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IN THE SUPREME COURT OF THE STATE OF NEVADA

MARK SIMS,)	No. 84717
)	
Appellant,)	Electronically Filed
)	Jun 21 2022 03:01 p.m.
v.)	Elizabeth A. Brown
)	Clerk of Supreme Court
THE STATE OF NEVADA,)	
)	
Respondent.)	
)	

APPELLANT’S APPENDIX VOLUME I PAGES 1A-073

DARIN F. IMLAY	STEVE WOLFSON
Clark County Public Defender	Clark County District Attorney
309 South Third Street	200 Lewis Avenue, 3 rd Floor
Las Vegas, Nevada 89155-2610	Las Vegas, Nevada 89155
Attorney for Appellant	AARON FORD
	Attorney General
	100 North Carson Street
	Carson City, Nevada 89701-4717
	(702) 687-3538
	Counsel for Respondent

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MARK SIMS
Case No. 84717**

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JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA

20 - CR - 028546
CRM
Criminal Complaint
12903583



THE STATE OF NEVADA, 2020 OCT 27 P 1:54

Plaintiff, JUSTICE COURT
LAS VEGAS NEVADA

CASE NO: 20CR028546

-vs-

BY DEPUTY

DEPT NO: 1

MARK SIMS #7528113,

DA CASE NO: 202040622C

Defendant.

CRIMINAL COMPLAINT

The Defendant above named having committed the crimes of COERCION
CONSTITUTING DOMESTIC VIOLENCE (Category B Felony - NRS 207.190; 33.018 -
NOC 61752); BATTERY CONSTITUTING DOMESTIC VIOLENCE -
STRANGULATION (Category C Felony - NRS 200.481; 200.485; 33.018 - NOC 54740);
and BATTERY CONSTITUTING DOMESTIC VIOLENCE (Misdemeanor - NRS
200.485(1)(A), 200.481(1)(A), 33.018 - NOC 50235), in the manner following, to wit: That
the said Defendant, on or about the 19th day of September, 2020, at and within the County of
Clark, State of Nevada,

COUNT 1 - COERCION CONSTITUTING DOMESTIC VIOLENCE

did then and there willfully, unlawfully, and feloniously use physical force, or the
immediate threat of such force, against ENDRIA CASTILLO, who was his spouse, former
spouse, any other person to whom he is related by blood or marriage, a person with whom he
has had or is having a dating relationship, a person with whom he has a child in common, the
minor child of any of those persons or his minor child, with intent to compel her to do, or
abstain from doing, an act which she had a right to do, or abstain from doing, by forcing the
said ENDRIA CASTILLO to drive him somewhere in her automobile.

COUNT 2 - BATTERY CONSTITUTING DOMESTIC VIOLENCE - STRANGULATION

did willfully and unlawfully use force or violence against or upon the person of his
spouse, former spouse, any other person to whom he is related by blood or marriage, a person

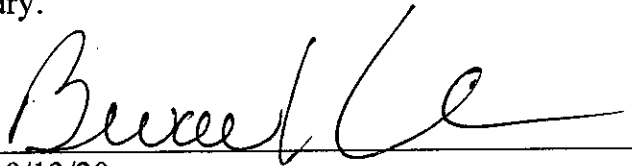
1A

1 with whom he has had or is having a dating relationship, a person with whom he has a child
2 in common, the minor child of any of those persons or his minor child, to wit: ENDRIA
3 CASTILLO, by strangulation.

4 COUNT 3 - BATTERY CONSTITUTING DOMESTIC VIOLENCE

5 did willfully and unlawfully use force or violence against or upon the person of his
6 spouse, former spouse, any other person to whom he is related by blood or marriage, a person
7 with whom he has had or is having a dating relationship, a person with whom he has a child
8 in common, the minor child of any of those persons or his minor child, to wit: ENDRIA
9 CASTILLO, by pushing the said ENDRIA CASTILLO into a bathtub and/or did headbutt her.

10 All of which is contrary to the form, force and effect of Statutes in such cases made and
11 provided and against the peace and dignity of the State of Nevada. Said Complainant makes
12 this declaration subject to the penalty of perjury.

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LVMPD EV# 200900086765
28 (TK) 2

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YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF NEVADA intends to call the following witnesses:

These witnesses are in addition to those witnesses noted in the discovery or other documents provided.

DATED October 13, 2020.

**Justice Court, Las Vegas Township
Clark County, Nevada**

Department: 01

Court Minutes



L012960946

20-CR-028546 State of Nevada vs. SIMS, MARK

Lead Atty: Public Defender

**11/12/2020 8:30:00 AM Arrest Warrant Return
Hearing (In custody)**

Result: Matter Heard

PARTIES	State Of Nevada	Afshar, Nima
PRESENT:	Attorney	Carman, Jacqueline B.
	Attorney	Public Defender
	Defendant	SIMS, MARK

Judge: Graham, Elana Lee

Court Reporter: Grime, Joanie

Court Clerk: Orozco, Evelyn

PROCEEDINGS

Attorneys:	Carman, Jacqueline B.	SIMS, MARK	Added
-------------------	------------------------------	------------	-------

	Public Defender	SIMS, MARK	Added
--	------------------------	------------	-------

Hearings:	11/25/2020 10:00:00 AM: Preliminary Hearing	Added
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Events: Arraignment Completed

Advised of Charges on Criminal Complaint, Waives Reading of Criminal Complaint

Initial Appearance Completed

Advised of Charges on Criminal Complaint, Waives Reading of Criminal Complaint

Public Defender Appointed

Defendant Identified as Indigent

Defendant and the Court discussed the appointment of counsel and defendant requested appointment of counsel.

Motion

by State for \$30,000/30,000 Total Bail - Objection by State - Motion Denied

by Defense for release on Electronic Monitoring High Level - Motion Denied

Bail Reset - Cash or Surety

Counts: 001; 002; 003 - \$5,000.00/\$5,000.00 Total Bail

Release Order - Bail AND Electronic Monitoring - Low Level

No Contact with Victim

Bail Argument Made

Individualized Custody Status Hearing Held

The Court conducted an individualized determination regarding the defendant's custody status. Both the State and the Defendant's provisionally appointed counsel had the opportunity to present evidence and argument regarding the Defendant's custody status. The Court has also considered factors set forth in NRS 178.4853 and NRS 178.498 and has considered the Defendant's financial resources when a financial affidavit was available and/or when the defendant was present in court.

Heather S. Smith
CLERK OF THE COURT

JOC
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

MARK SIMS,
[REDACTED]

Defendant.

CASE NO: C-20-352400-1

DEPT NO: XXX

**JUDGMENT OF CONVICTION
(PLEA OF GUILTY)**

The defendant previously appeared before the Court with counsel and entered a plea of guilty to the crime(s) of COUNT 1 - BATTERY BY STRANGULATION (Category C Felony - NRS 200.481) and COUNT 2 - BATTERY CONSTITUTING DOMESTIC VIOLENCE (Misdemeanor - NRS 200.485(1)(A), 200.481(1)(A), 33.018); thereafter, on the 11th day of March, 2021, the defendant was present in court for sentencing with his counsel, ROBERT J. SCHMIDT, ESQ., and good cause appearing,

THE DEFENDANT WAS HEREBY ADJUDGED guilty of said Felony offense as to Count 1 and Misdemeanor as to Count 2 and, in addition to the \$25.00 Administrative Assessment Fee, a \$150.00 DNA analysis fee, including testing to determine genetic markers,

\$3.00 DNA Collection fee, and \$250.00 Indigent Defense Civil Assessment fee, Defendant SENTENCED as to COUNT 1 to a MINIMUM of TWELVE (12) MONTHS and a

///

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C:\USERS\MUNGULAC\DOCUMENTS\JOC\352400 - SIMS.DOCX

Statistically closed: A. USJR - CR - Guilty Plea With Sentence (Before trial) (USGPB)

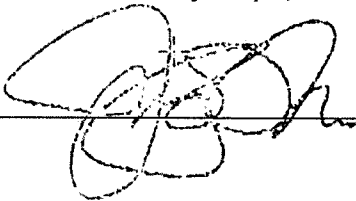
1 ///

2 MAXIMUM of THIRTY-SIX (36) MONTHS in the Nevada Department of Corrections
3 (NDC), SUSPENDED; placed on PROBATION for an indeterminate period not to exceed
4 TWENTY-FOUR (24) MONTHS. In addition to the Standard Conditions of the Division of
5 Parole and Probation (P & P), which are IMPOSED, Defendant must comply with the
6 following SPECIAL CONDITIONS:

- 7 1. Enter and complete an Adult Education program to obtain High School Diploma or GED.
- 8 2. Undergo a mental health evaluation by a licensed professional and complete any
9 recommended treatment.
- 10 3. Enter and complete a substance abuse evaluation and complete any treatment deemed
11 necessary.
- 12 4. Stay away and have no contact whatsoever with the victim.
- 13 5. Pay RESTITUTION in the amount of \$400.00 to Endria Castillo.
- 14 6. Maintain full time employment of at least THIRTY (30) hours per week, or complete
15 SIXTEEN (16) hours of community service work each month. Defendant DIRECTED to
16 work with P & P to do a combination of both education and work.
- 17 7. You shall submit your digital storage media or any digital storage media that you have
18 access or use, including computers, handheld communication devices and any network
19 applications associated with those devices, including social media and remote storage
20 services to a search and shall provide all passwords, unlock codes and account information
21 associated with those items, with or without a search warrant, by the Division of Parole and
22 Probation or its agent.

23 COURT FURTHER ORDERED, as to COUNT 2 Defendant SENTENCED to credit
24 for time served.

Dated this 1st day of April, 2021



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27 20CR028546/jh/DVU

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7E8 864 048B 9C74
Jerry A. Wiese
District Court Judge

1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

5
6 State of Nevada

CASE NO: C-20-352400-1

7 vs

DEPT. NO. Department 30

8 Mark Sims
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Judgment of Conviction was served via the court's electronic eFile
13 system to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 4/1/2021

15 Dept 30 Law Clerk

Dept30LC@clarkcountycourts.us

16 Roxana Valladares

Roxana.Valladares@clarkcountynv.gov

17 Lynn Avants

avantsla@ClarkCountyNV.gov

18 LLA Clerk Brown

BrownK@clarkcountycourts.us

19 Robert Schmidt

Robert.Schmidt@clarkcountynv.gov

20 Irina Macinskaia

Irina.Macinskaia@clarkcountynv.gov

21 Ebeth Palafox

Ebeth.palafox@clarkcountynv.gov

22 D A

23 motions@clarkcountyda.com
24
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JUN -2 2021

JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA

BY: 

THE STATE OF NEVADA,

Plaintiff,

-vs-

MARK JACORI SIMS, aka,
Mark Sims # 

Defendant.

CASE NO: 21CR025303

DEPT NO: 2

DA CASE NO:

CRIMINAL COMPLAINT

The Defendant above named having committed the crimes of OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON (Category B Felony - NRS 202.360 - NOC 51460), in the manner following, to wit: That the said Defendant, on or about the 28th day of May, 2021, at and within the County of Clark, State of Nevada, did willfully, unlawfully, and feloniously own, or have in his possession and/or under his custody or control, a firearm, to wit: a Glock firearm, bearing Serial No. BTDP483, the Defendant being a convicted felon, having in 2021, been convicted of Battery By Strangulation, in Case No. C-20-352400-1, in the Eighth Judicial District Court, Clark County, a felony under the laws of the State of County.

All of which is contrary to the form, force and effect of Statutes in such cases made and provided and against the peace and dignity of the State of Nevada. Said Complainant makes this declaration subject to the penalty of perjury.


05/29/21

21CR025303/js
LVMPD EV# 210500129441
(TK2)

21-CR-025303
CRM
Criminal Complaint
13666259





June 2, 2021

To the Honorable Jerry A. Wiese
Eighth Judicial District Court
Department XXX
Clark County, Nevada

☐ Inmate Program ☐ Parole ☒ Probation

Name: SIMS, Mark
AKA: Mark JaCory Sims
File #: V21-2088A
CC #: C-20-352400-1

Supervision Grant: 03-11-2021
Original Expiration: 03-11-2023
Adjusted Expiration: 02-19-2023

Crime: Battery by Strangulation (F)

Sentence: \$25 Administrative Assessment Fee, \$150 DNA Analysis Fee including testing to determine genetic markers, \$3 DNA Collection Fee, \$250 Indigent Defense Civil Assessment Fee. 12-36 Months Nevada Department of Corrections; and pay \$400 Restitution, suspended; Probation not to exceed 24 Months.

