

1 Case No. DC-CR-21-290

2 Dept. No. 3

FILED

2022 JAN 14 PM 3:55

4th JUDICIAL DISTRICT COURT
Electronically Filed
Jan 26 2022 04:43 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

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

7
8 THE STATE OF NEVADA,

9 Plaintiff,

10 VS.

11 WILLIAM JOSEPH GROW,

12 Defendant.

NOTICE OF APPEAL

13
14
15 TO: The Elko County District Attorney's Office.

16 NOTICE is hereby given that the above-named Defendant, WILLIAM
17 JOSEPH GROW, hereby appeals to the Supreme Court of Nevada from the
18 JUDGMENT OF CONVICTION entered in this action on December 16, 2021.

19
20 This appeal is to all issues of law and fact.

21 DATED this 14th day of January, 2022.

22
23 BEN GAUMOND LAW FIRM, PLLC


24
25
26 By: 

27 BENJAMIN C. GAUMOND, ESQ.
28 Nevada Bar Number 8081
495 Idaho Street, Suite 209
29 Elko, Nevada 89801
(775)388-4875 (phone)
(800)466-6550 (facsimile)

1
2
3 CERTIFICATE OF SERVICE

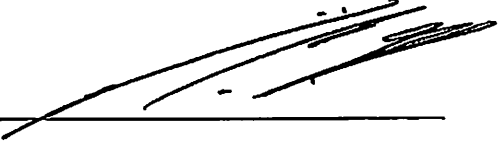
4 I hereby certify that I am the owner of BEN GAUMOND LAW FIRM, PLLC
5 and that on the 14th day of January, 2022, I served the foregoing NOTICE by hand-
6 delivering a copy of said document to the following:

7 Elko County District Attorney's Office
8 540 Court Street
9 Second Floor
10 Elko, NV 89801

11 Honorable Mason Simons
12 District Court Judge, Department #3
13 571 Idaho Street
14 Elko, NV 89801
15 

16 CERTIFICATE OF MAILING

17 I hereby certify, pursuant to the provisions of NRAP 25(d), that I am the
18 owner of BEN GAUMOND LAW FIRM, PLLC and that on this 14th day of January,
19 2022, I mailed, postage prepaid, the foregoing NOTICE to the following:

20
21 Aaron Ford
22 Nevada Attorney General
23 100 N. Carson Street
24 Carson City, Nevada 89701-4717
25 

Case No. DC-CR-21-290

Dept. No. 3

FILED

2022 JAN 14 PH 3:56

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

THE STATE OF NEVADA,

Plaintiff

v.

WILLIAM JOSEPH GROW,

Defendant.

CASE APPEAL STATEMENT

1. Name of appellant filing case appeal statement: The name of the Appellant is William Joseph Grow.

2. Identify the judge issuing the decision, judgment, or order appealed from: The judge who issued the JUDGMENT OF CONVICTION was the Honorable Mason Simons, Fourth Judicial District Court of the State of Nevada, in and for the County of Elko, Department Three.

3. Identify of each appellant and the name and address of counsel for each appellant. The sole appellant in this case is William Joseph Grow. Counsel for Appellant is Benjamin C. Gaumond, Ben Gaumond Law Firm, PLLC, 495 Idaho Street, Suite 209, Elko, Nevada 89801.

4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent. The sole respondent in this

1 case is the State of Nevada. Counsel for the Respondent are Tyler J. Ingram and
2 Walter Fick, Elko County District Attorney's Office, 540 Court Street, Second Floor,
3 Elko, Nevada 89801. Also, counsel for the Respondent is Aaron Ford, Nevada
4 Attorney General, 100 North Carson Street, Carson City, Nevada 89701-4717.
5

6 **5. Indicate whether any attorney identified above in response to**
7 **questions 3 or 4 is not licensed to practice law in the State of Nevada:**
8 Attorneys for Appellant and Respondent are all licensed to practice law in the State
9 of Nevada.
10

11 **6. Indicate whether appellant was represented by appointed or**
12 **retained counsel in the district court:** William Joseph Grow was represented by
13 appointed counsel in the district court level.
14

