

IN THE SUPREME COURT OF THE STATE OF NEVADA

JACOB DANIEL GOSSELIN

Appellant,

v.

STATE OF NEVADA

Respondent.

Electronically Filed
Apr 15 2022 01:46 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

CASE NO. 83574

Appeal from a Judgment Pursuant to a Guilty Plea
in Case CR20-4005
Second Judicial District Court of the State of Nevada, Washoe County
Honorable David A. Hardy, District Judge

APPELLANT'S APPENDIX VOLUME 1

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SPD 20-000431

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

12 * * *

13 THE STATE OF NEVADA,

14 Plaintiff,

Case No.: CR20-4005

15 v.

Dept. No.: D15

16 JACOB DANIEL GOSSELIN,

17 Defendant.

18 _____/

19 INFORMATION

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

25 COUNT 1. MURDER OF THE FIRST DEGREE WITH THE USE OF A
26 DEADLY WEAPON, a violation of NRS 200.010, NRS 200.030 and NRS
193.165, a category A felony, (50001) in the manner following, to wit:

That the said defendant, JACOB DANIEL GOSSELIN, acting in
concert with Daniel Negrette Munoz as a conspirator and abettor, on
or about January 14, 2020, within the County of Washoe, State of

1 Nevada, did willfully, unlawfully, and with malice aforethought,
2 deliberation, and premeditation, kill and murder EDWARD LONG, a human
3 being, by means of shooting EDWARD LONG in the face and/or head with
4 a deadly weapon, which was a handgun, thereby inflicting mortal
5 injuries upon the said victim from which he died on January 14, 2020;

6 In that the killing occurred in the perpetration or
7 attempted perpetration of a burglary, kidnapping, and/or robbery, to
8 wit: the defendant did willfully and unlawfully conspire and agree
9 with Daniel Negrette Munoz to kidnap, assault and/or batter, commit
10 burglary against, and rob EDWARD LONG, and in furtherance thereof,
11 Munoz inveigled, enticed, or decoyed EDWARD LONG to the area of the
12 Sunset Set Ridge Apartments, 2141 Centennial Way, with the intent to
13 hold or detain EDWARD LONG for the purpose of robbing and inflicting
14 substantial bodily harm upon him, and the defendant, armed with a
15 handgun and in order to back up and assist Munoz and facilitate the
16 kidnapping, assault, and robbery, did accompany Munoz to his meeting
17 with Long and thereafter did follow Munoz and Long to the area of the
18 Sunset Ridge Apartments where Munoz confronted and attempted to rob
19 Long, during which the defendant provided Munoz with the handgun
20 Munoz used to shoot the victim in the face and/or head.

21 COUNT 2. ATTEMPTED MURDER WITH THE USE OF A DEADLY WEAPON,
22 a violation of NRS 193.330 and NRS 193.165, being an attempt to
23 violate NRS 200.010, a category B felony, (50031) in the manner
24 following, to wit:

25 That the said defendant, JACOB GOSSELIN, acting in concert
26 with Daniel Negrette Munoz as a conspirator and abettor, on or about

1 January 14, 2020, at Reno Township, within the County of Washoe,
2 State of Nevada, did willfully and unlawfully, attempt to kill and
3 murder EDWARD LONG, a human being, by means of shooting EDWARD LONG
4 in the face and/or head with a deadly weapon, which was a handgun;

5 In that the attempted murder occurred in the perpetration
6 or attempted perpetration of a burglary, kidnapping, and/or robbery,
7 to wit: the defendant did willfully and unlawfully conspire and agree
8 with Daniel Negrette Munoz to kidnap, assault and/or batter, commit
9 burglary against, and rob EDWARD LONG, and in furtherance thereof,
10 Munoz inveigled, enticed, or decoyed EDWARD LONG to the area of the
11 Sunset Set Ridge Apartments, 2141 Centennial Way, with the intent to
12 hold or detain EDWARD LONG for the purpose of robbing and inflicting
13 substantial bodily harm upon him, and the defendant, armed with a
14 handgun and in order to back up and assist Munoz and facilitate the
15 kidnapping, assault, and robbery, did accompany Munoz to his meeting
16 with Long and thereafter did follow Munoz and Long to the area of the
17 Sunset Ridge Apartments where Munoz confronted and attempted to rob
18 Long, during which the defendant provided Munoz with the handgun
19 Munoz used to shoot the victim in the face and/or head.