I. Violation(s) and Response to Imposed Sanctions:

Weapons; Laws

On May 28, 2021, Mr. Sims was arrested by officers from the Las Vegas Metropolitan Police Department for Possession of a Firearm by a Prohibited Person (F). A vehicle stop was conducted and a firearm was found in the rear floorboard. (Weapons, Laws)

II. Custody Status:

A hold was placed on May 28, 2021. The subject is currently in the Clark County Detention Center.

III. Violation Hearing History:

Mr. Sims has not been previously returned to the Court for a violation hearing in this case.

IV. Mitigating Factors:

For most of his probation term, Mr. Sims maintained employment and was cooperative with his supervising officer. Mr. Sims was taking his GED classes on-line, and paying his supervision fees and restitution payments monthly. Despite these positive factors, he was found in possession of a firearm.

V. Recommendation:

It is recommended that the subject's probation be revoked.

VI. Current Level of Supervision:

Minimum



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

Respectfully submitted:

Kevin Bonnell Digitally signed by Kevin Bonnell
Date: 2021.06.02 08:24:00 -07'00'

K. Bonnell, DPS Officer II
Division of Parole and Probation
kbonnell@dps.state.nv.us
(702) 486-8245

Approved:

Brady T. Knapp Digitally signed by Brady T. Knapp
Date: 2021.06.02 09:18:06 -07'00'

B. Knapp, DPS Sergeant
Division of Parole and Probation
bknapp@dps.state.nv.us
(702) 486-3049

**Justice Court, Las Vegas Township
Clark County, Nevada**

Department: 02

Court Minutes



21-CR-025303

State of Nevada vs. SIMS, MARK

Lead Atty: Public Defender

6/16/2021 9:00:00 AM Preliminary Hearing (In custody)

Result: Matter Heard

**PARTIES
PRESENT:**

State Of Nevada
Attorney
Defendant

Evans, Ronald James
Henry, Alexander Christopher
SIMS, MARK

Judge: Pro Tempore, Judge
Court Reporter: Ott, Shawn
Court Clerk: Moore, Stacey
Pro Tempore: Jansen, William D.

PROCEEDINGS

Events: **Marcum Notice Served in Open Court**
 to Defense
 Motion to Dismiss
 by State pursuant to statute- Motion Granted
 Matter dismissed by State pursuant to NRS 174.085
 Case Closed - Dismissed
 Judgment Entered
 Release Order - Court Ordered due to dismissal
 Counts: 001

Plea/Disp: **001: Own/poss gun by prohibit pers [51460]**
 Disposition: Dismissed

JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA

LAS VEGAS JUSTICE COURT
FILED IN OPEN COURT

SEP 14 2021

BY: *[Signature]*

THE STATE OF NEVADA,

Plaintiff,

-vs-

MARK SIMS # [REDACTED]

Defendant.

CASE NO. 21CR042491

DEPT. NO. 1

DA CASE NO: 202143815C

CRIMINAL COMPLAINT

The Defendant above named having committed the crime of BATTERY CONSTITUTING DOMESTIC VIOLENCE - STRANGULATION (Category C Felony - NRS 200.481; 200.485; 33.018 - NOC 54740), in the manner following, to wit: That the said Defendant, on or about the 11th day of September, 2021, at and within the County of Clark, State of Nevada, did willfully and unlawfully use force or violence against or upon the person of his spouse, former spouse, any other person to whom he is related by blood or marriage, a person with whom he has had or is having a dating relationship, a person with whom he has a child in common, the minor child of any of those persons or his minor child, to wit: EBONY THOMAS, by strangulation.

All of which is contrary to the form, force and effect of Statutes in such cases made and provided and against the peace and dignity of the State of Nevada. Said Complainant makes this declaration subject to the penalty of perjury.

[Signature]
09/13/21

/mab
LVMPD EV# 210900048616
(TK07)

21 - CR - 042491
CRM
Criminal Complaint
14023980



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NOTICE OF WITNESSES
[NRS 174.234]

TO: Defendant or attorney of record:

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF
NEVADA intends to call the following witnesses:

<u>NAME</u>	<u>ADDRESS</u>
CUSTODIAN OF RECORDS	Communication Bureau Law Enforcement Agency – Clark County, Nevada

These witnesses are in addition to those witnesses noted in the discovery or other
documents provided.

DATED September 13, 2021.



September 14, 2021

To the Honorable Jerry Wiese
Eighth Judicial District Court
Department XXX
Clark County, Nevada

☐ Inmate Program ☐ Parole ☒ Probation

Name: SIMS, Mark
AKA:
File #: V21-2088A
CC #: C-20-352400-1

Supervision Grant: March 11, 2021
Original Expiration: March 11, 2022
Adjusted Expiration: December 31, 2022

Crime: BATTERY BY STRANGULATION (CATEGORY C FELONY)

Sentence: \$3DNA CF/\$25AA/\$150DNA/\$250IDCAF/\$400.00REST/12-36 MOS NDC/NTE 24 MOS

I. Violation(s) and Response to Imposed Sanctions:

Directives and Conduct; Laws; Special Condition (1) Enter and complete an Adult Education program to obtain High School Diploma or GED:

On September 11, 2021, Mark Sims was arrested by the Las Vegas Metropolitan Police Department and charged with DOM BATTERY BY STRANGULATION (F) and DOM BATTERY, (1ST) (M) all under case #21-PC-042491. The subject was placed in the Clark County Detention Center (CCDC) with no bail. The subject is scheduled to appear in Justice Court on September 28, 2021. (Laws)

On May 3, 2021, during Mr. Sims' intake, he was instructed to complete an Adult Education program to obtain High School Diploma or GED. As of the date of this report, the subject has failed to provide the Division with proof of completing said program. (Directives and Conduct; Special Condition 1)

II. Custody Status:

A hold was placed on September 11, 2021. The subject is in custody in the CCDC.

28 days(Probation Violation 05/28/2021- 06/24/2021)

4 days(Probation Violation 09/11/2021 - 09/14/2021)

32 days credit for time served

III. Violation Hearing History:

On June 24, 2021, Mr. Sims was retruned to the Court for Revocation of Probation. Mr. Sims was reinstated to probation with the same conditions as previously imposed.

IV. Mitigating Factors:

Mr. Sims has successfully completed the Mental Health and Substance Abuse programs at Harris Springs Ranch and current on his supervision fees. Despite these positive factors, due to the new violent charges incurred along with his criminal history, the Division does not deem him a suitable candidate for community supervision.

V. Recommendation:

It is recommended that the subject's probation be revoked.

VI. Current Level of Supervision:

Medium



Division of Parole and Probation
Non-Technical Violation Report

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

Respectfully submitted:

M. Amie

Digitally signed by M. Amie
Date: 2021.09.15 08:03:46 -07'00'

M. Amie, DPS Officer II
Division of Parole and Probation
mlamie@dps.state.nv.us
(702) 486-8734

Approved:

Christopher Clifton

Digitally signed by Christopher
Clifton
Date: 2021.09.16 14:07:41 -07'00'

C. Clifton, DPS Sergeant
Division of Parole and Probation
cclifton@dps.state.nv.us
(702) 486-0915

**JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY REGIONAL JUSTICE CENTER
200 LEWIS AVENUE
LAS VEGAS, NEVADA 89101
COURT 128**

DISPOSITION NOTICE AND JUDGMENT

Court Case Number: 21-CR-042491

State of Nevada vs. SIMS, MARK

ID#: 7528113

AKA: SIMS, MARK

Arrest Date: 9/11/2021

Citation:

Submit Date: 9/29/2021

Department: 01

Disposition Date: 9/28/2021

Sentencing Information

001 Domestic battery by strangulation [54740] (9/11/2021) (F) PCN/SEQ: DSD1074761C DSD001

Plea:

Disp: Dismissed (9/28/2021)



Justice Of The Peace



Non-Technical Violation Report

October 26, 2021

To the Honorable Wiese, Jerry
Eighth Judicial District Court
Department XXX
Clark County, Nevada
Name: SIMS, Mark
AKA:
File #: V21-2088A
CC #: C-20-352400-1

☐ Inmate Program ☐ Parole ☒ Probation

Supervision Grant: March 11, 2021
Original Expiration: March 11, 2022
Adjusted Expiration: December 21, 2021

Crime: BATTERY BY STRANGULATION (CATEGORY C FELONY)

Sentence: \$3DNACF/\$25AA/\$150DNA/\$250IDCAF/\$400.00REST/12-36 MOS NDC/NTE 24 MOS

I. Violation(s) and Response to Imposed Sanctions:

Directives and Conduct; Laws; Special Condition (1) Enter and complete an Adult Education program to obtain High School Diploma or GED:

Mark Sims was previously reinstated on September 30, 2021, for DOM BATTERY BY STRANGULATION (F) and DOM BATTERY, (1ST) (M) under case #21-PC-042491. Ebony Thomas who is the victim in the above case lives at 451 Nellis #1028 Las Vegas, NV 89110 where the crime occurred. On October 4, 2021, Mr. Sims was directed to move out of Ms. Thomas' home at the above address by October 25, 2021. On October 23, 2021, Mark Sims was arrested by the Las Vegas Metropolitan Police Department and charged with DOM BATTERY, (1ST) (M) UNDER CASE #21-CR-049159 which also occurred at the above address. The subject was placed in the Clark County Detention Center (CCDC). The subject is scheduled to appear in Justice Court for status check on December 23, 2021. (Laws)

On May 3, 2021, during Mr. Sims' intake, he was instructed to complete an Adult Education program to obtain High School Diploma or GED. As of the date of this report, the subject has failed to provide the Division with proof of completing said program. (Directives and Conduct; Special Condition 1)

II. Custody Status:

A hold was placed on October 23, 2021. The subject is in custody in the CCDC.

28 days(Probation Violation 05/28/2021- 06/24/2021)

20 days(Probation Violation 09/11/2021 - 09/30/2021)

4 days (Probation Violation 10/23/2021 - 10/26/2021)

52 days credit for time served

III. Violation Hearing History:

On June 24, 2021, Mr. Sims was returned to the Court for Revocation of Probation. Mr. Sims was reinstated to probation with the same conditions as previously imposed.

On September 30, 2021, was reinstated to probation with the added conditions of serving 20 days with credit for time served in CCDC and to be placed on Intensive Supervision to run concurrent with case C-20-352764-1 for a total of 60 days between both cases.



IV. Mitigating Factors:

Mr. Sims has successfully completed the Mental Health and Substance Abuse programs at Harris Springs Ranch and current on his supervision fees. Despite these positive factors, this is Mr. Sims' second time before Your Honor in relation to Battery charges in the last approximately 40 days. It is very evident that Mr. Sims is not capable of controlling his emotions. Due to the new violent charges incurred along with his criminal history and this instant offense, the Division does not deem him a suitable candidate for community supervision.

V. Recommendation:

It is recommended that the subject's probation be revoked.

VI. Current Level of Supervision:

Medium

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

Respectfully submitted:

M. Amie

Digitally signed by M. Amie
Date: 2021.10.26 11:44:36 -07'00'

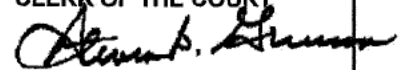
M. Amie, DPS Officer II
Division of Parole and Probation
mlamie@dps.state.nv.us
(702) 486-8734

Approved:

Christopher Clifton

Digitally signed by Christopher
Clifton
Date: 2021.10.26 20:56:37 -07'00'

C. Clifton, DPS Sergeant
Division of Parole and Probation
cclifton@dps.state.nv.us
(702) 486-0915



1 **INFM**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 SAMUEL KERN
6 Deputy District Attorney
7 Nevada Bar #010638
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

12 I.A. 12/02/2020
13 8:00 A.M.
14 PUBLIC DEFENDER

DISTRICT COURT
CLARK COUNTY, NEVADA

15 THE STATE OF NEVADA,
16
17 Plaintiff,

CASE NO: C-20-352400-1

18 -vs-

DEPT NO: XXX

19 MARK SIMS,
20 # [REDACTED]

21 Defendant.

INFORMATION

22 STATE OF NEVADA }
23 COUNTY OF CLARK } ss.

24 STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State
25 of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

26 That MARK SIMS, the Defendant above named, having committed the crimes of
27 **BATTERY BY STRANGULATION (Category C Felony - NRS 200.481 - NOC 54735)**
28 **and BATTERY CONSTITUTING DOMESTIC VIOLENCE (Misdemeanor - NRS**
29 **200.485(1)(A), 200.481(1)(A), 33.018 - NOC 50235),** on or about the 19th day of September,
30 2020, within the County of Clark, State of Nevada, contrary to the form, force and effect of
31 statutes in such cases made and provided, and against the peace and dignity of the State of
32 Nevada,

33 COUNT 1 - BATTERY BY STRANGULATION

34 did then and there willfully, unlawfully, and feloniously use force or violence upon the
35 person of another, to wit: ENDRIA CASTILLO, by strangulation.

