

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN CHRISTOPHER GREEN,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 84087
Electronically Filed
May 16 2022 12:03 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

**Appeal from a Judgment of Conviction, Case No. CR21-2673
The Second Judicial District Court of the State of Nevada
The Honorable Barry L. Breslow, District Judge**

JOINT APPENDIX

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SPD 21-006621

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Alicia L. Lerud
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Transaction # 8695793 ; bblough

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

* * *

THE STATE OF NEVADA,

Plaintiff,

Case No.: CR21-2673

v.

Dept. No.: D08

JOHN CHRISTOPHER GREEN,

Defendant.

INFORMATION

CHRISTOPHER J. HICKS, District Attorney within and for the
County of Washoe, State of Nevada, in the name and by the authority
of the State of Nevada, informs the above-entitled Court that, the
defendant above-named, JOHN CHRISTOPHER GREEN, has committed the
crime of:

ATTEMPTED ROBBERY, a violation of NRS 193.330 and NRS
200.380, a Category B Felony, (50144) in the manner following:

That said defendant, JOHN CHRISTOPHER GREEN, on or about
August 6, 2021, within the County of Washoe, State of Nevada, did
attempt to willfully and unlawfully take personal property from the
person or in the presence of ELIZABETH FAY KINKLE against her will,

1 and by means of force or violence or fear of immediate or future
2 injury to her person, to wit, said defendant did strike ELIZABETH FAY
3 KINKLE and attempt to take money and a cell phone from her, all of
4 which occurred at or near 1861 Victorian Avenue #14, Sparks, Nevada.

5 All of which is contrary to the form of the Statute in such
6 case made and provided, and against the peace and dignity of the
7 State of Nevada.

8
9 CHRISTOPHER J. HICKS
District Attorney
10 Washoe County, Nevada

11
12 By: 

13 AUSTIN LUCIA
14 13713
DEPUTY District Attorney
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1 The following are the names of such witnesses as are known
2 to me at the time of the filing of the within Information:

3 BANKIM AMIN
4 PAUL DEMENT
5 ADAM HOPKINS
6 ELIZABETH FAY KINKLE
7 CARLOS MARTINEZ
8 MARITZA MARTINEZ
9 BRANDON SMITH

10 AFFIRMATION PURSUANT TO NRS 239B.030

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

14
15 CHRISTOPHER J. HICKS
16 District Attorney
17 Washoe County, Nevada

18
19 By: 

20 AUSTIN LUCIA
21 13713
22 DEPUTY District Attorney
23
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3 #7747
4 One South Sierra Street
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6 districtattorney@da.washoecounty.us
7 (775) 328-3200
8 Attorney for Plaintiff

9 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

10 IN AND FOR THE COUNTY OF WASHOE

11 * * *

12 THE STATE OF NEVADA,

13 Plaintiff,

Case No. CR21-2673

14 v.

Dept. No. D08

15 JOHN CHRISTOPHER GREEN,

16 Defendant.

17 GUILTY PLEA MEMORANDUM

18 1. I, JOHN CHRISTOPHER GREEN, understand that I am charged
19 with the offense of: ATTEMPTED ROBBERY, a violation of NRS 193.330
20 and NRS 200.380, a category B felony.

21 2. I desire to enter a plea of guilty to the offense of
22 ATTEMPTED ROBBERY, a violation of NRS 193.330 and NRS 200.380, a
23 category B felony, as more fully alleged in the charge filed against
24 me.

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

A. I waive my privilege against self-incrimination.

///

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

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

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

9 4. I understand the charge(s) against me and that the
10 elements of the offense(s) which the State would have to prove beyond
11 a reasonable doubt at trial are that on August 6th, 2021, or
12 thereabout, in the County of Washoe, State of Nevada, I did attempt
13 to willfully and unlawfully take personal property from the person or
14 in the presence of ELIZABETH FAY KINKLE against her will, and by
15 means of force or violence or fear of immediate or future injury to
16 her person, to wit, I did strike ELIZABETH FAY KINKLE and attempt to
17 take money and a cell phone from her, all of which occurred at or
18 near 1861 Victorian Avenue #14, Sparks, Nevada.

19 5. I understand that I admit the facts which support all
20 the elements of the offense(s) by pleading guilty. I admit that the
21 State possesses sufficient evidence which would result in my
22 conviction. I have considered and discussed all possible defenses
23 and defense strategies with my counsel. I understand that I have the
24 right to appeal from adverse rulings on pretrial motions only if the
25 State and the Court consent to my right to appeal in a separate
26 written agreement. I understand that any substantive or procedural

1 pretrial issue(s) which could have been raised at trial are waived by
2 my plea.

3 6. I understand that the consequences of my plea of guilty
4 are that I may be imprisoned in the Nevada State Department of
5 Corrections for a minimum term of not less than one year and a
6 maximum term of not more than ten years. I further understand that I
7 am eligible for probation.

8 7. In exchange for my plea of guilty, the State, my
9 counsel and I have agreed to recommend the following: The State will
10 dismiss all other criminal charges in this case and no further
11 charges or enhancements will arise from this incident or arrest. The
12 parties are free to argue for an appropriate sentence.

13 8. I understand that, even though the State and I have
14 reached this plea agreement, the State is reserving the right to
15 present arguments, facts, and/or witnesses at sentencing in support
16 of the plea agreement.

17 9. Where applicable, I additionally understand and agree
18 that I will be responsible for the repayment of any costs incurred by
19 the State or County in securing my return to this jurisdiction.

20 10. I understand that the State, at their discretion, is
21 entitled to either withdraw from this agreement and proceed with the
22 prosecution of the original charges or be free to argue for an
23 appropriate sentence at the time of sentencing if I fail to appear at
24 any scheduled proceeding in this matter OR if prior to the date of my
25 sentencing I am arrested in any jurisdiction for a violation of law
26 OR if I have misrepresented my prior criminal history. I understand

1 and agree that the occurrence of any of these acts constitutes a
2 material breach of my plea agreement with the State. I further
3 understand and agree that by the execution of this agreement, I am
4 waiving any right I may have to remand this matter to Justice Court
5 should I later withdraw my plea.

6 11. I understand and agree that pursuant to the terms of
7 the plea agreement stated herein, any counts which are to be
8 dismissed and any other cases charged or uncharged which are either
9 to be dismissed or not pursued by the State, may be considered by the
10 court at the time of my sentencing.

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

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

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

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

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

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

AFFIRMATION PURSUANT TO NRS 239B.030

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

DATED this 27 day of October, 21.

