

Electronically Filed  
Feb 03 2022 12:40 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL L. COTA,

Appellant,

vs.

Case No. 2018-CR-00116  
2018-CR-00116BD

THE STATE OF NEVADA,

Respondent,

RECORD ON APPEAL

VOLUME 1

COPIES OF ORIGINAL PLEADINGS  
PAGES 1-231

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

JUL 23 2018

Douglas County  
District Court Clerk

FILED

NO. 18-0661  
2018 JUL 23 PM 2:16

Case No. 18-CR-0661

2018 JUL 23 PM 3:02

NEBBIE R. WILSON  
CLERK

BY ANOM DEPUTY

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

BY

THE STATE OF NEVADA,

Plaintiff,

vs

ORDER AND COMMITMENT

MICHAEL LUIS COTA JR.  
DOB: 2/2/1999

18-CR-0116

Defendant.

II

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, BATTERY BY A PRISONER IN CUSTODY, a category B felony, a violation of NRS 200.481(2)(F)

One count of, BATTERY BY A PRISONER IN CUSTODY, a category B felony, a violation of NRS 200.481(2)(F)

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

This matter is set before Department II on JULY 30, 2018, at 9:00 a.m. said Defendant will be appearing with his/her Appointed Counsel, JOHN MALONE.

DATED this 23<sup>RD</sup> day of JULY, 2018

*Paul Malone*

Justice of the Peace

# CERTIFIED COPY

Case No. 18-CR-0661  
SO No. 18SO22094  
DA No. 18-1274M

## EAST FORK JUSTICE COURT Confidential Judge's Notes

Michael Luis Cota Jr.

02/02/1999

Bail/Custody status:

Priors:

Waiver of 15 day rule \_\_\_\_\_

Attorney: *Malone*

Waiver of 60 day rule \_\_\_\_\_

Date:

Outcome:

Proceeding:

*7/13.*  
*7/27 8<sup>30</sup> 7/18* *7/27*

Date:

Outcome:

Proceeding:

Date:

Outcome:

Proceeding:

The Document to which this certificate  
is attached is a full, true and correct  
copy of the original on file and of record  
in my office. *7-23-18*

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

By: *[Signature]*  
Deputy Clerk

FILED DA'S NO 18-1274M

CITATION/CASE NO 18-CR-0661

SOND18S005042

NO. \_\_\_\_\_  
EAST FORK JUSTICE COURT  
COUNTY OF DOUGLAS, STATE OF NEVADA  
JUL 23 AM 11:37

THE STATE OF NEVADA,  
Plaintiff,

EAST FORK JUSTICE COURT  
NOTICE OF SETTING  
ORDER TO APPEAR

BY \_\_\_\_\_

vs.

Michael Luis Cota Jr., Defendant.

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:

**July 30, 2018 9:00 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.

Dated this 23rd day of July, 2018

**THOMAS E. PERKINS**  
JUSTICE OF PEACE

**CUSTODIAL STATUS:**

☒ Bail Stands

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: 07/23/2018 Signed: \_\_\_\_\_, Clerk

Distribution: ☐ D.A. ☐ Jail ☐ DAS ☐ Def. ☐ Attorney John Malone

1 Case No. 18CR-0661

2 DA No. 18-1274M

FILED

NO. 18-0661

2018 JUL 23 PM 2:09

EAST FORK JUSTICE COURT

BY 

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 Jr

13 Defendant.

UNCONDITIONAL WAIVER OF  
PRELIMINARY HEARING

14  
15 I, Michael Luis Cota Jr, THE DEFENDANT in this matter,  
16 understand that I am charged with the crime(s) as listed in the complaint.

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

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

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

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

2  
3 DATED this 23 day of July, 2008.

4 Michael Cota  
5  
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<sup>rd</sup> day of July, 2008.

14  
15 [Signature]  
16 Attorney for Defendant  
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## Case Notes

**Michael Luis Cota Jr. ~ Battery by prisoner, probationer or parolee**

Court: 18-CR-0661

Agency: East Fork Justice Court

Prosecutor: 18-1274M

Law: 18SO05042

Type: Criminal

CaseID: 18-5593

Status: Closed

Status Date: 7/23/2018

Case Age: 12 days

### Undesignated

7/23/2018 | Mindi Huntington

Defendant appeared in custody with atty Malone; DA - Hames; Defendant received copy of complaint and understands charges; Understands and signs rights; Advised of an attorney; Judge Gilbert Malone: Waives prelim. Vacate prelim. Dept I Monday 9 am 7/30/18

7/13/2018 | Mindi Huntington

Defendant appeared in custody; DA - Johnson; Defendant received copy of complaint and understands charges; Understands and signs rights; Advised of an attorney  
State: John Malone is a conflict counsel that was appointed in D.C.  
Judge: Malone appointed. PTC 7/25/18 at 8:30

7/11/2018 | Mindi Huntington

Defendant appeared in custody; DA - Johnson  
Johnson: We will charge either today or tomorrow. One of our deputies was punched. He has \$10,000.00 bondable bail in D.C. Bail should stand.  
Def: John Malone is my atty in D.C.  
Judge: Held in lieu of posting bail.

7/9/2018 | Theresa Schultz

The District Attorney will be asking for more time on the record for charging.



Payments eastforkjusticecourt.com

FILED

CITATION/CASE NO 18-CR-0661

DA'S NO 18-1274M

NO. \_\_\_\_\_ SO NO 18SO05042

**EAST FORK JUSTICE COURT**  
**COUNTY OF DOUGLAS, STATE OF NEVADA**

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

THE STATE OF NEVADA,  
Plaintiff,

vs.

Michael Luis Cota Jr., 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:

**July 23, 2018 10:30 a.m.**

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

**July 27, 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 18th day of July, 2018

**THOMAS E. PERKINS**  
JUSTICE OF PEACE

**CUSTODIAL STATUS:**

☒ Bail Stands

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: 07/18/2018 Signed: \_\_\_\_\_

Clerk

Distribution: ☒ D.A. ☒ Jail ☒ DAS ☒ Def ☒ Attorney John Malone

## Huntington, Mindi

---

**From:** Huntington, Mindi  
**Sent:** Friday, July 13, 2018 11:04 AM  
**To:** 'jmalonelaw@gmail.com'  
**Subject:** Michael Luis Cota Jr. ~ Battery by prisoner, probationer or parolee  
**Attachments:** Attorney Packet.pdf

CITATION/CASE NO 18-CR-0661

NO. 18-0661 DA'S NO 18-1274M

SOND18S005042

2018 JUL 13 AM 10:48

EAST FORK JUSTICE COURT  
COUNTY OF DOUGLAS, STATE OF NEVADA

EAST FORK JUSTICE COURT

THE STATE OF NEVADA,  
Plaintiff,

NOTICE OF SETTING  
BY ORDER TO APPEAR

vs.

