

Electronically Filed  
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Elizabeth A. Brown  
Clerk of Supreme Court

MICHAEL RAY LOPEZ,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

Appeal from Judgment of Conviction  
Second Judicial District Court of the State of Nevada  
The Honorable Kathleen Sigurdson

## AMENDED APPELLANT’S JOINT APPENDIX

MARC PICKER Washoe County Alternate Public Defender	CHRISTOPHER HICKS Washoe County District Attorney
IAN SILVERBERG Deputy Alternate Public Defender	JENNIFER NOBLE Deputy District Attorney
350 S. CENTER ST., 6 <sup>th</sup> FLOOR RENO, NEVADA 89501	POST OFFICE BOX 30083 RENO, NEVADA 89520
ATTORNEY FOR APPELLANT	ATTORNEY FOR RESPONDENT

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DA #20-7607

SPD 20-004765; SPD 20-004766

IN THE JUSTICE COURT OF SPARKS TOWNSHIP  
IN AND FOR THE COUNTY OF WASHOE, STATE OF NEVADA

\* \* \*

THE STATE OF NEVADA,

Plaintiff,

Case No.: 20-SCR-00985

v.

Dept. No.: 3

MICHAEL RAY LOPEZ,

Defendant.

CRIMINAL COMPLAINT

NICHOLAS ZICARI of the County of Washoe, State of Nevada, verifies and declares upon information and belief and under penalty of perjury, that MICHAEL RAY LOPEZ, the defendant above-named, has committed the crime(s) of:

COUNT I. ROBBERY WITH THE USE OF A DEADLY WEAPON, a violation of NRS 200.380 and NRS 193.165, a category B felony, (50138) in the manner following, to wit:

That the said defendant, MICHAEL RAY LOPEZ, on or about July 7, 2020, within the County of Washoe, State of Nevada, did willfully and unlawfully take personal property, to wit, various merchandise from the person or in the presence of MICHAEL DENT and/or RICHEL ALCABEDOS, employees of 99 CENTS ONLY STORE located at 580 East Prater Way, Washoe County, Nevada, against their will, and by means of force or violence or fear of immediate or future injury to their person, and with the use of a large knife which the said defendant produced and pointed in a threatening manner towards said

1 victims after being told to return said various merchandise to the  
2 store.

3 COUNT II. ATTEMPTED ROBBERY WITH THE USE OF A DEADLY  
4 WEAPON, a violation of NRS 200.380, NRS 193.165 and NRS 193.330, a  
5 category B felony, (50145) in the manner following, to wit:

6 That the said defendant, MICHAEL RAY LOPEZ, on or about  
7 July 7, 2020, within the County of Washoe, State of Nevada, did  
8 willfully and unlawfully attempt to take money from the person or in  
9 the presence of PATRICIA GEORGE, an employee of SIERRA SID'S CASINO,  
10 located at 200 North McCarran Boulevard, Washoe County, Nevada,  
11 against her will, and by means of force or violence or fear of  
12 immediate or future injury to her person, and with the use of a large  
13 knife which the said defendant produced and stabbed at a word cashier  
14 counter as he demanded money from said victim.

15 COUNT III. ASSAULT WITH USE OF DEADLY WEAPON, a violation  
16 of NRS 200.471, a category B felony, (50201) in the manner following,  
17 to wit:

18 That the said defendant, MICHAEL RAY LOPEZ, on or about  
19 July 7, 2020, within the County of Washoe, State of Nevada, did  
20 intentionally place MARC REDDING in reasonable apprehension of  
21 immediate bodily harm at 200 North McCarran Boulevard, Washoe County,  
22 Nevada, with the use of, or present ability to use, a deadly weapon,  
23 to wit: a large knife in that said defendant did charge at said  
24 victim while holding said knife and demanding money.

25 ///

26 ///

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

DATED this 9th day of July, 2020.



NICHOLAS ZICARI  
DEPUTY DISTRICT ATTORNEY

PCN: SPPD0071234C; SPPD0069124C-LOPEZ  
Custody: X Defense Attorney:  
Bailed: Restitution:  
Warrant: J  
District Attorney Assigned: ZICARI|13994  
District Court #: CR20-2086|LOPEZ  
District Court Dept: D10

DA #20-7607  
SPD 20-004766

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9 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,  
10  
11 IN AND FOR THE COUNTY OF WASHOE

12 \* \* \*

13 THE STATE OF NEVADA,

14 Plaintiff,

Case No.: CR20-2086

15 v.

Dept. No.: D10

16 MICHAEL RAY LOPEZ,

17 Defendant.

18 INFORMATION

19 CHRISTOPHER J. HICKS, District Attorney within and for the  
20 County of Washoe, State of Nevada, in the name and by the authority  
21 of the State of Nevada, informs the above entitled Court that, the  
22 defendant above-named, MICHAEL RAY LOPEZ, has committed the crime(s)  
23 of:

24 COUNT I. ROBBERY, a violation of NRS 200.380, a category B  
25 felony, (50137) in the manner following, to wit:

26 That the said defendant, MICHAEL RAY LOPEZ, on or about  
July 7, 2020, within the County of Washoe, State of Nevada, did  
willfully and unlawfully take personal property, to wit, various  
merchandise from the person or in the presence of MICHAEL DENT and/or

0004

1 RICHEL ALCABEDOS, employees of 99 CENTS ONLY STORE located at 580  
2 East Prater Way, Washoe County, Nevada, against their will, and by  
3 means of force or violence or fear of immediate or future injury to  
4 their person, to wit: said defendant produced and pointed a large  
5 knife in a threatening manner towards said victims after being told  
6 to return said various merchandise to the store.

7 COUNT II. ASSAULT WITH USE OF DEADLY WEAPON, a violation of  
8 NRS 200.471, a category B felony, (50201) in the manner following, to  
9 wit: .

10 That the said defendant, MICHAEL RAY LOPEZ, on or about  
11 July 7, 2020, within the County of Washoe, State of Nevada, did  
12 intentionally place MARC REDDING and/or PATRICIA GEORGE in reasonable  
13 apprehension of immediate bodily harm at 200 North McCarran  
14 Boulevard, Washoe County, Nevada, with the use of, or present ability  
15 to use, a deadly weapon, to wit, a large knife, in that the said  
16 defendant did charge at said victims while holding said knife AND/OR  
17 produced said knife in threatening manner.

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1 All of which is contrary to the form of the Statute in such  
2 case made and provided, and against the peace and dignity of the  
3 State of Nevada.

4  
5 CHRISTOPHER J. HICKS  
6 District Attorney  
7 Washoe County, Nevada  
8  
9

10  
11 By:   
12 NICHOLAS ZICARI  
13 13994  
14 DEPUTY District Attorney  
15  
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0006



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

3 CURTIS ENGLISH  
4 SCOTT HALE-BYRON  
5 WES KELLER  
6 DANIEL R. LARASON  
7 DENNIS RODRIGUE  
8 MICHAEL DENT  
9 KRYSTAL NICOLE REETZ  
10 SIERRA SIDS CASINO  
11 CYNTHIA MATTICE  
12 RICHEL TAASIN ALCABEDOS  
13 KYLE MICKELSON  
14 MARC THOMAS REDDING  
15 99 CENTS ONLY STORE (PRATER)  
16 PATRICIA GEORGE  
17 JOHN LANDRY  
18 ARDYTH POWER  
19 BEN MARTIN  
20 IVAN VILLEGAS  
21 SAMANTHA MECHAM  
22 WILLIAM SHIRLEY  
23 SARAH WALMSLEY

24                           AFFIRMATION PURSUANT TO NRS 239B.030

25           The party executing this document hereby affirms that this  
26 document submitted for recording does not contain the social security  
number of any person or persons pursuant to NRS 239B.030.

CHRISTOPHER J. HICKS  
District Attorney  
Washoe County, Nevada

By: 

NICHOLAS ZICARI  
13994  
DEPUTY District Attorney

PCN: SPPD0071234C; SPPD0069124C

0007

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2 Christopher J. Hicks  
3 #7747  
4 One South Sierra Street  
5 Reno, NV 89501  
6 districtattorney@da.washoecounty.us  
7 (775) 328-3200  
8 Attorney for Plaintiff

9 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,  
10  
11 IN AND FOR THE COUNTY OF WASHOE

12 \* \* \*

13 THE STATE OF NEVADA,

14 Plaintiff,

Case No. CR20-2086

15 v.

Dept. No. D10

16 MICHAEL RAY LOPEZ,

17 Defendant.

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GUILTY PLEA MEMORANDUM

1. I, MICHAEL RAY LOPEZ, understand that I am charged with  
the offense(s) of: COUNT I. ROBBERY, a violation of NRS 200.380, a  
category B felony and COUNT II. ASSAULT WITH USE OF DEADLY WEAPON, a  
violation of NRS 200.471, a category B felony.

2. I desire to enter a plea of guilty to the offense(s)  
of, COUNT I. ROBBERY, a violation of NRS 200.380, a category B felony  
and COUNT II. ASSAULT WITH USE OF DEADLY WEAPON, a violation of NRS  
200.471, a category B felony, as more fully alleged in the charge(s)  
filed against me.

