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IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL L. COTA,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent,

Electronically Filed
Jan 26 2022 08:42 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

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

RECORD ON APPEAL

VOLUME 1

COPIES OF ORIGINAL PLEADINGS
PAGES 1-128

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

IN PROPER PERSON

THE STATE OF NEVADA

DOUGLAS COUNTY DISTRICT ATTORNEY

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RECEIVED

MAY 29 2018

FILED

NO. 18-0429

Douglas County
District Court Clerk

MAY 29 AM 11:41

2018 MAY 29 AM 9:52

IN THE JUSTICE COURT OF EAST FORK TOWNSHIP

COUNTY OF DOUGLAS STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs

ORDER AND COMMITMENT

MICHAEL LOUIS COTA
DOB: 02/02/1999

Defendant.

18-CR-0084
JC

It appearing to me by the evidence or a waiver of preliminary examination that there is probable cause to believe that the offense(s) have been committed, to wit:

One count of, CONSPIRACY TO COMMIT BURGLARY AND/OR LARCENY, a gross misdemeanor, a violation of NRS 199.480

One count of, CONSPIRACY TO COMMIT AN OFFENSE INVOLVING STOLEN PROPERTY, a gross misdemeanor, a violation of NRS 199.480

One count of, PRINCIPAL TO BURGLARY WITH A DEADLY WEAPON OR A FIREARM, a category B felony, a violation of NRS 205.060(1), (4), NRS 195.020

One count of, PRINCIPAL TO GRAND LARCENY OF A FIREARM, a category B felony, a violation of NRS 205.226, NRS 195.020

One count of, PRINCIPAL TO POSSESSION OF STOLEN PROPERTY, a category C felony, a violation of NRS 205.275, 195.020

One count of, PRINCIPAL TO POSSESSION OF STOLEN PROPERTY, a category C felony, a violation of NRS 205.275, NRS 195.020

there is probable cause to believe that they have been committed by MICHAEL LOUIS COTA, and that said Defendant be held to answer the same in District Court.

1 This matter is set before Department II on JUNE 18, 2018, at 9:00 a.m. said Defendant will be
2 appearing with his/her Appointed Counsel, MATTHEW ENCE.

3 DATED this 25TH day of MAY, 2018

4
5 
6 Justice of the Peace

CERTIFIED COPY

Case No. 18-CR-0429
SO No. 18SO05042
DA No. 18-0675M

EAST FORK JUSTICE COURT Confidential Judge's Notes

Michael Louis Cota

02/02/1999

Bail/Custody status:

Priors:

Waiver of 15 day rule

Attorney:

Waiver of 60 day rule

Date:

Outcome:

Proceeding:

Date:

Outcome:

Proceeding:

Date:

Outcome:

Proceeding:

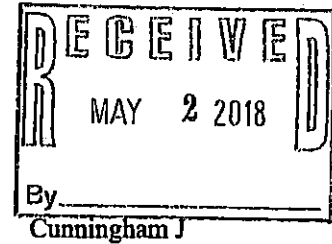
The Document to which this certificate
is attached is a true and correct
copy of the original on file and of record
in my office.

5-29-18
Date: Clerk of the East Fork Justice Court
County of Douglas, State of Nevada
(Seal)

By: [Signature]
Deputy Clerk

05/01/2018
19:05:35

Douglas County Sheriffs Office
NEVADA PRETRIAL RISK
ASSESSMENT (NPR)



Booking Number: 18SOJ1072

Confined

Name Number: 41055 **MICHAEL COTA JR**

Assessment Date: Tuesday, 05/01/2018 07:00 PM

Who:

Cunningham J

Risk Class:

Final Score: 9

Classification:		
From	To	Description
0	4	LOW
5	10	MODERATE
11	20	HIGHER

Risk Assessment Questions:

Question: CASE NUMBER?

Answer: Next

Notes: 18so05042

Question: MOST SERIOUS CHARGE?

Answer: Next

Notes: burg

Question: INITIAL TOTAL BAIL SET?

Answer: Next

Notes: 50,000.00

Question: ADDRESS: (CITY, STATE, ZIP)?

Answer: Next

Notes: 1386 VILLAGE WY; GVIL #36 Gardnerville, NV 89410

Question: 1. DOES THE DEFENDANT HAVE AN ADDITIONAL PENDING CASE AT BOOKING?

Answer: Yes (2 Pts.)

Notes: possibly a carson case

Question: 2. AGE AT FIRST ARREST?

Answer: Under age 21 yrs (2 Pts.)

Notes:

Question: 3. PRIOR MISDEMEANOR ARRESTS?

Answer: Two or less (0 Pts.)

Notes: False stmt to/obstruct pub off. and Contribute to delinquency of a minor

Question: 4. PRIOR FELONY/GROSS MISD ARRESTS?

Answer: 2 or more (2 Pts.)

Notes: Buy/ Poss/Rcv Stolen Prop \$250-\$2500, Grand Larceny LT \$2500

Question: 5. PRIOR ARRESTS - VIOLENCE?

Answer: None (0 Pts.)

Notes:

Question: 6. PRIOR FTA's IN PAST 24 MONTHS?

Answer: 1 FTA warrant (1 Pt.)

Notes:

Question: 7. EMPLOYMENT STATUS AT ARREST?

Answer: Employed or Student or Retired (0 Pts.)

Notes:

Question: 8. RESIDENTIAL STATUS?

Answer: Nevada Resident - Living in current residence 6 months or longer (0 Pts.)

Notes:

Question: 9. SUBSTANCE ABUSE?

Answer: Otherwise (0 Pts.)

Notes:

Question: 10. VERIFIED CELL PHONE?

Answer: No (2 Pts.)

Notes:

Question: OVER-RIDE? YES _____ NO _____ REASON(S)? _____
MENTAL HEALTH _____ DISABILITY _____ GANG MEMBER _____ FLIGHT RISK _____
OTHER REASON: _____
FINAL RECOMMENDED RISK LEVEL: LOW _____ MODERATE _____ HIGH _____

Answer: END OF ASSESSMENT

Notes:

FILED

DA'S NO 18-0675M

CITATION/CASE NO 18-CR-0429

NO. _____ SONO18SO05042

EAST FORK JUSTICE COURT
COUNTY OF DOUGLAS, STATE OF NEVADA

EAST FORK JUSTICE COURT
NOTICE OF SETTING
ORDER TO APPEAR
BY _____

THE STATE OF NEVADA,
Plaintiff,

vs.

Michael Louis Cota, Defendant.

☒ Waived 15/60 Rule

TO: The above-named Defendant and his or her attorney(s), YOU AND EACH OF YOU are hereby notified that the:

☒ Arraignment Hearing In the above-entitled matter is set for:

June 18, 2018 10:30 a.m. WAIVE PRELIM DEPT II

In the above-entitled Court at 1038 Buckeye Road, Minden, Nevada. The defendant is ordered to appear at these times absent other Order of the Court.

9:00 am

Dated this 23rd day of May, 2018

THOMAS E. PERKINS
JUSTICE OF PEACE

CUSTODIAL STATUS:

☒ Cash Bail or Bond: \$50,000.00

A DEFENDANT, BEING RELEASED ON BAIL OR HIS/HER OWN RECOGNIZANCE (WITHOUT BAIL) AGREES THAT:

He/she understands that pursuant to NRS 199.335 willful FAILURE TO APPEAR to answer the misdemeanor charge(s) is a separate violation for which punishment may be 6 months in County jail and/or \$1,000.00 fine, regardless of the disposition of this case. He/she understands that willful FAILURE TO APPEAR to answer the felony charge(s) is a separate violation for which punishment can be state prison for not less than 1 year nor more than 6 years and/or a fine of not more than \$5,000.00, regardless of the disposition of this case.

I HAVE RECEIVED A COPY, READ, UNDERSTAND AND AGREE TO THE CONDITIONS OF THIS ORDER AND I PROMISE TO APPEAR IN COURT ON THE DATE AND TIME INDICATED ABOVE.

Defendant Signature

Mailing Address

City

State

Zip

Phone Number

Physical Address

/

Place of Employment

Pursuant to NRCP 5(b), I certify that I am an employee of East Fork Justice Court, Douglas County, Nevada and that on this day I:

☐ Hand delivered to plaintiff and defendant (or defendant's attorney) in court

☐ Deposited for mailing at Minden, Nevada, a true copy of the within document addressed to:

Dated: 05/23/2018 Signed: _____, Clerk

Distribution: ☐ D.A. ☐ Jail ☐ DAS ☐ Def. ☐ Attorney Matthew Ence

1 Case No. 18-CR-0429

2 DA No. 18-0675 M

FILED

NO. 18-0429

2018 MAY 25 AM 11:34

EAST FORK JUSTICE COURT

BY MW

3
4
5
6 IN THE JUSTICE COURT OF THE EAST FORK TOWNSHIP
7 COUNTY OF DOUGLAS, STATE OF NEVADA
8

9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

12 Michael Luis Cota

13 Defendant.

UNCONDITIONAL WAIVER OF
PRELIMINARY HEARING

14
15 I, Michael Luis Cota, THE DEFENDANT in this matter,

16 understand that I am charged with the crime(s) as listed in the complaint.

17 MIL It has been fully explained to me and I acknowledge and understand that I have the right
18 to a Preliminary Hearing on the crime(s) as listed in the complaint. At the Preliminary Hearing,
19 the State would be required to show by admissible evidence that there is probable cause to
20 believe that the charged crime(s) were committed and that I committed said crime(s).

21 MIL I do hereby and unconditionally waive (give up) my right to a Preliminary Hearing on
22 the above crime(s).


23 MIL I understand that by waiving my Preliminary Hearing, my case will be transferred to the
24 Ninth Judicial District Court for all further proceedings.

25 MIL I have fully discussed this waiver with my attorney and I fully understand the
26 consequences of waiving my Preliminary Hearing.

27 MIL I believe that this unconditional waiver is in my best interest.
28

1 111 I am not under the influence of alcohol or any non-prescribed controlled substances.

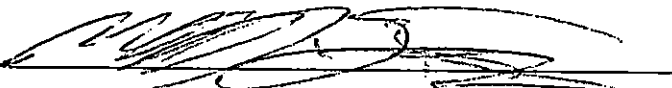
2
3 DATED this 23 day of May, 2008.

4 
5 Michael
6 DEFENDANT

7
8 **ATTORNEY ACKNOWLEDGMENT**

9 I certify that I am the attorney of record for the above-named Defendant and that I have
10 fully explained to the Defendant the right to a Preliminary Hearing and the consequences of
11 waiving said hearing. After discussing this matter with the Defendant, I believe that it is in the
12 best legal interest of the Defendant to waive the Preliminary Hearing.

13 DATED this 23 day of May, 2008.

14
15 
16 Attorney for Defendant

Case Notes

Michael Louis Cota - Consp commit criminal contempt

Court: 18-CR-0429

Agency: East Fork Justice Court

Prosecutor: 18-0675M

Law: 18SO05042

Type: Criminal

CaseID: 18-3448

Status: Closed

Status Date: 5/23/2018

Case Age: 24 days

Undesignated

5/16/2018 | Mindi Huntington

Defendant appeared in custody w/atty Ence; DA - Russom

Ence: Waives 15 days. Prelim 9 am Friday 6/1/18 Dept 6/18/18

5/9/2018 | Mindi Huntington

Defendant appeared in custody w/atty Pence; DA - Johnson

Pence: I have a conflict. I will file a formal motion. He's been here in the valley for a long time. He has a job.

Asking for an OR release. Asking for \$1000.00 cash bail.

Judge: Bail stands.

Ence appointed

PPH 1 pm Wed 5/16/17

5/2/2018 | Mindi Huntington

Defendant appeared in custody; DA - Johnson; Defendant received copy of complaint and understands charges;

Understands and signs right; Advised of an attorney

Pence appointed

State: Bail should stand

PPH 1 pm Wed 5/9/18

Judge: Bail stands

FILED

DA'S NO 18-0675M

CITATION/CASE NO 18-CR-0429

NO. _____ SOND18SO05042

EAST FORK JUSTICE COURT
COUNTY OF DOUGLAS, STATE OF NEVADA

EAST FORK JUSTICE COURT
NOTICE OF SETTING
ORDER TO APPEAR

THE STATE OF NEVADA,
Plaintiff,

vs.

Michael Louis Cota, Defendant.

☒ Waived 15/60 Rule

TO: The above-named Defendant and his or her attorney(s), YOU AND EACH OF YOU are hereby notified that the:

☒ Pre-Preliminary Hearing In the above-entitled matter is set for:

May 23, 2018 1:00 p.m.

☒ Preliminary Hearing In the above-entitled matter is set for:

June 01, 2018 9:00 a.m.

in the above-entitled Court at 1038 Buckeye Road, Minden, Nevada. The defendant is ordered to appear at these times absent other Order of the Court.

Dated this 16th day of May, 2018

THOMAS E. PERKINS
JUSTICE OF PEACE

CUSTODIAL STATUS:

☒ Cash Bail or Bond: \$50,000.00

A DEFENDANT, BEING RELEASED ON BAIL OR HIS/HER OWN RECOGNIZANCE (WITHOUT BAIL) AGREES THAT:

He/she understands that pursuant to NRS 199.335 willful FAILURE TO APPEAR to answer the misdemeanor charge(s) is a separate violation for which punishment may be 6 months in County jail and/or \$1,000.00 fine, regardless of the disposition of this case. He/she understands that willful FAILURE TO APPEAR to answer the felony charge(s) is a separate violation for which punishment can be state prison for not less than 1 year nor more than 6 years and/or a fine of not more than \$5,000.00, regardless of the disposition of this case.

I HAVE RECEIVED A COPY, READ, UNDERSTAND AND AGREE TO THE CONDITIONS OF THIS ORDER AND I PROMISE TO APPEAR IN COURT ON THE DATE AND TIME INDICATED ABOVE.

Defendant Signature

Mailing Address

City

State

Zip

Phone Number

Physical Address

/

Place of Employment

Pursuant to NRCP 5(b), I certify that I am an employee of East Fork Justice Court, Douglas County, Nevada and that on this day I:

☐ Hand delivered to plaintiff and defendant (or defendant's attorney) in court

☐ Deposited for mailing at Minden, Nevada, a true copy of the within document addressed to:

Dated: 05/16/2018 Signed: _____, Clerk

Distribution: ☒ D.A. ☐ Jail ☐ DAS ☐ Def. ☒ Attorney Matthew Ence

Case Notes

Michael Louis Cota ~ Consp commit criminal contempt

Court: 18-CR-0429

Agency: East Fork Justice Court

Prosecutor: 18-0675M

Law: 18SO05042

Type: Criminal

CaseID: 18-3448

Status: Reactivated

Status Date: 5/1/2018

Case Age: 16 days

Undesignated

5/16/2018 | Mindi Huntington

Defendant appeared in custody w/atty Ence; DA - Russom

Ence: Waives 15 days. Prelim 9 am Friday 6/1/18

5/9/2018 | Mindi Huntington

Defendant appeared in custody w/atty Pence; DA - Johnson

Pence: I have a conflict. I will file a formal motion. He's been here in the valley for a long time. He has a job.

Asking for an OR release. Asking for \$1000.00 cash bail.

Judge: Bail stands.

Ence appointed

PPH 1 pm Wed 5/16/17

5/2/2018 | Mindi Huntington

Defendant appeared in custody; DA - Johnson; Defendant received copy of complaint and understands charges;

Understands and signs right; Advised of an attorney

Pence appointed

State: Bail should stand

PPH 1 pm Wed 5/9/18

Judge: Bail stands

FILED
NO. 18-0429
2018 MAY 14 PM 12:10
EAST FORK JUSTICE COURT
BY MM

1 Case No. 18-CR-0429

2 DA No. 18-0675M

3
4
5
6 IN THE JUSTICE COURT OF EAST FORK TOWNSHIP
7 COUNTY OF DOUGLAS, STATE OF NEVADA
8

9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

ORDER

12 MICHAEL LUIS COTA,

13 Defendant.
14 _____/

15 Based upon the stipulation of counsel and good causing appearing,

16 IT IS HEREBY ORDERED that the Preliminary Hearing in the above-referenced
17 matter be vacated and this matter be continued to the 1st day of June, 2018 at 9:00 a.m.

18 DATED this 14 day of May, 2018.

19
20 Thomas E. Perkins
THOMAS E. PERKINS
21 Judge
22
23
24
25
26
27
28

FILED

NO. 18-0429

2018 MAY 11 PM 3:47

EAST FORK JUSTICE COURT

BY 

1 Case No. 18-CR-0429

2 DA No. 18-0675M

3
4
5
6 IN THE JUSTICE COURT OF EAST FORK TOWNSHIP
7 COUNTY OF DOUGLAS, STATE OF NEVADA
8

9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

STIPULATION TO CONTINUE

12 MICHAEL LUIS COTA,

13 Defendant.
14


15 IT IS HEREBY STIPULATED by and between the State of Nevada, through the
16 Douglas County District Attorney's Office and the above-named defendant, to continue the
17 Preliminary Hearing in this matter set for May 17, 2018 to June 1, 2018.

18 This stipulation is based upon the agreement of all the parties and the unavailability of
19 two Douglas County Sheriff's Office Investigators.

20 DATED this 11 day of May, 2018

DATED this 11 day of May, 2018

21
22 
23 MATTHEW JOHNSON
24 Deputy District Attorney

25 
26 MATTHEW ENCE
27 Attorney at Law
28

CITATION/CASE NO 18-CR-0429

FILED
NO. 18-0429
DA'S NO 18-0675M
SOND18S005042

EAST FORK JUSTICE COURT
COUNTY OF DOUGLAS, STATE OF NEVADA

2018 MAY -9 PM 2:47
EAST FORK JUSTICE COURT
NOTICE OF SETTING
ORDER TO APPEAR

THE STATE OF NEVADA,
Plaintiff,

vs.

Michael Louis Cota, Defendant.

TO: The above-named Defendant and his or her attorney(s), YOU AND EACH OF YOU are hereby notified that the:

☒ Pre-Preliminary Hearing In the above-entitled matter is set for:

May 16, 2018 1:00 p.m.

☒ Preliminary Hearing In the above-entitled matter is set for:

May 17, 2018 9:00 a.m.

In the above-entitled Court at 1038 Buckeye Road, Minden, Nevada. The defendant is ordered to appear at these times absent other Order of the Court.

Dated this 9th day of May, 2018

THOMAS E. PERKINS
JUSTICE OF PEACE

CUSTODIAL STATUS:

☒ Cash Bail or Bond: \$50,000.00

A DEFENDANT, BEING RELEASED ON BAIL OR HIS/HER OWN RECOGNIZANCE (WITHOUT BAIL) AGREES THAT:

He/she understands that pursuant to NRS 199.335 willful FAILURE TO APPEAR to answer the misdemeanor charge(s) is a separate violation for which punishment may be 6 months in County jail and/or \$1,000.00 fine, regardless of the disposition of this case. He/she understands that willful FAILURE TO APPEAR to answer the felony charge(s) is a separate violation for which punishment can be state prison for not less than 1 year nor more than 6 years and/or a fine of not more than \$5,000.00, regardless of the disposition of this case.

I HAVE RECEIVED A COPY, READ, UNDERSTAND AND AGREE TO THE CONDITIONS OF THIS ORDER AND I PROMISE TO APPEAR IN COURT ON THE DATE AND TIME INDICATED ABOVE.

