed fees for services rendered that were not in fact
7 rendered to the extent and duration claimed, which statement was material to the filing in
8 question.

9 COUNT 181 - PERJURY

10 Defendant MARK SIMMONS did on or about November 11, 2015, suborn APRIL
11 PARKS to commit perjury, to wit: by falsifying records and/or instructing other employees of
12 A Private Professional Guardian, LLC to falsify records, of the amount and value of services
13 provided in the guardianship case of JUANITA GRAHAM G-13-039161-A, knowing that
14 APRIL PARKS would knowingly offer for filing with the Clark County District Court, under
15 penalty of perjury, a Second Annual Accounting and Report of Guardian, in the guardianship
16 case of JUANITA GRAHAM G-13-039161-A, which document claimed that APRIL PARKS
17 was owed fees for services rendered that were not in fact rendered to the extent and duration
18 claimed, which statement was material to the filing in question.

19 COUNT 182 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

20 Defendant APRIL PARKS did on or about November 11, 2015, willfully, unlawfully,
21 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
22 or recorded at Clark County District Court, to wit: a Second Annual Accounting and Report
23 of Guardian, containing false statements in the guardianship case of JUANITA GRAHAM G-
24 13-039161-A, which instrument, if genuine, might be filed, registered or recorded in a public
25 office under any law of the State of Nevada.

26 COUNT 183 - PERJURY

27 Defendant APRIL PARKS did on or about November 22, 2015, willfully make a false
28 statement in a declaration made under penalty of perjury, to wit: by offering for filing with the

1 Clark County District Court, under penalty of perjury, a First and Final Account and Report
2 of Guardian and Petition for Payment of Fees and for Termination of Guardianship, in the
3 guardianship case of YOSHIKO KINDAICHI G-13-039448-A, which document claimed that
4 Defendant was owed fees for services rendered that were not in fact rendered to the extent and
5 duration claimed, which statement was material to the filing in question.

6 COUNT 184 - PERJURY

7 Defendant MARK SIMMONS did on or about November 22, 2015, suborn APRIL
8 PARKS to commit perjury, to wit: by falsifying records and/or instructing other employees of
9 A Private Professional Guardian, LLC to falsify records, of the amount and value of services
10 provided in the guardianship case of YOSHIKO KINDAICHI G-13-039448-A, knowing that
11 APRIL PARKS would knowingly offer for filing with the Clark County District Court, under
12 penalty of perjury, a First and Final Account and Report of Guardian and Petition for Payment
13 of Fees and for Termination of Guardianship, in the guardianship case of YOSHIKO
14 KINDAICHI G-13-039448-A, which document claimed that APRIL PARKS was owed fees
15 for services rendered that were not in fact rendered to the extent and duration claimed, which
16 statement was material to the filing in question.

17 COUNT 185 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

18 Defendant APRIL PARKS did on or about November 22, 2015, willfully, unlawfully,
19 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
20 or recorded at Clark County District Court, to wit: a First and Final Account and Report of
21 Guardian and Petition for Payment of Fees and for Termination of Guardianship, containing
22 false statements in the guardianship case of YOSHIKO KINDAICHI G-13-039448-A, which
23 instrument, if genuine, might be filed, registered or recorded in a public office under any law
24 of the State of Nevada.

25 COUNT 186 - PERJURY

26 Defendant APRIL PARKS did on or about August 21, 2014, willfully make a false
27 statement in a declaration made under penalty of perjury, to wit: by offering for filing with the
28 Clark County District Court, under penalty of perjury, a First Annual Accounting and Report

1 of Guardian, in the guardianship case of WALTER WRIGHT G-11-036232-A, which
2 document claimed that Defendant was owed fees for services rendered that were not in fact
3 rendered to the extent and duration claimed, which statement was material to the filing in
4 question.

5 COUNT 187 - PERJURY

6 Defendant MARK SIMMONS did on or about August 21, 2014, suborn APRIL
7 PARKS to commit perjury, to wit: by falsifying records and/or instructing other employees of
8 A Private Professional Guardian, LLC to falsify records, of the amount and value of services
9 provided in the guardianship case of WALTER WRIGHT G-11-036232-A, knowing that
10 APRIL PARKS would knowingly offer for filing with the Clark County District Court, under
11 penalty of perjury, a First Annual Accounting and Report of Guardian, in the guardianship
12 case of WALTER WRIGHT G-11-036232-A, which document claimed that APRIL PARKS
13 was owed fees for services rendered that were not in fact rendered to the extent and duration
14 claimed, which statement was material to the filing in question.

15 COUNT 188 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

16 Defendant APRIL PARKS did on or about August 21, 2014, willfully, unlawfully,
17 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
18 or recorded at Clark County District Court, to wit: a First Annual Accounting and Report of
19 Guardian, containing false statements in the guardianship case of WALTER WRIGHT G-11-
20 036232-A, which instrument, if genuine, might be filed, registered or recorded in a public
21 office under any law of the State of Nevada.

22 COUNT 189 - PERJURY

23 Defendant APRIL PARKS did on or about June 23, 2015, willfully make a false
24 statement in a declaration made under penalty of perjury, to wit: by offering for filing with the
25 Clark County District Court, under penalty of perjury, a Second Annual Accounting and
26 Report of Guardian, in the guardianship case of WALTER WRIGHT G-11-036232-A, which
27 document claimed that Defendant was owed fees for services rendered that were not in fact

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1 rendered to the extent and duration claimed, which statement was material to the filing in
2 question.

3 COUNT 190 - PERJURY

4 Defendant MARK SIMMONS did on or about June 23, 2015, suborn APRIL PARKS
5 to commit perjury, to wit: by falsifying records and/or instructing other employees of A Private
6 Professional Guardian, LLC to falsify records, of the amount and value of services provided
7 in the guardianship case of WALTER WRIGHT G-11-036232-A, knowing that APRIL
8 PARKS would knowingly offer for filing with the Clark County District Court, under penalty
9 of perjury, a Second Annual Accounting and Report of Guardian, in the guardianship case of
10 WALTER WRIGHT G-11-036232-A, which document claimed that APRIL PARKS was
11 owed fees for services rendered that were not in fact rendered to the extent and duration
12 claimed, which statement was material to the filing in question.

13 COUNT 191 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

14 Defendant APRIL PARKS did on or about June 23, 2015, willfully, unlawfully,
15 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
16 or recorded at Clark County District Court, to wit: a Second Annual Accounting and Report
17 of Guardian, containing false statements in the guardianship case of WALTER WRIGHT G-
18 11-036232-A, which instrument, if genuine, might be filed, registered or recorded in a public
19 office under any law of the State of Nevada.

20 COUNT 192 - PERJURY

21 Defendant APRIL PARKS did on or about August 27, 2015, willfully make a false
22 statement in a declaration made under penalty of perjury, to wit: by offering for filing with the
23 Clark County District Court, under penalty of perjury, a Petition to Terminate Guardianship
24 and Approve Final Accounting, in the guardianship case of WALTER WRIGHT G-11-
25 036232-A, which document claimed that Defendant was owed fees for services rendered that
26 were not in fact rendered to the extent and duration claimed, which statement was material to
27 the filing in question.

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1 COUNT 193 - PERJURY

2 Defendant MARK SIMMONS did on or about August 27, 2015, suborn APRIL
3 PARKS to commit perjury, to wit: by falsifying records and/or instructing other employees of
4 A Private Professional Guardian, LLC to falsify records, of the amount and value of services
5 provided in the guardianship case of WALTER WRIGHT G-11-036232-A, knowing that
6 APRIL PARKS would knowingly offer for filing with the Clark County District Court, under
7 penalty of perjury, a Petition to Terminate Guardianship and Approve Final Accounting, in
8 the guardianship case of WALTER WRIGHT G-11-036232-A, which document claimed that
9 APRIL PARKS was owed fees for services rendered that were not in fact rendered to the extent
10 and duration claimed, which statement was material to the filing in question.

11 COUNT 194 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

12 Defendant APRIL PARKS did on or about August 27, 2015, willfully, unlawfully,
13 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
14 or recorded at Clark County District Court, to wit: a Petition to Terminate Guardianship and
15 Approve Final Accounting, containing false statements in the guardianship case of WALTER
16 WRIGHT G-11-036232-A, which instrument, if genuine, might be filed, registered or
17 recorded in a public office under any law of the State of Nevada.

18 COUNT 195 - PERJURY

19 Defendant APRIL PARKS did on or about March 3, 2015, willfully make a false
20 statement in a declaration made under penalty of perjury, to wit: by offering for filing with the
21 Clark County District Court, under penalty of perjury, a First Annual Accounting and Report
22 of Guardian, in the guardianship case of MARTHA ORNELAS G-13-039145-A, which
23 document claimed that Defendant was owed fees for services rendered that were not in fact
24 rendered to the extent and duration claimed, which statement was material to the filing in
25 question.

26 COUNT 196 - PERJURY

27 Defendant MARK SIMMONS did on or about March 3, 2015, suborn APRIL PARKS
28 to commit perjury, to wit: by falsifying records and/or instructing other employees of A Private

1 Professional Guardian, LLC to falsify records, of the amount and value of services provided
2 in the guardianship case of MARTHA ORNELAS G-13-039145-A, knowing that APRIL
3 PARKS would knowingly offer for filing with the Clark County District Court, under penalty
4 of perjury, a First Annual Accounting and Report of Guardian, in the guardianship case of
5 MARTHA ORNELAS G-13-039145-A, which document claimed that APRIL PARKS was
6 owed fees for services rendered that were not in fact rendered to the extent and duration
7 claimed, which statement was material to the filing in question.

8 COUNT 197 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

9 Defendant APRIL PARKS did on or about March 3, 2015, willfully, unlawfully,
10 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
11 or recorded at Clark County District Court, to wit: a First Annual Accounting and Report of
12 Guardian, containing false statements in the guardianship case of MARTHA ORNELAS G-
13 13-039145-A, which instrument, if genuine, might be filed, registered or recorded in a public
14 office under any law of the State of Nevada.

15 COUNT 198 - PERJURY

16 Defendant APRIL PARKS did on or about July 7, 2015, willfully make a false
17 statement in a declaration made under penalty of perjury, to wit: by offering for filing with the
18 Clark County District Court, under penalty of perjury, a Petition to Terminate Guardianship
19 and Approve Final Accounting, in the guardianship case of MARTHA ORNELAS G-13-
20 039145-A, which document claimed that Defendant was owed fees for services rendered that
21 were not in fact rendered to the extent and duration claimed, which statement was material to
22 the filing in question.

23 COUNT 199 - PERJURY

24 Defendant MARK SIMMONS did on or about July 7, 2015, suborn APRIL PARKS to
25 commit perjury, to wit: by falsifying records and/or instructing other employees of A Private
26 Professional Guardian, LLC to falsify records, of the amount and value of services provided
27 in the guardianship case of MARTHA ORNELAS G-13-039145-A, knowing that APRIL
28 PARKS would knowingly offer for filing with the Clark County District Court, under penalty

1 of perjury, a Petition to Terminate Guardianship and Approve Final Accounting, in the
2 guardianship case of MARTHA ORNELAS G-13-039145-A, which document claimed that
3 APRIL PARKS was owed fees for services rendered that were not in fact rendered to the extent
4 and duration claimed, which statement was material to the filing in question.

5 COUNT 200 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

6 Defendant APRIL PARKS did on or about July 7, 2015, willfully, unlawfully,
7 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
8 or recorded at Clark County District Court, to wit: a Petition to Terminate Guardianship and
9 Approve Final Accounting, containing false statements in the guardianship case of MARTHA
10 ORNELAS G-13-039145-A, which instrument, if genuine, might be filed, registered or
11 recorded in a public office under any law of the State of Nevada.

12 COUNT 201 - PERJURY

13 Defendant APRIL PARKS did on or about March 31, 2015, willfully make a false
14 statement in a declaration made under penalty of perjury, to wit: by offering for filing with the
15 Clark County District Court, under penalty of perjury, a First Annual Accounting and Report
16 of Guardian, in the guardianship case of ROBERT SMITH G-14-039910-A, which document
17 claimed that Defendant was owed fees for services rendered that were not in fact rendered to
18 the extent and duration claimed, which statement was material to the filing in question.

19 COUNT 202 - PERJURY

20 Defendant MARK SIMMONS did on or about March 31, 2015, suborn APRIL PARKS
21 to commit perjury, to wit: by falsifying records and/or instructing other employees of A Private
22 Professional Guardian, LLC to falsify records, of the amount and value of services provided
23 in the guardianship case of ROBERT SMITH G-14-039910-A, knowing that APRIL PARKS
24 would knowingly offer for filing with the Clark County District Court, under penalty of
25 perjury, a First Annual Accounting and Report of Guardian, in the guardianship case of
26 ROBERT SMITH G-14-039910-A, which document claimed that APRIL PARKS was owed
27 fees for services rendered that were not in fact rendered to the extent and duration claimed,
28 which statement was material to the filing in question.

1 COUNT 203 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

2 Defendant APRIL PARKS did on or about March 31, 2015, willfully, unlawfully,
3 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
4 or recorded at Clark County District Court, to wit: a First Annual Accounting and Report of
5 Guardian, containing false statements in the guardianship case of ROBERT SMITH G-14-
6 039910-A, which instrument, if genuine, might be filed, registered or recorded in a public
7 office under any law of the State of Nevada.

8 COUNT 204 - PERJURY

9 Defendant APRIL PARKS did on or about May 28, 2014, willfully make a false
10 statement in a declaration made under penalty of perjury, to wit: by offering for filing with the
11 Clark County District Court, under penalty of perjury, a Petition to Terminate Guardianship
12 and Approve Final Accounting, in the guardianship case of LARRY COBLE G-10-035166-
13 A, which document claimed that Defendant was owed fees for services rendered that were not
14 in fact rendered to the extent and duration claimed, which statement was material to the filing
15 in question.

16 COUNT 205 - PERJURY

17 Defendant MARK SIMMONS did on or about May 28, 2014, suborn APRIL PARKS
18 to commit perjury, to wit: by falsifying records and/or instructing other employees of A Private
19 Professional Guardian, LLC to falsify records, of the amount and value of services provided
20 in the guardianship case of LARRY COBLE G-10-035166-A, knowing that APRIL PARKS
21 would knowingly offer for filing with the Clark County District Court, under penalty of
22 perjury, a Petition to Terminate Guardianship and Approve Final Accounting, in the
23 guardianship case of LARRY COBLE G-10-035166-A, which document claimed that APRIL
24 PARKS was owed fees for services rendered that were not in fact rendered to the extent and
25 duration claimed, which statement was material to the filing in question.

26 COUNT 206 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

27 Defendant APRIL PARKS did on or about May 28, 2014, willfully, unlawfully,
28 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered

1 or recorded at Clark County District Court, to wit: a Petition to Terminate Guardianship and
2 Approve Final Accounting, containing false statements in the guardianship case of LARRY
3 COBLE G-10-035166-A, which instrument, if genuine, might be filed, registered or recorded
4 in a public office under any law of the State of Nevada.

5 COUNT 207 - PERJURY

6 Defendant APRIL PARKS did on or about March 15, 2016, willfully make a false
7 statement in a declaration made under penalty of perjury, to wit: by offering for filing with the
8 Clark County District Court, under penalty of perjury, a Petition to Terminate Guardianship
9 and Approve Final Accounting, in the guardianship case of LINDA FISHER G-14-041060-A,
10 which document claimed that Defendant was owed fees for services rendered that were not in
11 fact rendered to the extent and duration claimed, which statement was material to the filing in
12 question.

13 COUNT 208 - PERJURY

14 Defendant MARK SIMMONS did on or about March 15, 2016, suborn APRIL PARKS
15 to commit perjury, to wit: by falsifying records and/or instructing other employees of A Private
16 Professional Guardian, LLC to falsify records, of the amount and value of services provided
17 in the guardianship case of LINDA FISHER G-14-041060-A, knowing that APRIL PARKS
18 would knowingly offer for filing with the Clark County District Court, under penalty of
19 perjury, a Petition to Terminate Guardianship and Approve Final Accounting, in the
20 guardianship case of LINDA FISHER G-14-041060-A, which document claimed that APRIL
21 PARKS was owed fees for services rendered that were not in fact rendered to the extent and
22 duration claimed, which statement was material to the filing in question.

23 COUNT 209 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

24 Defendant APRIL PARKS did on or about March 15, 2016, willfully, unlawfully,
25 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
26 or recorded at Clark County District Court, to wit: a Petition to Terminate Guardianship and
27 Approve Final Accounting, containing false statements in the guardianship case of LINDA

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1 FISHER G-14-041060-A, which instrument, if genuine, might be filed, registered or recorded
2 in a public office under any law of the State of Nevada.

3 COUNT 210 - PERJURY

4 Defendant APRIL PARKS did on or about July 24, 2015, willfully make a false
5 statement in a declaration made under penalty of perjury, to wit: by offering for filing with the
6 Clark County District Court, under penalty of perjury, a First Annual Account, in the
7 guardianship case of EDWARD ATHERTON G-14-040243-A, which document claimed that
8 Defendant was owed fees for services rendered that were not in fact rendered to the extent and
9 duration claimed, which statement was material to the filing in question.

10 COUNT 211 - PERJURY

11 Defendant MARK SIMMONS did on or about July 24, 2015, suborn APRIL PARKS
12 to commit perjury, to wit: by falsifying records and/or instructing other employees of A Private
13 Professional Guardian, LLC to falsify records, of the amount and value of services provided
14 in the guardianship case of EDWARD ATHERTON G-14-040243-A, knowing that APRIL
15 PARKS would knowingly offer for filing with the Clark County District Court, under penalty
16 of perjury, a First Annual Account, in the guardianship case of EDWARD ATHERTON G-
17 14-040243-A, which document claimed that APRIL PARKS was owed fees for services
18 rendered that were not in fact rendered to the extent and duration claimed, which statement
19 was material to the filing in question.

20 COUNT 212 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

21 Defendant APRIL PARKS did on or about July 24, 2015, willfully, unlawfully,
22 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
23 or recorded at Clark County District Court, to wit: a First Annual Account, containing false
24 statements in the guardianship case of EDWARD ATHERTON G-14-040243-A, which
25 instrument, if genuine, might be filed, registered or recorded in a public office under any law
26 of the State of Nevada.

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1 COUNT 213 - PERJURY

2 Defendant APRIL PARKS did on or about February 20, 2016, willfully make a false
3 statement in a declaration made under penalty of perjury, to wit: by offering for filing with the
4 Clark County District Court, under penalty of perjury, a Petition to Terminate Guardianship
5 and Approve Final Accounting, in the guardianship case of EDWARD ATHERTON G-14-
6 040243-A, which document claimed that Defendant was owed fees for services rendered that
7 were not in fact rendered to the extent and duration claimed, which statement was material to
8 the filing in question.

9 COUNT 214 - PERJURY

10 Defendant MARK SIMMONS did on or about February 20, 2016, suborn APRIL
11 PARKS to commit perjury, to wit: by falsifying records and/or instructing other employees of
12 A Private Professional Guardian, LLC to falsify records, of the amount and value of services
13 provided in the guardianship case of EDWARD ATHERTON G-14-040243-A, knowing that
14 APRIL PARKS would knowingly offer for filing with the Clark County District Court, under
15 penalty of perjury, a Petition to Terminate Guardianship and Approve Final Accounting, in
16 the guardianship case of EDWARD ATHERTON G-14-040243-A, which document claimed
17 that APRIL PARKS was owed fees for services rendered that were not in fact rendered to the
18 extent and duration claimed, which statement was material to the filing in question.

19 COUNT 215 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

20 Defendant APRIL PARKS did on or about February 20, 2016, willfully, unlawfully,
21 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
22 or recorded at Clark County District Court, to wit: a Petition to Terminate Guardianship and
23 Approve Final Accounting, containing false statements in the guardianship case of EDWARD
24 ATHERTON G-14-040243-A, which instrument, if genuine, might be filed, registered or
25 recorded in a public office under any law of the State of Nevada.

26 COUNT 216 - PERJURY

27 Defendant APRIL PARKS did on or about May 13, 2016, willfully make a false
28 statement in a declaration made under penalty of perjury, to wit: by offering for filing with the

1 Clark County District Court, under penalty of perjury, a Petition to Terminate Guardianship
2 and Approve Final Accounting, in the guardianship case of CHARLES MADDERA G-12-
3 038107-A, which document claimed that Defendant was owed fees for services rendered that
4 were not in fact rendered to the extent and duration claimed, which statement was material to
5 the filing in question.

6 COUNT 217 - PERJURY

7 Defendant MARK SIMMONS did on or about May 13, 2016, suborn APRIL PARKS
8 to commit perjury, to wit: by falsifying records and/or instructing other employees of A Private
9 Professional Guardian, LLC to falsify records, of the amount and value of services provided
10 in the guardianship case of CHARLES MADDERA G-12-038107-A, knowing that APRIL
11 PARKS would knowingly offer for filing with the Clark County District Court, under penalty
12 of perjury, a Petition to Terminate Guardianship and Approve Final Accounting, in the
13 guardianship case of CHARLES MADDERA G-12-038107-A, which document claimed that
14 APRIL PARKS was owed fees for services rendered that were not in fact rendered to the extent
15 and duration claimed, which statement was material to the filing in question.

16 COUNT 218 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

17 Defendant APRIL PARKS did on or about May 13, 2016, willfully, unlawfully,
18 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
19 or recorded at Clark County District Court, to wit: a Petition to Terminate Guardianship and
20 Approve Final Accounting, containing false statements in the guardianship case of CHARLES
21 MADDERA G-12-038107-A, which instrument, if genuine, might be filed, registered or
22 recorded in a public office under any law of the State of Nevada.

23 COUNT 219 - PERJURY

24 Defendant APRIL PARKS did on or about July 7, 2015, willfully make a false
25 statement in a declaration made under penalty of perjury, to wit: by offering for filing with the
26 Clark County District Court, under penalty of perjury, a First Annual Accounting and Report
27 of Guardian, in the guardianship case of REX LYONS G-14-040310-A, which document

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1 claimed that Defendant was owed fees for services rendered that were not in fact rendered to
2 the extent and duration claimed, which statement was material to the filing in question.

3 COUNT 220 - PERJURY

4 Defendant MARK SIMMONS did on or about July 7, 2015, suborn APRIL PARKS to
5 commit perjury, to wit: by falsifying records and/or instructing other employees of A Private
6 Professional Guardian, LLC to falsify records, of the amount and value of services provided
7 in the guardianship case of REX LYONS G-14-040310-A, knowing that APRIL PARKS
8 would knowingly offer for filing with the Clark County District Court, under penalty of
9 perjury, a First Annual Accounting and Report of Guardian, in the guardianship case of REX
10 LYONS G-14-040310-A, which document claimed that APRIL PARKS was owed fees for
11 services rendered that were not in fact rendered to the extent and duration claimed, which
12 statement was material to the filing in question.

13 COUNT 221 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

14 Defendant APRIL PARKS did on or about July 7, 2015, willfully, unlawfully,
15 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
16 or recorded at Clark County District Court, to wit: a First Annual Accounting and Report of
17 Guardian, containing false statements in the guardianship case of REX LYONS G-14-040310-
18 A, which instrument, if genuine, might be filed, registered or recorded in a public office under
19 any law of the State of Nevada.