John Green
Defendant

Translator/Interpreter

Christine Hotchkin
Attorney Witnessing Defendant's Signature


Prosecuting Attorney

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IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7

IN AND FOR THE COUNTY OF WASHOE

8

HONORABLE BARRY L. BRESLOW

9

THE STATE OF NEVADA,

10

Plaintiff,

11

vs.

Case No. CR21-2673

12

JOHN GREEN,

Department No. 8

13

Defendant.

14

-----/

15

TRANSCRIPT OF PROCEEDINGS

Arraignment

16

October 27, 2021

17

APPEARANCES:

18

For the State:

Nicole Hicks

Deputy District Attorney

19

1 South Sierra Street

Reno, Nevada

20

For the Defendant:

Christine Hotchkin

Deputy Public Defender

21

350 South Center Street

Reno, Nevada

22

For the Division of
Parole and Probation:

Carlos Perez

23

24

Reported by:

Isolde Zihn, CCR #87

1 RENO, NEVADA, WEDNESDAY, OCTOBER 27, 2021, 9:00 A.M.

2 THE COURT: Ms. Schuck, please call our next matter.

3 THE CLERK: Yes, Your Honor.

4 That will be State versus John Christopher Green

5 CR21-6 -- excuse me -- 2673, for an arraignment.

6 Please state your appearances.

7 MS. HICKS: Thank you.

8 Nicole Hicks, on behalf of the State.

9 MR. PEREZ: Carlos Perez, for the Division.

10 THE COURT: Thank you.

11 MS. HOTCHKIN: Good morning, Your Honor.

12 Christine Hotchkin, on behalf of Mr. Green, who is

13 present, in custody, and appearing via Zoom from the Washoe

14 County Jail.

15 THE COURT: Thank you.

16 Hello, Mr. Green.

17 Can you hear me all right?

18 THE DEFENDANT: Yes, sir.

19 Good morning.

20 THE COURT: This is the time set for arraignment on a

21 single charge of attempted robbery. An Information was filed

22 on October 13th, 2021, charging Mr. Green with that felony

23 crime.

24 Ms. Hotchkin, do you have a copy of the Information?

1 MS. HOTCHKIN: Yes, Your Honor. We are in receipt of
2 the Information filed on October 13th, 2021. My client's
3 name is correctly spelled on line 12 of that document. We
4 are waiving a formal reading at this time.

5 THE COURT: Very good.

6 Will your client be entering a not-guilty plea, a
7 guilty plea, or something else?

8 MS. HOTCHKIN: Your Honor, my understanding is that
9 my client will be entering a guilty plea to the sole count of
10 attempted robbery, a violation of NRS 193.330 and NRS
11 200.380.

12 This is a Category B felony. It carries the
13 penalties of one to 10 years in Nevada Department of
14 Corrections. It is probation-eligible.

15 In exchange for my client's guilty plea, the parties
16 have agreed to recommend the following: The State will
17 dismiss all other criminal charges in this case. No further
18 charges or enhancements will arise from this incident or
19 arrest. And parties are free to argue for an appropriate
20 sentence.

21 THE COURT: Ms. Hicks, is that correct with respect
22 to the negotiations?

23 MS. HICKS: That is correct, Your Honor.

24 THE COURT: Thank you.

1 THE DEFENDANT: Yes.

2 THE COURT: If there were a trial, the State would
3 have to prove the charge against you with evidence beyond a
4 reasonable doubt. Do you understand that?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: All 12 jurors would have to vote for
7 guilt before you could be found guilty. Do you understand
8 that, Mr. Green?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: You have a right to remain silent, and
11 your silence not held against you at trial. Do you
12 understand that?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Have you been threatened by anyone to
15 make you plead guilty this morning against your free will?

16 THE DEFENDANT: No, sir.

17 THE COURT: Has anyone made any promises to you for
18 your guilty plea?

19 THE DEFENDANT: No, sir.

20 THE COURT: Have you been provided with a guilty-plea
21 memorandum?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Did you read it?

24 THE DEFENDANT: Yes, sir.

1 THE COURT: And do you believe you understood it?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Do you understand that the potential
4 sentencing range, if the Court accepts your guilty plea, and
5 decides for incarceration as opposed to probation, is one to
6 10 years in the Nevada Department of Corrections? Do you
7 understand that?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: If you would please sign the last page,
10 and hand your signature page to the deputy to hold up to the
11 camera.

12 Thank you, Deputy.

13 The record should reflect Mr. Green has signed and
14 dated the guilty-plea memorandum.

15 Ms. Hicks, would you please read the charge to which
16 Mr. Green is pleading guilty this morning.

17 MS. HICKS: Attempted robbery, a violation of NRS
18 193.330 and NRS 200.380, a Category B felony. That the
19 defendant, on or about August 6th, 2021, within the County of
20 Washoe, State of Nevada, did attempt to willfully and
21 unlawfully take personal property from the person or in the
22 presence of Elizabeth Fay Kinkle against her will, and by
23 means of force or violence or fear of immediate or future
24 injury to her person, to wit: said defendant did strike

1 Elizabeth Fay Kinkle and attempt to take money and a cell
2 phone from her, all of which occurred at or near 1861
3 Victorian Avenue, Number 14, Sparks, Nevada.

4 THE COURT: Thank you.

5 Mr. Green, did you hear the charge?

6 THE DEFENDANT: Yes.

7 THE COURT: Did you commit that crime?

8 THE DEFENDANT: Yes, sir. Yes.

9 Can I say something?

10 THE COURT: You can, if your attorney wants to give
11 you the opportunity. I need to make sure, if you're going to
12 plead guilty, either this is something that you did and are
13 pleading guilty because of that, or this is what we call a
14 legal fiction, which means it's the benefit of a plea
15 negotiation, and you're accepting legal responsibility.

16 THE DEFENDANT: The second one.

17 THE COURT: So let me ask it to you this way. Did
18 you hear the charge?

19 THE DEFENDANT: Yes. Yes, sir.

20 THE COURT: Are you accepting responsibility for this
21 crime?

22 THE DEFENDANT: Yes, sir. Yes.

23 THE COURT: How do you plead: Guilty or not guilty?

24 THE DEFENDANT: Guilty.

1 THE COURT: Fair enough.

2 The Court finds that -- well, let me just stop before

3 I make a finding.

4 Ms. Hotchkin, do you believe, based on the canvass,

5 you need any additional time to talk to your client, or

6 anything you'd like to place on the record?