V:\2020\406\22\202040622C-INFM-(MARK SIMS)-001.DOCX

1 COUNT 2 - BATTERY CONSTITUTING DOMESTIC VIOLENCE

2 did willfully and unlawfully use force or violence against or upon the person of his
3 spouse, former spouse, any other person to whom he is related by blood or marriage, a person
4 with whom he has had or is having a dating relationship, a person with whom he has a child
5 in common, the minor child of any of those persons or his minor child, to wit: ENDRIA
6 CASTILLO, by pushing the said ENDRIA CASTILLO into a bathtub and/or headbutting her.

7 STEVEN B. WOLFSON
8 Clark County District Attorney
9 Nevada Bar #001565

10 BY /s/ Samuel Kern
11 SAMUEL KERN
12 Deputy District Attorney
13 Nevada Bar #010638
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27 20CR028546/jg/DVU
28 LVMPD EV#200900086765
(TK2)

9. 5

1 JUSTICE COURT, LAS VEGAS TOWNSHIP
2 CLARK COUNTY, NEVADA

LAS VEGAS JUSTICE COURT
FILED IN OPEN COURT
JAN 04 2022
BY: SVV

3 THE STATE OF NEVADA,

22CR000128

4 Plaintiff,

5 -vs-

15

6 MARK JACORY SIMS, aka,
7 Mark Sims # [REDACTED]

DA CASE NO: 202200136C

8 Defendant.

9 CRIMINAL COMPLAINT

10 The Defendant above named having committed the crimes of RESIDENTIAL
11 BURGLARY (Category B Felony - NRS 205.060.2C - NOC 61934), BATTERY
12 CONSTITUTING DOMESTIC VIOLENCE - STRANGULATION (Category C Felony -
13 NRS 200.481; 200.485; 33.018 - NOC 54740) and BATTERY CONSTITUTING
14 DOMESTIC VIOLENCE (Misdemeanor - NRS 200.485(1)(A), 200.481(1)(A), 33.018 - NOC
15 50235), in the manner following, to wit: That the said Defendant, on or about the 1st day of
16 January, 2022, at and within the County of Clark, State of Nevada,

17 COUNT 1 - RESIDENTIAL BURGLARY

18 did willfully, unlawfully, and feloniously enter or unlawfully remain in a dwelling,
19 owned or occupied by EBONY THOMAS, located at 451 North Nellis Boulevard, Apartment
20 No. 1028, Las Vegas, Clark County, Nevada, with the intent to commit grand or petit larceny,
21 assault or battery, obtain money or property by false pretenses, and/or a felony.

22 COUNT 2 - BATTERY CONSTITUTING DOMESTIC VIOLENCE - STRANGULATION

23 did willfully and unlawfully use force or violence against or upon the person of his
24 spouse, former spouse, any other person to whom he is related by blood or marriage, a person
25 with whom he has had or is having a dating relationship, a person with whom he has a child
26 in common, the minor child of any of those persons or his minor child, to wit: EBONY
27 THOMAS, by strangulation.

28 //

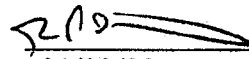


9

1 COUNT 3 - BATTERY CONSTITUTING DOMESTIC VIOLENCE

2 did willfully and unlawfully use force or violence against or upon the person of his
3 spouse, former spouse, any other person to whom he is related by blood or marriage, a person
4 with whom he has had or is having a dating relationship, a person with whom he has a child
5 in common, the minor child of any of those persons or his minor child, to wit: EBONY
6 THOMAS, by kicking the said EBONY THOMAS.

7 All of which is contrary to the form, force and effect of Statutes in such cases made and
8 provided and against the peace and dignity of the State of Nevada. Said Complainant makes
9 this declaration subject to the penalty of perjury.

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11 
12 01/02/22

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27 /jlb
28 LVMPD EV# 220100001950
(TK11)

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YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF NEVADA intends to call the following witnesses:

These witnesses are in addition to those witnesses noted in the discovery or other documents provided.

DATED January 2, 2022.



Non-Technical Violation Report

Date: January 5, 2022

To the Honorable Wiese, Jerry A.
Eighth Judicial District Court
Department XXX

Name: Sims, Mark
AKA:
File #: V21-2088A
CC #: C-20-352400-1

Supervision Grant: March 11, 2021
Original Expiration: March 11, 2023
Adjusted Expiration: December 1, 2022

Crime: BATTERY BY STRANGULATION (CATEGORY C FELONY)

Sentence: \$3DNACF/\$25AA/\$150DNA/\$250IDCAF/\$400.00REST/12-36 MOS NDC/NTE 24 MOS

I. Violation(s) and Response to Imposed Sanctions:

Directives and Conduct; Laws

Mark Sims was previously reinstated on November 02, 2021, with the added conditions: STAY AWAY ORDER - EBONY THOMAS; 30 DAYS FLAT TIME and 48HRS TO REPORT TO P&P ONCE RELEASED. On January 01, 2021, Mr. Sims was arrested by the Las Vegas Metropolitan Police Department and charged with RESIDENTIAL BURGLARY, FIRST OFFENSE (F); DOM BATTERY BY STRANGULATION (F); DOMESTIC BATTERY, FIRST OFFENSE (M) and COERCION CONSTITUTING DOMESTIC VIOLENCE WITH THREAT OR USE OF PHYSICAL FORCE (F) all under case #22-CR-000128. The court should know the victim in these new charges is Ebony Thomas. According to the detailed arrest report, after a brief foot pursuit, the subject was taken into custody and placed in the Clark County Detention Center (CCDC). The Subject is scheduled to appear in Justice Court on January 18, 2022. The arrest report will be available for the Court's review. (Directives and Conduct; Laws)

II. Custody Status:

A hold was placed on January 01, 2022. The subject is in custody in the CCDC.

28 days (Probation violation 05/28/2021-06/24/2021)

20 days (Probation violation 09/11/2021-09/30/2021)

41 days (Probation violation 10/23/2021-12/02/2021)

05 days (Probation violation 01/01/2022-01/05/2022)

94 days credit for time served

III. Violation Hearing History:

On June 24, 2021, Mr. Sims was returned to the Court for Revocation of Probation. Mr. Sims was reinstated to probation with the same conditions as previously imposed.

On September 30, 2021, Mr. Sims was reinstated to probation with the added conditions of serving 20 days with credit for time served in CCDC and to be placed on Intensive Supervision to run concurrent with case C-20-352764-1 for a total of 60 days between both cases. It should be noted that Your Honor granted an Honorable Discharge for case C-20-352764-1.

On November 02, 2021, Mr. Sims was reinstated for the third time with the added conditions: Stay



Away Order - EBONY THOMAS; 30 Days Flat Time and 48hours to report to P&P once released. It should be noted that this is Mr. Sims' third time before Your Honor for Domestic Violence related charges against the victim, Ebony Thomas.

IV. Mitigating Factors:

Since being reinstated to probation on November 02, 2021, Mr. Sims appeared to be doing well. He provided proof of enrollment at College of Southern Nevada for GED classes and proof of his employment schedule at Taco Bell. However, Mr. Sims has been given multiple chances to complete community supervision successfully and this is Mr. Sims' third time before Your Honor for Domestic Violence related charges against the victim, Ebony Thomas. Due to the new felonies he has been charged with, his previous appearances before Your Honor, all incurred with his criminal history and this instant offense of BATTERY BY STRANGULATION, the Division does not deem him a suitable candidate for community supervision.

V. Recommendation:

It is recommended that the subject's probation be revoked.

VI. Current Level of Supervision:

Medium

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

Respectfully submitted:

M. Amie

Digitally signed by M. Amie
Date: 2022.01.05 12:23:13 -08'00'

M. Amie, DPS Officer II
Division of Parole and Probation
mlamie@dps.state.nv.us
(702) 486-8734

Approved:

Christopher Clifton

Digitally signed by Christopher
Clifton
Date: 2022.01.07 15:44:05 -08'00'

C. Clifton, DPS Sergeant
Division of Parole and Probation
cclifton@dps.state.nv.us
(702) 486-0915

**JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY REGIONAL JUSTICE CENTER
200 LEWIS AVENUE
LAS VEGAS, NEVADA 89101
COURT 128**

DISPOSITION NOTICE AND JUDGMENT

Court Case Number: 22-CR-000128

State of Nevada vs. SIMS, MARK

ID#: 7528113

AKA: SIMS, MARK

Arrest Date: 1/1/2022

Citation:

Submit Date: 1/19/2022

Department: 15

Disposition Date: 1/18/2022

Sentencing Information

001 Residential burglary, first offense
[61934] (1/1/2022) (F) PCN/SEQ: DSD1089502C DSD001

Plea:

Disp: Dismissed (1/18/2022)

002 Domestic battery by strangulation [54740] (1/1/2022) (F) PCN/SEQ: DSD1089502C DSD002

Plea:

Disp: Dismissed (1/18/2022)

003 Domestic battery, first offense [50235] (1/1/2022) (M) PCN/SEQ: DSD1089502C LVJC005

Plea:

Disp: Dismissed (1/18/2022)



Justice Of The Peace



Supplemental (Non-Technical) VR

Date: January 26, 2022

To the Honorable Wiese, Jerry A.
Eighth Judicial District Court
Department XXX
Clark County, Nevada
Name: SIMS, Mark
AKA:
File #: V21-2088A
CC #: C-20-352400-1

Supervision Grant: March 11, 2021
Original Expiration: March 11, 2023
Adjusted Expiration: November 21, 2022

Crime: BATTERY BY STRANGULATION (CATEGORY C FELONY)

Sentence: \$3DNACF/\$25AA/\$150DNA/\$250IDCAF/\$400.00REST/12-36 MOS NDC/NTE 24 MOS

I. Violation(s) and Response to Imposed Sanctions:

Directives and Conduct:

On December 8, 2021, the Division received information from the Las Vegas Metropolitan Police Department (LVMPD) that Mark Sims had been harassing Ebony Thomas. According to LVMPD, Mr. Sims has been to Ms. Thomas' residence banging on the door and may have even possibly entered her residence. The subject flees when Ms. Thomas states she is going to call LVMPD and is gone upon arrival. All under event #LLV211200029404 and #LLV211200029841. (Directives and Conduct)

On the Domestic Violence Report dated October 23, 2021, under event #LLV211000096909, Ms. Thomas provided a phone number of 702-542-5010. Since being arrested on January 1, 2022, Mr. Sims has called Ms. Thomas at the above number approximately every day, multiple times a day with the last date being January 26, 2022. It should also be noted that Mr. Sims makes calls to Ms. Thomas at 775-990-6567. During some of these calls Mr. Sims can be heard being verbally aggressive and argumentative towards Ms. Thomas. Mr. Sims uses his Clark County Detention Center (CCDC) inmate number along with the pin numbers of other inmates. The phone records can be available for the Courts review upon request. (Directives and Conduct)

The Court should be reminded that Your Honor advised Mr. Sims to have no contact with Ms. Thomas during reinstatement on November 2, 2021. It is evident that Mr. Sims is intentionally disregarding Your Honor's orders. Given the facts and circumstances it is apparent that Mr. Sims cannot control his emotions. The Division is fearful that if the subject is reinstated, Ms. Thomas' well being will be in jeopardy. The Division does not deem him a suitable candidate for community supervision. (Directives and Conduct)

II. Custody Status:

A hold was placed on January 01, 2022. The subject is in custody in the CCDC.