20 COUNT 222 - PERJURY

21 Defendant APRIL PARKS did on or about March 15, 2016, willfully make a false
22 statement in a declaration made under penalty of perjury, to wit: by offering for filing with the
23 Clark County District Court, under penalty of perjury, a Petition to Terminate Guardianship
24 and Approve Final Accounting, in the guardianship case of REX LYONS G-14-040310-A,
25 which document claimed that Defendant was owed fees for services rendered that were not in
26 fact rendered to the extent and duration claimed, which statement was material to the filing in
27 question.

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1 COUNT 223 - PERJURY

2 Defendant MARK SIMMONS did on or about March 15, 2016, suborn APRIL PARKS
3 to commit perjury, to wit: by falsifying records and/or instructing other employees of A Private
4 Professional Guardian, LLC to falsify records, of the amount and value of services provided
5 in the guardianship case of REX LYONS G-14-040310-A, knowing that APRIL PARKS
6 would knowingly offer for filing with the Clark County District Court, under penalty of
7 perjury, a Petition to Terminate Guardianship and Approve Final Accounting, in the
8 guardianship case of REX LYONS G-14-040310-A, which document claimed that APRIL
9 PARKS was owed fees for services rendered that were not in fact rendered to the extent and
10 duration claimed, which statement was material to the filing in question.

11 COUNT 224 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

12 Defendant APRIL PARKS did on or about March 15, 2016, willfully, unlawfully,
13 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
14 or recorded at Clark County District Court, to wit: a Petition to Terminate Guardianship and
15 Approve Final Accounting, containing false statements in the guardianship case of REX
16 LYONS G-14-040310-A, which instrument, if genuine, might be filed, registered or recorded
17 in a public office under any law of the State of Nevada.

18 COUNT 225 - PERJURY

19 Defendant APRIL PARKS did on or about August 13, 2014, willfully make a false
20 statement in a declaration made under penalty of perjury, to wit: by offering for filing with the
21 Clark County District Court, under penalty of perjury, a First Annual Accounting and Report
22 of Guardian, in the guardianship case of MARLENE HOMER G-12-037395-A, which
23 document claimed that Defendant was owed fees for services rendered that were not in fact
24 rendered to the extent and duration claimed, which statement was material to the filing in
25 question.

26 COUNT 226 - PERJURY

27 Defendant MARK SIMMONS did on or about August 13, 2014, suborn APRIL
28 PARKS to commit perjury, to wit: by falsifying records and/or instructing other employees of

1 A Private Professional Guardian, LLC to falsify records, of the amount and value of services
2 provided in the guardianship case of MARLENE HOMER G-12-037395-A, knowing that
3 APRIL PARKS would knowingly offer for filing with the Clark County District Court, under
4 penalty of perjury, a First Annual Accounting and Report of Guardian, in the guardianship
5 case of MARLENE HOMER G-12-037395-A, which document claimed that APRIL PARKS
6 was owed fees for services rendered that were not in fact rendered to the extent and duration
7 claimed, which statement was material to the filing in question.

8 COUNT 227 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

9 Defendant APRIL PARKS did on or about August 13, 2014, willfully, unlawfully,
10 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
11 or recorded at Clark County District Court, to wit: a First Annual Accounting and Report of
12 Guardian, containing false statements in the guardianship case of MARLENE HOMER G-12-
13 037395-A, which instrument, if genuine, might be filed, registered or recorded in a public
14 office under any law of the State of Nevada.

15 COUNT 228 - PERJURY

16 Defendant APRIL PARKS did on or about February 20, 2016, willfully make a false
17 statement in a declaration made under penalty of perjury, to wit: by offering for filing with the
18 Clark County District Court, under penalty of perjury, a Petition to Terminate Guardianship
19 and Approve Final Accounting, in the guardianship case of MARLENE HOMER G-12-
20 037395-A, which document claimed that Defendant was owed fees for services rendered that
21 were not in fact rendered to the extent and duration claimed, which statement was material to
22 the filing in question.

23 COUNT 229 - PERJURY

24 Defendant MARK SIMMONS did on or about February 20, 2016, suborn APRIL
25 PARKS to commit perjury, to wit: by falsifying records and/or instructing other employees of
26 A Private Professional Guardian, LLC to falsify records, of the amount and value of services
27 provided in the guardianship case of MARLENE HOMER G-12-037395-A, knowing that
28 APRIL PARKS would knowingly offer for filing with the Clark County District Court, under

1 penalty of perjury, a Petition to Terminate Guardianship and Approve Final Accounting, in
2 the guardianship case of MARLENE HOMER G-12-037395-A, which document claimed that
3 APRIL PARKS was owed fees for services rendered that were not in fact rendered to the extent
4 and duration claimed, which statement was material to the filing in question.

5 COUNT 230 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

6 Defendant APRIL PARKS did on or about February 20, 2016, willfully, unlawfully,
7 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
8 or recorded at Clark County District Court, to wit: a Petition to Terminate Guardianship and
9 Approve Final Accounting, containing false statements in the guardianship case of
10 MARLENE HOMER G-12-037395-A, which instrument, if genuine, might be filed, registered
11 or recorded in a public office under any law of the State of Nevada.

12 COUNT 231 - PERJURY

13 Defendant APRIL PARKS did on or about January 9, 2015, willfully make a false
14 statement in a declaration made under penalty of perjury, to wit: by offering for filing with the
15 Clark County District Court, under penalty of perjury, a First Annual Accounting and Report
16 of Guardian, in the guardianship case of MARIE LONG G-12-037438-A, which document
17 claimed that APRIL PARKS was owed fees for services rendered that were not in fact rendered
18 to the extent and duration claimed, which statement was material to the filing in question.

19 COUNT 232 - PERJURY

20 Defendant MARK SIMMONS did on or about January 9, 2015, suborn APRIL PARKS
21 to commit perjury, to wit: by falsifying records and/or instructing other employees of A Private
22 Professional Guardian, LLC to falsify records, of the amount and value of services provided
23 in the guardianship case of MARIE LONG G-12-037438-A, knowing that APRIL PARKS
24 would knowingly offer for filing with the Clark County District Court, under penalty of
25 perjury, a First Annual Accounting and Report of Guardian, in the guardianship case of
26 MARIE LONG G-12-037438-A, which document claimed that APRIL PARKS was owed fees
27 for services rendered that were not in fact rendered to the extent and duration claimed, which
28 statement was material to the filing in question.

1 COUNT 233 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

2 Defendant APRIL PARKS did on or about January 9, 2015, willfully, unlawfully,
3 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
4 or recorded at Clark County District Court, to wit: a First Annual Accounting and Report of
5 Guardian, containing false statements in the guardianship case of MARIE LONG G-12-
6 037438-A, which instrument, if genuine, might be filed, registered or recorded in a public
7 office under any law of the State of Nevada.

8 COUNT 234 - PERJURY

9 Defendant APRIL PARKS did on or about September 29, 2015, willfully make a false
10 statement in a declaration made under penalty of perjury, to wit: by offering for filing with the
11 Clark County District Court, under penalty of perjury, a Second Annual Accounting and
12 Report of Guardian, in the guardianship case of MARIE LONG G-12-037438-A, which
13 document claimed that Defendant was owed fees for services rendered that were not in fact
14 rendered to the extent and duration claimed, which statement was material to the filing in
15 question.

16 COUNT 235 - PERJURY

17 Defendant MARK SIMMONS did on or about September 29, 2015, suborn APRIL
18 PARKS to commit perjury, to wit: by falsifying records and/or instructing other employees of
19 A Private Professional Guardian, LLC to falsify records, of the amount and value of services
20 provided in the guardianship case of MARIE LONG G-12-037438-A, knowing that APRIL
21 PARKS would knowingly offer for filing with the Clark County District Court, under penalty
22 of perjury, a Second Annual Accounting and Report of Guardian, in the guardianship case of
23 MARIE LONG G-12-037438-A, which document claimed that APRIL PARKS was owed fees
24 for services rendered that were not in fact rendered to the extent and duration claimed, which
25 statement was material to the filing in question.

26 COUNT 236 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

27 Defendant APRIL PARKS did on or about September 29, 2015, willfully, unlawfully,
28 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered

1 or recorded at Clark County District Court, to wit: a Second Annual Accounting and Report
2 of Guardian, containing false statements in the guardianship case of MARIE LONG G-12-
3 037438-A, which instrument, if genuine, might be filed, registered or recorded in a public
4 office under any law of the State of Nevada.

5 COUNT 237 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

6 Defendant APRIL PARKS did on or about April 10, 2015, willfully, unlawfully,
7 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
8 or recorded at Clark County District Court, to wit: a First Annual Accounting, Report of
9 Guardian of Person and Estate of RUDY NORTH, and/or a Petition for Instructions and
10 Authority to Sell Coins, containing false statements in the guardianship case of RUDY
11 NORTH G-13-039133-A, which instrument, if genuine, might be filed, registered or recorded
12 in a public office under any law of the State of Nevada.

13 COUNT 238 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

14 Defendant APRIL PARKS did on or about May 8, 2015, willfully, unlawfully,
15 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
16 or recorded at Clark County District Court, to wit: an Amended First Annual Accounting of
17 Guardianship Estate of RUDY NORTH, containing false statements in the guardianship case
18 of RUDY NORTH G-13-039133-A, which instrument, if genuine, might be filed, registered
19 or recorded in a public office under any law of the State of Nevada.

20 COUNT 239 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

21 Defendant APRIL PARKS did on or about February 26, 2016, willfully, unlawfully,
22 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
23 or recorded at Clark County District Court, to wit: a Second and Final Accounting of
24 Guardianship Estate of RUDY NORTH, containing false statements in the guardianship case
25 of RUDY NORTH G-13-039133-A, which instrument, if genuine, might be filed, registered
26 or recorded in a public office under any law of the State of Nevada.

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1 COUNT 240 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

2 Defendant APRIL PARKS did on or about April 10, 2015, willfully, unlawfully,
3 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
4 or recorded at Clark County District Court, to wit: a First Annual Accounting, Report of
5 Guardian of Person and Estate of RENNIE NORTH, and/or Petition for Instructions and
6 Authority to Sell Coins, containing false statements in the guardianship case of RENNIE
7 NORTH G-13-039132-A, which instrument, if genuine, might be filed, registered or recorded
8 in a public office under any law of the State of Nevada.

9 COUNT 241 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

10 Defendant APRIL PARKS did on or about May 8, 2015, willfully, unlawfully,
11 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
12 or recorded at Clark County District Court, to wit: an Amended First Annual Accounting of
13 Guardianship Estate of RENNIE NORTH, containing false statements in the guardianship case
14 of RENNIE NORTH G-13-039132-A, which instrument, if genuine, might be filed, registered
15 or recorded in a public office under any law of the State of Nevada.

16 COUNT 242 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

17 Defendant APRIL PARKS did on or about February 26, 2016, willfully, unlawfully,
18 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
19 or recorded at Clark County District Court, to wit: a Second and Final Accounting of
20 Guardianship Estate of RENNIE NORTH, containing false statements in the guardianship case
21 of RENNIE NORTH G-13-039132-A, which instrument, if genuine, might be filed, registered
22 or recorded in a public office under any law of the State of Nevada.

23 COUNT 243 - PERJURY

24 Defendant APRIL PARKS did on or about August 20, 2015, willfully make a false
25 statement in a declaration made under penalty of perjury, to wit: by offering for filing with the
26 Clark County District Court, under penalty of perjury, a First Annual Accounting and Report
27 of Guardian, in the guardianship case of HAROLD LOCKWOOD G-12-037193-A, which
28 document claimed that Defendant was owed fees for services rendered that were not in fact

1 rendered to the extent and duration claimed, which statement was material to the filing in
2 question.

3 COUNT 244 - PERJURY

4 Defendant MARK SIMMONS did on or about August 20, 2015, suborn APRIL
5 PARKS to commit perjury, to wit: by falsifying records and/or instructing other employees of
6 A Private Professional Guardian, LLC to falsify records, of the amount and value of services
7 provided in the guardianship case of HAROLD LOCKWOOD G-12-037193-A, knowing that
8 APRIL PARKS would knowingly offer for filing with the Clark County District Court, under
9 penalty of perjury, a First Annual Accounting and Report of Guardian, in the guardianship
10 case of HAROLD LOCKWOOD G-12-037193-A, which document claimed that APRIL
11 PARKS was owed fees for services rendered that were not in fact rendered to the extent and
12 duration claimed, which statement was material to the filing in question.

13 COUNT 245 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

14 Defendant APRIL PARKS did on or about August 20, 2015, willfully, unlawfully,
15 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
16 or recorded at Clark County District Court, to wit: a First Annual Accounting and Report of
17 Guardian, containing false statements in the guardianship case of HAROLD LOCKWOOD G-
18 12-037193-A, which instrument, if genuine, might be filed, registered or recorded in a public
19 office under any law of the State of Nevada.

20 COUNT 246 - PERJURY

21 Defendant APRIL PARKS did on or about December 20, 2014, willfully make a false
22 statement in a declaration made under penalty of perjury, to wit: by offering for filing with the
23 Clark County District Court, under penalty of perjury, a Petition of Guardian APRIL PARKS
24 to Withdraw and Petition for Approval of Fees and Costs, in the guardianship case of
25 NORBERT WILKENING G-13-038438-A, which document claimed that Defendant was
26 owed fees for services rendered that were not in fact rendered to the extent and duration
27 claimed, which statement was material to the filing in question.

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1 COUNT 247 - PERJURY

2 Defendant MARK SIMMONS did on or about December 20, 2014, suborn APRIL
3 PARKS to commit perjury, to wit: by falsifying records and/or instructing other employees of
4 A Private Professional Guardian, LLC to falsify records, of the amount and value of services
5 provided in the guardianship case of NORBERT WILKENING G-13-038438-A, knowing that
6 APRIL PARKS would knowingly offer for filing with the Clark County District Court, under
7 penalty of perjury, a Petition of Guardian APRIL PARKS to Withdraw and Petition for
8 Approval of Fees and Costs, in the guardianship case of NORBERT WILKENING G-13-
9 038438-A, which document claimed that APRIL PARKS was owed fees for services rendered
10 that were not in fact rendered to the extent and duration claimed, which statement was material
11 to the filing in question.

12 COUNT 248 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

13 Defendant APRIL PARKS did on or about December 20, 2014, willfully, unlawfully,
14 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
15 or recorded at Clark County District Court, to wit: a Petition of Guardian APRIL PARKS to
16 Withdraw and Petition for Approval of Fees and Costs, containing false statements in the
17 guardianship case of NORBERT WILKENING G-13-038438-A, which instrument, if
18 genuine, might be filed, registered or recorded in a public office under any law of the State of
19 Nevada.

20 COUNT 249 - PERJURY

21 Defendant APRIL PARKS did on or about October 30, 2013, willfully make a false
22 statement in a declaration made under penalty of perjury, to wit: by offering for filing with the
23 Clark County District Court, under penalty of perjury, a First and Final Account and Report
24 of Guardian, Petition for Payment of Fees and For Termination of Guardianship, in the
25 guardianship case of ADOLFO GONZALEZ G-13-038316-A, which document claimed that
26 Defendant was owed fees for services rendered that were not in fact rendered to the extent and
27 duration claimed, which statement was material to the filing in question.

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1 COUNT 250 - PERJURY

2 Defendant MARK SIMMONS did on or about October 30, 2013, suborn APRIL
3 PARKS to commit perjury, to wit: by falsifying records and/or instructing other employees of
4 A Private Professional Guardian, LLC to falsify records, of the amount and value of services
5 provided in the guardianship case of ADOLFO GONZALEZ G-13-038316-A, knowing that
6 APRIL PARKS would knowingly offer for filing with the Clark County District Court, under
7 penalty of perjury, a First and Final Account and Report of Guardian, Petition for Payment of
8 Fees and For Termination of Guardianship, in the guardianship case of ADOLFO
9 GONZALEZ G-13-038316-A, which document claimed that APRIL PARKS was owed fees
10 for services rendered that were not in fact rendered to the extent and duration claimed, which
11 statement was material to the filing in question.

12 COUNT 251 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

13 Defendant APRIL PARKS did on or about October 30, 2013, willfully, unlawfully,
14 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
15 or recorded at Clark County District Court, to wit: a First and Final Account and Report of
16 Guardian, Petition for Payment of Fees and For Termination of Guardianship, containing false
17 statements in the guardianship case of ADOLFO GONZALEZ G-13-038316-A, which
18 instrument, if genuine, might be filed, registered or recorded in a public office under any law
19 of the State of Nevada.

20 COUNT 252 - PERJURY

21 Defendant APRIL PARKS did on or about June 19, 2015, willfully make a false
22 statement in a declaration made under penalty of perjury, to wit: by offering for filing with the
23 Clark County District Court, under penalty of perjury, a First Annual Account, Report of
24 Guardian and Petition for Confirmation of Sale of Personal Property, in the guardianship case
25 of DELORES SMITH G-13-039454-A, which document claimed that Defendant was owed
26 fees for services rendered that were not in fact rendered to the extent and duration claimed,
27 which statement was material to the filing in question.

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1 COUNT 253 - PERJURY

2 Defendant MARK SIMMONS did on or about June 19, 2015, suborn APRIL PARKS
3 to commit perjury, to wit: by falsifying records and/or instructing other employees of A Private
4 Professional Guardian, LLC to falsify records, of the amount and value of services provided
5 in the guardianship case of DELORES SMITH G-13-039454-A, knowing that APRIL PARKS
6 would knowingly offer for filing with the Clark County District Court, under penalty of
7 perjury, a First Annual Account, Report of Guardian and Petition for Confirmation of Sale of
8 Personal Property, in the guardianship case of DELORES SMITH G-13-039454-A, which
9 document claimed that APRIL PARKS was owed fees for services rendered that were not in
10 fact rendered to the extent and duration claimed, which statement was material to the filing in
11 question.

12 COUNT 254 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

13 Defendant APRIL PARKS did on or about June 19, 2015, willfully, unlawfully,
14 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
15 or recorded at Clark County District Court, to wit: a First Annual Account, Report of Guardian
16 and Petition for Confirmation of Sale of Personal Property, containing false statements in the
17 guardianship case of DELORES SMITH G-13-039454-A, which instrument, if genuine, might
18 be filed, registered or recorded in a public office under any law of the State of Nevada.

19 COUNT 255 - PERJURY

20 Defendant APRIL PARKS did on or about March 25, 2016, willfully make a false
21 statement in a declaration made under penalty of perjury, to wit: by offering for filing with the
22 Clark County District Court, under penalty of perjury, a Petition to Terminate Guardianship
23 and Approve Final Accounting, in the guardianship case of DELORES SMITH G-13-039454-
24 A, which document claimed that Defendant was owed fees for services rendered that were not
25 in fact rendered to the extent and duration claimed, which statement was material to the filing
26 in question.

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1 COUNT 256 - PERJURY

2 Defendant MARK SIMMONS did on or about March 25, 2016, suborn APRIL PARKS
3 to commit perjury, to wit: by falsifying records and/or instructing other employees of A Private
4 Professional Guardian, LLC to falsify records, of the amount and value of services provided
5 in the guardianship case of DELORES SMITH G-13-039454-A, knowing that APRIL PARKS
6 would knowingly offer for filing with the Clark County District Court, under penalty of
7 perjury, a Petition to Terminate Guardianship and Approve Final Accounting, in the
8 guardianship case of DELORES SMITH G-13-039454-A, which document claimed that
9 APRIL PARKS was owed fees for services rendered that were not in fact rendered to the extent
10 and duration claimed, which statement was material to the filing in question.

11 COUNT 257 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

12 Defendant APRIL PARKS did on or about March 25, 2016, willfully, unlawfully,
13 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
14 or recorded at Clark County District Court, to wit: a Petition to Terminate Guardianship and
15 Approve Final Accounting, containing false statements in the guardianship case of DELORES
16 SMITH G-13-039454-A, which instrument, if genuine, might be filed, registered or recorded
17 in a public office under any law of the State of Nevada.

18 COUNT 258 - PERJURY

19 Defendant APRIL PARKS did on or about July 31, 2015, willfully make a false
20 statement in a declaration made under penalty of perjury, to wit: by offering for filing with the
21 Clark County District Court, under penalty of perjury, a First and Second Annual Accounting
22 Combined and Report of Guardian, in the guardianship case of LINDA PHILLIPS G-08-
23 032515-A, which document claimed that Defendant was owed fees for services rendered that
24 were not in fact rendered to the extent and duration claimed, which statement was material to
25 the filing in question.

26 COUNT 259 - PERJURY

27 Defendant MARK SIMMONS did on or about July 31, 2015, suborn APRIL PARKS
28 to commit perjury, to wit: by falsifying records and/or instructing other employees of A Private

1 Professional Guardian, LLC to falsify records, of the amount and value of services provided
2 in the guardianship case of LINDA PHILLIPS G-08-032515-A, knowing that APRIL PARKS
3 would knowingly offer for filing with the Clark County District Court, under penalty of
4 perjury, a First and Second Annual Accounting Combined and Report of Guardian, in the
5 guardianship case of LINDA PHILLIPS G-08-032515-A, which document claimed that
6 APRIL PARKS was owed fees for services rendered that were not in fact rendered to the extent
7 and duration claimed, which statement was material to the filing in question.

8 COUNT 260 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

9 Defendant APRIL PARKS did on or about July 31, 2015, willfully, unlawfully,
10 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
11 or recorded at Clark County District Court, to wit: a First and Second Annual Accounting
12 Combined and Report of Guardian, containing false statements in the guardianship case of
13 LINDA PHILLIPS G-08-032515-A, which instrument, if genuine, might be filed, registered
14 or recorded in a public office under any law of the State of Nevada.

15 COUNT 261 - PERJURY

16 Defendant APRIL PARKS did on or about November 14, 2014, willfully make a false
17 statement in a declaration made under penalty of perjury, to wit: by offering for filing with the
18 Clark County District Court, under penalty of perjury, a Third Annual Accounting and Report
19 of Guardian, in the guardianship case of LINDA PHILLIPS G-08-032515-A, which document
20 claimed that Defendant was owed fees for services rendered that were not in fact rendered to
21 the extent and duration claimed, which statement was material to the filing in question.

22 COUNT 262 - PERJURY

23 Defendant MARK SIMMONS did on or about November 14, 2014, suborn APRIL
24 PARKS to commit perjury, to wit: by falsifying records and/or instructing other employees of
25 A Private Professional Guardian, LLC to falsify records, of the amount and value of services
26 provided in the guardianship case of LINDA PHILLIPS G-08-032515-A, knowing that APRIL
27 PARKS would knowingly offer for filing with the Clark County District Court, under penalty
28 of perjury, a Third Annual Accounting and Report of Guardian, in the guardianship case of

1 LINDA PHILLIPS G-08-032515-A, which document claimed that APRIL PARKS was owed
2 fees for services rendered that were not in fact rendered to the extent and duration claimed,
3 which statement was material to the filing in question.