7 MS. HOTCHKIN: No, Your Honor.

8 I have spoken with Mr. Green at length. Obviously

9 this situation is very complicated, so we have discussed all

10 the options thoroughly. So I do not have any reason to

11 believe that he does not understand what he is doing today.

12 THE COURT: Very good. Thank you.

13 Mr. Green, would you like more time before I accept

14 your -- put on the record that I accept your guilty plea and

15 set a date and time for sentencing?

16 THE DEFENDANT: No, I'm fine, sir.

17 Just what you said, the second way was a better way

18 for me to do it. Appreciate that.

19 THE COURT: Okay. My pleasure.

20 The Court finds that Mr. Green understands the nature

21 of the charge against him, the consequences of pleading

22 guilty, and that he has made a knowing, voluntary,

23 intelligent waiver of his constitutional rights. As a

24 result, the Court accepts his guilty plea.

1 All right. Mr. Green, listen carefully. A couple
2 things.
3 Number one, this will be the date and time that you
4 will be sentenced.
5 Ms. Schuck.
6 THE CLERK: Yes, Your Honor.
7 That will be December 8th, at 9:00 a.m.
8 THE COURT: Okay. Mr. Green, stay out of trouble up
9 at the jail, continue to work with your attorney, cooperate
10 with the Division of Parole and Probation. Fill out the
11 paperwork that you will receive and return it to them, and
12 submit to an interview. Do you understand all that, Mr.
13 Green?
14 THE DEFENDANT: Yes, sir.
15 THE COURT: All right. Mr. Perez, anything else that
16 you'd like to put on the record at this time?
17 MR. PEREZ: No, Your Honor.
18 Thank you.
19 THE COURT: Thank you.
20 Ms. Hotchkin, anything else from the defense?
21 MS. HOTCHKIN: No, Your Honor.
22 Thank you.
23 THE COURT: Ms. Hicks.
24 MS. HICKS: No, Your Honor.

1 Thank you.

2 THE COURT: Thank you.

3 All right, Mr. Green. Thank you very much.

4 You may have a seat, sir.

5 THE DEFENDANT: Is it okay if I say something?

6 THE COURT: Again, if it were just me, I'd say yes.

7 Sometimes your attorney will say that she'll call you later

8 or iWEB with you later. She wants to make sure whatever you

9 say is not going to be counterproductive.

10 So before you talk, Ms. Hotchkin, your thoughts,

11 please.

12 MS. HOTCHKIN: Your Honor, I just would advise

13 Mr. Green to acknowledge that this is all recorded. And, so,

14 again, this is just your arraignment. But with that,

15 obviously you have the right to say what you feel necessary.

16 THE COURT: Mr. Green.

17 THE DEFENDANT: Just wanted to say that I was

18 accepted to the Reno-Gospel Mission. That's all.

19 THE COURT: Okay. Thank you for bringing that to the

20 Court's attention. By the way, I saw that. It's in the file

21 already.

22 THE DEFENDANT: Sorry about that.

23 THE COURT: Yeah. And that it was filed just the

24 other day. And certainly at the right time I'll give that

1 further thought.

2 THE DEFENDANT: Thank you.

3 THE COURT: Thank you.

4 Have a good afternoon, sir.

5 THE DEFENDANT: You, too.

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1 STATE OF NEVADA)

2 COUNTY OF WASHOE)

3

4 I, ISOLDE ZIHN, a Certified Shorthand Reporter of the
5 Second Judicial District Court of the State of Nevada, in and
6 for the County of Washoe, do hereby certify:

7 That I was present in Department 8 of the
8 above-entitled court on Wednesday, October 27, 2021, at the
9 hour of 9:00 a.m. of said day, and took verbatim stenotype
10 notes of the proceedings had upon the matter of THE STATE OF
11 NEVADA, Plaintiff, versus JOHN GREEN, Defendant, Case No.
12 CR21-2673, and thereafter reduced to writing by means of
13 computer-assisted transcription as herein appears;

14 That the foregoing transcript, consisting of pages 1
15 through 12, all inclusive, contains a full, true and complete
16 transcript of my said stenotype notes, and is a full, true
17 and correct record of the proceedings had at said time and
18 place.

19 Dated at Reno, Nevada, this 7th day of December,
20 2021.

21

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24

/s/ Isolde Zihn

Isolde Zihn, CCR #87

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

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

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

7 IN AND FOR THE COUNTY OF WASHOE

8 HONORABLE BARRY L. BRESLOW

9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

Case No. CR21-2673

12 JOHN GREEN,

Department No. 8

13 Defendant.

14 -----/

15 TRANSCRIPT OF PROCEEDINGS

16 Sentencing

17 December 8, 2021

(Via Zoom)

18 APPEARANCES:

19 For the State:

Nicole Hicks
Deputy District Attorney
1 South Sierra Street
Reno, Nevada

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21 For the Defendant:

Christine Hotchkin
Deputy Public Defender
350 South Center Street
Reno, Nevada

22

23 For the Division of
Parole and Probation:

Carlos Perez

24 Reported by:

Isolde Zihn, CCR #87

1 RENO, NEVADA, WEDNESDAY, DECEMBER 8, 2021, 9:00 A.M.
2 THE COURT: Ms. DeGayner, I believe we have
3 Mr. Green's case next.
4 THE CLERK: Yes, Your Honor.
5 That's State versus John Christopher Green, case
6 number CR21-2673. Matter set for sentencing.
7 Counsel and the Division, please state your
8 appearances.
9 MS. HICKS: Thank you.
10 Nicole Hicks, on behalf of the State.
11 MR. PEREZ: Carlos Perez, for the Division.
12 THE COURT: Thank you.
13 MS. HOTCHKIN: Good morning, Your Honor.
14 Christine Hotchkin, on behalf of John Green, who is
15 in custody and present before you via Zoom.
16 THE COURT: Thank you.
17 Mr. Green, good morning.
18 Can you hear me okay?
19 THE DEFENDANT: Yes, sir.
20 THE COURT: All right. Thank you.
21 This is the time set for sentencing on a single count
22 of attempted robbery, sentencing range one to 10 years.
23 In preparation for your sentencing, Mr. Green, let me
24 tell you what I've done.

1 I've reviewed the whole file here.

2 I've reviewed the substance abuse evaluation that Ms.
3 Fung completed. It was filed last week.

4 I'm aware that you've been accepted to the Salvation
5 Army.

6 I'm aware that you've been accepted to the
7 Reno-Sparks Gospel Mission program.

8 I know that you've been working on substance abuse
9 and anger management issues while you've been up there in the
10 jail.