20 COUNT 3. CONSPIRACY TO COMMIT ROBBERY, A VIOLATION OF NRS
21 199.480 AND NRS 200.380, a category B felony, (50147) in the manner
22 following, to wit:

23 That the said defendant, JACOB GOSSELIN, on or about
24 January 14, 2020, at Reno Township, within the County of Washoe,
25 State of Nevada, did willfully and unlawfully conspire with Daniel
26 Negrette Munoz to take money or other personal property from the

1 person of EDWARD LONG or from the presence of EDWARD LONG against
2 LONG's will and by means of force or violence or fear of immediate or
3 future injury to his person.

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

7
8 CHRISTOPHER J. HICKS
9 District Attorney
10 Washoe County, Nevada

11
12
13 By: 
14 LUKE J. PRENGAMAN
15 6094
16 CHIEF 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 GEORGE CARRANZA
4 SARAH LONG
5 RENO FIRE DEPARTMENT
6 MICHAEL BARNES
7 PATRICK BLAS
8 DAMIEN BOECKMAN
9 ANDY CARTER
10 ELVIRA "ELLIE" KOEDER
11 ELVIRA "ELLIE" KOEDER
12 CHAD CROW
13 JASON A DANIELS
14 MATTHEW DANIELS
15 MATTHEW DURIO
16 AARON FLICKINGER
17 MICHAEL GUIDER
18 CURTIS KAISER
19 TONI LEAL-OLSEN
20 SCOTT NELSON
21 BENJAMIN RHODES
22 SANTIAGO A. SANTIAGO
23 CARLOS VALLES
24 JOSHUA WATSON
25 JACOB DANIEL GOSSELIN
26 MELISSA FURBAY
DEBORAH HAUN
EDWARD JOSEPH LONG
ANTONIO J GUTIERREZ
DR. JULIE SCHRADER D.O.
REMSA COR
WASHOE COUNTY MEDICAL EXAMINER'S OFFICE
WASHOE COUNTY MEDICAL EXAMINER'S OFFICE
WASHOE COUNTY HEALTH DEPT VITAL STATISTICS
GARY KEITH SMITH
JEFFREY BUTLER
RUSSELL HARRINGTON
VANESSA EDEZA
REBECCA CONDE
SHARON DENNEY
BRUCE NEELY
JONAH MATHERN
JASON MASLANKA
BERTA MARTINEZ
KHALIDA PERVEN

1 UMAR IJAZ
MARGARITA BERDIN
2 JOEL DELACRUZ
LIZBETH TEJADA-VERDIN
3 JOSHUA CRUZ-VERDIN
HEIDI JOLEEN SAMPLE
4 SERENITY SAMPLE
JAVED ARSHAD
5 ERIC LIEBERMAN
JOSHUA THORNTON
6 JOHN STAPLETON LONG
CARL-PAUL DESANTIS
7 ANGELA MARIE SOTO
STEVEN ROBERT BECKER
8 ALFREDO MENA
ALFREDO MENA
9 SAVANNAH SEAMAN
KAREN BROOKS
10 JUAN CARLOS SANCHEZ MARIN
KULVIR SARAI
11 SHAUN BRALY
JOSHUA THORNTON
12 NESTOR SEQUERIA
EVELYN SEQUERIA
13 ALEJANDRA SEQUERIA
ARMANDO SEQUERIA
14 NATALIA SEQUERIA
JULIAN SEQUERIA
15 MICHAEL SAMPLE
RIQUEL HAFDAHL
16 TITAN SMITH
MOHAMMAD ARSHAD
17 SANA ARSHAD
LAIBA ARSHAD
18 FIZA ARSHAD
GHAZALA YASMEEN
20 MEHNAZ ALI
ASIM ALI
21 AAIRA ALI
ANTHONY SMITH
22 SAMUEL COCHRAN
SARAH LONG
23 MARISAL MORELAS-GRANAGOS
ANDREAS MORELAS-GRANAGOS
24 BRANDON HERRERA
IVAN MENA
25 FELIPE ALATORRE