Michael Luis Cota Jr., 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:

**July 18, 2018 8:30 a.m.**

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

**July 27, 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 13th day of July, 2018

THOMAS E. PERKINS  
JUSTICE OF PEACE

CUSTODIAL STATUS:

☒ Bail Stands

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: 07/13/2018 Signed: \_\_\_\_\_

Clerk

Distribution: ☒ D.A. ☐ Jail ☐ DAS ☐ Def. ☒ Attorney John Malone (e-mailed)

## Case Notes

**Michael Luis Cota Jr. - Battery by prisoner, probationer or parolee**

Court: 18-CR-0661

Agency: East Fork Justice Court

Prosecutor: 18-1274M

Law: 18SO05042

Type: Criminal

CaseID: 18-5593

Status: Open

Status Date: 7/11/2018

Case Age: 2 days

### Undesignated

7/13/2018 | Mindi Huntington

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

Understands and signs rights; Advised of an attorney

State: John Malone is a conflict counsel that was appointed in D.C.

Judge: Malone appointed. PTC 7/25/18 at 8:30

7/11/2018 | Mindi Huntington

Defendant appeared in custody; DA - Johnson

Johnson: We will charge either today or tomorrow. One of our deputies was punched. He has \$10,000.00 bondable bail in D.C. Bail should stand.

Def: John Malone is my atty in D.C.

Judge: Held in lieu of posting bail.

7/9/2018 | Theresa Schultz

The District Attorney will be asking for more time on the record for charging.

JUSTICE COURT  
EAST FORK TOWNSHIP  
MINDEN, NEVADA

FILED  
1806161  
NO. \_\_\_\_\_  
2018 JUL 13 AM 10:48

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.

EAST FORK JUSTICE COURT  
BY [Signature]

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: [Signature] Cota Dated: July 15 2018

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: \_\_\_\_\_

FILED

NO.

FINANCIAL AFFIDAVIT 2018 JUL 13 AM 10:48

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

JUSTICE COURT EAST FORK TOWNSHIP

IN THE CASE OF  
STATE OF NEVADA VS.

Cota, Michael

CASE # 18-0661

DATE: 7-13-18

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)

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

Are you a veteran or a member of the military?

I Am \_\_\_\_\_

I Am Not ☒

COMMENTS:

Are you employed? ☒

How much do you earn each month? ~~2000~~

FILED

Name and Address of employer NA

Does your spouse work? NA

NO.

How much does he/she earn per month? NA

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

2018 JUL 13 AM 10:48

EAST FORK JUSTICE COURT

List all other income source:

BY

How much money do you have in bank accounts? NA

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

Marital Status:

Total Number of dependents: NA

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

What is your address: 1386 Village way APT 16 Gardnerville NV, 89410

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

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 Malone be appointed to represent said defendant.

DATED this 13 day of July, 2018

Thomas E. Perkins

JUSTICE OF THE PEACE

1 CASE NO. 18-CR-0661  
2 DA 18-1274M  
3 DCSO 18SO22094

FILED  
No. 18-0661  
2018 JUL 11 AM 11:48  
EAST FORK JUSTICE COURT  
BY [Signature]

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

8 THE STATE OF NEVADA,  
9  
10 Plaintiff,

11 vs.

CRIMINAL  
COMPLAINT

12 MICHAEL LUIS COTA JR.,  
13 DOB: 02/02/1999

14 Defendant. /

15 Matthew Johnson, Deputy District Attorney, County of Douglas, State of Nevada, on  
16 information and belief, being first duly sworn, makes complaint and charges Michael Luis Cota  
17 Jr. with the crimes of BATTERY BY A PRISONER IN CUSTODY, a violation of NRS  
18 200.481(2)(F), a category B felony and BATTERY BY A PRISONER IN CUSTODY, a  
19 violation of NRS 200.481(2)(F), a category B felony committed as follows:

20 The defendant, Michael Luis Cota Jr., on or about July 6, 2018, and prior to the filing  
21 of this complaint, in the County of Douglas, State of Nevada,

22 COUNT ONE: BATTERY BY A PRISONER IN CUSTODY, a  
23 violation of NRS 200.481(2)(F), a category B  
24 felony

25 did willfully and unlawfully, while a prisoner in the lawful custody or  
26 confinement of the Douglas County Sheriff's Office, use force or violence  
27 upon the person of another, to-wit: the defendant punched Douglas County  
28 Sheriff's Deputy Joshua Hodges in the face, all of which occurred in the  
County of Douglas, State of Nevada,



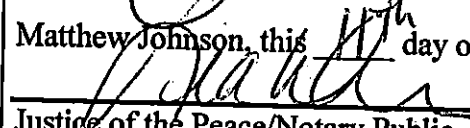
**COUNT TWO: BATTERY BY A PRISONER IN CUSTODY, a violation of NRS 200.481(2)(F), a category B felony**

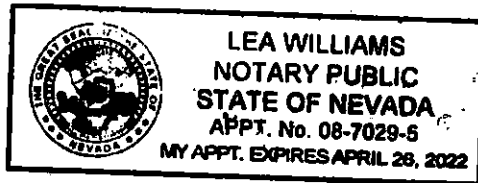
did willfully and unlawfully, while a prisoner in the lawful custody or confinement of the Douglas County Sheriff's Office, use force or violence upon the person of another, to-wit: the defendant hit Douglas County Sheriff's Deputy Michael Barden's hand knocking an electroshock weapon out of his hand, all of which occurred in the County of Douglas, State of Nevada,

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

  
COMPLAINANT

SUBSCRIBED and SWORN to before me by  
Matthew Johnson, this 11<sup>th</sup> day of July, 2018.

  
Justice of the Peace/Notary Public



**Huntington, Mindi**

---

**From:** Williams, Lea  
**Sent:** Tuesday, July 10, 2018 4:59 PM  
**To:** Schultz, Theresa; Huntington, Mindi  
**Subject:** Re: Michael Cota Sr. 18so22070

Hi Ladies,

Peter Handy would like more time for charging Michael Cota Sr. 18-1290H, 18so22070

Thank you,

Lea Williams  
Legal Secretary  
Douglas County District Attorney's Office  
1038 Buckeye Road  
P.O. Box 218  
Minden, NV 89423  
775-782-9800  
775-782-9807 (fax)

## Case Notes

**Michael Luis Cota ~ DUI, Alcohol or Controlled Substance, or Above the Legal Limit, 1st**

Court: 18-CR-0661

Agency: East Fork Justice Court

Law: 185022070

Type: Criminal

CaseID: 18-5593

Status: Pending

Status Date: 7/9/2018

Case Age: 3 days

### Undesignated

7/9/2018 | Theresa Schultz

The District Attorney will be asking for more time on the record for charging.