11 I'm aware there's a request for \$194 in restitution.

12 I'm aware that there's a victim here.

13 I'm aware that you had at the time a dating
14 relationship with the victim.

15 I'm aware that you have been abusing drugs, sadly,
16 for close to 40 years.

17 I'm aware that you have a 33-year criminal history.

18 I'm aware that you have about four months credit for
19 time served in jail.

20 And I'm aware that there's more to what happened here
21 than what the eye sees, what is written in the reports.

22 So, being informed as I am, and then more fully
23 informed after hearing from counsel, Mr. Green, the Court
24 will do its best to fashion a fair and just sentence.

1 Let me start with you, Ms. Hotchkin.

2 Have you reviewed the presentence report with your
3 client; and, if so, are there any corrections?

4 MS. HOTCHKIN: Your Honor, I have reviewed the
5 presentence investigation report, filed from November 24th.

6 There was also another presentence investigation
7 report, filed on December 7th.

8 And, Mr. Green, that just includes your entire
9 statement.

10 I've reviewed the PSI with my client. There were no
11 factual corrections.

12 The credit time served, Your Honor, is 124 days.

13 THE COURT: Okay. You may proceed, then.

14 MS. HOTCHKIN: Your Honor, our request today would be
15 to put Mr. Green on probation.

16 He is open to any conditions that the Court would
17 deem fit.

18 As you have stated, he has been accepted to the Reno
19 Gospel Mission. He has also been accepted to the Salvation
20 Army.

21 He does have a lengthy criminal history, but, again,
22 it is all stemming from an underlying issue of substance
23 abuse.

24 He is now older. He understands that it's time to

1 get his life on track and, again, in an environment that will
2 benefit him. Largely an issue was not only access to
3 resources in order to better himself and get a handle of his
4 addiction, but he was also around bad influences.

5 He, unfortunately, was not in a healthy relationship.
6 He understands and is ready to take responsibility for the
7 incident that brought us here today. But, again, as you
8 know, per the statement, it was a bit of a complicated
9 situation.

10 My client's substance abuse issues began at the young
11 age of 11. I will note that in that criminal history you do
12 see a break. And that does show you that my client can
13 succeed when he's sober. He went to a rehab facility, Warm
14 Springs, in 2007, and he had about eight years sober. During
15 that time, you will not see criminal history.

16 So I do think that his own history does prove to the
17 Court that he could succeed on probation, with conditions
18 that adequately help him get sober, and have those skills.

19 He has been quite, you know, proactive while in
20 custody. He has really been focused on trying to better
21 himself.

22 I also filed certifications that show that he has
23 done substance abuse classes. He also did anger management
24 classes, and then an affirmation of faith.

1 He has really focused on finding himself again and
2 finding his strength and faith. That's also why he would
3 like the opportunity to go to the Reno Gospel Mission. He
4 feels he has the support that he would need in the community,
5 he would need in order to get back to the place of sobriety
6 and be a productive member of this community.

7 Your Honor, I do think probation is appropriate. I
8 do not think Mr. Green is beyond help. Yes, he has history,
9 but we have a solvable problem.

10 And, again, he himself has shown you that he can
11 succeed just based on his history of a break in time in that
12 criminal history.

13 So, with that, Your Honor, we will submit.

14 THE COURT: Thank you.

15 Mr. Green, this is your opportunity to make a
16 statement to the Court.

17 I've read the written statement that you filed, both
18 sides.

19 And also I'm aware that you did have that significant
20 gap of no interactions with the criminal justice system. I'm
21 sort of wondering if you care to address what happened in
22 2015 that turned things the other direction. But you don't
23 have to answer that if you don't want to.

24 What would you like the Court to know?

1 THE DEFENDANT: First of all, I want to wish
2 everybody a Merry Christmas. I don't know if anybody did
3 that.

4 Judge, I was in front of you in 2018.

5 THE COURT: Yup.

6 THE DEFENDANT: And you told me that I wasn't a bad
7 man. I just made bad choices. I'm not afraid to go to
8 prison. I just don't want to go. I don't want to be in jail
9 anymore.

10 And when I got here, every day I made a
11 self-examination of myself. And the only way I can do
12 anything good is to follow God, because my ways don't work.

13 And I was in a mess of a relationship. I was blind.
14 I couldn't see which way I was going. I thought she loved me
15 then. And she didn't, you know. And it's always been bad
16 every time I went back to her. And, but, it's I that did it.
17 It wasn't anything that she has to do with me. I can only
18 look at myself. I'm the only one that's here. The only one.
19 Everybody else is gone. Everybody else is not with me, I
20 thought was all right with me, they're not even here, so I'm
21 the only one has to take responsibility for this. And I can
22 do that today, but I can't go without God's help.

23 And the chaplain came to see me, because I was
24 reading some books, and he said that I needed a support

1 system. And that's what I did. I didn't have one when I was
2 out there. I was just all alone a little bit. And praying
3 every day. And I was on DAS, working at Caesar's
4 Entertainment, living at the shelter, going to test, shining
5 shoes at the Peppermill. And as soon as I went over there to
6 see how she was doing, everything went all bad. My choices,
7 you were right in 2018. They are -- they haven't been the
8 best choices.

9 And I've never been in any type of domestic anything.
10 But I don't know. I just wanted to be loved, and I thought
11 somebody loved me, and they didn't. A messed-up
12 relationship.

13 But now it's -- I make healthy choices today. I pray
14 every day, and just want to let God transform me so I can
15 change the way I think. And my whole dependence is on him.
16 And my focus is on him, too. It takes my eyes on the good
17 he's done for me, I can do the same thing, is to lay my life
18 down, all the way down. I mean, I'm in complete submission
19 and humility and surrender. I wave up the white flag because
20 I can't do anything anymore on my own. I have to follow.

21 People say that, "You're not a leader; you're not a
22 leader." But I think you have to be a good follower to be a
23 good leader.

24 So that's where I'm really at. I don't want to have

1 anybody involved with anything like I used to be involved
2 with anymore.

3 My mother said that, "Watch the company you keep."
4 And I used to hate when she used to tell me that because
5 obviously I did think my friends were okay. She saw
6 different, and I should have listened to her. Now I can see
7 she was right. You know, you have to watch the people that
8 you hang around. And if I hang out at a bar or something, I
9 get a haircut. If I hang out at the courthouse, I'll be a
10 judge. But I can't because of my criminal history and that
11 stuff.