1 MIGUEL GONZALEZ
2 HOWARD BORJA
3 SABA WARRAICH
4 SHAHZAD WARRAICH
5 FATIMA WARRAICH
6 ANAYA WARRAICH
7 HEMMAD WARRAICH
8 JOSELINE MONTES
9 STEVEN ARGUETA
10 EDDIE MONTES
11 SANDRA GARCIA
12 GISSEL MELENDEZ
13 LAURA SALAZAR
14 AUBREY ANNE-FURBEY
15 PAYTON KELLY

16 AFFIRMATION PURSUANT TO NRS 239B.030

17 The party executing this document hereby affirms that this
18 document submitted for recording does not contain the social security
19 number of any person or persons pursuant to NRS 239B.030.
20

21 CHRISTOPHER J. HICKS
22 District Attorney
23 Washoe County, Nevada

24 By: 

25 LUKE J. PRENGAMAN
26 6094
CHIEF DEPUTY District Attorney

PCN -GOSSELIN

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

FILED
Electronically
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2021-05-14 10:17:45 AM
Alicia L. Lerud
Clerk of the Court
Transaction # 8445120 : caguilar

THE STATE OF NEVADA,
Plaintiff,

CASE NO. RER 2021-110969
DEPT. 5

vs

SJDC CASE NO. _____
SJDC DEPT. _____

Jacob Daniel Gosselin
Defendant,

Defense Counsel Sean Newhouse
Bar NO. 11224

Waiver of Preliminary Examination

I, the defendant in the above-entitled action, being fully advised of my rights in the premises, hereby waive my preliminary examination on the charge of open murder - deadly weapon enhancement

in the above entitled action, and consent that the above matter be transferred to the Second Judicial District Court of the State of Nevada, for further proceedings therein.

5/13/21
Date

[Signature]
Defendant Signature Jacob Gosselin

Def. will enter guilty plea to 1. Attempted murder w/ use of deadly weapon, 2. Conspiracy to commit Robbery and count 3. murder on the 1st degree w/ deadly weapon. In exchange for plea and full cooperation in case CR20-0308 (State v. Daniel Negratta Munoz) defendant will be allowed to withdraw his plea to count 3 (murder) and be sentenced only upon ct-1 & 2. The state will not file and transactionally related charges or enhancements.

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

5 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
6 IN AND FOR THE COUNTY OF WASHOE
7 HONORABLE DAVID A. HARDY, DISTRICT JUDGE

8 -o0o-

9 THE STATE OF NEVADA, Case No. CR20-4005
10 Plaintiff, Dept No. 15
11 vs.
12 JACOB DANIEL GOSSELIN,
13 Defendant.

14 _____ /

15
16

17 TRANSCRIPT OF PROCEEDINGS
18 ARRAIGNMENT
19 MAY 17, 2021
20 RENO, NEVADA
21
22
23

24 REPORTED BY: CORRIE L. WOLDEN, NV CSR #194, RPR, CP
25 JOB NO. 761199

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A P P E A R A N C E S

FOR THE PLAINTIFF: DEPUTY DISTRICT ATTORNEY, WASHOE COUNTY
BY: LUKE J. PRENGAMAN, ESQ.
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lprengam@mail.co.washoe.nv.us

FOR THE DEFENDANT: SEAN AARON NEAHUSAN, ESQ.
300 S. Arlington Avenue, Ste. B
Reno, Nevada 89501
775-432-1581
sean@neahusanlaw.com

FOR THE DIVISION OF PAROLE AND PROBATION: SARA CURRENCE

PRETRIAL SERVICES: LORI PITT

1 RENO, NEVADA, MONDAY, MAY 17, 2021, 9:01 A.M.

2 -o0o-

3

4 THE COURT: Good morning to all I see on my Zoom
5 gallery. This is Judge David Hardy, Department 15 of the
6 Second Judicial District Court. This is the in custody
7 criminal calendar. We are all familiar with our Zoom
8 technology and COVID pandemic. Counsel, please just notify
9 me of any objections when your case is called, otherwise we
10 can proceed.