4 COUNT 263 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

5 Defendant APRIL PARKS did on or about November 14, 2014, willfully, unlawfully,
6 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
7 or recorded at Clark County District Court, to wit: a Third Annual Accounting and Report of
8 Guardian, containing false statements in the guardianship case of LINDA PHILLIPS G-08-
9 032515-A, which instrument, if genuine, might be filed, registered or recorded in a public
10 office under any law of the State of Nevada.

11 COUNT 264 - PERJURY

12 Defendant APRIL PARKS did on or about July 14, 2014, willfully make a false
13 statement in a declaration made under penalty of perjury, to wit: by offering for filing with the
14 Clark County District Court, under penalty of perjury, a First Annual Accounting and Report
15 of Guardian, in the guardianship case of FRANK PAPAPIETRO G-12-037226-A, which
16 document claimed that Defendant was owed fees for services rendered that were not in fact
17 rendered to the extent and duration claimed, which statement was material to the filing in
18 question.

19 COUNT 265 - PERJURY

20 Defendant MARK SIMMONS did on or about July 14, 2014, suborn APRIL PARKS
21 to commit perjury, to wit: by falsifying records and/or instructing other employees of A Private
22 Professional Guardian, LLC to falsify records, of the amount and value of services provided
23 in the guardianship case of FRANK PAPAPIETRO G-12-037226-A, knowing that APRIL
24 PARKS would knowingly offer for filing with the Clark County District Court, under penalty
25 of perjury, a First Annual Accounting and Report of Guardian, in the guardianship case of
26 FRANK PAPAPIETRO G-12-037226-A, which document claimed that APRIL PARKS was
27 owed fees for services rendered that were not in fact rendered to the extent and duration
28 claimed, which statement was material to the filing in question.

1 COUNT 266 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

2 Defendant APRIL PARKS did on or about July 14, 2014, willfully, unlawfully,
3 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
4 or recorded at Clark County District Court, to wit: a First Annual Accounting and Report of
5 Guardian, containing false statements in the guardianship case of FRANK PAPAPIETRO G-
6 12-037226-A, which instrument, if genuine, might be filed, registered or recorded in a public
7 office under any law of the State of Nevada.

8 COUNT 267 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

9 Defendant APRIL PARKS did on or about July 17, 2015, willfully, unlawfully,
10 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
11 or recorded at Clark County District Court, to wit: a Response to Objection to First Annual
12 Accounting and Report of Guardian and Amended First Annual Account and Report of
13 Guardian, containing false statements in the guardianship case of FRANK PAPAPIETRO G-
14 12-037226-A, which instrument, if genuine, might be filed, registered or recorded in a public
15 office under any law of the State of Nevada.

16 COUNT 268 - PERJURY

17 Defendant APRIL PARKS did on or about January 30, 2015, willfully make a false
18 statement in a declaration made under penalty of perjury, to wit: by offering for filing with the
19 Clark County District Court, under penalty of perjury, a First and Final Account and Report
20 of Guardian, Petition for Payment of Fees and Termination of Guardianship, in the
21 guardianship case of BARBARA NEELY G-14-040873-A, which document claimed that
22 Defendant was owed fees for services rendered that were not in fact rendered to the extent and
23 duration claimed, which statement was material to the filing in question.

24 COUNT 269 - PERJURY

25 Defendant MARK SIMMONS did on or about January 30, 2015, suborn APRIL
26 PARKS to commit perjury, to wit: by falsifying records and/or instructing other employees of
27 A Private Professional Guardian, LLC to falsify records, of the amount and value of services
28 provided in the guardianship case of BARBARA NEELY G-14-040873-A, knowing that

1 APRIL PARKS would knowingly offer for filing with the Clark County District Court, under
2 penalty of perjury, a First and Final Account and Report of Guardian, Petition for Payment of
3 Fees and Termination of Guardianship, in the guardianship case of BARBARA NEELY G-
4 14-040873-A, which document claimed that APRIL PARKS was owed fees for services
5 rendered that were not in fact rendered to the extent and duration claimed, which statement
6 was material to the filing in question.

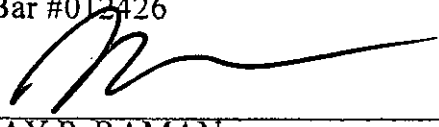
7 COUNT 270 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

8 Defendant APRIL PARKS did on or about January 30, 2015, willfully, unlawfully,
9 knowingly and feloniously, procure or offer a false or forged instrument to be filed, registered
10 or recorded at Clark County District Court, to wit: a First and Final Account and Report of
11 Guardian, Petition for Payment of Fees and Termination of Guardianship, containing false
12 statements in the guardianship case of BARBARA NEELY G-14-040873-A, which
13 instrument, if genuine, might be filed, registered or recorded in a public office under any law
14 of the State of Nevada.

15 DATED this 7th day of March, 2017.

16 STEVEN B. WOLFSON
17 Clark County District Attorney
18 Nevada Bar #001565
19 ADAM P. LAXALT
20 Nevada Attorney General
21 Nevada Bar #012426

22 BY


23 JAY P. RAMAN
24 Chief Deputy District Attorney
25 Nevada Bar #010193

26 BY


27 DANIEL E. WESTMEYER
28 Senior Deputy Attorney General
Nevada Bar #010273

29 ENDORSEMENT: A True Bill


30 Foreperson, Clark County Grand Jury

Names of Witnesses and testifying before the Grand Jury:

BISHOP, TODD

EUGENIO, JOSEPHINE

FORD, DIANE

HAYNES, COLIN

KEILTY, EDWARD

KELLY, KAREN

KRAMER, HEIDI

LIEBO, JULIE

NORHEIM, JON

O'MALLEY, JACLYN

SANCHEZ, ANGELICA

WOODRUM, HOMA

Additional Witnesses known to the District Attorney or Attorney General at time of filing the
Indictment:

CUSTODIAN OF RECORDS, CCDC

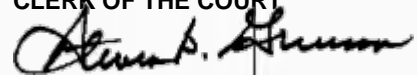
CUSTODIAN OF RECORDS, LVMPD COMMUNICATIONS

CUSTODIAN OF RECORDS, LVMPD RECORDS

16AGJ151A-D/mc-GJ
LVMPD EV#1508192043
(TK)

Exhibit 2

Amended Judgment of Conviction



AJOCP

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

CASE NO. C-17-321808-1

-vs-

DEPT. NO. X

APRIL PARKS
#1571645

Defendant.

AMENDED JUDGMENT OF CONVICTION
(PLEA OF GUILTY- ALFORD)

The Defendant previously appeared before the Court with counsel and entered a plea of guilty pursuant to Alford Decision to the crimes of COUNT 1 – EXPLOITATION OF AN OLDER / VULNERABLE PERSON (Category B Felony) in violation of NRS 200.5092, 200.5099, COUNT 2 - EXPLOITATION OF AN OLDER / VULNERABLE PERSON (Category B Felony) in violation of NRS 200.5092, 200.5099, COUNT 3 - THEFT (Category B Felony) in violation of NRS 205.0832, 205.0835.4, COUNT 4 - THEFT (Category B Felony) in violation of NRS 205.0832, 205.0835.4, and COUNT 5 - PERJURY (Category D Felony) in violation of NRS 199.120; thereafter, on the 4th day of January, 2019, the Defendant was present in court for sentencing with counsel ANTHONY GOLDSTEIN, ESQ., and good cause appearing,

<input type="checkbox"/> Nolle Prosequi (before trial)	<input type="checkbox"/> Bench (Non-Jury) Trial
<input type="checkbox"/> Dismissed (after diversion)	<input type="checkbox"/> Dismissed (during trial)
<input type="checkbox"/> Dismissed (before trial)	<input type="checkbox"/> Acquittal
<input checked="" type="checkbox"/> Guilty Plea with Sent. (before trial)	<input type="checkbox"/> Guilty Plea with Sent. (during trial)
<input type="checkbox"/> Transferred (before/during trial)	<input type="checkbox"/> Conviction
<input type="checkbox"/> Other Manner of Disposition	

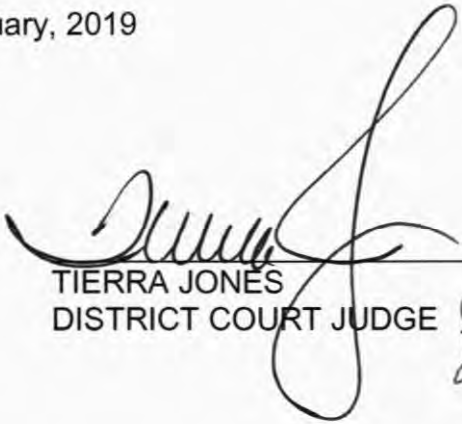

AA 0773

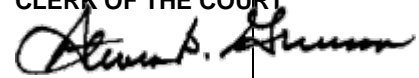
1 THE DEFENDANT WAS ADJUDGED guilty of said offenses and, in addition to
2 the \$25.00 Administrative Assessment Fee, **\$554,397.71 Total Restitution** to be paid
3 jointly and severally with Co-Defendants Mark Simmons and Gary Taylor, and
4 \$150.00 DNA Analysis Fee including testing to determine genetic markers plus \$3.00
5 DNA Collection Fee, the Defendant sentenced to the Nevada Department of
6 Corrections (NDC) as follows: COUNT 1 – a MAXIMUM of ONE HUNDRED EIGHTY
7 (180) MONTHS with a MINIMUM parole eligibility of SEVENTY-TWO (72) MONTHS;
8 COUNT 2 - a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS with a
9 MINIMUM parole eligibility of SEVENTY-TWO (72) MONTHS, CONSECUTIVE to
10 COUNT 1; COUNT 3 - a MAXIMUM of SIXTY (60) MONTHS with a MINIMUM parole
11 eligibility of TWENTY-FOUR (24) MONTHS, CONSECUTIVE to COUNT 2; and
12 COUNT 4 - a MAXIMUM of SIXTY (60) MONTHS with a MINIMUM parole eligibility of
13 TWENTY-FOUR (24) MONTHS, CONSECUTIVE to COUNT 3; and **COUNT 5** - a
14 MAXIMUM of FORTY-EIGHT (48) MONTHS with a MINIMUM parole eligibility of
15 NINETEEN (19) MONTHS, CONCURRENT with COUNT 3; with SIX HUNDRED
16 SIXTY-EIGHT (668) DAYS credit for time served. The AGGREGATE TOTAL sentence
17 is FOUR HUNDRED EIGHTY (480) MONTHS MAXIMUM with a MINIMUM of ONE
18 HUNDRED NINETY-TWO (192) MONTHS.

19 THEREAFTER, on the 30th day of January, 2019, the Defendant not present in
20 court with counsel, ANTHONY GOLDSTEIN, ESQ., and pursuant to a Request of
21 Court - Clarification of Restitution, the amended Judgment of Conviction reflects
22 Restitution Corrections as follows: TOTAL RESTITUTION in the amount of
23 \$554,397.71 payable jointly and severally with Co-Defendants in all cases as follows:
24
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1 \$3,820.14 to Clyde Bowman, \$5,134.40 to Delmond Foster, \$6,346.30 to Delores
2 Smith, \$4,528.00 to Harold Lockwood, \$6,032.50 to James Poya, \$4,766.37, to Janice
3 Mitchell, 5,766.75 to Juanita Graham, \$11,582.40 to Marlene Homer, \$2,705.39 to
4 Mary Vitek, \$4,533.20 to Norbert Wilkening, \$167,204.49 to Dorothy Trumbich,
5 \$1,413.60 to Adolfo Gonzalez, \$3,804.49 to Carolyn Rickenbaugh, \$2,830.50 to Gloria
6 Schneringer, \$2,622.62 to Kenneth Edwards, \$5,806.97 to Roy Franklin, \$6,262.48 to
7 Marilyn Scholl, \$10,708.45 to Marie Long, \$2,074.80 to Rennie North, \$5,563.60 to
8 Patricia Smoak, \$2,016.30 to Rudy North, \$13,180.67 to Ruth Braslow, \$4,183.08 to
9 Walter Wright, \$9,470.80 to William Brady, \$4,807.61 to William Flewellen, \$3,699.28
10 to Yoshiko Kindaichi, \$15,068.18 to Norman Weinstock, \$6,920.00 to Maria Cooper,
11 \$4,290.00, to Kenneth Cristopherson, \$5,396.40 to Joseph Massa, \$2,497.20 to
12 Blanca Ginorio, \$8,149.70 to Daniel Currie, \$4,311.20 to Rita Lamppa, \$895.00 to
13 Barbara Neely, \$3,819.60 to Audrey Weber, \$32,006.72 to Baxter Burns, \$3,445.26 to
14 Linda Phillips, \$25,278.57 to Mary Woods and/or John and Sally Den.

15 DATED this 31 day of January, 2019

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TIERRA JONES
DISTRICT COURT JUDGE 



RPLY

RESCH LAW, PLLC d/b/a Conviction Solutions

By: Jamie J. Resch

Nevada Bar Number 7154

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Las Vegas, Nevada, 89128

Telephone (702) 483-7360

Facsimile (800) 481-7113

Jresch@convictionsolutions.com

Attorney for Petitioner

DISTRICT COURT

CLARK COUNTY, NEVADA

APRIL PARKS,

Petitioner,

vs.

DWIGHT NEVEN, WARDEN, THE STATE OF
NEVADA,

Respondents.

Case No.: A-19-807564-W

Dept. No: X

**REPLY TO STATE'S RESPONSE TO
SUPPLEMENT TO PETITION FOR WRIT OF
HABEAS CORPUS (POST-CONVICTION)**

Date of Hearing: February 8, 2021

Time of Hearing: 8:30 a.m.

COMES NOW, Petitioner, April Parks, by and through her attorney, Jamie J. Resch, Esq., and hereby files this reply to the State's Response to Petition for Writ of Habeas Corpus (Post-Conviction). This reply is based on the pleadings and papers herein, any attached exhibits, and any argument as may be presented to the Court at the time of hearing.

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that service of the foregoing Reply to Response to Petition for Writ of Habeas Corpus (Post-Conviction) was made this 25th day of January, 2021, by Electronic Filing

Service to:

Clark County District Attorney's Office

Motions@clarkcountyda.com

PDmotions@clarkcountyda.com

Nevada Attorney General

mbongard@ag.nv.gov



An Employee of Conviction Solutions

I.

POINTS AND AUTHORITIES

The State's response raises procedural and substantive arguments which this Court should reject. Instead, as explained herein, Parks's petition should be granted, or at least the matter further explored via evidentiary hearing or development of the record.

As to Ground One, the State spent most of its response arguing the merits of the claim. The State does not dispute that deficient advice to take or reject a plea offer can arise to the level of ineffective assistance of counsel.

Parks explained in her verified petition several aspects of why she chose to take the plea offer that she did, including (1) assurances counsel would perform effectively at the time of

1 sentencing, and (2) the fact counsel allegedly performed a reasonable investigation of the case.
2 But the investigation was not reasonable, because counsel did not fully investigate the matter,
3 such as by failing to have a forensic account review the allegations and evidence. Likewise,
4 counsel did not adequately prepare for or present evidence at sentencing, and instead allowed
5 the court to be inundated with inappropriate and un rebutted victim testimony.
6

7
8 These allegations are not "Monday morning quarterbacking" as the State suggests, but
9 rather, reflect the serious nature of sentencing proceedings and the Constitutional rights that
10 accompany those proceedings. It's impossible to characterize Parks' decision to take one offer
11 as opposed to another as "strategic" without examining what led to that decision. Here, Parks
12 relied on counsel's advice in making that decision, and that advice was misguided and
13 formulated after a less-than-adequate investigation. Parks should at least receive the benefit of
14 an evidentiary hearing so that counsel can tell the court what factors he and Ms. Parks relied on
15 in deciding to accept the State's offer.
16

17
18 As to Ground Two, the State has chosen to ignore all of the evidence Parks presented
19 with her supplemental petition. Instead, the State has simply proclaimed claims of ineffective
20 assistance of counsel at sentencing cannot be raised after a guilty plea, citing the Court of
21 Appeals' decision in Gonzales v. State, 2020 WL 5889017 (October 1, 2020). The State provides
22 no response to the merits of any evidence offered by Parks.
23

24
25 This Court should take notice that on January 8, 2021, the Nevada Supreme Court
26 vacated the Court of Appeals decision in Gonzales after a petition for review was filed. See
27 Gonzales v. State, NSC #78152. Therefore, the decision of the Court of Appeals no longer exists
28 and is not controlling, if it ever was.

1 The decision was likely vacated because it is at odds with the Nevada Supreme Court's
2 prior precedents that allowed challenges to the effectiveness of counsel after a guilty plea.
3
4 Hathaway v. State, 119 Nev. 248, 71 P.3d 503 (2003). Naturally, if the right to counsel attaches
5 under the Sixth Amendment, it includes the right to effective assistance of counsel.
6
7 Cunningham v. State, 94 Nev. 128, 575 P.2d 936 (1978), citing Gardner v. Florida, 430 U.S. 349
8 (1977). The State hopefully does not dispute that sentencing is a critical stage proceeding at
9 which the right to counsel attaches.

10 Because the State does not challenge Parks' evidence, this Court should perform its own
11 independent review of it to determine if any of it would have affected the sentence imposed by
12 the Court. Parks understands this is largely a judgment call directed to this Court, which heard
13 the original sentencing and is now asked to consider the additional information.

14
15 While there was a lot of new information, it largely rebuts allegations from the
16 sentencing that Parks used friendly doctors to "impose" guardianships on underserving
17 individuals. The new evidence unequivocally shows this did not occur in that she rarely used the
18 same doctor twice, and in all but the rarest cases, the medical need for a guardianship was clear
19 from the record from the guardianship's inception. In closer cases, the guardianship was
20 frequently lifted once the ward's condition improved. There simply is no actual support for the
21 theme, repeated by many speakers at sentencing, that Ms. Parks forced guardianships on
22 individuals in order to obtain control of their assets.

23
24 Further, easily accessible public information revealed that many of the speakers could
25 not serve as guardian for the wards because they themselves were previously suspected of
26 exploiting or abusing the individuals in question. Additionally, many factual contentions by
27
28

1 speakers, such as that wards were healthy or were living in safe conditions, were easily rebutted
2 by independent evidence. Trial counsel could just as easily have accessed the public
3 guardianship filings to figure these things out.
4

5 Another overarching topic was the amount of restitution. Here again, the State's shoddy
6 investigation was subject to exposure had counsel attempted to do so. Parks suspects the
7 sentence imposed was inextricably linked to the amount of loss computed, so errors which
8 affected the amount of restitution have a direct bearing on the sentence imposed. That
9 sentence was itself far outside the norm as demonstrated by dozens of cases with millions more
10 in losses where the sentence imposed was no where close to what Ms. Parks received. There is a
11 credible argument Ms. Parks' sentence was unreasonable where it was far outside the norm and
12 itself based on factual assertions that were not just highly suspect, but often completely
13 incorrect.
14

15 In total, Parks believes the vitriolic testimony by victim speakers had an effect on the
16 sentence imposed in this matter. Parks never suggested, and does not here, that trial counsel
17 should have cross-examined the speakers on these issues. But competent counsel, armed with a
18 proper speaker notice, would have been able to provide the same information to the Court at
19 sentencing that is provided in this post-conviction case, and could have provided this Court the
20 same arguments provided here that show the victim speaker's positions in a much different
21 light.
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1 Finally, Parks contends she was deprived of her right to a direct appeal. The State all but
2 concedes an evidentiary hearing is necessary on this issue. The State seems to focus on a letter
3 Parks wrote counsel. There are two issues with their interpretation of it. First, the letter asks for
4 a "sentence modification." Parks is not a lawyer and has little familiarity with criminal justice
5 issues. By asking her lawyer for a "sentence modification," it would reasonably be understood
6 that she wanted to challenge her sentence to include through a direct appeal. Certainly, the
7 Nevada Supreme Court could modify the sentence any way it wanted had a direct appeal been
8 filed.

11 Second, the letter is not the universe of communications between Parks and her trial
12 lawyer on this topic. Parks also more directly verbally requested a direct appeal, and the
13 allegation in the verified petition is that counsel declined to do so while redirecting her to the
14 post-conviction process. But as explained in the petition, not only was that improper, but Parks
15 had little to lose from filing a direct appeal. There is no "strategy" in declining to appeal where
16 the client wants to appeal. If an appeal is requested, it must be filed. Relief should therefore be
17 granted on this claim.

II.

CONCLUSION

The writ should issue and this Court should grant Parks relief in the form of a new sentencing proceeding, a belated direct appeal, or compel the State to re-offer the 8 to 20 year plea offer. Alternatively the Court should hold an evidentiary hearing on all of Parks' claims.

DATED this 25th day of January, 2021.

Submitted By:

RESCH LAW, PLLC d/b/a Conviction Solutions

By: 
JAMIE J. RESCH
Attorney for Petitioner

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

February 22, 2021

A-19-807564-W	April Parks, Plaintiff(s) vs. Dwight Neven, Defendant(s)
---------------	--

February 22, 2021	8:30 AM	Petition for Writ of Habeas Corpus
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HEARD BY: Jones, Tierra

COURTROOM: RJC Courtroom 14B

COURT CLERK: Nylasia Packer

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT:	Bongard, Michael J. Resch, Jamie J.	Attorney Attorney
-----------------	--	----------------------

JOURNAL ENTRIES

- Arguments by counsel. Court accepted the Attorney Generals response on behalf of the State of Nevada. Following further arguments by counsel, Court stated its findings and ORDERED, petition DENIED as to grounds one and two. Court noted an evidentiary hearing is needed in regards to ground three. Court advised the Departments Judicial Executive Assistant will reach out to parties for scheduling of the evidentiary hearing. Counsel to arrange for Mr. Goldstein to be present for that hearing.



1 **RTRAN**

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5 **DISTRICT COURT**
6 **CLARK COUNTY, NEVADA**

7
8 **APRIL PARKS,**

9 **Plaintiff,**

10 **vs.**

11 **DWIGHT NEVEN,**

12 **Defendant.**

CASE NO: A-19-807564-W

DEPT. X

13
14 ***BEFORE THE HONORABLE TIERRA JONES,***
15 ***DISTRICT COURT JUDGE***
16 ***MONDAY, FEBRUARY 22, 2021***

17 ***RECORDER'S TRANSCRIPT OF HEARING RE:***
18 ***PETITION FOR WRIT OF HABEAS CORPUS***

19 **APPEARANCES:** [All appearances via videoconference]

20 **For the Petitioner:** **JAMIE J. RESCH, ESQ.**

21 **For the Defendant:** **MICHAEL J. BONGARD, ESQ.**
22 **Senior Deputy Attorney General**

23 **JAY P. RAMAN, ESQ.**
24 **Chief Deputy District Attorney**

25 **RECORDED BY: VICTORIA BOYD, COURT RECORDER**

1 **Las Vegas, Nevada; Monday, February 22, 2021**

2 [Proceeding commenced at 8:59 a.m.]