12 But you know what I mean. I am who I am. And my
13 choices are bad, to date. Because I don't want to do
14 anything like that anymore to anybody. I don't want to get
15 high anymore. I don't want to do anything but just the right
16 thing.

17 And I was working out there. I was doing pretty
18 good, you know. I was lonely, maybe, thinking things would
19 change. Like, be nice to her, and she would change. And I
20 can't change anybody but me. So it's best if I stay away
21 from her. I don't have a problem with that, because I see
22 where I was wrong at.

23 I really feel humiliated sitting in front of you,
24 because you've been a good judge to me. Because I talk about

1 you on the street when I was out there, when you were the
2 judge for the unemployment thing. I was like --

3 THE COURT: I'm still the judge for that. It's not
4 over yet.

5 THE DEFENDANT: I told people how good you were, and
6 you were right about everything. And I always remember that
7 you were always a just and fair judge.

8 I just -- now I'm just careful how I live now. I'm
9 done, you know. I'm finished. I turned 56 in here. I just
10 had to get on my knees and repent for my ways. And I don't
11 want to be living the rest of my life in here anymore. I
12 ain't got that much longer, either. I'm 56, and time is
13 moving right along. I won't be here too long anymore
14 anyways. I'm not sick, but you know what I mean. It's
15 inevitable. I don't want to live my life like that.

16 I know I can do good to people and just watch the
17 people that do good to me. Some people I don't want to do
18 anything. It kind of backfired on me, you know.

19 I can only tell you the truth, and that's what the
20 truth is.

21 THE COURT: Okay. Mr. Green, thank you. I
22 understand where you're coming from. Very heartfelt. And I
23 appreciate your comments.

24 Ms. Hicks, based on everything you've heard,

1 understand about this case, taking everything into account,
2 what is the State's recommendation for a sentence, please?

3 MS. HICKS: Thank you, Your Honor.

4 As of the previous -- the State appreciates the
5 defendant's statement to the Court. And, you know, looking
6 at the facts and looking at his criminal history,
7 unfortunately, we do need to recommend a prison sentence in
8 this case.

9 I did look at the PSI, and I noted that significant
10 piece and period of time where he looked to be clean and
11 sober, he didn't have that criminal history. And because of
12 that, we are not recommending the maximum. We are
13 recommending 36 to 120 months, though.

14 Mr. Green's criminal history, the violence that he
15 inflicted in this case, the victim in this case, she suffered
16 two broken ribs. He was a bully. He was a bully that was
17 using some type of controlled substance. And because of
18 that, he is a danger to the community.

19 His history isn't just drugs, drug use. He does
20 resort to some violence when he's using. Unfortunately, he
21 knows the tools. He has them. And he chose not to use them.
22 And so I'm sure he's well-aware of these things. You know,
23 he said it. If you go to the barber shop to get a haircut,
24 but if you hang around people that use drugs and are violent,

1 you're going to become that person. He allowed himself to
2 slide back into that.

3 His behavior when he is on probation and things of
4 that nature, he violates.

5 And, you know, Your Honor, one of the things that I
6 want to make sure Your Honor remembers is, you know, the Reno
7 Gospel Mission and the Salvation Army, those are available to
8 people whether they're in the criminal justice system or not.
9 Those are resources that are available, and they're out there
10 for people when they're ready for help.

11 It's unfortunate that a lot of times people forget
12 they need the help until they're in the criminal justice
13 system.

14 But, you know, when Miss Hotchkin said that those
15 resources weren't available, well, sure they were. And so is
16 NA, and so is AA. All of those things are free of charge.

17 So with, you know, his criminal history, and with the
18 violence that was inflicted, and the fact that he
19 continuously puts himself in this situation, again, I am
20 requesting 36 to 120 months.

21 Your Honor, I was informed that Ms. Kinkle was in the
22 waiting room, and she would like to make statement.

23 THE COURT: Thank you.

24 If you would, please, Ms. DeGayner, bring her

1 forward, and place her under oath, we'll hear what she has to
2 say.

3 THE CLERK: Yes, Your Honor.

4 I have promoted her to a panelist.

5 I'll just ask, Miss Kinkle, if you can hear me,
6 please select the option to come in as a panelist.

7 There we go. She's coming in now, Your Honor.

8 THE COURT: Thank you.

9 Ma'am, when you're ready, if you would please turn on
10 your microphone and turn on your video.

11 MS. KINKLE: I think I might -- hello?

12 THE COURT: We can hear you now. I can't see you
13 quite yet.

14 MS. KINKLE: Okay. I'm getting there. Sorry.

15 THE COURT: That's all right.

16 MS. KINKLE: Are you there? I see you. I think
17 it's -- I don't know. I answered all the prompts, but --
18 wait.

19 THE COURT: Are you on a smart phone or a computer?

20 MS. KINKLE: No, I'm on a smart phone. And I
21 accepted the link for video, but it won't -- it hasn't done
22 anything yet.

23 THE COURT: Okay. Sometimes it takes a moment.

24 And are you on a good internet connection, or are you

1 out and about somewhere?

2 MS. KINKLE: I am on a remote internet connection,
3 the service I paid for, yeah.

4 THE COURT: Okay. Ms. DeGayner, any thoughts on how
5 we might get the video started?

6 THE CLERK: No, Your Honor.

7 I'm sending the prompt to start video. It just
8 doesn't seem that her camera is starting up when I do so.

9 MS. KINKLE: I get the link, but it won't connect,
10 for some reason.

11 THE COURT: How far away are you from the Washoe
12 County Courthouse?

13 MS. KINKLE: Your Honor, I'm down by -- a little past
14 the Diamonds Casino, maybe like 20 minutes, half hour.

15 THE COURT: Well, we can hit the pause button here.
16 I can handle another matter.

17 If you'd drive over here, I'll have someone meet you
18 outside that will direct you to --

19 MS. KINKLE: I can't drive, Your Honor. I'm supposed
20 to be going into surgery tomorrow, within the next couple
21 days, as a result from the injuries of all this, so I can't
22 even drive. My -- he's torn the rotator cuff on my right
23 side. I can't lift my arm; I can't work; I can't do
24 anything.

1 THE COURT: Okay. Hold on. Well, that's not an
2 option.

3 Are you with a friend or somebody you work with or a
4 relative that has a phone?

5 MS. KINKLE: No. I can catch the bus and be there.
6 I can take a cab. I can be there in like 20 minutes via cab.

7 THE COURT: If you are willing to do that, take a cab
8 or Uber over to the courthouse, if you plan to -- if you come
9 to 75 Court Street -- that's the entrance to the
10 courthouse --

11 MS. KINKLE: Okay.

12 THE COURT: -- I'll have someone down there. Once
13 you come through security, I'll have someone there to meet
14 you, and we'll get you hooked up with a computer, and you can
15 address the Court at that time. Do you understand that?