3. By entering my plea of guilty I know and understand  
that I am waiving the following constitutional rights:

1           A. I waive my privilege against self-incrimination.

2           B. I waive my right to trial by jury, at which trial the  
3 State would have to prove my guilt of all elements of the offense(s)  
4 beyond a reasonable doubt.

5           C. I waive my right to confront my accusers, that is, the  
6 right to confront and cross examine all witnesses who would testify  
7 at trial.

8           D. I waive my right to subpoena witnesses for trial on my  
9 behalf.

10           4. I understand the charge(s) against me and that the  
11 elements of the offense(s) which the State would have to prove beyond  
12 a reasonable doubt at trial are that on July 7th, 2020, or  
13 thereabout, in the County of Washoe, State of Nevada, I did, as to  
14 Count I., willfully and unlawfully take personal property, to wit,  
15 various merchandise from the person or in the presence of MICHAEL  
16 DENT and/or RICHEL ALCABEDOS, employees of 99 CENTS ONLY STORE  
17 located at 580 East Prater Way, Washoe County, Nevada, against their  
18 will, and by means of force or violence or fear of immediate or  
19 future injury to their person, to wit: I produced and pointed a large  
20 knife in a threatening manner towards said victims after being told  
21 to return said various merchandise to the store.

22           I further understand the charge(s) against me and that the  
23 elements of the offense(s) which the State would have to prove beyond  
24 a reasonable doubt at trial are that on July 7th, 2020, or  
25 thereabout, in the County of Washoe, State of Nevada, I did, as to  
26 Count II., intentionally place MARC REDDING and/or PATRICIA GEORGE in

1 reasonable apprehension of immediate bodily harm at 200 North  
2 McCarran Boulevard, Washoe County, Nevada, with the use of, or  
3 present ability to use, a deadly weapon, to wit, a large knife, in  
4 that I did charge at said victims while holding said knife AND/OR  
5 produced said knife in a threatening manner.

6 5. I understand that I admit the facts which support all  
7 the elements of the offense(s) by pleading guilty. I admit that the  
8 State possesses sufficient evidence which would result in my  
9 conviction. I have considered and discussed all possible defenses  
10 and defense strategies with my counsel. I understand that I have the  
11 right to appeal from adverse rulings on pretrial motions only if the  
12 State and the Court consent to my right to appeal in a separate  
13 written agreement. I understand that any substantive or procedural  
14 pretrial issue(s) which could have been raised at trial are waived by  
15 my plea.

16 6. I understand that the consequences of my plea of guilty  
17 as to Count I., are that I may be imprisoned for a period of 2 to <sup>MI 15</sup> 20  
18 years in the Nevada State Department of Corrections. I am eligible  
19 for probation.

20 I further understand that the consequences of my plea of  
21 guilty as to Count II., are that I may be imprisoned for a period of  
22 1 to 6 years in the Nevada State Department of Corrections. I am  
23 eligible for probation. I may also be fined up to \$5,000.00.

24 7. In exchange for my plea of guilty, the State, my  
25 counsel and I have agreed to recommend the following: The parties  
26

1 will be free to argue for an appropriate sentence, but the State will  
2 not oppose concurrent sentencing between the two counts.

3 8. I understand that, even though the State and I have  
4 reached this plea agreement, the State is reserving the right to  
5 present arguments, facts, and/or witnesses at sentencing in support  
6 of the plea agreement.

7 9. I also agree that I will make full restitution in this  
8 matter, as determined by the Court. Where applicable, I additionally  
9 understand and agree that I will be responsible for the repayment of  
10 any costs incurred by the State or County in securing my return to  
11 this jurisdiction.

12 10. I understand that the State, at their discretion, is  
13 entitled to either withdraw from this agreement and proceed with the  
14 prosecution of the original charges or be free to argue for an  
15 appropriate sentence at the time of sentencing if I fail to appear at  
16 any scheduled proceeding in this matter OR if prior to the date of my  
17 sentencing I am arrested in any jurisdiction for a violation of law  
18 OR if I have misrepresented my prior criminal history. I understand  
19 and agree that the occurrence of any of these acts constitutes a  
20 material breach of my plea agreement with the State. I further  
21 understand and agree that by the execution of this agreement, I am  
22 waiving any right I may have to remand this matter to Justice Court  
23 should I later withdraw my plea.

24 11. I understand and agree that pursuant to the terms of  
25 the plea agreement stated herein, any counts which are to be  
26 dismissed and any other cases charged or uncharged which are either

1 to be dismissed or not pursued by the State, may be considered by the  
2 court at the time of my sentencing.

3 12. I understand that the Court is not bound by the  
4 agreement of the parties and that the matter of sentencing is to be  
5 determined solely by the Court. I have discussed the charge(s), the  
6 facts and the possible defenses with my attorney. All of the  
7 foregoing rights, waiver of rights, elements, possible penalties, and  
8 consequences, have been carefully explained to me by my attorney. My  
9 attorney has not promised me anything not mentioned in this plea  
10 memorandum, and, in particular, my attorney has not promised that I  
11 will get any specific sentence. I am satisfied with my counsel's  
12 advice and representation leading to this resolution of my case. I  
13 am aware that if I am not satisfied with my counsel I should advise  
14 the Court at this time. I believe that entering my plea is in my  
15 best interest and that going to trial is not in my best interest. My  
16 attorney has advised me that if I wish to appeal, any appeal, if  
17 applicable to my case, must be filed within thirty days of my  
18 sentence and/or judgment.

19 13. I understand that this plea and resulting conviction  
20 will likely have adverse effects upon my residency in this country if  
21 I am not a U. S. Citizen. I have discussed the effects my plea will  
22 have upon my residency with my counsel.

23 14. I offer my plea freely, voluntarily, knowingly and  
24 with full understanding of all matters set forth in the Information  
25 and in this Plea Memorandum. I have read this plea memorandum  
26 completely and I understand everything contained within it.

15. My plea of guilty is voluntary and is not the result of any threats, coercion or promises of leniency.

16. I am signing this Plea Memorandum voluntarily with advice of counsel, under no duress, coercion, or promises of leniency.

17. I do hereby swear under penalty of perjury that all of the assertions in this written plea agreement document are true.

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

DATED this 8th day of December, 1962

Defendant

Translator/Interpreter

Attorney Witnessing Defendant's Signature

Prosecuting Attorney

























1 CODE: 4185  
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3 Litigation Services  
4 151 Country Estates Circle  
5 Reno, Nevada 89511  
6 (775) 323-3411  
7 Court Reporter

8 SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

9 IN AND FOR THE COUNTY OF WASHOE

10 HONORABLE KATHLEEN SIGURDSON, DISTRICT JUDGE

11 STATE OF NEVADA,

12 Plaintiff,

Case No. CR20-2086

13 vs.

Dept. No. 10

14 MICHAEL RAY LOPEZ,

15 Defendant.

16 TRANSCRIPT OF PROCEEDINGS

17 SENTENCING

18 Friday, February 12, 2020

19 Reno, Nevada

20  
21  
22  
23  
24 Reported by:

LORI URMSTON, CCR #51

1 APPEARANCES:

2 FOR THE PLAINTIFF: MATTHEW D. LEE  
3 Deputy District Attorney  
4 1 South Sierra Street  
South Tower, 4th Floor  
Reno, Nevada 89520

5 FOR THE DEFENDANT: IAN E. SILVERBERG  
6 Alternate Deputy Public Defender  
350 S. Center Street  
7 Reno, Nevada 89520

8 FOR THE DIVISION OF  
PAROLE & PROBATION: ERIN LUKL

1 RENO, NEVADA; FRIDAY, FEBRUARY 12, 2021; 9:00 A.M.

2 --o0o--

3 THE COURT: Good morning, everyone. I am Judge  
4 Sigurdson for Department 10 of the Second Judicial  
5 District Court in Washoe County. This session is  
6 taking place today on February 12th at 9 o'clock a.m.  
7 This is being held remotely because of the closure of  
8 the courthouse at 75 Court Street in Reno, Washoe  
9 County, Nevada, due to the national and local emergency  
10 caused by COVID-19.

11 The Court and all of the participants today are  
12 appearing through simultaneous audiovisual  
13 transmission. I am physically located in Washoe  
14 County, Nevada, which is the site of today's court  
15 session. The other court personnel who are present  
16 will identify themselves for the record and note what  
17 county and state they are appearing from.

18 Mr. Court Clerk.

19 THE CLERK: Scott Higginbotham, Washoe County,  
20 Nevada.

21 THE COURT: Thank you.

22 My court reporter today.

23 THE COURT REPORTER: Lori Urmston, Washoe County,  
24 Nevada.

1 THE COURT: Thank you very much.

2 Who is my bailiff today?

3 I'm sorry, you're on mute. I didn't catch that.

4 Mr. Bailiff, could you come back and do that again and  
5 unmute the microphone.

6 DEPUTY FINN: I apologize, Your Honor. Deputy Finn  
7 appearing from 911 Parr Boulevard.

8 THE COURT: Thank you, Officer Finn.

9 All of the in-custody persons today who are  
10 appearing are being heard today and are located at 911  
11 Parr Boulevard, Reno, Washoe County, Nevada.