28 days (Probation violation 05/28/2021-06/24/2021)

20 days (Probation violation 09/11/2021-09/30/2021)

41 days (Probation violation 10/23/2021-12/02/2021)



26 days (Probation violation 01/01/2022-01/26/2022)

115 days credit for time served

III. Violation Hearing History:

On June 24, 2021, Mr. Sims was returned to the Court for Revocation of Probation. Mr. Sims was reinstated to probation with the same conditions as previously imposed.

On September 30, 2021, Mr. Sims was reinstated to probation with the added conditions of serving 20 days with credit for time served in CCDC and to be placed on Intensive Supervision to run concurrent with case C-20-352764-1 for a total of 60 days between both cases. It should be noted that Your Honor granted an Honorable Discharge for case C-20-352764-1.

On November 02, 2021, Mr. Sims was reinstated for the third time with the added conditions: Stay Away Order - EBONY THOMAS; 30 Days Flat Time and 48hours to report to P&P once released. It should be noted that this is Mr. Sims' third time before Your Honor for Domestic Violence related charges against the victim, Ebony Thomas.

As of the date of this report Mr. Sims is currently in custody awaiting revocation proceedings for the arrest on January 1, 2022.

IV. Mitigating Factors:

No mitigating factors

V. Recommendation:

The recommendation made in the aforementioned Violation Report is reaffirmed.

VI. Current Level of Supervision:

Medium

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

Respectfully submitted:

M. Amie

Digitally signed by M. Amie
Date: 2022.01.26 14:04:45 -08'00'

M. Amie, DPS Officer II
Division of Parole and Probation
mlamie@dps.state.nv.us
(702) 486-8734

Approved:

Warren Morgan

Digitally signed by Warren Morgan
Date: 2022.02.01 09:10:21 -08'00'

C. Clifton, DPS Sergeant
Division of Parole and Probation
cclifton@dps.state.nv.us
(702) 486-0915



Technical Violation Report

Date: February 10, 2022

To the Honorable Wiese, Jerry A.
Eighth Judicial District Court
Department XXX
Clark County, Nevada
Name: SIMS, Mark
AKA:
File #: V21-2088A
CC #: C-20-352400-1

Supervision Grant: March 11, 2021
Original Expiration: March 11, 2023
Adjusted Expiration: November 21, 2022

Crime: BATTERY BY STRANGULATION (CATAGORY C FELONY)

Sentence: \$3DNACF/\$25AA/\$150DNA/\$250IDCAF/\$400.00REST/12-36 MOS NDC/NTE 24 MOS

I. Violation(s) and Response to Imposed Sanctions:

Directives and Conduct:

On February 01, 2022, Mr. Sims was reinstated probation with 90 days flat in Clark County Detention Center and re-advised no contact with Ebony Thomas. Your Honor made it clear if Mr. Sims continued to contact Ms. Thomas, even while in custody, he will reappear before the court for possible revocation.

It has been discovered that Mr. Sims is still making calls to Ms. Thomas. Mr. Sims immediately contacted Ms. Thomas after court on February 01, 2022, and has been continuing to communicate with her with the last date of February 9, 2022. In several of these calls Mr. Sims acknowledges that he cannot have contact with her.

On the call of February 01, 2022, at 2:46 minutes the two discuss Ms. Thomas having two phones. Further, Mr. Sims knows the State is tracking jail calls and communicates that he should not be contacting her on the phone number of [REDACTED]. During the previous revocation hearing, it was mentioned that Mr. Sims has also contacted her at [REDACTED]. As of the date of this report, Mr. Sims is continuing to contact Ms. Thomas at [REDACTED]. Mr. Sims is continuing to prove that he has no regard for Your Honor's orders. The jail calls will be available for the Court's review. (Directives and Conduct)

II. Custody Status:

Mr. Sims is currently serving 90 days flat and is in custody in the CCDC.

28 days (Probation violation 05/28/2021-06/24/2021)

20 days (Probation violation 09/11/2021-09/30/2021)

41 days (Probation violation 10/23/2021-12/02/2021)

41 days (Probation violation 01/01/2022-02/10/2022)

130 days credit for time served

III. Violation Hearing History:

On June 24, 2021, Mr. Sims was returned to the Court for Revocation of Probation. Mr. Sims was reinstated to probation with the same conditions as previously imposed.



On September 30, 2021, Mr. Sims was reinstated to probation with the added conditions of serving 20 days with credit for time served in CCDC and to be placed on Intensive Supervision to run concurrent with case C-20-352764-1 for a total of 60 days between both cases. It should be noted that Your Honor granted an Honorable Discharge for case C-20-352764-1.

On November 02, 2021, Mr. Sims was reinstated for the third time with the added conditions: Stay Away Order - Ebony Thomas; 30 Days Flat Time and 48hours to report to P&P once released. It should be noted that this is Mr. Sims' third time before Your Honor for Domestic Violence related charges against the victim, Ebony Thomas.

On February 01, 2022, Mr. Sims was reinstated to probation with the added conditions of serving 90 days flat in CCDC and no contact with Ebony Thomas.

IV. Mitigating Factors:

No mitigating factors.

V. Recommendation:

It is recommended that the subject's probation be revoked.

VI. Current Level of Supervision:

Medium

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

Respectfully submitted:

M. Amie

Digitally signed by M. Amie
Date: 2022.02.10 13:04:50 -08'00'

M. Amie, DPS Officer II
Division of Parole and Probation
mlamie@dps.state.nv.us
(702) 486-8734

Approved:

Warren Morgan

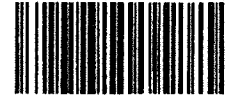
Digitally signed by Warren Morgan
Date: 2022.02.14 12:22:29 -08'00'

W. Morgan, DPS Sergeant
Division of Parole and Probation
wmorgan@dps.state.nv.us
(702) 486-9900

**Justice Court, Las Vegas Township
Clark County, Nevada**

Department: PC

Court Minutes



L014595616

21-PC-049159 State of Nevada vs. SIMS, MARK

Lead Atty: Mr. Adam M. Vander Heyden

**3/15/2022 7:30:00 AM Status Check on Filing of
Criminal Complaint (O/R - In Custody Other
Charges)**

Result: Matter Heard

PARTIES	State Of Nevada	Marland, Melanie H
PRESENT:	Attorney	Vander Heyden, Adam M.
	Defendant	SIMS, MARK

Judge: De La Garza, Melisa

Court Reporter: Murray, Loree

Court Clerk: Velazquez, Stephanie

PROCEEDINGS

Hearings:	10/11/2022 8:30:00 AM: Status Check on Filing of Criminal Complaint	Added
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Events:	Motion to Continue - State
	<i>Motion Granted</i>
	Continued for Status Check on filing of Criminal Complaint
	Not in custody
	<i>Counts: 001</i>

Felony/Gross Misdemeanor

COURT MINUTES

December 02, 2020

C-20-352400-1 State of Nevada
 vs
 Mark Sims

December 02, 2020 08:00 AM Initial Arraignment

HEARD BY: Bell, Linda Marie COURTROOM: RJC Lower Level Arraignment

COURT CLERK: Estala, Kimberly

RECORDER: Garcia, Trisha

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT.
DEFT. SIMS ARRAIGNED AND PLED GUILTY TO COUNT 1 - BATTERY BY
STRANGULATION (F) and COUNT 2 - BATTERY CONSTITUTING DOMESTIC VIOLENCE
(M). Court ACCEPTED plea, and, ORDERED, matter referred to the Division of Parole and
Probation (P & P) and SET for sentencing.

CUSTODY

01/14/2021 8:30 AM SENTENCING (DEPT. 29)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 11, 2021**

C-20-352400-1 State of Nevada
vs
Mark Sims

March 11, 2021 8:30 AM Sentencing

HEARD BY: Wiese, Jerry A. **COURTROOM:** RJC Courtroom 14A

COURT CLERK: Carina Bracamontez-Munguia/cbm

RECORDER: Vanessa Medina

PARTIES

PRESENT:	Schmidt, Robert J.	Attorney for Defendant
	Sims, Mark	Defendant
	Stanton, David L.	Attorney for Plaintiff
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Court noted it received Deft's denial into Mental Health Court on both cases. Mr. Schmidt indicated they were ready to go forward and Advised there were no issues pursuant to the Stockmeier decision. DEFT. SIMS ADJUDGED GUILTY as to COUNT 1 - BATTERY BY STRANGULATION (F) and as to COUNT 2 - BATTERY CONSTITUTION DOMESTIC VIOLENCE (M). Argument by Mr. Schmidt. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA analysis fee, including testing to determine genetic markers, \$3.00 DNA Collection fee, and \$250.00 Indigent Defense Civil Assessment fee, Defendant SENTENCED as to COUNT 1 to a MINIMUM of TWELVE (12) MONTHS and a MAXIMUM of THIRTY-SIX (36) MONTHS in the Nevada Department of Corrections (NDC), SUSPENDED; placed on PROBATION for an indeterminate period not to exceed TWENTY-FOUR (24) MONTHS. In addition to the Standard Conditions of the Division of Parole and Probation (P & P), which are IMPOSED, Deft. must comply with the following SPECIAL CONDITIONS:

1. Enter and complete an Adult Education program to obtain High School Diploma or GED.
2. Undergo a mental health evaluation by a licensed professional and complete any recommended treatment.

PRINT DATE: 03/17/2021

Page 1 of 2

Minutes Date: March 11, 2021

3. Enter and complete a substance abuse evaluation and complete any treatment deemed necessary.
4. Stay away and have no contact whatsoever with the victim.
5. Pay RESTITUTION in the amount of \$400.00 to Endria Castillo.
6. Maintain full time employment of at least THIRTY (30) hours per week, or complete SIXTEEN (16) hours of community service work each month. Deft. DIRECTED to work with P & P to do a combination of both education and work.
7. You shall submit your digital storage media or any digital storage media that you have access or use, including computers, handheld communication devices and any network applications associated with those devices, including social media and remote storage services to a search and shall provide all passwords, unlock codes and account information associated with those items, with or without a search warrant, by the Division of Parole and Probation or its agent.

COURT FURTHER ORDERED, as to COUNT 2 Defendant SENTENCED to credit for time served.

NIC

Felony/Gross Misdemeanor

COURT MINUTES

June 08, 2021

C-20-352400-1 State of Nevada
 vs
 Mark Sims

June 08, 2021 08:30 AM Revocation of Probation

HEARD BY: Wiese, Jerry A. COURTROOM: RJC Courtroom 14A

COURT CLERK: Kidd, Lauren

RECORDER: Medina, Vanessa

REPORTER:

PARTIES PRESENT:

Binu G. Palal Attorney for Plaintiff

Mark Sims Defendant

Robert J. Schmidt Attorney for Defendant

State of Nevada Plaintiff

JOURNAL ENTRIES

Officer Bonnell of Parole and Probation (P & P) present. All parties present via BlueJeans video conferencing.

State advised the Defendant had a hearing in his other case on June 16, 2021. Upon counsel's request, COURT ORDERED, matter CONTINUED to trial Defendant's hearing in his other case.

IN CUSTODY

CONTINUED TO: 06/24/21 8:30 AM

Felony/Gross Misdemeanor

COURT MINUTES

June 24, 2021

C-20-352400-1 State of Nevada
 vs
 Mark Sims

June 24, 2021 08:30 AM Revocation of Probation

HEARD BY: Wiese, Jerry A. COURTROOM: RJC Courtroom 14A

COURT CLERK: Kidd, Lauren

RECORDER: Medina, Vanessa

REPORTER:

PARTIES PRESENT:

Mark Sims	Defendant
Robert J. Schmidt	Attorney for Defendant
Samuel R. Kern	Attorney for Plaintiff
State of Nevada	Plaintiff

JOURNAL ENTRIES

Officer Bonnell of Parole and Probation (P & P) present.

Mr. Schmidt advised the matter had not been negotiated. Mr. Kern indicated the underlying case 21-CR-025303 was dismissed at preliminary hearing and was the basis for the revocation. Officer Bonnell advised Defendant was doing fine until the arrest. Upon Court's inquiry, parties agreed to withdraw the violation report. COURT ORDERED, Violation Report WITHDRAWN. Defendant RELEASED as there was no violation if the new case was dismissed. Officer Bonnell requested Defendant report to Parole and Probation on Monday.