Defendant Signature

Mailing Address

City

State

Zip

Phone Number

Physical Address

/

Place of Employment

Pursuant to NRCP 5(b), I certify that I am an employee of East Fork Justice Court, Douglas County, Nevada and that on this day I:

☐ Hand delivered to plaintiff and defendant (or defendant's attorney) in court

☐ Deposited for mailing at Minden, Nevada, a true copy of the within document addressed to:

Dated: 05/09/2018 Signed: _____, Clerk

Distribution: ☒ D.A. ☐ Jail ☐ DAS ☐ Def. ☒ Attorney Matthew Ence

Case Notes

Michael Louis Cota ~ Consp commit criminal contempt

Court: 18-CR-0429

Agency: East Fork Justice Court

Prosecutor: 18-0675M

Law: 18S005042

Type: Criminal

CaseID: 18-3448

Status: Reactivated

Status Date: 5/1/2018

Case Age: 9 days

Undesignated

5/9/2018 | Mindi Huntington

Defendant appeared in custody w/atty Pence; DA - Johnson

Pence: I have a conflict. I will file a formal motion. He's been here in the valley for a long time. He has a job.

Asking for an OR release. Asking for \$1000.00 cash bail.

Judge: Bail stands.

Ence appointed

PPH 1 pm Wed 5/16/17

5/2/2018 | Mindi Huntington

Defendant appeared in custody; DA - Johnson; Defendant received copy of complaint and understands charges;

Understands and signs right; Advised of an attorney

Pence appointed

State: Bail should stand

PPH 1 pm Wed 5/9/18

Judge: Bail stands

CITATION/CASE NO 18-CR-0429

NO. DA'S NO 18-0675M

BOND 18S005042
2018 MAY -2 AM 10:13EAST FORK JUSTICE COURT
COUNTY OF DOUGLAS, STATE OF NEVADA

EAST FORK JUSTICE COURT

THE STATE OF NEVADA,
Plaintiff,NOTICE OF SETTING
ORDER TO APPEAR

vs.

Michael Louis Cota, Defendant.

Louis

TO: The above-named Defendant and his or her attorney(s), YOU AND EACH OF YOU are hereby notified that the:

☒ Pre-Preliminary Hearing in the above-entitled matter is set for:**May 09, 2018 1:00 p.m.**☒ Preliminary Hearing in the above-entitled matter is set for:**May 17, 2018 9:00 a.m.**

In the above-entitled Court at 1038 Buckeye Road, Minden, Nevada. The defendant is ordered to appear at these times absent other Order of the Court.

Dated this 2nd day of May, 2018

THOMAS E. PERKINS
JUSTICE OF PEACE

CUSTODIAL STATUS:

☒ Cash Bail or Bond: \$50,000.00

A DEFENDANT, BEING RELEASED ON BAIL OR HIS/HER OWN RECOGNIZANCE (WITHOUT BAIL) AGREES THAT:

He/she understands that pursuant to NRS 199.335 willful FAILURE TO APPEAR to answer the misdemeanor charge(s) is a separate violation for which punishment may be 6 months in County jail and/or \$1,000.00 fine, regardless of the disposition of this case. He/she understands that willful FAILURE TO APPEAR to answer the felony charge(s) is a separate violation for which punishment can be state prison for not less than 1 year nor more than 6 years and/or a fine of not more than \$5,000.00, regardless of the disposition of this case.

I HAVE RECEIVED A COPY, READ, UNDERSTAND AND AGREE TO THE CONDITIONS OF THIS ORDER AND I PROMISE TO APPEAR IN COURT ON THE DATE AND TIME INDICATED ABOVE.

Defendant Signature

Phone Number

Mailing Address

City

State

Zip

Physical Address

Place of Employment

Pursuant to NRCP 5(b), I certify that I am an employee of East Fork Justice Court, Douglas County, Nevada and that on this day I:

☐ Hand delivered to plaintiff and defendant (or defendant's attorney) in court☐ Deposited for mailing at Minden, Nevada, a true copy of the within document addressed to:

Dated: 05/02/2018 Signed: _____, Clerk

Distribution: ☒ D.A. ☐ Jail ☐ DAS ☐ Def ☒ Attorney Maria Pence

Case Notes

Michael Louis Cota - Consp commit criminal contempt

Court: 18-CR-0429

Agency: East Fork Justice Court

Prosecutor: 18-0675M

Law: 18SO05042

Type: Criminal

CaseID: 18-3448

Status: Reactivated

Status Date: 5/1/2018

Case Age: 1 day

Undesignated

5/2/2018 | Mindi Huntington

Defendant appeared in custody; DA - Johnson; Defendant received copy of complaint and understands charges;

Understands and signs right; Advised of an attorney

Pence appointed

State: Bail should stand

PPH 1 pm Wed 5/9/18

Judge: Bail stands

JUSTICE COURT
EAST FORK TOWNSHIP
MINDEN, NEVADA

18-CE-0429
NO. _____

2018 MAY -2 AM 10:14

YOU, AS A DEFENDANT, ARE INFORMED OF THE FOLLOWING RIGHTS AND PRIVILEGES GRANTED TO YOU UNDER THE LAWS AND CONSTITUTIONS OF THE UNITED STATES AND THE STATE OF NEVADA.

1. You as a defendant are charged with a violation of criminal law, and the primary purpose of this hearing is to insure that you know and understand the charge(s) that are alleged against you.
2. At this hearing there will be no determination made about your guilt or innocence of the alleged violation, but only that you know and understand the charge(s) against you.
3. You are entitled to be represented by an attorney in these proceedings. You have a right to have your own attorney. If you cannot afford to hire an attorney, one will be appointed for you free of charge if you qualify for such representation.
4. You have a right to talk with your attorney, and if necessary, reasonable means will be provided in order to enable you to do so.
5. You are entitled to a preliminary hearing within fifteen days before a judge to determine whether the prosecution has sufficient evidence to establish that you probably committed the crime(s) with which you are charged, or in the alternative, you may waive, that is, give up your right to such preliminary hearing.
6. If, at the conclusion of the preliminary hearing, the Judge finds that sufficient evidence has been shown to establish that a crime has been committed with which you are charged, and you could be the person who committed the crime, he will then bind you over to the district court for further action.
7. If, on the other hand, the Judge finds that the evidence is insufficient to establish that you probably committed the crime(s) charged, then he will dismiss the charge and discharge you from further custody or pre-trial release obligations.

I HAVE READ MY RIGHTS, HEARD THEM EXPLAINED BY THE JUDGE, AND FULLY UNDERSTAND THEM.

Signed: _____

Dated: 5/2/18

I AM CURRENTLY REPRESENTED BY _____, ATTORNEY AT LAW

Signed: _____

Dated: _____

I HEREBY WAIVE, THAT IS, GIVE UP MY RIGHT TO A PRELIMINARY HEARING WITHIN THE PRESCRIBED FIFTEEN (15) DAYS.

Signed: _____

Dated: 5/16/18

FILED Percep

NO. _____

FINANCIAL AFFIDAVIT

IN SUPPORT OF REQUEST FOR ATTORNEY, EXPERT, INVESTIGATIVE OR OTHER COURT SERVICES FOR INDIGENT PERSONS

2019 MAY -2 AM 10:11
EAST FORK JUSTICE COURT

JUSTICE COURT EAST FORK TOWNSHIP

IN THE CASE OF
STATE OF NEVADA VS.

CASE # 18-0429 W

Cota, Michael 1015 ~~1015~~

DATE: 5-2-18

SECTION 1

I, Michael Cota, do solemnly swear under penalty or perjury that I am named as defendant in the case of State of Nevada VS. Michael Cota and that I do not have the ability to pay for an attorney or for any other court services necessary for my defense because : (check (✓) all that apply)

- ☐ I currently receive SSI benefits;
- ☒ I am currently a public housing resident/Section 8 recipient;
- ☐ I am currently receiving food stamps;
- ☐ I am currently a welfare recipient (TANF);
- ☐ I currently receive Unemployment/Workers Compensation benefits as my sole income;
- ☐ I have been determined disabled but benefits are pending;
- ☐ I am unemployed with no source of income;
- ☐ I am a resident of Shade Tree Shelter;
- ☐ I am a recipient of HELP Homeless Outreach Subsidy;
- ☐ I am a recipient of Women's Development Housing Assistance;
- ☐ I am a recipient of Medicaid Disability Insurance;
- ☐ I am a resident of the Salvation Army or a Transitional Housing Program;
- ☐ I am currently incarcerated;

Are you a veteran or a member of the military?

I Am _____ I Am Not ☒

COMMENTS:

I would like to try a rehab before any charges
we talk about.

Are you employed? ☒

How much do you earn each month? \$115

FILED

Name and Address of employer Construction

Does your spouse work? ☒

NO.

How much does he/she earn per month? 300*

2019 MAY -2 AM 10: 14

Do you have any other income (from retirement funds, interest, dividends, rents, etc.)?

EAST FORK JUSTICE COURT

List all other income source:

How much money do you have in bank accounts? _____

Do you own any real estate, motor vehicles, motor homes, stocks or other valuable property? _____ Please describe and list value:

Marital Status:

Total Number of dependents: _____

List the people you support (Name, Age & Relationship):

What is your address: _____

How much do you pay monthly in rent or mortgage? _____

List all other significant debts:

I declare under penalty of perjury that the foregoing is true and correct. (NRS 53.045)

SIGNATURE OF DEFENDANT _____

COURT/OFFICE USE ONLY

Based upon the foregoing,

IT IS HEREBY ORDERED that Pence be appointed to represent said defendant.

DATED this 2 day of May, 2018

Thomas E. Perkins

JUSTICE OF THE PEACE



Douglas County Sheriff Minden, Nevada

Booking Sheet for Inmate # 18SOJ1072

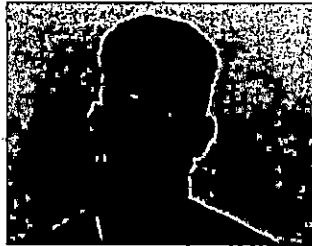
18-CR-0429

Name #: 41055

Name: COTA, MICHAEL LOUIS

Address: 1386 VILLAGE WY, GVIL; GVIL #16
GARDNERVILLE, NV 89410

Born: Blackfoot, ID



Personal Identification

Drivers Lic:

Home Phone: (775)292-0704

Work Phone: (775)790-5973 Cell

Physical Description

DOB: 02/02/99 (19 yrs)

Race: W

Sex: M

Hgt: 6'00"

Wgt: 150

State: NV

Local ID: 18so05042

Soc. Sec.

Eyes: BRO

Glasses: N

Hair: BLK

Hair Style: CRSH

Beard: N

Complx: MED

Build: SLDR

Ethnic: ENG

NO
2010 MAY -2 AM 7:10
EAST FORK JUSTICE COURT

FILED

Assigned Housing: Hold 08

Current Location: Hold 08

Property Bag: 139

No Active Holds Located

Booking Date: 16:40:00 05/01/18

Booked By: Cunningham J

Case #	Description	Billing Agency	CRT	Bail Amt	Bail Type	DSP	Sent
18SO05042	50424e: Burglary, Resd Force Entry (F)	DCSO	EJC	\$50000.00	CABO		0
18SO05042	02339: Conspiracy to commit a crime	DCSO	EJC	\$50000.00	CABO		0
18SO05042	00000: Other Arrest / Noc to be added (F)	DCSO	EJC	\$50000.00	CABO		0
18SO05042	02339: Conspiracy to commit a crime	DCSO	EJC	\$50000.00	CABO		0
18SO05042	54801: Poss of Stolen Property (F)	DCSO	EJC	\$50000.00	CABO		0

DA *18-0675 M



COTA, MICHAEL
Name #41055 DOB: 02/02/99

FILED

NO. _____

2018 MAY -2 AM 7:10

EAST FORK JUSTICE COURT

Douglas County Sheriffs Office

Declaration of Probable Cause and Detention

The undersigned, Freeman, Kevin, of the, Douglas County Sheriffs Office, hereby declares under penalty of perjury that the above named individual has been arrested on probable cause and is subject to detention for the listed offense(s). That upon information and belief, this officer learned the following facts and circumstances which support the probable cause arrest and detention:

Name of person arrested DOB
MICHAEL COTA **02/02/1999**

Date of arrest Time
5/1/2018 **4:29:41 PM**

Place of arrest
**1362 US HWY 395 N; PIZZA
 HUT; GVIL**

The above-named person is currently being detained on the following charges:

Counts	Offense	Statute Code	Date/Time	CC	Bail Amount
1	Burglary, Resd Force Entry	50424e	5/1/2018 4:29:41 PM	F	_____
1	Conspiracy to commit a crime	02339		G	_____
1	Other Arrest / Noc to be added	00000		F	_____

31

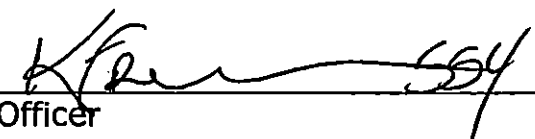
1	Conspiracy to commit a crime	02339		G	
1	Poss of Stolen Property	54801		F	

On 5/1/2018 at approximately 1629 hours I arrested Michael Cota on a Warrant of Arrest out of the East Fork Township Justice Court. DCSO Investigators advised deputies in briefing that Michael Cota had a new warrant (Warrant #18-CR-0429 DA-180675M) for his arrest.

At approximately 1620 hours on 5/1/18, I observed Michael Cota crossing US Hwy 395 at Waterloo Lane. I know Michael Cota by site from multiple, previous interactions. I confirmed the warrant via telephone with the DCSO Investigators, contacted Michael Cota in the Parking lot of 1362 US Hwy 395 and took him into custody.

Michael was transported to the DCSO Minden Jail and booked.

Dated the 1 day of May, 2018


Officer

Magistrate's Finding and Order

Based upon the above declaration of probable cause:

☐ The court finds that there is probable cause to support the arrest and detention of the name defendant, and it is hereby ordered that said defendant be held for further criminal proceedings.

☐ The court finds that there is insufficient evidence to support the continued detention of the above name defendant and it is hereby ordered that said defendant be immediately released on his/her own recognizance until ordered to appear before a magistrate.

Other order _____

Dated the _____ day of _____, 20____

Magistrate

Arrestee: MICHAEL COTA

Arrest Number: 18AR01014

1 CASE NO. 18-CR-0429
2 DA 18-0675M
3 DCSO 18SO05042
4
5

FILED
NO. 18-CR-0429
2019 MAY -1 PM 2:11
EAST FORK JUSTICE COURT
TB

6
7 IN THE JUSTICE COURT OF EAST FORK TOWNSHIP
8 COUNTY OF DOUGLAS, STATE OF NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

WARRANT OF ARREST

11 vs.

12 MICHAEL LOUIS COTA,

13 Defendant.

D.O.B. 02/02/1999 W M
SS: XXX-XX-8929
Ht.: 6'00" Wt.: 150
Eyes: Brown Hair: Black
LKA: 1386 Village Way, #16
Gardnerville, NV 89410

14 STATE OF NEVADA)
15) ss.
16 COUNTY OF DOUGLAS)

17 THE STATE OF NEVADA: To any sheriff, constable, marshal, policeman, or other
18 peace officer in the State:


19 It appears from the Complaint and corresponding Affidavit and attachments that there
20 is probable cause to believe the crimes of CONSPIRACY TO COMMIT BURGLARY
21 AND/OR LARCENY, a violation of NRS 199.480, a gross misdemeanor, CONSPIRACY TO
22 COMMIT AN OFFENSE INVOLVING STOLEN PROPERTY, a violation of NRS 199.480,
23 a gross misdemeanor, PRINCIPAL TO BURGLARY WITH A DEADLY WEAPON OR A
24 FIREARM, a violation of NRS 205.060(1), (4), NRS 195.020, a category B felony,
25 PRINCIPAL TO GRAND LARCENY OF A FIREARM, a violation of NRS 205.226, NRS
26 195.020 a category B felony, and PRINCIPAL TO POSSESSION OF STOLEN PROPERTY,
27 a violation of NRS 205.275, NRS 195.020, a category C felony, triable within Douglas
28 County, Nevada, have been committed by MICHAEL LOUIS COTA.

1 YOU ARE THEREFORE COMMANDED forthwith to arrest the above-named
2 MICHAEL LOUIS COTA, and bring him before me forthwith, at my office at East Fork
3 Township Justice Court, County of Douglas, State of Nevada, or in case of my absence or
4 inability to act, before the nearest and most accessible magistrate in this county.

5 Witness my hand this 20 day of April, 2018

6 ☒ I direct that this warrant may be served at any hour of the day or night on MICHAEL
7 LOUIS COTA.

8 ☐ I direct that this warrant may be served between 7:00 a.m. and 7:00 p.m. on MICHAEL
9 LOUIS COTA.

10 
11 THOMAS E. PERKINS, Judge
12 East Fork Township Justice Court

13 Defendant may be admitted to bail in the amount of \$ 50,000 /

14 **APPROVED FOR EXTRADITION: Five Northern Nevada Counties**

15
16 by: 
17 Matthew Johnson
18 Deputy District Attorney

19 I HEREBY CERTIFY that I received the above warrant on the _____ day of April,
20 2018, and served the warrant by arresting the within named defendant, MICHAEL LOUIS
21 COTA, and bringing him into Court this _____ day of April, 2018.
22
23
24
25
26
27
28

1 CASE NO. 18-CR- 0429 / 18-CR 0430
2 DA 18-0675M
3 DCSO 18SO05042
4

FILED
18-cr 0429
NO. 18-CR-0430
2017 MAY -1 PM 2:00
EAST FORK JUSTICE COURT
15

5
6 IN THE JUSTICE COURT OF EAST FORK TOWNSHIP
7 COUNTY OF DOUGLAS, STATE OF NEVADA
8

9 THE STATE OF NEVADA,
10 Plaintiff,

11 vs.