12 Further, this session and all the hearings today  
13 are open to the public for viewing and listening to the  
14 proceedings at the Washoe Court's website. If at any  
15 time anyone who is appearing in their case cannot see  
16 or hear all of the participants in their case while it  
17 is going on, please notify the Court immediately.

18 Also, I will request the attorneys and other  
19 participants to state their physical location as well  
20 as their name when they make their first appearance to  
21 participate in these proceedings. Please acknowledge  
22 that you have received notice that this hearing is  
23 taking place pursuant to Nevada Supreme Court Rules  
24 Part IX relating to simultaneous audiovisual

1 transmissions in these proceedings and the Second  
2 Judicial District Court administrative orders entered  
3 in 2020 and 2021. Also, please tell me if you have any  
4 objections to going forward in this manner today.

5 THE CLERK: Next case is CR20-2086, State versus  
6 Michael Ray Lopez.

7 MR. LEE: Matt Lee on behalf of the State.

8 MR. SILVERBERG: Good morning, Your Honor. Ian  
9 Sivlerberg, Alternate Public Defender's Office, on  
10 behalf of Michael Ray Lopez.

11 MS. LUKL: Erin Lukl on behalf of the Division.

12 THE COURT: Excellent. Thank you, everybody.

13 Good morning, Mr. Lopez.

14 THE DEFENDANT: Good morning, Your Honor.

15 THE COURT: Good morning.

16 Let the record reflect we have the presence of  
17 Mr. Lopez here, his attorney which is Mr. Silverberg.  
18 For the State we have Mr. Lee and for the Department of  
19 Parole and Probation Ms. Lukl. So thank you.

20 Ms. Lukl, do we have additions, changes or  
21 corrections to the presentence investigation?

22 MS. LUKL: Yes, Your Honor, there is an updated  
23 credit time served for this case. Also, he was  
24 originally supposed to be sentenced on January 19th.

1 He's remained in custody. So the credit time served is  
2 221 days.

3 THE COURT: All right. Thank you. Anything else,  
4 Ms. Lukl?

5 MS. LUKL: No, Your Honor.

6 THE COURT: Thank you.

7 Mr. Silverberg, did you have a chance to read the  
8 report and did you review it with your client?

9 MR. SILVERBERG: Thank you so much. I have had a  
10 change to review the Presentence Investigation Report  
11 with Mr. Lopez and we have no corrections or additions  
12 at this time.

13 THE COURT: Thank you.

14 Mr. Lee.

15 MR. LEE: Argument?

16 THE COURT: Proceed with any argument, yes.

17 MR. LEE: Thank you.

18 Your Honor, today I'm going to be asking that Your  
19 Honor sentence Mr. Lopez to a term of prison on Count 1  
20 of four to ten years, Count 2, two to five years, and  
21 ask that you run those concurrent with one another.  
22 There's a lot of reasons for this.

23 One, Mr. Lopez endangered multiple, multiple people  
24 in our community, and for what reason I'm not exactly

1 sure still, but in the PSI even he minimizes what he  
2 does. I don't think he still understands what he did.  
3 For example, in his statement he says that he went to  
4 the 99 Cent Store with \$2, made a choice and decided I  
5 would shop lift a few items. Your Honor should know  
6 that he filled up an entire basket, meaning a shopping  
7 cart. And then on top of that shopping cart he put  
8 another red basket full of items. 264 items he was  
9 trying to steal. So of course loss prevention at that  
10 location is going to confront him about it, but he says  
11 he tried to just steal a few items.

12 And then when he's confronted he ultimately pulls a  
13 knife out to make his escape. And if that's not  
14 enough, he then runs over to a gas station area that  
15 has a little casino inside it and then there uses that  
16 knife again, jabs that knife into the cashier counter,  
17 tries to get money from a casino patron and also from  
18 the cage. And his reasons are, one, he uses drugs;  
19 two, that he spiraled after losing his job.

20 Those things may have happened, but as representing  
21 the State we cannot say that that excuses his conduct  
22 in any way. So when you use drugs in your own room,  
23 that's one thing. When you then use drugs and you go  
24 out and victimize multiple members of our community,



1 especially while using a dangerous weapon like a knife,  
2 then I believe the sentence needs to make a statement  
3 not only to Mr. Lopez but also a general deterrent  
4 statement to the community that we won't stand for this  
5 type of thing.

6 So if he's going to victimize with a weapon in  
7 order to steal, then prison is the most appropriate.  
8 Again, four to ten on the robbery. That's not the  
9 maximum, it's not the minimum, but it takes into  
10 account, one, that he victimized multiple people, that  
11 he is old enough to know better and it takes into  
12 account the fact that these are dangerous, dangerous  
13 crimes. And so with that I believe that's an  
14 appropriate sentence and I would ask the Court to  
15 follow that recommendation.

16 THE COURT: Thank you, Mr. Lee. Are there any  
17 victims to testify today?

18 MR. LEE: I didn't see any, Your Honor. I will  
19 doublecheck again while Mr. Silverberg makes his  
20 presentation if that's okay.

21 THE COURT: Absolutely. Thank you very much.  
22 Mr. Silverberg.

23 MR. SILVERBERG: Thank you, Your Honor.

24 There's some other things that I think Your Honor

1 needs to know about Mr. Lopez. First of all, we filed  
2 some letters of support.

3 THE COURT: I did see those. Thank you.

4 MR. SILVERBERG: I'm sure Your Honor has read  
5 those. He has excellent family support and he's got a  
6 young son who is very active in his life. And Your  
7 Honor should know that back I believe it was in 2018  
8 when he was facing a felony he was granted diversion  
9 and he successfully completed that diversion program.  
10 It was our mental health court.

11 And what he explains to me, and I think some of his  
12 recollection of that time is -- of the incidents that  
13 Mr. Lee references and that bring us here today is a  
14 little hazy. This is at the beginning of COVID and he  
15 was exceptionally depressed and he relapsed on  
16 methamphetamine and he was completely out of his head  
17 on this.

18 Now, when he went into this store he wasn't  
19 wielding a knife then. He went in. He shoplifted. He  
20 shouldn't have done that. When he was confronted he  
21 used a knife, as Mr. Lee said, to effect his escape.  
22 And he shouldn't have done that either. But the reason  
23 I bring it up in this way is because he didn't go in  
24 there looking to hurt anybody, but there are certainly

1 natural consequences when these sort of behaviors take  
2 place, but I don't think that that was his intention  
3 going into this.

4 The State is rightly concerned. These are serious  
5 offenses. But on the other hand, we have somebody with  
6 no prior felonies, with great family support, with an  
7 addiction problem. And I'm going to suggest something  
8 completely different, Your Honor. What I'm going to  
9 suggest -- he's been accepted to the Salvation Army. I  
10 am going to suggest to the Court that we hold off on  
11 sentencing, send him via inmate assistance program to  
12 the Salvation Army and see if he can complete that  
13 program which I think Your Honor will be impressed with  
14 how he does there and that we even maybe have a status  
15 conference or two in between. But send him to this  
16 program, let's see how he does, so that we can have  
17 some comfort that this person with no prior felonies is  
18 not going to continue to be a danger to the community.

19 Just sending him to prison now, Your Honor, with  
20 his prior record, I just don't see it justified, but I  
21 understand the State and how the Court might have some  
22 concern just on the factual allegations alone.

23 So what I am going to suggest, Your Honor, is that  
24 we hold off on sentencing and let him complete the

1 Salvation Army program. If he doesn't complete it, we  
2 all know what's going to happen. And that might even  
3 possibly change Mr. Lee's recommendation for  
4 sentencing. He's certainly not bound by that. But I  
5 think it's a good way to sort of see what's going on  
6 here a little bit more with somebody with again no  
7 prior felonies and with great family support.

8 So that's what I would ask the Court to do at this  
9 point. If Your Honor is inclined to do that, that  
10 would be the end of my argument. Otherwise, Your  
11 Honor, we would be requesting -- and I appreciate the  
12 recommendation for concurrent time from Mr. Lee, but  
13 what we would be requesting is a two to five on both to  
14 run concurrent.

15 THE COURT: Mr. Lopez, this is your opportunity to  
16 talk to me if there's anything that you would like to  
17 tell me that Mr. Silverberg did not cover.

18 THE DEFENDANT: I would just like to say I'm  
19 extremely remorseful for my actions. You know, I've  
20 got a son that's facing his adolescent teenage years  
21 that I need to get back to him. He's been really  
22 struggling without me on drugs. So I just feel like I  
23 need some help. And if you could give me one  
24 opportunity to prove myself, it will definitely be

1 taken advantage of.

2 THE COURT: All right. The Salvation Army program  
3 is very stringent. So, Mr. Lopez, this is not a  
4 cakewalk. This is going to be a very tough program.  
5 So with that, I will withhold sentencing and send you  
6 to the Salvation Army. I want a direct transport. So  
7 you're not going to go out on the street at this point.  
8 So the sheriffs will transport you directly from where  
9 you are to the Salvation Army.