# Douglas County Sheriff Minden, Nevada

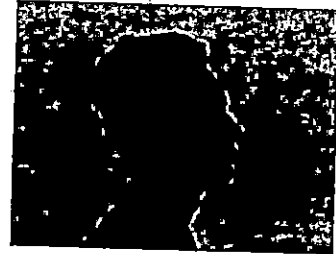
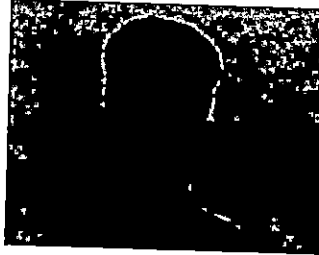
## Booking Sheet for Inmate # 18SOJ1072

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

State: NV

Local ID: 18so05042

Soc. Sec:

### Physical Description

DOB: 02/02/99 (19 yrs)

Race: W

Sex: M

Hgt: 6'00"

Wgt: 150

Eyes: BRO

Glasses: N

Hair: BLK

Hair Style: CRSH

Beard: N

Complexn: MED

Build: SLDR

Ethnic: ENG

BY

EAST FORK JUSTICE COURT

2010 JUL -9 AM 8:06

NO

FILED

Assigned Housing: Hold 09

Current Location: Hold 09

Property Bag: 55

No Active Holds Located

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

Booked By: Cunningham J

Case #	Description	Billing Agency	CRT	Ball Amt	Ball Type	DSP	Sent
18SO05042	50424: Burglary, Resd Force Entry (F)	DCSO	EJC	\$50000.00	CABO		0
18SO05042	02339: Conspiracy to commit a crime	DCSO	EJC	\$0.00			0
18SO05042	02339: Conspiracy to commit a crime	DCSO	EJC	\$0.00			0
18SO05042	54801: Poss of Stolen Property (F)	DCSO	EJC	\$0.00			0
18SO05042	50526: Theft of A firearm (F)	DCSO	EJC	\$0.00			0
18SO22094	50229: Battery By a Prisoner (F)	DCSO	EJC	\$25003.00	BOND		0
18SO22094	50229: Battery By a Prisoner (F)	DCSO	EJC	\$25003.00	BOND		0
18SO22094	50328: Threats / Harrassment (M)	DCSO	EJC	\$640.00	BOND		0

*charges added 7/6/18*



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



FILED



Douglas County

**SHERIFF***"A Tradition of Service"* BYRon Pierini  
SHERIFF**DECLARATION OF PROBABLE CAUSE AND DETENTION**DEFENDANT'S NAME: Cota, Michael Louis ID# 41055 I.R.# 185022094DATE OF ARREST: 07/06/18 TIME OF ARREST: 2115 HoursOFFICER'S NAME/ID#: Hodges #590 AN OFFICER WITH: Douglas County Sheriff

HEREBY DECLARES UNDER PENALTY OF PERJURY THAT THE ABOVE NAMED DEFENDANT 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:

X REFER TO ATTACHED ARREST REPORT. \_\_\_\_\_ REFER TO ATTACHED PROBABLE CAUSE PAGE.

ALL OF WHICH OCCURRED ON THE LISTED OFFENSE DATE(S) IN THE  
X EAST FORK \_\_\_\_\_ TAHOE TOWNSHIP OF DOUGLAS COUNTY, NV.

WHEREFORE, DECLARANT REQUESTS THAT A FINDING BE MADE BY A MAGISTRATE THAT PROBABLE CAUSE EXISTS TO HOLD SAID DEFENDANT FOR FURTHER CRIMINAL PROCEEDINGS.

DATED THIS 7 DAY OF July, 20 18Hodges #590  
DECLARANT

APPROVED BY

**MAGISTRATES 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 NAMED 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 NAMED DEFENDANT AND IT IS HEREBY ORDERED THAT SAID DEFENDANT BE IMMEDIATELY RELEASED ON HIS/HER OWN RECOGNIZANCE UNTIL ORDERED TO APPEAR BEFORE A MAGISTRATE.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_\_\_\_

MAGISTRATE: \_\_\_\_\_

POST OFFICE BOX 218 • MINDEN, NEVADA 89423

Administration 775/782-9900 • Investigations 775/782-9905 • Civil 775/782-9942 • Jail 775/782-9921

Records 775/782-9933 • Dispatch 775/782-9911 • Fax 775/782-9919

27

# NARRATIVE

Page 1 of 1

CASE #

185022094

See attached arrest Report

REPORTING DEPUTY

ID NO.

590

DATE

07/07/18

REVIEWED BY / DATE

**Douglas County Sheriff's Department**

**Arrest Narrative - General Use**

**CASE # 18SO22094**

**CLASSIFICATION:**

**NRS 200.481.2 BATTERY BY A PRISONER**

**NRS 200.571 (A) (1) THREATS**

**DETAILS:**

On July 06, 2018 during swing shift, Inmate Cota (Name #40155) complained of an injured ankle and wanted to have his ankle checked at the hospital. Cota became agitated and hostile towards Deputies when he was told the jail nurse would evaluate his ankle instead of going to the hospital. Due to Cota's verbal belligerent behavior and claimed ankle injury, Sgt. Savage instructed Deputies Barden, Guildford, Shepherd and I to move Cota to Holding Cell 10 for the safety and security of the jail facility.

At approximately 2112 hours before entering B-block, where Cota was housed, Control Deputy Charles instructed the block to "lockdown". Once all the inmates were secured in their cell, we entered the block and proceed to B-2 where Cota was. Upon opening the door, Cota immediately began yelling about how he thought we (the deputies) were not doing our job by not taking him to the hospital. Cota was instructed to gather his belongings and proceed out of the block.

While escorting Cota through Men's Hallway, Cota looked over at A-block and began yelling "sooey". Per jail rules, inmates are not allowed to communicate with inmates in different blocks and I believed Cota was yelling in attempt to incite the other inmates to cause the disturbance to escalate. I told Cota to look forward and to stop yelling at A-block. Cota continued to yell as he walked down Men's Hallway and into Holding Cell 10.

As Cota approached Holding Cell 10, I instructed him to enter the cell. Cota entered, threw down his property bin, and charged the door. Deputy Guildford immediately closed the cell door before Cota could exit. Cota began to punch, kick, and hit his head on the cell door repeatedly. After observing Cota's actions, Sgt. Savage instructed Deputies Guildford, Barden, Shepherd, and I to place Cota in the restraint chair to prevent him from injuring himself and to maintain the safety and security of the jail facility. At this time I activated my Axon Body 2 Camera.

At 2115 hours, we prepared to enter the cell to take control of Cota. Cota moved to the back wall of the cell as we prepared to open the cell door. Before opening the cell door, Deputy Barden advised us Cota

had taken a fighting stance. See Deputy Barden's supplemental for further information of the fighting stance. Deputy Barden opened the holding cell door and ordered Cota to get on ground. Cota remained standing and did not respond to the given commands. Due to Cota refusing the commands, Sgt. Savage, Deputies Barden, Guildford, Shepherd, and I entered Holding Cell 10 to restrain Cota.