CRIMINAL
COMPLAINT

12 MICHAEL LOUIS COTA,
13 DOB: 02/02/1999

14 ROBERT DONALD BROWN
15 DOB: 02/08/1996

Defendants. /

16 Matthew Johnson, Deputy District Attorney, County of Douglas, State of Nevada, on
17 information and belief, being first duly sworn, makes complaint and charges Michael Louis
18 Cota with the crimes of CONSPIRACY TO COMMIT BURGLARY AND/OR LARCENY, a
19 violation of NRS 199.480, a gross misdemeanor, CONSPIRACY TO COMMIT AN OFFENSE
20 INVOLVING STOLEN PROPERTY, a violation of NRS 199.480, a gross misdemeanor,
21 PRINCIPAL TO BURGLARY WITH A DEADLY WEAPON OR A FIREARM, a violation of
22 NRS 205.060(1), (4), NRS 195.020, a category B felony, PRINCIPAL TO GRAND
23 LARCENY OF A FIREARM, a violation of NRS 205.226, NRS 195.020 a category B felony,
24 and PRINCIPAL TO POSSESSION OF STOLEN PROPERTY, a violation of NRS 205.275,
25 NRS 195.020, a category C felony, and charges Robert Donald Brown with the crimes of
26 CONSPIRACY TO COMMIT AN OFFENSE INVOLVING STOLEN PROPERTY, a
27 violation of NRS 199.480, a gross misdemeanor and PRINCIPAL TO POSSESSION OF
28

1 STOLEN PROPERTY, a violation of NRS 205.275, NRS 195.020, a category C felony,
2 committed in the County of Douglas, State of Nevada on or about February 13, 2018, as
3 follows:

4 **COUNT ONE: CONSPIRACY TO COMMIT BURGLARY**
5 **AND/OR LARCENY, a violation of NRS**
6 **199.480, a gross misdemeanor**

7 Defendant Michael Louis Cota did willfully and unlawfully conspire with
8 another person to commit burglary and/or larceny, by agreeing with "AG"
9 DOB 11/06/03 to enter the residence located at 1340 Bishop Circle in
10 Gardnerville to steal items inside and/or agreeing with "AG" DOB
11 11/06/03 to transport "AG" to the residence located at 1340 Bishop Circle
12 in Gardnerville so that "AG" could enter the residence to steal items inside
13 and in furtherance of said conspiracy, did commit the acts as set forth in
14 Counts 3 and 4 said acts being incorporated by reference as though fully set
15 forth herein, all of which occurred in the County of Douglas, State of
16 Nevada,

17 **COUNT TWO: CONSPIRACY TO COMMIT AN OFFENSE**
18 **INVOLVING STOLEN PROPERTY, a**
19 **violation of NRS 199.480, a gross misdemeanor**

20 Defendants Michael Louis Cota and/or Robert Donald Brown did willfully
21 and unlawfully conspire with another person to commit an offense
22 involving stolen property, as prohibited by NRS 205.275, by agreeing with
23 each other and/or a male named Oscar, also known as "Cheespa," and/or
24 "AG" DOB 11/06/03 that Oscar and/or Robert Donald Brown, and/or
25 Michael Louis Cota buy, receive, possess, or withhold a stolen firearm(s),
26 and in furtherance of said conspiracy defendant(s) did commit the acts as
27 set forth in Counts 5 and 6 said acts being incorporated by reference as
28 though fully set forth herein, all of which occurred in the County of
Douglas, State of Nevada,

COUNT THREE: PRINCIPAL TO BURGLARY WITH A
DEADLY WEAPON OR A FIREARM, a
violation of NRS 205.060(1), (4), NRS 195.020 a
category B felony

Defendant Michael Louis Cota did willfully and unlawfully enter, any
house, room, apartment, warehouse, barn or other building, and/or whether
present or absent aid, abet, counsel, encourage, hire, command, induce, or
otherwise procure another person to enter, any house, room, apartment,

1 warehouse, barn or other building, and/or act in furtherance of a
2 conspiracy, such that he is liable for the acts of his co-conspirator(s) to
3 enter, any house, room, apartment, warehouse, barn or other building, with
4 the intent to commit grand or petit larceny, or any felony therein, and said
5 defendant had in his possession or gained possession of any firearm or
6 deadly weapon at any time before leaving the structure or upon leaving the
7 structure, to-wit: the defendant drove "AG" DOB 11/06/03 to the residence
8 located at 1340 Bishop Circle in Gardnerville and/or entered the same
9 residence to commit grand or petit larceny and had in his possession or did
10 gain possession of a Spikes Tactical AR-15 rifle and/or Single Shot Pellet
11 Rifle, all of which occurred in the County of Douglas, State of Nevada

12 **COUNT FOUR: PRINCIPAL TO GRAND LARCENY OF A**
13 **FIREARM, a violation of NRS 205.226, NRS**
14 **195.020 a category B felony**

15 Defendant Michael Louis Cota did willfully and unlawfully and
16 intentionally, steal, take and carry away a firearm owned by another
17 person, and/or whether present or absent aid, abet, counsel, encourage,
18 hire, command, induce, or otherwise procure another person to steal, take
19 and carry away a firearm owned by another person, and/or act in
20 furtherance of a conspiracy, such that he is liable for the acts of his co-
21 conspirator(s) to steal, take and carry away a firearm owned by another
22 person, to-wit: the defendant and/or "AG" DOB 11/06/03 took a Spikes
23 Tactical AR-15 rifle and/or Single Shot Pellet Rifle after defendant drove
24 "AG" to the residence located at 1340 Bishop Circle in Gardnerville, all of
25 which occurred in the County of Douglas, State of Nevada,

26 **COUNT FIVE: PRINCIPAL TO POSSESSION OF STOLEN**
27 **PROPERTY, a violation of NRS 205.275, NRS**
28 **195.020 a category C felony**

Defendant Michael Louis Cota did willfully, unlawfully, and knowingly,
possess, buy, receive, or withhold stolen property, and/or whether present
or absent aid, abet, counsel, encourage, hire, command, induce, or
otherwise procure another person to possess, buy, receive, or withhold the
stolen property and/or act in furtherance of a conspiracy, such that he is
liable for the acts of his co-conspirator(s), to possess, buy, receive, or
withhold the stolen property, for the their own gain or to prevent the true
owner(s) from again possessing the property, knowing that such property
was stolen, or under such circumstances as should have caused a
reasonable person to know that such goods were so obtained, said property
having a value of \$650.00 or more, to-wit: Michael Louis Cota possessed,
received, or withheld a Spikes Tactical AR-15 rifle and/or Single Shot
Pellet Rifle and/or two Glock .40 caliber magazines, and/or an ammunition
can containing various caliber ammunition, and/or a black "Combat Style"

1 fixed blade knife; and/or arranged for a male named Oscar, also known as
2 "Cheespa," and/or "AG" DOB 11/06/03, and/or Robert Donald Brown to
3 possess, buy, receive, or withhold a Spikes Tactical AR-15 rifle and/or
4 Single Shot Pellet Rifle, all of which occurred in the County of Douglas,
5 State of Nevada,

6 **COUNT SIX: PRINCIPAL TO POSSESSION OF STOLEN**
7 **PROPERTY, a violation of NRS 205.275, NRS**
8 **195.020 a category C felony**

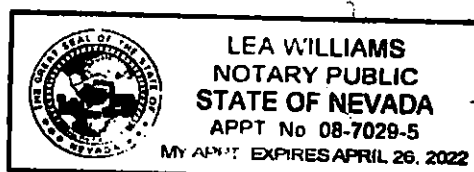
9 Defendant Robert Donald Brown did willfully, unlawfully, and knowingly,
10 possess, buy, receive, or withhold stolen property, and/or whether present
11 or absent aid, abet, counsel, encourage, hire, command, induce, or
12 otherwise procure another person to possess, buy, receive, or withhold the
13 stolen property and/or act in furtherance of a conspiracy, such that he is
14 liable for the acts of his co-conspirator(s), to possess, buy, receive, or
15 withhold the stolen property, for the their own gain or to prevent the true
16 owner(s) from again possessing the property, knowing that such property
17 was stolen, or under such circumstances as should have caused a
18 reasonable person to know that such goods were so obtained, said property
19 having a value of \$650.00 or more, to-wit: Robert Donald Brown found a
20 buyer for a Spikes Tactical AR-15 rifle and/or Single Shot Pellet Rifle
21 and/or provided the contact information for a potential buyer named Oscar,
22 also known as "Cheespa," and/or helped move the firearm(s) to the buyer's
23 vehicle, all of which occurred in the County of Douglas, State of Nevada,

24 against the peace and dignity of the State of Nevada. Complainant prays the Defendant be dealt
25 with according to law.

26 
27 COMPLAINANT

28 SUBSCRIBED and SWORN to before me by
Matthew Johnson, this 30th day of April, 2018.


Justice of the Peace/Notary Public



1 CASE NO. 18-CR-
2 DA 18-0675M
3 DCSO 18SO05042
4
5
6

FILED
NO. 18-CR-0429

2019 MAY -1 PM 2: 11

EAST FORK JUSTICE COURT

7 IN THE JUSTICE COURT OF EAST FORK TOWNSHIP
8 COUNTY OF DOUGLAS, STATE OF NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

**AFFIDAVIT IN SUPPORT
OF ARREST WARRANT**
NRS 171.106

12 MICHAEL LOUIS COTA,

13 Defendant
14 _____/

15 STATE OF NEVADA)
16 : ss.
17 COUNTY OF DOUGLAS)

18 Matthew Johnson, Deputy District Attorney, being first duly sworn, deposes and states
19 under the penalty of perjury:

20 That he is a Deputy District Attorney with the Douglas County District Attorney's Office,
21 and that during the course of his employment as such, he received and reviewed investigative
22 reports submitted by the indicating that the crimes of CONSPIRACY TO COMMIT
23 BURGLARY AND/OR LARCENY, a violation of NRS 199.480, a gross misdemeanor,
24 CONSPIRACY TO COMMIT AN OFFENSE INVOLVING STOLEN PROPERTY, a
25 violation of NRS 199.480, a gross misdemeanor, PRINCIPAL TO BURGLARY WITH A
26 DEADLY WEAPON OR A FIREARM, a violation of NRS 205.060(1), (4), NRS 195.020, a
27 category B felony, PRINCIPAL TO GRAND LARCENY OF A FIREARM, a violation of
28 NRS 205.226, NRS 195.020 a category B felony, and PRINCIPAL TO POSSESSION OF
STOLEN PROPERTY, a violation of NRS 205.275, NRS 195.020, a category C felony, were

1 committed on or about February 13, 2018, and it appears that such crimes are attributable to
2 MICHAEL LOUIS COTA.

3 The investigative reports are attached hereto and incorporated herein by reference.

4 WHEREFORE, Affiant prays that a Warrant of Arrest be issued upon a Criminal
5 Complaint for the above-named individual and that the defendant be held in custody or a
6 reasonable bail be set in order to assure his presence at any future hearings.

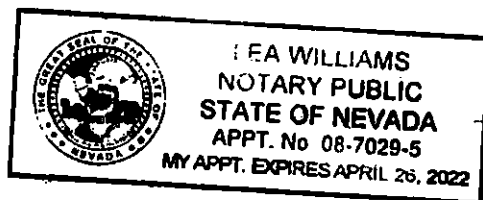
7 DATED this 30 day of April, 2018.

8
9 
10 AFFIANT

11 SUBSCRIBED and SWORN to before me by

12 Matthew Johnson, this 30th day of April, 2018.

13 
14 Justice of the Peace/Notary Public





Douglas County Sheriff
Deputy Report for Incident 18SO05042

Minden, Nevada

Nature: Burg Resd P3
Location: VGV37

Address: 1340 BISHOPS CI; GVIL; GVIL
Gardnerville NV 89410

Offense Codes: BRFE

Received By: Ripa T

How Received: 9

Agency: DCSO

Responding Officers: Hickman Z, Carson C, West M

Responsible Officer: Hickman Z

Disposition: PEN 02/19/18

When Reported: 21:50:05 02/13/18

Occurred Between: 06:30:00 02/13/18 and 21:49:59 02/13/18

Assigned To: Chrzanowski N
Status: ICW

Detail:
Status Date: 04/12/18

Date Assigned: 02/20/18
Due Date: **/**/**

Complainant: 18226

Last: HANKS

First: JONATHAN

Mid: CODYWULFGA
R

DOB: 12/07/82

Dr Lic:

Address: 1340 BISHOPS CI; GVIL

Race: W

Sex: M

Phone: (775)450-5429

City: GARDNERVILLE, NV 89410

Offense Codes

Reported:

Observed: BRFE Burglary, Resd, Force En

Additional Offense: BRFE Burglary, Resd, Force En

Circumstances

LT20 Residence or Home

Responding Officers:

Unit :

Hickman Z

102

Carson C

112

West M

112

Responsible Officer: Hickman Z

Agency: DCSO

Received By: Ripa T

Last Radio Log: 23:07:34 02/13/18 CMPLT

How Received: 9 911 Line

Clearance: RTF Report To Follow

When Reported: 21:50:05 02/13/18

Disposition: PEN Date: 02/19/18

Judicial Status:

Occurred between: 06:30:00 02/13/18

Misc Entry:

and: 21:49:59 02/13/18

Modus Operandi:

Description :

Method :

04/13/18

42

Involvements

Date	Type	Description	Relationship
03/14/18	Name	DILLISHAW, JASON RAY	Mentioned
03/14/18	Name	HOWELL, JACCOB CHARLES	Mentioned
02/14/18	Name	HANKS, JONATHAN CODYWULFGAR	Complainant
02/14/18	Name	COTA, MICHAEL LOUIS JR	Subject
02/14/18	Name	COFFELT, SUSAN MARIE	Contacted
02/14/18	Name	GORDON, AIDAN JASON	Subject
02/14/18	Name	HAYNES, ALEXIS ARIANA	Subject
02/14/18	Property	BLK Rifle Spikes Tactical AR15 2500	Property
02/14/18	Property	BLK Magazine Glock 22 60	Property
02/14/18	Property	BLK Knife combat 40	Property
02/14/18	Property	Ammunition can 100	Property
04/12/18	Evidence	PHOTOGRAPHS	Evidence Incident
04/12/18	Evidence	CD-R	Evidence Incident
04/12/18	Evidence	CD-R	Evidence Incident
02/14/18	Evidence	6 fingerprint cards	Evidence Incident
02/14/18	Evidence	7 digital photos	Evidence Incident
02/14/18	Evidence	20 digital photographs	Evidence Incident

Narrative

Douglas County Sheriff's Office
Investigation Narrative
Case #18SO05042

Classification:

Burglary

Evidence:

Twenty (20) digital photographs

Attachments:

Two (2) written statements

Details:

On the 13th of February 2018, at approximately 2149 hours, I was dispatched to 1340 Bishop Circle, Gardnerville, for a report of a past tense residential burglary.

Upon my arrival I met with Jonathan Hanks and Alexis Haynes. Jonathon provided me with the following statement, not verbatim. Jonathon left his residence at approximately 0630 hours today and returned home at approximately 2150 hours. When Jonathon entered his bed room, he noticed several boxes had been moved from his closet to his bed. Jonathan asked his fiancée's daughter, Alexis, if she had been in his room which she denied. Jonathon then discovered his AR15 rifle was missing from its location. Jonathon contacted law enforcement to respond. Jonathon continued to look through his room where he found a single shot pellet rifle, an ammo can containing various ammunitions, and two Glock 22 .40 caliber magazines missing. Jonathan continued to say a black "combat style" fixed blade knife and a black hunting knife with black rubber handle, silver edges, and black leather sheath were missing.

Jonathan showed me the kitchen window where window blinds had been broken off; outside the window Jonathan saw the barbeque grill had been moved and a white lawn chair had been moved under the window. Jonathan completed a written statement which I have attached to this report. I took photographs throughout the residence, all of which are attached to this report.

Deputy Carson and Deputy West arrived I spoke with Jonathan. I requested Dep. West search the front window nearest the front door for fingerprints, at which she recovered multiple prints from the exterior and interior window panes, and from the top of a metal filing cabinet inside. Dep. West photographed the prints prior to lifting them, submitting a total of six (6) finger cards and seven (7) digital photographs into evidence. See attached supplement for more information.

Jonathan was unable to provide me with a serial number for his AR15 rifle at that time. Jonathan did say a "Punisher Skull" logo was featured on one side of the receiver on the magazine well. Jonathan stated he purchased the lower receiver approximately 2 years prior from High Desert Guns. In that time,

Jonathan built the rifle, equipping it with a fixed, "A2" style stock, flat top upper receiver, Tasco Scope, 20" heavy or "bull" barrel, bi-pod, extended charging handle, and tan rubber rail covers. Jonathan was able to provide one digital photograph of him shooting the rifle, minus the bi-pod. That digital photograph is attached to this report. Jonathan continued to say he would contact High Desert Guns, requesting his ATF form from his purchase and would provide a serial number at a later time.

I asked Jonathan if he could identify anyone who may have committed the crime. Jonathan stated Alexis had several friends whom he would suspect.

I spoke with Alexis who provided the following statement, not verbatim. Alexis left the residence that morning at approximately 0640 hours for school. Alexis returned home at approximately 1440 hours. Upon returning home, Alexis noticed urine in the toilet and on the toilet seat, saying it was clean when she left. Alexis flushed the toilet and went to her room. In her room, Alexis noticed her jewelry box was on the floor with her old cell phones. Looking through her room, Alexis found her hunting knife was missing. Alexis described her knife as a fixed blade hunting knife with a wooden handle with a gold end cap and hilt and a black leather sheath. Alexis completed a written statement which I have attached to this report.

I asked Alexis if she could identify anyone who may have committed the crime. Alexis identified Michael Cota and Aiden Gordon as possible suspects. According to Alexis, both Michael and Aiden knew Jonathan had firearms, they were known to steal items, and had stolen from Jonathan and Alexis before. Alexis continued to say she had seen Aiden and Michael together earlier today at Burger King with Michael's white Chevrolet truck. Alexis continued to say Aiden lived nearby on Kingslane.

I left the scene, providing Jonathan with the case number. Jonathan stated he would later provide me with the rifle's serial number as well as if any other items were found missing.

At approximately 2305 hours, I responded with Deputy Miller to a report of a suspicious vehicle parked at 1373 Toiyabe Ave, Gardnerville. The vehicle was described as a white Chevrolet pickup truck, Nevada Registration plate 580A76, registered to Michael Cota. At that location, the inside of the truck was seen and none of the stolen items were visible.

At approximately 2332 hours, Deputy Miller and I contacted Aiden's mother, Susan Coffelt at her residence, 1358 Kingslane, Gardnerville, looking for Aiden. Susan informed me Aiden was with Michael Cota and provided his address, 1386 Village Way, Unit #16, Gardnerville.

At approximately 2352 hours, I made contact with Michael and Aiden at 1386 Village Way, Unit #16. Deputy Miller and I spoke with Michael while Deputies Carson and West spoke with Aiden; see attached supplemental report for further information.

I advised Michael of his Miranda Rights which he waived and agreed to speak with me. According to Michael, he and Aiden stayed at his apartment most of the day. Michael stated he and Aiden went to his sister's apartment at an unknown time. Michael denied driving his white Chevrolet truck, saying he didn't have a driver's license. Michael denied ever going to Burger King earlier in the day or being on Kingslane. Michael could not account for his whereabouts most of the day. Michael gave me and Deputy Miller consent to search the apartment which did not locate any of the stolen items.

Dep. Fricke advised Dep. Carson and Dep. West he saw Michael and another smaller male subject on Kingslane at approximately 1800 hours.

Based on a lack of evidence, neither Michael nor Aiden were arrested at that time. Susan responded to our location to take Aiden home.

Disposition:

Forward to investigations

Date, Time, Reporting Deputy:

14th of February 2018, 0628 hours, Dep. Z. Hickman #588

Responsible LEO:

Approved by:

Date

Supplement

DOUGLAS COUNTY SUPPLEMENTAL NARRATIVE

CLASSIFICATION:

The purpose of this supplemental report is to add evidence to the current case.

ATTACHED:

6 fingerprint cards of fingerprints dusted and lifted at the scene

DETAILS:

On 02/13/2018, at approximately 2151 hours, Deputy Carson and I responded to 1340 Bishops Cir, in Gardnerville, NV, for a report of a burglary. The reporting party, Jonathan Hanks, stated several items, including his firearms, were missing.

Upon arrival, I contacted Deputy Hickman who had already spoken to Jonathan regarding the theft. Deputy Hickman requested I dust the front window nearest the front door.

The front window had an exterior and interior panes of glass. I dusted the outside of the exterior window and located a hand print in the lower center portion of the pane. The print appeared to be a right hand and appeared small in size.

I photographed the print, which I later uploaded to the R-Drive as evidence. I lifted two fingerprints, believed to be the pinkie and ring finger, and a palm print from the exterior pane, which I later booked as evidence.

I dusted the outside of the interior window and located fingerprints along the edge and lower portion of the pane. These prints also appeared small in size.

I photographed the prints, which I later uploaded to the R-Drive as evidence. I lifted two fingerprints from the interior pane, which I later booked as evidence.

Inside the residence, I located a metal filing cabinet just below the window. Due to the disruption of dust on top of the cabinet as well as the presence of visible prints, I dusted the top of the filing cabinet and located fingerprints. These fingerprints again appeared small in size.

The prints appeared to be from a left hand. I photographed the prints, which I later submitted to the R-Drive as evidence. I lifted two fingerprints, which I later booked as evidence.

The reporting party's daughter stated she locked herself out of her residence last week. In order to get into the residence, Jonathan lifted his step-daughter through the front window. Due to the recent weather, it is unknown if they belong to the suspect or the reporting party or family of the reporting party.

The reporting party's daughter believed the suspects to be Michael Cota and Aidan Gordon. Deputy Hickman later responded to a call of a suspicious vehicle parked on Toiyabe Ln. The vehicle returned to Michael.

Deputies Carson, Hickman, Miller and I responded to Kingslane and contacted, Susan Coffelt, Aidan's mother. Susan told us Aidan was currently with Michael at

Michael's residence located at 1358 Village Way #16.

Deputies Carson, Hickman, Miller and I travelled to the above address where we contacted Michael and Aidan. I contacted Aidan in the living room while Deputy Miller contacted Michael the bedroom located adjacent to the living room. Aidan contradicted himself and the story he told me did not make sense.