3 THE COURT: All right. Let's go to page 9. A807564. April
4 Parks versus Dwight Neven. Do we have --

5 MR. RESCH: Good morning.

6 MR. BONGARD: Michael Bongard for the Attorney General's
7 Office, bar number 7997.

8 THE COURT: Okay. And Mr. Resch is here on behalf of Ms.
9 Parks. All right. So this is the date and time set for the Petition for Writ
10 of Habeas Corpus. I do -- it looks like that it really worked out, Mr.
11 Resch, because you were able to cite to the case that the Supreme
12 Court was still deciding on, so I have read the petition. I've read the
13 supplement. I have read the State's answer as well as I have read the
14 reply. Mr. Resch, do you have anything you would like to add to what
15 you previously submitted in those documents?

16 MR. RESCH: If I could, yes, just maybe a quick two-minute
17 discussion of the issues.

18 THE COURT: Okay.

19 MR. RESCH: Just to march through them and very briefly, of
20 course. Ground one was a question of which guilty plea? Again, Ms.
21 Parks is not trying to withdraw her plea, but she was offered two different
22 offers and ended up taking one that greatly increased her exposure.

23 The basis, specifically, that she took that offer was that it was
24 represented to her, number one, that counsel would perform effectively
25 at sentencing, which we'll address in the next issue. And number two,

1 that it was -- a recommendation to take that offer was based on an
2 adequate investigation. But what we've presented in the petition was
3 again that maybe Counsel did not perform effectively at sentencing.
4 There was quite a bit more of information that could have been
5 presented. And, number two, that even though counsel did consult with
6 a forensic accounting expert that firm was never, ultimately, retained and
7 the benefit of the information they could have provided never given to
8 the Court. So with respect to ground one, that's the issue, is how did
9 she end up taking the deal that had much greater exposure than the 8 to
10 20 that she was offered originally?

11 On Count 2, the Court is right; *Gonzalez* is the only basis the
12 State cited to refute the argument that counsel is ineffective at
13 sentencing. The *Gonzalez*' decision has been vacated. So it's out the
14 window, and no matter what the Nevada Supreme Court decides. They
15 can certainly replace it with a similar decision, but I doubt this. I think
16 longstanding law would suggest that Defendants have a right to effective
17 counsel at the time of sentencing.

18 So assuming that's true, we had three specific points and
19 there were a lot of exhibits. But they really come down to this. Number
20 one, there was this theme presented at sentencing that Ms. Parks
21 colluded with doctors or somehow was out to get people into a
22 guardianship. I think we're able to demonstrate that that's not true. She
23 largely relied on different doctors every single time out, and there were
24 always declarations or affidavits, with the exception of maybe one case
25 where there was quite detailed information about the condition of the

1 wards that was presented. We believe that could have been given to the
2 Court to refute those points.

3 The second issue -- and there really isn't any way around this,
4 the restitution and loss amounts were in error. And I think everyone
5 would hopefully agree that there's a strong relationship between the
6 amount of loss and the sentence imposed when it comes to theft cases.

7 I'm specifically talking about two issues. Number one, that
8 there is some 58,000 in restitution that was documented as having been
9 repaid. So, again, the State has done nothing to respond to these facts.
10 They've only relied on *Gonzalez*, but we've gone through the math, and
11 we're able to show that she repaid that amount.

12 Number two, just in the amount of the judgment based on
13 \$500,000 there was \$146,000 that was not even designated to a victim,
14 yet, was awarded as a loss and as restitution. We believe if these
15 amounts were removed, it would substantially decrease the amount of
16 exposure and potentially the sentence as well.

17 Speaking of, number three, we provided some statistics. You
18 know, it could be hard to compare sentences between Defendants, but I
19 think we make a compelling case that this was truly an outlier of a
20 sentence. Maybe it's not outlier of a case, but certainly not based on the
21 amount of loss. There are people throughout Nevada who have stolen
22 substantially more, ten or even more times more and have received way
23 lower sentences. Ms. Parks' sentence, at least if you're looking at purely
24 based on the amount of loss, was in the top one percent of sentencing
25 imposed for theft cases.

1 Now, it's a little challenging arguing this to the same Judge
2 that heard the sentencing. Sometimes the cases move around, it's a
3 little easier. But I guess I'm saddled with the reality that Your Honor was
4 in the position better than anyone to make a decision that these things
5 would have affected the sentence or not. It's not a hypothetical question
6 of what a reasonable jurist might have done. It's a question of how you
7 would view the evidence, and so we hope that taking it all into account
8 you could agree that there been a reasonable probability of a better
9 sentence had this information been presented at the time of sentencing.

10 And Count 3 is simply a claim that Ms. Parks was denied her
11 direct appeal. It's practically undisputed that she wanted to challenge
12 the sentence that was imposed and certainly was the -- much higher
13 than what she had anticipated. And there really wasn't any
14 disadvantage to doing so, and there's evidence that she wanted to do
15 so. So we believe she is entitled to a direct appeal, none of which was
16 filed at the time, but which can be ordered belatedly as part of post
17 convictions proceedings. So that's our take on the three claims
18 presented in the petition.

19 THE COURT: State.

20 MR. BONGARD: Your Honor, Michael Bongard. Briefly
21 addressing the various grounds in the appeal, on ground one, in the
22 petition Mr. Resch focus specifically on the fact that Ms. Parks got
23 allegedly improper advice from counsel. I briefed that rather extensively
24 as far as the differences between the fact that there's a difference
25 between constitutionally deficient advice and advice that in hindsight

1 was incorrect. The first instance is constitutionally deficient. The
2 second instance is something that happens in courtrooms everyday
3 across America. People make the wrong decision, and they suffer the
4 consequences for that.

5 Mr. Resch in his reply never discussed what the specific
6 advice was that was allegedly deficient. Instead now in ground one, he
7 substitutes two different sub-arguments that assurance counsel would
8 perform effectively at sentencing and that reasonable investigation was
9 done. Those weren't raised as part of ground one. Your Honor, I don't
10 see where they have met their burden as to ground one.

11 Let me skip to ground three first, Your Honor. With regards to
12 whether or not Ms. Parks asked for an appeal, Mr. Resch in his reply
13 talks about the fact that, well because Ms. Parks was not schooled in the
14 law, obviously, when she asked for a sentence modification, she was
15 asking for a direct appeal. Well, Your Honor, if that's the case why didn't
16 she, in that letter, specifically ask for an appeal rather than sentence
17 modification? So while Mr. Resch is correct that we don't have all the
18 records of conversations between them, it's quite clear the fact that at
19 page 507 she's not asking for an appeal, which is the word that if
20 someone was truly unschooled in the law they would use when they
21 want an appeal. They wouldn't use sentence modification instead of
22 appeal.

23 So, and again the conversation back from -- excuse me -- Mr.
24 Goldstein was that he explained what was going on. He discussed their
25 prior conversations and explained what she needed to do to challenge

1 the sentence. I think from the exhibits it is clear that she wasn't asking
2 for an appeal. That she was asking for a modification.

3 With regards to the second argument, Your Honor, I was
4 placed at a disadvantage because the Court did vacate *Gonzalez* in
5 between the time I submitted my answer in this hearing. Your Honor, I
6 believe that under Strickland they can't satisfy the prejudice prong. They
7 have to show that but for the actions of counsel the result would have
8 been different.

9 And again as Mr. Resch conceded, Your Honor, you are the
10 gatekeeper as far as whether prejudice occurred in this case because
11 you can look at what was presented, and you can make the
12 determination well would I have imposed a different sentence or not.

13 And I think the record is clear in a couple of instances. He
14 talks about improper argument and improper references. And the Court
15 did admonish speakers who made inappropriate comments, were
16 addressing their comments to the petitioner whether than the Court.

17 With regards to the number of charges, I can't -- I have a
18 problem with Mr. Resch arguing that as an issue, because the State
19 obviously has the right to charge what they feel are crimes and whether
20 it is against an enterprise or individuals, that's the facts of the case. And
21 in this case the State made a plea offer that included a sentencing -- a
22 joint sentencing recommendation which was rejected. And the record is
23 clear that the joint recommendation was rejected by Ms. Parks, because
24 at the time her change of plea the Court asked her, are you rejecting the
25 sentencing recommendation? And she said, yes.

1 So that clearly reached an alternative that the State can make a different
2 recommendation.

3 And while Mr. Resch seems to make a point or tries to make a
4 point out of the fact that the State didn't certify that they were going to
5 ask for more, clear that they weren't going to ask for less if there was a
6 sentencing recommendation that was rejected, I think they don't have to
7 say how much more they're going to ask for. All they need to know is
8 that there may be an argument, which there was for a more severe
9 sentence.

10 I think what the Court has to look at is it has to look at
11 ultimately what formed the basis for the Court imposing this sentence.
12 And my read of the transcript the Court imposed a sentence because of
13 Ms. Parks' actions, not because of improper argument, not because of
14 the number of charges but -- and the Court emphasized this at one point
15 -- the acts of the Defendant and her failure to recognize that the actions
16 were wrong after the investigation in this case started. In other words,
17 she didn't do anything to change what she was doing.

18 So I think the record is clear, Your Honor, that there is no relief
19 that the Defendant is entitled to in this case, because they clearly
20 haven't satisfied their burden of showing constitutionally deficient
21 conduct as well as prejudice, in other words, a likelihood of a different
22 outcome. The only likelihood of a different outcome would have been if
23 she had been accepted or she had accepted the stipulation, and it's
24 clear that she rejected that. And I think the record reflects and the
25 sentence memorandum filed by the defense in this case shows the

1 motivation of why they did that.

2 There is a question, Your Honor, as to whether an appeal
3 would have been appropriate to address the amount of restitution, and
4 I'll submit on that, Your Honor.

5 THE COURT: Okay.

6 MR. RAMAN: And, Your Honor, Jay P. Raman for the State.
7 I don't know if Your Honor received the Clark County District Attorney's
8 Office briefing on these issues, but we've --

9 THE COURT: I did not. I did not receive them.

10 MR. RAMAN: -- in kind in tandem responded to these
11 petitions.

12 THE COURT: Okay. Yeah, I didn't receive anything from the
13 DA's Office. I only have the responses from the Attorney General's
14 Office. So I don't know if you guys --

15 MR. RAMAN: That's unusual.

16 THE COURT: -- maybe filed them in the C case. Because if
17 you filed them in the C case --

18 MR. RAMAN: That I don't know, but we did extensive briefing.

19 THE COURT: Okay. Yeah, I never -- let me see if they're
20 filed in the C case. Yeah, I don't have -- nothing's been filed in the C
21 case since 2020.

22 MR. RAMAN: Let me double check the filing on the front of
23 this. It's double captioned the A19 and the C17.

24 THE COURT: Yeah, I don't -- hold on. Yeah, and everything
25 in the A case came from the Attorney General. There was an answer

1 that was filed December 31st that came from the Attorney General's
2 Office, and that's it. I don't have anything that was filed by the DA's
3 Office.

4 MR. RAMAN: Oh, that's unusual. If I could just respond to
5 one point, I think that --

6 THE COURT: Well, I can't let you respond Mr. Raman,
7 because I haven't read it and neither has Mr. Resch because it was
8 never filed. So I'm not going to let Mr. Resch be -- have to respond to
9 something that he's never read, so the Attorney General's Office --

10 MR. RAMAN: Okay. It was --

11 THE COURT: Counsel, I know you guys weren't co-counsel
12 on this, but the Court is going to accept the Attorney General's response
13 on behalf of the State of Nevada.

14 MR. RAMAN: Okay. Not a problem, Your Honor. Thank you.

15 THE COURT: Mr. Resch, your response?

16 MR. RESCH: Thank you, just very briefly. And the Court's
17 correct; I never received anything from the DA's Office, so I couldn't
18 begin to explain how that happened or where they filed it.

19 On the points raised by Mr. Bongard, here's a very brief
20 response. With respect to ground one, pages 7 and 8 of the
21 supplement, I think we've pretty extensively discussed both the advice to
22 take one plea over the other, and we specifically mentioned the retention
23 of forensic experts. That's all discussed on those pages, so I would
24 simply suggest that we did raise those issues.

25 As to the denial of the direct appeal, I don't have the statute

1 handy, but there certainly is one that says that the Nevada Supreme
2 Court on appeal can modify, affirm, or reverse a sentence. So I think it's
3 well understood that they have the right to do whatever they want if the
4 sentence is appealed.

5 Relatedly, it's a pretty thin read to deny someone's their
6 constitutional right to a direct appeal based on what we're apparently
7 styling as inartful language requesting an appeal on Ms. Parks' part.
8 Again, whatever we think of her professional guardianship experience,
9 she certainly isn't a professional criminal Defendant, so the language
10 used to request the appeal might not have been up to Mr. Bongard's
11 snuff, but that's not to say she didn't want to challenge her sentence.
12 She clearly did.

13 With respect to the issue of ineffectiveness at the time of
14 sentencing, sounds like, we're all in agreement. Again, the Court is in
15 the best position to decide if the information we provided would have
16 made any difference.

17 And the brief point of the number of charges, I would just point
18 out the District Attorney or Attorney General as the case may be, they
19 have discretion to aggregate charges if they so choose or they
20 apparently in this case exercise their discretion to charge some serial
21 300 plus felonies for what largely amounts to one scheme. So the
22 manner of presentation of the case, while it may be within their
23 discretion, is certainly something the Supreme Court has criticized and
24 we put that in the brief as well.

25 I guess, I would just close with this as well to the extent that

1 the State is claiming Ms. Parks did not cooperate with the State, she
2 does have a Fifth Amendment Right not to cooperate with the
3 government in terms of both the investigation or any response thereto,
4 so I don't think that should be held against her either. I will submit it with
5 all of that.

6 THE COURT: All right. Well, after reading everything -- and I
7 was the Judge who took the plea as well as I was the judge who
8 presided over the sentencing.

9 As to ground one, Ms. Parks has failed to meet the burden of
10 the *Strickland* to demonstrate that Mr. Goldstein performance was
11 deficient and that she suffered prejudice. The evidence as represented
12 regarding that shows she rejected the State's plea deal that was
13 specifically listed in the Guilty Plea Agreement. And I specifically
14 canvassed her in regards to that when I took that plea from her, as well
15 as and I canvassed her regarding the fact that she could receive any
16 legal sentence and that sentencing was strictly up to the Court.

17 In regards to ground two, again, Ms. Parks has failed to meet
18 her burden under *Strickland* that the sentencing performance was
19 deficient, and there's been no evidence provided that the result would
20 have been different. And having been the sentencing judge who
21 sentenced her, I'm here to say had I known all of that stuff the result
22 would not have been different in the sentence that she received.

23 This Court is not in any way bound by a recommendation from
24 the Division of Parole and Probation. It is simply that, a
25 recommendation. And they don't even include them anymore in the

1 Presentence Investigation Reports because sentencing is strictly up to
2 the Court. And this Court utilized its discretion and gave the sentence
3 that I believed was deserving of those crimes. So the petition is going to
4 be denied in regards to grounds one and two. However, I do believe
5 that there is a need for an evidentiary hearing regarding ground three as
6 to whether or not she expressed interest in Mr. Goldstein in pursuing an
7 appeal.

8 In light of the Covid restrictions, we have to do some
9 scheduling in order to get evidentiary hearings setup, so my JEA is
10 going reach out to the parties as well as. State, either you or Mr. Resch
11 is going to need to arrange to get Mr. Goldstein here for that hearing,
12 because that would be the witness for that hearing. So my JEA will
13 reach out to you guys, and we'll get back to you guys with dates and set
14 up the evidentiary hearing regarding ground three. The evidentiary
15 hearing is only going to be regarding ground three. We are not going to
16 take any evidence on the other grounds at the evidentiary hearing.

17 MR. RESCH: Understood. Thank you so much.

18 THE COURT: Thank you.

19 MR. BONGARD: Thank you, Your Honor.

20 [Proceeding concluded at 9:17 a.m.]

21 * * * * *

22 **ATTEST:** I do hereby certify that I have truly and correctly transcribed the
23 audio/video proceedings in the above-entitled case to the best of my ability.

24 

25 Deloris Scott
Court Recorder/Transcriber



1 RTRAN

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3
4
5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7
8 APRIL PARKS,

9 Petitioner,

10 vs.

11 DWIGHT NEVEN,

12 Respondent.

CASE#: A-19-807564-W

DEPT. X

13
14 BEFORE THE HONORABLE TIERRA JONES, DISTRICT COURT JUDGE
15 THURSDAY, MARCH 18, 2021

16 **RECORDER'S TRANSCRIPT OF PROCEEDINGS:**
17 **EVIDENTIARY HEARING**

18 APPEARANCES VIA VIDEO CONFERENCE:

19 For the Petitioner: JAMIE J. RESCH, ESQ.

20 For the Respondent: MICHAEL J. BONGARD, ESQ.,
21 Senior Deputy Attorney General
22 JAY P. RAMAN, ESQ.
23 Chief Deputy District Attorney

24
25 RECORDED BY: VICTORIA BOYD, COURT RECORDER

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THURSDAY, MARCH 18, 2021 AT 1:28 P.M.

MR. BONGARD: Bongard for the State.

THE COURT: Okay. And I see Mr. Raman is here as well.

All right. And, Mr. Resch, it is your --

Are you guys prepared to go forward with the hearing?

MR. BONGARD: Yes, Your Honor.

THE COURT: Okay. And I --

MR. RESCH: Yes, looks like it. I see Mr. Goldstein on the video there.

THE COURT: He is.

And I would just like to remind the parties that we are having an evidentiary hearing on the limited issue about whether or not Ms. Parks was denied her right to appeal.

MR. RESCH: Your Honor, I did submit proposed Exhibits 1 and 2. I guess it's just a question. I haven't had to deal with those on video before. Did the Court get them or does everyone have them?

THE COURT: I don't have them.

MR. RESCH: Okay.

THE COURT: So, where did you submit them to?

MR. RESCH: There was a email for evidence submissions as well as what I thought was your law clerk.

THE COURT CLERK: I'll check, Judge.

THE COURT: Okay. We're checking.

THE COURT CLERK: One second.

1 MR. RESCH: May I ask if the State's representatives received
2 them?

3 MR. BONGARD: I received them, Mr. Resch, yes.

4 THE COURT CLERK: Yes, I will go get them for you, Judge.

5 THE COURT: I see them now. They were just emailed to me
6 right now.

7 THE COURT CLERK: I will print them.

8 MR. RESCH: Okay. I mean, they're one page each; nothing
9 earth shattering.

10 THE COURT: All right. Hold on. Let me look at them now.
11 Okay. All right. So, I --

12 MR. RESCH: All right.

13 THE COURT: -- can see them.

14 MR. RESCH: All right. I guess maybe before we begin, is
15 there any objection to them by the State? Maybe I can just offer them at
16 this time. They're not new; they were part of the record submitted with
17 the case.

18 THE COURT: Any objection by the State to these exhibits?

19 MR. BONGARD: No, Your Honor. And I do have a question.
20 We can refer to the other exhibits in the record and the Court will
21 consider them for this hearing, correct?

22 THE COURT: Which other exhibits are you talking about?

23 MR. BONGARD: Mr. Resch's supplement that he submitted
24 with his petition.

25 THE COURT: Yes, anything that's attached to the petition,

1 yes, the Court will -- can refer to that.

2 MR. BONGARD: Thank you.

3 THE COURT: Okay. So, in State's 1 -- I'm sorry -- Defense's
4 1 and 2 -- well, I guess this is Petitioner's 1 and 2 will be admitted --

5 MR. RESCH: Right.

6 THE COURT: -- pursuant to no objection by the Respondent.

7 **[PETITIONER'S EXHIBITS 1 AND 2 ADMITTED]**

8 THE COURT: All right, Mr. Resch, it's your burden, you may
9 call your first witness.

10 MR. RESCH: Thank you. So, we'll call Anthony Goldstein.

11 THE COURT: Mr. Goldstein, I see you. Can you hear us?

12 MR. GOLDSTEIN: Yes, Your Honor.

13 THE COURT: Okay. Mr. Goldstein, can you please raise
14 your right hand so the clerk can swear you in?

15 **ANTHONY GOLDSTEIN**

16 [having been called as a witness and being first duly sworn,
17 testified via video conference as follows:]

18 THE COURT CLERK: Please state your full name, spelling
19 your first and last name for the record.

20 THE WITNESS: Anthony Goldstein, A-N-T-H-O-N-Y, last
21 name is G-O-L-D-S-T-E-I-N.

22 THE COURT: Okay. Mr. Resch, whenever you're ready.

23 MR. RESCH: Your Honor, before we begin can we have the
24 Petitioner waive the right to attorney-client privilege for this hearing?

25 THE COURT: Correct.

1 Ms. Parks, can you hear me?

2 THE PETITIONER: I can.

3 THE COURT: Okay. Ms. Parks, you understand that Mr.
4 Goldstein is being called as a witness and he's going to have to testify to
5 some things -- some discussions that were had between you and him.
6 You and Mr. Goldstein had an attorney-client privilege. Are you willing
7 to waive that privilege for the limited purpose of his testimony at this
8 hearing?

9 THE PETITIONER: I am.

10 THE COURT: I'm sorry?

11 THE PETITIONER: I am.

12 THE COURT: Okay. That privilege is waived for the limited
13 purpose of Mr. Goldstein testifying at this hearing.

14 All right, Mr. Resch?

15 MR. RESCH: Okay. Thank you.

16 **DIRECT EXAMINATION**

17 BY MR. RESCH:

18 Q So, Mr. Goldstein, how are you employed?

19 A I'm an attorney.

20 Q How long have you been licensed here in Nevada?

21 A Since 2001, so right around 20 years.

22 Q What types of cases do you normally handle?

23 A At this point exclusively criminal defense.

24 Q I take it you remember representing April Parks in this matter?

25 A Yes, I do.

1 Q All right. Is it safe to say there were hundreds of counts filed
2 against her?

3 A I don't recall the exact number, but yes, it was a hundred and
4 something-page Indictment as I recall, so there were quite a few counts.

5 Q Okay. Directing you to November of 2018, do you recall that
6 Ms. Parks decided to accept a plea offer around that time?

7 A Yes.

8 Q Is it true there were two separate plea offers extended that
9 she could have accepted?

10 A That -- you mean -- can you clarify that? I'm sorry. Make sure
11 I want to -- I want to make sure I heard you right.

12 Q Oh, okay, sure. Asking if you recall if there were two separate
13 plea offers extended to her before she decided to accept one of them.

14 A Yes, I don't have the details of that in front of me, but one of
15 them was a right to argue and I believe one of them was a stipulated
16 sentence.

17 Q Okay. Stipulated 8 to 20; does that sound familiar?

18 A I recall 8 years on the bottom; that sounds right.

19 Q Okay. And now, she ended up taking the right to argue deal;
20 is that correct?

21 A Yes.

22 Q Could you illuminate for us -- do you have any information why
23 she would have chosen one offer over the other, the right to argue
24 instead of the stipulated sentence?

25 A I recall discussing the deal with her, the options in great depth

1 with her. I don't remember her -- or her -- what she told me as to why
2 she opted for the right to argue. So, you asked me what she was
3 thinking, so I don't know. I don't remember the exact reasons that were
4 in her head at the time.

5 Q Okay. Well, how about your own head? Well, sir, what did
6 you think was the best way for her to proceed given those two options?