Deputy Barden made first physical contact with Cota; Cota actively resisted Deputy Barden by attempting to pull away from him. Deputy Guildford, who had his ASP baton deployed, and I then approached and attempted to bring Cota under control. Cota braced himself up against the back wall of the cell attempting to stay on his feet while we were trying to place him on the ground. While attempting to place Cota on the ground I saw him grab Deputy Guildford's ASP baton in attempt to stop Deputy Guildford from utilizing it. I grabbed Cota's right arm and with my left foot swept out Cota's right foot causing him, Deputies Barden, Guildford, and I all fell to the ground. Cota actively resisted all deputies by pulling away and attempting to push us away. Numerous commands were given to stop resisting and to roll over on his stomach during the struggle.

While on the ground, Cota viciously attacked me by punching the left side of my face with a closed fist. This caused me to be dazed momentarily and to have a tingling feeling throughout my whole head. Due to the positioning of Deputies Barden, Guildford, and I around Cota; the only opportune area I saw to deliver a body blow was the groin area. Due to Cota's previous actions of attempting to stop the use of Deputy Guildford ASP baton and the attack of punching me in the face I struck Cota with a closed fist two times to the groin area. I struck Cota in order to stop the attack and to prevent any further injury to myself and my partners. Immediately following my two strikes, Deputy Shepherd deployed the Taser striking Cota in the inner right thigh. After the Taser was deployed; Deputies Barden, Guildford, I were able to roll Cota onto his stomach and place him in handcuffs.

See Sgt. Savage, Deputies Shepherd and Barden supplemental reports for further information of their actions.

Once Cota was secured in handcuffs; Deputies Barden, Guildford, and I picked Cota up from the ground and escorted him to the restraint chair. I secured Cota's left leg with leg strap and tightened it. While being secured in the restraint chair, Cota looked toward the male inmate housing blocks and began to yell "J turn up" and "J beat the fuck out of these cops". I told Cota to stop yelling. Cota then looked at me and said "wait till I see you next", "your jaw is going to be broke bro". As I walked around to the other side of the restraint chair Cota continued to look at me and said "I'm a blood bro", and "I'm going to tell J to break your jaw too, watch".

At this point Deputy Shepherd attempted to control Cota's head by holding it back against the seat. Cota jerked his head forward out of the grasp of Deputy Shepherd. I and Deputy Guildford assisted in holding his head back against the seat while Deputy Barden placed a spite mask over Cota's head.

Cota was then wheeled to Holding Cell 3 by Deputy Barden and placed inside. There the handcuffs were removed and his hands were secured using the arm restraints of the restraint chair. I secured Cota's left arm with arm strap and tightened it. A 15-minute medical watch was started to observe Cota while he



was in the restraint chair as per department policy. Cota did not complain of any injuries nor were any observed.

After the incident was completed, Deputy Barden told me while we were attempting to roll Cota over onto his stomach while in Holding Cell 10 he attempted to deploy his Taser. Deputy Barden was not able to because Cota hit his hand causing the Taser to be knocked out of his hand. Refer to Deputy Barden's supplemental report for further information.

Cota was booked on two counts of battery by a prisoner (NRS 200.481.2) and one count of threats (NRS 200.571 (A)(1) ).

**DISPOSITION:**

Forward to District Attorney's Office for prosecution.

Date, time, reporting officer:

07/07/2018 @ 2045 Hours Hodges, J. #590

# COTA, MICHAEL LUIS

STATE OF NEVADA  
Douglas County Sheriff's Office

In the Justice/Municipal Court:  
EAST FORK JUSTICE COURT

County: DOUGLAS  
Issue Date/Time: 7/6/2018 1843  
Violation Date/Time: 7/6/2018 1843

18CR0661  
Citation # D00075923  
Case # 18so22070  
Type: TRAFFIC

## VIOLATOR / DRIVER

Name: COTA, MICHAEL LUIS  
Address: 1389 VILLAGE WAY Apt# 4  
Hgt: 600 Wgt: 180 Sex: M Hair: Eyes: BRO Race: W DOB: 9/13/1974  
City: GARDNERVILLE State: NV Zip: 89410  
Employer: Business -  
Address: City: State: NV Zip:  
SSN: Home: Work:  
DL #: DL State: NV CDL: No Class: ID  
DL Expires: 9/13/2026 Restrictions: Endorsements:

## VEHICLE

VIN #: 5FNRL189X3B033276 Model: ODYSSEY Type: VA State: ID  
Make: HONDA Color: ALUMINUM/SILVER Veh Tag: 4BL3719 Haz Mat: No  
DOT #: Reg Exp: 01/31/2018 Veh Yr: 2003 CMV: No

Owner: MEJIA MORALES, RAUL  
Address: 1389 VILLAGE WAY #4, \*GARDNERVILLE, NV USA 89410

## LOCATION AND VIOLATION INFORMATION

Location: VISTA GRANDE BL and PRINCETON AV Weather: 1 Clear Road Conditions: Dry  
Traffic: Med Direction:  
Cited: Actual: School Zone: No Arrest: No  
Posted: Confirm: Construction Zone WP: No Accident: No  
Beat: Patrol Grant:

## VIOLATIONS

VIOLATION 1 - CITATION - NRS: 483.560 - 53721 - DRIVING WHILE SUSPENDED/REVOKED/CANCELLED DURING REVOCATION PERIOD

Bail Amt: \$600 St. Fee: \$120 Cr. Fee: \$13 Off. Fee: \$7 Total: \$740

VIOLATION 2 - CITATION - NRS: 484C.400.1A (DCC 10.04.030) - 53900 - DUI ALCOHOL/ CONTROLLED SUBSTANCE 1ST MANDATORY COURT.

Bail Amt: \$1500 St. Fee: \$0 Cr. Fee: \$0 Off. Fee: \$0 Total: \$1500

VIOLATION 3 - CITATION - NRS: 482.545.1 - 53656 - EXPIRED REGISTRATION - OPERATING VEHICLE WITH EXPIRED REGISTRATION OR LICENSE PLATE

Bail Amt: \$68 St. Fee: \$50 Cr. Fee: \$13 Off. Fee: \$7 Total: \$138

I certify (or Declare) under penalty of perjury under the laws of the state of Nevada that I have reasonable grounds/probable cause to believe and do believe that above named person committed the above offense(s) contrary to law.