I asked Aidan how long he has known Michael. Aidan and Michael have been friends since they were young and hang out often. Aidan told me he "had to stay with Michael" because he was not allowed home. I asked Aidan why he could not return home. Aidan stated his mother, Susan, was working all day so he asked her to stay the night at Michael's. I asked Michael if Susan told him he had to stay with Michael. Aidan stated he wanted to stay to hang out with Michael.

I asked Aidan how long he had been hanging out with Michael today. Aidan arrived at Michael's residence yesterday, 02/12/2018, later in the afternoon and spent the night. Aidan stated he and Michael had been together all day and only left the apartment once to go to Burger King. When asked further, Aidan stated he and Michael also left to visit a friend who lived across the street and Michael left the apartment "to quickly go out to his car" and left Aidan in the apartment alone. Aidan stated Michael was not gone long but when I asked him for an approximate amount of time, Aidan estimated Michael was gone for up to 45 minutes.

Aidan changed the timeline of his day with Michael several times. Aidan at first stated he and Michael went to Burger King in the morning at approximately 0900 hours but later stated they went around lunchtime at approximately 1300 hours. Aidan later stated he and Michael went to a friend's house approximately one hour before we arrived but when I asked him again, Aidan stated they were there approximately two hours before we arrived.

Aidan was confused with the times because he "doesn't care what time it is, only if it is dark outside." I asked Aidan what time he believed it was. Aidan stated he believed it was around 2000 or 2100 hours. I informed Aidan it was after midnight. Aidan stated he did not keep track of times today but informed us Aidan was checking in with Susan every two hours via text message.

Deputy Fricke advised us he saw Michael and another smaller male on Kingslane at approximately 1800 hours. Aidan denied going to Kingslane today and stated the only time he was away from Michael was when Michael ran out to his truck.

Due to the fact there was no substantial evidence linking Michael and Aidan to the burglary, neither was arrested. Aidan was released to Susan.

DISPOSITION:

Attached to original report

DATE, TIME, REPORTING OFFICER:

02/14/2018 03:56:15

M. West #573

Supplement

Douglas County Sheriff's Department
Supplemental Narrative
Case #18SO05042

Details of Supplemental Narrative:

On the 13th of February 2018, at approximately 2149 hours, I took a residential burglary report from 1340 Bishop Circle, Gardnerville.

The reporting party, Jonathon Hanks, came home and found multiple items missing including an AR 15 style rifle. At the time of the report, Jonathon did not have the serial number for the rifle and could only provide a detailed description of it. According to Jonathon, he had purchased the lower receiver locally from a licensed dealer and built the rifle. I advised Jonathon to contact the dealer in an attempt to get the serial number in order to enter the rifle into NCIC as stolen.

On the 25th of February, 2018, at approximately 1404 hours, I received an email from Jonathon with the serial number for the rifle. The lower receiver manufacturer was Spikes Tactical with a serial number of SAR76407. The Spillman property table was updated with that information. The rifle was entered into the NCIC, NIC/G014335382 on the 27th of February 2018 at 0110 hours, by C. Woods.

A query through leadsonline.com did not result with any transactions for that rifle or serial number.

Date, Time, Reporting Officer

27th of February 2018, 0136 hours, Dep. Z. Hickman #588

Supplement

Douglas County Sheriff's Department Supplemental Narrative

CLASSIFICATION: Burglary (NRS 205.060)
Conspiracy to Commit Burglary (NRS 205.060)
Grand Larceny (NRS 205.220)
Offenses Involving Stolen Property (NRS 205.275)(Cat C Felony)

POINT OF ENTRY: Kitchen Window

PROPERTY TAKEN: (1) Spikes Tactical AR-15 rifle (Serial #SAR76407)(\$3000)
(2) Glock 22 .40 caliber magazines (\$80)
(1) Single Shot Pellet Rifle (\$40)
(1) Ammunition Can containing various caliber ammunition (\$50)
(1) Black "Combat Style" fixed blade knife (\$45)

APPROXIMATE TOTAL VALUE OF LOSS: \$3215.00

EVIDENCE: DVD-R Containing copy of interview with Aiden Gordon
DVD-R Containing copy of interview with Michael Cota
Copy of Photograph taken from Facebook.com page of M. Cota

DETAILS:

On February 20, 2018, I was assigned DCSO 18SO05042 for investigative follow-up. Upon receiving the case, I reviewed the original reports, written by Deputy Hickman, and learned the following:

On February 13, 2018, Jonathan Hanks reported a burglary of his residence, located at 1340 Bishop Circle, Gardnerville, Nevada. Jonathan reported he left his residence on February 13, 2018 at approximately 0630 hours and returned home at approximately 2150 hours. Upon returning home and entering his bedroom, Jonathan noted several items had been moved within his room and discovered several items missing. Jonathan stated he spoke with his fiancée's daughter, Alexis Haynes, to ascertain if she had entered his room and moved anything or taken anything, and Alexis stated she had not. Jonathan reported the following items as missing from his residence:

- (1) Spikes Tactical AR-15 rifle (Serial #SAR76407)
- (2) Glock 22 .40 caliber magazines
- (1) Single Shot Pellet Rifle
- (1) Ammunition Can containing various caliber ammunition
- (1) Black "Combat Style" fixed blade knife

Jonathan reported the Spikes Tactical Rifle is equipped with a fixed, "A2" style stock, flat top upper receiver, Tasco Scope, 20" heavy or "bull" barrel, bi-pod, extended charging handle and tan rubber rail covers. Jonathan reported on the side of the receiver, on the magazine well, is a "Punisher Skull" logo. Jonathan provided photographs of him shooting the firearm as reference.

Jonathan reported he believes the kitchen window was the point of entry, showing Deputy Hickman where the blinds covering the kitchen window had been broken off and where a white lawn chair had been moved to directly underneath the window.

Deputy Hickman photographed the residence as he found it and booked these photographs into evidence under this case number.

Deputy Hickman interviewed Alexis Haynes regarding this case and learned the following:

On February 13, 2018, Alexis left the residence at approximately 0640 hours for school and returned to the residence at approximately 1440 hours. Upon returning home, Alexis noticed urine in the toilet and on the toilet seat, stating she knew this to be clean when she left for school. Alexis stated she flushed the toilet and went into her bedroom. Upon entering her room, Alexis noticed that her jewelry box was lying on the floor, along with her older cellular phones. After looking through her room, Alexis discovered that her hunting knife was missing. Alexis described this knife as a fixed blade hunting knife with a wooden handle with a gold end cap, hilt, and a black leather sheath.

Alexis told Deputy Hickman she believed Michael Cota and Aiden Gordon to be suspects in this case. Alexis reported that both Cota and Gordon know Jonathan owns firearms and have stolen from their residence before in the past. Alexis reported she saw Cota and Gordon together earlier in the day at Burger King and stated Gordon lives in the area.

Deputy West collected 6 fingerprints cards as evidence in this case and booked them into evidence under this case number.

Deputy Hickman and Deputy Miller contacted Michael Cota and Aiden Gordon at Cota's residence, located at 1386 Village Way, Apartment 16, Gardnerville, Nevada regarding this case. Both denied any involvement and allowed Deputy Hickman and Deputy Miller to search the premises for any of the stolen property listed above. However, during this conversation, Cota and Gordon were not able to account for their whereabouts for the majority of the day and were not overly forthcoming with information.

Deputy Hickman entered the AR-15 rifle into NCIC as stolen. The remainder of the property was not entered, as there are no serial numbers available for these items.

FOLLOW-UP INVESTIGATION:

CONTACT WITH JONATHAN HANKS:

On March 07, 2018, I contacted Jonathan Hanks regarding this case. I asked Jonathan if he had any additional information that would be helpful in ascertaining the identity of the suspects in this case. The only information Jonathan was able to provide was the following:

One of the two stolen Glock .22 magazine is "old" and is from the time when they dated the magazines, with Jonathan's missing magazine being dated 1994. Jonathan stated both of the magazines were filled with federal ammunition.

I told Jonathan that the fingerprints collected in this case were submitted as evidence and I was awaiting the results. I encouraged Jonathan to call me with any new or updated information.

CHECK OF LEADSONLINE.COM:

I checked leadsonline.com, an internet based nationwide pawn shop database, for any pawns recently made by either Michael Cota or Aiden Gordon, without success. I searched leadsonline.com specifically for the stolen rifle, via serial number, without success.

WINS/AFIS:

The fingerprints collected by Deputy West in this case were submitted to the WINS/AFIS system and results are pending.

ADDITIONAL LEADS:

On March 15, 2018, I learned that Douglas County Sheriff's School Resource Officer Deputy Meyer received information that Jason Dillishaw had information that Michael Cota had recently sold an AR-15 to an unknown person.

CONTACT WITH JASON DILLISHAW:

On March 29, 2018, at approximately 1105 hours, I contacted Jason Dillishaw regarding this case. This interview was conducted at Douglas High School in the office of School Resource Officer Deputy J. Meyer and was audio recorded. Following the completion of the interview, a copy of the interview was later placed onto DVD-R and booked into evidence under this case number. The following is a summary of my interview with Jason Dillishaw:

Jason Dillishaw was previously a friend of Michael Cota's. Approximately four to five weeks ago, on an unknown date and around 1400 hours in the afternoon, Jason was picked up by Michael as he was walking from the Gardnerville Ranchos, after which they went back to Michael's residence located at 1386 Village Way, Unit 16, Gardnerville, Nevada. Once back at Michael's residence, Michael showed Jason two firearms that he told Jason he was selling. Jason stated one of these firearms was "an AR," referencing an AR-15 rifle. Jason stated the firearm was black and had a logo on it of some sort but stated he could not remember what the logo was. Jason stated Michael told him that two men were coming from Carson City to the residence to purchase the firearm for \$150.00. Jason stated the second firearm that Michael had was a "rifle," but stated he could not describe it. Jason stated, at the time he saw the firearms, Michael had them stored in his bedroom closet. Jason stated he was at Michael's residence when the buyers arrived to purchase the firearm.

Jason described the males as follows:

Suspect #1: Hispanic male, approximately 30 years old, muscular to heavy build, tall, with dark hair cut short, approximately two inches long.

Suspect #2: Hispanic male, no further details

Jason stated the males arrived in dark colored, four door Audi, possibly dark blue in color. Jason was unsure of the license plates on the vehicle.

Jason stated he witnessed Michael hand the firearm to the Hispanic male and later saw the cash paid to Michael for the firearm.

Jason stated he and Michael are no longer friends, as Michael threatened to "shoot up" a house and Jason was not okay with this type of threat.

I asked Jason if any other person was present at the residence during the time of the incident where Michael sold the gun. Jason stated "some kid" was there but stated he did not know who the kid was or his name.

Jason was unable to provide me with any additional information pertinent to this investigation but agreed to speak to me again should it become necessary during the course of this investigation.

ADDITIONAL INFORMATION:

On April 09, 2018, I received a message from Douglas County Juvenile Probation Officer Dan Hames. Officer Hames indicated that one of his probationers indicated that on Michael Cota's facebook.com page, screen name "Real Tru Savage," was a photograph of Michael Cota holding an AR-15.

On April 09, 2018, I went to Michael Cota's facebook.com page and confirmed this page belonged to him via his profile picture. On this page, first posted on February 18, 2018, 5 days after the burglary of Jonathan Hanks residence, Cota posted a photograph of himself and Aiden Gordon. In this photograph, Michael Cota is holding an AR-15 rifle. I printed this photograph as evidence under this case number.

INTERVIEW WITH AIDEN GORDON:

On April 09, 2018, at approximately 1200 hours, I interviewed Aiden Gordon regarding this investigation. This interview was conducted in the day room of the Douglas County Juvenile Detention Facility located at Stateline, Nevada and was audio recorded. Following completion of the interview, a copy of the interview was later placed onto DVD-R and booked into evidence under this case number for later review. The following is a summary of my conversation with Aiden Gordon:

I told Aiden that I wished to speak with him regarding the residential burglary he and Michael Cota committed. However, prior to asking Aiden any questions regarding this investigation, I advised Aiden of his Miranda Rights, both verbally and in writing. Aiden indicated he understood his rights and was willing to speak to me regarding this investigation.

Aiden stated that he is friends with Alexis Haynes and that Michael Cota was friendly with Jonathan Hanks, stating this is how they knew there were firearms inside the residence located at 1340 Bishop Circle. Aiden stated he and Michael drove to the residence during school hours in Michael Cota's truck and entered the residence through a window. Aiden stated both he and Michael entered the residence. While in the residence, Aiden stated they located two firearms and two knives, which they removed from the residence. Aiden described the guns as a black rifle and a gun similar to a shotgun. Aiden stated they made multiple trips in and out of the residence, with Michael hiding the large guns under his shirt and in his pants to conceal them from view. Aiden stated they also took a green and black "hard plastic box," which contained miscellaneous firearm magazines and miscellaneous ammunition. Aiden stated they put the two knives they took inside this box and carried it out to Michael's vehicle. Aiden stated they unlocked the front door of the residence and utilized this door to enter and exit the residence while removing property from the house.

Aiden stated, after leaving the residence, he and Michael drove around for a while with the firearms in the vehicle. Aiden stated Michael was laughing about stealing them. Aiden stated they picked up another male, Jason Dillishaw, to hangout with them and drove back to Michael's residence.

Aiden stated, while at Michael's residence, Michael called a male named "Bobby" who came over to the residence. Aiden stated Bobby helped Michael find a buyer for the guns they stole. Aiden stated Michael sold the guns the same afternoon they stole them, stating he sold them for \$200 each. Aiden stated he did not know the males who purchased the guns but believed them to be from either Reno or Las Vegas. Aiden stated Bobby helped move the guns from the house by wrapping them in blankets and carrying them to the buyers vehicle. Aiden

described the buyers vehicle as a newer family van. Aiden stated after Michael sold the guns, Michael gave him \$200 for his part in the burglary.

Aiden described "Bobby" as approximately 22 years old with tattoos on his hands. Aiden stated he believes Bobby lives in the Ranchos and drives a dark colored sedan.

Aiden stated he believes that Michael Cota is still in possession of the stolen knives and the stolen green and black box. Aiden stated on the night DCSO Deputies came to Michael's residence to question them about this incident, these items were present in the residence, specifically in Michael's mothers bedroom, covered with a blanket. Aiden stated, when the deputies searched the residence, they missed the hidden items. Aiden stated, to his knowledge, Cota has not gotten rid of them. Aiden confirmed that by the time DCSO deputies arrived at Cota's residence to discuss this investigation, the firearms had already been sold and moved from the residence.

I asked Aiden if he knew and understood that what he had done was wrong. Aiden stated yes, he knew it was wrong but that "it is what it is." Aiden did not seem overly apologetic. I asked Aiden if he was coerced in any way. Aiden stated no, that although it was Michael's idea to burglarize the residence and steal the guns for purposes of sale, Aiden willingly went along with the plan and was not forced in any way.

I asked Aiden if he and Michael Cota had committed any other crimes that he wished to discuss. Aiden stated he and Michael were responsible for several vehicle burglaries in the Chichester area and the area of Industrial Way. Aiden stated he and Michael were also responsible for taking of a motor vehicle from the area of Industrial Way, joyriding it, and returning it to the area where they originally took it from. Aiden was not able to state exact dates that they committed these crimes but stated it was both before and after they committed the burglary of the residence at 1340 Bishop Circle. Aiden stated they did not take anything of value during these incidents, stating they took loose change and cellular telephone chargers from the vehicles.

Aiden agreed to speak to me again if it became necessary during the course of this investigation.

CONTACT WITH BOBBY BROWN:

On April 09, 2018, Investigator Young and I went to 1386 Village Way, Unit 16, Gardnerville, Nevada in an attempt to contact Michael Cota regarding this report. I contacted Michael's mother, who told me Michael was not home and was most likely at the skate park.

On April 09, 2018, Investigator Young and I went to the Lampe Skate Park in an attempt to locate Michael Cota. While at the skate park, I made contact with a male who identified himself as "Bobby," later determined to be Bobby Brown. Bobby matched the description of "Bobby" provided to me by Aiden Gordon. During our contact with Bobby Brown, we learned the following:

Bobby Brown is friends with Michael Cota and Aiden Gordon. Several months ago, Bobby was contacted by Michael Cota, who had guns he wished to sell and asked Bobby if he knew anyone that would want to purchase guns. Bobby stated he gave Michael the telephone number of a male named Oscar, who goes by "Cheespa," or something similar. Bobby stated this male is a "south sider" from Las Vegas. Bobby stated this male purchased the firearms from Michael Cota.

Bobby stated he was aware of the burglary committed by Michael Cota and Aiden Gordon because they told him what they had done. Bobby stated he knew they drove to the location in Michael's truck, parked on the back side of the fence, and entered the residence through a window. Bobby stated Aiden Gordon was familiar with the residence, as he is friends with one of the occupants (Alexis Haynes). Bobby denied being involved in the burglary of the residence.

Bobby stated he no longer had the telephone contact information for "Cheespa" and stated that Michael should still have it.

I asked Bobby if he had helped Michael move the stolen guns from inside Michael's residence to the vehicle of the person purchasing the guns. Bobby stated no. Bobby admitted he was present when the sale of the guns occurred but denied having anything to do with it, other than providing the contact information to Michael Cota.

CONTACT WITH MICHAEL COTA:

On April 10, 2018, while at the Lampe Skate Park talking to Bobby Brown, Brown received a telephone call from Michael Cota. Brown answered and Michael Cota requested to speak to me. I spoke with Michael Cota on the telephone. The following is a summary of my conversation with Michael Cota.

I told Michael I wished to speak to him regarding the burglary that he and Aiden Gordon committed at the residence at 1340 Bishop Circle. Michael denied being involved in this burglary and told me repeatedly that I do not have any physical proof of this and so I could not arrest him. I told Michael that, in fact, there was physical evidence, that he and Aiden left behind fingerprints at the residence while committing the burglary and told Michael Cota that Aiden Gordon had already admitted to his part in this crime. Michael stated that this did not prove anything, as he had been to the residence in the past and had been inside the house. I asked Michael if during his previous visits to the residence he entered the residence through the window. Michael stated no. I told Michael that the fingerprints left behind were on the window, where they entered the residence. Michael had nothing to say about these fingerprints. Michael repeatedly blamed Aiden Gordon, stating that Aiden committed this crime alone. I told Michael I knew this was not the case and asked him to be honest about his part in this crime. I asked Michael for permission to speak to him face to face about this investigation. Michael ultimately agreed to meet with me at his mother's residence, located at 1386 Village Way, Apartment 16, Gardnerville, Nevada.

On April 10, 2018, Investigator Young and I went to 1386 Village Way, Apartment 16, Gardnerville, Nevada where we made contact with Michael Cota. This contact was audio recorded. Following completion of this interview, a copy of this interview was later placed onto DVD-R and booked into evidence under this case number. The following is a summary of my conversation with Michael Cota:

I told Michael Cota I knew that he drove himself and Aiden Gordon to the residence at 1340 Bishop Circle and parked behind the fence. I told Michael I knew they entered the residence and stole two firearms, along with two knives and an ammunition can. Michael admitted to driving the vehicle to the residence and parking behind the fence. Michael denied entering the residence and stated that Aiden entered the residence without him. However, Michael later admitted he went to the front door of the residence and helped carry out guns from the residence. I told Michael that I knew he sold the guns for \$200 each and that he sold them to a male named Oscar, who goes by "Cheespa." Michael did not deny

this fact but told me he no longer had contact information for "Cheespa" and had no way of getting in touch with him or any way to assist me in the recovery of the stolen guns.

Michael repeatedly told me he did not enter the residence at 1340 Bishop Circle, that only Aiden did, seeming to believe that this absolved him of guilt in this case. I told Michael that he was just as guilty as Aiden, even if he did not enter the residence through the window, reminding him that he conspired with Aiden and made a plan to burglarize the home, that he drove himself and Aiden to the residence, that he assisted Aiden in removing the guns from the residence, and that he facilitated the sales of the guns following the theft. After this, Michael acknowledged that he is as guilty as Aiden is in this investigation. I encouraged Michael to take responsibility for his behavior and encouraged him to make things right if at all possible.