10 I'm sorry, Mr. Silverberg, I'm not sure I heard  
11 that there's a bed available for him. Have you set  
12 that up yet?

13 MR. SILVERBERG: My understanding was he's already  
14 been accepted to the Salvation Army, but I'll follow up  
15 with him to make sure that that happens.

16 THE COURT: Okay. Thank you.

17 So you will be released to go to Salvation Army.  
18 Like I said, the sheriffs will transport you providing  
19 there is a bed. If there's not, you will stay in jail  
20 until such time as there is a bed available. All  
21 right?

22 THE DEFENDANT: Understood.

23 THE COURT: Okay. Thank you. You do have some  
24 fees that you are going to have to pay. You've got a

1 \$25 administrative assessment fee, \$3 DNA fee. And,  
2 Mr. Silverberg, any attorney's fees?

3 MR. SILVERBERG: Your Honor, not at this point.  
4 He's not being sentenced at this point, so I don't  
5 think the fees would be appropriately assessed at this  
6 time.

7 THE COURT: Thank you, Mr. Silverberg.

8 Mr. Lee, it looks like you want to tell me probably  
9 the same thing.

10 MR. LEE: I think that Mr. Silverberg cleared it up  
11 for me.

12 THE COURT: All right. Thank you both very much.

13 Mr. Higginbotham, let's set a status. Let's do two  
14 weeks at this point and thereafter once a month. But,  
15 Mr. Lopez, you do have to cooperate with Pretrial  
16 Services while you're there.

17 THE CLERK: Your Honor, that next court date would  
18 be February 26th at 9 a.m.

19 THE COURT: So assuming, Mr. Lopez, that you're  
20 going to be a star participant over there, it's going  
21 to be once a month.

22 THE DEFENDANT: I understand.

23 (The proceedings were continued to  
24 February 26, 2021, at 9:00 a.m.)

--o0o--

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

4 I, LORI URMSTON, Certified Court Reporter, in and  
5 for the State of Nevada, do hereby certify:

6 That the foregoing proceedings were taken by me  
7 at the time and place therein set forth; that the  
8 proceedings were recorded stenographically by me and  
9 thereafter transcribed via computer under my  
10 supervision; that the foregoing is a full, true and  
11 correct transcription of the proceedings to the best  
12 of my knowledge, skill and ability.

13 I further certify that I am not a relative nor an  
14 employee of any attorney or any of the parties, nor am  
15 I financially or otherwise interested in this action.

16 I declare under penalty of perjury under the laws  
17 of the State of Nevada that the foregoing statements  
18 are true and correct.

19 DATED: At Reno, Nevada, this 7th day of  
20 September, 2021.

21  
22 LORI URMSTON, CCR #51  
23

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

By: ALICIA L. LERUD, Clerk of the Second  
Judicial District Court, in and for the County of  
Washoe.

LORI URMSTON, CCR #51

4185

SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

THE HONORABLE KATHLEEN SIGURDSON, DISTRICT JUDGE

---oOo---

STATE OF NEVADA,	)	Case No. CR20-2086
	)	
	)	Dept. No. 10
Plaintiff,	)	
vs.	)	
	)	TRANSCRIPT OF PROCEEDINGS
MICHAEL RAY LOPEZ,	)	
	)	
Defendant.	)	

STATUS CONFERENCE VIA AUDIO/VISUAL TRANSMISSION  
FEBRUARY 26, 2021, RENO, NEVADA

APPEARANCES:

For the Plaintiff:	MATTHEW LEE, ESQ. Deputy District Attorney One S. Sierra Street, 4th Floor Reno, Nevada 89520
For the Defendant:	IAN E. SILVERBERG, ESQ. Alt. Deputy Public Defender 1001 E. Ninth Street, 202A Reno, Nevada 89512

The Defendant: MICHAEL RAY LOPEZ

Reported by: JULIE ANN KERNAN, CCR #427, CP, RPR  
Job No. 727452 Computer-Aided Transcription



1 WASHOE COUNTY, NEVADA; FRIDAY, FEBRUARY 26, 2021;

2 9:18 A.M.

3 ---o0o---

4 COURT CLERK: Next case if I could call one  
5 out of order. So this is going to be number 5,  
6 CR20-2086, State versus Michael Ray Lopez.

7 MR. LEE: Matt Lee for the State.

8 MR. SILVERBERG: Good morning, your Honor.  
9 Ian Silverberg, Alternate Public Defender's Office on  
10 behalf of Mr. Lopez, who appears via Zoom it looks like.  
11 This was set for a status conference, your Honor, and he  
12 is at the Salvation Army.

13 THE COURT: Good. Okay. Mr. Lopez, can you  
14 open up your screen and your mic? I'd like to be able  
15 to see you, if you can.

16 Mr. Lopez, can you hear me? Can you say  
17 something?

18 THE DEFENDANT: Yeah. Can you hear me?

19 THE COURT: Yeah, I heard that. Thank you. I  
20 can't see you yet and I don't know do you have the  
21 ability to open up the screen so I can see you?

22 THE DEFENDANT: I'm not too computer savvy.  
23 I'm not sure how my -- I'm trying to share the screen.

24 THE COURT: I understand. I'm not computer

1 savvy, either, it's taken me a while. Give it a try,  
2 I'll wait for a few minutes, all right?

3 THE DEFENDANT: Oh, there we go.

4 THE COURT: Oh, there you are. Hello.

5 THE DEFENDANT: Hello.

6 THE COURT: Thank you. Thank you, thank you.  
7 All right. So Mr. Silverberg, do you want to tell us  
8 what's going on?

9 MR. SILVERBERG: Yes, thank you, your Honor.  
10 At our last meeting which was, I believe, two weeks ago,  
11 your Honor agreed to defer sentencing and to allow Mr.  
12 Lopez to participate in the Salvation Army program. He  
13 was transported there through Inmate Assistance Program  
14 is my understanding. And I heard from Mr. Furlong that  
15 he was checked in on, I believe it was, the 18th. And  
16 he appears to be doing really well. I'm happy to see  
17 him.

18 So at this point, your Honor, I'd be  
19 requesting maybe a status in 60 days if the State agrees  
20 that's that's an appropriate time, or if we want  
21 something sooner, whatever the Court and the State think  
22 is appropriate to keep tabs on Mr. Lopez.

23 THE COURT: Thank you, Mr. Silverberg. Mr.  
24 Lee?

1 MR. LEE: Your Honor, I guess it depends on  
2 how long your Honor wanted to keep him in the program.  
3 So I don't know about that.

4 THE COURT: I think to know that I would need  
5 a report or something from the program itself. I am not  
6 a substance abuse counselor and I'd be reticent to issue  
7 that decision.

8 So Mr. Silverberg, could you stay in contact  
9 with Salvation Army and ask them to submit a report for  
10 us to make that determination?

11 MR. SILVERBERG: Absolutely.

12 THE COURT: Thank you very much. I would like  
13 to hear from Mr. Lopez. Mr. Lopez, how you doing?

14 THE DEFENDANT: I'm good. Thank you.

15 THE COURT: How long have you been there?  
16 Since the 18th; is that right?

17 THE DEFENDANT: Yeah. I think yesterday was  
18 one week.

19 THE COURT: How are you feeling?

20 THE DEFENDANT: I'm feeling good. I'm  
21 enjoying the program and grateful to see what kind of  
22 treatment I can absorb.

23 THE COURT: Well, good. We're going to stay  
24 in touch with you, all right --

1 THE DEFENDANT: Okay.

2 THE COURT: -- just yet. So I want you to  
3 have a very good program and use it to your benefit.  
4 It's a very stringent program I understand, but this is  
5 a great opportunity for you to kind of get things back  
6 on track. All right?

7 THE DEFENDANT: Absolutely.

8 THE COURT: So what I'd like to do is I would  
9 hope that 30 days would be enough time to get a report  
10 from Salvation Army?

11 MR. SILVERBERG: I would hope so, too. I'll  
12 reach out to them right away.

13 THE COURT: Thank you so much, Mr. Silverberg.  
14 So Mr. Higginbotham, can you set this out for  
15 30 days?

16 COURT CLERK: Yes, your Honor.

17 THE COURT: And another status?

18 COURT CLERK: It will be -- the next court  
19 date would be April 2nd at nine a.m.

20 THE COURT: Can't believe we're in April  
21 already. Wow. Time is flying. As I get older it's  
22 faster and faster. Oh, it kills me.

23 Mr. Lopez, thank you so much. Good luck to  
24 you.

1 MR. SILVERBERG: Thank you, your Honor.

2 THE COURT: Thank you, Mr. Silverberg.

3 (Proceedings continued until April 2nd, 2021,

4 at 9:00 a.m.)