Officer Signature

Complainant Signature

Defendant's Signature

Officer: Deputy Holdridge  
ID# 582

Citizen:  
Addr:  
City:

State: NV Zip:

This is not a plea of guilty. (Not valid if unsigned)

Failure to comply with this complaint or future dates relating to this complaint will constitute a separate offense

Interpreter Needed: \*None

Court Mandatory: NO

Without admitting having committed the above offense(s), I hereby promise to respond as directed on this notice and waive my right to be taken immediately before a magistrate (NRS 484a.630 and NRS 484a.750)

You are hereby ordered to appear to answer to the above charges on the day and time:

EAST FORK JUSTICE COURT  
1038 Buckeye Street / PO Box 218  
Minden, NV 89423  
775-782-9955

Appear On: 9/4/2018  
At: 1300

Total Bail: \$2378

EAST FORK JUSTICE COURT

2018 JUL -9 AM 10:11

FILED

**COTA, MICHAEL LUIS**

**STATE OF NEVADA  
Douglas County Sheriff's Office**

**In the Justice/Municipal Court:  
EAST FORK JUSTICE COURT**

County: DOUGLAS  
Issue Date/Time: 7/6/2018 1843  
Violation Date/Time: 7/6/2018 1843

**Citation # D00075923  
Case # 18so22070  
Type: TRAFFIC**

**Officer Notes:**

Picture

Radar (Mov/Sta):

Stop Type: TRAFFIC

Trailer Tag:

Trailer State:

Trailer Expires:

Appear On Date: 9/4/2018

Appear at Time: 1300

Unit:

Have Insurance: Yes

Insurance Exp:

Had Been Drinking: No

Result %:

Tint %:

Officer Notes:

Diagram

Approved By:

Approved Date:

RECEIVED

FILED

Case No. 18-CR- 0116

JUL 25 2018

2018 JUL 25 AM 10:50

Dept. No. II

Douglas County  
District Court Clerk

ROBBIE R. WILLIAMS  
CLERK

DA Case No. 18-1274M

BY ANWA DEPUTY

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 JR.,

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 Jr. has committed the crime of BATTERY BY A PRISONER IN CUSTODY, a violation of NRS 200.481(2)(f), a category B felony.

The defendant, on or about July 6, 2018, and before the filing of this Information, at and within the County of Douglas, State of Nevada,

did willfully and unlawfully, while a prisoner in the lawful custody or confinement of the Douglas County Sheriff's Office, use force or violence upon the person of another, to-wit: the defendant punched Douglas County Sheriff's Deputy Joshua Hodges in the face and hit Douglas County Sheriff's Deputy Michael Barden's hand, knocking an electroshock weapon out of his hand, all of which occurred in the Douglas County Jail in the County of Douglas, State of Nevada,

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

1  
2 against the peace and dignity of the State of Nevada. Complainant prays the defendant be  
3 dealt with according to law.

4  
5 

Matthew Johnson  
Deputy District Attorney

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

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

7 Sergeant Amy Savage Douglas County Sheriff's Office  
8 1038 Buckeye Road  
9 Minden, Nevada 89423

10 Deputy Mark W. Charles Douglas County Sheriff's Office  
11 1038 Buckeye Road  
12 Minden, Nevada 89423

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

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

19 Deputy Kylie Shepherd Douglas County Sheriff's Office  
20 1038 Buckeye Road  
21 Minden, Nevada 89423

22 Investigator Brandon Williamson Douglas County Sheriff's Office  
23 1038 Buckeye Road  
24 Minden, Nevada 89423

25   
26 Matthew Johnson  
27 Deputy District Attorney  
28

1 JOHN E. MALONE, ESQ.  
Nevada State Bar No. 5706  
2 209 N. Pratt Ave.  
Carson City, NV 89701  
3 (775) 461-0254  
Attorney for Defendant  
4

RECEIVED  
JUL 30 2018  
Douglas County  
District Court Clerk

FILED  
2018 JUL 30 AM 8:22  
BOBBIE R. WILLIAMS  
CLERK  
BY AKM DEPUTY

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

8 STATE OF NEVADA,

9 Plaintiff,

CASE NO. 18-CR-0116

10 vs.

DEPT NO. II

11 MICHAEL LUIS COTA, JR.,

12 Defendant.  
13

14 STIPULATION TO CONTINUE ARRAIGNMENT

15 The parties stipulate that it is in the interest of all parties that the Arraignment in this matter  
16 presently set on Monday, July 30, 2018, at 9:00 a.m., be continued to Monday, August 6, 2018, at  
17 9:00 a.m., or at a time more convenient for the court, and that the matter be set for Arraignment  
18 on that date.

19 This stipulation is being entered into at the request of the Defendant for the following reason(s):

20 ///

21 ///

22 ///

23 ///

24 ///

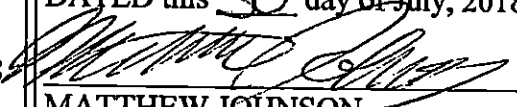
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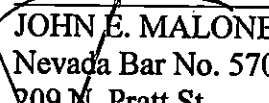
1. Defendant's counsel has a scheduling conflict with a matter set in First Judicial District Court;
2. All Parties have no objection to the extension of time requested and, therefore, enter into this stipulation.

This Stipulation is being entered into for good cause and not for the purpose of delay.

DATED this 30 day of July, 2018.

DATED this 30 day of July, 2018.

  
MATTHEW JOHNSON  
Deputy District Attorney  
PO Box 218  
Minden, NV 89423

  
JOHN E. MALONE, ESQ.  
Nevada Bar No. 5706  
209 N. Pratt St.  
Carson City, NV 89701  
Attorney for Defendant,  
**Michael Cota**



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JUL 30 2018

Douglas County  
District Court Clerk

FILED

2018 JUL 30 AM 8:25

BOBBIE R. WILLIAMS  
CLERK

BY: [Signature] DEPUTY

1 JOHN E. MALONE, ESQ.  
Nevada State Bar No. 5706  
2 209 N. Pratt Ave.  
Carson City, NV 89701  
3 (775) 461-0254  
Attorney for Defendant

5  
6 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
7 IN AND FOR CARSON CITY

8 STATE OF NEVADA,

9 Plaintiff,

CASE NO. 18-CR-0116

10 vs.

DEPT NO. II

11 MICHAEL LUIS COTA, JR.,

12 Defendant.

13  
14 ORDER TO CONTINUE ARRAIGNMENT

15 PURSUANT to the Stipulation to Continue Arraignment of counsel and good cause  
16 appearing,

17 IT IS HEREBY ORDERED, that the time set for Arraignment in the above-entitled matter  
18 is currently scheduled for July 30, 2018, be continued until Monday, August 6, 2018, at 9:00  
19 o'clock a.m.

20 DATED this 30<sup>th</sup> day of July, 2018.

21 [Signature]  
22 DISTRICT COURT JUDGE

23 Respectfully Submitted By:  
24 John E. Malone, Esq.

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AUG 01 2018

Douglas County  
District Court Clerk

FILED

2018 AUG -1 PM 4:30

BOBBIE R. WILLIAMS  
CLERK

BY: ANNA DEPUTY

Case No. 18-CR- 0116

Dept. No. II

DA Case No. 18-1274M

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 JR.,

Defendant.

I hereby agree to plead guilty to: BATTERY BY A PRISONER IN CUSTODY, a violation of NRS 200.481(2)(f), 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 one count of BATTERY BY A PRISONER IN CUSTODY, a violation of NRS 200.481(2)(f), a category B felony, the State has agreed not to charge a second count of BATTERY BY A PRISONER IN CUSTODY, a violation of NRS 200.481(2)(f), a category B felony in the Information. The parties have the right to argue for any lawful sentence. I understand that, at the time of sentencing, the State may present arguments, facts, and/or witnesses in support of the plea agreement.