15 **7. Indicate whether appellant was represented by appointed or**
16 **retained counsel on appeal:** William Joseph Grow shall be represented by
17 appointed counsel on appeal.
18

19 **8. Indicate whether appellant was granted leave to proceed in**
20 **forma pauperis, and the date of entry of the district court order granting**
21 **such leave:** William Joseph Grow was granted leave to proceed on appeal in forma
22 pauperis on December 27, 2021.
23

24 **9. Indicate the date the proceedings commenced in the district**
25 **court:** The Criminal Information was filed in the District Court on October 25, 2021.
26

27 **10. Provide a brief description of the nature of the action and**
28 **result in the district court, including the type of judgment or order being**
29

1 appealed and the relief granted by the district court: Defendant William
2 Joseph Grow appeals from the JUDGMENT OF CONVICTION that the District
3 Court issued on December 16, 2021. The district court sentenced Defendant William
4 Joseph Grow to 16-40 months in the Nevada Department of Corrections on the
5 charge of Burglary of a Business. This sentence was ordered to be served
6 consecutively to case numbers DC-CR-21-266 and DC-CR-21-255. One hundred
7 twenty-nine (129) days of credit for time served were only applied to case number
8 DC-CR-21-266 – with the defense objecting to that time not being credited in the
9 instant case.
10
11

12
13 11. Indicate whether the case has previously been the subject of an
14 appeal or original writ proceeding in the Supreme Court and, if so, the
15 caption and Supreme Court docket number of the original proceeding: The
16 case has never been the subject of an appeal or writ proceeding in the Supreme
17 Court.
18

19 12. Indicate whether this appeal involves child custody or
20 visitation: This appeal does not involve child custody or visitation.
21

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

29

13. If this is a civil case, indicate whether this appeal involves the possibility of settlement: This is not a civil case.

DATED this 14th day of January, 2022.

BEN GAUMOND LAW FIRM, PLLC

By: BENJAMIN C. GAUMOND, ESQ.
Nevada Bar Number 8081
495 Idaho Street, Suite 209
Elko, Nevada 89801
(775)388-4875 (phone)
(800)466-6550 (facsimile)

CERTIFICATE OF SERVICE

I hereby certify that I am the owner of BEN GAUMOND LAW FIRM, PLLC and that on the 14th day of January, 2022, I served the foregoing CASE APPEAL STATEMENT by hand-delivering a copy of said document to the following:

**Elko County District Attorney's Office
540 Court Street
Second Floor
Elko, NV 89801**

Honorable Mason Simons
District Court Judge, Department #3
571 Idaho Street
Elko, NV 89801

III


///

III

III

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29

Aaron Ford
Nevada Attorney General
100 N. Carson Street
Carson City, Nevada 89701-4717



FILED

Case No. DC-CR-21-290

2022 JAN 14 PM 3:57

Dept. No. 3

4th JUDICIAL DISTRICT COURT
CLERK DEPUTY

IN THE FOURTH JUDICIAL DISTRICT COURT

OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO

THE STATE OF NEVADA,

Plaintiff

v.

WILLIAM JOSEPH GROW,

Defendant.

REQUEST FOR ROUGH DRAFT

TRANSCRIPTS

To: The Honorable Mason Simons, District Court Judge; and Julie Rowan,
Court Transcriber.

WILLIAM JOSEPH GROW, Defendant above-named, requests the
preparation of a rough draft transcript of certain portions of the proceedings before
the district court as follows:

(1) Date of the proceedings: December 15, 2021

Transcripts requested: Sentencing hearing and status hearing on credit
for time served


This notice requests a transcript of only those portions of the district court
proceedings that defense counsel reasonably and in good faith believes are necessary
to determine whether appellate issues are present. Voir dire examination of jurors,

1 opening statements and closing arguments of trial counsel, and the reading of jury
2 instructions shall not be transcribed unless specifically requested above.

3
4 I recognize that I must serve a copy of this form on the above-named court
5 reporter and opposing counsel, and that the above-named court reporter shall have
6 twenty-one (21) days from the receipt of this notice to prepare and submit to the
7 district court the rough draft transcript requested herein.