I told Michael that, based on his criminal history, he involves himself in smaller, misdemeanor type crimes generally and asked him why he decided to make the jump to such a major felony crime. Michael told me he had always wanted to do something like this and did not seem to believe that his actions in this case were a big deal.

ATTEMPT TO IDENTIFY "CHEESPA:"

Investigator Young and I contacted Deputy F. Torres, assigned to the Tri County Gang Unit regarding Oscar, aka Cheespa, named as a suspect in this case. Deputy Torres was not familiar with the subject but stated he would research and contact us with any suspect information. At the submission of this report, there is no information available to assist me in identifying or contacting Oscar aka Cheespa.

ADDITIONAL INFORMATION:

I was contacted by Johnathan Hanks, who informed me he had located the hunting knife previously reported as stolen. Hanks reported all other items were still missing from his residence.

CONCLUSION:

On February 13, 2018, Aiden Gordon and Michael Cota entered the residence at 1340 Bishop Circle with the intent to steal property from the residence. Cota and Gordon removed two firearms, an AR-15 rifle and a single shot pellet rifle from the residence, along with two knives and an ammunition can containing pistol magazines and miscellaneous ammunition. Following the burglary, Michael Cota sold the firearms, knives, and ammunition can to an adult male known only as Oscar aka "Cheespa" for \$200 each. Aiden and Michael both admitted to conspiring to commit this burglary and admitted to going to 1340 Bishop Circle with the intent to steal items from the residence.

WARRANT REQUEST:

I request the District Attorney's Office review the facts of this case in consideration of an arrest warrant for Michael Cota and Aiden Gordon on the following charges: Burglary (NRS 205.060), Conspiracy to Commit Burglary (NRS 205.060), Grand Larceny (NRS 205.220), and Offense Involving Stolen Property (NRS 205.275) (Cat C Felony).

DISPOSITION:

Forward to District Attorney's Office for issuance of arrest warrant/prosecution.

DCSO Investigator N. Chrzanowski #424

Investigative Hours: 20

Supplement

Douglas County Sheriff's Department
Supplemental Narrative
18SO05042

Classification: Follow Up

Details: On March 14, 2018 at about 1330 hours I met with Alexis Haynes at Douglas High School, 1670 Highway 88. Alexis told me the following: She heard from Jason Dillishaw that Michael Cota recently sold a AR15. Jason told her he was there when Michael sold it and didn't know it was stolen. Jason told he he thought the gun had a punisher on it. She also heard from Jaacob Howell that Michael Cota had a tweet with him holding an AR.

Disposition: Closed - Forward to Investigations

Reporting Deputy: John A. Meyer DCSO #506

Property**Property Number:** 18PR00355**Item:** Rifle**Owner Applied Nmbr:****Characteristic:** 5.56C Caliber, 5.56**Brand:** Spikes Tactical**Model:** AR15**Year:** 0**Quantity:** 1**Meas:** DU**Serial Nmbr:** SAR76407**Total Value:** \$2,500.00**Color:** BLK**Owner:** HANKS JONATHAN CODYWULFGAR 18226**Agency:** DCSO Douglas County Sheriffs Office**Tag Number:****Accum Amt Recov:** \$0.00**Officer:** Hickman Z**UCR:** FIR Firearms**UCR Status:** SNR**Local Status:****Storage Location:****Crime Lab Number:****Status Date:** 02/13/18**Date Released:** **/**/****Date Recov/Rcvd:** **/**/****Released By:****Amt Recovered:** \$0.00**Released To:****Custody:** **/**/** **/**/****Reason:****Comments:** AR15 rifle, "Punisher Skull" logo on lower receiver, fixed stock, 20" bull barrel, Tasco Scope, bi-pod, tan rubber rail covers**Property Number:** 18PR00356**Item:** Magazine**Owner Applied Nmbr:****Brand:** Glock**Model:** 22**Year:** 0**Quantity:** 2**Meas:** DU**Serial Nmbr:****Total Value:** \$60.00**Color:** BLK**Owner:** HANKS JONATHAN CODYWULFGAR 18226**Agency:** DCSO Douglas County Sheriffs Office**Tag Number:****Accum Amt Recov:** \$0.00**Officer:** Hickman Z**UCR:** FRA Firearm Accessories**UCR Status:** SNR**Local Status:****Storage Location:****Crime Lab Number:****Status Date:** 02/13/18**Date Released:** **/**/****Date Recov/Rcvd:** **/**/****Released By:****Amt Recovered:** \$0.00**Released To:****Custody:** **/**/** **/**/****Reason:****Comments:****Property Number:** 18PR00357

Item: Knife**Owner Applied Nmbr:**

Brand:
Year: 0
Meas: DU
Total Value: \$40.00
Owner: HANKS JONATHAN CODYWULFGAR 18226
Agency: DCSO Douglas County Sheriffs Office
Accum Amt Recov: \$0.00
UCR: TOO Tools, Hand or Power
Local Status:
Crime Lab Number:
Date Released: **/**/**
Released By:
Released To:
Reason:
Comments:
Property Number: 18PR00358

Model: combat**Quantity:** 1**Serial Nmbr:****Color:** BLK**Tag Number:****Officer:** Hickman Z**UCR Status:** SNR**Storage Location:****Status Date:** 02/13/18**Date Recov/Rcvd:** **/**/****Amt Recovered:** \$0.00**Custody:** **.*.*** **/**/****Item:** Ammunition**Owner Applied Nmbr:**

Brand: can
Year: 0
Meas: DU
Total Value: \$100.00
Owner: HANKS JONATHAN CODYWULFGAR 18226
Agency: DCSO Douglas County Sheriffs Office
Accum Amt Recov: \$0.00
UCR: FRA Firearm Accessories
Local Status:
Crime Lab Number:
Date Released: **/**/**
Released By:
Released To:
Reason:
Comments: 500 mds 22 LR, 25 mds 20 GA shells

Model:**Quantity:** 1**Serial Nmbr:****Color:****Tag Number:****Officer:** Hickman Z**UCR Status:** SNR**Storage Location:****Status Date:** 02/13/18**Date Recov/Rcvd:** **/**/****Amt Recovered:** \$0.00**Custody:** **.*.*** **/**/**



SHERIFF-CORONER'S
DEPARTMENT
Douglas County, Nevada

STATEMENT FORM

VICTIM
WITNESS
DRIVER
PASSENGER

Page 1 of 1

LAST NAME - FIRST - MIDDLE

Hanley J C

D.O.B.

RACE - SEX

CASE #

185005072

AGE

HT

WT

HAIR

EYES

VEHICLE INFORMATION

YEAR

MAKE

MODEL

COLOR

LICENSE PLATE/STATE

DRIVER'S LIC NO.

STATE

OBSERVATION OR INVOLVEMENT IN THIS MATTER WAS AS FOLLOWS:

On the date of 2-13-18 about 9:50 pm I came in to my house after Fire department training. I walked in my room noticed my boxes from my closet I asked my sister Lexi if she was in my room. Lexi answered No so I ran back into my room and noticed my AR-15 was missing (it has a Spanish skull on the side of it).

Has a Tasco scope, made in Florida, By force Tan rubber grips a extra handle, M7.5 stroke, 20" bull barrel, in the stroke is a cleaning snake, Extincting on the charging handle, missing both Glock 22 40 clips Both Federal self defense 10 in each, a combat knife,

~~Found my person~~ I also missing a pellet gun signal shot wood frame, I left for work around 6:30 am and arrived back a 9:50 pm.

I'm missing a ammo can with a 500 rounds of 22's

61

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

3 ~~AR-15~~ clips 2, 25 round. 1 10 round
1 25 round midale 1 25-30 plastic.



SHERIFF-CORONER'S
DEPARTMENT
Douglas County, Nevada

STATEMENT FORM

VICTIM
WITNESS
DRIVER
PASSENGER

Page 1 of 1

CASE # 18-5018574-1

LAST NAME - FIRST - MIDDLE

Haynes, Alexis Ariana

PHYSICAL ADDRESS

MAILING ADDRESS

HOME PHONE #

SS #

EMPLOYMENT LOCATION

WORK PHONE #

VEHICLE INFORMATION

YEAR

MAKE

MODEL

COLOR

LICENSE PLATE/STATE

DRIVER'S LIC NO.

STATE

MY OBSERVATION OR INVOLVEMENT IN THIS MATTER WAS AS FOLLOWS:

I left for school at 6:40, the ~~toilet~~ bathroom didn't have anything in the toilet, nothing on the seat, my jewelry box had everything in it, my 2 extra phones were on top of my jewelry box. When I got home from school around 2:40, I unlocked my front door and I set my stuff down and I noticed an odd smell and I looked in the bathroom and ~~at~~ saw a bunch of piss in the toilet and on the seat. I flushed it but didn't wipe it off the seat. There didn't seem to be anything out of the ordinary. I didn't notice the blinds were on the ground till my dad pointed it out when he got home. I saw that my jewelry box drawer was on the ground along with my 2 phones. I can't find my hunting knife, it's not where I last saw it. My hunting knife has a wooden handle, gold at the end of the handle, gold metal between the blade and wooden part of the handle, the scabbard is black leather.

SIGNATURE OF PERSON MAKING STATEMENT:

Alexis Haynes

DATE/TIME:

2-13-18 10:53

63

RECEIVED

MAY 29 2018

Douglas County
District Court Clerk

FILED

2018 MAY 29 PM 3:20

BOBBIE R. WILLIAMS
CLERK

BY ANOM DEPUTY

Case No. 18-CR - ~~0648~~ ⁰⁰⁸⁴

Dept. No. II

DA Case No. 18-0675M

This document does not contain personal information of any person

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

THE STATE OF NEVADA,

Plaintiff,

vs.

INFORMATION

MICHAEL LUIS COTA,

Defendant.

Matthew Johnson, Deputy District Attorney, within and for the County of Douglas, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court that Michael Luis Cota has committed the crimes of CONSPIRACY TO COMMIT BURGLARY AND/OR LARCENY, a violation of NRS 199.480, a gross misdemeanor, CONSPIRACY TO COMMIT AN OFFENSE INVOLVING STOLEN PROPERTY, a violation of NRS 199.480, a gross misdemeanor, PRINCIPAL TO BURGLARY WITH A DEADLY WEAPON OR A FIREARM, a violation of NRS 205.060(1), (4), NRS 195.020, a category B felony, PRINCIPAL TO GRAND LARCENY OF A FIREARM, a violation of NRS 205.226, NRS 195.020, a category B felony, and PRINCIPAL TO POSSESSION OF STOLEN PROPERTY, a violation of NRS 205.275, NRS 195.020, a category C felony,

The defendant, on or about February 13, 2018, and before the filing of this Information, at and within the County of Douglas, State of Nevada,

**COUNT ONE: CONSPIRACY TO COMMIT BURGLARY
AND/OR LARCENY, a violation of NRS 199.480,
a gross misdemeanor**

did willfully and unlawfully conspire with another person to commit burglary and/or larceny, by agreeing with "AG" DOB 11/06/03 to enter the residence located at 1340 Bishop Circle in Gardnerville to steal items inside and/or agreeing with "AG" DOB 11/06/03 to transport "AG" to the residence located at 1340 Bishop Circle in Gardnerville so that "AG" could enter the residence to steal items inside, and in furtherance of said conspiracy, did commit the acts as set forth in Counts 3 and 4 said acts being incorporated by reference as though fully set forth herein,

**COUNT TWO: CONSPIRACY TO COMMIT AN OFFENSE
INVOLVING STOLEN PROPERTY, a violation
of NRS 199.480, a gross misdemeanor**

did willfully and unlawfully conspire with another person to commit an offense involving stolen property, as prohibited by NRS 205.275, by agreeing with Robert Donald Brown and/or a male named Oscar, also known as "Cheespa," and/or "AG" DOB 11/06/03 that Oscar and/or Robert Donald Brown, and/or Michael Louis Cota buy, receive, possess, or withhold a stolen firearm(s), and in furtherance of said conspiracy defendant did commit the acts as set forth in Count 5 said acts being incorporated by reference as though fully set forth herein,

**COUNT THREE: PRINCIPAL TO BURGLARY WITH A DEADLY
WEAPON OR A FIREARM, a violation of NRS
205.060(1), (4), NRS 195.020 a category B felony**

did willfully and unlawfully enter, any house, room, apartment, warehouse, barn or other building, and/or whether present or absent aid, abet, counsel, encourage, hire, command, induce, or otherwise procure another person to enter, any house, room, apartment, warehouse, barn or other building, and/or act in furtherance of a conspiracy, such that he is liable for the acts of his co-conspirator(s) to enter, any house, room, apartment, warehouse, barn or other building, with the intent to commit grand or petit larceny, or any felony therein, and said defendant had in his possession or gained possession of any firearm or deadly weapon at any time before leaving the structure or upon leaving the structure, to-wit: the defendant drove "AG" DOB 11/06/03 to the residence located at 1340 Bishop Circle in Gardnerville and/or entered the same residence to commit grand or petit larceny, and had in his possession or did gain possession of a Spikes Tactical AR-15 rifle and/or Single Shot Pellet Rifle,

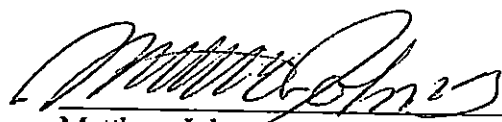
**COUNT FOUR: PRINCIPAL TO GRAND LARCENY OF A
FIREARM, a violation of NRS 205.226, NRS
195.020 a category B felony**

did willfully and unlawfully and intentionally, steal, take and carry away a firearm owned by another person, and/or whether present or absent aid, abet, counsel, encourage, hire, command, induce, or otherwise procure another person to steal, take and carry away a firearm owned by another person, and/or act in furtherance of a conspiracy, such that he is liable for the acts of his co-conspirator(s) to steal, take and carry away a firearm owned by another person, to-wit: the defendant and/or "AG" DOB 11/06/03 took a Spikes Tactical AR-15 rifle and/or Single Shot Pellet Rifle after defendant drove "AG" to the residence located at 1340 Bishop Circle in Gardnerville,

**COUNT FIVE: PRINCIPAL TO POSSESSION OF STOLEN
PROPERTY, a violation of NRS 205.275, NRS
195.020 a category C felony**

did willfully, unlawfully, and knowingly, possess, buy, receive, or withhold stolen property, and/or whether present or absent aid, abet, counsel, encourage, hire, command, induce, or otherwise procure another person to possess, buy, receive, or withhold the stolen property and/or act in furtherance of a conspiracy, such that he is liable for the acts of his co-conspirator(s), to possess, buy, receive, or withhold the stolen property, for the their own gain or to prevent the true owner(s) from again possessing the property, knowing that such property was stolen, or under such circumstances as should have caused a reasonable person to know that such goods were so obtained, said property having a value of \$650.00 or more, to-wit: Michael Louis Cota possessed, received, or withheld a Spikes Tactical AR-15 rifle and/or Single Shot Pellet Rifle and/or two Glock .40 caliber magazines, and/or an ammunition can containing various caliber ammunition, and/or a black "Combat Style" fixed blade knife; and/or arranged for a male named Oscar, also known as "Cheespa," and/or "AG" DOB 11/06/03, and/or Robert Donald Brown to possess, buy, receive, or withhold a Spikes Tactical AR-15 rifle and/or Single Shot Pellet Rifle,

against the peace and dignity of the State of Nevada. Complainant prays the defendant be dealt with according to law.



Matthew Johnson
Deputy District Attorney

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

3
4 Deputy Justin Fricke Douglas County Sheriff's Office
5 1038 Buckeye Road
6 Minden, Nevada 89423

7 Investigator Nadine Chrzanowski Douglas County Sheriff's Office
8 1038 Buckeye Road
9 Minden, Nevada 89423

10 Deputy Christopher Carson Douglas County Sheriff's Office
11 1038 Buckeye Road
12 Minden, Nevada 89423

13 Deputy Zack Hickman Douglas County Sheriff's Office
14 1038 Buckeye Road
15 Minden, Nevada 89423

16 Deputy Mariah West Douglas County Sheriff's Office,
17 1038 Buckeye Road
18 Minden, Nevada 89423

19 Jonathan Cody Wulfgar Hanks 1340 Bishops Circle
20 Gardnerville, Nevada 89410

21 Jason Ray Dillishaw 1420 Bumblebee Drive
22 Gardnerville, Nevada 89460

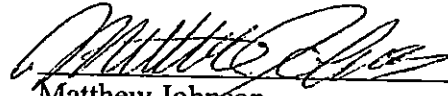
23 Alexis Ariana Haynes 1340 Bishops Circle
24 Gardnerville, Nevada 89410

25 Aidan Jason Gordon 1358 Kingslane
26 Gardnerville, Nevada 89410

27 Investigator Ryan Young Douglas County Sheriff's Office
28 1038 Buckeye Road
Minden, Nevada 89423

1 Robert Donald Brown

931 Sweetwater Drive
Gardnerville, Nevada 89460

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Matthew Johnson
Deputy District Attorney

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

RECEIVED

FILED

JUN -4 2018

2018 JUN -4 PM 2:32

Douglas County
District Court Clerk

BOBBIE R. WILLIAMS
CLERK

BY ANOWA DEPUTY

Case No. 18-CR--0084

Dept. No. II

DA Case No. 18-0675M

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

THE STATE OF NEVADA,

Plaintiff,

vs.

GUILTY PLEA AGREEMENT

MICHAEL LUIS COTA,

Defendant.

I hereby agree to plead guilty to Count Four: PRINCIPAL TO GRAND LARCENY OF A FIREARM, a violation of a NRS 205.226, NRS 195.020, a category B felony, as more fully alleged in the Information which I have read and reviewed with my attorney.

My decision to plead guilty is based upon the plea agreement in this case which is as follows: In exchange for my plea of guilty to Count Four in the Information, charging PRINCIPAL TO GRAND LARCENY OF A FIREARM, a violation of a NRS 205.226, NRS 195.020, a category B felony, my agreement to testify truthfully in any Preliminary Hearing or Trial set in 18-CR-0430, involving Robert Donald Brown, and my agreement to not have any contact or communication with Brittany Massera or Deanna Joan McVay during the period I am incarcerated, on parole, or on probation as a result of my conviction for this offense unless contact or communication is permitted by the district court for the purposes of establishing and/or facilitating custody/visitation with our child(ren) in common, the State has agreed to, dismiss the remaining counts in the Information, not file charges in Douglas County Sheriff's Office case number 18SO08450, in which I am alleged to have threatened violence against Skyler Reese-Bamford, Brittany Massera, and Deanna Joan McVay, and recommend that I be

1 sentenced to a minimum term of not less than 12 months in state prison and a maximum term of
2 60 months in state prison. I understand that, at the time of sentencing, the parties are free to
3 present arguments, facts, and/or witnesses about whether a lesser sentence, probation, and/or
4 some other substance abuse treatment is appropriate to the extent I am eligible.

5 I understand that the State also reserves the right at sentencing to provide the court with
6 relevant information that may not be in the court's possession; to call victims to make a victim
7 impact statement; to question my character witnesses; to comment on the circumstances of the
8 crime and my criminal history; and to correct factual misstatements made by me or my
9 character witnesses.

10 CONSEQUENCES OF THE PLEA

11 I understand that, by pleading guilty, I admit the facts which support all the elements of
12 the offense to which I now plead as more fully alleged in the Information, a copy of which I
13 have received and the contents of which I have reviewed with my attorney. I admit that the
14 State possesses sufficient evidence which would result in my conviction.

15 I understand that, as a consequence of my plea of guilty, I may be imprisoned in the
16 state prison for a minimum term of not less than 12 months and a maximum term of not more
17 than 120 months. I also understand that I may be fined up to \$10,000. I understand that the
18 law requires me to pay an administrative assessment fee.