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1 STATE OF NEVADA )  
2 COUNTY OF WASHOE)

3 I, JULIE ANN KERNAN, official reporter of  
4 the Second Judicial District Court of the State of  
5 Nevada, in and for the County of Washoe, do hereby  
6 certify:

7 That as such reporter I was present via  
8 audio/visual transmission in Department No. 10 of the  
9 above court on Friday, February 26, 2021, at the hour of  
10 9:18 a.m. of said day, and I then and there took  
11 verbatim stenotype notes of the proceedings had and  
12 testimony given therein upon the Status Conference of  
13 the case of STATE OF NEVADA, Plaintiff, vs. MICHAEL RAY  
14 LOPEZ, Defendant, Case No. CR20-2086.

15 That the foregoing transcript, consisting of  
16 pages numbered 1 through 6, both inclusive, is a full,  
17 true and correct transcript of my said stenotype notes,  
18 so taken as aforesaid, and is a full, true and correct  
19 statement of the proceedings of the above-entitled  
20 action to the best of my knowledge, skill and ability.

21  
22 DATED: At Reno, Nevada, this 13th day of October, 2021.

23  
The document to which this certificate is  
attached is a full, true and correct copy of the  
original on file and of record in my office.

/s/ Julie Ann Kernan

JULIE ANN KERNAN, CCR #427

By: ALICIA L. LERID, Clerk of the Second  
Judicial District Court, in and for the County of  
Washoe.

7

1 Code #4185  
2 SUNSHINE LITIGATION SERVICES  
3 151 County Estates Circle  
4 Reno, Nevada 89511

5 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
6 IN AND FOR THE COUNTY OF WASHOE  
7 HONORABLE KATHLEEN SIGURDSON, DISTRICT JUDGE

8 -o0o-

9 THE STATE OF NEVADA, Case No. CR20-2086  
10 Plaintiff, Dept No. 10  
11 vs.  
12 MICHAEL RAY LOPEZ,  
13 Defendant.

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17 TRANSCRIPT OF PROCEEDINGS

18 STATUS HEARING

19 APRIL 2, 2021

20 RENO, NEVADA

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24 REPORTED BY: CORRIE L. WOLDEN, NV CSR #194, RPR, CP

25 JOB NO. 742635

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**A P P E A R A N C E S**

**FOR THE PLAINTIFF:**            **WASHOE COUNTY DISTRICT ATTORNEY'S  
OFFICE  
BY: DANIELLE BIGLER, ESQ.  
One South Sierra Street  
Reno, Nevada 89520  
775-328-3200**

**FOR THE DEFENDANT:**            **IAN E. SILVERBERG, ESQ.  
350 S. Center Street, 6th Flr  
Reno, Nevada 89501  
775-750-0660  
iansilverberg@yahoo.com**

**FOR THE DIVISION OF**            **ERIN LUKL**  
**PAROLE AND PROBATION:**



1 RENO, NEVADA, FRIDAY, APRIL 2, 2021, 9:16 A.M.

2 -o0o-

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4 THE COURT: Good morning, everyone. Let the  
5 record reflect that this session is taking place on  
6 April 2nd, 2021, at 9:00 a.m. This is being held remotely  
7 because of the closure of the courthouse at 75 Court Street  
8 in Reno, Washoe County, Nevada due to the national and local  
9 emergency caused by COVID-19.

10 The Court and all of its participants are  
11 appearing through simultaneous audiovisual transmission. I  
12 am physically located in Washoe County, Nevada, which is the  
13 site of today's court session. The other court personnel  
14 who are present will identify themselves for the record and  
15 note what county and state they are appearing from.

16 Mr. Clerk.

17 THE CLERK: Scott Higginbotham, Washoe County,  
18 Nevada.

19 THE COURT: Thank you very much.

20 My Court Reporter.

21 THE COURT REPORTER: Corrie Wolden, Washoe County,  
22 Nevada.

23 THE COURT: Thank you, Ms. Wolden.

24 And do I have a bailiff present in the jailhouse?

25 THE DEPUTY: Yes, we do. Deputy Guzman appearing

1 from Washoe County, Nevada.

2 THE COURT: Thank you, Deputy. All of the  
3 in custody persons in these matters today are being heard  
4 and located at 911 Parr Boulevard in Reno, Washoe County,  
5 Nevada. Further, the record should reflect that this  
6 session and all of the hearings today are open to the public  
7 for viewing and listening to the proceedings through the  
8 video audio link found at the Washoe County website. If at  
9 any time anyone who is appearing in their case cannot hear  
10 or see all of the participants, please let the Court know  
11 immediately so we can remedy the problem.

12 I also want to additionally request all of the  
13 attorneys and participants, when you make your first  
14 appearance please state your name and your location, what  
15 county and state you are appearing from.

16 Counsel, as your case is called, please  
17 acknowledge that you have received notice of the hearings  
18 that are taking place today pursuant to the Nevada Supreme  
19 Court Rules Part IX relating to simultaneous audiovisual  
20 transmissions in these proceedings in the Second Judicial  
21 District Court Administrative Orders entered in 2020 and  
22 2021. Also tell me if you have any objections to going  
23 forward in this manner today.

24 THE CLERK: Your Honor, next case is CR20-2086,  
25 Michael Ray Lopez.

1 MS. BIGLER: Danielle Bigler on behalf of the  
2 state.

3 MR. SILVERBERG: Good morning, Your Honor.  
4 Ian Silverberg, Alternate Public Defender's Office,  
5 appearing from Reno, Washoe County, Nevada. I am in receipt  
6 of all relevant notices and orders and I have no objection  
7 to proceeding in this manner. Mr. Lopez is appearing with  
8 us from I believe the Victory Outreach Program.

9 THE COURT: Excellent. Thank you.

10 Mr. Lopez, are you in Washoe County, Nevada?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: Thank you. And I can hear you and I  
13 can see you and I appreciate that. Thank you.

14 All right. This is a status hearing, and I'm  
15 looking at the Pretrial Services Report of March 26, '21.  
16 It looks like everything is compliant, Mr. Lopez. Sounds  
17 like you are doing everything well, so I'm very proud of  
18 you. Good job.

19 THE DEFENDANT: Thank you, Your Honor.

20 THE COURT: And how is it going there for you at  
21 Victory Outreach?

22 THE DEFENDANT: I'm liking it. I'm getting ahold  
23 of God. I recently had a death in my family, so I'm working  
24 on my faith and just plugging into what we have got going on  
25 over here.

1           THE COURT: Well, you have my condolences, sir,  
2   and I apologize for your loss, I'm sorry.

3           THE DEFENDANT: Thank you.

4           THE COURT: Yeah. It's been a tough year for  
5   sure.

6           Mr. Silverberg, anything you would like to add?

7           MR. SILVERBERG: Well, Your Honor, I'm just so  
8   happy for Mr. Lopez. You know, as Your Honor probably  
9   recalls, he was initially to be at the Gospel Mission and he  
10   had suffered sort of a depressive episode and left, but he  
11   immediately got in contact with me and Court Services and  
12   remained in compliance.

13           Where we often see people fall off and disappear,  
14   Mr. Lopez did not do that. He stayed in excellent contact  
15   and got himself into another great program, so I would just  
16   ask that we set this out for another status conference in  
17   maybe 60 days.

18           THE COURT: Thank you, Mr. Silverberg.

19           Ms. Bigler.

20           MS. BIGLER: Thank you, Your Honor.

21           Your Honor, in this case it is the state's  
22   position, as was argued at the last sentencing hearing, we  
23   are objecting to any community supervision in this case if  
24   you were to move to sentencing today, so I will leave it to  
25   Your Honor's discretion as to whether or not you want to set

1 another status.

2 It is still the state's position that the  
3 defendant be sentenced to 4 to 10 years on Count I, 2 to 5  
4 on Count II, and pursuant to negotiations that those run  
5 concurrent. The state is particularly concerned in this  
6 case about the underlying nature of the offenses, the  
7 weapon --

8 THE COURT: I'm sorry, can you back up? I missed  
9 you there.

10 MS. BIGLER: Yes, of course. The underlying facts  
11 in this case are particularly concerning to the state given  
12 the use of a weapon, and so the state's position still  
13 remains the same as was argued at the last sentencing, so I  
14 will just go ahead and submit for Your Honor's decision.

15 THE COURT: Thank you, Ms. Bigler.

16 Ms. Lukl, anything you would like to add on this  
17 case?

18 MS. LUKL: Erin Lukl on behalf of the Division.  
19 I'm located in Washoe County, Nevada, and nothing to add to  
20 this case.

21 THE COURT: Thank you very much, Ms. Lukl.

22 Mr. Lopez, I'm very proud of you. It sounds like  
23 you are doing a good job even though you are going through  
24 some rough times, so I am going to allow you to stay out,  
25 but I do want you to stay at the Victory Outreach Program.

1     Okay. That's very important. If that changes, then you and  
2     I change, okay?

3                 THE DEFENDANT: Absolutely.

4                 THE COURT: All right. Thank you very much. I'm  
5     going to set this for 30 days, Mr. Higginbotham, if we can  
6     get a date in 30 days.