8
9 DATED this 14th day of January, 2022.


10
11 BEN GAUMOND LAW FIRM, PLLC

12
13 By: 
14 BENJAMIN C. GAUMOND, ESQ.
15 Nevada Bar Number 8081
16 495 Idaho Street, Suite 209
17 Elko, Nevada 89801
18 (775)388-4875 (phone)
19 (800)466-6550 (facsimile)

20
21 CERTIFICATE OF SERVICE

22 I hereby certify that I am the owner of BEN GAUMOND LAW FIRM, PLLC
23 and that on the 14th day of January, 2022, I served the foregoing REQUEST FOR
24 ROUGH DRAFT TRANSCRIPTS by hand-delivering a copy of said document to the
25 following:

26
27 Elko County District Attorney's Office
28 540 Court Street, Second Floor, Elko, Nevada 89801

29
The Honorable Mason Simons
District Court Judge, Department No. 3
571 Idaho Street, Elko, Nevada 89801


1
2 CERTIFICATE OF MAILING

3
4 I hereby certify, pursuant to the provisions of NRAP 25(d), that I am the
5 owner of BEN GAUMOND LAW FIRM, PLLC and that on the 14th day of
6 January, 2022, I mailed, postage prepaid, the foregoing REQUEST FOR ROUGH
7 DRAFT TRANSCRIPTS to the following:
8

9 Aaron Ford
10 Nevada Attorney General
100 N. Carson Street
11 Carson City, Nevada 89701-4717

12 Julie Rowan, Court Transcriber
601 Sonoma Street
13 Carson City, Nevada 89701
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

Case Summary

DC-CR-21-290 - STATE OF NEVADA VS. GROW, WILLIAM JOSEPH

Court: DC-CR-21-290

Agency: Elko County Clerk's Office

Type: Criminal

CaseID: 21-2060

Status: Closed

Received Date: 10/22/2021

Status Date: 12/16/2021

Age: 90 days Active Age: 90 days

Involvements

SIMONS, MASON Judge

FICK, WALTER Prosecution Attorney

GROW, WILLIAM Defendant

BEN GAUMOND LAW FIRM PLLC Court Appointed Attorney

Filed Charge - Criminal Information

1. 205.060.1B ~ BURGLARY OF A BUSINESS, FIRST OFFENSE Occurred: 8/7/2021

Felony Felony - Crimes Against Property Category C 10/25/2021 12:00:00 PM

Plea: Guilty Plea Date: 11/5/2021 Disposition: Guilty Plea (Before Trial) Dispo Date: 12/16/2021