7 A I thought that a plea bargain was definitely in her best interest
8 rather than going to trial on all those charges, and my opinion in
9 speaking with her was that we should opt for the right to argue option,
10 and that's what she ended up deciding.

11 Q Can we presume that you felt at the time of sentencing you'd
12 be able to improve on the stipulated offer in terms of the sentence
13 given?

14 A Yeah, and before the time of sentencing as well. Even before
15 she entered her plea when I was advising her as to which, if any, offers
16 to accept, it was definitely my opinion that we could have -- that we had
17 a chance of doing better than the stipulated 8 years. By doing better I
18 mean obviously a lesser sentence than the 8 years on the bottom that
19 was the stipulated option from Mr. Raman, the DA.

20 Q Okay. So, skipping ahead, the sentencing comes and do you
21 remember what the ultimate sentence that was imposed was?

22 A I haven't reviewed it. It was somewhere around 14 or 15
23 years on the bottom, but I don't remember the exact aggregate sentence
24 at this time.

25 Q Okay. Well, if I refer to the judgment and the aggregate was

1 192 months to 480 months, does that sound right?

2 A That sounds right.

3 Q Okay. Which is 16 years to 40 years?

4 A Right, I said 14 to 15 earlier, again, yes, that sounds right.

5 Q Okay.

6 A Sixteen years seems right.

7 Q I'm not quibbling with you about a year or two, but just to have
8 it specific. So --

9 A Sure.

10 Q -- sixteen years on the bottom end.

11 A Yes.

12 Q Which, to be sure, was double the 8 years that we just
13 discussed she could have committed to.

14 A Correct.

15 Q Very well. So, what was your reaction then at the time you
16 heard the sentencing there in court, 16 years to 40 years?

17 A Disappointed. I mean, I understood why Her Honor decided
18 as she did, but obviously as an advocate for Ms. Parks I was hoping for
19 something less than -- way less than that. But it was within -- her
20 sentencing was within the statutory guidelines, so I was I guess the right
21 word is disappointed because I'd obviously hoped for something
22 significantly less than that.

23 Q Let me ask you some questions here. And for these just focus
24 on being in the courtroom at the time of sentencing if you would, please,
25 all right? Do you know at that time what April's reaction to the sentence

1 was?

2 A I recall speaking with her briefly in court afterwards, and I don't
3 recall the details of the conversation except I believe I said I'm going to
4 come visit you to talk about this soon. But no, I don't recall what she
5 said so far as her reaction to the sentence immediately afterwards. Like,
6 if you're talking about at the sentencing hearing, I don't recall.

7 Q Okay. Yeah, just at the sentencing. So, you do recall having
8 a discussion along the lines of that you would come see her sometime in
9 the future.

10 A That's -- there might have been other things that we talked
11 about, but sitting here right now what I remember is approaching her
12 afterwards and just having a very brief exchange and I just said I'll visit
13 you soon to talk about this. And I don't remember when I visited her,
14 but, you know, within a couple court days after the actual sentencing
15 hearing I went to visit her at the detention center.

16 Q And so at the time of sentencing in the courtroom you -- do
17 you recall having a discussion with her about whether she could appeal
18 or how an appeal would work?

19 A No.

20 Q You don't recall or you didn't have that discussion?

21 A I -- well, the only thing I remember about the conversation, like
22 I said, was that I said something to the effect of I'll come visit you to
23 discuss this. If we had -- if she had mentioned an appeal, that would
24 have for sure raised a red flag in my head because that triggers my
25 responsibility to do something and I would have remembered if she had

1 said something like that at the hearing like I want you to appeal,
2 especially, you know, moments after hearing the sentence. So, to
3 answer your question, no, I don't remember her -- I specifically don't
4 remember her requesting an appeal while standing in court.

5 Q Do you remember her being satisfied or expressing anything
6 to you at all about how she felt about the sentence?

7 A Looking back, the only -- we were -- as I recall, we were -- at
8 least I was trying to do the math to figure out the exact amount. I don't
9 recall whether Her Honor stated the aggregate sentence on the record
10 and I missed it or -- but I remember doing math trying to figure out what
11 the actual bottom end of the sentence was. Just because of the way
12 she structured it or announced the structure of the sentence, I was trying
13 to add up the exact amount of time that Her Honor had ordered.

14 And so far as Ms. Parks' reaction, I mean, I'm sure she was
15 disappointed as well. I don't recall her expressing it in court that day,
16 but, you know, I would imagine her reaction was similar to mine or, I
17 mean, obviously worse, but, you know, surprised or disappointed or
18 however you want to phrase it.

19 Q Okay. So, let's move on then to this meeting that you had with
20 her in person. Was this the day after sentencing or -- it sounds like it
21 was pretty close to it.

22 A Pretty close to it is all I can tell you. I didn't pull up my
23 schedule. My -- you know, I have my calendar from a couple years ago,
24 I could look it up, but, you know, CCDC keeps those records, so, you
25 know, every visit I do with her or anybody else gets registered. So, my

1 best recollection is within a couple days -- a couple court days after, but I
2 just don't remember how soon after, but it was shortly after sentencing.

3 Q All right. Fair enough. Do you recall what you -- what was the
4 purpose of the meeting?

5 A I wanted to go over the sentence itself to confirm the exact
6 time because again, walking out -- I can recall walking out of there and
7 having a general idea of what the total amount of time was, but I didn't
8 sit there and finish adding everything up in court. So, I wanted to A,
9 speak with her about -- you know, make sure she understood the length
10 of the sentence and just ask her if she had any questions. I commonly
11 do that in a -- after a sentencing like that.

12 This was a unique case, so I shouldn't say a sentencing like
13 that because there's not many sentencings that go down like that or that
14 have that much of a crowd in the courtroom or media attention, things
15 like that. I just wanted to touch base with her to see if she had any
16 questions about anything that had taken place at the hearing, including
17 clarifying the actual sentence itself.

18 Q Did she share with you at that time her reaction to the
19 sentence?

20 A I mean, I don't recall any specific words, but yeah, I mean, I
21 think shell-shocked might have been the right word at that time. You
22 know, she was surprised at the amount of time given, I think. But that's
23 all I can recall.

24 Q She ask you to do anything about the sentence?

25 A I don't remember when she first -- like, she sent me a letter

1 shortly -- in late January, which was, you know, two or three weeks after
2 the sentencing. And I know we had talked about a motion to modify the
3 sentence because I think she was hoping for obviously a much lighter
4 sentence than Her Honor gave, but I recall explaining the process where
5 they -- at that point, I -- and it's continuing to now, I don't think there's --
6 there are legitimate legal grounds to file a motion to modify the
7 sentence. Getting a higher sentence than anticipated or expected or
8 hoped for, it just -- that's not a reason to file a motion to modify
9 sentence. So, I recall having that conversation with her. Like, she
10 asked about it and I, you know, explained that I don't think there's
11 legitimate legal basis to file a motion to modify the sentence because
12 Her Honor's sentence was within statutory guidelines. In other words, it
13 wasn't an illegal sentence, it was just higher than expected or hoped for.

14 Q Sure. All right. Well, let's keep focusing on at the time of this
15 in-person, meaning did anybody bring up an appeal, you or her, either
16 one of you?

17 A Just to clarify, in-person, as I recall, it was a video visit, so I
18 was at the detention center at an attorney booth downstairs, not --

19 Q Okay.

20 A -- quote, unquote, contact visit. [Indiscernible] with COVID
21 obviously, so there were contact visits possible, but as I recall, it was a
22 video visit where I'm at the detention center downstairs and she was up
23 in her module.

24 Q Okay. All right. So, with that clarification, the jail visit, did you
25 discuss an appeal with her at any time during the visit?

1 A No, I mean, we talked about -- I know we talked about
2 modifying the sentence, but if she had discussed -- if she had asked for
3 an appeal, I mean, I have a duty to file it and I would have filed it. I
4 would have timely filed the Notice of Appeal.

5 There weren't grounds. I mean, I -- being the -- being her trial
6 counsel and having -- I'd been her attorney for quite some time at that
7 point, I mean, I knew how the plea went down, I knew how many times I
8 had visited her to discuss the deal. I visited her the -- a day or two
9 before sentencing -- I think it was the actual day before -- just to make
10 sure if she had any -- answer any last minute questions. So, to -- in my
11 head there weren't any legitimate legal grounds for appeal.

12 And I understand that regardless of the existence of grounds,
13 if a defendant asks for an appeal, I have to file it. There's no -- it's not
14 my decision, it's hers regardless of the existence of legal grounds, but
15 I -- she definitely never asked for one or I would have filed it.

16 Q And how about for yourself, did you bring up the right to
17 appeal or that she could appeal, anything like that?

18 A I don't recall having the conversation with her, but every client
19 I have, before entry of plea I go over the Guilty Plea Agreement. And in
20 this case I know I went it over with -- I went over the GPA with her
21 extensively, and the GPA addresses appellate rights. I haven't reviewed
22 the -- discussed it with her in the context of going [indiscernible] GPA
23 with her or prior to her entering her plea. I don't recall the date, but
24 sometime in November or so.

25 And also, I didn't review the transcript of her plea, but I'm

1 sure-- I've been in Judge Jones' court, I don't know how many cases I've
2 had in there, but she thoroughly canvasses defendants and she usually
3 addresses the element of the GPA that talks about waiving your
4 appellate -- waiving one's appellate rights when they accept a plea
5 bargain as well. So, again, I can only assume that's in the transcript,
6 just practice in Department X, but I go over appellate rights with
7 defendants and the Court does as well.

8 Q So, as far as talking to her about the right to appeal, it sounds
9 like that only ever happened, that you can recall, in the context of
10 discussing the plea agreement; is that right?

11 A I'm sorry, say that again?

12 Q As far as you discussing the right to appeal with April, that
13 only happened in the context of discussing the plea agreement?

14 A No, I mean, it's possible we talked about it at the visit post
15 sentencing, but it wasn't a legitimate -- though obviously we could file it, I
16 wrote her a letter at some point after receiving the letter saying, you
17 know, we talked about this when I visited you, or words to that effect,
18 and the only legitimate ground would be -- the only legitimate
19 mechanism would be a post-conviction petition for writ of habeas corpus,
20 but, again, I didn't think there was any legitimate legal grounds for that
21 either.

22 I also have advised her of her right to seek post-conviction
23 counsel in that -- if she decided to pursue that. In other words, post-
24 conviction counsel that wasn't me in case she was going to claim that I
25 was ineffective for whatever reason. Obviously, I didn't think I was

1 ineffective in any way, but if she thought that or wanted to pursue that
2 post conviction, you know, that's part of it, so I advised her about that as
3 well.

4 Q Just to be clear, at the time of the jail visit, you knew she
5 wasn't happy with the sentence, didn't you?

6 A Of course, I mean, that's not just her, but any defendant who
7 gets sentenced longer than expected or to prison when they were
8 expecting probation, something like that, that's very common, yes,
9 including in her case.

10 Q All right. So, we'll turn -- we'll go forward now. And you did
11 receive our Exhibit 1 and Exhibit 2, right?

12 A Which one are they? I -- I'm not sure.

13 Q Oh, okay. So, one was the letter that she wrote to you and the
14 other one was the letter you wrote her back, yeah. Did you get those
15 when I --

16 A Yeah.

17 Q -- emailed them?

18 A I have those in front of me, yes.

19 Q Oh, okay. All right. Okay.

20 A I mean now I do, not the [indiscernible] video.

21 Q Very well. Let's refer to what we marked Exhibit 1, and it's the
22 letter that she wrote to you. Do you have that in front of you?

23 A Yes.

24 Q Okay. Is it something you recall being -- that you received
25 from April in January of 2019?

1 A Yes, and when you and I spoke either last week or the week
2 before, I pulled these up. I have them saved in my cloud and I reviewed
3 them as well. This -- yeah, this was a letter that -- it's dated January 21st
4 and postmarked -- the letter -- the envelope in which she sent that letter
5 was postmarked on the 24th, and I probably got the letter -- 24th was a
6 Friday, so I probably got it, you know, Monday or Tuesday the following
7 week, and then sent her that letter on -- sent her reply letter on the 30th,
8 which was a Thursday. So, I had it for a day or two and sent the letter
9 back -- my response letter on the --

10 Q Okay. So, if the Judgment of Conviction was filed January
11 10th and these letters are going back and forth the end of January, then
12 that's -- you would agree that's still within the time where an appeal
13 could have been filed.

14 A Definitely, yes.

15 Q All right. Let's take a look at each of these real quick.
16 Referring to her letter to you, Exhibit 1, the letter requests you to, quote,
17 get the paperwork signed for a sentence modification, end quote. Do
18 you see that?

19 A Yes.

20 Q Okay. Was that a phrase that you had ever used with Ms.
21 Parks prior to receiving that letter?

22 A I think I said earlier, I think, during my visit with her a couple
23 days after sentencing -- and when I say a couple days, again, I don't
24 know the exact date, but shortly after sentencing -- we talked about a
25 sentence modification. I said there's just no legal grounds because it's

1 a -- it wasn't an illegal sentence, it was just higher than expected. So,
2 yeah, I had that conversation with her about a sentence modification at
3 the -- yeah, my meeting with her at the detention center shortly after
4 sentencing.

5 Q Are you able to agree that the Nevada Supreme Court could, if
6 it wanted to, modify a sentence following a direct appeal?

7 A Or vacate the conviction in general, sure. Nevada Supreme
8 Court has the power to do any other -- any number of remedial -- yes,
9 yeah, sure.

10 Q Okay. Okay. That's an easy question, so, yeah, I'm not trying
11 to make more of it. They -- broad authority to do what they want.

12 A Yes, if they found grounds, I -- yes, the Nevada Supreme
13 Court could definitely do that.

14 Q All right. Turn really quick if you would to Exhibit 2, which is --
15 so, this is your letter back to her.

16 A Yes.

17 Q All right. So, just referencing the first paragraph, you had
18 discussed a motion to modify a sentence. Are you able to agree that --
19 she didn't use the word motion in her letter to you, did she?

20 A No, she said get the -- looks like she did get the paperwork
21 started for a motion to -- for a sentence modification.

22 Q All right. And then if you kind of skip down to I think it's the
23 third paragraph, according to your letter, you direct April she could
24 assert any gripes she had in a post-conviction petition. Do you see that
25 language?

1 A Yes.

2 Q Did you view her dissatisfaction with the sentence as griping?

3 A No, that -- the context of that sentence is any gripes that you
4 may have about my representation of you throughout the case. I
5 represented her -- I don't recall the date I was appointed, but for quite
6 some time before that. So, I mean, you know, in theory, she could have
7 taken issue or had gripes with my representation with her since the day I
8 was appointed.

9 Also in the letter, I mean, the next sentence is she's always --
10 she was always very complimentary of me and thankful for what I did,
11 for my work on her behalf during the case. But, you know, again, in this
12 situation I don't -- I understand because I've been doing this a while that
13 defendants will very commonly seek post-conviction relief if they're not
14 satisfied with the sentence, so I kind of anticipated it, which is why I sent
15 her this letter providing her with the statutes and paperwork and -- or the
16 timeline and -- of all of her deadlines so far as a post-conviction petition.

17 Q All right. Just to kind of wrap up that -- that you -- you never
18 did file a Notice of Appeal in this case?

19 A Correct.

20 Q Then assuming again the judgment was January 9th or 10th, 30
21 days after that, the time would have run out; is that fair?

22 A Yeah, I don't know the exact date, but yeah, the exchange of
23 correspondence between Ms. Parks and I would have been within the --
24 would have been prior to the appellate deadline, correct, the deadline to
25 file a Notice of Appeal if that's what you're asking.

1 MR. RESCH: Yeah, I think that answers that. All right. Really
2 appreciate it.

3 Pass the witness at this time. Thank you.

4 THE COURT: Cross?

5 MR. BONGARD: Thank you, your Honor.

6 **CROSS-EXAMINATION**

7 BY MR. BONGARD:

8 Q Mr. Goldstein, can you hear me?

9 A Yes.

10 Q Okay.

11 A Loud and clear.

12 Q Thank you. So, summing up your testimony, based on the
13 questions that Mr. Resch asked you, fair to say that Ms. Parks never
14 expressly asked for an appeal; is that correct?

15 A Not just expressly, I mean, if I had thought she wanted me to
16 file an appeal but didn't use the word appeal, I still would have -- I mean,
17 I would have clarified that with her and advised her accordingly, but, I
18 mean, I -- there was never -- she didn't use the -- kind of a, quote, magic
19 word appeal, nor did she say words to the effect of an appeal where I
20 could infer that she was trying to use the word appeal but, you know,
21 didn't know the terminology or something. And neither of those applied.

22 Q Okay. And you've mentioned this briefly as far as going
23 through the appeal rights and the plea agreement and you said you
24 didn't remember for sure, but it wouldn't surprise you in this case if the
25 plea agreement expressly waived appellate rights and then contained a

1 further sentence, however, I remain free to challenge my conviction
2 through other post-conviction remedies, including a habeas corpus
3 petition pursuant to NRS Chapter 34. Does that sound like something
4 you've seen before?

5 A Absolutely. What I was saying earlier is just I don't -- since I
6 didn't review the transcript of the plea, you know, I can only assume that
7 took place because it takes place in virtually every plea. So, yeah, that's
8 in there and I'm certain it was and I'm certain Her Honor went over it with
9 her during her canvass as well. But the answer to your question is yes,
10 that's, you know, boilerplate language that's in virtually every Guilty Plea
11 Agreement.

12 Q So, in other words then, it wouldn't be surprising to you that
13 the Court during the plea canvass asked Ms. Parks about the waiver of
14 her appellate rights in this case.

15 A Wouldn't surprise me at all, but, again, I didn't confirm that by
16 reviewing the transcript, but it would be surprising if Her Honor
17 overlooked that because, again, I'm in her courtroom -- even prior to
18 the -- that hearing I was in her courtroom probably as often as any other
19 defense attorney because that was my track, I think, since Her Honor
20 took the bench, so I was very familiar with her canvasses and how she
21 oversees her courtroom.

22 MR. BONGARD: And, Your Honor, just to enable the Court to
23 access those two pages whether now or at some other point, I'm
24 referring to page 5 and page 20 of Mr. Resch's supplement to the
25 petition.

1 THE COURT: Okay. Thank you for clarifying that, counsel.

2 MR. BONGARD: You're welcome, Your Honor.

3 BY MR. BONGARD:

4 Q One last question I think I have for you because I think you
5 answered a lot of what I was looking for, even if the plea agreement said
6 that Ms. Parks waived her appellate rights and even if the Court -- you
7 know, in light of what happened in this case that Ms. Parks was
8 canvassed on the waiver of her rights, if Ms. Parks asked you to file an
9 appeal in this case, would you have filed an appeal knowing that the
10 State had every right to file a motion to dismiss the appeal based on the
11 waiver of Ms. Parks' right to an appeal?

12 A I can't speak to whether the State would have filed a motion to
13 dismiss, but what I can tell you is if she had in any way expressed
14 interest in my -- a desire for me to file a -- an -- a direct appeal, I
15 certainly would have.

16 When I filed a motion to withdraw as her counsel after the
17 appellate period had expired, I -- in my affidavit I attached to the
18 motion -- I don't have the date where I filed it, but I filed it because I was
19 a -- it was a court-appointed case, and in that affidavit I included, you
20 know, that -- words to the effect of now that the appellate period has
21 expired, and I commonly mail those -- I'm sure I did to Ms. Parks -- mail
22 a copy of that motion to my client when I'm seeking withdrawal.

23 So, I don't recall whether I would have sent it to CCDC or to
24 Smiley Road at that point because I'm not sure where she was at at that
25 point in time, but at that time she would have received this motion with

1 my affidavit that says, you know, the appellate period has already
2 expired and the Defendant never asked me to -- an appeal. That's not
3 verbatim what's in my affidavit, but it's words to that effect.

4 So, she would have had notice at that time that, in my opinion,
5 the -- she -- the appellate period had expired and that she -- in my
6 opinion, she never asked me this to pursue an appeal. And that was --
7 that would have been a matter of weeks after the amended -- there were
8 two JOCs filed, there was a JOC and an amended. This would have
9 been after -- sometime after the second -- the expiration of the appellate
10 period after the second JOC was filed.

11 Q And your letter to Ms. Parks references, please review the
12 enclosed statutes and then feel free to write with any additional
13 questions. Did she ever write you with any additional questions or
14 directions such as to pursue an appeal?

15 A No, and I checked with Mr. -- I hadn't heard from you, sir,
16 before today, before our -- you know, these questions here in court
17 today. I spoke with Mr. Resch a couple weeks ago; he reached out to
18 me and, you know, I guess, interviewed me. I looked into my file that I
19 do a good job of keeping and, you know, preserving in my cloud and
20 there were no further correspondence after that.

21 I had appeared in court on a couple of Ms. Parks' matters that
22 involved Family Court. She was involved -- she had a couple bench
23 warrants that were issued in I think they were contempt hearings as I
24 recall, not related to this case, and as kind of a I guess you could call it a
25 favor, I quashed the warrants in those cases and advised each of those

1 judges what was going on. In other words, there were bench warrants
2 and I let both courts know that she was in custody at Smiley Road, so
3 any future service or whatever actions had to be taken in those cases,
4 they knew where to find her. But I didn't want her to have active bench
5 warrants because that can affect her programming while in prison.

6 Q Understood. And I --

7 A And that would have been -- I don't recall -- I can look up
8 those dates, but that was, you know, within a couple months after the
9 sentencing. I was just wrapping up all of her other affairs, again, just
10 kind of as a favor, so to speak, because they didn't directly relate to this
11 criminal case.

12 Q Thank you. I'm assuming since you've been exclusively
13 practicing criminal law lately, but you've been in practice for roughly 20
14 years, you've dealt with a number of criminal cases that have resolved
15 themselves through a plea?

16 A Yes, I don't know the exact number, but, you know,
17 thousands, probably a thousand.

18 Q Have you ever had -- sir, your -- based upon your recollection
19 of those cases, have you ever had someone ask for an appeal in a
20 manner other than using the word appeal; in other words, asking for a
21 sentence modification?

22 A No, because I would have clarified. I mean, it's rare that
23 somebody asks for an appeal after a plea, not unheard of, but rare. And
24 I -- I'm -- I can't think of the case offhand where somebody has asked
25 me in different words, but I would have, you know, had the conversation

1 with him or her about what specifically they're looking for because
2 sometimes defendants don't know the right word to use; they're looking
3 for some sort of remedy, but don't know the procedure.

4 I was aware that Ms. Parks had significant legal experience,
5 not necessarily in criminal law, but, you know, she'd been working in --
6 you know, in the guardian program for I don't know how many years and
7 was very experienced, so she wasn't a rookie, quote, unquote, when it
8 comes to court procedures and words like appeal. That -- that's not a
9 particularly advanced word when we're talking about legal lexicon, I
10 mean, the word appeal. I'm sure she would have been familiar with it
11 from her prior experience in law, but my client range is from, you know,
12 completely uneducated to people like Ms. Parks who are obviously
13 educated and experienced, people who have experience and education
14 in the law.