11 First case this morning is CR20-4005, the State
12 versus Jacob Daniel -- hold on just a moment. Yes, Jacob
13 Daniel Gosselin. I see Mr. Prengaman, who is present for
14 the State; Mr. Neahusan, who is present for Mr. Gosselin;
15 and Mr. Gosselin stands before the Court in custody at the
16 Washoe County Jail.

17 Counsel, this is the time set for entry of plea.
18 I have an Information, which is file stamped May 14th. It
19 charges Mr. Gosselin with Count I, Murder of the First
20 Degree with the Use of a Deadly Weapon; Count II, Attempted
21 Murder with the Use of a Deadly Weapon; and Count III,
22 Conspiracy to Commit Robbery.

23 Mr. Neahusan, please confirm your client is
24 properly identified with the charging -- properly identified
25 in the charging document and is familiar with the contents

1 and please declare if you wish the Information to be read in
2 open court.

3 And then as you recite the negotiations,
4 Mr. Neahusan, and then to Mr. Prengaman, I note that there
5 is a difference between the waiver as it lists the different
6 counts and the Information itself along with the Guilty Plea
7 Memorandum. I don't think it makes much difference, but
8 those counts are inverted and I just want to have a record
9 that we are clear. Beginning with you, Mr. Neahusan.

10 MR. NEAHUSAN: Your Honor, my client's name is
11 correctly spelled on line 12 of the Information. We are
12 familiar with its contents and waive a formal reading.

13 We are prepared today to go forward with the plea.
14 I don't believe that it makes a difference between the
15 waiver and the Guilty Plea Memorandum as the charges are the
16 same. They are just in a different order.

17 But that being said, Your Honor, there is an
18 agreement between the State and the Defendant. I don't want
19 to go into too many of the details. It is a lengthy
20 agreement that is spelled out and listed out in the Guilty
21 Plea Memorandum.

22 I will just say that upon completion of the trial
23 with the co-defendant that my client will be, in exchange
24 for his guilty plea today, as well as the other elements
25 laid out in the Guilty Plea Memorandum, my client will be

1 given the opportunity to withdraw his guilty plea to Murder
2 of the First Degree with a Deadly Weapon and be sentenced
3 only on the Attempted Murder with a Deadly Weapon and
4 Conspiracy to Commit Robbery.

5 THE COURT: And as to Count II and Count III, do
6 you anticipate -- let me just look at it. Is the State
7 bound in any way or is the State free to argue?

8 MR. NEAHUSAN: Your Honor, I have two of these
9 that are similar and I'm trying to remember which one this
10 was. I believe it's free to argue. Yeah, it's free to
11 argue, but there will be no additional charges filed.

12 THE COURT: And do you agree that there is a
13 mandatory consecutive deadly weapon enhancement as to
14 Count II?

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

16 THE COURT: And do you anticipate that --

17 MR. NEAHUSAN: However, it is my understanding
18 that probation is still eligible for both the deadly weapon
19 enhancement and the robbery charge.

20 THE COURT: Do you anticipate that the Court will
21 set sentencing for sometime after August 23rd, which is the
22 date set for the Negrette Munoz trial in Department 6?

23 MR. NEAHUSAN: That's my understanding,
24 Your Honor, yes.

25 THE COURT: All right. Mr. Prengaman, is there

1 anything to add?

2 MR. PRENGAMAN: No, Your Honor, that's a correct
3 statement. Mr. Neahusan has made a correct statement of the
4 negotiations.

5 THE COURT: Mr. Gosselin, raise your right hand
6 and be sworn.

7 (Whereupon the defendant was sworn.)

8 THE COURT: Mr. Gosselin, I'm going to ask a
9 series of questions. My responsibility this morning is to
10 confirm that you are making a voluntary informed choice. By
11 my questions I do not intend to influence you. I'm not
12 trying to trick you in any way.

13 You have an attorney who is standing by who will,
14 who is available to consult with you privately at any time
15 during this conversation, but I have to ensure that you are
16 making your own choice. So has your attorney accurately
17 stated the agreement as you understand it?