Notes: EL-JC-CR-F-21-5806

Notes: PCN: NVELSO4010502 C

Related Cases

Companion Case

DC-CR-21-266 - STATE OF NEVADA VS. GROW, WILLIAM JOSEPH

Court: DC-CR-21-266

Type: Criminal

Status: Closed

Agency: Elko County Clerk's Office

Status Date: 12/16/2021

~~Case History Case~~

DC-CR-21-255 - STATE OF NEVADA VS. GROW, WILLIAM JOSEPH

Court: DC-CR-21-255

Type: Criminal

Awaiting Charging Decision - Case Status

Status: Closed

Agency: Elko County Clerk's Office

Status Date: 12/16/2021

Co-Defendant

Case Status Change

DC-CR-21-320 - STATE OF NEVADA VS. DEARING, DAVID LOWELL

Court: DC-CR-21-320

Type: Criminal

Pending - Case Status

CRIMINAL INFO FILED Status: Pending

Agency: Elko County Clerk's Office

Status Date: 11/29/2021

Awaiting Return of Original Warrant - Task

Arraignment Hearing - Event

11/5/ 11/5/2021 8:15 AM
2021
8:15:
00 AM

11/5/2021 8:15:00 AM

Sentencing Hearing - Event

12/15 12/15/2021 8:00 AM
/2021
8:00:
00 AM

12/15/2021 8:00:00 AM

Case Summary

Closed - Case Status

JOC FILED

10/12/2021	CRIMINAL COMPLAINT - Document CO-DEFENDANT DAVID LOWELL DEARING (EL-JC-CR-F-21-5807)
10/15/2021	APPLICATION FOR APPOINTMENT OF ATTORNEY - Document
10/18/2021	ORDER APPOINTING ATTORNEY OTHER THAN OFFICE OF THE ELKO COUNTY PUBLIC DEFENDER TO REPRESENT DEFENDANT - Document
10/18/2021	UNCONDITIONAL WAIVER OF PRELIMINARY HEARING ON THE ADVISE OF COUNSEL - Document
10/18/2021	REDACTED BOOKING SHEET 10.18 - Document
10/19/2021	REDACTED BOOKING SHEET 10.19 - Document
10/19/2021	ORDER BINDING DEFENDANT OVER TO FOURTH JUDICIAL DISTRICT COURT ON WAIVER OF PRELIMINARY HEARING (IN CUSTODY) - Document
10/22/2021	JUSTICE COURT CASE SUMMARY SHEET - Document
10/25/2021	CRIMINAL INFORMATION - Document
11/4/2021	GUILTY PLEA AGREEMENT - Document FILE CHECKED OUT PLEA AGREEMENT PLACED IN DC3 P/U BOX
11/5/2021	PSI FAX CONFIRMATION 11.5.21 - Document
11/5/2021	11.5.21 DC3 ARRAIGNMENT MINUTES- GUILTY PLEA - Document
11/5/2021	11.5.21 DC PSI REQUEST - Document

Case Summary

12/15/2021 12.15.21 DC3 SENTENCING MINUTES - Document

12/16/2021 JUDGMENT OF CONVICTION (GUILTY PLEA)
- Document

COUNT 1: BURGLARY OF A BUSINESS, A CATEGORY C FELONY AS DEFINED BY NR205.060 (NOC 61938);
\$25 ADMIN FEE; \$3 DNA ADMIN ASSESSMENT; \$1,000.00 TO JOHN ELLISON AS RESTITUTION AND
PAY \$28 CIVIL CONFESSION OF JUDGMENT FEE; \$3,500.00 TO NEVADA BANK AND TRUST AND
PAY \$28 CIVIL CONFESSION OF JUDGMENT FEE;
TO SERVE 16 TO 40 MOS IN NDOC;
THIS CASE SHALL RUN CONSECUTIVELY TO THE SENTENCES IMPOSED IN CASE DC-CR21-255
AND CASE DC-CR-21-266.
SENTENCES OF IMPRISONMENT IMPOSED IN ALL 3 CASES, AS THEY HAVE BEEN IMPOSED
CONSECUTIVELY, AMOUNT TO AN AGGREGATE SENTENCE OF 44 TO 360 MOS IN NDOC.
THE DEFENDANT SHALL RECEIVE CREDIT FOR 129 DAYS SERVED, AGGREGATE BETWEEN THE 3
CASES (THAT CREDIT HAVING BEEN EARNED IN CASE DC-CR21-266 SPECIFICALLY).
3 PGS

12/20/2021 BOOKING SHEET 8.9.21 - Document

12/20/2021 BOOKING SHEET 8.9.21 REDACTED - Document

12/20/2021 MOTION TO ALLOW DEFENDANT TO
PROCEED ON APPEAL IN FORMA PAUPERIS
- Document

12/20/2021 SUBMISSION OF ORDER - ORDER ALLOWING
DEFENDANT TO PROCEED ON APPEAL IN
FORMA PAUPERIS - Document

COPIES PROVIDED BY BEN GAUMOND OFFICE

12/21/2021 TRANS CONF RPT - DPS - Document

BOOKING SHEET, CRIMINAL INFORMATION AND JOC FAXED TO DPS

12/21/2021 CORRECTED TRANS CONF RPT - DPS - Document

12/27/2021 ORDER ALLOWING DEFENDANT TO
PROCEED ON APPEAL IN FORMA PAUPERIS -
Document

1 FILE STAMPED COPY PLACED IN GAUMOND ESQ'S P/U BOX @3:47

1/14/2022 NOTICE OF APPEAL - Document

PLACED ON ANNETTES DESK WITH NOTE TO CHECK OUT TO DC3 WHEN DONE (REQUEST FOR
TRANSCRIPTS)