7                 THE CLERK: Your Honor, our next date would be  
8     May 12th at 3:30 for out of custody.

9                 THE COURT: All right. Mr. Lopez, I will see you  
10    in May.

11                THE DEFENDANT: Thank you, Your Honor.

12                MR. SILVERBERG: Thank you, Your Honor.

13                                 -o0o-

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

7 That I am not a relative, employee or independent  
8 contractor of counsel to any of the parties; or a relative,  
9 employee or independent contractor of the parties involved  
0 in the proceeding, or a person financially interested in the  
1 proceeding;

17           That the foregoing transcript, consisting of pages 1  
18 through 9, is a full, true and correct transcription of my  
19 stenotype notes of said proceedings.

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2 JUDITH ANN SCHONLAU

3 CCR #18

4 75 COURT STREET

5 RENO, NEVADA

6  
7 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF  
8 NEVADA

9 IN AND FOR THE COUNTY OF WASHOE  
10 BEFORE THE HONORABLE KATHLEEN SIGURDSON, DISTRICT JUDGE

11 -o0o-

12 THE STATE OF NEVADA, )

13 Plaintiff, )

14 vs. )

15 MICHAEL RAY LOPEZ, )

16 Defendant. )

CASE NO. CR20-2086  
DEPARTMENT NO. 10

17  
18 TRANSCRIPT OF PROCEEDINGS

19 STATUS HEARING

20 WEDNESDAY, MAY 12, 2021, 3:30 P.M.

21 Reno, Nevada

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24 Reported By: JUDITH ANN SCHONLAU, CCR  
#18  
25 NEVADA-CALIFORNIA CERTIFIED; REGISTERED PROFESSIONAL  
REPORTER Computer-aided Transcription



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A P P E A R A N C E S

FOR THE PLAINTIFF:       OFFICE OF THE DISTRICT ATTORNEY  
  
                              BY:   DARBY PHELPS, ESQ.  
  
                              DEPUTY DISTRICT ATTORNEY  
  
                              WASHOE COUNTY COURTHOUSE  
  
                              RENO, NEVADA

FOR THE DEFENDANT:       ALTERNATE PUBLIC DEFENDER  
  
                              BY:   JENNA GARCIA, ESQ.  
  
                              DEPUTY PUBLIC DEFENDER  
  
                              350 S. CENTER STREET  
  
                              RENO, NEVADA

PAROLE AND PROBATION:    ERIN LUKL

1 RENO, NEVADA; WEDNESDAY, MAY 12, 2021; 3:30 P.M.

2 -oOo-

3 THE CLERK: The next case which is Michael Ray  
4 Lopez, CR20-2086. I do not see a Mr. Lopez in the  
5 audience, but I do see a Chris Richenmacher. I don't  
6 know.

7 MS. GARCIA: I don't know. I am covering for  
8 Mr. Silverberg. Could we check?

9 MR. RICHENMACHER: I am just watching.

10 THE CLERK: Thank you, sir. The only other  
11 person in the audience is Brain Nevada. Brain Nevada are  
12 you just observing as well?

13 MS. GARCIA: He didn't want to hang out.

14 THE COURT: Ms. Garcia, could you introduce  
15 yourself and tell me where you are appearing from?

16 MS. GARCIA: Yes, Your Honor. I don't think I  
17 have been in this Court. My name is Jenna Garcia, and I  
18 am appearing from Washoe County, Nevada. I am with the  
19 Alternate Public Defenders Office, and today I am here  
20 on behalf of Ian Silverberg. I am in receipt of all  
21 relevant Notices and have no objection to proceeding.

22 Your Honor, my understanding from  
23 Mr. Silverberg was the client is at Victoria Outreach.  
24 This has been continued a couple of times for you to see  
25 his performance, so I am little at a loss, because I

1 didn't personally contact him because I was just  
2 covering this hearing. So I don't know why he hasn't  
3 logged on. I don't have any information he's not at  
4 Victory Outreach. I don't have any information at all.  
5 I apologize.

6 THE COURT: I appreciate your representation,  
7 Ms. Garcia.

8 Good afternoon, Mr. Meredith.

9 PRETRIAL SERVICES: Good afternoon, Your Honor.

10 THE COURT: Where are you appearing from?

11 PRETRIAL SERVICES: Cody Meredith appearing from  
12 Washoe County.

13 THE COURT: Thank you very much. Have you had  
14 any contact with Mr. Lopez?

15 PRETRIAL SERVICES: Not Mr. Lopez directly. I  
16 have only been in contact with the Victory Outreach  
17 program director. It was the program director. As of  
18 last week, when the Court note was filed, he confirmed  
19 Mr. Lopez was indeed in the Victory Outreach program.

20 THE COURT: Okay. Okay. Ms. Garcia, this is  
21 basically a status check that we are doing with  
22 Mr. Lopez on a regular basis to make sure he continues  
23 to participate in Victory Outreach, which it sounds like  
24 he is. I know Mr. Meredith is keeping in contact with  
25 them. So far it looks like he's being compliant. He's

1 doing everything we want him to do, so everything looks  
2 good. Okay. Ms. Phelps, you would like to ask or add  
3 anything?

4 MS. PHELPS: Nothing to add, Your Honor. Thank  
5 you.

6 THE COURT: Thank you. Ms. Garcia, please tell  
7 Mr. Silverberg to continue the good work with Mr. Lopez.  
8 Let's hope he stays on the right track. I think he  
9 should.

10 MS. GARCIA: Did you want to set another status  
11 or set it for sentencing at this time?

12 THE COURT: I think we'll set it for another  
13 status. Mr. Adrian, do you want to give us another date  
14 in four weeks?

15 THE CLERK: Four weeks. Sure. That date will be  
16 June 16th at 3:30 p.m.

17 THE COURT: Perfect. Thank you. Mr. Meredith.

18 PRETRIAL SERVICES: Your Honor, if I may, Victory  
19 Outreach, the program manager was mentioning their  
20 program can be up to nine months to a year long, just  
21 for your information.

22 THE COURT: I appreciate that, Mr. Meredith.  
23 Thank you very much.

24 All right. Thank you everybody.

25 MS. PHELPS: Thank you.

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THE COURT: Have a good end to your week.  
(Whereupon, the proceedings were concluded.)

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

3 I, Judith Ann Schonlau, Official Reporter of  
4 the Second Judicial District Court of the State of  
5 Nevada, in and for the County of Washoe, DO HEREBY  
6 CERTIFY:

7 That as such reporter I was present in  
8 Department No. 10 of the above-entitled court on  
9 Wednesday, May 12, 2021 at the hour of 3:30 p.m. of said  
10 day and that I then and there took verbatim stenotype  
11 notes of the proceedings had in the matter of THE STATE  
12 OF NEVADA vs. MICHAEL RAY LOPEZ, Case Number CR20-2086.

13 That the foregoing transcript, consisting of  
14 pages numbered 1-7 inclusive, is a full, true and  
15 correct transcription of my said stenotypy notes, so  
16 taken as aforesaid, and is a full, true and correct  
17 statement of the proceedings had and testimony given  
18 upon the trial of the above-entitled action to the best  
19 of my knowledge, skill and ability.

20 DATED: At Reno, Nevada this 11th day of September,  
21 2021.

22  
23  
The document to which this certificate is  
attached is a full, true and correct copy of the  
original on file and of record in my office.

/s/ Judith Ann Schonlau  
JUDITH ANN SCHONLAU CSR #18

25  
By: ALICIA L. LERUD, Clerk of the Second  
Judicial District Court, in and for the County of  
Washoe.

1 CODE: 4185  
2 NICOLE J. HANSEN, CCR 446  
3 Sunshine Litigation Services  
4 151 Country Estates Circle  
5 Reno, Nevada 89511  
6 (775) 323-3411  
7 Court Reporter

8 SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
9  
10 IN AND FOR THE COUNTY OF WASHOE  
11  
12 THE HONORABLE KATHLEEN SIGURDSON, DISTRICT JUDGE  
13 --oOo--

14 STATE OF NEVADA, Case No. CR20-2086  
15 Plaintiff, Dept. No. 10  
16 vs.  
17 MICHAEL RAY LOPEZ,  
18 Defendant.  
19 -----

20 TRANSCRIPT OF PROCEEDINGS  
21 STATUS HEARING  
22 WEDNESDAY, JUNE 23, 2021

23 APPEARANCES:

24 For the Plaintiff: BRETT DIFFENBACH, ESQ.  
Washoe County District  
Attorneys Office  
One South Sierra Street  
Reno, Nevada 89520

For the Defendant: IAN SILVERBERG, ESQ.  
Washoe County Alternate  
Public Defenders Office  
1 S. Sierra St.  
Reno, Nevada 89501

For P&P: SARA CURRENCE

SUNSHINE LITIGATION SERVICES (775) 323-3411





1       conversations, and then there's times when these are a  
2       little more easy to present, and I'm so happy that  
3       Mr. Lopez is the latter of those two. He's doing so well  
4       at Victory Outreach. The last I checked as far as  
5       compliance with Court Services indicates that he is still  
6       engaged in the program.

7               Every time I see him on Zoom, it's like I see  
8       a better version of himself. It's just really a pleasure  
9       to see. So I know that he's anxious to address the Court  
10      about everything that he's doing and what his program  
11      actually does entail.