18 THE DEFENDANT: I would like to speak to him
19 privately if I can first.

20 THE COURT: Mr. Neahusan, do you have a contact
21 number? Before you just announce a cell phone number, let
22 me hear from the deputy staff.

23 Will Mr. Gosselin be initiating the call or
24 receiving the call?

25 THE DEPUTY: Receiving the call, Your Honor.

1 THE COURT: So, deputy staff, will you please
2 announce the number that Mr. Neahusan can call?

3 THE DEPUTY: Yes, Your Honor. It's 788-5033.

4 THE COURT: Mr. Neahusan, please ensure that you
5 are muted to the deputy staff. Please ensure that
6 Mr. Gosselin is somewhere where he enjoys some sound privacy
7 so that neither the Court nor any other person in attendance
8 can hear his conversation with his attorney.

9 THE DEPUTY: Yes, Your Honor.

10 THE COURT: I will recall the case.

11 MR. NEAHUSAN: Thank you, Your Honor.

12

13 (Whereupon a break was taken from 9:07 a.m. to 9:17 a.m.)

14

15 THE COURT: Mr. Gosselin, if you will come back to
16 the podium. Mr. Prengaman, if you will activate your video.

17 Mr. Gosselin, have you had an adequate opportunity
18 to discuss this matter with your attorney?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Are you ready to proceed?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: All right. Have you read the
23 Information, Mr. Gosselin?

24 THE DEFENDANT: I have read through most of it,
25 yes, sir, all but a couple pages of it.

1 THE COURT: I don't mean to embarrass you in any
2 way, but I must ask, do you know how to read, Mr. Gosselin?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Okay. Well, some people struggle.
5 This is a serious matter and I want to ensure that you are
6 given an opportunity to understand exactly. Based upon your
7 answer, I'm going to recite most of the elements of the
8 charging document leaving out some of the technical legal
9 language. If you have any objection at the conclusion of my
10 summary, Mr. Neahusan, please let me know.

11 In Count I, the State has alleged that
12 Mr. Gosselin acting with Daniel Negrette Munoz as a
13 conspirator and abettor, on January 14th, 2020, in Washoe
14 County, did willfully, unlawfully, and with malice
15 aforethought, deliberation, and premeditation, kill and
16 murder Edward Long, who is a, who was a human, by means of
17 shooting Mr. Long in the face and/or head with a deadly
18 weapon, a handgun, inflicting mortal injuries upon the
19 victim from which he died. That's the factual allegation.

20 Now, there are several legal theories of
21 responsibility. I begin with the second paragraph of
22 Count I, that the killing occurred in the perpetration or
23 attempted perpetration of a burglary, kidnapping, and/or
24 robbery, specifically the defendant willfully and unlawfully
25 conspired and agreed with Mr. Negrette Munoz to kidnap,

1 assault and/or batter, commit burglary against, and rob
2 Edward Long, and in furtherance thereof, Munoz inveigled,
3 enticed, or decoyed Edward Long to the area of the Sunset
4 Ridge Apartments with the intent of holding or detaining
5 Mr. Long for the purposes of robbing and inflicting
6 substantial bodily harm upon him.

7 And the defendant, Mr. Gosselin, armed with a
8 handgun and in order to back up and assist Munoz and
9 facilitate the kidnapping, assault, and robbery, did
10 accompany Munoz to the meeting with Long and thereafter did
11 follow Munoz and Long to the area of the Sunset Ridge
12 Apartments where Munoz confronted and attempted to rob Long,
13 during which time the defendant provided Munoz with the
14 handgun Munoz used to shoot the victim in the face and/or
15 head.

16 Count II is Attempted Murder with the Use of a
17 Deadly Weapon. The State has alleged that Mr. Gosselin
18 acting in concert with Mr. Munoz as a conspirator and
19 abettor, on or about January 14th, 2020, in Reno, did
20 willfully and unlawfully attempt to kill and murder
21 Edward Long, a human, by means of shooting Mr. Long in the
22 face and/or head with a deadly weapon, which was a handgun.

23 The second paragraph is almost identical to the
24 second paragraph of Count I which I have already summarized,
25 but it infuses the attempt language. I'm not going to read

1 the entire thing unless Mr. Neahusan asks me to.