1/14/2022 REQUEST FOR ROUGH DRAFT TRANSCRIPTS
- Document

Case Summary

PLACED ON ANNETTES DESK WITH NOTE TO CHECK OUT TO DC3 WHEN DONE (REQUEST FOR TRANSCRIPTS)

1/14/2022 CASE APPEAL STATEMENT- Document

1/20/2022 CLERK'S CERTIFICATION - Document

SIGNED AND SEALED. FILED WITH THE SUPREME COURT. EMAILED TO THE DA'S OFFICE AND THE PD'S OFFICE. MAILED TO ATTORNEY GENERAL

Case Obligations

Obligation	Pay By	Due Date	Obligation Amount	Amount Paid	Balance Due
DC3 Admin	1--GROW, WILLIAM-205.060.1B	1/20/2022	\$20.00	\$0.00	\$20.00
Assessment Fee: NRS 176.062 \$20					
DC3 Admin	1--GROW, WILLIAM-205.060.1B	1/20/2022	\$5.00	\$0.00	\$5.00
Assessment Fee: NRS 176.062 \$5					
DC3 Genetic Admin	1--GROW, WILLIAM-205.060.1B	1/20/2022	\$3.00	\$0.00	\$3.00
Assessment Fee: NRS 176.0623 \$3					
DC3 Confession of Judgment	1--GROW, WILLIAM-205.060.1B	1/20/2022	\$28.00	\$0.00	\$28.00
Fee: NRS 17.110 \$28					
DC3 Confession of Judgment	1--GROW, WILLIAM-205.060.1B	1/20/2022	\$28.00	\$0.00	\$28.00
Fee: NRS 17.110 \$28					
Total Personal Obligation(s):			\$84.00	\$0.00	\$84.00
Total Case Obligation(s):			\$84.00	\$0.00	\$84.00

CASE: EL-JC-CR-F-21-5806

DEPT: A

2021 OCT 22 PM 2:51

2021 OCT 18 AM 8:57

ELKO CO DISTRICT COURT

IN THE JUSTICE COURT OF ELKO TOWNSHIP
COUNTY OF ELKO, STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

WILLIAM JOSEPH GROW,

Defendant.

ORDER APPOINTING ATTORNEY
OTHER THAN OFFICE OF THE ELKO
COUNTY PUBLIC DEFENDER TO
REPRESENT DEFENDANT

Having taken an oral request for the appointment of an attorney and considered the accompanying affidavit of the above-named Defendant in support of his/her written Application for Appointment of Attorney in the above-captioned case, and having conducted any inquiry regarding that Application as deemed necessary by the Court, and it appearing to the Court that the Defendant is without means of employing an attorney and has provided facts with sufficient particularity, definiteness and certainty concerning his/her financial disability, the Court hereby appoints BENJAMIN GAUMOND, Attorney-at-Law, to represent the Defendant in this case pursuant to NRS 171.188.

The Court specifically finds that the Defendant is without means of employing an attorney, meets the standard for determining indigency set forth in the Nevada Supreme Court Order entered January 4, 2008 under ADKT 411, and otherwise determines that representation is required.

Per that Nevada Supreme Court Order: "A person will be deemed 'indigent' who is unable, without substantial hardship to himself or his dependents, to obtain competent, qualified legal counsel on his or her own. 'Substantial hardship' is presumptively determined to include all defendants who receive public assistance, such as Food Stamps, Temporary Assistance for Needy Families, Medicaid, Disability Insurance, reside in public housing, or earn less than 200 percent of the Federal Poverty Guideline.¹ A defendant is presumed to have a substantial hardship if he or

1

Persons in Family	Federal Poverty Guideline
1	\$12,760
2	\$17,240
3	\$21,720
4	\$26,200
5	\$30,680
6	\$35,160
7	\$39,640
8	\$44,120

she is currently serving a sentence in a correctional institution or housed in a mental health facility. Defendants not falling below the presumptive threshold will be subjected to a more rigorous screening process to determine if their particular circumstances, including seriousness of charges being faced, monthly expenses and local private counsel rates, would result in a substantial hardship were they to seek to retain private counsel.