16 MS. KINKLE: Yes, sir. I'll be there, like, within
17 20 minutes. I'll call a cab now.

18 THE COURT: Okay. Thank you.

19 MS. KINKLE: Thank you.

20 THE COURT: What we'll do is, so, Mr. Green, I'm
21 going to have you take a seat. We're going to hit the pause
22 on this matter. I'm going to go into another matter.

23 But, Ms. DeGayner, I'd like you to -- and also, Ms.
24 Martinez, if you're watching this hearing, I would like you

1 to please go downstairs and let the administration know that
2 we're going to ask that they make available to Ms. Kinkle a
3 terminal so that she can address the Court for purposes of
4 sentencing in this matter.

5 So, Mr. Green, you may have a seat.

6 Ms. Kinkle, you can turn your phone off and rejoin us
7 once you are here at the courthouse. Okay, ma'am?

8 MS. KINKLE: Okay. I'll be there momentarily.

9 Thank you.

10 THE COURT: Thank you.

11 Bye now.

12 MS. KINKLE: Bye.

13 THE COURT: So, Ms. DeGayner, I think that people to
14 reach out to would be -- well, you know a couple that might
15 be a resource here, starting with Ms. Lerude, Ms. Martinez,
16 Ms. Kuhl. However you want to do it.

17 So go ahead, Ms. Kinkle -- Ms. DeGayner, have Ms.
18 Kinkle sent back as an observer. There you go.

19 Okay. In fact, let me go on recess here, and we'll
20 resume when I come back to arraign Mr. Lynch in about five
21 minutes. Let me just make sure that this is moving forward.

22 We'll be in recess for five minutes.

23 (Recess.)

24 THE COURT: All right. We're back on the record in

1 case number CR21-2673, State of Nevada versus Mr. John
2 Christopher Green.

3 The victim, Ms. Elizabeth Kinkle, has arrived at the
4 courthouse. I understand she's been set up with a computer
5 where she can address the Court and make a statement as a
6 victim of the crime here.

7 Ms. Kinkle, good morning.

8 I want to make sure you can hear me okay.

9 I'm Judge Breslow.

10 MS. KINKLE: Good morning.

11 I can hear you fine.

12 Thank you.

13 THE COURT: Thank you.

14 At this point, Ms. Kinkle, I'm going to ask Ms.
15 DeGayner, my court clerk, to administer an oath of witness to
16 you, so that the comments you'll make and the answers to
17 questions, if any, will be made under oath.

18 Please raise your right hand, ma'am.

19 MS. KINKLE: I can only move my arm so far.

20 THE COURT: I don't want you to be in any discomfort.

21 Thank you.

22 Go ahead, Ms. DeGayner.

23 (Witness sworn.)

24 THE COURT: Thank you.

1 You may put your hand down.

2 Ms. Kinkle, generally a victim of a crime is allowed
3 to make comment on two areas. The first is how the crime has
4 affected you; and, second, your thoughts for sentencing.

5 When you're done responding to those, I will let Ms.
6 Hicks, the prosecutor, Ms. Hotchkin, defense attorney, ask
7 you some questions, if they have any.

8 Go ahead, Ms. Kinkle.

9 MS. KINKLE: Well, Your Honor, I'm not -- I'm not no
10 saint myself, you know. I have a record. I have had a drug
11 problem myself. You know what I mean? I'm not excusing any
12 behaviors or making excuses. However, things went way too
13 far. You know what I mean?

14 Like, there was nothing I wouldn't have done for
15 John. You know what I mean? Like -- but in the end, now I
16 have to go in for surgery. I can't even work anymore. I've
17 lost two jobs now because of this. I go in for surgery on
18 Friday, the end of this week. I can't move my right arm. I
19 can't nothing.

20 So, like, where is -- I just -- I just don't -- I
21 just want him to know that this is not -- the whole thing
22 didn't even have to go that way. You know what I mean?

23 I could have put hands on him, like, long ago, like,
24 three years ago. But every time he came back, he was hitting

1 on me, hitting on me. But I'm not -- I can't take it no
2 more. With the broken bones, and now I've got to have my
3 whole -- my shoulder replaced.

4 I'm the only one that takes care of me. You know
5 what I mean? If I don't work, I don't live, I don't eat. I
6 can't -- I'm nothing. I can't work. Because this is
7 ridiculous.

8 THE COURT: Okay.

9 MS. KINKLE: Sorry.

10 THE COURT: That's okay. Take a moment. I don't
11 know if there are Kleenex there. If you were in my
12 courtroom, I'd hand you some right now. But if not,
13 hopefully we can get someone down there to get you some.

14 Take your time. There's no clock here.

15 MS. KINKLE: I've put up with a lot of stuff from
16 him. You know, like, the first domestic that he had on me, I
17 don't know if he ever finished his stuff on it or not. You
18 know what I mean --

19 MS. HOTCHKIN: Your Honor, I apologize to interrupt
20 Ms. Kinkle, but I just want to remind Ms. Kinkle obviously no
21 previous incidents are applicable during this.

22 Thank you, Your Honor. I apologize --

23 THE COURT: That's okay. We were almost there.

24 Anyway, so, Ms. Kinkle, it's probably --

1 MS. KINKLE: All I'm getting at, my statement, there
2 was not a time that I wouldn't -- that I didn't overlook or
3 forget or look past anything that he had done to me over
4 time, try again. We're both in the wrong. We both have
5 wrongs. But every single time, and now I'm the one that -- I
6 mean, I'm not going to be able to work. I can't move my arm.
7 I'm not going to be able to go to work for six to eight
8 months. How am I going to live? Like, over what? You know
9 what I mean?

10 THE COURT: Let me ask you this: The sentencing
11 range that the Court can impose here is up to 10 years in
12 prison. And also there are other options available to the
13 Court, like to direct Mr. Green to the Salvation Army for six
14 months; or to Reno-Sparks Gospel Mission for over a year,
15 where he has to stay there, work hard -- it's faith-based --
16 and receive treatment. Those are some of the things that the
17 defense is asking for.

18 And the State, on the other hand, says, "Judge, we're
19 past that. This was a very serious crime. He has a long
20 criminal history." And they're asking for not the maximum
21 sentence allowed by law, but darn near close to it.