2 Count III is Conspiracy to Commit Robbery, a
3 category B felony. The State has alleged that Mr. Gosselin
4 again on January 14th, in Reno, Washoe County, did willfully
5 and unlawfully conspire with Daniel Munoz to take money or
6 other personal property from Edward Long, from the presence
7 of Edward Long against Long's will and by means of force or
8 violence or fear of immediate or future injury of his
9 person.

10 I'm not asking if you agree or disagree,
11 Mr. Gosselin. I'm asking if you understand what the State
12 has alleged against you?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: As to Count I, my understanding is
15 that you will be pleading guilty this morning with a
16 reserved right to withdraw your guilty plea after fully
17 cooperating in the prosecution of Mr. Munoz. Nonetheless,
18 I'm going to recite the penalties associated with Count I in
19 the event you are not authorized or do not withdraw your
20 plea.

21 Murder of the First Degree with the Use of a
22 Deadly Weapon can be punished in the Nevada Department of
23 Corrections with imprisonment for life without the
24 possibility of parole or for life with the possibility of
25 parole with eligibility for parole beginning after 20 years

1 has been served, or for a definite term of 50 years with
2 eligibility for parole beginning when a minimum of 20 years
3 have been served, plus an additional consecutive term of
4 imprisonment for not less than 1 year and not more than
5 20 years for the deadly weapon enhancement. Probation is
6 not available for Murder of the First Degree. Do you have
7 any questions about that potential sentence?

8 THE DEFENDANT: No, sir.

9 THE COURT: As to Count II, Attempted Murder with
10 the Use of a Deadly Weapon, while this is probation eligible
11 it could also end with imprisonment in the Nevada Department
12 of Corrections for a minimum of 2 years and a maximum term
13 of not more than 20 years. The range of time would be
14 determined by the sentencing Judge.

15 Additionally, there is a consecutive term of not
16 less than 1 year and not more than 20 years for the deadly
17 weapon enhancement. That could be subject to probation as
18 well. Any questions about that potential sentence?

19 THE DEFENDANT: No, sir.

20 THE COURT: As to Count III, Conspiracy to Commit
21 Robbery, this is probation eligible, but it could also
22 result in imprisonment for a period of time not to exceed
23 6 years. Do you understand that?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: The reason why I'm going through these

1 possible penalties, Mr. Gosselin, is that while the
2 attorneys will argue for an appropriate sentence if you are
3 convicted of these offenses, it is the Judge who ultimately
4 makes the decision and the Judge is not bound by
5 negotiations or arguments.

6 A sentencing Judge would carefully listen to the
7 attorneys, would listen to you, would read a report prepared
8 by the Division of Parole and Probation that identifies who
9 you are. It provides a narrative of your life story to
10 include your family, your work history, your education,
11 mental health issues, addictions, and so forth, and it will
12 set forth the details of the crimes.

13 Before imposing sentence, the Judge would listen
14 to the victims or representatives, either those affected by
15 the crime or a representative of those affected by the
16 crime, and then the Judge would make his or her best
17 decision.

18 Any questions about what I have said so far?

19 THE DEFENDANT: No, sir.

20 THE COURT: Mr. Gosselin, you have the right to
21 plead guilty if you are making your choice voluntarily with
22 full information. You have the right to plead not guilty at
23 any time for any purpose to preserve your constitutional
24 rights of trial.

25 If you choose to plead guilty this morning, there

1 will not be a trial. You will be held in custody until
2 sentencing. You will be incriminating yourself.

3 That may be appropriate, in light of what you know
4 to include your participation, if any, in these events, your
5 conversations with counsel, and the State's position, it may
6 be appropriate, but that's for you to decide and not me.

7 It may also be appropriate for you to plead not
8 guilty. That's not for me to decide. That's for you to
9 decide. If you plead not guilty, I would accept that
10 without any comment or judgment, but I would set this matter
11 for trial.

12 You would have an effective attorney assisting you
13 at trial. That attorney would be present at all phases of
14 trial from before trial even begins through possibly motion
15 work, jury selection, arguments to the Court, statements to
16 the jury, confronting witnesses and evidence, introducing
17 witnesses and evidence, privately advising you about
18 strategy and so forth. You would always have that attorney
19 with you.