Further, the Court specifically found that no attorney employed by the Elko County Public Defender's Office is able to represent the Defendant in compliance with the Nevada Rules of Professional Conduct and/or other good cause appears to appoint another attorney to represent the Defendant in this case. Id.

The reason or reasons for the disqualification of the Office of the Elko County Public Defender is as follows (See NRS 7.115): .

The Court will not permit the withdrawal of the attorney appointed herein unless: (a) at the conclusion of this case, a Notice of Withdrawal is filed; (b) the Defendant employs another attorney to represent him/her in this case and that attorney files with the Court a paper providing that the Defendant, the attorney appointed herein, and the new attorney consent by their respective signatures to substitution of the new attorney in place of the appointed attorney; or (c) the Court issues a written Order Granting Motion to Withdraw as Attorney of Record or a stipulation thereto.

No Order Granting Motion to Withdraw as Attorney of Record shall be issued except upon a finding of good cause following the Court's review of a written Motion to Withdraw as Attorney of Record, or a stipulation thereto.

DATED this 15 day of October, 2021.

Randall Soderquist

JUSTICE OF THE PEACE

FILED

2021 DEC 16 AM 10:25

4th JUDICIAL DISTRICT COURT
CLERK _____ DEPUTY _____

1 CASE NO. DC-CR-21-290

2 DEPT. NO. 3

3
4 FOURTH JUDICIAL DISTRICT COURT
5 COUNTY OF ELKO, STATE OF NEVADA
6
7

8
9 THE STATE OF NEVADA,

10 Plaintiff,

JUDGMENT OF CONVICTION

11 vs.

12 WILLIAM JOSEPH GROW,

13 Defendant.
14

15 On November 5, 2021, Defendant, WILLIAM JOSEPH GROW, (Date of Birth: April 25,
16 1988; Place of Birth: Vancouver, Washington) entered a plea of guilty to the crime of COUNT
17 1: BURGLARY OF A BUSINESS, A CATEGORY C FELONY AS DEFINED BY NRS
18 205.060 (NOC 61938) which crime occurred on or about August 7, 2021, and sentenced
19 Defendant on December 15, 2021 as follows:

20
21 IT IS HEREBY ORDERED that Defendant shall pay an administrative
assessment fee of \$25.00 pursuant to NRS 176.062.

22
23 IT IS FURTHER ORDERED that Defendant shall pay a DNA
administrative assessment fee of \$3.00 pursuant to NRS 176.0623.

24
25 IT IS FURTHER ORDERED that Defendant shall pay restitution in the
amount of \$1,000.00 to John Ellison, sign a civil confession of
26 judgment and pay the associated filing fee.

27
28 IT IS FURTHER ORDERED that Defendant shall pay restitution in the
amount of \$3,500.00 to Nevada Bank and Trust, sign a civil
confession of judgment and pay the associated filing fee.

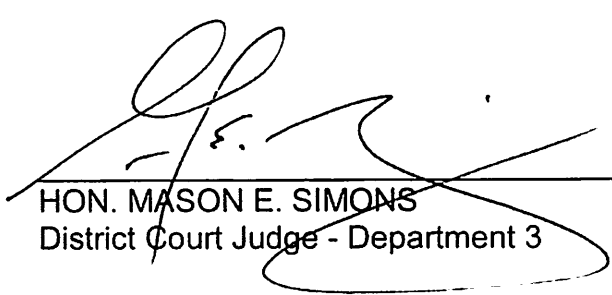
1 IT IS FURTHER ORDERED that for Count 1, Defendant shall be
2 imprisoned for a period of 16 to 40 months in the Nevada Department
3 of Corrections.

4 IT IS FURTHER ORDERED that the sentence of imprisonment imposed
5 in this case shall run consecutively to the sentences imposed in Case
6 No. DC-CR-21-255 and Case No. DC-CR-21-266. The sentences of
7 imprisonment imposed in all the three cases, as they have been
8 imposed consecutively, amount to an aggregate sentence of 144 to
9 360 months in the Nevada Department of Corrections. The Defendant
10 shall receive credit for 129 days previously served, aggregate between
11 the three cases (that credit having been earned in Case No. DC-CR-21-
12 266 specifically).