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

CONSEQUENCES OF THE PLEA

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

I understand that, as a consequence of my plea of guilty, I may be imprisoned in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years. I understand that the law requires me to pay an administrative assessment fee.

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

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

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

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

I understand and agree that the State, at its discretion, is entitled to either withdraw from this agreement and proceed with the prosecution of the original offenses or be free to argue for an appropriate sentence at the time of the sentencing hearing if I: (1) fail to appear at any scheduled court proceeding in this matter; (2) am arrested for a violation of law in any jurisdiction prior to my sentencing hearing; (3) violate any of my bail conditions; (4) fail to cooperate fully with the Division of Parole and Probation in the preparation of the presentence investigation report in this case if said report is ordered by the court; or (5) fail to comply with

1 any other condition stated herein. I understand and agree that the occurrence of any of these  
2 acts constitutes a material breach of my guilty plea agreement with the State. I further agree to  
3 waive any right I may have to remand this matter to Justice Court should this agreement be set  
4 aside for any reason.

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

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

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

#### 18 WAIVER OF RIGHTS

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

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

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

28 3. The constitutional right to confront and cross-examine any witnesses who would

1 testify against me.

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

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

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

8 VOLUNTARINESS OF PLEA

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

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

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

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

17 I believe that pleading guilty and accepting this plea bargain is in my best interest and  
18 that a trial would be contrary to my best interest.

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

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

25 /

26 /

27 /

28 /

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

3 Dated this 15 day of ~~July~~<sup>August</sup>, 2018.

4  
5   
6 MICHAEL LUIS COTA JR.  
7 Defendant

8 Agreed to this 25 day of July, 2018.

9  
10   
11 MATTHEW JOHNSON  
12 Deputy District Attorney

13  
14 CERTIFICATE OF COUNSEL

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

- 17 1. I have fully explained to the defendant the allegations contained in the charges to  
18 which guilty or guilty but mentally ill pleas are being entered.
- 19 2. I have advised the defendant of the penalties for each charge and the restitution that  
20 the defendant may be ordered to pay.
- 21 3. All pleas of guilty or guilty but mentally ill offered by the defendant pursuant to this  
22 agreement are consistent with all the facts known to me and are made with my advice to the  
23 defendant and are in the best interest of the defendant.
- 24 4. To the best of my knowledge and belief, the defendant:
- 25 a. Is competent and understands the charges and the consequences of pleading  
26 guilty or guilty but mentally ill as provided in this agreement.
- 27 b. Executed this agreement and will enter all guilty or guilty but mentally ill  
28 pleas pursuant hereto voluntarily.

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

3 Dated this 1<sup>st</sup> day of August, 2018.

4   
5 JOHN E. MALONE,  
6 Attorney for Defendant  
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Case No. 18-CR-0116

Dept. No. II

This document does not contain personal information of any person.

**RECEIVED**

AUG 06 2018

Douglas County  
District Court Clerk

**FILED**

2018 AUG -6 AM 11:18

BOBBIE R. WILLIAMS  
CLERK

BY W. Williams 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.

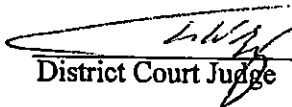
☐ The defendant shall participate in counseling \_\_\_\_\_

☒ The defendant is ordered to appear in this Court on 7/14/18 @ 7:00 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 6<sup>th</sup> day of August, 2018.

  
District Court Judge

1 Case No. 18-CR-0116

2 Dept. No. II

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AUG 06 2018

Douglas County  
District Court Clerk

FILED

2018 AUG -6 PM 3:48

BOBBIE 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,

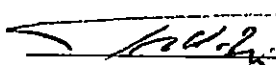
13 Defendant.

14 \_\_\_\_\_/  
15 The above-entitled matter is set for:


16 (XX) Sentencing Hearing

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

18 DATED this 6<sup>th</sup> day of August, 2018.

20   
21 THOMAS W. GREGORY  
DISTRICT JUDGE

22 Copies served by hand delivery/mail on August 6<sup>th</sup>, 2018,  
23 addressed to: Douglas County District Attorney's Office (Hand  
24 Delivery), John Malone, Esq., 209 North Pratt Street, Carson City,  
25 Nevada 89701 (Mail); Douglas County Jail (Hand Delivery);  
26 Division of Parole and Probation (Hand Delivery)

27   
28 Erin C. Plante

FILED

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AUG 9 2018

DOUGLAS COUNTY  
District Court Clerk

Case No. 18-CR-00116

2018 AUG -9 PM 3:54

Dept. No. 2

BOBBIE R. WILLIAMS  
CLERK

BY ~~ANOMA~~ DEPUTY

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, JR.,

Defendant.

TRANSCRIPT OF PROCEEDINGS

ARRAIGNMENT

MONDAY, AUGUST 6, 2018

MINDEN, NEVADA

APPEARANCES:

For the Plaintiff:

TINA RUSSOM, 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, AUGUST 6, 2018

2 ---oOo---

3 THE COURT: First matter this morning is the  
4 State of Nevada versus Michael Louis Cota, Case Number  
5 18-CR-0116. Show the appearance of Tina Russom on behalf of  
6 the State. Good morning, Ms. Russom.

7 MS. RUSSOM: Good morning, your Honor.

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

10 MR. MALONE: Good morning, your Honor.

11 THE COURT: Also appearing in lawful custody is  
12 the defendant, Mr. Cota. Good morning, Mr. Cota.

13 THE DEFENDANT: Good morning.

14 THE COURT: We're here today for an arraignment.  
15 Mr. Malone, have you received a copy of the information?

16 MR. MALONE: I have, your Honor.

17 THE COURT: And have you had an opportunity to  
18 review it with your client?

19 MR. MALONE: I have.

20 THE COURT: Is Mr. Cota's name spelled correctly  
21 at line 12?

22 MR. MALONE: It is, your Honor.

23 THE COURT: And does he waive a formal reading?

24 MR. MALONE: He does.

1 THE COURT: And do you anticipate a guilty plea  
2 or a not guilty plea this morning?

3 MR. MALONE: A guilty plea pursuant to the guilty  
4 plea agreement that's been filed.

5 THE COURT: Is that correct, Mr. Cota?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Mr. Cota, please stand. Mr. Cota, do  
8 you have a copy of the information in front of you?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: In that document you are formally  
11 charged with the criminal offense of battery by a prisoner in  
12 custody, a Category B felony. To that offense how do you  
13 plead?

14 THE DEFENDANT: Guilty.

15 THE COURT: Please raise your right hand, face  
16 the clerk to be sworn.

17 (The defendant was sworn in)

18 THE COURT: You may be seated. Mr. Cota, if you  
19 were to plea not guilty, you would have an opportunity,  
20 actually not just an opportunity, you would have a right to  
21 have a speedy, public jury trial. That means a trial within  
22 about 60 days of today's date. Do you understand that?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Do you understand that by pleading

1 guilty you waive or give up your right to have a trial?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: And do you waive that right?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Mr. Malone, feel free to have a seat.