19 I understand that, if appropriate, I will be ordered to make restitution to the victim of the
20 offense to which I am pleading guilty and to the victim of any related offenses which are being
21 dismissed or not prosecuted pursuant to this agreement. I will also be ordered to reimburse the
22 State of Nevada for expenses related to my extradition, if any.

23 I understand that I am eligible for probation for the offense to which I am pleading
24 guilty. I understand that, except as otherwise provided by statute, the question of whether I
25 receive probation is in the discretion of the sentencing judge.

26 I understand that, except as otherwise provided by statute, if more than one sentence of
27 imprisonment is imposed, the sentencing judge has the discretion to order the sentences to be
28 served concurrently or consecutively. My attorney has explained the terms concurrent and

1 consecutive and I understand their meaning as it relates to sentencing.

2 I understand that this plea and resulting conviction may have adverse effects upon my
3 residency in this country if I am not a United States citizen.

4 I understand and agree that the State, at its discretion, is entitled to either withdraw from
5 this agreement and proceed with the prosecution of the original offenses or be free to argue for
6 an appropriate sentence at the time of the sentencing hearing if I: (1) fail to appear at any
7 scheduled court proceeding in this matter; (2) am arrested for a violation of law in any
8 jurisdiction prior to my sentencing hearing; (3) violate any of my bail conditions; (4) fail to
9 cooperate fully with the Division of Parole and Probation in the preparation of the presentence
10 investigation report in this case if said report is ordered by the court; or (5) fail to comply with
11 any other condition stated herein. I understand and agree that the occurrence of any of these
12 acts constitutes a material breach of my guilty plea agreement with the State. I further agree to
13 waive any right I may have to remand this matter to Justice Court should this agreement be set
14 aside for any reason.

15 I understand that information regarding offenses not filed, dismissed offenses or
16 offenses to be dismissed pursuant to this agreement may be considered by the judge at
17 sentencing.

18 I have not been promised or guaranteed any particular sentence by anyone. I know that
19 my sentence is to be determined by the court within the limits prescribed by statute. I
20 understand that if my attorney, the State of Nevada, or both recommend any specific
21 punishment to the court, the court is not obligated to accept the recommendation.

22 I understand that the Division of Parole and Probation of the Department of Public
23 Safety may or will prepare a report for the sentencing judge before sentencing. This report will
24 include matters relevant to the issue of sentencing, including my criminal history. I understand
25 that this report may contain hearsay information regarding my criminal history and the facts
26 and circumstances related to the offense. My attorney and I will each have the opportunity to
27 comment on the information contained in the report at the time of sentencing.
28

1 WAIVER OF RIGHTS

2 By entering my plea of guilty, I understand that I have waived the following rights and
3 privileges:

4 1. The constitutional privilege against self-incrimination, including the right to refuse
5 to testify at trial, in which event the prosecution would not be allowed to comment to the jury
6 about my refusal to testify.

7 2. The constitutional right to a speedy and public trial by an impartial jury, free of
8 excessive pretrial publicity prejudicial to the defense, at which trial I would be entitled to the
9 assistance of an attorney, either appointed or retained. At trial, the State would bear the burden
10 of proving beyond a reasonable doubt each element of the offense charged.

11 3. The constitutional right to confront and cross-examine any witnesses who would
12 testify against me.

13 4. The constitutional right to subpoena witnesses to testify on my behalf.

14 5. The constitutional right to testify in my own defense.

15 6. The right to appeal the conviction, with the assistance of an attorney, either
16 appointed or retained, unless the appeal is based upon reasonable constitutional, jurisdictional
17 or other grounds that challenge the legality of the proceedings and except as otherwise provided
18 in subsection 3 of NRS 174.035.

19 VOLUNTARINESS OF PLEA

20 I have discussed the elements of all the original offenses against me with my attorney
21 and I understand the nature of these offenses against me.

22 I understand that the State would have to prove each element of the offenses against me
23 at trial.

24 I have discussed with my attorney any possible defenses and circumstances which
25 might be in my favor.

26 All of the foregoing elements, consequences, rights and waiver of rights have been
27 thoroughly explained to me by my attorney.

28 I believe that pleading guilty and accepting this plea bargain is in my best interest and

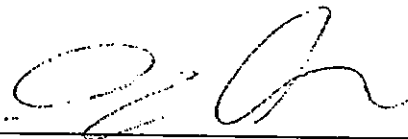
1 that a trial would be contrary to my best interest.

2 I am signing this agreement voluntarily, after consultation with my attorney, and I am
3 not acting under duress or coercion or by virtue of any promises of leniency, except for those
4 set forth in this agreement.


5 I am not now under the influence of intoxicating liquor, a controlled substance or other
6 drug which would in any manner impair my ability to comprehend or understand this
7 agreement or the proceedings surrounding my entry of this plea.

8 My attorney has answered all my questions regarding this guilty plea agreement and its
9 consequences to my satisfaction, and I am satisfied with the services provided by my attorney.

10 Dated this 1 day of June, 2018.

11
12 
13 MICHAEL LUIS COTA
14 Defendant

15 Agreed to this 30 day of May, 2018.

16 
17 MATTHEW JOHNSON
18 Deputy District Attorney

19 CERTIFICATE OF COUNSEL

20 I, the undersigned, as the attorney for the defendant named herein and as an officer of
21 the court hereby certify:

22 1. I have fully explained to the defendant the allegations contained in the charges to
23 which guilty or guilty but mentally ill pleas are being entered.

24 2. I have advised the defendant of the penalties for each charge and the restitution that
25 the defendant may be ordered to pay.

26 3. All pleas of guilty or guilty but mentally ill offered by the defendant pursuant to this
27 agreement are consistent with all the facts known to me and are made with my advice to the
28 defendant and are in the best interest of the defendant.

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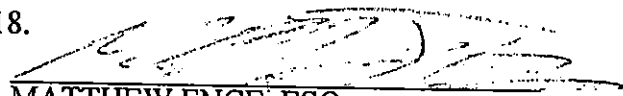
4. To the best of my knowledge and belief, the defendant:

a. Is competent and understands the charges and the consequences of pleading guilty or guilty but mentally ill as provided in this agreement.

b. Executed this agreement and will enter all guilty or guilty but mentally ill pleas pursuant hereto voluntarily.

c. Was not under the influence of intoxicating liquor, a controlled substance or other drug at the time of the execution of this agreement.

Dated this 1 day of June, 2018.


MATTHEW ENCE, ESQ.
Attorney for Defendant

RECEIVED

JUN - 7 2018

Douglas County
District Court Clerk

2018 JUN -7 PM 2:29

BOBBIE R. WILLIAMS
CLERK

BY Matthew D. Ence

1 Case No. 18-CR-0084

2 Dept No. II

3 DA No. 18-0675M

4 This document does not contain the
5 personal information of anyone

6
7 **IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
8 **IN AND FOR THE COUNTY OF DOUGLAS**

9 THE STATE OF NEVADA,

10 Plaintiff,

11 v.

12 MICHAEL LUIS COTA,

13 Defendant.

**MOTION TO WITHDRAW AS
COUNSEL**

14 COMES NOW, Matthew D. Ence, attorney appointed pursuant to NRS 178.397 to
15 represent MICHAEL LUIS COTA in the instant matter, hereby moves this Court for an Order
16 permitting counsel to withdraw from said representation.

17 Your Movant, Matthew D. Ence, was appointed to represent MICHAEL LUIS COTA on
18 or about May 10, 2018, after Mr. COTA's prior counsel, Maria Pence, withdrew for a conflict of
19 interest.

20 Mr. COTA has been charged with two (2) Gross Misdemeanor conspiracy counts, and
21 four (4) felony larceny/stolen property counts, as class B & C felony offenses. Movant, Matthew
22 D. Ence, has previously negotiated a plea agreement with the State, wherein Mr. COTA would
23 plead guilty to a single class B felony count of PRINCIPAL TO GRAND LARCENY OF A
24 FIREARM, and the State would not seek more than a 12-60 month sentence, but the parties are
25 free to argue as to a lesser sentence, probation and/or some other substance abuse treatment. The
26 plea agreement is expressly conditioned on Mr. COTA testifying truthfully at any preliminary
27 hearing or trial of an alleged co-defendant, Mr. Brown. A preliminary hearing for Mr. Brown
28 was scheduled for June 8, 2018, but has apparently been re-scheduled for July 6, 2018.

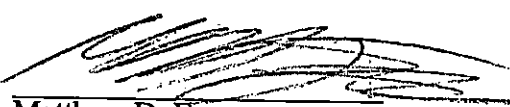
1 To accept the plea agreement, Mr. COTA was required to waive his right to a preliminary
2 hearing in the East Fork Justice Court, which he did on May 23, 2018. However, due to the
3 District Court's law and motion calendar being full, despite being held in custody, Mr. COTA's
4 arraignment was not set until June 18, 2018.

5 On May 29, 2018, Movant, Matthew D. Ence, received notice that he would be attending
6 the Trial Practice Institute program at the National Criminal Defense College in Macon, Georgia
7 June 16-30, and requested that the District Court move Mr. COTA's arraignment up to June 11,
8 2018 to accommodate this calendaring conflict. That request was denied by the Court. Due to
9 conflicts of all of the other indigent defense contract attorneys, Movant, Matthew D. Ence,
10 subsequently made arrangements for Justin Clouser to appear for him at Mr. COTA's
11 arraignment on June 18, 2018.

12 On June 7, 2018, Movant, Matthew D. Ence, received Supplemental Discovery in this
13 matter. Upon review of the Supplemental Narrative report of Investigator Chrzanowski, Movant
14 discovered that he currently represents/represented the girlfriend of one of the alleged co-
15 defendant who is accusing MICHAEL LUIS COTA of possessing "stolen guns." Movant
16 represents/represented Amber Arlene Johnson in the Ninth Judicial District Court in case number
17 17-CR-0019. Based on this current/prior representation, Movant believe that it would be a
18 conflict of interest to continue to represent MICHAEL LUIS COTA in the instant matter.

19 Based on the foregoing, your Movant requests this Court to enter an Order permitting
20 counsel to withdraw from representation of MICHAEL LUIS COTA in this matter.

21 RESPECTFULLY SUBMITTED this 7th day of June, 2018.

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Matthew D. Ence
Nevada State Bar No. 5632
1662 US Hwy 395 North, #104
Minden, Nevada 89423
(775) 783-8501

1 **DECLARATION OF COUNSEL IN SUPPORT OF**
2 **MOTION TO WITHDRAW AS COUNSEL**

3 Your declarant, Matthew D. Ence, declares the following to be true and correct, under
4 penalty of perjury:

5 1. I am an attorney duly licensed in the State of Nevada, and have been so licensed
6 since October, 1995.

7 2. On or about May 10, 2018, I was appointed to represent MICHAEL LUIS COTA.

8 3. I have previously represented Amber Arlene Johnson in the Ninth Judicial District
9 Court in case number 17-CR-0019.

10 4. On June 7, 2018 I received supplemental discovery in the instant matter and
11 learned that Amber Arlene Johnson is a potential witness against MICHAEL LUIS COTA.

12 5. I believe it would be a conflict of interest to continue to represent MICHAEL
13 LUIS COTA in the instant matter.

14 6. I have read the contents of the foregoing Motion and know the contents thereof
15 and know them to be true of my own knowledge or upon information and belief, I believe them
16 to be true.

17 Dated this 7th day of June, 2018.

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22 Matthew D. Ence
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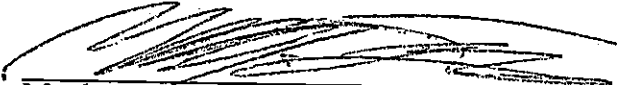
1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I certify that on this day, I hand-delivered and/or deposited with
3 the United States Postal Service, postage prepaid, for delivery a true and correct copy of a
4 Motion to Withdraw as Counsel (with attached Declaration of Counsel in Support of Motion to
5 Withdraw as Counsel) addressed to:

6 District Attorney's Office
7 1625 N. 8th Street
8 Minden, Nevada 89423
(Hand-delivered)

MICHAEL LUIS COTA
c/o: Douglas County Sheriff - Jail
P. O. Box 1777
Minden, NV 89423

9 DATED this 7th day of June, 2018.

10 
11 Matthew D. Ence
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Case No. 18-CR-0084

Dept No. II

DA No. 18-0675M

This document does not contain the
personal information of anyone

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JUN - 7 2018

**Douglas County
District Court Clerk**

FILED

2018 JUN 12 PM 3:09

**BOBBIE R. WILLIAMS
CLERK**

BY W. R. A. G. R. V. T. Y.

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

THE STATE OF NEVADA,

Plaintiff,

v.

MICHAEL LUIS COTA,

Defendant.

**ORDER GRANTING MOTION TO
WITHDRAW AS COUNSEL**

Based upon the motion of counsel, Matthew D. Ence, and good cause appearing,
IT IS HEREBY ORDERED that Matthew D. Ence is discharged from any further
representation of MICHAEL LUIS COTA in this matter.

DATED this 12th day June, 2018.


DISTRICT JUDGE

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JUN 13 2018

Douglas County
District Court Clerk

FILED

2018 JUN 13 PM 1:47

BOBBIE R. WILLIAMS
CLERK

BY ANOM DEPUTY

Case No. 18-CR-0084

Dept. No. II

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

THE STATE OF NEVADA,

Plaintiff,

v.

ORDER APPOINTING COUNSEL

MICHAEL LUIS COTA,

Defendant.

The Defendant, MICHAEL LUIS COTA, having requested the appointment of an attorney to represent him and having represented to the Court that he is without means of employing an attorney and indicating therein the facts concerning his financial status, and Good Cause Appearing, Therefore,

IT IS HEREBY ORDERED that JOHN E. MALONE, ESQ., be appointed to represent the Defendant in all further proceedings herein.

DATED this 13th day of June, 2018.

THOMAS W. GREGORY
DISTRICT JUDGE

1 Copies served by hand delivery and mail on June 13th, 2018,
2 addressed to: Douglas County District Attorney's Office (Hand
3 Delivery), John E. Malone, Esq., 209 North Pratt Avenue, Carson City,
4 Nevada 89701 (Mail); Douglas County Jail (Hand Delivery), Division
5 of Parole and Probation (Hand Delivery)

6 Erin C. Plante
7 Erin C. Plante
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Case No. 18-CR-0084

JUN 18 2018

Dept. No. II

Douglas County
District Court Clerk

This document does not contain personal information of any person.

2018 JUN 18 PM 12:50

DOBBIE R. WILLIAMS
CLERK
DEPUTY

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

STATE OF NEVADA,

Plaintiff,

vs.

MICHAEL LUIS COTA

Defendant

ORDER CONCERNING BAIL

Based on the motion of defendant's counsel, and good cause appearing, it is here by ordered that the defendant be released

☐ On his/her own recognizance.

☒ Bail as previously ordered.

☐ Bail set at: _____ Bondable/Cash Only (Circle One).

☐ Defendant ordered to attend residential treatment for drugs/alcohol on an "outcount" basis.

☐ During the defendant's release from custody, he/she is subject to the terms set forth by the Department of Alternative Sentencing and the following additional conditions:

☐ The defendant shall, at his/her own expense, be supervised by the Douglas County Department of Alternative Sentencing.

☐ Supervision will include house arrest under the normal terms of residential confinement.

☐ The defendant shall not possess or consume any alcohol or unauthorized drugs.

ORDER CONCERNING BAIL - 1

☐ The defendant's person, vehicle and residence shall be subject to search and seizure, at any time of the day or night, by any peace or probation officer without the requirement of a warrant or probable cause for the presence of alcohol, drugs

☐ The defendant shall submit to chemical testing to determine the presence of alcohol and/or drugs at any time upon the request of a peace or probation officer, the Department of Alternative Sentencing or employee of the Division of Parole and Probation.

☐ The defendant shall not drive a motor vehicle.

☐ The defendant shall not drive unless properly licensed, registered and insured.

☐ The defendant shall violate no laws.

☐ The defendant shall not possess any firearms or other dangerous weapons.

☐ The defendant shall have no contact, directly or indirectly, with the victim or the witnesses, except through counsel, until further Order of the Court.

☐ The defendant shall cooperate with the Department of Alternative Sentencing and the Division of Parole and Probation, including attending any scheduled meetings.

☐ The defendant shall participate in counseling _____

☒ The defendant is ordered to appear in this Court on 7.6.18 @ _____ am/pm and all future court dates.

☐ Other: _____

PURSUANT TO NRS 178.484(13) AND NRS 178.4851(6) ANY LAW ENFORCEMENT OFFICER HAVING PROBABLE CAUSE TO BELIEVE THAT THE DEFENDANT HAS VIOLATED THESE CONDITIONS OF RELEASE IS ORDERED TO ARREST THE DEFENDANT.

Dated this 18th day of June, 2018.


District Court Judge

1 Case No. 18-CR-0084

2 Dept. No. II

RECEIVED

JUN 22 2018

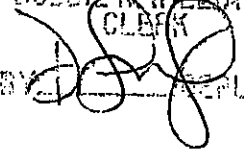
Douglas County
District Court Clerk

FILED

2018 JUN 22 PM 1:09

ROBBIE R. WILLIAMS

CLERK

BY  DEPUTY

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

9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

ORDER SETTING HEARING

12 MICHAEL L. COTA,

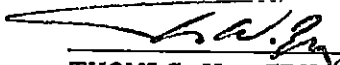
13 Defendant.

14 _____
15 The above-entitled matter is set for:


16 (XX) Continued Arraignment Hearing

17 TO COMMENCE on Monday, July 9, 2018 at the hour of 9:00 a.m.

18 DATED this 22nd day of June, 2018.

19 _____
20 
21 THOMAS W. GREGORY
22 DISTRICT JUDGE

23 Copies served by hand delivery/mail on June 22nd, 2018, addressed
24 to: Douglas County District Attorney's Office (Hand Delivery),
25 John Malone, Esq., 209 North Pratt Street, Carson City, Nevada
26 89701 (Mail); Douglas County Jail (Hand Delivery); Division of
27 Parole and Probation (Hand Delivery)

28 
Erin C. Plante

Case No. 18-CR-0084

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Dept. No. II

JUL - 9 2018

2018 JUL -9 PM 3:43

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Clerk

BOBBIE R. WILLIAMS
CLERK

BY W. R. R. R.

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

STATE OF NEVADA,

Plaintiff,

vs.

MICHAEL L. COTA

Defendant

ORDER CONCERNING BAIL

Based on the motion of defendant's counsel, and good cause appearing, it is here by ordered that
the defendant be released

☐ On his/her own recognizance.

☒ Bail as previously ordered.

☐ Bail set at: _____ Bondable/Cash Only (Circle One).

☐ Defendant ordered to attend residential treatment for drugs/alcohol on an "outcount"
basis.

☐ During the defendant's release from custody, he/she is subject to the terms set forth by
the Department of Alternative Sentencing and the following additional conditions:

☐ The defendant shall, at his/her own expense, be supervised by the Douglas County
Department of Alternative Sentencing.

☐ Supervision will include house arrest under the normal terms of residential confinement.

☐ The defendant shall not possess or consume any alcohol or unauthorized drugs.

ORDER CONCERNING BAIL - 1

☐ The defendant's person, vehicle and residence shall be subject to search and seizure, at any time of the day or night, by any peace or probation officer without the requirement of a warrant or probable cause for the presence of alcohol, drugs

☐ The defendant shall submit to chemical testing to determine the presence of alcohol and/or drugs at any time upon the request of a peace or probation officer, the Department of Alternative Sentencing or employee of the Division of Parole and Probation.

☐ The defendant shall not drive a motor vehicle.

☐ The defendant shall not drive unless properly licensed, registered and insured.

☐ The defendant shall violate no laws.

☐ The defendant shall not possess any firearms or other dangerous weapons.

☐ The defendant shall have no contact, directly or indirectly, with the victim or the witnesses, except through counsel, until further Order of the Court.