15 So, to answer your question, I don't recall a specific case
16 where somebody used other words, but I would have fleshed it out with
17 the client to make sure I understood what he or she was asking for
18 before advising as to which -- and a legal avenue to take if any were
19 applicable.

20 Q So, in other words, would it be your testimony today that when
21 discussing with April Parks in the visit by a video, that if she had used
22 what would have been in your mind some euphemism for the word
23 appeal, you would have fleshed out to determine whether she was
24 actually asking for an appeal?

25 A Well, and I did with -- when we were talking about the

1 sentence modification and I specifically advised her about the post-
2 conviction petition or -- for writ of habeas corpus. There were just no
3 legitimate legal grounds for an appeal, but, like I said before, even if
4 there weren't any, I would have had a duty to file the Notice of Appeal
5 just because she asked for it.

6 I've done that for clients as recently as, I believe, last year.
7 Either 2020 or 2019, I had a different client who entered a plea, got his
8 sentence, and asked me to appeal it, and I did. It was a -- you know,
9 kind of a baseless appeal, but that's not my decision to make, it's the
10 client's.

11 So, if she would have asked me or even, again, by using a
12 different word, I would have, but, again, I think April probably would have
13 known the word appeal. And I certainly discussed the more -- the
14 options that could possibly have been successful, like a -- like the
15 petition. Again, I don't think there's necessarily grounds for a post-
16 conviction petition for writ of habeas corpus, but it's worth taking a shot,
17 particularly if she, you know, retained counsel or somebody who
18 specializes in that.

19 MR. BONGARD: Thank you.

20 Your Honor, I have no other questions.

21 THE COURT: Any redirect?

22 MR. RESCH: Very briefly.

23 **REDIRECT EXAMINATION**

24 BY MR. RESCH:

25 Q So, Mr. Goldstein, just to kind of sum this up, it sounds like the

1 driving force for a lack of discussion about an appeal, at least coming
2 from you, was that you just didn't think there was grounds for one; is that
3 what you're telling us?

4 A Well, I don't think there was a lack of discussion. I -- I'm sure
5 that I had -- I mean, prior to the plea and then during the plea, from the
6 Court and then me at -- while visiting her after, I'm sure there was
7 discussion of it. What I mean is I would have advised her that there's
8 better -- I'm not saying they would have been successful, but there -- the
9 better option would have been a post-conviction petition for writ of
10 habeas corpus. But regardless, again, if she had said yeah, well, go
11 ahead and file the appeal anyway and then I'll file the post-conviction
12 later, the petition later, I would have filed a Notice of Appeal.

13 So, there was no -- I didn't talk her out of it or, you know, tell
14 her that she can't. She never asked for it or hinted at it or, you know,
15 used a different word because she didn't know the word appeal, it was
16 just that wasn't -- she never expressed my -- her desire for me to pursue
17 that avenue, so that's why I sent all the documents or statutes about the
18 post-conviction petition.

19 MR. RESCH: All right. And I think I have nothing --

20 THE WITNESS: Appreciate it.

21 MR. RESCH: No, that's -- I think he answered it, so nothing
22 further from my end.

23 THE COURT: Any recross?

24 MR. BONGARD: No, Your Honor.

25 THE COURT: Okay. Thank you very much, Mr. Goldstein.

1 Thank you for testifying here today.

2 THE WITNESS: Do you want me to stick around, Your Honor,
3 in case somebody recalls me?

4 THE COURT: Are -- do you guys have any intentions of
5 recalling Mr. Goldstein?

6 MR. RESCH: I do not.

7 MR. BONGARD: Not at this point, Your Honor.

8 THE WITNESS: And, Mr. Resch, you have my cell number
9 if -- I'll log out of BlueJeans, but if you need me, I'll stick around. I have
10 my cell, so feel free to text me and I'll get back on as soon as possible if
11 necessary.

12 THE COURT: Okay.

13 MR. RESCH: Fair enough. Thank you.

14 THE COURT: Thank you, Mr. Goldstein.

15 All right. Mr. Resch, do you have any other witnesses you'd
16 like to call?

17 MR. RESCH: Yes, we'll call April Parks.

18 THE COURT: Okay. Ms. Parks, if you could raise your right
19 hand.

20 Madame Clerk, if you could swear her in.

21 **APRIL PARKS**

22 [having been called as a witness and being first duly sworn,
23 testified via video conference as follows:]

24 THE COURT CLERK: Please state your name, spelling your
25 first and last name for the record.

1 THE PETITIONER: April Parks, April, common spelling,
2 A-P-R-I-L, Parks, P-A-R-K-S.

3 THE COURT: Okay. Mr. Resch, whenever you're ready.

4 MR. RESCH: All right. Thank you.

5 Ms. Parks, can you hear me?

6 THE PETITIONER: Yeah. I just want to mention that I'm
7 being -- pictures are being taken of me. I don't know if that's okay, but I
8 just think the Court should know that.

9 THE COURT: And I'm sorry, Ms. Parks. Hold on just one
10 second.

11 Whoever's videotaping on their phone and taking pictures, you
12 are not allowed to do that. We cannot have you videotaping and taking
13 pictures. If I see someone else using their cell phone, then I'm going to
14 cut you out of the meeting.

15 THE PETITIONER: Thank you.

16 THE COURT: Ms. Parks, may you please -- can you please
17 repeat what you said? I apologize. I was trying to figure out who was
18 videotaping.

19 THE PETITIONER: I -- just my first and last name, April, the
20 common spelling, A-P-R-I-L, and Parks, P-A-R-K-S.

21 THE COURT: Okay. And what did you say right after that?

22 THE PETITIONER: I just said that -- I just mentioned that
23 someone was recording me.

24 THE COURT: Okay, yeah.

25 THE PETITIONER: [Indiscernible] 0527 was recording.

1 THE COURT: Okay.

2 MR. RESCH: All right. Should I --

3 THE COURT: Okay. Mr. Resch --

4 MR. RESCH: Thank you.

5 **DIRECT EXAMINATION**

6 BY MR. RESCH:

7 Q So, Ms. Parks, did you -- I take it you heard Mr. Goldstein's
8 testimony?

9 A I did.

10 Q Okay. So, let's -- we'll just dive right in assuming that some of
11 those baselines have been established, okay? So, specifically, you
12 recall that at some point you took a plea deal and you have this choice
13 between this 8 to 20-year offer and the so-called right to argue deal.
14 Does that all sound familiar?

15 A It does.

16 Q You ended up going with the right to argue deal?

17 A I did.

18 Q Is that a decision that you made in conjunction with Mr.
19 Goldstein?

20 A It is.

21 Q Did you -- can you give us an idea based on that discussion or
22 decisions that were to take that deal -- what did you think was going to
23 happen going into the sentencing proceeding?

24 MR. BONGARD: Your Honor, I'm going to object at this point.
25 I don't think it's relevant to the issue that the Court wanted to address at

1 this hearing, which was the appeal issue.

2 THE COURT: Mr. Resch, your response to that?

3 MR. RESCH: Yeah, Your Honor, it's absolutely relevant
4 because one basis under which she'd be entitled to an appeal is if she
5 expressed dissatisfaction with the result of the sentence she received.
6 We can't establish that without knowing what she anticipated was going
7 to happen or at least what would have satisfied her.

8 THE COURT: Well, you can establish that. And I was
9 actually wondering why there was no objection made when all of this
10 testimony was elicited from Mr. Goldstein because the purpose of this
11 hearing is for the limited purpose of whether or not Ms. Parks expressed
12 to Mr. Goldstein that she wanted an appeal.

13 You can ask her about what she told to Mr. Goldstein, but
14 what she expected to happen as a result of the plea agreement and why
15 she took the 8 -- the right to argue over the 8 to 20 is not relevant to that.
16 She can absolutely tell us how she felt after the sentencing, she could
17 tell us what was expressed to Mr. Goldstein, if she's going to testify that
18 there was an additional visit that's not what he mentioned, but as far as
19 why she took what deal she took, that is not relevant. That objection is
20 sustained.

21 MR. RESCH: All right. Very well. We'll --

22 BY MR. RESCH:

23 Q Ms. Parks, let's move forward then to your actual sentencing.
24 I take it you remember that proceeding as well?

25 A I do.

1 Q Mr. Goldstein was present in court with you when you were
2 sentenced?

3 A That's correct, he was.

4 Q All right. Do you recall -- at the moment you were sentenced,
5 did you have a good understanding of what sentence the Court imposed
6 right there after it was imposed?

7 A I did not. There was a lot of numbers, there was a lot of
8 consecutives and concurrents and I was not clear on what the time
9 frame was at that time.

10 Q Did you have some sense that it was greater than the original
11 8 to 20 offer that you rejected?

12 A I did, yes.

13 Q Do you have a conversation with Mr. Goldstein at the time of
14 sentencing about the sentence?

15 A Immediately after, he and I spoke, yes.

16 Q All right. Can you tell us what you said to him at that time?

17 A My first question to Mr. Goldstein was how much time was
18 that, how much time did I get. He expressed to me that he did not have
19 that number. I said it's a lot, and he said yes, don't panic, we can do
20 appeals and there's things that can happen. At that time, I --

21 THE COURT: Okay. Hold on just one second. Ms. Parks,
22 Ms. Parks, hold on just one second. Can you come closer to the
23 microphone? Because I'm having a difficult time hearing you.

24 Officer, can she move that chair? That's a yes?

25 THE PETITIONER: Is that better?

1 THE COURT: Hold on just one second.
2 Officer, is that a yes?
3 THE CORRECTIONS OFFICER: Yes.
4 THE COURT: Okay. Thank you very much.
5 Yes. And, Ms. Parks, the last thing I heard you say was Mr.
6 Goldstein said -- hold on.
7 [Pause while the Defendant gets situated closer to the microphone]
8 THE PETITIONER: Okay. Is that better?
9 THE COURT: Yeah, that's better. Because the last thing I
10 heard --
11 THE PETITIONER: Okay.
12 THE COURT: -- you say was Mr. Goldstein said don't panic.
13 And then what did you say after that?
14 BY MR. RESCH:
15 A He told me -- he said don't panic, there's appeals and things
16 that we can do. And at that point, I expressed to him that I wanted him
17 to do everything possible, that I wanted to appeal it. In that moment, I
18 told him that.
19 Q So, you're telling us he was actually the one who first used the
20 word appeal. This was at the time of sentencing?
21 A Yes.
22 Q And you told him to do everything he could?
23 A I did.
24 Q Did you express to him your feelings about the sentence at
25 that time?

1 A I'm not a huge feeling person.

2 Q Okay.

3 A But I did tell him that I had concerns about my child and that I
4 needed to do everything possible to change this so that I could be home
5 with her.

6 Q Was -- at that --

7 THE COURT: And I'm sorry, what did you -- what was the last
8 thing you said? We needed to do everything possible to do what?

9 THE PETITIONER: To be home with my child.

10 THE COURT: Okay.

11 THE PETITIONER: My daughter.

12 BY MR. RESCH:

13 Q So, at the time of sentencing, were -- did you express any
14 dissatisfaction to him about the number or the -- what you understood
15 the sentence to be?

16 A I expressed that it was more than the original deal, the first
17 deal and I was just very -- I was shocked. I mean, it was a very brief
18 conversation, but it was -- I was very clear that I wanted him to do
19 everything he could do.

20 Q Now, you recall the testimony about that he was going to
21 come see you after that hearing.

22 A Yes.

23 Q You do? Okay. Is that something that did happen?

24 A That did, I believe he came the next day on a video visit.

25 Q Do you remember -- what did the two of you talk about during

1 that visit?

2 A I again asked him about my time, the time I got; he still wasn't
3 able to give me a number. I -- he -- we talked about different things that
4 could happen and he asked me to contact him --

5 MR. BONGARD: Your Honor, I'm going to object as to
6 hearsay.

7 THE COURT: Mr. Resch?

8 MR. RESCH: Well, Your Honor, the entire premise of the
9 hearing is the strategy between these two and the statements that are
10 made and the plans of legal -- future legal proceedings that would arise
11 therefrom. So, the entire hearing is determining what the future course
12 of conduct is going to be between these two, which by definition is either
13 not hearsay or is an exception to the hearsay rule.

14 THE COURT: So, you're saying it's being offered to prove
15 what Mr. Goldstein did next?

16 MR. RESCH: Well, it's being offered to indicate that she
17 wanted to continue to challenge her sentence; she wasn't happy with it.
18 Those are more like feelings and less like for the truth of the matter, but
19 if -- to the extent it was something that we're taking for the truth, then it's
20 a statement of future intent or plan, which is a clear exception to the
21 hearsay rule.

22 THE COURT: The objection will be --

23 MR. BONGARD: Your Honor, I think they can --

24 THE COURT: The objection will be --

25 MR. BONGARD: I was going to say I think they can talk about

1 subjects discussed, but rather than the hearsay, I think the same
2 information comes in and that's what the -- that's the information the
3 Court's looking for.

4 THE COURT: Well, I mean, she -- I'm going to allow her to
5 testify to the conversation between her and Mr. Goldstein as that is the
6 entirety of the purpose for this hearing is whether or not she expressed
7 that she -- a desire to appeal. And I think I need to understand the
8 entirety of the conversation between her and Mr. Goldstein to make that
9 determination. So, that objection will be overruled.

10 MR. RESCH: Thank you. So --

11 THE COURT: Mr. Resch, can you re-ask that question?

12 THE PETITIONER: I'm sorry?

13 MR. RESCH: Certainly. I think I can re-ask it or maybe
14 narrow it down a little.

15 BY MR. RESCH:

16 Q So, Ms. Parks, thinking about the meeting at the jail, okay,
17 we're trying to figure out what you and Mr. Goldstein discussed. And I
18 don't mean a generally, like, how are your kids, we're talking about in
19 terms of what you could do or if you wanted to do anything to challenge
20 the sentence that was imposed. So, can you illuminate that for us,
21 please?

22 A We just discussed different things that could be done. I don't
23 remember specifically terms used, but I know that he told me once I got
24 to prison to contact him.

25 Q Do you remember -- did you use the word appeal during that

1 conversation?

2 A I would assume that I did, yes. I mean, that's what we were
3 talking about; those kind of things.

4 Q So, as you understood --

5 A I --

6 Q -- the purpose of the visit was to talk about what to do next in
7 your case?

8 A Absolutely, that was the purpose of the visit.

9 Q Did you express to him at that time any satisfaction or
10 dissatisfaction with the sentence that you received?

11 A Well, like I said, he still was not able to give me a number, but
12 I knew that it was high and I did express that it was much higher -- I
13 knew that it was much higher than the original deal and I was shocked
14 about that.

15 Q So, in terms of what he would have offered to do at that time,
16 was it just contact me when you get to prison or was there some other
17 strategy that you two had in mind for continuing your legal case?

18 A Yeah, there was a strategy, and that was that he was going to
19 file some paperwork. We talked about sentence modification. I -- while I
20 do have some legal knowledge, I don't have knowledge in criminal
21 cases, I don't understand the appeal process in criminal cases, so I was
22 relying on him to do that for me or to advise me regarding that. And that
23 was the reason that I was -- you know, contacted him because we had
24 that discussion. I wouldn't have written the letter had I not had a reason.

25 Q So, at any time during the jail meeting, did you say to him

1 something along the lines of, you know, I'm happy with what happened,
2 let's just leave it?

3 A Absolutely not.

4 Q Then when you get to prison, there is this exchange of letters,
5 you're saying?

6 A Yes.

7 Q Okay. I -- did you have occasion to look at those before
8 coming to court?

9 A No, unfortunately, I don't have that any longer. We're only
10 allowed to keep a certain amount of things and some things had to be
11 sent home.

12 MR. RESCH: All right. And in the spirit of moving forward, I
13 think we can review those exhibits with her just based on her
14 recollection. I wouldn't know how to display them here if that even is an
15 option.

16 THE COURT: We can't display them, Mr. Resch.

17 BY MR. RESCH:

18 Q So, Ms. Parks, let's --

19 MR. RESCH: Unless there is an easy way to do it.

20 THE COURT: There is no easy way to do it without you being
21 in the courtroom. If you were in the courtroom, you could put them on
22 the overhead, but because you're not here, we have no means of
23 displaying those.

24 MR. RESCH: All right. I think it's going to be okay. So, let's
25 try to just keep going.

1 BY MR. RESCH:

2 Q Ms. Parks, so, you do remember writing Mr. Goldstein when
3 you got to prison?

4 A Yes, I do.

5 Q What was -- all right. What was your reason for writing him a
6 letter?

7 A To get him moving on whatever process he wanted -- he
8 would -- we would like to move forward with. Like I said, we had talked
9 about sentence modification. I didn't necessarily know what that
10 entailed, but had written him a letter as requested once I got to the
11 prison to get him started on that.

12 Q So, do you recall as you are sitting her today that your letter
13 says something about starting the paperwork for a sentence
14 modification?

15 A I'm sure it does, yes.

16 Q What is it you anticipated him doing in response to that
17 request?

18 A Filing an appeal, filing something in order to change the
19 outcome.

20 Q All right. And then, do you recall that he wrote you back?

21 A I do recall he wrote me back, yes.

22 Q As you're sitting here today, is there anything that stands out
23 to you about his response to you in that letter?

24 A Yeah, when he made the comment that I had expressed to
25 him that I was satisfied with his representation. I kind of chuckled when

1 I got it and thought, when did I ever say that. And I just -- you know,
2 while I don't have legal experience, I have lots of experience with
3 attorneys and I felt like this is creating a record or, you know, just sort
4 of -- it was just -- struck me as odd, very odd. That's not something that
5 typically comes across in a letter, especially since I didn't -- I didn't think
6 we were at odds at all, and so I just was sort of struck by how funny that
7 was. And the other thing that --

8 Q Let me ask you --

9 A Go ahead.

10 Q Oh, sorry, go ahead. Go ahead.

11 A The other thing that struck me is that he sent me the -- a copy
12 of the NRS, and I was just kind of like, wait, this is -- I just felt like that --
13 with that, the letter, and the copies of the NRS, I just sort of felt like he
14 was sort of, for lack of a better term, dismissing me and just sort of, you
15 know, didn't want to deal with it anymore, I guess.

16 Q Okay. So, you do recall -- the bulk of his letter seems to be
17 directed towards the post-conviction process; does that sound familiar?

18 A Yeah.

19 Q Is that something you remember having talked to him about
20 before getting his letter?

21 A We may have spoke about it at the jail, but I don't specifically
22 remember that term. The -- we were talking about a lot of things then.

23 Q Are you able to summarize as you're here today the number
24 of times you would have expressed to Mr. Goldstein dissatisfaction with
25 the length of the sentence you received?

1 A None, there would have been no --

2 Q Are you --

3 A -- times.

4 Q Sorry. So, you never told him that you were dissatisfied with
5 the sentence?

6 A Oh, no, I did tell him. I'm sorry. Did I misunderstand the
7 question?

8 Q Maybe. Okay.

9 A Oh. I --

10 Q So, unhappiness, did you ever express unhappiness, and if
11 so, how often?

12 A I mean, yeah, initially it was shock and like, you've got to be
13 kidding me. And then again the next day at the jail when he came to
14 visit me, I expressed that this was just like -- I think I said something
15 along the lines of, you know, why didn't we move forward with the first
16 deal, this is insane.

17 Q And just so we're clear, right, so, you're telling us here today
18 that you did verbally -- at least while you were in the courtroom with Mr.
19 Goldstein -- have a discussion about wanting to appeal?

20 A Yes, absolutely, I did.

21 Q To your knowledge, did he ever file an appeal in your case?

22 A No.

23 Q Sounds like -- at some point, did you receive a motion that he
24 was withdrawing from representing you?

25 A I think I recall that, yeah.

1 MR. RESCH: All right. I think that's it for now. I'll pass the
2 witness at this time. Thank you.

3 THE COURT: Cross?

4 **CROSS-EXAMINATION**

5 BY MR. BONGARD:

6 Q Ms. Parks, can you hear me?

7 A I can.

8 Q In your letter to Mr. Goldstein you said I can't remember
9 exactly what we discussed, I was still in shock; is that a fair statement of
10 your memory of what went on during that conversation?

11 A That was referencing the conversation we had at the jail.

12 Q Okay. And were you equally as shocked at the time of
13 sentencing when the Court pronounced sentencing?

14 A Well, I was shocked. It hadn't set in yet and so I was a little
15 more, I guess, cognizant of what was sort of happening.

16 MR. BONGARD: Your Honor, that's all the questions I have.

17 THE COURT: Okay. Any redirect based on that, Mr. Resch?

18 MR. RESCH: Yes, actually, and it is most directly related to
19 that.

20 **REDIRECT EXAMINATION**

21 BY MR. RESCH:

22 Q So, Ms. Parks, and just understanding you don't have these
23 letters in front of you, can I, just for the record, give you this entire
24 paragraph that the State just asked you about and see if -- what you
25 recall about that, all right?

1 A Yeah.

2 Q Your letter says, I think you said something about a change of
3 attorneys; I can't remember exactly, I was still in shock. So, do you
4 remember putting that in your letter?

5 A If you're reading it -- I don't remember saying that per se, but,
6 I mean, if I wrote it, it's there. But, like I said, we discussed a lot of
7 things that -- at that jail meeting after the sentencing.

8 Q Well, all right. So, the -- to the extent you were so-called in
9 shock, did that impede your ability to recall any facts that you've told us
10 about here today?

11 A I don't think it necessarily impeded my ability to recall, but it --
12 I mean, it definitely -- there was a lot going on in that conversation.

13 Q Well, is there something specific to a discussion about a
14 change of attorneys that you can remember now that may or may not
15 been as clear at the time when you had the jail discussion?

16 A Not -- no, not particularly. I'm sorry. I just -- it was a -- we
17 were talking about a lot of things. We talked about -- I remember we
18 talked about an appeal, we talked about a sentence modification and he
19 said, write me when you get to the prison and we can -- and we'll start
20 whatever process needs to be started.

21 MR. RESCH: All right. Appreciate it.

22 Nothing further on my -- on behalf of the Petitioner.

23 THE COURT: Any recross?

24 MR. BONGARD: No, Your Honor.

25 THE COURT: Okay. Mr. Resch, do you have any further

1 witnesses?

2 MR. RESCH: We will rest at this time.

3 THE COURT: All right. Any witnesses from the Respondent?

4 MR. BONGARD: No, Your Honor.

5 THE COURT: Okay. Mr. Resch, it's your burden, you can
6 argue.

7 MR. RESCH: All right. Thank you. And I certainly hope to
8 keep this brief. There's a couple paths to prevailing here and, again,
9 when I say prevailing, no one's talking about her going free or doing the
10 whole proceeding over, it's merely a request for this important
11 constitutional right to a direct appeal.

12 So, with that in mind, I would just point to the following. The
13 Nevada Supreme Court has established a couple ways that a right to an
14 appeal can arise. One is, of course, if the defendant requests it. And
15 the evidence here today is -- and I'm specifically talking about during the
16 sentencing hearing. Mr. Goldstein didn't really recall what was
17 discussed. Ms. Parks unequivocally said, we had a discussion about an
18 appeal, I said do everything you could.