20 The State must prove your guilt. You are not
21 required to prove your innocence. The State's burden of
22 proof is high. It's proof beyond a reasonable doubt. All
23 12 members of the jury must agree the State had met its
24 burden for you to be convicted.

25 You could choose to testify or you could choose to

1 remain silent. If you chose to remain silent, I would
2 instruct the jury not to consider or discuss your
3 constitutional right to remain silent. Do you have any
4 questions with what I have said so far?

5 THE DEFENDANT: Yeah. I need to talk to my
6 attorney again.

7 THE COURT: Mr. Neahusan, do you still have that
8 number?

9 MR. NEAHUSAN: I do, Your Honor.

10 THE COURT: Let me just create a record here. If
11 we were in person as opposed to Zoom, Mr. Gosselin would
12 undoubtedly have an opportunity to consult privately with
13 his attorney and I want to facilitate the same courtroom
14 opportunities.

15 So, Mr. Neahusan, please mute yourself. I want no
16 unintended communications to be broadcast through Zoom.

17 Deputy staff, if you will ensure that Mr. Gosselin
18 has some privacy for his privileged communication with his
19 attorney.

20 MR. NEAHUSAN: Thank you, Your Honor. I
21 appreciate it.

22

23 (Whereupon a break was taken from 9:29 a.m. to 9:36 a.m.)

24

25 THE COURT: Back to Mr. Gosselin in CR20-4005.

1 Mr. Gosselin, if you will come forward again.

2 Have you had an adequate time to speak to your attorney?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Do you have any questions of me?

5 THE DEFENDANT: No, sir.

6 MR. NEAHUSAN: Your Honor, if I may?

7 THE COURT: Yes.

8 MR. NEAHUSAN: The confusion was that there is an
9 agreement on his custody status that we will be addressing
10 at the end of his plea that's separate and apart from the
11 plea; however, I think that's where his confusion arose
12 from.

13 THE COURT: Thank you. And did you read the
14 Guilty Plea Memorandum, Mr. Gosselin?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Have you had an adequate time to
17 discuss the Guilty Plea Memorandum with your attorney?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Do you have any question about the
20 Guilty Plea Memorandum?

21 THE DEFENDANT: No, sir.

22 THE COURT: Are you ready to enter your pleas this
23 morning?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: In Count I, Murder of the First Degree

1 with the Use of a Deadly Weapon, how do you plead?

2 THE DEFENDANT: Guilty.

3 THE COURT: Count II, Attempted Murder with the
4 Use of a Deadly Weapon, how do you plead?

5 THE DEFENDANT: Guilty.

6 THE COURT: Count III, Conspiracy to Commit
7 Robbery, how do you plead?

8 THE DEFENDANT: Guilty.

9 THE COURT: Did you do each of the things the
10 State has alleged against you?

11 THE DEFENDANT: What's that?

12 THE COURT: Did you do what the State has alleged
13 against you?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: And, Mr. Neahusan, do you further
16 stipulate to a factual basis for these pleas?

17 MR. NEAHUSAN: Yes, Your Honor.

18 THE COURT: Mr. Gosselin, if you will sign the
19 Guilty Plea Memorandum now.

20 Thank you, Mr. Gosselin.

21 Counsel, do you anticipate a special set
22 sentencing?

23 MR. NEAHUSAN: Your Honor, I would anticipate
24 that, yes.

25 THE COURT: Of what duration?

1 MR. NEAHUSAN: Your Honor, I don't think it would
2 be over an hour.

3 THE COURT: Mr. Prengaman?

4 MR. PRENGAMAN: The State agrees with that.

5 THE COURT: Ms. Clerk, entry of judgment and
6 imposition of sentence sometime in September, please.

7 THE CLERK: September 20th at 10:30 a.m.

8 THE COURT: Will that work, counsel?

9 MR. NEAHUSAN: Let me just double-check my
10 calendar, but I believe so. Yes, Your Honor.

11 THE COURT: Anything else, counsel?

12 MR. NEAHUSAN: Yes, Your Honor. Prior to, excuse
13 me, separate and apart from the negotiation of the guilty
14 plea, there is an agreement to allow for an OR with Court
15 Services and Court Services supervision as well as a GPS
16 monitor on his ankle. I believe that is the extent of it.