☐ The defendant shall cooperate with the Department of Alternative Sentencing and the Division of Parole and Probation, including attending any scheduled meetings.


☐ The defendant shall participate in counseling

☒ The defendant is ordered to appear in this Court on 9/15/18 @ 9:00 am/pm and all future court dates.

☐ Other:

PURSUANT TO NRS 178.484(13) AND NRS 178.4851(6) ANY LAW ENFORCEMENT OFFICER HAVING PROBABLE CAUSE TO BELIEVE THAT THE DEFENDANT HAS VIOLATED THESE CONDITIONS OF RELEASE IS ORDERED TO ARREST THE DEFENDANT.

Dated this 9th day of July, 2018.


District Court Judge

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JUL 10 2018

Douglas County
District Court Clerk

2018 JUL 10 AM 9:21

BOBBIE R. WILLIAMS
CLERK

BY ANOM DEPUTY

Case No. 18-CR-0084

Dept. No. II

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

THE STATE OF NEVADA,

Plaintiff,

vs.

ORDER SETTING HEARING

MICHAEL L. COTA,

Defendant.

The above-entitled matter is set for:

(XX) Sentencing Hearing

TO COMMENCE on Monday, September 10, 2018 at the hour of 9:00 a.m.

DATED this 9th day of July, 2018.

Thomas W. Gregory
THOMAS W. GREGORY
DISTRICT JUDGE

Copies served by hand delivery/mail on July 18th, 2018, addressed to: Douglas County District Attorney's Office (Hand Delivery), John Malone, Esq., 209 North Pratt Street, Carson City, Nevada 89701 (Mail); Douglas County Jail (Hand Delivery); Division of Parole and Probation (Hand Delivery)

Erin C. Plante
Erin C. Plante

1 John E. Malone, Esq.
2 State Bar No. 5706
3 209 N. Pratt Ave.
4 Carson City, NV 89701
5 (775) 461-0254

RECEIVED

JUL 12 2018

Douglas County
District Court Clerk

FILED
2018 JUL 12 PM 3:09

ROBBIE R. WILLIAMS
CLERK

BY ANOM DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT

IN AND FOR THE COUNTY OF DOUGLAS, STATE OF NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

CASE NO. 18-CR-0084

DEPT NO. II

MICHAEL LUIS COTA,

Defendant.

**MOTION FOR COURT APPOINTED FEES
WITH AFFIDAVIT IN SUPPORT THEREOF**

COMES NOW, John E. Malone, Esq., having been appointed as counsel to represent
Defendant, MICHAEL LUIS COTA, in the above-entitled matter and moves this Honorable Court
for an Order for Payment of Appointed Counsel, pursuant to NRS 7.125.

This motion is made and based upon the pleadings and papers on file herein and the
affidavit attached hereto.

DATED this 10th day of July, 2018.

Malone
JOHN E. MALONE, ESQ.
State Bar No. 5706
209 N. Pratt Ave.
Carson City, NV 89701
(775) 461-0254

AFFIDAVIT

STATE OF NEVADA)

Carson City)
:ss

John E. Malone, being first duly sworn, under penalty of perjury, hereby deposes and says:

1. That affiant is an attorney licensed to practice law in the State of Nevada;

2. That affiant was appointed as counsel to represent Defendant, Michael Luis Cota, in the above-entitled matter;

3. That affiant rendered the following services at the statutory rate of \$100.00 per hour for in court or out of court services:

<u>Date</u>	<u>Hours</u>	<u>Description</u>
06/12/18	0.25	Telephone call/accept appointment and schedule court date.
06/18/18	3.00	Travel (31 miles) to meet with client; appear at arraignment and continue hearing; arrange for file transfer.
06/28/18	3.50	Travel (31 miles) to pick up Attorney Matthew Ence's file; review all discovery and file contents; extended meeting with client at Douglas County Jail.
07/03/18	3.50	Travel (31 miles) to Court Complex; extended meeting with D.A. Matt Johnson regarding client's testimony; meeting with client, D.A. and investigator.
07/09/18	3.25	Travel (31 miles) and appearance at arraignment.
HOURS	13.50 hours @ \$100/hour	\$1,350.00
MILEAGE	124 miles @ 54.5/mile	\$ 67.58
TOTAL	\$1,417.58	

4. That to the best of affiant's knowledge, the items set forth above are correct and have been necessarily incurred in these proceedings;

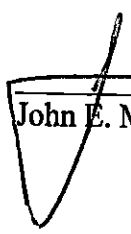
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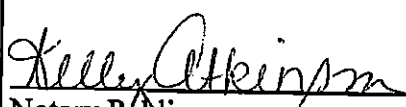
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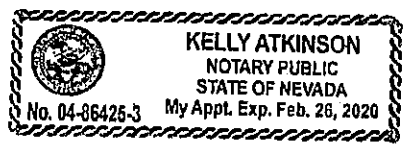
5. That affiant has not been paid from any other source for the time and costs summarized herein.

Further affiant sayeth not.


John E. Malone

Subscribed and Sworn to before me
this 10th day of July, 2018.


Notary Public



Case No. 18-CR-00084

Dept. No. 2

2018 JUL 13 PM 3:50

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JUL 13 2018

ROBERT R. WILLIAMS
CLERK

ANOMA

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF DOUGLAS

BEFORE THE HONORABLE DISTRICT COURT JUDGE THOMAS GREGORY

---oOo---

THE STATE OF NEVADA,

Plaintiff,

vs.

MICHAEL L. COTA,

Defendant.

TRANSCRIPT OF PROCEEDINGS

ARRAIGNMENT

MONDAY, JUNE 18, 2018

MINDEN, NEVADA

APPEARANCES:

For the Plaintiff:

MATTHEW JOHNSON, ESQ.
Deputy District Attorney

For the Defendant:

JOHN MALONE, ESQ.
Attorney at Law

REPORTED BY:

CHRISTY Y. JOYCE, CCR #625
Capitol Reporters
(775) 882-5322

1 MONDAY, JUNE 18, 2018

2 ---oOo---

3 THE COURT: The next case is the State of Nevada
4 versus Michael Louis Cota, Case Number 18-CR-0084. Show the
5 appearance of Matthew Johnson on behalf of the State. Good
6 morning, Mr. Johnson.

7 MR. JOHNSON: Good morning, your Honor.

8 THE COURT: John Malone is appearing on behalf of
9 the defendant. Good morning, Mr. Malone.

10 MR. MALONE: Good morning, your Honor.

11 THE COURT: And also appearing in lawful custody
12 is the defendant, Michael Louis Cota. Good morning,
13 Mr. Cota.

14 THE DEFENDANT: Good morning, sir.

15 THE COURT: This is Mr. Cota's first appearance
16 before the Court in this case. The Court previously
17 appointed Mr. Malone to represent Mr. Cota. Mr. Cota, I did
18 that operating under the belief that you did not have the
19 means to afford counsel of your choice. Is that your
20 financial circumstance?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: And are you asking the Court to
23 appoint Mr. Malone to represent you?

24 THE DEFENDANT: Yes, sir.

1 THE COURT: So the Court confirms the prior
2 appointment of Mr. Malone. And, Mr. Malone, thank you for
3 being here today on somewhat short notice.

4 MR. MALONE: Thank you, your Honor.

5 THE COURT: Mr. Malone, have you received a copy
6 of the information?

7 MR. MALONE: Yes, your Honor. And if I can maybe
8 short circuit this very quickly.

9 THE COURT: Yes, you may.

10 MR. MALONE: I'm not sure if I was appointed on
11 Friday or Thursday. But I did -- those two days were taken
12 up for me. I had court appearances in Pahrump, so I was on
13 the road and appearing down there. I have reviewed the
14 information and the guilty plea memorandum with Mr. Cota.
15 But I would ask for some additional time to review the
16 discovery. I know Mr. Cota has asked me to make a motion for
17 an OR release. We're still in the process of discussing the
18 best way to deal with that matter. But Mr. Johnson has been
19 kind enough to allow me to read through the discovery. If I
20 can satisfy myself that I've gone through enough of it to --
21 or that I have an understanding of the charges, the possible
22 defenses, and the best course of action for Mr. Cota, we
23 could take care of the arraignment today. But, otherwise, I
24 might be requesting a continuance just to make sure that he's

1 had enough time to consult with counsel. I think I have an
2 obligation, independent that of Mr. Ence, to do so if I'm
3 going to be handling this plea.

4 THE COURT: Thank you, Mr. Malone.

5 Mr. Johnson, what is the State's position
6 regarding continuing the arraignment?

7 MR. JOHNSON: Regarding continuing the
8 arraignment, your Honor, we wouldn't be opposed to a short
9 continuance to allow Mr. Malone to review the discovery. We
10 would be opposed to any OR release.

11 THE COURT: All right. We will discuss further
12 Mr. Cota's bail status.

13 Mr. Malone, you were just appointed on the 13th.
14 And so the Court very much understands and appreciates why
15 you need additional time. And so that time is going to be
16 given. So I am going to continue this matter.

17 Before setting the next date though, I think it
18 would be appropriate to next consider Mr. Cota's bail status
19 so that the parties know what his custody is going to be.
20 And then we can determine when the next court hearing should
21 be.

22 So, Mr. Malone, go ahead, you may make any
23 request you would like regarding your client's bail status.

24 MR. MALONE: Thank you, your Honor. Your Honor,

1 Mr. Cota has been in the area for six or seven years. It's
2 my understanding he has two prior committal convictions as an
3 adult. He had a petty larceny and a contributing to the
4 delinquency of a minor case. He does have an offer of
5 employment. He would be working as a laborer for a family
6 friend who is a local contractor. He had made those
7 arrangements before his incarceration and spoke about that.
8 The contractor was reported to be -- had promised to be here
9 today. He's not. Mr. Cota has -- You do have a place to
10 live with your family; correct?

11 THE DEFENDANT: I do.

12 MR. MALONE: He has a minimal criminal history as
13 an adult with no prior felony convictions. He does have some
14 prior criminal history as a juvenile. He doesn't really have
15 funds to be able to flee the area. He does have a plea
16 bargain that is beneficial to him and I think would act in a
17 way that would allow -- would really make it in his best
18 interest to appear for court. We would have no objection to
19 him doing random urinalysis. I'm not sure what the Court --
20 what the pretrial release mechanism here in Douglas County
21 is, if you have Alternative Sentencing or that kind of
22 program.

23 THE COURT: We do, yes.

24 MR. MALONE: Then we would definitely want that

1 to happen. He has had a problem with methamphetamine in the
2 past. I would also -- We would also stipulate that he should
3 attend and show proof of AA or NA meetings on a daily basis
4 if he is released.

5 THE COURT: Mr. Malone, I know that -- I'm
6 looking at the Court's file from the justice court. When the
7 initial warrant of arrest went out, bail was set in the
8 amount of \$50,000. Do you know if that continues to be the
9 bail amount?

10 MR. MALONE: I don't know, your Honor.

11 THE COURT: All right.

12 MR. MALONE: I would suggest that that -- that's
13 based somewhat upon the fact that he faced multiple charges
14 originally.

15 THE COURT: All right. Thank you, Mr. Malone.

16 Mr. Johnson, what is the State's position?

17 MR. JOHNSON: Your Honor, we would be opposed to
18 OR release. We would ask that the bail remain the same as it
19 was in justice court. Although he has signed a guilty plea
20 agreement, all of the charges that he -- are in the
21 information are very serious and we think warrants the
22 original bail amount that was given. They involve weapons,
23 theft, and selling -- and conspiracy with other people. And
24 we would have concerns about his contact with other people

1 that are alleged in the conspiracy who are currently in the
2 community.

3 THE COURT: Mr. Johnson, I'm looking at the bail.
4 And, again, it says 50,000. It doesn't say whether that's
5 cash or bondable. So I assume it's bondable.

6 MR. JOHNSON: I believe it is bondable, your
7 Honor.

8 THE COURT: All right. Thank you. Bail in this
9 case is going to stand as previously ordered with all the
10 previously ordered terms and conditions. The only additional
11 condition will be that the defendant shall make all future
12 court dates in this case and that will include the next date
13 that we're going to come up with at this time. So,
14 Mr. Malone, given where bail is now set, what would you
15 suggest as a return date for an arraignment in this case?

16 MR. MALONE: Your Honor, the Court's law and
17 motion calendars are just on Mondays or Mondays and another
18 day?

19 THE COURT: It's every Monday at 9:00 o'clock.
20 And I can tell you that the Court does not -- is not going to
21 be in session on Monday, July 2nd. Other than that, the
22 Court would have availability to hear this matter.

23 MR. MALONE: Your Honor, for calendaring
24 purposes, it certainly would be easier for me to have an 8:30

1 setting. And I know that you did have one today. I don't
2 know if that's a regular practice.

3 THE COURT: It's not a regular practice. Our
4 typical time is to start at nine. However, when our calendar
5 gets -- We follow up our adult calendar with the juvenile
6 calendar at 10:30 and then a child dependency calendar at 11.
7 And so on weeks when the calendar has been packed as of late
8 the Court has added a couple of matters at 8:30. And so
9 that's kind of a -- not something we do all the time but we
10 certainly can consider it. And I don't mind the request.

11 MR. MALONE: Your Honor, may I ask that we not
12 set a date right now and I contact my administrative
13 assistant and figure out a date that we can appear? My
14 calendar is complicated a little bit in that I'm covering
15 case for Noel Waters who has got some medical issues right
16 now. And so we were able to balance out the calendar this
17 morning. But I don't know what it's -- what my two calendars
18 will be next week.

19 THE COURT: Fair enough.

20 MR. MALONE: Law and motion calendars up in
21 Carson can go late sometimes. So if the Court could arrange
22 or would not oppose me going -- having an early set down
23 here, I could run up to Carson fairly quickly and that would
24 take care of -- that would make appearances down here a

1 little bit easier. But right now I'm not prepared to set a
2 date.

3 THE COURT: Okay. Fair enough. So it would have
4 to be a Monday at 9:00 o'clock. And the Court is not going
5 to set a date. What I would ask that you do, however,
6 Mr. Malone, if you can, soon check with your assistant,
7 figure out a couple of dates and communicate that with
8 Mr. Johnson. And then once the two of you have agreed on a
9 date, if you also agree that one of you can contact my
10 judicial assistant to provide that date, you may do that.
11 And we'll get it set for the next hearing.

12 MR. MALONE: Thank you. And, your Honor, I
13 don't -- Actually I guess I'll contact Mr. Ence's office to
14 see about transfer of the file.

15 THE COURT: So you have not received it yet?

16 MR. MALONE: I have not received the file. The
17 documents I have were provided to me by Mr. Johnson.

18 THE COURT: So, yes, you can pursue the file
19 transfer through Mr. Ence.

20 MR. MALONE: I'll do that right now.

21 THE COURT: I will tell you he might not -- The
22 reason he's not available right now, he might not be here, in
23 fact, Mrs. Pence I think is covering some things for him
24 today. She might know a little bit more about his

1 availability. I just wanted you to know that.

2 MR. MALONE: Thank you.

3 THE COURT: If you make that request today,
4 you're probably not going to get an answer today from
5 Mr. Ence.

6 MR. MALONE: Thank you.

7 THE COURT: Thank you. All right, Mr. Cota,
8 we'll see you back.

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STATE OF NEVADA)
COUNTY OF WASHOE) ss.

I, CHRISTY Y. JOYCE, Nevada Certified Court
Reporter Number 625, do hereby certify:

That I was present in the District Court of Minden Township, in and for the State of Nevada, on Monday, the 18th day of June, 2018, for the purposes of reporting in verbatim stenotype notes the within-entitled hearing;

That the foregoing transcript, consisting of pages 1 through 10, is a full, true, and correct transcript of said hearing.

Dated at Reno, Nevada, this 25th day of June,
2018.

[Signature]

Christy Joyce/
CHRISTY Y. JOYCE, CCR #625

1 CAPITOL REPORTERS
2 123 W. Nye Lane Suite 107
3 Carson City, Nevada 89706
4 (775)882-5322

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

7 STATE OF NEVADA,
8 Plaintiff,

Case No. 18-CR-00084

9 vs.

Dept. No. 2

10 MICHAEL L. COTA,
11 Defendant.

12 AFFIRMATION

13 Pursuant to NRS 239B.030

14 The undersigned does hereby affirm that the following
15 document **DOES NOT** contain the social security number of any
16 person: (List document(s) attached below)

17 1) TRANSCRIPT OF PROCEEDINGS 6-18-18

2) _____

3) _____

18 -OR-

19 The undersigned does hereby affirm that the document
20 named below **DOES** contain the social security number of a
21 person as required by state or federal law or for the
22 administration of a public program or for an application for
23 a federal or state grant: (List the document(s) attached
24 containing social security number information below)

1) _____

2) _____

3) _____

Signature _____ Date 6-25-18

FILED

Case No. 18-CR-00084

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Douglas County
District Court Clerk

BOBBIE R. WILLIAMS
CLERK

BY Imbra DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF DOUGLAS

THE HONORABLE THOMAS W. GREGORY

-oOo-

STATE OF NEVADA,

Plaintiff,

vs.

MICHAEL L. COTA,

Defendant.

TRANSCRIPT OF PROCEEDINGS

SENTENCING HEARING

MONDAY, JULY 9, 2018

MINDEN, NEVADA

For the State:

Matthew Johnson,
Deputy District Attorney

For the Defendant:

John Malone, Esq.

Reported by:

Michel Loomis, RPR
Nevada CCR #228, California CSR #6863

CAPITOL REPORTERS (775) 882-5322

1 MINDEN, NEVADA, MONDAY, JULY 9, 2018, A.M. SESSION

2 -000-

3
4 THE COURT: Next case is the State of Nevada
5 versus Michael Cota, Case Number 18-CR-0084.

6 MR. MALONE: John Malone.

7 THE COURT: Show the appearance of Matthew
8 Johnson on behalf of the State.

9 Good morning, Mr. Johnson.

10 MR. JOHNSON: Good morning, Your Honor.

11 THE COURT: John Malone is appearing on behalf of
12 the Defendant.

13 Good morning, Mr. Malone.

14 MR. MALONE: Good morning, Your Honor.

15 THE COURT: And also appearing, in lawful
16 custody, is the Defendant, Mr. Cota.

17 Good morning, Mr. Cota.

18 THE DEFENDANT: Good morning, sir.

19 THE COURT: We're here today for a continued
20 arraignment. It's continued based upon the change in counsel
21 and so the Court continued the matter at Mr. Malone's request
22 and gave Mr. Malone an opportunity to meet with Mr. Cota and
23 to review the case.

24 Mr. Malone are you prepared to go forward today

1 with an arraignment?

2 MR. MALONE: I am, Your Honor. And to address
3 the Court's earlier statement, I was able to meet with Mr.
4 Cota for an extended period of time. Actually, twice since
5 we've last appeared. There was another matter.

6 The signatures on the guilty plea memorandum are
7 Mr. Ence's but I've gone over the same document with him. So
8 he's had two attorneys go over the document. And although my
9 signature is not on that, it's in compliance with the
10 agreement but the negotiations were made by Mr. Ence.

11 THE COURT: Also, thank you for a that your, Mr.
12 Malone.

13 Mr. Malone, would you also agree -- Mr. Ence
14 actually signed the certificate of counsel. Would you make
15 those same representations?

16 MR. MALONE: Your Honor, I'm not sure I've
17 reviewed a certificate of counsel, so --

18 THE COURT: Take a moment to that do that. It --
19 the certificate of counsel --

20 MR. MALONE: Oh.

21 THE COURT: -- is consistent with the NRS
22 provisions?

23 MR. MALONE: I apologize, Your Honor. That --
24 that's a little bit new to me but I would make the same

1 representations.

2 THE COURT: Okay. Thank you, Mr. Malone.

3 And, Mr. Malone, have you received and reviewed
4 with your client a copy of the Information that was file
5 stamped May 9th, 2018.