19 So, as far as that avenue goes, our position would be there
20 was a discussion about an appeal, and she requested one, and Mr.
21 Goldstein didn't recall; therefore, that's evidence that she did request an
22 appeal, which would be one way that one should be granted.

23 An entirely separate question, but one that could still lead to
24 the same result, is whether the totality of the evidence would have
25 suggested to Mr. Goldstein that she was dissatisfied with her sentence.

1 And I think we've heard both of them use that word repeatedly, so I
2 might mention that. Even Mr. Goldstein referred to being -- her being
3 dissatisfied or he being dissatisfied numerous times.

4 I don't really think there's any question that that's what
5 happened. I -- you know? And certainly society or the Court may feel
6 that the appropriate sentence was given out, but that's a different
7 question of what Mr. -- Ms. Parks was expecting, and certainly from her
8 end, great disappointment, and Mr. Goldstein's as well.

9 I would mention this. In the *Toston* case that establishes the
10 disappointment test for whether an appeal is required, the Nevada
11 Supreme Court specifically stated that one such indication would be
12 whether the defendant indicated a desire to challenge his sentence
13 within the period for filing an appeal.

14 There is no question, based on this record, that Ms. Parks
15 demonstrated a request to challenge her sentence because there are
16 these letters going back and forth talking about a sentence modification.
17 I would first suggest that when she uses that phrase, she's talking about
18 an appeal, but even if that wasn't true, in *Toston* the Nevada Supreme
19 Court made it clear that disappointment can be expressed by requesting
20 any challenge to the sentence.

21 And there's no question that that was requested here and for
22 whatever reason, it didn't happen; sounds like Mr. Goldstein didn't
23 believe there were legitimate grounds, but, again, at least as far as
24 direct appeal goes, legitimacy is not really the salient question. If the
25 appeal is requested or if the defendant has expressed dissatisfaction

1 with a sentence, the Notice of Appeal is supposed to be filed.

2 So, that's really all that we're requesting here today is that the
3 Court grant the petition, order the clerk to file the Notice of Appeal
4 pursuant to the rules of appellate procedure, and then Ms. Parks would
5 receive her direct appeal.

6 THE COURT: Thank you.

7 Respondent, your argument?

8 MR. BONGARD: Your Honor, the -- I would agree with Mr.
9 Resch that the Court's decision is simple; however, I believe that the
10 opposite -- excuse me -- the opposite result is the result that's reached.
11 And I'm referring to the U.S. Supreme Court case in *Roe versus Flores-*
12 *Ortega*, which is 528 U.S. 470.

13 In that case the Court said that -- they laid out the test for
14 whether there was an appeal deprivation, and the Court said in cases
15 where the record's clear, it -- its easy to determine whether there was
16 deficient conduct under *Strickland*. And the opposite end of the
17 spectrum on whether it's clear or not is when the client tells the attorney
18 expressly, file a Notice of Appeal or don't file a Notice of Appeal. And I
19 would analogize express to mean the same thing that it does when the
20 case law discusses what a defendant needs to say in order to invoke
21 their right to remain silent, that it needs to be clear and unequivocal.

22 The Court said then when we're looking at cases in between
23 the ends of the spectrum, that prior to looking at anything else, the
24 Court -- the reviewing Court needs to ask itself another question;
25 whether counsel in fact consulted with the defendant about an appeal.

1 I think the record's clear in the case that there was some type
2 of consultation that took place. And what the Court defined consultation
3 as meaning is advising the defendant about the advantages and
4 disadvantages of taking appeal and making a reasonable effort to
5 discover the defendant's wishes.

6 And the duty to consult occurs when one, a rational defendant
7 would want to appeal or two, that this particular defendant reasonably
8 demonstrated to counsel that he was interested in appealing.

9 And the Court reached the conclusion then that under
10 *Strickland*, because that's the test that applies, deficient conduct occurs
11 when counsel performs in a professionally unreasonable manner only by
12 failing to follow the defendant's express instructions with regards to an
13 appeal.

14 And in this case what happened was it's clear that a
15 conversation took place. It's clear that there was a discussion, not clear
16 as to what exactly the discussion was. And Mr. Goldstein was very
17 candid when he said he can't remember the specifics of the discussion.
18 And I think we've got a couple pieces of evidence that show from Ms.
19 Parks' view that it was also unclear on her part, and both of those were
20 the fact that she said she can't remember exactly, and, again, Mr.
21 Goldstein said he couldn't remember exactly what was discussed.

22 But I think what's clear is that based on that -- and, again, Mr.
23 Goldstein testified with regards to his evidence of habit and which is
24 highly relevant. He said, number -- couple things. Number one, I've
25 never not filed an appeal when a defendant has told me to file a Notice

1 of Appeal, and number two, he said that in cases where there was
2 confusion on his part, in other words, where we haven't gotten the
3 express instructions with regards to an appeal that the Supreme Court
4 talks about in *Roe versus Flores-Ortega*, he asks additional questions to
5 flesh out the meaning of what was going on and what was in the
6 defendant's mind. And he said if that had occurred in that case -- in this
7 case, number one, he would have done it.

8 And I think also telling is the fact that Ms. Parks today said
9 that, we talked about appeal and we talked about sentence modification,
10 and in her letter that took place afterwards, she didn't expressly ask for
11 an appeal, she expressly asked for a sentence modification.

12 So, I think, Your Honor, while Mr. Resch suggests that there's
13 clarity and simplicity, there is, but it militates against a finding that there
14 was an appeal deprivation in this case.

15 Also, Your Honor, Mr. Goldstein testified that he wouldn't have
16 been surprised that there was a -- the plea agreement waived the right
17 to an appeal, and obviously, again, the -- he said he wouldn't have been
18 surprised if Your Honor hadn't canvassed Ms. Parks on the plea
19 agreement waiving her appellate rights. And the record reflects that that
20 actually did happen.

21 So, while Your Honor -- the Court in *Flores-Ortega* said that
22 prejudice occurs when counsel failed to follow his client's clear and
23 express instructions and file the Notice of Appeal. And, again, I think in
24 this case, number one, we don't have any clear, express instructions to
25 file a Notice of Appeal, and second, what we also have is the whole idea

1 behind the Notice of Appeal, and the Court talks about it quite
2 extensively in *Flores-Ortega*, and that's why the prejudice test is so
3 simplistic and you don't look at things like, you know, were there any
4 substantial issues.

5 But we have a different issue, that the Court talks about the
6 right to appeal as a right. And -- excuse me -- in this case we have a
7 record that shows that that right was waived. So, if the Court were to
8 somehow find, based on this record, that there was appeal deprivation,
9 was there a right to appeal? And I think the Court would need to
10 address that as well.

11 And the Nevada Supreme Court in *Lamark versus State*, 1996
12 case, said that a defendant can waive privileges and rights, including the
13 right to appeal, but a defendant cannot waive a right to proceed through
14 stayed habeas or post conviction.

15 And I think the plea agreement mirrors the letter of the law as
16 well as the spirit, and I think the Court's canvass, even though it was a
17 one question that, do you understand you're waiving your rights to
18 appeal, reflected that at that point Ms. Parks waived her right to an
19 appeal.

20 So, Your Honor, I would submit on the basis that number one,
21 she hasn't established a deprivation under the two prong test in
22 *Strickland* and number two, there wasn't a right to appeal at this point
23 because as soon as the Court accepted the plea, that right vanished
24 through her waiver of it in the plea agreement. Thank you.

25 THE COURT: Okay. Mr. Resch, your follow-up.

1 MR. RESCH: Sure. And here's a couple quick points and
2 then I'll try to wrap this up. It's our position that according to the
3 statutes, NRS 174.063, a defendant always has a right to appeal
4 constitutional issues. So, that's part of the mix.

5 Secondly and related to that, appellate waivers, to the
6 extent they're valid at all, and I'm in no way conceding that that's what
7 happened here, but if it did, they're not jurisdictional, all right? So, the
8 question of to what degree or how it should apply to an appeal is
9 something that's determined on appeal, it's never a bar to filing the
10 Notice of Appeal. So, that hopefully addresses those issues.

11 I don't think Mr. Goldstein took the position that he was
12 somehow prohibited from filing Notice of Appeal. In fact, I think he was
13 pretty straightforward in saying that he absolutely understood that he
14 could have filed one; he just didn't do it largely because he didn't think
15 there were any issues to appeal, which, again, is not the relevant
16 question.

17 With regard to *Flores-Ortega*, all right, that's a oldie but
18 goodie, one that I usually like relying on, but let me direct the Court that
19 in a much newer case, *Toston v. State*, the Nevada Supreme Court case
20 that talks about these issues, they cited *Flores-Ortega*, and here's what
21 they said about it as they cited it; it's just one sentence. Recognizing the
22 need for more guidance, we hold that trial counsel has a duty to file a
23 direct appeal when the client's desire to challenge the conviction or
24 sentence can be reasonably inferred from the totality of the
25 circumstances, focusing on the information that counsel knew or should

1 have known at the time. And then they cite *Flores-Ortega*, and then
2 they go on to discuss such information can include whether the
3 defendant indicated a desire to challenge the sentence within the period
4 for filing an appeal.

5 I would simply have to come back to there is no question,
6 based on this record, that a desire to challenge the appeal was
7 expressed during the time that a direct appeal could have been filed;
8 therefore, a Notice of Appeal should have been filed by counsel.

9 THE COURT: Okay. Thank you very much.

10 MR. RESCH: Sorry. Submit it with that. Thank you.
11 Appreciate it.

12 THE COURT: Okay. Thank you very much.

13 All right. I'm going to issue a written decision on this and you
14 guys will all be notified.

15 MR. BONGARD: Your Honor, will the written decision also
16 cover the claims the Court has also previously denied?

17 THE COURT: No, because it's going to be a written minute
18 order, and depending on what I decide, one of you will be ordered to
19 actually type the order that includes the other claims.

20 MR. BONGARD: Yes, Your Honor.

21 MR. RESCH: Oh.

22 THE COURT: Okay?

23 MR. RESCH: Your Honor, with that in mind, could I request, if
24 it's possible, that the Court would order a transcript to be prepared of
25 today's proceedings so that whoever needs it would be able to prepare

1 the most accurate order possible?

2 THE COURT: Correct, we'll order a transcript of these
3 proceedings.

4 MR. RESCH: Really appreciate it. Thank you.

5 THE COURT: Okay.

6 MR. BONGARD: Thank you, Your Honor.

7 THE COURT RECORDER: He still needs to submit an order
8 though.

9 THE COURT: Oh.

10 Mr. Resch, you still need to submit an order.

11 But you can just start on it.

12 THE COURT RECORDER: Yes, understood.

13 MR. RESCH: Oh.

14 THE COURT: We'll get started on it, but we still need the
15 transcript order.

16 THE COURT RECORDER: [Indiscernible].

17 MR. RESCH: I'll send it right away.

18 THE COURT: All right. Thank you.

19 MR. RESCH: All right. Thank you.

20 [Proceedings concluded at 2:39 p.m.]

21 ATTEST: I do hereby certify that I have truly and correctly transcribed
22 the audio/video proceedings in the above-entitled case to the best of my
23 ability.

24 

25 Trisha Garcia
Court Transcriber

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

March 18, 2021

A-19-807564-W April Parks, Plaintiff(s)
vs.
Dwight Neven, Defendant(s)

March 18, 2021 1:30 PM Evidentiary Hearing

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT: Bongard, Michael J. Attorney
Parks, April Plaintiff
Raman, Jay Attorney
Resch, Jamie J. Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Parties present via video, through Bluejeans technology.

Court noted this matter is on for the limited issue of whether or not deft. was denied her right to appeal. Mr. Resch advised he submitted the evidence electronically. Court so noted. Upon Court's inquiry, Deft. Waived the Attorney Client Privilege. Hearing held. Testimony and exhibits presented. (See worksheets). Following arguments, COURT ORDERED, a Decision will issue.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

March 29, 2021

A-19-807564-W April Parks, Plaintiff(s)
vs.
Dwight Neven, Defendant(s)

March 29, 2021 3:15 PM Minute Order

HEARD BY: Jones, Tierra

COURTROOM: RJC Courtroom 14B

COURT CLERK: Haly Pannullo

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Following review of the papers and pleadings on file herein, COURT ORDERED, Defendant s Petition for Writ of Habeas Corpus is DENIED. In Toston, the Nevada Supreme Court found that trial counsel has a constitutional duty to file a direct appeal in two circumstances: when requested to do so, and when the defendant expresses dissatisfaction with his conviction. Toston v. State, 127 Nev. 971 (2011). The court expressly acknowledged the potential for mischief with the second circumstance requiring trial counsel to file a direct appeal. Id. at 978. The Court went on to reason that the goal is to discern those clients who truly desire to appeal their conviction from those who are disappointed with their lot. Id. at 979. The Court further found that this is particularly important given that the burden is on the client to indicate to his attorney that he wishes to pursue an appeal. Id. The Court went on to state that trial counsel has a duty to file a direct appeal when the client s desire to challenge the conviction or sentence can be reasonably inferred from the totality of the circumstances, focusing on the information that counsel knew or should have known at the time. Id. Here, the testimony from Petitioner and Mr. Goldstein was that there was a discussion regarding how to proceed, at the jail, shortly after sentencing. Mr. Goldstein testified that the Petitioner never asked him to file an appeal, and Petitioner testified that she assumed she used the word appeal. Petitioner s request was then placed in writing when she wrote a letter to Mr. Goldstein inquiring about a sentence modification and again there was no mention of an appeal in said letter. Further, Exhibit 2 from the Evidentiary Hearing includes an open invitation for Petitioner to express any

Heather S. Hume

CLERK OF THE COURT

ORDR

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Attorneys for Respondents

DISTRICT COURT

CLARK COUNTY NEVADA

APRIL PARKS,

Petitioner,

vs.

DWIGHT NEVEN,

Respondents.

Case No.: A-19-807564-W

Department X

ORDER DENYING PETITION FOR WRIT OF HABEAS CORPUS

On June 8, 2020, the matter came before the Court for an evidentiary hearing on Petitioner April Parks' Ground Three Claim-whether her trial counsel was ineffective for failing to file a notice of appeal. Petitioner appeared via Bluejeans from the Clark County Detention Center. Parks' Counsel, Jamie Resch, Esq., appeared via Bluejeans. Senior Deputy Attorney General Michael Bongard and Deputy District Attorney Jay Raman appeared via Bluejeans for Respondents. Parks and her trial counsel, Anthony M. Goldstein testified.

The Court summarizes the record in this case, and makes the following findings:

PETITIONER'S CONVICTION AND SENTENCE

The State charged Parks and her co-defendants with multiple counts, including theft, exploitation of an older/vulnerable person, and perjury in Eighth Judicial District Court Case Numbers C-17-321808-1 and C-18-329886-2. Parks entered into a plea agreement which called for her entering *Alford*¹ pleas to 2 counts

¹ *North Carolina v. Alford*, 400 U.S. 25 (1970).

1 of exploitation of an older/vulnerable person, 2 counts of theft, and 1 count of perjury in C-17-321808-1 and
2 a single counsel of exploitation of an older/vulnerable person in C-18-329886-2. The plea agreement stated
3 that the sentences in the two cases would run concurrent to each other. The plea agreement also stated that
4 Parks rejected a stipulated sentence of 8 to 20 years—permitting the State to argue for a sentence higher than
5 the stipulated sentence.

6 Parks appeared with her attorney, Anthony Goldstein and entered her plea on October 5, 2018. After
7 determining that Parks had no questions after entering her plea, the Court found that Parks' plea was freely
8 and voluntarily entered. The Court set sentencing for January 4, 2019. The parties submitted sentencing
9 memorandums prior to the hearing.

10 On January 4, 2019, after the parties and several victims addressed the Court, the Court imposed an
11 aggregated sentence of a maximum term of 480 months and a minimum term of 192 months, and restitution
12 of \$559,205.32.

13 On January 30, 2019, the attorneys appeared before the Court regarding the restitution amount. An
14 amended judgment of conviction was filed on February 4, 2019, adjusting the restitution to \$554,397.71,
15 because a victim was listed twice. Parks did not file a notice of appeal.

16 **PETITIONER'S POST-CONVICTION PROCEEDINGS**

17 On December 27, 2019, Parks filed her initial counseled petition for writ of habeas corpus. Parks
18 filed a supplemental petition on September 30, 2020. Respondents filed their answer on December 31, 2020.
19 Parks filed her reply on January 25, 2021. The Court originally set the matter for a hearing on February 8,
20 2021, but continued the matter until February 22, 2021 in order to give the Court additional time to review
21 the briefing. On February 22, 2021, after hearing argument from counsel, denied Grounds 1 and 2 of the
22 petition and set an evidentiary hearing for Ground 3.

23 On March 18, 2021, the parties appeared via Bluejeans for an evidentiary hearing. After hearing
24 testimony from Ms. Parks and Anthony Goldstein, the Court took the matter under advisement. On March
25 29, 2021, the Court issued a minute order setting forth findings of fact and conclusions of law and denying
26 Ground 3.

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FINDINGS OF FACT AND CONCLUSIONS OF LAW

In order to prevail on a claim of ineffective assistance of counsel, a defendant must demonstrate that counsel's performance was deficient in that it (1) fell below an objective standard of reasonableness, and (2) resulted in prejudice such that there is a reasonable probability that, but for counsel's error, the outcome of the proceedings would have been different. *Strickland v. Washington*, 466 U.S. 668, 687-88 (1984); *Warden v. Lyons*, 100 Nev. 430, 432-33, 683 P.2d 504, 505 (1984) (adopting the test in *Strickland*). Both components of the inquiry must be shown. *Strickland*, 466 U.S. at 697. A petitioner must demonstrate the underlying facts by a preponderance of the evidence. *Means v. State*, 120 Nev. 1001, 1012, 103 P.3d 25, 33 (2004).

Strickland applies to claims of ineffective assistance of counsel during the plea process. *Lafler v. Cooper*, 566 U.S. 156 (2012). In order to demonstrate that her trial counsel was ineffective, Parks must demonstrate (1) that counsel gave her constitutionally deficient advice; and (2) that she suffered prejudice as a result of following the advice. *Lafler*, 566 U.S. at 164.

The two-part test in *Strickland* also applies when a defendant alleges trial counsel was ineffective during sentencing. *Glover v. United States*, 531 U.S. 192, 203 (2001).

In *Toston v. State*, 127 Nev. 971, 267 P.3d 795 (2011), the Nevada Supreme Court addressed trial counsel's duty to advise a defendant about the right to a direct appeal. The Court found that when a conviction stems from a guilty plea, counsel is not constitutionally required to inform a defendant of the right to appeal "absent the defendant's inquiry about the right to appeal or the existence of a direct appeal claim that has a reasonable likelihood of success." *Id.*, at 973-74, 267 P.3d at 797. The Court in *Toston* found "[t]he burden is on the client to indicate to his attorney that he wishes to Pursue and appeal." *Id.*, at 979, 267 P.3d at 801, citing *Davis v. State*, 115 Nev. 17, 20, 974 P.2d 658, 660 (1999).

Addressing Ground 1, the Court finds that in the written plea agreement Parks specifically rejected the stipulated sentence of 8-20 years. This rejection permitted the State to argue for a sentence in excess of the stipulated sentence.

Additionally, the Court finds that during the plea canvass, Parks specifically acknowledged that she rejected the stipulated sentence and understood that the State was free to argue for more than the stipulated sentence.

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1 Finally, the record contains no evidence of constitutionally deficient advice by trial counsel that
2 Parks relied on to her detriment. *Lafler*, 566 U.S. at 164.

3 After reviewing the record from the sentencing hearing, the Court likewise denied Ground 2 without
4 an evidentiary hearing. The Court concludes that Parks was not prejudiced by any allegations that trial
5 counsel failed to object to allegedly improper argument or comments by the victims that addressed the Court.
6 The Court specifically rejected the arguments that Parks presented in her presentence memorandum, and
7 further finds that the seriousness of the allegations against Parks, rather than any allegedly improper
8 argument by the State or inappropriate comments by victims, merited the sentence imposed by the Court.
9 The Court when imposing sentence specifically rejected the recommendation in the Presentence
10 Investigation Report and imposed what the Court found was an appropriate sentence.

11 After hearing from both Petitioner and Mr. Goldstein at the evidentiary hearing, the Court finds that
12 there was a discussion between Petitioner and Mr. Goldstein on how to proceed after sentencing. Petitioner
13 testified that she assumed that she asked Goldstein to appeal. Mr. Goldstein testified that Petitioner never
14 asked him to file an appeal. After the meeting, Petitioner made a written request to Mr. Goldstein about seeking
15 a sentence modification, never mentioning or using the word appeal. Mr. Goldstein responded in writing to
16 Petitioner's letter. Mr. Goldstein's letter presents his summary of the discussion that took place and invites
17 Petitioner to address any further questions. The Court finds that Petitioner never replied to Mr. Goldstein's
18 letter.

19 The Court concludes that based upon the totality of the circumstances, the testimony at the
20 evidentiary hearing reflects that Mr. Goldstein complied with his constitutional duty to discuss Petitioner's
21 options after the imposition of sentence. The Court further finds that Mr. Goldstein did not fail to file a direct
22 appeal on behalf of petitioner.

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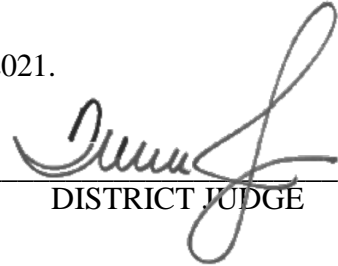
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1 Based upon the pleadings submitted in this case, the record, and the testimony and evidence from
2 the evidentiary hearing in this matter;

3 **IT IS THE ORDER OF THE COURT**, the Petitioner for Writ of Habeas Corpus in this matter is
4 **DENIED.** Dated this 12th day of April, 2021

5 DATED this _____ day of _____, 2021.

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DISTRICT JUDGE

A28 692 DD9C 5EBC
Tierra Jones
District Court Judge

Submitted by:

14 /s/Michael J. Bongard
15 Senior Deputy Attorney General
16 Counsel for Respondents

Approved via Email 04/09/21

17 /s/ Jamie Resch
18 Jamie Resch, Esq.
19 Counsel for April Parks
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1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 April Parks, Plaintiff(s)

CASE NO: A-19-807564-W

7 vs.

DEPT. NO. Department 10

8 Dwight Neven, Defendant(s)

9
10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Order was served via the court's electronic eFile system to all
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 4/12/2021

15 Jamie Resch

jresch@convictionsolutions.com

16 Marsha Landreth

mlandreth@ag.nv.gov

17 Michael Bongard

mbongard@ag.nv.gov

18 Rikki Garate

rgarate@ag.nv.gov

19 Clark County DA


Motions@clarkcountyda.com

20 Clark County DA

PDmotions@clarkcountyda.com

21 Michael Bongard

mbongard@ag.nv.gov



1 NEOJ

2 **DISTRICT COURT**
3 **CLARK COUNTY, NEVADA**

4 APRIL PARKS,

5
6 Petitioner,

Case No: A-19-807564-W

Dept. No: X

7 vs.