Felony/Gross Misdemeanor

COURT MINUTES

September 21, 2021

C-20-352400-1 State of Nevada
 vs
 Mark Sims

September 21, 2021 08:30 AM Revocation of Probation

HEARD BY: Wiese, Jerry A. COURTROOM: RJC Courtroom 14A

COURT CLERK: Kidd, Lauren

RECORDER: Medina, Vanessa

REPORTER:

PARTIES PRESENT:

Mark Sims	Defendant
Robert J. Schmidt	Attorney for Defendant
Seleste A Wyse	Attorney for Plaintiff
State of Nevada	Plaintiff

JOURNAL ENTRIES

All parties present via BlueJeans video conferencing.

Mr. Schmidt requested the matter be continued until 9/30/21, which was after Defendant's preliminary hearing in the new case. Mr. Schmidt represented that he had already spoken with Deputy District Attorney Kern regarding the same and Mr. Kern was agreeable to the continuance. COURT ORDERED, matter CONTINUED.

IN CUSTODY

CONTINUED TO: 09/30/21

Felony/Gross Misdemeanor

COURT MINUTES

September 30, 2021

C-20-352400-1 State of Nevada
 vs
 Mark Sims

September 30, 2021 08:30 AM Revocation of Probation

HEARD BY: Wiese, Jerry A. COURTROOM: RJC Courtroom 14A

COURT CLERK: Kidd, Lauren

RECORDER: Medina, Vanessa

REPORTER:

PARTIES PRESENT:

Mark Sims	Defendant
Robert J. Schmidt	Attorney for Defendant
Samuel R. Kern	Attorney for Plaintiff
State of Nevada	Plaintiff

JOURNAL ENTRIES

All parties present via BlueJeans video conferencing.

Court reviewed the violation report with the Defendant. Defendant did not agree to the violations and advised that he had documents to prove that he was in compliance. Mr. Schmidt advised the Defendant was enrolled in a GED program but he lost his enrollment when he was detained. Upon Court's inquiry regarding Defendant's new case, Mr. Schmidt advised the case was dismissed. Parties agreed that this was a technical violation. State requested the Court find Defendant guilty of a technical violation for conduct, sentence him to 30 day in custody and add a higher form of monitoring. Mr. schmidt argued in support of reinstatement and advised the Defendant had 20 days in custody. COURT FINDS, Defendant was in violation of probation. COURT ORDERED, probation REINSTATED with the following added conditions:

1. Temporary revocation of probation for TWENTY (20) DAYS with TWENTY (20) DAYS credit for time served.
2. Defendant is to be placed on Intensive Supervision for SIXTY (60) DAYS upon release from custody. Defendant s time on Intensive Supervision is to run CONCURRENT with case C-20-352764-1 for a TOTAL of SIXTY (60) DAYS between both cases.

I.S.

Defendant was directed to report to Parole and Probation within 48 hours of release from custody.

Felony/Gross Misdemeanor

COURT MINUTES

November 02, 2021

C-20-352400-1 State of Nevada
 vs
 Mark Sims

November 02, 2021 08:30 AM Revocation of Probation

HEARD BY: Wiese, Jerry A. COURTROOM: RJC Courtroom 14A

COURT CLERK: Jones, Michelle

RECORDER: Medina, Vanessa

REPORTER:

PARTIES PRESENT:

John T. Torre	Attorney for Plaintiff
Mark Sims	Defendant
Robert J. Schmidt	Attorney for Defendant
State of Nevada	Plaintiff

JOURNAL ENTRIES

Mr. Torre informed the Court there is a negotiation which would not result in revocation in this case, pointing out this is the second technical violation, and the Defendant will stipulate to the violations and do thirty days flat time with zero days credit for time served to run concurrent to his other. Mr. Schmidt confirmed the representations. Mr. Torre requested the Defendant not reside with the victim Ebony Thomas in the complaint. Mr. Schmidt stated he spoke with the Defendant regarding the condition. COURT FINDS the Defendant in violation of Probation, and ORDERED, PROBATION REINSTATED WITH ADDED CONDITIONS:

1. SERVE THIRTY (30) DAYS FLAT TIME in Clark County Detention Center (CCDC), WITH ZERO (0) DAYS credit for time served;
2. Have no contact with the named victim Ebony Thomas.

NIC

Felony/Gross Misdemeanor

COURT MINUTES

January 13, 2022

C-20-352400-1 State of Nevada
 vs
 Mark Sims

January 13, 2022 08:30 AM Revocation of Probation

HEARD BY: Wiese, Jerry A. COURTROOM: RJC Courtroom 14A

COURT CLERK: Kidd, Lauren

RECORDER: Medina, Vanessa

REPORTER:

PARTIES PRESENT:

Mark Sims	Defendant
Melanie H. Marland	Attorney for Plaintiff
Robert J. Schmidt	Attorney for Defendant
State of Nevada	Plaintiff

JOURNAL ENTRIES

All parties present via BlueJeans video conferencing. Officer Amie of Parole and Probation (P & P) present.

Upon Court's inquiry, Mr. Schmidt indicated the matter was not negotiated. Court reviewed the violation report with the Defendant. Defendant agreed to the violations therein and Court found Defendant in violation of probation. State advised they were seeking revocation and advised the Defendant had a preliminary hearing on new charges scheduled for 1/18/22. Mr. Schmidt requested the matter be continued to 1/20/22 for the outcome of Defendant's preliminary hearing. State inquired as to whether counsel and the Court received the report and Complaint that was forwarded by Mr. Kern yesterday. Mr. Schmidt confirmed receipt. Court indicated the Court had not seen a copy of said documents. State advised they would submit another copy for the Court's review. COURT ORDERED, matter CONTINUED.

IN CUSTODY

CONTINUED TO: 01/20/22 8:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 14, 2021

C-20-352400-1 State of Nevada
 vs
 Mark Sims

January 14, 2021 8:30 AM Sentencing

HEARD BY: Wiese, Jerry A. **COURTROOM:** RJC Courtroom 14A

COURT CLERK: Carina Bracamontez-Munguia/cbm

RECORDER: Vanessa Medina

PARTIES

PRESENT:	Afshar, Nima	Attorney for Plaintiff
	Schmidt, Robert J.	Attorney for Defendant
	Sims, Mark	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Schmidt noted it's been very difficult to obtain the Deft's medical records to apply to Mental Health Court. Further Mr. Schmidt inquired if the Court is inclined to only give Deft. probation with MHC they will wait for records and apply; but given Deft's minimal criminal history if the court is inclined to grant probation with mental health treatment instead of MHC specifically they would be prepared to proceed. Court noted it generally follows negotiations, therefore, ORDERED matter CONTINUED; if Deft. is accepted to MHC before scheduled date counsel can request to be put on calendar sooner.

CUSTODY

CONTINUED TO: 02/11/2021 08:30 AM

Felony/Gross Misdemeanor

COURT MINUTES

February 22, 2022

C-20-352400-1 State of Nevada
 vs
 Mark Sims

February 22, 2022 08:30 AM P&P's Request re: Revocation of Probation

HEARD BY: Wiese, Jerry A. COURTROOM: RJC Courtroom 14A

COURT CLERK: Kidd, Lauren

RECORDER: Medina, Vanessa

REPORTER:

PARTIES PRESENT:

Mark Sims

Defendant

Samuel R. Kern

Attorney for Plaintiff

State of Nevada

Plaintiff

JOURNAL ENTRIES

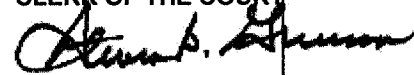
Deputy Public Defender Alex Hubert.

Mr. Hubert stating he is standing in for Mr. Schmidt, and requested this matter be continued to a Thursday, as he is waiting on calls. Mr. Kern stated no objection. COURT ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 3/3/2022 8:30 A.M.

CLERKS NOTE: This Minute Order was prepared by listening to the JAVs recording. (4-16-2022 ks)



1 RTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA
7

8 THE STATE OF NEVADA,

9 Plaintiff,

10 vs.

11 MARK SIMS,

12 Defendant.
13

CASE NO. C-20-352400-1

DEPT. XXX

14 BEFORE THE HONORABLE JERRY A. WIESE, DISTRICT COURT JUDGE

15 THURSDAY, JUNE 24, 2021

16 **RECORDER'S TRANSCRIPT OF HEARING RE:**

17 **REVOCATION OF PROBATION**
18

19 **APPEARANCES:**

20 For the State:

SAMUEL R. KERN, ESQ.
Deputy District Attorney

21 For the Defendant:

ROBERT J. SCHMIDT, ESQ.
Deputy Public Defender
22
23
24

25 RECORDED BY: VANESSA MEDINA, COURT RECORDER

1 LAS VEGAS, NEVADA; THURSDAY, JUNE 24, 2021

2 [Hearing commenced at 8:43 a.m.]

3
4 THE MARSHAL: Page 7, C352400. Page 8, C352764.

5 MR. SCHMIDT: Good morning, Your Honor. Rob Schmidt,
6 bar number 14611, on behalf of the Defendant who is present, in
7 custody.

8 THE COURT: Good morning.

9 MR. KERN: Good morning, Your Honor. Sam Kern for the
10 State.

11 THE COURT: Good morning. This is up for revocation. Is
12 this negotiated or no?

13 MR. SCHMIDT: I haven't received any communication from
14 either Parole and Probation or the State so it has not been negotiated.

15 THE COURT: Okay.

16 MR. KERN: That's correct, Your Honor. The underlying case
17 21CR025303 was dismissed at preliminary hearing. My understanding is
18 that's the basis of the revocation. I don't see any other violations
19 indicated there.

20 Officer Simmons, did you want to make any representations?

21 THE PROBATION OFFICER: No. It's Officer Bonnell, B-O-N-
22 N-E-L-L. No. He was doing fine up until the arrest, so that's all I have.

23 THE COURT: You guys just want to withdraw the violation
24 report then?

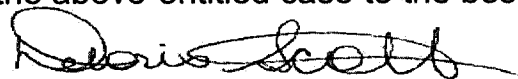
25 THE PROBATION OFFICER: Let me just check.

1 MR. KERN: State is good with that.
2 THE COURT: All right. We'll show that the --
3 THE PROBATION OFFICER: Yeah, that was --
4 THE COURT: -- we'll show the violation reports been
5 withdrawn and we'll release Mr. Sims. There's -- there's no violation if
6 the new case has been dismissed, so.
7 THE PROBATION OFFICER: Correct. Mr. Sims, just report
8 to P and P first thing Monday.
9 THE DEFENDANT: Most definitely, sir.
10 THE PROBATION OFFICER: Thank you, sir.
11 THE COURT: Thank you. Good luck, Mr. Sims.
12 THE PROBATION OFFICER: Thank you, Your Honor.
13 THE DEFENDANT: Thank you, Your Honor.
14 MR. SCHMIDT: Thank you, Your Honor.
15 THE COURT: Thanks.
16 MR. KERNS: Thank you, Your Honor.

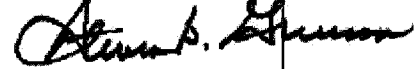
17 [Hearing concluded at 8:45 a.m.]

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



24 Deloris Scott
25 Court Recorder/Transcriber



1 RTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

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8 THE STATE OF NEVADA,
9 Plaintiff,

CASE NO. C-20-352400-1
DEPT. XXX

10 vs.

11 MARK SIMS,

12 Defendant.

13
14 BEFORE THE HONORABLE JERRY A. WIESE, DISTRICT COURT JUDGE

15 THURSDAY, SEPTEMBER 30, 2021

16 **RECORDER'S TRANSCRIPT OF HEARING RE:**

17 **REVOCATION OF PROBATION**

18
19 **APPEARANCES:**

20 For the State:

SAMUEL R. KERN, ESQ.
AGNES M. BOTELHO, ESQ.
Deputy District Attorney

21
22 For the Defendant:

ROBERT J. SCHMIDT, ESQ.
Deputy Public Defender

23
24
25 RECORDED BY: VANESSA MEDINA, COURT RECORDER

1 Las Vegas, Nevada; Thursday, September 30, 2021

2 [Hearing commenced at 9:21 a.m.]

3
4 THE MARSHAL: Next same defendant pages 18 and 19.