6 MR. MALONE: We have, Your Honor.

7 THE COURT: Is your client's name spelled
8 correctly at line 12?

9 MR. MALONE: It is, Your Honor.

10 THE COURT: And do you waive a formal reading?

11 MR. MALONE: We do.

12 THE COURT: Is it your intent -- understanding
13 that Mr. Cota will be entering a guilty plea, pursuant to the
14 guilty plea agreement?

15 MR. MALONE: Correct, Your Honor.

16 THE COURT: Mr. Cota, do you agree with that?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Mr. Cota, do you have a copy of the
19 Information in front of you?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: As I understand the guilty plea
22 agreement, and this is directed towards counsel, the guilty
23 plea would be, I believe, to Count IV.

24 MR. MALONE: That's my understanding.

1 THE COURT: Is that accurate, Mr. Malone?

2 MR. JOHNSON: That's correct, Your Honor.

3 THE COURT: All right. And so, Mr. Cota, we're
4 going to look primarily here at Count IV.

5 In Count IV, you are formally charged with the
6 criminal offense of principle to a grand larceny of a firearm,
7 a category B felony.

8 To that offense, how do you plead?

9 THE DEFENDANT: Guilty.

10 THE COURT: Also, this is addressed to counsel,
11 it's my understanding that if the plea is consummated today,
12 then, ultimately, it's by way of the -- by way of the plea
13 agreement, the remaining charges would be dismissed.

14 Is that correct, Mr. Johnson?

15 MR. JOHNSON: That's correct, Your Honor.

16 THE COURT: Mr. Malone?

17 MR. MALONE: That's correct, Your Honor.

18 THE COURT: So, I'm not going to take Mr. Cota's
19 plea on the others charges, given the negotiations and we'll
20 go forward with the canvass regarding the guilty plea to Count
21 IV and we'll see where that takes us.

22 Mr. Cota, please raise your right hand, face the
23 Clerk to be sworn.

24 (Sworn.)

1 THE COURT: You may be seated. Mr. Cota, I'm
2 going to ask you a series of questions. The purpose of my
3 questioning is not to talk you into entering a guilty plea
4 today or to talk you out of that plea. That decision is
5 entirely yours to make.

6 The purpose of my questioning is for the Court to
7 ascertain whether you are entering your plea today freely and
8 voluntarily and whether you understand your constitutional
9 rights.

10 Should you have any questions at any time, please
11 feel free to stop me and you may ask those questions of either
12 myself or Mr. Malone.

13 Mr. Cota, how old are you?

14 THE DEFENDANT: 19.

15 THE COURT: What is your level of formal
16 education?

17 THE DEFENDANT: I don't know, sir.

18 THE COURT: How far did you go in school?

19 THE DEFENDANT: I think 9th grade.

20 THE COURT: All right. Do you read, write and
21 understand the English language?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: And are you a citizen of the United
24 States?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: As you appear here today, are you
3 under the influence of any controlled substances, alcohol or
4 prescription medication that you do not have a prescription
5 for?

6 THE DEFENDANT: No, sir.

7 THE COURT: Mr. Cota, do you understand that you
8 do not have to enter a guilty plea?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Instead, you could enter a plea of
11 not guilty, thereby preserving all of your constitutional
12 rights; do you understand that?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: If you were to enter a plea of not
15 guilty, you would be entitled to have a speedy, public jury
16 trial. That means a trial within 60 days of today's date; do
17 you understand that?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Do you also understand, Mr. Cota,
20 that if you enter a guilty plea here today, you would be
21 waiving or giving up your right to have a trial in this case?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Do you waive your right to have a
24 trial?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Mr. Cota, by pleading guilty, you
3 would also necessarily waive or give up other important
4 constitutional rights and those include these: If you were to
5 enter a plea of not guilty and we were to have a trial in this
6 case, you would be entitled to the assistance of an attorney.
7 Meaning that Mr. Malone would be here with you to assist you
8 throughout the trial; do you understand that?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: And at that trial you would have a
11 constitutional right to remain silent, meaning that nobody
12 could make you be a witness in the case. And if you chose to
13 remain silent, nobody could penalize you for that decision; do
14 you understand that?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Do you understand that by entering a
17 guilty plea you waive or give up your right to remain silent?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Do you waive that right?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Mr. Cota, as an alternative to
22 remaining silent at trial, you could choose to testify in
23 front of the jury; do you understand that?

24 THE DEFENDANT: Yes, sir.

1 THE COURT: Do you understand that by pleading
2 guilty, you waive or give up your right to testify before the
3 jury?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Do you waive that right?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Mr. Cota, at trial, you would enjoy
8 the right of confrontation. That means that you, through Mr.
9 Malone, would have a right to question or cross-examine any
10 witnesses called during the course of trial; do you understand
11 the right of confrontation?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: And you understand you waive that
14 right by entering a guilty plea?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Do you waive the right of
17 confrontation?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Mr. Cota, at trial, you would also
20 have the right to compel the attendance of witnesses. That
21 means that you, through Mr. Malone, would have an ability to
22 subpoena witnesses, which is a Court order, to come to Court
23 and testify; do you understand that?

24 THE DEFENDANT: Yes, sir.

1 THE COURT: Do you understand that by pleading
2 guilty you waive your right to compel the attendance of
3 witnesses?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: Do you waive that right?

6 THE DEFENDANT: Yes.

7 THE COURT: At trial, Mr. Cota, you would have an
8 opportunity to present the Court and the jury with any legal
9 defenses that you might have in this case. Do you understand
10 that by pleading guilty you waive or give up all such
11 defenses?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: Do you waive your defenses?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Mr. Cota, by entering a guilty plea,
16 you also greatly reduce those issues for which you can file an
17 appeal; do you understand that?

18 THE DEFENDANT: Yes.

19 THE COURT: Have you discussed all of these
20 rights with your attorneys in this case?

21 THE DEFENDANT: Yes.

22 THE COURT: And are you satisfied with their
23 representation of you?

24 THE DEFENDANT: Yes.

1 THE COURT: Do you have any questions for either
2 myself or Mr. Malone regarding your constitutional rights?

3 THE DEFENDANT: No, sir.

4 THE COURT: And, again, do you waive those
5 rights, at this time?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: The Court is in receipt of a document
8 entitled guilty plea agreement. Do you have a copy of that
9 document in front of you?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: At page 5 of that agreement, there is
12 a signature line with your name, Michael Louis Cota. Is that
13 your signature that appears on that line?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Did you place that signature there
16 only after you had an opportunity to read the guilty plea
17 agreement?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: And did you have a chance to discuss
20 the guilty plea agreement with Mr. Malone?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Is the guilty plea agreement accurate
23 as far as the agreement that you've entered into with the
24 State of Nevada?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Has anybody made any other promises
3 or inducements to get you to enter a plea of guilty that are
4 not contained in the guilty plea agreement?

5 THE DEFENDANT: No, Your Honor.

6 THE COURT: And Mr. Cota, do you under the terms
7 of the guilty plea agreement?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Do you agree to be bound by the terms
10 of the guilty plea agreement?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: At page 1 and page 2 of the guilty
13 plea agreement, the Court is informed that in return for your
14 plea of guilty to principle to grand larceny of a firearm,
15 which is reflected in Count IV, there are other provisions
16 that you've agreed to.

17 Specifically, you've agreed to testify truthfully
18 at any preliminary hearing or trial set in Case Number
19 18-CR-0430, involving Robert Donald Brown and your agreement
20 to not have any contact or communication with Brittany Masera
21 or Deanna Joan McVay during the period you are incarcerated,
22 on parole or on probation as a result of your conviction for
23 this offense, unless the contact or communication is permitted
24 by the District Court for the purpose of establishing and/or

1 facilitating custody visitation with your children in common.

2 The State has also agreed to dismiss the
3 remaining counts contained in the Information not filed -- and
4 to not file charges in Douglas County Sheriff's Office Case
5 Number 18-SO-08450, in which you are alleged to have
6 threatened violence against Skylar Reese Bamford, Brittany
7 Masera and Deanna Joan McVay and the State will recommend that
8 you be sentenced to a minimum term of not less than 12 months
9 in state prison and a maximum term of 60 months in state
10 prison.

11 Also, at the time of sentencing, the parties
12 would be free to present arguments, facts and/or witnesses
13 about whether a lesser sentence, probation and/or some other
14 substance abuse treatment is appropriate to the extent that
15 you are eligible.

16 Do you understand all of that, Mr. Cota?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: And is that your agreement with the
19 State of Nevada?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Mr. Cota, what is your understanding
22 of what the maximum penalty is that you could receive in this
23 case?

24 THE DEFENDANT: One to five. Oh, one to ten.

1 THE COURT: So, Mr. Cota, this is important. Do
2 you understand that you could be sentenced to serve up to
3 120 months in prison?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Ten years; do you understand that?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Do you understand that, in addition
8 to that, you could be ordered to pay a fine of up to \$10,000?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: In addition to that, you could be
11 ordered to be pay any fines -- or administrative assessment
12 fees and/or restitution; do you understand that?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Has anybody made any promise to you
15 regarding what your sentence will be in this case?

16 THE DEFENDANT: No, sir.

17 THE COURT: You understand that what sentence you
18 receive is entirely up to the Court?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: And so, at the time of sentencing,
21 the Court will listen to all recommendations. The Court will
22 then sentence you. The Court could, if the Court deemed it
23 appropriate, sentence you to serve 120 months in prison and
24 fine you \$10,000; do you understand that?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Also, the Court would make a decision
3 regarding whether to give you probation in this case; do you
4 understand that?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: And so, the Court could deny any
7 request for probation and sentence you to the term that I just
8 stated; do you understand that?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Knowing all of that, is it still your
11 desire to plead guilty in this case?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Mr. Cota, if were you to enter a plea
14 of not guilty and we were to set this matter for trial, at
15 that trial you'd be presumed to be innocent and the State
16 would have the burden of proving the elements of the offense
17 beyond a reasonable doubt; do you understand that?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: Do you understand that by pleading
20 guilty, you waive or give up the right to have the State prove
21 its case at trial?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Do you waive that right?

24 THE DEFENDANT: Yes, sir.

1 THE COURT: The elements that the State would
2 have to prove beyond a reasonable doubt, at trial, appear at
3 page 3 of the Information, under Count IV. Do you still have
4 that document in front of you?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Specifically, the State would have to
7 prove that you, on or about February 13th, 2018, you did
8 willfully unlawfully and intentionally steal, take and carry
9 away a firearm owned by another person and/or whether present
10 or absent did aid, abet, counsel, encourage, hire, command,
11 induce or otherwise procure another person to steal, take or
12 carry away a firearm owned by another person and/or you did
13 enact in furtherance of a conspiracy, such that you are liable
14 for the acts of your co-conspirators to steal, take and carry
15 away a firearm owned by another person.

16 Specifically, you and/or the person with the
17 initials A.G., with the date of birth of 11-6-03 took a
18 Spike's Tactical AR15 rifle and/or a single shot pellet rifle,
19 after you drove A.G. to the residence located at 1340 Bishop
20 Circle in Gardnerville.

21 Mr. Cota, do you understand what the State would
22 have to prove at the time of trial, in this case, as it
23 regards Count IV?

24 THE DEFENDANT: Yes, sir.

1 THE COURT: Do you believe that if we were to
2 have a trial in this case that the State would have sufficient
3 evidence to prove those elements beyond a reasonable doubt?
4 THE DEFENDANT: No, sir.
5 THE COURT: I did not hear you.
6 THE DEFENDANT: No, sir.
7 THE COURT: You do not believe so. All right.
8 MR. MALONE: No. He's asking you if you
9 understand the State would have enough information.
10 THE DEFENDANT: Yes, sir.
11 THE COURT: So, Mr. Cota, I'm going to re-ask the
12 question since this is an important question. So, I just went
13 through, with you, certain things the State would have to
14 prove beyond a reasonable doubt at trial.
15 Do you understand what they would have to prove
16 at trial?
17 THE DEFENDANT: Yes, sir.
18 THE COURT: Do you have any question about that?
19 THE DEFENDANT: No, sir.
20 THE COURT: Okay. So, my question to you is,
21 then, knowing what they have to prove at trial, do you believe
22 if we were to have a trial in this case that they would have
23 sufficient evidence to prove those things beyond a reasonable
24 doubt?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Okay. Now, a moment ago you answered
3 no to that. And so, I need to -- I need you to help me
4 understand the two different answers. The first time I asked,
5 when you said no, did you understand the question?

6 THE DEFENDANT: I didn't. I thought, like,
7 because when I looked back and I looked over there was no
8 evidence of me going into the house. So, I thought, like,
9 they wouldn't have enough evidence to find me guilty.

10 THE COURT: Of going into the house?

11 THE DEFENDANT: Right.

12 THE COURT: Okay. So, what you're pleading
13 guilty to, though, is Count IV only.

14 THE DEFENDANT: Yes.

15 THE COURT: Okay. And I just went through what
16 they would have to prove regarding Count IV. And Count IV
17 does not contain any element that you went into a house.

18 Is that correct, Mr. Johnson? An element of
19 principle to grand larceny of a firearm is not --

20 MR. JOHNSON: No.

21 THE COURT: -- entry to a house.

22 MR. JOHNSON: It is not one of the elements of
23 the offense, Your Honor.

24 THE COURT: Okay. And Mr. Malone, do you agree

1 with that?

2 MR. MALONE: I agree.

3 THE COURT: So, Mr. Cota, what I want you to do
4 is carefully read Count IV and take a moment to do that and
5 then let me know when you have finished.

6 THE DEFENDANT: (Complies.) I am good, sir.

7 THE COURT: Okay. So, have you had a full chance
8 to review and read, once again, Count IV of the Information?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: And the record will reflect that Mr.
11 Cota took a moment to review it. He also had a discussion
12 with Mr. Malone.

13 Mr. Cota, I'm not trying to be difficult here.
14 This is an important aspect of your guilty plea. And so, I
15 want to make sure you fully understand. And if you don't,
16 it's okay to tell me you don't understand; okay?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: So, in Count IV, what is stated there
19 are the things that the State would have to prove beyond a
20 reasonable doubt if we had a trial; do you understand that?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Do you have any questions for me or
23 Mr. Malone about what the State would have to prove at trial
24 regarding Count IV?

1 THE DEFENDANT: No, sir.

2 THE COURT: So, then, the next question is, is
3 that knowing those things, okay, you just told me you
4 understand them, knowing those things do you believe if we
5 were to have a trial in this case that the State would have
6 enough evidence to prove those things beyond a reasonable
7 doubt?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: All right. Do you have any questions
10 about that?

11 THE DEFENDANT: No, sir.

12 THE COURT: And has Mr. Malone answered any
13 questions that you've had in that regard?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Do you have any confusion about what
16 I'm asking regarding Count IV?

17 THE DEFENDANT: No, sir.

18 THE COURT: All right. Mr. Cota, I'm satisfied
19 that you understand both what the State would have to prove
20 and that you are telling me that you believe the State has
21 enough evidence to prove those things beyond a reasonable
22 doubt.

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Do you agree with that?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Okay. So, the next question then,
3 Mr. Cota, is did you commit the offense as stated in Count IV
4 of the Information?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Mr. Malone, are there any other areas
7 of inquiry that you would ask the Court to canvass Mr. Cota
8 on?

9 MR. MALONE: No, Your Honor.

10 THE COURT: Mr. Johnson?

11 MR. JOHNSON: No, Your Honor.

12 THE COURT: Mr. Cota, have you understood
13 everything that we've discussed here today?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Do you have any questions for either
16 myself or Mr. Malone?

17 THE DEFENDANT: No, sir.

18 THE COURT: At this time, Mr. Cota, is it your
19 intention and request that the Court enter a guilty plea or
20 would you prefer to enter a plea of not guilty?

21 THE DEFENDANT: Guilty plea.

22 THE COURT: The Court makes a finding that Mr.
23 Cota understands his constitutional rights. He's also
24 voluntarily waived those rights here today. The Court finds

1 that there's a sufficient factual basis for the plea and the
2 plea is accepted by the Court.

3 I'm going to schedule this matter for sentencing.
4 Typically, we would set sentencing out eight weeks. That
5 falls on a holiday. Nine weeks out would be September 10th.

6 Mr. Malone, are you available on that day or is
7 there a different day that would you request?

8 MR. MALONE: No, I can be available on that day,
9 Your Honor.

10 THE COURT: Mr. Johnson, does that date work okay
11 for the State?

12 MR. JOHNSON: September 10th will work for the
13 State, Your Honor.

14 THE COURT: Sentencing in this matter is
15 scheduled for September 10th, 2018. Sentencing will be at
16 nine o'clock in the morning. Mr. Cota is ordered to appear at
17 that time and date for sentencing.

18 The Court orders a preparation of a Presentence
19 Investigation Report and, Mr. Cota, you are ordered to
20 cooperate with the Division as they prepare that report.

21 Mr. Malone, would you like to be heard regarding
22 your client's custody status?

23 MR. MALONE: Your Honor, not at this time. I do
24 intend to bring a motion of some kind for an OR release into a

1 drug treatment program but that has not been set up yet.

2 THE COURT: Thank you, Mr. Malone.

3 Mr. Johnson, would you like to be heard regarding
4 Mr. Cota's bail or conditions of bail?

5 MR. JOHNSON: We'd ask that they remain the same,
6 Your Honor.

7 THE COURT: Mr. Cota's bail will remain as
8 previously ordered. As previously ordered, Mr. Cota's
9 required to make all future Court dates in this case.

10 The only thing I've added is we now know that the
11 next day is going to be September 10, 2018, and so I put that
12 into the order. September 10th, 2018, at nine o'clock in the
13 morning.

14 Mr. Malone, anything further for today's purpose?

15 MR. MALONE: No, Your Honor.

16 THE COURT: Mr. Johnson?

17 MR. JOHNSON: No, Your Honor.

18 THE COURT: That will be the Court's order.

19 (Proceedings concluded.)
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STATE OF NEVADA)
)
COUNTY OF DOUGLAS)

I, Michel Loomis, Certified Shorthand Reporter of
the Ninth Judicial District Court of the State of Nevada, in
and for the County of Douglas, do hereby certify:

That I was present in Department No. II of the
above-entitled Court and took stenotype notes of the
proceedings entitled herein, and thereafter transcribed the
same into typewriting as herein appears;

That the foregoing transcript is a full, true and
correct transcription of my stenotype notes of said
proceedings.

DATED: At Carson City, Nevada, this 26th day of
July, 2018.


Michel Loomis, CCR No. 228

1 Michel Loomis
2 Capitol Reporters
3 123 West Nye Lane, Suite 107
4 Carson City, NV, 89706
5 (775) 882-5322

6 IN THE NINTH JUDICIAL DISTRICT COURT
7
8 IN AND FOR THE COUNTY OF DOUGLAS, STATE OF NEVADA

9 STATE OF NEVADA,)

10 Plaintiff,)

11 vs.)

Case No. 18-CR-00084

12 MICHAEL L. COTA,)


Defendant.)

Dept. No. II

13
14
15 AFFIRMATION

16 Pursuant to NRS 239B.030

17 The undersigned does hereby affirm that the following
18 document DOES NOT contain the social security number of
19 any person:
20
21
22

23 
24 MICHEL LOOMIS, RPR
NV CCR #228

CAPITOL REPORTERS (775) 882-5322

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District Court Clerk

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CLERK

BY: AWOW DEPUTY

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

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

STATE OF NEVADA,

Plaintiff,

vs.

CASE NO. 18-CR-0084

DEPT NO. II

MICHAEL LUIS COTA,

Defendant.

ORDER FOR PAYMENT OF ATTORNEY FEES

Having reviewed and considered the billing statement submitted *ex parte* by John E. Malone, appointed counsel for Defendant, Michael Luis Cota, and good cause appearing, the court hereby orders payment of \$ 1,417.58 to:

John E. Malone
209 N. Pratt Ave.
Carson City, NV 89701

for services rendered for June/July 2018.

IT IS SO ORDERED:

DATED this 14th day of August, 2018.

[Signature]
District Judge