22 What are your thoughts about that?

23 MS. KINKLE: I don't think -- I think John has been
24 to prison a few times too many already. So, in my opinion,

1 that's just a vacation for him. You know what I mean? How
2 is it -- how is he going to learn from that if he's just --
3 it's a reunification with all of his friends? He's been
4 there plenty of times before. You know what I mean?

5 Like, at what point in time is he going to have to
6 pay for -- you know what I mean? Like, to be honest with
7 you, I think he should have to pay for the damage that he's
8 caused me. You know what I mean? He can't do that by
9 sitting in prison. Do I think he should be out here -- you
10 know what I mean?

11 THE COURT: Well, I understand --

12 MS. KINKLE: I don't think he's going to be punished
13 much by sitting in prison, because he's got his family, he's
14 got his folks there, he's got all these people that look out
15 for him. And it's nothing.

16 But if he's ordered to do a program and supervise it
17 until he learns from it, and he has to pay for whatever
18 damage that he's caused, \$194 in restitution, that doesn't
19 even cover one of my doctor's appointments for all this stuff
20 I had to go through. You know what I mean?

21 And until he has to actually pay for something, it's
22 just nothing to him, unless it comes out of pocket. I really
23 don't know. But I just didn't want him to know -- I wanted
24 him to know the bottom line is, it went too far. You know

1 | what I mean? And I'm not going to go through this no more.
2 | THE COURT: All right. Just take a moment here. I
3 | want you to just do your best to take a breath.
4 | At this time, Ms. Kinkle, I'm going to ask Ms. Hicks
5 | if she has any questions that she would like to ask you.
6 | Ms. Hicks.
7 | MS. HICKS: No, Your Honor.
8 | Thank you.
9 | THE COURT: You're welcome.
10 | Ms. Hotchkin, do you have any questions?
11 | MS. HOTCHKIN: No, Your Honor.
12 | Thank you.
13 | THE COURT: You're welcome.
14 | Ms. Kinkle, a couple things I want to tell you.
15 | First of all, I want to thank you very much for
16 | coming down here. I know that was not easy.
17 | And then, what you told the Court, it was very
18 | emotional and very moving. It's obvious to the Court you've
19 | got some conflicting feelings about Mr. Green.
20 | And what you've told the Court, your thoughts on
21 | sentencing also have been important to the Court's
22 | consideration.
23 | So what happens next is this: You don't have to
24 | leave, but what Ms. DeGayner does is, she changes you from

1 somebody who is sitting there like you're in the courtroom
2 with me testifying to somebody like you're sitting in the
3 courtroom watching. So you're going to be not a panelist
4 anymore. You're allowed to continue to watch and see what I
5 do.

6 Do you understand that, Ms. Kinkle?

7 MS. KINKLE: Yeah. Thank you.

8 THE COURT: You're welcome.

9 And, Ms. Kinkle, I sincerely wish you the best with
10 your surgery, and I hope you find your balance again after
11 all this is over. Okay?

12 MS. KINKLE: Thank you.

13 THE COURT: You seem like a delightful lady.

14 Thank you, ma'am.

15 MS. KINKLE: Thank you.

16 THE COURT: You're welcome.

17 Ms. DeGayner, when ready, if there's a way to move
18 Ms. Kinkle back to in the gallery.

19 Okay. With that, Ms. Hotchkin, is there any legal
20 cause why Mr. Green should not be sentenced at this time?

21 MS. HOTCHKIN: No, Your Honor.

22 THE COURT: All right. Thank you.

23 Based on Mr. Green's plea of guilt, the Court
24 adjudicates him guilty, attempted robbery, Category B felony,

1 under Nevada law.

2 There's two Mr. Greens.

3 There's the sober Mr. Green, who seems very
4 articulate, hard-working, obviously bright, and has a certain
5 charisma. It's no wonder that people like to be near him and
6 learn from him and hang out with him and work and do other
7 things with him.

8 Then there's the Mr. Green, though, that hurts
9 people, usually when he's high. And in this case, apparently
10 high either on methamphetamine or something else.

11 And Mrs. Kinkle, unfortunately, is a person that he
12 interacted with here and has received the unfortunate results
13 of seeing the other Mr. Green.

14 And she herself admitted that she's no saint. She
15 has her own issues. And she has, it sounds like, a
16 complicated history with him. But, nevertheless, something
17 very bad happened this day. A crime was committed, and
18 someone was hurt.

19 Mr. Green has a very, very long criminal history.
20 I've already mentioned, when I sat down, 33 years. And very
21 tragically, he's been abusing controlled substances and/or
22 alcohol for almost his entire life, starting at a very young
23 age.

24 And while the Court recognizes and appreciates and

1 has taken into mitigation the fact that he's used this time
2 productively while in jail, it does not excuse what happened
3 here, and certainly the weight of his prior conduct is --

4 THE DEPUTY: Your Honor, we couldn't hear you for a
5 second.

6 Can you repeat what you said in your last sentence?

7 THE COURT: I couldn't hear you.

8 Would you mind getting closer to the microphone?

9 THE DEPUTY: Yeah, Your Honor.

10 You cut out for a second. I don't know if it was our
11 connection or yours. Can you just repeat what you just said?

12 THE COURT: All right. Thank you so much, Deputy.

13 THE DEPUTY:- You're welcome.

14 THE COURT: What I was saying, just to cover again,
15 I'll go back a little bit. That Mr. Green tragically has
16 been abusing controlled substances and/or alcohol since a
17 very young age, still as a child. But, unfortunately, that's
18 informed his actions as an adult, which has led to a
19 more-than-three-decade criminal history.

20 And while his relationship with the victim here is
21 certainly complicated, it ought not to in any way have
22 resulted in what happened here.

23 Taking all that into account, Mr. Green, you're
24 sentenced to 120 months in the Nevada Department of

1 Corrections. You're eligible for parole after 42 months.
2 Credit for time served, 124 days.
3 Restitution ordered, 194.
4 A \$3 genetic-marker fee, \$25 administrative fee.
5 I hope, when you come out of prison, Mr. Green, the
6 good Mr. Green -- the productive, the charismatic, the smart,
7 hard-working, articulate -- surfaces, and the one who is
8 controlled by illegal substances or alcohol; that he's put
9 away for good. Because it's not doing you, the victim or
10 society any good when he surfaces.
11 That's the order of the Court.
12 Ms. Hicks, anything else from the State?
13 THE DEFENDANT: Excuse me, Judge.
14 THE COURT: Just a minute, Mr. Green.
15 Ms. Hicks, anything else from the State?
16 MS. HICKS: Your Honor, I'm sorry. My computer
17 froze, and I wanted to look into the restitution.
18 Was there any restitution requested by the victim
19 that Parole and Probation noted? If not, then --
20 THE COURT: Well, all I saw was 194. Now, obviously,
21 if she's got ongoing medical treatment, and including up to
22 and including surgery, we all know that that 194 is a drop in
23 the bucket. But I don't have anything in the file right now
24 to document that.