5 Mark Sims.

6 MR. SCHMIDT: Good morning, Your Honor

7 THE COURT: Good morning. We have --

8 THE DEFENDANT: Good morning, Your Honor.

9 THE COURT: -- Mr. Sims present in custody.

10 MR. SCHMIDT: Rob Schmidt bar number 14611 on behalf of
11 the Defendant.

12 THE COURT: Good morning. This is on for revocation today;
13 is this negotiated?

14 MR. SCHMIDT: It is not, Your Honor.

15 THE COURT: All right. Let me go through the -- let me go
16 through the violations with you, Mr. Sims. I've got a non-technical
17 violation report dated September 14th indicating you violated directives
18 and conduct laws, special condition one was to enter and complete an
19 adult education program and get your diploma or GED; do you agree
20 that you violated those things?

21 THE DEFENDANT: No, sir. I have the documents.

22 MR. SCHMIDT: And, Your Honor, if I could briefly respond. I
23 did speak to my client. He was enrolled in a GED program, but he lost
24 that enrollment because of his detention in CCDC. He will continue
25 working on that requirement if and when he is released.

1 THE COURT: Okay. What happened with the new case?

2 MR. SCHMIDT: Your Honor, that was dismissed on Tuesday
3 pursuant to State -- dismissed pursuant to statute.

4 THE COURT: Okay.

5 MR. KERN: That's correct, Your Honor.

6 THE COURT: Ms. Botelho.

7 MS. BOTELHO: That's what I think. That's what I show as
8 well.

9 MR. KERN: Sorry. This is Sam Kern for the State. I have this
10 case.

11 THE COURT: Okay. Sorry.

12 MS. BOTELHO: Mr. Kern, it looks like there's two cases. One
13 file you have. The other file I have.

14 MR. KERN: Oh, I apologize.

15 THE COURT: That's interesting. I'm assuming that the VR is
16 the same on both of them; is that correct?

17 MR. SCHMIDT: I believe that's accurate, Your Honor.

18 THE COURT: So if the -- if the new charges were dismissed, I
19 guess it's now a technical violation report; would everybody agree with
20 that?

21 MR. SCHMIDT: I agree, Your Honor.

22 MS. BOTELHO: Yes.

23 THE COURT: What's the -- what's the State's looking for?

24 MS. BOTELHO: Sam, do you want me to go?

25 MR. KERN: I -- [indiscernible] Ms. Botelho, but Your Honor,

1 this is -- so the State had sent in the declaration of arrest. This is a
2 conduct violation. He's -- I'll just note for the Court this is following a
3 previous violation report that was withdrawn earlier. That was another
4 arrest that was for possession by prohibited person. That case
5 additionally was dismissed, but this is -- this is a continued pattern of
6 conduct, so based on the declaration of arrest, I'm going to ask that the
7 Court find that there is a least a technical violation here. Sentence the
8 defendant to I think 30 days at this point. And I'm going to ask for
9 whatever conditions the Court deems appropriate, but I think some
10 higher form of monitoring on probation would be correct.

11 THE COURT: Ms. Botelho.

12 MS. BOTELHO: I couldn't have said it better myself. Thank
13 you.

14 THE COURT: What's defense counsel want me to do?

15 MR. SCHMIDT: And so, Your Honor, obviously, I'm not going
16 to be arguing for reinstatement here. He has been in for 20 days. I will
17 submit to the Court's discretion, but I do -- I do have good contact with
18 this client. I do think -- the new case aside it had been dismissed. He is
19 presumed innocent, but I did talk to my client specifically about the way
20 this appears to the Court. You can't keep picking up cases like this. He
21 understands that. I will submit to the Court's discretion but would ask for
22 reinstatement please.

23 THE COURT: All right, Mr. Sims, here is what I'm going to do.
24 I'm going to reinstate your probation. Well, we'll do a temporary
25 revocation. How many days does he have in?

1 MR. SCHMIDT: Twenty, Your Honor.

2 THE COURT: We'll do a temporary revocation for 20 days
3 with 20 days credit. So you'll get processed back out. I'm going to add
4 in an additional condition that for the next 60 days you'll be on intensive -
5 - intensive supervision. I want you to make sure you report to P and P
6 within 48 hours of being released.

7 You're going to be on the same conditions otherwise, but you
8 need to make sure that you're doing what you're supposed to do. You
9 can't keep picking up cases. One of these times one of those cases are
10 going to stick and you're just going to end up having to do your prison
11 time; you understand that, right?

12 THE DEFENDANT: Yes, sir.

13 THE COURT CLERK: Is it 60 days in both cases?

14 THE COURT: Yeah, we'll -- the cases are concurrent with
15 each other are they not?

16 MR. SCHMIDT: I believe that's accurate, Your Honor.

17 THE COURT: So the same conditions will apply to both
18 cases. So I want you to be on intensive supervision in each case for 60
19 days, but they're going to run concurrent with each other. So it will be a
20 total of 60 days.

21 THE DEFENDANT: Yes, sir.

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THE COURT: Make sure you report to P and P within 48
hours of being released. Good luck.


THE DEFENDANT: Thanks.

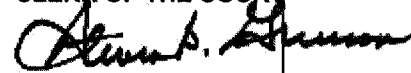
MR. SCHMIDT: Thanks, Your Honor.

[Proceedings concluded at 9:26 a.m.]

* * * * *

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


Deloris Scott
Court Recorder/Transcriber



1 RTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA
7

8 THE STATE OF NEVADA,
9 Plaintiff,

10 vs.

11 MARK SIMS,

12 Defendant.
13

CASE NO. C-20-352400-1

DEPT. XXX

14 BEFORE THE HONORABLE JERRY A. WIESE, DISTRICT COURT JUDGE

15 TUESDAY, NOVEMBER 2, 2021

16 **RECORDER'S TRANSCRIPT OF HEARING RE:**

17 **REVOCATION OF PROBATION**
18

19 APPEARANCES:

20 For the State:

JOHN T. TORRE, ESQ.
Deputy District Attorney

22 For the Defendant:

ROBERT J. SCHMIDT, ESQ.
Deputy Public Defender

23
24
25 RECORDED BY: VANESSA MEDINA, COURT RECORDER

1 Las Vegas, Nevada; Tuesday, November 2, 2021

2 [Proceedings commenced at 9:21 a.m.]

3
4 THE MARSHAL: Next, State versus Mark Sims pages 19 and
5 20, two different case numbers. Nineteen is C352400. Page 20,
6 C352764.

7 MR. SCHMIDT: Your Honor, Rob Schmidt on behalf of Mr.
8 Sims. Could I trail this matter for one moment and get the phone
9 number for CCDC? State has provided an offer. I have not been able to
10 communicate yet.

11 THE COURT: What's the number he can reach Mr. Sims
12 there at the jail?

13 THE CORRECTION'S OFFICER: It's 8332.

14 MR. SCHMIDT: Thank you.

15 THE COURT: All right. We'll trail it for a minute.

16 [Matter trailed]

17 [Matter recalled at 9:23:40]

18 MARSHAL: Your Honor, we're ready for Sims now pages 19
19 and 20. Mark Sims C352400 is page 19. C352764 page 20.

20 THE COURT: We have Mr. Sims present in custody. It's on
21 for revocation. I know that you were talking about a deal that the State
22 had offered; what's -- is there a negotiation or no?

23 MR. TORRE: Good morning, Your Honor, John Torre on
24 behalf of the State. Your Honor, I -- I have been in contact with Mr.
25 Schmidt. There is a negotiation in place that would obviate the need for

1 revocation hearing in this case. As Your Honor knows this -- both of
2 these cases have a tortured history. This is the second time that we're
3 before Your Honor. However, the resolution is that this being a second
4 technical violation, the Defendant is going to stipulate to the violations
5 and do 30 days of flat time with zero credit for time served. And then we
6 would be open to reinstating him. Of course, that's to run concurrent
7 between the two cases. And my understanding is that he's already on
8 ISU for both cases.

9 THE COURT: Who's defense counsel on this one?

10 MR. SCHMIDT: That is correct. That is correct, Your Honor.
11 And -- and if I'm not mistaken, the State is also agreeing to not revoke
12 Mr. Sims if that new case mentioned in the non-technical violation report
13 is filed.

14 MR. TORRE: And, Your Honor, for the Court's edification
15 that's 21CR049159. And Mr. Schmidt is correct.

16 The only thing I'm going to ask the Court is for this Defendant
17 to not return back to live with the victim, the alleged victim in that new
18 case because this is the second time that we're before Your Honor and
19 it's been the same victim that he's battered the same victim. The first
20 time we filed a complaint. We set it for preliminary hearing. That case
21 was dismissed. This time we're -- we have a status check for filing a
22 complaint on 12/23 involving the same victim, so we would just ask the
23 Court to admonish him to not return to that address to live with her.

24 THE COURT: What's -- what's the victim's name?

25 MR. TORRE: Your Honor, it's Ebony, E-B-O-N-Y. And then

1 last name is Thomas, T-H-O-M-A-S.

2 THE COURT: Defense Counsel, okay with that?

3 MR. SCHMIDT: Yes, Your Honor. I did specifically speak to
4 my client about that potential condition. We're amenable to that.

5 THE COURT: All right, Mr. Sims, you've got a -- it sounds like
6 you got a good deal. Let me go through the violation report with you.
7 They said that you're going to stipulate to the violations. It says you
8 violated directives and conduct, laws. Special condition one was enter
9 and complete adult education program get your high school diploma or
10 GED; do you agree that you violated at least some of those conditions?

11 THE DEFENDANT: No, sir. I'm working on that right now. I
12 sent my PO the message and the receipt of my -- my purchase of my
13 courses I got going on at the moment.

14 THE COURT: Okay. I thought there was an agreement that
15 you were going to stipulate to the violation, so.

16 MR. SCHMIDT: He's stipulating to the violation, Your Honor,
17 but the -- regarding the new case not the adult education. He was
18 actually -- has given me information about enrollment but because of the
19 cases he had he was in custody and was rejected from those programs,
20 so -- but he's going to be back on it as soon as he gets out.

21 THE COURT: That's why I asked did he agree he violated at
22 least some of those and he said no.

23 MR. SCHMIDT: And Mr. Sims is agreeing that he is -- he is
24 stipulating that he did violate the alleged -- I know it's not a new case
25 yet, but we are stipulating to that there's a new case in this or some sort

1 of case and it's a non-technical violation.

2 THE COURT: Is that true, Mr. Sims?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: All right. The Court will find there's a violation
5 of conditions of probation based on that. I'll follow the negotiations
6 because it's a second technical, we'll -- we'll impose a temporary
7 revocation 30 days flat time with zero days credit. Once that time is up,
8 we'll reinstate you on the same conditions with the added condition to
9 stay away Ebony Thomas; okay?

10 THE DEFENDANT: Will I have another revocation day or
11 would I be released 30 days from now?

12 THE COURT: You'll be released. You won't have to come
13 back. As soon as you get released --

14 THE DEFENDANT: Thank you.

15 THE COURT: -- you need to make sure you report P and P
16 within 48 hours of being released; okay?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: And this applies on both cases. Both cases
19 are running concurrent.

20 THE DEFENDANT: Right.

21 THE COURT: Thank you. Good luck, sir.

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MR. SCHMIDT: Thank you, Your Honor.

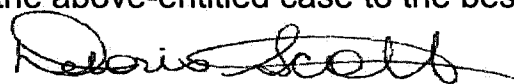
THE DEFENDANT: Thank you.

MR. TORRE: Thank you, Your Honor.

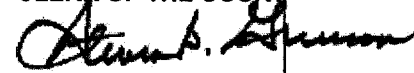
[Proceedings concluded at 9:28 a.m.]

* * * * *

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



Deloris Scott
Court Recorder/Transcriber



RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

vs.

MARK SIMS,
Defendant.

CASE NO. C-20-352400-1
DEPT. NO. XXX

BEFORE THE HONORABLE JERRY A. WIESE, DISTRICT COURT JUDGE

TUESDAY, FEBRUARY 1, 2022

RECORDER'S TRANSCRIPT OF HEARING:

REVOCATION OF PROBATION

APPEARANCES:

For the State:

MELANIE H. MARLAND, ESQ.,
Deputy District Attorney

For the Defendant:

ROBERT J. SCHMIDT, ESQ.,
Deputy Public Defender

RECORDED BY: VANESSA MEDINA, COURT RECORDER

1 Las Vegas, Nevada; Tuesday, February 1, 2022

2 [Hearing commenced at 9:24 a.m.]