13 At the time Defendant entered his plea of guilty, and at the time he was sentenced, he
14 was represented by Benjamin Gaumond, Esq.

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

17 DATED this 15 day of December 2021.

18 
19 HON. MASON E. SIMONS
20 District Court Judge - Department 3
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

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

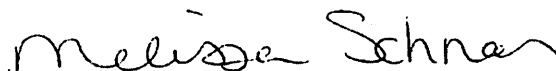
Elko County District Attorney's Office
[Box in Clerk's Office]

Benjamin Gaumond, Esq.
[Box in Clerk's Office]

Elko County Sheriff's Office
[Box in Clerk's Office]

Nevada Div. of Parole and Probation
[Box in Clerk's Office]


Director, Nevada Department of Corrections
(copy to accompany Defendant at time of transport)
[Box in Clerk's Office]


Court Staff

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the Fourth Judicial District Court, Department 3, and that on this _____ day of December, 2021, I served by regular U.S. Mail, a true copy of the foregoing document to:

Nevada Department of Corrections
Offender Management Division,
Sentence Management
PO Box 7011
Carson City, NV 89702
[Via Regular U.S. Mail]


Court Staff

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

RECORD OF COURT PROCEEDINGS

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

STATE OF NEVADA,

Plaintiff,

Date: November 05, 2021

VS.

Case No.: DC-CR-21-290

Dept.: 3

WILLIAM JOSEPH GROW,

Defendant.

State of Nevada represented by Jeffrey Slade, Esq.
Defendant present via zoom, in custody, and represented by
Benjamin Gaumond, Esq.
Court Clerk, Kristy Day, present.

ARRAIGNMENT – GUILTY PLEA AGREEMENT

Court convened at 8:15 a.m.

The Court noted the presence of the parties.

This was the date and time set for an arraignment on the Criminal Information filed charging
COUNT 1: BURGLARY OF A BUSINESS, A CATEGORY C FELONY AS DEFINED BY NRS
205.060 (NOC 61938).

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

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

The name of the Defendant was correctly stated.

Defense counsel waived the formal reading of the Criminal Information.

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

The Defendant entered a plea of guilty to the charge.

The Court canvassed the Defendant regarding his personal information.

The Court noted that a 9-page Memorandum of Plea Agreement was filed November 4, 2021 and canvassed the Defendant concerning the agreement.

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

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

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

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

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

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

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

The Court **ORDERED** a Presentence Investigation Report due on or before December 1, 2021. Sentencing was set for December 15, 2021 at 8:00 a.m.

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

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

Court adjourned at 8:32 a.m.

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

RECORD OF COURT PROCEEDINGS

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

STATE OF NEVADA,

VS.

Plaintiff,

Date: December 15, 2021

Case No.: DC-CR-21-290

Dept.: 3

WILLIAM JOSEPH GROW,

Defendant.

State of Nevada represented by Walter Fisk, Esq.
Defendant present via zoom, in custody, and represented by
Benjamin Gaumond, Esq.
Court Clerk, Kristy Day, present.

SENTENCING HEARING

Court convened at 8:12 a.m.

The Court noted the presence of the parties.

This was the date and time set for sentencing.

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

Defense counsel made corrections to the report.

The State did not make any corrections to the report.

No objections by the State or Parties to making correction via interlineation.

The State presented its position for sentencing.

Defense counsel presented a recommendation on behalf of the Defendant.

Defense Counsel offered Exhibit A- Letter from Deborah Rich.

There being no objections the Court **ORDERED** Exhibit A- Letter from Deborah Rich admitted.

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

The Defendant addressed the Court.

The State advised there was Victim Impact Testimony and called his first Witness, Brian McSwain.

The Witness was sworn by the Court Clerk.

The State examined the Witness on direct.

Defense counsel examined the Witness on cross.

The Witness was excused.

Court recessed at 8:46 a.m. to contact a witness.

Court reconvened at 8:53 a.m.