12             This case started out really bad, and through  
13      Your Honor's betting on Mr. Lopez and Mr. Lopez's hard  
14      work, I'm just the guy the gets to pass on the message.  
15      So after you hear from him, Your Honor, based on his  
16      compliance, I would defer to the Court as to maybe we  
17      have one more status conference and make sure this is  
18      sticking with him and maybe proceed to sentencing after  
19      that, whatever the State would be comfortable with, as  
20      far as that goes.

21             THE COURT: Thank you. Mr. Lopez, I'll hear  
22      from Mr. Diffenbach first and then I'll call on you,  
23      okay?

24             MR. DIEFFENBACH: Thank you, Your Honor. We

1 are more than four months out from the original  
2 sentencing. We've had several status conferences. I  
3 think that it's probably appropriate now at this point to  
4 set a final sentencing date.

5 THE COURT: Thank you, Mr. Diffenbach.

6 Mr. Lopez, what would you like to tell me?

7 THE DEFENDANT: Just happy to be where I am  
8 and just continuing to grow my work ethic and  
9 spirituality and looking forward to maintaining a sober  
10 lifestyle.

11 THE COURT: Good. Good. And as stated by  
12 your attorney, Pretrial Services indicates you're  
13 compliant and doing well, so that makes me very happy.  
14 When I give people this opportunity, I am taking a risk  
15 on you, so I'm so glad that you're taking advantage of  
16 this opportunity.

17 I do recognize the State's position that we  
18 are four months out from the original sentencing date, so  
19 I am going to ask Mr. Adriane to give us a date for  
20 sentencing.

21 Mr. Adriane, how about two months out from  
22 today?

23 That will be a total of six months,  
24 Mr. Lopez, for you to prove yourself that you should be

1 in something like Victory Outreach. All right?

2 THE DEFENDANT: All right, Your Honor.

3 THE COURT: Okay.

4 THE CLERK: That date is August 18th at 3:30  
5 p.m.

6 THE COURT: All right, Mr. Lopez.

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1 SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
2 IN AND FOR THE COUNTY OF WASHOE  
3 THE HONORABLE KATHLEEN SIGURDSON, DISTRICT JUDGE

4 --o0o--

5 STATE OF NEVADA, ) Case No. CR20-2086  
6 ) Dept. No. 10  
7 Plaintiff, )  
8 vs. )  
9 MICHAEL RAY LOPEZ, ) TRANSCRIPT OF PROCEEDINGS  
10 )  
11 Defendant. )  
12 -----

13 NOTICE OF COMPLETION AND DELIVERY OF TRANSCRIPT

14 I, Nicole J. Hansen, Nevada Certified Court  
15 Reporter, do hereby certify that the following transcript  
16 was prepared in response to a transcript request form  
17 filed in this appeal:

18 1) TRANSCRIPT OF PROCEEDINGS, STATUS HEARING,  
19 JUNE 23, 2021.  
20  
21  
22  
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24

1           That on the 24th day of August, 2021, I  
2 electronically filed the Original transcript dated  
3 June 23, 2021, with the Washoe County District Court.

4           And on the 31st day of August, 2021, I delivered  
5 copies of the transcript via e-mail, messenger or U.S.  
6 Mail Service, to the following parties:  
7

8           Two copies to:

9           MARC PICKER, ESQ.  
10          WASHOE COUNTY ALTERNATE  
11          PUBLIC DEFENDERS OFFICE  
12          1 South Sierra St.  
13          Reno, Nevada 89501

14          One copy to:

15          WASHOE COUNTY DISTRICT ATTORNEY'S OFFICE  
16          Appellate Division  
17          One South Sierra Street  
18          Reno, Nevada 89520

19          DATED: This 24th day of August, 2021

20                 /s/ Nicole J. Hansen  
21                 -----

22                 Nicole J. Hansen, CCR #446,  
23                 RPR, CRR, RMR

24          SUNSHINE LITIGATION SERVICES  
151 Country Estates Circle  
Reno, Nevada 89511  
(775) 323-3411

-----SUNSHINE LITIGATION SERVICES (775) 323-3411-----

1 Code #4185  
2 SUNSHINE LITIGATION SERVICES  
3 151 County Estates Circle  
4 Reno, Nevada 89511

5 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

6 IN AND FOR THE COUNTY OF WASHOE

7 HONORABLE KATHLEEN SIGURDSON, DISTRICT JUDGE

8 -o0o-

9 THE STATE OF NEVADA,

Case No. CR20-2086

10 Plaintiff,

Dept No. 10

11 vs.

12 MICHAEL RAY LOPEZ,

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

15  
16  
17 TRANSCRIPT OF PROCEEDINGS

18 SENTENCING

19 AUGUST 16, 2021

20 RENO, NEVADA

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23  
24 REPORTED BY: CORRIE L. WOLDEN, NV CSR #194, RPR, CP

25 JOB NO. 791495

2

## A P P E A R A N C E S

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4

**FOR THE PLAINTIFF:**

**WASHOE COUNTY DISTRICT ATTORNEY'S  
OFFICE**

5

**BY: BRETT A. DIEFFENBACH, ESQ.**  
**One South Sierra Street, 4th Flr**

6

**Reno, Nevada 89501**

7

**775-325-6709**  
**bdieffenbach@da.washoecounty.us**

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**FOR THE DEFENDANT:**

**IAN E. SILVERBERG, ESQ.**

11

350 S. Center Street, 6th Flr

12

**Reno, Nevada 89501**

13

**775-750-0660**

14

**iansilverberg@yahoo.com**

15

**FOR THE DIVISION OF  
PAROLE AND PROBATION:**

**GREG RAMSEY**  
**ERIN LUKL**

17

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**FOR PRETRIAL SERVICES:**

**JESSICA STEPHENS**

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1           RENO, NEVADA, MONDAY, AUGUST 16, 2021, 9:27 A.M.

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4           THE CLERK: Next case is State versus Michael Ray  
5 Lopez, CR20-2086.

6           MR. SILVERBERG: Good morning, Your Honor.  
7 Ian Silverberg, Alternate Public Defender's Office, on  
8 behalf of Michael Ray Lopez who is present in court today.

9           THE COURT: Good morning, Mr. Lopez.

10          THE DEFENDANT: Good morning, Your Honor.

11          MR. DIEFFENBACH: Brett Dieffenbach for the state,  
12 Your Honor. I will note we provided Marsy's Law notice of  
13 the sentencing. I do not see any victims present today.

14          THE COURT: Thank you very much. I do have a  
15 Presentence Investigation Report that was dated 12-23 of  
16 2020. Was there a more recent report?

17          MR. SILVERBERG: No, Your Honor.

18          THE COURT: All right. Mr. Silverberg, please.

19          MR. SILVERBERG: Thank you. As I'm sure  
20 Your Honor remembers Mr. Lopez, because he came before the  
21 Court with very serious charges to which he pled guilty and  
22 Your Honor gave him the opportunity to do some programming  
23 and he is still actively involved in Victory Outreach. A  
24 representative of Victory Outreach is present in court today  
25 supporting Mr. Lopez.



1           One interesting thing about his path is, if  
2   Your Honor will remember, I believe that he was granted  
3   first, I think it was Reno-Sparks Gospel Mission or  
4   Salvation Army, Salvation Army, and he had a problem there  
5   with his medication and he got extremely depressed and he  
6   walked away, but he walked right to Pretrial Services.

7           And I think in my years of doing this, I have  
8   never had anybody walk away from a program and then go  
9   directly to Pretrial Services and call me, have his mom call  
10   me, and have his sister call me, and everybody called to  
11   make sure that we all knew where he was.

12           And even in the grips of what he was going through  
13   at that time, he got himself, he got himself with the  
14   assistance of Pretrial Services into Victory Outreach and he  
15   has been there ever since.

16           So Your Honor gave him that opportunity and he has  
17   really run with it, and it is on that basis without going  
18   through all of my prior sentencing arguments that I'm going  
19   to make the following recommendation for sentencing.

20           As to Count I, I'm going to be requesting  
21   Your Honor impose a sentence of 24 to 60 months concurrent  
22   with Count II where I will be requesting a 12 to 30 months,  
23   suspend it on the condition that Mr. Lopez continue with  
24   Victory Outreach until such time as they feel he has  
25   completed their program and, of course, with the, with the

1 approval of his supervising officer from the Division should  
2 Your Honor suspend his sentence.

3 THE COURT: Thank you, Mr. Silverberg.

4 MR. SILVERBERG: Thank you.

5 THE COURT: For the state.

6 MR. DIEFFENBACH: Thank you, Your Honor. Today  
7 the state is asking for an incarceration term for Count I,  
8 48 to 120 months. Count II, 24 to 60 months concurrent.  
9 The basis for that is this is a very, very serious crime  
10 that was committed.

11 On July 7th of 2020, Mr. Lopez committed a Robbery  
12 at the 99 Cent Store using a knife to threaten the people  
13 who worked there to effectuate his escape. He then went to  
14 a casino, demanded money from the cage, stabbed the knife  
15 into the counter, and then assaulted a patron demanding  
16 money as well. When officers responded, he was required to  
17 be Tased to stop him.