3
4 MR. SCHMIDT: Good morning, Your Honor. Rob Schmidt,
5 bar number 14611 on behalf of Mr. Sims who's present in custody.

6 UNIDENTIFIED SPEAKER: And, Your Honor, this is Mr.
7 Kern's case.

8 MS. MARLAND: And good morning, Your Honor, Melanie
9 Marland, bar number 14577 for the State.

10 THE COURT: All right. So -- so there's -- this is on for
11 revocation today. My law clerk's telling me that there's a supplemental
12 VR dated January 26th that we have that's apparently not in Odyssey
13 yet.

14 MS. MARLAND: And my understanding and I did let Mr.
15 Schmidt know at the time that it would include the violation of the no-
16 contact order for Mr. Sims to Ebony Thomas, the victim, on the
17 defendant's new case from whom he was ordered to have no contact at
18 his third, I believe, revocation proceeding.

19 I have here the exhibits that I had sent to the Court, if I may
20 file them with the Clerk?

21 THE COURT: We don't generally file anything in person
22 anymore, but --

23 MS. MARLAND: Okay.

24 MR. SCHMIDT: And, Your Honor --

25 MS. MARLAND: Would I be -- I know I emailed them to your

1 Clerk. They had just requested copies.

2 THE COURT: Okay.

3 MS. MARLAND: So if I --

4 THE COURT: Come on up.

5 MS. MARLAND: -- if I may?

6 THE COURT: Sure.

7 MS. MARLAND: Thank you.

8 MR. SCHMIDT: And, Your Honor, just for the record, I haven't
9 received this amended violation report although Ms. Marland did tell me
10 about the likelihood of that being filed.

11 THE COURT: Okay.

12 MS. MARLAND: And for the record, the exhibits I submitted
13 to the Court include the defendant's new criminal complaint in case
14 22CR000128, the declaration of arrest that pertains to that complaint as
15 well as two logs of calls from the jail, the highlighted portions being to
16 Ebony Thomas. The first has a title to it and says call records to victim
17 Ebony Thomas' number since Mark Sims' arrest on January 1st, 2022,
18 but also includes all calls made by Mr. Sims to Ms. Thomas at the
19 number dial [REDACTED]

20 The second log involves all of Mr. Sims' jail calls and the
21 highlighted portions are calls to Ms. Thomas since January -- the
22 highlighted portions are the ones to Ms. Thomas that I would ask the
23 Court to consider as part of the violation and revocation proceedings.

24 THE COURT: Okay. I'm --

25 MS. MARLAND: And I --

1 THE COURT: -- I'm assuming that this is not a negotiated
2 revocation hearing?

3 MS. MARLAND: That -- that would be correct. And I
4 apologize. I also have a DVD with all of Mr. Sims' jail calls as well.

5 THE COURT: All right. We have Mr. Sims there; right?

6 THE CORRECTION'S OFFICER: Yes. He's there. He's in a
7 wheelchair, Your Honor.

8 THE COURT: Okay. Good morning, Mr. Sims.

9 THE DEFENDANT: Good morning, Your Honor.

10 THE COURT: So let me just go through this briefly with you.
11 There's a -- I've got a violation report dated January 5th of 2022
12 indicating that you violated directives and conduct and laws. And then
13 we have amended VR dated January 26th, 2022 indicating that you
14 violated directives and conduct; do you agree that you violated those
15 things or no?

16 THE DEFENDANT: Yes, sir.

17 MR. SCHMIDT: Your Honor -- Your Honor, he's -- he's
18 stipulating to a second technical violation.

19 MS. MARLAND: And I would submit that contact with when
20 there's a no-contact order is a non-technical violation as is a new arrest
21 for new felony charges.

22 MR. SCHMIDT: I would dispute that interpretation, but I'll let
23 you continue, Your Honor.

24 THE COURT: But he's -- he's admitting that he had this
25 contact?

1 MR. SCHMIDT: He is admitting that he had that contact, yes.

2 THE COURT: Okay. Well based on that, I can find that the
3 Court -- that he violated the conditions of his probation. What's the
4 State looking for?

5 MS. MARLAND: And, Your Honor, the State at this time is
6 requesting revocation if the -- if the defendant is stipulating to the
7 violations, does Your Honor want argument on the violation? I just want
8 to make sure we're not proceeding to a hearing.

9 THE COURT: It doesn't --

10 MS. MARLAND: The State would be --

11 THE COURT: -- it doesn't sound like we need to.

12 MS. MARLAND: -- and the State would be requesting
13 revocation. This is the defendant's fourth time in front of Your Honor for
14 a violation. The first time was in June 2021. The VR at that point was
15 withdrawn because the charge of ex-felon in possession of a firearm
16 was dismissed at preliminary hearing.

17 The second time was September 2021, battery domestic
18 violence strangulation on Ebony Thomas in case 21CR042491. The --
19 the victim there, Ebony Thomas, lost consciousness when he strangled
20 her. Then that case was dismissed at prelim. Defendant was
21 reinstated.

22 October 23rd, 2021, new battery domestic violence against
23 Ebony Thomas. He was reinstated and Your Honor ordered him to have
24 absolutely no contact with Ebony Thomas.

25 And now we have the instant case where on January 1st, 2021

1 -- 2022, I apologize -- the defendant committed a new battery domestic
2 violence strangulation on Ebony Thomas from whom the Court had
3 ordered no contact. I would also note he -- multiple calls made by Mr.
4 Sims to the victim in violation of the Court's order after Mr. Sims got the
5 opportunity of two reinstatements.

6 I believe revocation is appropriate at this time and that would
7 be what the State is requesting.

8 THE COURT: Okay. Defense.

9 MR. SCHMIDT: And, Your Honor, I guess I have a three
10 main points I'd make for the Court. First, as I believe the last filed
11 violation report indicated Mr. Sims had shown proof of completing some
12 of his requirements namely enrollment at the College of Southern
13 Nevada for his GED classes and employment at Taco Bell. So Mr. Sims
14 has been completing his requirements the time that he had been out of
15 custody.

16 Second, as the State mentioned, that new case,
17 22CR000128, was dismissed at preliminary hearing on January 18th,
18 2022. So I don't believe that case constitutes a legal basis for
19 revocation probation here.

20 And then third, by violating that no-contact order that this
21 Court imposed at the last hearing, I do think my client could be held in --
22 in contempt for that, right, for those calls. But because Ms. Thomas is
23 not the named victim in this case, I don't believe that constitutes a legal
24 basis for revocation either.

25 It is important to note the State didn't indicate that my client

1 told Ms. Thomas not to appear or threaten her in any way, but obviously
2 I would admit to the Court that the contact in and of itself is obviously
3 problematic. Because this is -- I believe this is a second technical
4 violation, I believe the Court could impose 90 days in CCDC and
5 whatever contempt time the Court thinks is appropriate for violating that
6 no-contact order.

7 But I did want to point out to the Court that per my
8 calculations, Mr. Sims has a hundred and twenty-one days of credit on
9 this case. It's an underlying sentence of 12 to 36. Mr. Sims is asking
10 that this Court impose 30 days in CCDC and reinstate him on probation.
11 But because he has not been convicted of any new charges and has
12 completed some of his requirements, I would suggest to the Court that
13 the imposition of some flat time and a dishonorable discharge might be a
14 more appropriate resolution here. But otherwise, I will submit.

15 MS. MARLAND: May I briefly respond, Your Honor?

16 THE COURT: Sure.

17 MS. MARLAND: Thank you.

18 Your Honor, I -- I understand Mr. Schmidt's position as to what
19 constitutes a non-technical violation. That being said, I respect --
20 respectfully disagree with it. It's not a question of whether the defendant
21 is convicted or even whether a preliminary hearing go through on new
22 charges to determine whether or not a defendant's violated the
23 conditions of probation. It's a new arrest a new felony charge against
24 the same victim that the defendant has appeared in front of Your Honor
25 for violation on three times.

1 He -- in September, he strangled her to the point she lost
2 consciousness. In October, he beat her. And now in January -- on
3 January 1st, he strangles Ms. Thomas again. Those are -- as Mr.
4 Schmidt well knows given the fact that we are both on the domestic
5 violence track, domestic violence is extremely insidious. So when we
6 have all these jail calls from Mr. Sims talking to the victim in violation of
7 all Your Honor's no-contact orders as well as the Justice Court's no-
8 contact order, I would note that in -- in and of itself is not only a violation
9 of his probationary terms, but also very well the reason Ms. Thomas
10 didn't show up.

11 Now I understand that I did not make any mention of Mr. Sims'
12 outright telling Ms. Thomas, don't come to court. He doesn't have to.
13 Domestic violence is very clear that -- it's very clear that you -- a
14 defendant doesn't need to say, don't come to court. He can say, I love
15 you, I'm sorry, baby and that would basically dissuade a victim from
16 coming to Court. A victim of domestic violence especially one such as
17 Ms. Thomas who has been abused over and over again by this
18 defendant and strangled at least twice is very unlikely to come to Court
19 and that is something we all recognize on -- on the domestic violence
20 unit.

21 So I would submit that Mr. Sims is a danger to Ms. Thomas.
22 He's violated the conditions of his probation. These are non-technical
23 violations. If Your Honor is still inclined to deem them technical
24 violations, I would submit that this is the third technical violation and
25 Your Honor can impose up to a hundred and eighty days.

1 And again, I would ask for a full revocation and then the 12 to
2 36 months be imposed. In the alternative again, if Your Honor is
3 inclined to consider these technical violations which I don't believe they
4 are, I would ask for the maximum allowable time that Your Honor can
5 impose.

6 THE COURT: So there's apparently a disagreement about
7 what -- what constitutes whether this is a technical or non-technical
8 violation. I'm trying to find it in AB 236. You guys have something to
9 point me to or reference that shows this is either a technical or non-
10 technical based on the language of the statute?

11 MS. MARLAND: Your Honor, my -- the State's position is any
12 new arrests on a new felony charge is not in technical violation. I
13 understand that some Courts would rather have preliminary hearings
14 first, but that is not what the law states. I don't have the statute pulled
15 up at this time, but my understanding is a PC is found on a new -- and
16 that could be an arrest warrant, it could be Your Honor looking at the
17 basically at the file, but I believe that there was actually an arrest
18 warrant that was submitted on the January 1st incident. A Justice of the
19 Peace found probable cause to get then Mr. Sims arrested three days
20 after the incident unless I'm mistaken.

21 I may be mixing it up with the next revocation. In that case, I
22 do apologize. If I may just -- Court's brief indulgence. I am mistaken.
23 There was not an arrest warrant. But I would submit, Your Honor, that
24 based on the police report, this Court can find PC for the offenses
25 charged and violation of any no-contact is a revo -- revocable offense.

1 MR. SCHMIDT: And, Your Honor, if I could briefly respond. I
2 just want to make sure it's very clear on the record that -- that Ms.
3 Thomas is not named victim in this case. That's Andrea Castillo. She is
4 the named victim here. That's a big part of the problem here is that Ms.
5 Brown isn't the named victim in this case. She's related to some other
6 cases. Cases I would point the State never proved. They go to
7 preliminary hearing, they get dismissed. It's their burden to prove these.

8 And I understand the State's position regarding the
9 seriousness of the allegations, but they haven't met their burden. I
10 believe these are technical violations. I would argue that this is his
11 second, but based upon that information, Your Honor, I would either ask
12 for his reinstatement after some time in CCDC or dishonorable
13 discharge with some time.

14 THE COURT: So the case that he's doing time on isn't a case
15 where this victim is -- was the victim; right?

16 MS. MARLAND: That's -- that's correct. The defendant has a
17 new victim, Ms. Ebony Thomas, and those are the last two violations as
18 well as the basis for the new violation.

19 THE COURT: So AB 236 talks about a technical violation. It
20 includes a violation of a stay-away order involving a natural person who
21 is the victim of a crime for which the supervised person is being
22 supervised.

23 MS. MARLAND: And if, Your Honor, again, I would note that
24 the defendant was also arrested on a new felony offense and I've
25 submitted that report and complaint to Your Honor.