6 Thank you.

7 Mr. Cota, there are other important  
8 constitutional rights that you would enjoy if we were to have  
9 a trial in this case. If you were to plead not guilty and we  
10 were to set the matter for trial, at that trial you would be  
11 assisted by Mr. Malone. And so he would be here with you to  
12 assist you throughout the course of the trial. Do you  
13 understand that?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: And at that trial you would have a  
16 constitutional right to remain silent, meaning that nobody  
17 could compel you to be a witness in a case. Do you  
18 understand that?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Also, Mr. Cota, if you made a  
21 decision to not testify, nobody could hold that against you  
22 or penalize you for that decision. Do you understand that?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Mr. Cota, by pleading guilty, you

1 waive or give up your right to remain silent. Do you  
2 understand that?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Do you waive your right to remain  
5 silent?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Alternatively, Mr. Cota, at trial,  
8 instead of remaining silent, you could choose to testify in  
9 your own defense in front of the jury. Do you understand  
10 that?

11 THE DEFENDANT: Yes, your Honor.

12 THE COURT: Do you understand you also waive that  
13 right by entering a guilty plea?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Do you waive the right to testify in  
16 front of a jury?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Also at trial, Mr. Cota, you would  
19 enjoy a right to confront witnesses. That means that you,  
20 through Mr. Malone, would have an opportunity to question or  
21 cross-examine any witnesses that were called during the  
22 course of the trial. Do you understand the right to confront  
23 witnesses?

24 THE DEFENDANT: Yes, sir.

1 THE COURT: And do you understand that you waive  
2 or give up that right by entering a guilty plea?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Do you waive the right to confront  
5 witnesses?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: At trial you would enjoy the right to  
8 compel the attendance of the witnesses to testify. What that  
9 means is if there were witnesses that Mr. Malone and you  
10 thought were important to your case, he would cause a  
11 subpoena to be issued compelling those folks to come in and  
12 testify at trial. Do you understand that right?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Do you waive the right to compel the  
15 attendance of witnesses at trial?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: At trial, Mr. Cota, you would also  
18 enjoy the ability to present the Court and the jury with any  
19 legal defenses that you have in this case. Do you understand  
20 that by pleading guilty you waive or give up all of your  
21 defenses?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Do you waive your defenses?

24 THE DEFENDANT: Yes, sir.



1 THE COURT: Mr. Cota, by pleading guilty, you  
2 also greatly reduce those issues from which you can file an  
3 appeal. Do you understand that?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Have you discussed each of these  
6 rights with Mr. Malone?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: And are you satisfied with his  
9 representation of you?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: The Court is in receipt of a document  
12 entitled guilty plea agreement. Do you have a copy of that  
13 document in front of you?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: At page five of that document at  
16 about line five there's a signature line for Michael Louis  
17 Cota, Jr. Is that your signature that appears on that line?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Did you place that signature there  
20 only after you had an opportunity to read the document?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: And did you have an opportunity to  
23 discuss the guilty plea agreement with Mr. Malone?

24 THE DEFENDANT: Yes, sir.

1 THE COURT: Do you understand the terms of the  
2 guilty plea agreement?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Has anybody made any other promises  
5 or inducements to get you to enter your plea today that are  
6 not contained in the guilty plea?

7 THE DEFENDANT: No, sir.

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

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Page one of the agreement it reflects  
12 that in return for your plea of guilty the State has agreed  
13 not to charge a second count of battery by a prisoner in  
14 custody, which is a Category B felony. Also the parties have  
15 the right to argue for any lawful sentence. And at the time  
16 of sentencing the State may present arguments, facts, and/or  
17 witnesses in support of the plea agreement. Mr. Cota, is  
18 that your agreement with the State?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Do you understand what the maximum  
21 penalty is for this offense?

22 THE DEFENDANT: One to five.

23 THE COURT: All right. It's actually up to six  
24 years in prison. Do you understand that?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Do you understand the law also  
3 requires you to pay an administrative assessment fee?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: And do you understand that you can be  
6 ordered to pay restitution?

7 THE DEFENDANT: Yes, sir.

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

10 THE DEFENDANT: No, sir.

11 THE COURT: Do you understand that what sentence  
12 you will receive is entirely up to the Court?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: The Court will also make a  
15 determination regarding whether or not you receive probation.  
16 Do you understand that?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: At the time of sentencing, Mr. Cota,  
19 the Court could if the Court deemed it appropriate, deny any  
20 request for probation and sentence you to serve six years in  
21 prison and fine you -- Actually there's no fine in this case;  
22 is that correct, Mr. Malone?

23 MR. MALONE: I don't believe so, your Honor.

24 THE COURT: Is that correct, Ms. Russom?

1 MS. RUSSOM: Yes, your Honor.

2 THE COURT: All right. So the Court could  
3 sentence you to serve six years in prison and order you to  
4 pay restitution. Do you understand that?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Knowing that do you still desire to  
7 plead guilty?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Mr. Cota, have you had a discussion  
10 with Mr. Malone regarding the terms concurrent and  
11 consecutive?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Do you understand those terms?

14 THE DEFENDANT: Yes, sir.

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

17 THE DEFENDANT: No, sir.

18 THE COURT: So at the time of sentencing in this  
19 case, Mr. Cota, the Court would make a determination whether  
20 to render sentence in this case concurrent or consecutive to  
21 any other sentence imposed. Do you understand that?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: And the reason I bring that up,  
24 Mr. Cota, is the Court is aware you are pending sentencing on

1 a different case. So you'll be sentenced on that case and  
2 then sentenced in this case. Do you understand that?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: And so, again, if the Court deemed it  
5 appropriate, the Court could give you the prison sentence  
6 that I just talked about and I could order that that be run  
7 consecutive, which means in addition to, any sentence you  
8 receive in that other case. Do you understand that?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: And knowing that do you still desire  
11 to plead guilty?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Mr. Cota, if you were to plead not  
14 guilty and we were to have a trial in this case, at that  
15 trial you would 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 by  
18 pleading guilty you waive or give up your right to have the  
19 State prove its case at trial?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: And do you waive that right?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: The elements of the offense that the  
24 State would have to prove at trial appear in the information.

1 Do you still have a copy of that document in front of you?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Specifically, the State would have to  
4 prove beyond a reasonable doubt that you on or about July  
5 6th, 2018, here in the County of Douglas, State of Nevada,  
6 did wilfully and unlawfully while a prisoner in the lawful  
7 custody or confinement of the Douglas County Sheriff's Office  
8 use force or violence on the person of another.

9 Specifically, you punched Douglas County Sheriff's Deputy  
10 Joshua Hodges in the face and hit Douglas County Sheriff's  
11 Deputy Michael Barden's hand, knocking an electroshock weapon  
12 out of his hand. And again that that occurred here in the  
13 Douglas County Jail in Douglas County, Nevada.