18 Now, there is a claim that he was detoxing off  
19 drugs, but his statement to Parole and Probation makes no  
20 mention of the people that were terrorized by his actions  
21 and contains some minimization in that he stated he  
22 attempted to shoplift a few items, and you will note the  
23 report indicates it was approximately 195 items.

24 His criminal history contains crimes of violence,  
25 including domestic battery, a violation of a domestic

1 violence extended protection order, crimes of theft, a  
2 burglary arrest, and conviction for buying, possessing or  
3 receiving stolen property.

4 This was a very scary situation for the other  
5 people involved. It involved a weapon. It involved a theft  
6 and it continued over a period of time in two locations.

7 The state's request is not the maximum. It's not  
8 the minimum either, but when something like this occurs and  
9 people are threatened with a weapon, there has to be a  
10 punishment for it and that's why the state is requesting the  
11 sentence that it is.

12 THE COURT: Thank you, Mr. Dieffenbach.

13 Mr. Lopez, I greatly appreciate your involvement  
14 with Victory Outreach and I hope you stay on that path and  
15 you continue to heal and get well and change so that this  
16 kind of stuff doesn't happen again.

17 I have to agree with the state that you do have a  
18 history and that is very concerning to the Court, and the  
19 violent nature of this crime, you had a number of people  
20 involved, so it's just very, very scary and wielding of a  
21 knife is a very serious issue.

22 So with that I am going to follow the state's  
23 recommendations of Count I, 48 to 120 months in the Nevada  
24 Department of Corrections, Count II, 24 to 60 months, again,  
25 Nevada Department of Corrections. They will run concurrent,

1 meaning at the same time, okay, as opposed to one after  
2 another. Okay. I do hope that while you are incarcerated  
3 that you do use that time to participate in any programs  
4 that the prison has to offer, okay?

5 MR. SILVERBERG: I'm sorry, Your Honor, I'm not  
6 one to go back on -- I just thought that given the chance  
7 that he had had and how well he has done, I'm just a little  
8 bit surprised.

9 THE COURT: I understand that, Mr. Silverberg, and  
10 I recognize that he has done very well. I'm just concerned  
11 about him having a history and then continuing to do that.  
12 I know it hasn't been a recent history. It is exactly that,  
13 history. It's behind him.

14 And so, I mean, I understand what you are saying  
15 that I gave him a chance and he did really well with that  
16 chance and I appreciate that greatly, sir. So thank you for  
17 doing that and not making me embarrassed that I gave you a  
18 chance, but I just, I'm concerned about the public safety.  
19 That is my number one charge is to keep the community safe  
20 as you well know, so that's where I'm coming from.

21 MR. SILVERBERG: Understood.

22 THE COURT: Thank you, Mr. Silverberg.

23 MR. SILVERBERG: Thank you.

24 THE COURT: There are some court fees that are  
25 owed at this time. Okay. There is a \$25 administrative

1 fee, \$3 DNA assessment fee, \$150 DNA analysis fee, and \$500  
2 in attorney's fees.

3 MR. SILVERBERG: Your Honor, if we could get the,  
4 I'm sorry, could we get the sentence announced one more  
5 time?

6 THE COURT: Yes, Count I, 48 to 120 months.  
7 Count II, 24 to 60 to be run concurrent, meaning at the same  
8 time.

9 MR. SILVERBERG: Thank you, Judge.

10 THE CLERK: Your Honor, 197 days credit for time  
11 served?

12 MR. RAMSEY: Yeah, that needs to be changed to 227  
13 days, Your Honor, and no other changes or corrections.

14 THE COURT: Thank you very much. So with that you  
15 will get credit of 227 days for time served.

16 MR. SILVERBERG: Thank you, Judge.

17 THE CLERK: That concludes the calendar,  
18 Your Honor.

19 THE COURT: Thank you very much.

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1 **CODE 1850**

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6 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
7 **IN AND FOR THE COUNTY OF WASHOE**  
8

9 **STATE OF NEVADA,**

10 **Plaintiff,**

**Case No. CR20-2086**

11 **vs.**

**Dept. No. 10**

12 **MICHAEL RAY LOPEZ,**

13 **Defendant.**  
14 \_\_\_\_\_/

15 **JUDGMENT**

16 The Defendant, having entered pleas of Guilty, and no sufficient cause being  
17 shown by Defendant as to why judgment should not be pronounced against him, the Court  
18 renders judgment as follows:

19 That Michael Ray Lopez is guilty of the crimes of Robbery, a violation of NRS  
20 200.380, a category B felony, as charged in Count I of the Information; and Assault with  
21 Use of Deadly Weapon, a violation of NRS 200.471, a category B felony, as charged in  
22 Count II of the Information; and that he be punished by imprisonment in the Nevada  
23 Department of Corrections for the maximum term of one hundred twenty (120) months with  
24 the minimum parole eligibility of forty-eight (48) months, with credit for two hundred twenty-  
25 seven (227) days of time served, for Count I; and by imprisonment in the Nevada  
26 Department of Corrections for the maximum term of sixty (60) months with the minimum  
27 parole eligibility of twenty-four (24) months, with credit for two-hundred twenty-seven (227)  
28 days, to be served concurrently with the sentence imposed in Count I.

The Defendant is further ordered to pay a Three Dollar (\$3.00) administrative assessment for obtaining a biological specimen and conducting a genetic marker analysis, a Twenty-Five Dollar (\$25.00) administrative assessment fee, a One Hundred Fifty Dollar (\$150.00) DNA analysis fee, and Five Hundred Dollars (\$500.00) in attorney fees to the Clerk of the Second Judicial District Court.

Any fine, fee, administrative assessment or restitution imposed today (as reflected in this Judgment) constitutes a lien, as defined in Nevada Revised Statute NRS 176.275. Should the Defendant not pay these fines, fees, or assessments, collection efforts may be undertaken against Michael Ray Lopez.

Dated this 16th day of August 2021.

Kathleen A Sigurdson  
DISTRICT JUDGE



1 CODE: 2515  
2 MARC PICKER, BAR #3566  
3 ALTERNATE PUBLIC DEFENDER'S OFFICE  
4 IAN SILVERBERG, BAR #5501  
5 350 S. CENTER ST., 6<sup>TH</sup> FLOOR  
6 [mpicker@washoecounty.us](mailto:mpicker@washoecounty.us)  
7 [isilverberg@washoecounty.us](mailto:isilverberg@washoecounty.us)  
8 RENO, NV 89501-2103  
9 (775) 328-3955  
10 ATTORNEY FOR DEFENDANT

11  
12 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
13 IN AND FOR THE COUNTY OF WASHOE  
14  
15 THE STATE OF NEVADA,  
16  
17 Plaintiff,  
18  
19 v.  
20  
21 Case No. CR20-2086  
22  
23 MICHAEL RAY LOPEZ,  
24  
25 Defendant.  
26

**NOTICE OF APPEAL**

16 NOTICE IS HEREBY GIVEN that Defendant, MICHAEL RAY LOPEZ, hereby  
17 appeals to the Supreme Court of Nevada from the Judgment entered in this case on August 16,  
18 2021.

19 ///

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22 ///

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25 ///

1                                   **AFFIRMATION PURSUANT TO NRS 239B.030**

2           The undersigned hereby affirms that the preceding document does not contain the social  
3 security number of any person.

4           DATED this 18<sup>th</sup> day of August, 2021.

5                                   MARC PICKER  
6                                   Washoe County Alternate Public Defender

7                                   By: /s/ Ian Silverberg  
8                                   Ian Silverberg  
9                                   Chief Deputy Alternate Public Defender

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**CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of the Washoe County Alternate Public Defender's Office and that on this date I served a copy of the **NOTICE OF APPEAL** to the following:

MICHAEL RAY LOPEZ, #2109439  
c/o Washoe County Jail  
911 Parr Blvd.  
Reno, NV 89512  
Via U.S. Mail

CHRISTOPHER HICKS  
WASHOE COUNTY DISTRICT ATTORNEY  
Attn: Appellate Department  
Via Electronic Filing

DATED this 18<sup>th</sup> day of August, 2021.

/s/ Randi Jensen  
RANDI JENSEN

## **CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of the Washoe County Alternate Public Defender's Office and that on this date I served a copy of the **AMENDED APPELLANT'S JOINT APPENDIX** to the following:

MICHAEL RAY LOPEZ, #1247839  
C/O NNCC  
PO BOX 7000  
CARSON CITY, NV 89702  
Via U.S. Mail

TRACIE LINDEMAN, CLERK  
OFFICE OF THE CLERK  
SUPREME COURT OF NEVADA  
201 SOUTH CARSON STREET, SUITE 201  
CARSON CITY, NEVADA 89701  
Via U.S. Mail

AARON FORD  
ATTORNEY GENERAL STATE OF NEVADA  
100 N. CARSON STREET  
CARSON CITY, NEVADA 89701  
Via Electronic Mail

CHRIS HICKS  
WASHOE COUNTY DISTRICT ATTORNEY  
Attn: Appellate Department  
Via Electronic Mail

DATED this 16<sup>th</sup> day of November, 2021.

/s/ Randi Jensen  
RANDI JENSEN