The State called its next witness, John Ellison, via telephone.

The Witness was sworn by the Court Clerk.

The State examined the Witness on direct.

Defense counsel examined the Witness on cross

The Witness was excused.

The State advised the Court of request for restitution of \$1,000.00 to John Ellison and \$3,500.00 to Nevada Bank and Trust.

The Court presented a statement regarding previous criminal history.

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

The Court **ORDERED** a Judgment of Conviction be entered against the Defendant finding the Defendant guilty of COUNT 1: BURGLARY OF A BUSINESS, A CATEGORY C FELONY AS DEFINED BY NRS 205.060 (NOC 61938).

The matter being submitted;

The Court **ORDERED** the Defendant to pay a \$25.00 administrative assessment fee, \$3.00 genetic administrative assessment fee, \$1,000.00 restitution to John Ellison, sign a civil confession of judgement, \$3,500.00 restitution to Nevada Bank and Trust, sign a civil confession of judgement, and be sentenced to serve a maximum of 40 months in the Nevada Department of Corrections with minimum parole eligibility after 16 months.

It is **FURTHER ORDERED** that the sentence of imprisonment imposed in this case shall run consecutively to the sentences imposed in case DC-CR-21-255 and Case DC-CR-21-266. The sentences of imprisonment imposed in all three cases, as they have been imposed consecutively, amount to an aggregate sentence of 144 to 360 months in the Nevada Department of Corrections. The defendant shall receive credit for 129 days previously served, aggregate between the three cases (that credit having been earned in Case DC-CR-21-266).

The Court, the State and Defense Counsel discussed correct credit for time served. The State will prepare a stipulation if credit for time served is incorrect.

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

Court adjourned at 9:12 a.m.

Court reconvened at 4:09 p.m.

The Court noted the presence of the parties.

This is a status hearing to follow up on credit for time served.

The State gave its position on credit for time served referencing NRS 176.055 sub section 1.

The Court and the State discussed aggregate time for all three cases.

Defense Counsel made argument against aggregate time for all three cases.

The Court, the State and Defense Counsel discussed credit for time served and aggregate time for all three cases.

The Court to aggregate and provide there are 129 days total credit for time served.

Court adjourned at 4:26 p.m.

Number	Description	Location	Marked Dt	Admitted Dt
A	LETTER FROM DEBORAH RICH	Elko County Clerk's Office	12/15/2021	12/15/2021

Case No. DC-CR-21-290

Dept. No. 3

FILED

2022 JAN 20 AM 10:06

ELKO COUNTY DISTRICT COURT

CLERK _____ DEPUTY *Am*

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

WILLIAM JOSEPH GROW,
Appellant,

vs.

THE STATE OF NEVADA,
Respondent,
_____ /

CLERK'S CERTIFICATION

I, KRISTINE JAKEMAN, the duly elected, acting and qualified County Clerk and Ex-Officio Clerk of the District Court of the Fourth Judicial District of the State of Nevada, in and for the County of Elko, do hereby certify that the annexed are true, full and correct copies of certain documents in Case No. DC-CR-21-290 Dept.3, WILLIAM JOSEPH GROW, Appellant, vs. STATE OF NEVADA, Respondent, as appears on file and of record in my office.

WITNESS My Hand and Seal of said Court on January 20, 2022.

KRISTINE JAKEMAN, ELKO COUNTY CLERK

By

Annette Marshall

Annette Marshall, DEPUTY CLERK

CERTIFICATE OF SERVICE

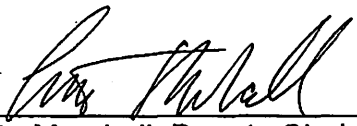
I hereby certify that I caused to be sent electronically and/or mailed a certified copy of the annexed documents in Case No. DC-CR-21-290 Dept.3, WILLIAM JOSEPH GROW, Appellant, vs. STATE OF NEVADA, Respondent, as appears on file and of record in this Court, to the following:

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

Benjamin C. Gaumont
495 Idaho Street, Suite 209
Elko, NV 89801

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

DATED this 20th, day of October, 2022.



Annette Marshall, Deputy Clerk