14 Mr. Cota, do you understand what the State would  
15 have to prove at the time of trial in this case?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Do you believe that if we were to  
18 have a trial that the State would have sufficient evidence to  
19 prove those elements beyond a reasonable doubt?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Did you commit the offense as stated  
22 in the information?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Mr. Malone, any other areas of

1 inquiry?

2 MR. MALONE: Your Honor, if I can make a record.  
3 I spent some time with Mr. Cota. He has had issues where  
4 he's been on different psychotropic medications in the past,  
5 been through mental health treatment throughout his previous  
6 interactions with the criminal justice system. I have gone  
7 and explored those issues with him and we're going to present  
8 some mitigation evidence at sentencing.

9 But the record I want to make is that I have been  
10 very diligent or careful about canvassing him given that  
11 history. And it's my belief that he, number one, he does  
12 respond appropriately to me, to questions. He asks  
13 appropriate questions himself. He -- I don't have any  
14 concerns about his ability to knowingly and voluntarily enter  
15 a plea to this charge. I just want to put that on the record  
16 based upon those initial concerns based upon his past  
17 history.

18 He and I have spoken I believe on four different  
19 occasions on this case alone, not including his other matter.  
20 We've spoken obviously on that one as well. So there's been  
21 ample time that he's had time to consult with me.

22 THE COURT: Thank you, Mr. Malone.

23 Ms. Russom, any other areas of inquiry?

24 MS. RUSSOM: No, your Honor. Thank you.

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

3 THE DEFENDANT: Yes, sir.

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

6 THE DEFENDANT: No, sir.

7 THE COURT: And is it your intention at this time  
8 to maintain your guilty plea or would you prefer to enter a  
9 plea of not guilty?

10 THE DEFENDANT: Guilty.

11 THE COURT: The Court makes the finding that  
12 Mr. Cota has entered a plea of guilty freely and voluntarily.  
13 He understands his constitutional rights and has waived his  
14 rights in order to enter his plea here today. The Court  
15 finds a sufficient factual basis for the plea and the plea is  
16 accepted.

17 I'm going to schedule this matter for sentencing.  
18 Mr. Cota is due to be sentenced on the other case on  
19 September 10th. I don't know if that would give the Division  
20 sufficient time to also have sentencing in this matter.

21 Ms. Russom.

22 MS. RUSSOM: Your Honor, the State would request  
23 that the sentencing in this matter be set for the same date.  
24 The State has already provided the police reports for this



1 felony to the Department and believes that he would not need  
2 a new PSI for this offense, just simply the addition of this  
3 offense. So the State is asking for September 10th, your  
4 Honor.

5 THE COURT: Thank you.

6 Mr. Malone.

7 MR. MALONE: We would agree with that, your  
8 Honor.

9 THE COURT: All right. Very good. Sentencing in  
10 this matter is scheduled for September 10th, 2018.  
11 Sentencing will be at 9:00 o'clock in the morning. Mr. Cota  
12 is ordered to be here at that time and date. The Court  
13 orders a presentence investigation report. Mr. Cota is  
14 ordered to cooperate with the Division as they prepare the  
15 report.

16 Mr. Malone, would you like to be heard regarding  
17 Mr. Cota's bail status, custody status?

18 MR. MALONE: No, your Honor.

19 THE COURT: Ms. Russom, would you like to be  
20 heard at all regarding his custody status?

21 MS. RUSSOM: No, your Honor. Thank you.

22 THE COURT: Mr. Cota will remain in custody. The  
23 amount of bail will be as previously ordered with any  
24 conditions previously ordered by the justice court. The two

1 added conditions are the defendant shall cooperate with the  
2 Division of Parole and Probation including attending any  
3 scheduled meetings and the defendant is ordered to appear in  
4 this court on September 10th, 2018, at 9:00 o'clock in the  
5 morning and all future court dates.

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

7 MR. MALONE: No, your Honor.

8 THE COURT: Ms. Russom?

9 MS. RUSSOM: No, your Honor.

10 THE COURT: Thank you. Mr. Cota, we'll see you  
11 back for sentencing.

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STATE OF NEVADA       )  
                              ) ss.  
COUNTY OF WASHOE     )

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 6th day of August, 2018, for the purposes of reporting in  
verbatim stenotype notes the within-entitled hearing;

That the foregoing transcript, consisting of  
pages 1 through 16, is a full, true, and correct transcript  
of said hearing.

Dated at Reno, Nevada, this 6th day of August,  
2018.



Christy Joyce/  
CHRISTY Y. JOYCE, CCR #625

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

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

5 STATE OF NEVADA,  
6 Plaintiff,

Case No. 18-CR-00116

7 vs.

Dept. No. 2

8 MICHAEL L. COTA, JR.,  
9 Defendant.

10 AFFIRMATION

Pursuant to NRS 239B.030

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

14 1) TRANSCRIPT OF PROCEEDINGS 8-6-18

15 2) \_\_\_\_\_

16 3) \_\_\_\_\_

17 -OR-

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

21 1) \_\_\_\_\_

22 2) \_\_\_\_\_

23 3) \_\_\_\_\_

24 Signature \_\_\_\_\_ Date 8-6-18

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

Case No. 18-CR-0116/ 18-CR-0084

Dept No. II

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AUG 23

Douglas County  
Clerk Court Clerk

FILED

2018 AUG 23 AM 9:44

BOBBIE R. WILLIAMS

CLERK

BY  DEPUTY

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

THE STATE OF NEVADA,

Petitioner,

**MOTION TO FILE SENTENCING  
MEMORANDUM AND/OR EXHIBITS  
UNDER SEAL**

vs.

MICHAEL LUIS COTA JR.,

Respondents.

The State of Nevada, by and through Matthew Johnson, Deputy District Attorney, of the Douglas County District Attorney's Office moves this Court to file the State's sentencing memorandum and/or the attached exhibits under seal. The records include personal identifying information, the names of juvenile victims of violence, medical diagnoses, and psychological evaluations performed by treatment providers which may affect the privacy interests of the persons identified in those records.

DATED this 23 day of August, 2018.

MARK B. JACKSON  
DISTRICT ATTORNEY

By: 

MATTHEW JOHNSON  
Deputy District Attorney  
P.O. Box 218  
Minden, Nevada 89423  
(775) 782-9800

Case No. 18-CR-0116/ 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.

**CERTIFICATE OF SERVICE**

MICHAEL LUIS COTA JR.,

Defendant.

Pursuant to NRCP 5(b), I certify that I am an employee of the District Attorney for Douglas County, Nevada, and that I deposited for delivery a true copy of Sentencing Memorandum, addressed to:

John E. Malone,  
209 North Pratt Avenue  
Carson City, Nevada 89701

- ☐ U.S. Mail  
☒ Reno/Carson Messenger  
☐ Hand Delivery  
☐ By placing a copy in the pick-up folder in the District Attorney's Office.

DATED this 23<sup>rd</sup> day of August, 2018.