1 THE COURT: And I think there was a recent case that says
2 there doesn't have to be a conviction, but I think once there's a
3 dismissal, I don't know that it's -- forms a basis for a non-technical.

4 MS. MARLAND: I would submit it does. Again, if Your Honor
5 disagrees and deems it technical, I would note the defendant was
6 reinstated on temp -- temporarily on September 30th. He was reinstated
7 a second time on November 2nd. So this would be his third violation if
8 that's the way Your Honor is ruling.

9 MR. SCHMIDT: And, Your Honor, I do think your -- your
10 analysis is correct and I'll submit to the Court's discretion.

11 THE COURT: All right. Mr. Sims, here's what I'm going to
12 do. I'm going to find you in violation of the conditions of probation, but
13 I'm just going to do a temporary revocation. We'll make it for 90 days.

14 Here's what's going to happen. When -- when you get out, I
15 mean, the -- the condition is still that you can't have any contact with this
16 lady, okay?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: If you continue to contact her from jail or even
19 when you're out, you're going to keep getting these violations, okay?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Each -- so --

22 THE DEFENDANT: May I ask --

23 THE COURT: -- so you may get another violation before you
24 even get out in 90 days because if you keep contacting her, the State's
25 going to know about it.

1 MS. MARLAND: And I would note --

2 THE DEFENDANT: Yes, sir.

3 MS. MARLAND: -- that on the fourth technical violation, the
4 State can ask for revocation and that's what the State would attempt to
5 do when he does this again.

6 THE COURT: Okay. So you get -- you have 90 days flat time
7 from today, okay?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: So that means you're going to 90 days. As
10 soon as you get out, you need to stay away from her. You're going to
11 be reinstated with the same conditions of probation, but you need -- you
12 need to stay away from her and don't contact her anymore, okay.

13 MS. MARLAND: Your Honor, I would ask Your Honor to also
14 add a condition of ISU so P and P can determine whether or not he
15 needs to be on any type of monitoring to ensure that he stays away from
16 all his victims.

17 MR. SCHMIDT: And I would ask Your Honor just to leave that
18 in the hands of P and P and if they want to impose that condition, they
19 will.

20 THE COURT: Yeah. They can impose that if they need to.

21 MS. MARLAND: I think if Your Honor puts them on ISU, P
22 and P can determine what level of supervision is appropriate in terms of
23 monitoring is my understanding.

24 THE COURT: How about I just include -- we'll do an
25 additional condition of probation that P and P has the -- the authority to

1 impose whatever restrictions are necessary so they can monitor that
2 he's not having contact with this lady.

3 MS. MARLAND: Very well. And I believe Officer Amie maybe
4 on the line from P and P; is that correct?

5 THE PROBATION OFFICER: That's correct. Officer Amie is
6 here.

7 MS. MARLAND: And may I just inquire as to whether that
8 would be sufficient for P and P?

9 THE PROBATION OFFICER: Yes. ISU will be sufficient for P
10 and P.

11 MS. MARLAND: Thank you.

12 THE COURT: All right. Thanks guys.

13 MR. SCHMIDT: Thank you, Your Honor.

14 THE COURT: Can you make sure --


15 MR. SCHMIDT: Can you call Anthony Jackson please?

16 THE COURT: Hold on. We need to make sure that the
17 supplemental or the amended VR in that last case was filed either by the
18 State or P and P. Someone needs to get that filed, okay.

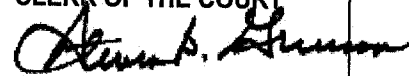
19 [Hearing concluded at 9:40 a.m.]

20 * * * * *

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

25 
Michelle Ramsey
Court Recorder/Transcriber

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1 RTRAN

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

5 THE STATE OF NEVADA,

6 Plaintiff,

7 vs.

CASE NO. C-20-352400-1

DEPT. XXX

8 MARK SIMS,

9 Defendant.
10
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12

13 BEFORE THE HONORABLE JERRY A. WIESE, DISTRICT COURT JUDGE
14 THURSDAY, MARCH 3RD, 2022

15 **RECORDER'S TRANSCRIPT OF HEARING:**
16 **REVOCATION OF PROBATION**
17

18 **APPEARANCES:**

19 For the Plaintiff:

SAMUEL R. KERN, ESQ.,
Deputy District Attorney
[Appearing via BlueJeans]

22 For the Defendant:

ROBERT J. SCHMIDT, ESQ.,
Deputy Public Defender

24
25 RECORDED BY: VANESSA MEDINA, COURT RECORDER

1 Las Vegas, Nevada; Thursday, March 3rd, 2022

2 [Hearing commenced at 8:43 a.m.]

3
4
5 THE CLERK: case number C352400.

6 MR. SCHMIDT: Rob Schmidt --

7 THE DEFENDANT: Good morning, Your Honor.

8 MR. SCHMIDT: -- bar number 14611, on behalf of the defendant who is
9 present in-custody.

10 MR. KERN: Sam Kern for the State.

11 THE COURT: Good morning. This is on for P and P's request for
12 revocation. I'm assuming it's not negotiated.

13 MR. SCHMIDT: It's not negotiated, Your Honor, but we are stipulating and
14 arguing.

15 THE COURT: All right. Mr. Sims, let me go through the violation report
16 with you, it just says that you violated directives and conduct, you agree that you
17 did those things?

18 THE DEFENDANT: No, sir.

19 THE COURT: I didn't hear you, yes or no?

20 THE DEFENDANT: No.

21 THE COURT: No? That doesn't sound like a stip and argue.

22 MR. SCHMIDT: I'm sorry. We talked about this yesterday, Mr. Sims.
23 We're stipulating to the violation.

24 THE DEFENDANT: Yes.

25 THE COURT: All right. That means -- if you're stipulating to the violation,

1 that means that you did do those things.

2 THE DEFENDANT: Yes, sir.

3 THE COURT: All right. Court will find there's a violation to the conditions
4 of probation. What's the State looking for?

5 MR. KERN: Judge, looking for a revocation here. I mean, I don't think
6 there's anything -- any other option left at this point. He's been given multiple
7 chances. His original supervision grant was March of 2021. In that time -- in that
8 one year, he's picked up -- we're now on his fifth violation. And it's been a
9 continuous course of conduct involving domestic violence. This is -- you know, the
10 most recent violation is a -- is for contacting the victim of his prior two cases that
11 ended up getting dismissed in Justice Court but we -- and the Court was quite clear
12 about its directives as far as expectations as to his conduct in this case. And there
13 was to be no conduct with -- sorry, Ebony Thompson or Ebony Smith.

14 THE COURT: Thomas.

15 MR. KERN: So this is obviously something that he's not paying any
16 attention to -- to what the court is telling him; he's not going to be successful on
17 probation. This is a person who's been given multiple opportunities, and again,
18 this is the fifth violation of this probation, and so under the statute he can be
19 revoked; he should be revoked, he's not a good candidate for probation. He wasn't
20 a good candidate for probation back when he was granted probation and he's
21 proven that to be the case. Revocation is the only answer here, Your Honor.

22 THE COURT: Okay. Counsel, do you want to have him talk or no?

23 MR. SCHMIDT: No. I rather Mr. Sims not make any comments.

24 THE COURT: Okay. Go ahead.

25 MR. SCHMIDT: So, Your Honor, a couple of things I just want to address

1 here today. I believe -- I don't believe we can revoke Mr. Sims. I think we are at
2 this part of the statute -- we are NRS 176A.630 subsection 2(c)(3). I believe that's
3 where we're at now because you imposed 90 days last time for the second
4 revocation. We are at 180 days now.

5 A couple things I wanted to tell the Court, though. I do -- I'm not going to
6 argue that Mr. Sims's conduct is appropriate here, it absolutely is not but if you've
7 heard the nature of those calls, there are no new convictions for Mr. Sims. The
8 State has not charged him with dissuading in any way and while he was out on
9 probation, Mr. Sims did complete some of the requirements here. I believe -- and
10 Parole and Probation can chime in if they want to contradict me, that he completed
11 his mental health and substance abuse evaluation. He has not had contact with
12 the named victim here, Ms. Endria Castillo. I believe he was gainfully employed at
13 Burger King but the numerous incarcerations obviously had an effect on that, and
14 he was actively working on his GED. So he was working on -- there is evidence
15 that he was completing his requirements while out.

16 Based upon all that, Your Honor, though, I did specifically talked to my
17 client; he has 151 days of credit in this case. As I said, the Court could impose 180
18 days flat time on to the 90 days that were already added last time. That would
19 mean Mr. Sims would be released at the end of October of this year and then in
20 theory the probation would run out in March of next year. Given the nature of the
21 technical violation here; given that the defendant has completed some of his
22 requirements -- he has, as I said, a substantial amount of credit here. I've talked to
23 Mr. Sims about this, he's given me permission to ask this Court what I asked last
24 time, I'm just asking for a dishonorable discharge and to close this case out. If
25 Your Honor is inclined to add some additional flat time based upon the conduct, I

1 completely understand that as does Mr. Sims but I don't think we're at the point
2 where we can ask for revocation as part of the statute that I pointed to. I would ask
3 for a dishonorable discharge today and close this case out.

4 THE COURT: So I understand your argument on the statute but this is, I
5 believe, the fifth revocation hearing. He was reinstated on June 24th of last year
6 with the same conditions; reinstated again on September 30th of last year with the
7 added condition of 20 days CCDC and 6 months on ISU. He was reinstated again
8 on November 2nd of last year with the added condition of no contact with Ebony
9 Thomas and serve another 30 days CCDC flat time. He was reinstated again on
10 February 1st of this year with 90 days flat time and reminder no contact with Ebony
11 Thomas, and he continues to contact her. The fact that we didn't -- that I didn't do
12 the consecutive time each time and I gave him a break doesn't mean that he can't
13 be revoked now. I think at this point he's established that he's not going to listen to
14 me about staying away from Ebony Thomas. If I give him a dishonorable he's just
15 going to go out there and contact her again and we're going to end up with another
16 DV.

17 MR. SCHMIDT: Well -- and Your Honor, not to interrupt you, but I mean if
18 you've heard the nature of those calls. I understand the Court's concern here --

19 THE COURT: He's a player --

20 MR. SCHMIDT: -- I just --

21 THE COURT: -- he's got lots of ladies out there. That's a problem not only
22 for her --

23 MR. SCHMIDT: Well --

24 THE COURT: -- but for other people.

25 MR. SCHMIDT: -- that's not a crime as far as I know, Your Honor. And I

1 know we've had a number of hearings on this. I still think we are at the part of the
2 statute that I cited to -- I still think we are at the 180 days. I don't believe legally is
3 appropriate to revoke him at this point, that's why I'm asking for a dishonorable
4 discharge even with some additional flat time tacked on to the 90 he's doing now, I
5 think is appropriate.

6 THE COURT: I think I'm just going to revoke his probation. We're going to
7 impose the underline sentence of 12 months -- I think it's just --

8 MR. SCHMIDT: 12 to 36.

9 THE COURT: Yeah. Was it a 12 to 36? I think it was a 364, wasn't it?

10 MR. KERN: 12 to 36, Your Honor.

11 THE COURT: A 12 to 36? All right. I'm just going to impose a 12 to 36,
12 you said he had 151 days?

13 MR. SCHMIDT: He does.

14 THE COURT: We'll give you 151 days credit.

15 MR. SCHMIDT: Thank you, Your Honor.

16 THE COURT: Good luck, sir.

17 MR. KERN: Thank you, Your Honor.

18
19 [Proceeding concluded at 8:50 a.m.]
20

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

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Vanessa Medina, Court Recorder/Transcriber

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MARK SIMS,) No. 84717
)
Appellant,)
)
v.)
)
THE STATE OF NEVADA,)
)
Respondent.)
)

DARIN F. IMLAY Clark County Public Defender 309 South Third Street Las Vegas, Nevada 89155-2610 Attorney for Appellant	STEVE WOLFSON Clark County District Attorney 200 Lewis Avenue, 3 rd Floor Las Vegas, Nevada 89155 AARON FORD Attorney General 100 North Carson Street Carson City, Nevada 89701-4717 (702) 687-3538 Counsel for Respondent
--	--

I hereby certify that this document was filed electronically with the Nevada Supreme Court 21st on the day of June, 2022. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

BY /s/ Rachel Howard
Employee, Clark County Public Defender's Office