8 DWIGHT NEVEN; ET.AL.,

9 Respondent,

NOTICE OF ENTRY OF ORDER

10
11 **PLEASE TAKE NOTICE** that on April 12, 2021, the court entered a decision or order in this matter, a
12 true and correct copy of which is attached to this notice.

13 You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you
14 must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is
15 mailed to you. This notice was mailed on April 15, 2021.

16 STEVEN D. GRIERSON, CLERK OF THE COURT

17 /s/ Amanda Hampton

18 Amanda Hampton, Deputy Clerk

19 **CERTIFICATE OF E-SERVICE / MAILING**

20 I hereby certify that on this 15 day of April 2021, I served a copy of this Notice of Entry on the following:

21 ☒ By e-mail:

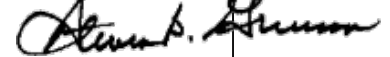
22 Clark County District Attorney's Office
Attorney General's Office – Appellate Division-

23 ☒ The United States mail addressed as follows:

24 April Parks # 1210454 Jamie J. Resch, Esq.
4370 Smiley Rd. 2620 Regatta Dr., Ste 102
25 Las Vegas, NV 89115 Las Vegas, NV 89128

26 /s/ Amanda Hampton

27 Amanda Hampton, Deputy Clerk



1 **ASTA**

2 RESCH LAW, PLLC d/b/a Conviction Solutions

3 By: Jamie J. Resch

4 Nevada Bar Number 7154

5 2620 Regatta Dr., Suite 102

6 Las Vegas, Nevada, 89128

7 Telephone (702) 483-7360

8 Facsimile (800) 481-7113

9 Jresch@convictionsolutions.com

10 Attorney for Petitioner

11 DISTRICT COURT

12 CLARK COUNTY, NEVADA

13 APRIL PARKS,

14 Petitioner,

15 vs.

16 DWIGHT NEVEN, WARDEN, AND, THE STATE OF
17 NEVADA,

18 Respondents.

Case No.: A-19-807564-W

Dept. No: X

CASE APPEAL STATEMENT

Date of Hearing: N/A

Time of Hearing: N/A

1. Name of appellant filing this case appeal statement: **April Parks.**

2. Identify the judge issuing the decision, judgment, or order appealed from:

**Honorable Tierra Jones
Department X
Eighth Judicial District Court
200 Lewis Ave.
Las Vegas, NV 89155**

3. Identify each appellant and the name and address of counsel for each appellant:

**April Parks, Appellant, represented by:
Jamie J. Resch, Esq.
Nevada Bar No. 7154
Resch Law, PLLC d/b/a Conviction Solutions
2620 Regatta Dr., Suite 102
Las Vegas, NV 89128**

- 1 4. Identify each respondent and the name and address of appellate counsel:

2 **The State of Nevada, Respondent, represented by:**

3 **Steven Wolfson, Esq.**
4 **Clark County District Attorney**
5 **200 Lewis Ave.**
6 **Las Vegas, NV 89155**

Aaron Ford, Esq.
Nevada Attorney General
100 N. Carson St.
Carson City, NV 89701

- 7 5. Indicate whether any attorney identified in response to question 3 or 4 is not licensed
8 to practice law in Nevada. **All counsel stated above are licensed in Nevada.**
- 9 6. Indicate whether appellant was represented by appointed or retained counsel in
10 district court: **Retained.**
- 11 7. Indicate whether appellant is represented by appointed or retained counsel on
12 appeal: **Retained.**
- 13 8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the
14 date of entry of the district court order granting such leave: **N/A.**
- 15 9. Indicate the date proceedings commenced in the district court: **Indictment filed**
16 **March 8, 2017.**
- 17 10. Provide a brief description of the nature of the action and the result in the district
18 court, including the type of judgment or order being appealed and the relief granted
19 by the district court: **On March 8, 2017, Parks was indicted on some 270 felony**
20 **counts of theft, perjury and related offenses. She accepted a plea deal and pled**
21 **pursuant to Alford to five felonies. On January 4, 2019, she was sentenced to**
22 **an aggregate term of 192 to 480 months in state prison. No direct appeal was**
23 **filed. On December 27, 2019, Parks filed a petition for writ of habeas corpus.**
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1 **The District Court denied relief on the petition after an evidentiary hearing in**
2 **an order dated April 12, 2021.**

3
4 11. Indicate whether the case has previously been the subject of an appeal to or original
5 writ proceeding in the Supreme Court and, if so, the caption and Supreme Court
6 docket number of the prior proceeding: **None known.**

7
8 12. Indicate whether this appeal involves child custody or visitation: **N/A.**

9
10 13. If this is a civil case, indicate whether this appeal involves the possibility of
11 settlement: **N/A.**

12
13
14 DATED this 4th day of May, 2021.

15
16 Submitted By:

17 RESCH LAW, PLLC d/b/a Conviction Solutions

18
19 By: 

20 JAMIE J. RESCH

21 Attorney for Petitioner
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CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that service of the foregoing Case Appeal Statement was made this 4th
day of May, 2021, by Electronic Filing Service to:

Clark County District Attorney's Office
Motions@clarkcountyda.com
PDmotions@clarkcountyda.com

Nevada Attorney General's Office
Mbongard@ag.nv.gov


An Employee of Conviction Solutions

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT
DOCKET ENTRIES; CIVIL COVER SHEET; ORDER DENYING PETITION FOR WRIT OF
HABEAS CORPUS; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; EXHIBITS
LIST

APRIL PARKS,

Plaintiff(s),

vs.

DWIGHT NEVEN, WARDEN; THE STATE
OF NEVADA,

Defendant(s),

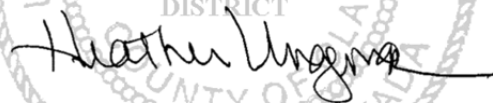
Case No: A-19-807564-W

Dept No: X

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 6 day of May 2021.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

DISTRICT COURT CIVIL COVER SHEET

County, Nevada
Case No. _____
(Assigned by Clerk's Office)

CASE NO: A-19-807564-W
Department 6

I. Party Information *(provide both home and mailing addresses if different)*

Plaintiff(s) (name/address/phone):	Defendant(s) (name/address/phone):
April Parks #1210454	Dwight Neven / State of Nevada
Florence McClure Wm. Corr. Ctr.	Florence McClure Wm. Corr. Ctr.
4370 Smiley Rd.	4370 Smiley Rd.
Las Vegas, NV 89115	Las Vegas, NV 89115
Attorney (name/address/phone):	Attorney (name/address/phone):
Jamie Resch	Steve Wolfson
Conviction Solutions	Clark County District Attorney
2620 Regatta Dr. #102	200 Lewis Ave.
Las Vegas, NV 89128	Las Vegas, NV 89155

II. Nature of Controversy *(please select the one most applicable filing type below)*

Civil Case Filing Types

Real Property Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	Negligence <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	Torts Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
Probate Probate <i>(select case type and estate value)</i> <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate Estate Value <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	Judicial Review/Appeal Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Civil Writ Civil Writ <input checked="" type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ		Other Civil Filing Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

Business Court filings should be filed using the Business Court civil coversheet.

12-27-19

Date

Signature of initiating party or representative

See other side for family-related case filings.

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-19-807564-W

April Parks, Plaintiff(s)
vs.
Dwight Neven, Defendant(s)

§
§
§
§
§

Location: **Department 10**
Judicial Officer: **Jones, Tierra**
Filed on: **12/27/2019**
Case Number History:
Cross-Reference Case Number: **A807564**

CASE INFORMATION

Related Cases

C-17-321808-1 (Writ Related Case)

Case Type: **Writ of Habeas Corpus**

Statistical Closures

04/12/2021 Other Manner of Disposition

Case Status: **04/12/2021 Closed**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number A-19-807564-W
Court Department 10
Date Assigned 09/22/2020
Judicial Officer Jones, Tierra

PARTY INFORMATION

Plaintiff

Parks, April

Lead Attorneys

Resch, Jamie J.
Retained
702-483-7360(W)

Defendant

Neven, Dwight

Wolfson, Steven B
Retained
702-671-2700(W)

State of Nevada

Wolfson, Steven B
Retained
702-671-2700(W)

DATE

EVENTS & ORDERS OF THE COURT

INDEX

EVENTS

12/27/2019



Petition for Writ of Habeas Corpus
Filed by: Plaintiff Parks, April
Petition for Writ of Habeas Corpus (Post-Conviction)

01/02/2020



Motion for Order
Filed By: Plaintiff Parks, April
Petitioner's Motion for Order Setting Schedule for Filing of Supplemental Petition

01/02/2020



Clerk's Notice of Hearing
Notice of Hearing

01/03/2020



Notice of Department Reassignment
Notice of Department Reassignment

01/14/2020



Ex Parte Order
Filed By: Plaintiff Parks, April

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY
CASE NO. A-19-807564-W





Ex Parte Order for Investigative Fees

09/30/2020	 Supplemental Filed by: Plaintiff Parks, April <i>Supplemental Petition for Writ of Habeas Corpus (Post-Conviction)</i>
09/30/2020	 Exhibits Filed By: Plaintiff Parks, April <i>Petitioner's Exhibits in Support of Supplement to Post-Conviction Writ of Habeas Corpus</i>
12/31/2020	 Answer Filed By: Defendant Neven, Dwight; Defendant State of Nevada <i>Answer to Post -Conviction Petition for Writ of Habeas Corpus</i>
01/25/2021	 Reply Filed by: Plaintiff Parks, April <i>Reply to State's Response to Supplement to Petition for Writ of Habeas Corpus (Post-Conviction)</i>
03/06/2021	 Order <i>Transport Order</i>
03/20/2021	 Response <i>State's Response to Petitioner's Post-Conviction Petition for Writ of Habeas Corpus and Supplemental Petition for Writ of Habeas Corpus</i>
03/23/2021	 Ex Parte Order Filed By: Plaintiff Parks, April <i>Ex Parte Order for Transcripts at State Expense After Evidentiary Hearing</i>
04/12/2021	 Order <i>Order Denying Petition for Writ of Habeas Corpus</i>
04/13/2021	 Transcript of Proceedings Party: Plaintiff Parks, April <i>Recorder's Transcript of Proceedings re Evidentiary Hearing - Thursday, March 18, 2021</i>
04/15/2021	 Notice of Entry of Order Filed By: Defendant State of Nevada <i>Notice of Entry of Order</i>
04/22/2021	 Transcript of Proceedings Party: Plaintiff Parks, April <i>Recorder's Transcript of Proceedings re Writ of Habeas Corpus - Monday, February 22, 2021</i>
05/04/2021	 Notice of Appeal (Criminal) Party: Plaintiff Parks, April <i>Notice of Appeal</i>
05/04/2021	 Case Appeal Statement Filed By: Plaintiff Parks, April <i>Case Appeal Statement</i>

HEARINGS

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY
CASE NO. A-19-807564-W

02/11/2020	CANCELED Motion for Order (9:30 AM) (Judicial Officer: Bluth, Jacqueline M.) <i>Vacated - Set in Error</i> <i>Petitioner's Motion for Order Setting Schedule for Filing of Supplemental Petition</i>
02/19/2020	Petition for Writ of Habeas Corpus (8:30 AM) (Judicial Officer: Jones, Tierra) Matter Continued;
02/19/2020	Motion for Order (8:30 AM) (Judicial Officer: Jones, Tierra) <i>Petitioner's Motion for Order Setting Schedule for Filing of Supplemental Petition</i> Motion Granted; Petitioner's Motion for Order Setting Schedule for Filing of Supplemental Petition
02/19/2020	 All Pending Motions (8:30 AM) (Judicial Officer: Jones, Tierra) Matter Heard; Journal Entry Details: <i>PETITION FOR WRIT OF HABEAS CORPUS...PETITIONER'S MOTION FOR ORDER SETTING SCHEDULE FOR FILING OF SUPPLEMENTAL PETITION Mr. Resch requested additional time to supplement briefing. There being no opposition, COURT ORDERED, Motion GRANTED. Supplemental Briefing DUE 9/30/20; State's Response DUE 12/31/20; Reply DUE 1/29/21 and hearing SET thereafter. 2/8/21 8:30 AM PETITION FOR WRIT OF HABEAS CORPUS;</i>
02/08/2021	 Petition for Writ of Habeas Corpus (8:30 AM) (Judicial Officer: Jones, Tierra) 02/08/2021, 02/22/2021 Matter Continued; Denied in Part; Journal Entry Details: <i>Arguments by counsel. Court accepted the Attorney Generals response on behalf of the State of Nevada. Following further arguments by counsel, Court stated its findings and ORDERED, petition DENIED as to grounds one and two. Court noted an evidentiary hearing is needed in regards to ground three. Court advised the Departments Judicial Executive Assistant will reach out to parties for scheduling of the evidentiary hearing. Counsel to arrange for Mr. Goldstein to be present for that hearing. ;</i> Matter Continued; Denied in Part; Journal Entry Details: <i>Court noted it was unable to finish reviewing the briefing and doesn't believe it's fair to hear arguments without having fully reviewed briefing. Upon Court's inquiry, Mr. Bongard had no objection to a continuance. Mr. Resch requested matter be continued for 45-60 days, as in response to ground 2 the State cited the Gonzalez case, which was vacated. Further, Mr. Resch indicated it was just argued to the Supreme Court and it might benefit this case to see what the decision is in that matter. Upon Court's inquiry, Mr. Bongard stated it will also be a close call whether or not the Court will want an Evidentiary Hearing on ground 3, therefore, based upon that maybe the arguments should be sooner, then conduct an Evidentiary Hearing, and after allow a chance for arguments or briefing and by that time decision he believes a decision on Gonzales would be out. Colloquy regarding parties availability. COURT ORDERED matter CONTINUED. CONTINUED TO: 02/22/2021 08:30 AM;</i>
03/18/2021	 Evidentiary Hearing (1:30 PM) (Judicial Officer: Jones, Tierra) Matter Heard; Journal Entry Details: <i>APPEARANCES CONTINUED: Parties present via video, through Bluejeans technology. Court noted this matter is on for the limited issue of whether or not deft. was denied her right to appeal. Mr. Resch advised he submitted the evidence electronically. Court so noted. Upon Court's inquiry, Deft. Waived the Attorney Client Privilege. Hearing held. Testimony and exhibits presented. (See worksheets). Following arguments, COURT ORDERED, a Decision will issue. NDC;</i>
03/29/2021	 Minute Order (3:15 PM) (Judicial Officer: Jones, Tierra) Minute Order - No Hearing Held; Journal Entry Details:

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-19-807564-W

Following review of the papers and pleadings on file herein, COURT ORDERED, Defendant's Petition for Writ of Habeas Corpus is DENIED. In Toston, the Nevada Supreme Court found that trial counsel has a constitutional duty to file a direct appeal in two circumstances: when requested to do so, and when the defendant expresses dissatisfaction with his conviction. Toston v. State, 127 Nev. 971 (2011). The court expressly acknowledged the potential for mischief with the second circumstance requiring trial counsel to file a direct appeal. Id. at 978. The Court went on to reason that the goal is to discern those clients who truly desire to appeal their conviction from those who are disappointed with their lot. Id. at 979. The Court further found that this is particularly important given that the burden is on the client to indicate to his attorney that he wishes to pursue an appeal. Id. The Court went on to state that trial counsel has a duty to file a direct appeal when the client's desire to challenge the conviction or sentence can be reasonably inferred from the totality of the circumstances, focusing on the information that counsel knew or should have known at the time. Id. Here, the testimony from Petitioner and Mr. Goldstein was that there was a discussion regarding how to proceed, at the jail, shortly after sentencing. Mr. Goldstein testified that the Petitioner never asked him to file an appeal, and Petitioner testified that she assumed she used the word appeal. Petitioner's request was then placed in writing when she wrote a letter to Mr. Goldstein inquiring about a sentence modification and again there was no mention of an appeal in said letter. Further, Exhibit 2 from the Evidentiary Hearing includes an open invitation for Petitioner to express any questions to Mr. Goldstein, and no follow-up was done from Petitioner after receipt of Exhibit 2. As such, Petitioner has failed to meet her burden of establishing that she indicated to her attorney that she wished to file an appeal. Further, taking the reasonable inference from the totality of the circumstances, Mr. Goldstein did not fail in his duties regarding filing a direct appeal. As such, Defendant's Petition for Writ of Habeas Corpus is DENIED. Defendant Dwight Nevin is ordered to file an Order consistent with the Court's findings within 10 days of receipt of this order. CLERK'S NOTE: The above minute order has been distributed to: MBongard@ag.nv.gov; 'jresch@convictionsolutions.com' hvp/3/29/21;

NOAS

RESCH LAW, PLLC d/b/a Conviction Solutions

By: Jamie J. Resch

Nevada Bar Number 7154

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DISTRICT COURT

CLARK COUNTY, NEVADA

APRIL PARKS,

Petitioner,

vs.

DWIGHT NEVEN, WARDEN, AND, THE STATE OF
NEVADA,

Respondents.

Case No.: A-19-807564-W

Dept. No: X

NOTICE OF APPEAL

Date of Hearing: N/A

Time of Hearing: N/A

Petitioner April Parks hereby appeals to the Supreme Court of Nevada from the Findings of Fact, Conclusions of Law, and Order Denying Petitioner Parks' Petition for Writ of Habeas Corpus (Post-Conviction) filed on April 12, 2021.

DATED this 4th day of May, 2021.

Submitted By:

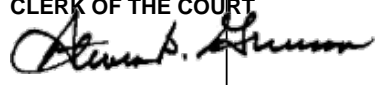
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By: 

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Electronically Filed
5/4/2021 10:34 AM
Steven D. Grierson
CLERK OF THE COURT



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May 11 2021 01:35 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Resch Law, PLLC d/b/a Conviction Solutions and that, pursuant to N.R.C.P. 5(b), on May 4, 2021, I served a true and correct copy of the foregoing Notice of Appeal via first class mail in envelopes addressed to:

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And electronic service was made this 4th day of May, 2021, by Electronic Filing Service to:

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An Employee of Conviction Solutions

IN THE SUPREME COURT OF THE STATE OF NEVADA

APRIL PARKS,

Appellant,

v.

THE STATE OF NEVADA,

Respondent.

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Elizabeth A. Brown
Clerk of Supreme Court

SUPREME COURT CASE NO. 82876

DISTRICT COURT CASE NO.
A-19-807564-W

APPELLANT'S OPENING BRIEF

~~~~~  
Appeal from Order Denying Petition for Writ of Habeas Corpus  
Eighth Judicial District Court, Clark County  
~~~~~

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RULE 26.1 DISCLOSURE

Pursuant to Rule 26.1, Nevada Rules of Appellate Procedure, the undersigned hereby certifies to the Court as follows:

1. Appellant April Parks is an individual and there are no corporations, parent or otherwise, or publicly held companies requiring disclosure under Rule 26.1;
2. Appellant April Parks is represented in this matter by the undersigned and the law firm of which counsel is the owner, Resch Law, PLLC, d/b/a Conviction Solutions. Appellant was represented below at trial by Anthony Goldstein, Esq.

DATED this 7th day of September, 2021.

RESCH LAW, PLLC d/b/a Conviction
Solutions

By: _____

JAMIE J. RESCH

Attorney for Appellant

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I. JURISDICTION

This is an appeal from the denial of a post-conviction petition for writ of habeas corpus in State v. April Parks, Criminal Case No. C-17-321808-1.

The written judgment of conviction was filed on January 10, 2019. 2 AA 257. The trial court's order denying post-conviction relief was filed April 12, 2021. 6 AA 1077. A timely notice of appeal was filed on May 4, 2021. 6 AA 1083. This Court has appellate jurisdiction over the instant appeal under NRS 34.575(1), NRS 34.830, NRS 177.015(1)(b), and NRS 177.015(3).

II. ROUTING STATEMENT (RULE 17)

It appears this matter is presumptively assigned to the Court of Appeals, as it is a post-conviction appeal which arises from less than a Category A felony. See NRAP 17(b)(1).

III. ISSUES PRESENTED FOR REVIEW

- A. Whether trial counsel was ineffective under the United States or Nevada Constitution by advising Parks to reject a more favorable plea deal and Parks was subsequently sentenced to a much longer period of incarceration.

- B. Whether trial counsel was ineffective under the Nevada or United States Constitution when trial counsel failed to adequately prepare for or advocate at the time of sentencing.
- C. Whether trial counsel was ineffective under the Nevada or United States Constitution when counsel failed to file a notice of appeal on Parks' behalf after sentencing.

IV. STATEMENT OF THE CASE

On March 8, 2017, the State of Nevada filed a 270-count indictment against Appellant April Parks ("Parks") that alleged many counts of theft, exploitation of an older person, perjury, and other felonies. 1 AA 1. Parks entered into a guilty plea agreement under North Carolina v. Alford, 400 U.S. 25 (1970), on November 5, 2018. 1 AA 176. Under the agreement, Parks pleaded guilty per Alford to two counts of exploitation of an older/vulnerable person, two counts of theft, and one count of perjury. 1 AA 176.

The agreement noted that Parks chose to "reject" a stipulated sentence of eight to twenty years in prison. 1 AA 177. Under the Alford agreement, the State retained the full right to argue for any sentence. Parks also agreed to pay restitution in the stated amount of \$559,205.32. Although trial counsel was granted funds to retain a forensic account to examine the State's loss allegation, counsel never followed through with having the expert perform any work or generate a report. 4 AA 684, 688.

Sentencing was held on January 4, 2019. 2 AA 266. Several victim speakers were present in the courtroom. 2 AA 269. Defense counsel objected during the hearing because no proper notice of victim speakers was ever provided. 2 AA 315. Even though the State admitted it sent the notice to the “wrong Goldstein,” the Court overruled the objection and allowed the numerous speakers to testify. 2 AA 316-317.

At the end of the sentencing, the judge noted Parole and Probation’s recommendation of parole eligibility after 64 months served, and declared “that is absolutely what is not about to happen today.” 2 AA 386. The court then sentenced Parks to an aggregate sentence of 192 to 480 months in prison, far longer than either P&P’s recommendation or the State’s prior offer of an 8-20 year sentence. 2 AA 387.

Despite the onerous sentence imposed, trial counsel never filed a notice of appeal and the appeal time lapsed. But on December 27, 2019, Parks filed a petition for writ of habeas corpus that alleged counsel was ineffective by advising her to accept the “right to argue” style plea

agreement, by failing to prepare for or advocate at sentencing, and by failing to pursue a direct appeal. 1 AA 124.

A supplemental petition was filed on September 30, 2020 which kept those same issues but provided far more factual information to support them. 1 AA 137.

The prosecution in general was some type of collaboration between the District Attorney and Attorney General. As a result, the "State" responded to the supplement through the Attorney General's Office. 4 AA 696. The District Attorney tried to file their own response, but it was not filed until March 2021 and the court refused to consider it when it heard the matter in February. 5 AA 837, 6 AA 1020. The court stated it would hold an evidentiary hearing on the appeal deprivation claim only. 6 AA 1023.

The trial court heard the evidentiary hearing on March 18, 2021. 6 AA 1024. Both trial counsel and Ms. Parks testified. After the hearing, the court denied relief on the claim and denied relief on all claims. 6 AA 1077. This appeal followed.