1 She always has the right to pursue her civil
2 remedies, notwithstanding the criminal justice piece. But in
3 terms of restitution ordered right now, I only have \$194.
4 Mr. Perez, do you know any differently?
5 MR. PEREZ: No, Your Honor.
6 It appears that information is gleaned from the
7 police reports. It was \$194 in cash taken at the time of the
8 offense.
9 MS. HICKS: Right. Your Honor, I just wanted to make
10 sure that that 194 at least gets ordered.
11 THE COURT: That's -- I did order 194.
12 All right. Other than that, Ms. Hicks, anything
13 else?
14 MS. HICKS: No, Your Honor.
15 Thank you.
16 THE COURT: Mr. Perez.
17 MR. PEREZ: No, Your Honor.
18 Thank you.
19 THE COURT: Ms. Hotchkin.
20 MS. HOTCHKIN: No, Your Honor.
21 Thank you.
22 THE COURT: All right. Mr. Green, I know you want to
23 address the Court again. Unfortunately, we are at the end of
24 this hearing right now. It doesn't happen that way.

1 I wish things had turned out differently for you;
2 obviously, for the victim here. I hope you get some
3 programming while incarcerated. And I certainly hope you
4 change your ways when you get out.

5 That will be the order of the Court.

6 Court is in recess, everyone.

7 Have a nice afternoon.

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1 STATE OF NEVADA)
2 COUNTY OF WASHOE)
3

4 I, ISOLDE ZIHN, a Certified Shorthand Reporter of the
5 Second Judicial District Court of the State of Nevada, in and
6 for the County of Washoe, do hereby certify:

7 That I was present in Department 8 of the
8 above-entitled court on Wednesday, December 8, 2021, at the
9 hour of 9:00 a.m. of said day, and took verbatim stenotype
10 notes of the proceedings had upon the matter of THE STATE OF
11 NEVADA, Plaintiff, versus JOHN GREEN, Defendant, Case No.
12 CR21-2673, and thereafter reduced to writing by means of
13 computer-assisted transcription as herein appears;

14 That the foregoing transcript, consisting of pages 1
15 through 29, all inclusive, contains a full, true and complete
16 transcript of my said stenotype notes, and is a full, true
17 and correct record of the proceedings had at said time and
18 place.

19 Dated at Reno, Nevada, this 20th day of January,
20 2022.

21
22
23
24

/s/ Isolde Zihn
Isolde Zihn, CCR #87

1 **CODE 1850**

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5
6 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF WASHOE**
8

9 **STATE OF NEVADA,**

10 **Plaintiff,**

11 **vs.**

Case No. CR21-2673

12 **JOHN CHRISTOPHER GREEN,**

Dept. No. 8

13 **Defendant.**
14 _____ /

15 **JUDGMENT OF CONVICTION**

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

19 John Christopher Green is guilty of the crime Attempted Robbery, a
20 violation of NRS 193.330 and NRS 200.380, a Category B Felony, as charged in the
21 Information, and that he be punished by imprisonment in the Nevada Department of
22 Corrections for a minimum term of Forty-Two (42) months to a maximum term of One
23 Hundred and Twenty (120) months, with One Hundred and Twenty-Four (124) days
24 credit for time served.

25 The Defendant is ordered to pay restitution in the amount of One Hundred
26 and Ninety-Four Dollars (\$194.00). All monetary payments, money and property collected
27 from the Defendant shall be first applied to pay the amount ordered as restitution to the
28 Victim(s).

1 The Defendant is further ordered to pay a Three Dollar (\$3.00)
2 administrative assessment for obtaining a biological specimen and conducting a genetic
3 marker analysis and a Twenty-Five Dollar (\$25.00) administrative assessment fee to the
4 Clerk of the Second Judicial District Court. Attorney's fees are hereby waived by the
5 Court.

6 Any fine, fee administrative assessment or restitution imposed today (as
7 reflected in this Judgment) constitutes a lien, as defined in Nevada Revised Statute NRS
8 176.275. Should the Defendant not pay these fines, fees, or assessments, collection
9 efforts may be undertaken against JOHN CHRISTOPHER GREEN.

10 Dated this 10th day of December, 2021 NUNC PRO TUNC to the 8th day of
11 December, 2021.

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15 _____
DISTRICT JUDGE
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1 CODE NO. 2515
2 WASHOE COUNTY PUBLIC DEFENDER
3 JOHN REESE PETTY, State Bar Number 10
4 350 South Center Street, 5th Floor
5 Reno, Nevada 89501
6 (775) 337-4827
7 jpetty@washoecounty.gov
8 Attorney for Defendant
9

10 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
11
12 IN AND FOR THE COUNTY OF WASHOE
13

14 THE STATE OF NEVADA,
15

16 Plaintiff,

17 vs.

Case No. CR21-2673

18 JOHN CHRISTOPHER GREEN,
19

Dept. No. 8

20 Defendant.
21 _____/

22 NOTICE OF APPEAL

23 Defendant, John Christopher Green, hereby appeals to the Supreme Court of
24 Nevada from the judgment of conviction entered in this action on December 13, 2021.

25 The undersigned hereby affirms, pursuant to NRS 239B.030, that this
26 document does not contain the personal information of any person.

DATED this 12th day of January 2022.

JOHN L. ARRASCADA
WASHOE COUNTY PUBLIC DEFENDER

By: /s/ John Reese Petty
JOHN REESE PETTY, Chief Deputy

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JOHN CHRISTOPHER GREEN (#1202545)
Northern Nevada Correctional Center
P.O. Box 7000
Carson City, Nevada 89702

AARON D. FORD
Attorney General State of Nevada
100 N. Carson Street
Carson City, Nevada 89701

/s/ John Reese Petty
JOHN REESE PETTY

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 16th day of May 2022. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Jennifer P. Noble, Chief Appellate Deputy
Washoe County District Attorney's Office

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

John Christopher Green (#1202545)
Sothorn Desert Correctional Center
P.O. Box 208
Indian Springs, Nevada 89070-0208

John Reese Petty
Washoe County Public Defender's Office