17 Mr. Prengaman, am I forgetting anything?

18 MR. PRENGAMAN: I don't believe so. That is
19 correct, Your Honor. The State is in agreement and would
20 stipulate to release on those conditions.

21 THE COURT: Well, let me just think for a moment.
22 I don't want to step in front of counsel's agreement, but I
23 also don't advocate counsel's agreement. I exercise
24 independent judgment. I have nothing in this file that
25 tells me why an OR is appropriate other than an agreement

1 between counsel.

2 I have a gentleman who just pled guilty to First
3 Degree Murder. It seems to me that there should be some
4 support for his release in writing that I can review and set
5 a hearing to ask questions, if necessary. But I'm very
6 uncomfortable on my signature placing somebody, who has just
7 entered these three pleas, at liberty without more
8 information.

9 How long will it take for you to put together a
10 motion for his own recognizance release, Mr. Neahusan?

11 MR. NEAHUSAN: Based on that, Your Honor, I would
12 have it to you hopefully by the end of the day. If not, as
13 early as tomorrow morning, or at the latest tomorrow
14 morning.

15 THE COURT: Well, try and balance haste with
16 thoroughness. I'm a Judge who occasionally does not adopt
17 stipulations by counsel. I need to be persuaded.

18 I need to know who this man is and essentially all
19 of the statutory bail factors, even though the bail analysis
20 is different now that he has entered pleas of guilty and his
21 pretrial or pre-adjudication rights to bail have been
22 altered. I need something very thorough that would persuade
23 me on behalf of our community --

24 MR. NEAHUSAN: Yes, Your Honor.

25 THE COURT: -- this man should be at liberty.

1 Mr. Prengaman, I want something from you as well,
2 not just a one sentence I agree, because based upon, unless
3 I hear something or read something persuasive, he is going
4 to stay in custody. So do your job, Mr. Neahusan, in terms
5 of persuading me, and I will set it for hearing if I need to
6 after reviewing motion work.

7 MR. NEAHUSAN: Yes, Your Honor. I will get that
8 to you as quickly as possible.

9 THE COURT: Ms. Pitt, do you have anything?

10 MS. PITT: Good morning, Your Honor. Lori Pitt on
11 behalf of Court Services. We did not interview the
12 defendant at the time of his arrest due to the nature of his
13 charge.

14 I can, the only thing I can see is that he has had
15 a prior supervision with Pretrial that was successful in
16 2019, and he has an active case in Reno Justice Court for
17 Possession of a Controlled Substance and the last court date
18 does not have a status. It was a mandatory status
19 conference in March and I'm guessing maybe that's trailing,
20 but I don't know.

21 THE COURT: Do you know the nature of the charge
22 that he was supervised on in 2019?

23 MS. PITT: I believe it was child abuse. Just a
24 minute, Your Honor. I apologize, Your Honor, my computer is
25 really slow. It was child abuse neglect or endangerment,

1 resisting public officer, and that was concluded.

2 THE COURT: Mr. Prengaman, I'm going to ask a
3 question about sentencing. I don't want to create an
4 environment where you feel bound to answer or bound to
5 commit to a sentence. I'm wondering, only if you know and
6 have shared with Mr. Neahusan, should Mr. Gosselin
7 participate fully in cooperation do you know if you are
8 going to be asking for imprisonment or do you know if you
9 are going to be asking for probation?

10 MR. PRENGAMAN: Your Honor, I do not know that. I
11 would say, I would say I do not -- that is undecided at this
12 time.

13 THE COURT: Okay.

14 MR. PRENGAMAN: And, Your Honor, and I might, if
15 the Court is open to it, because the Court mentioned setting
16 a hearing, it might be more expeditious if we could set a
17 closed hearing to address the custody status.

18 I think it would be, I think the State -- I don't
19 want to speak for Mr. Neahusan, but I believe the same
20 concerns that underlie his references to the guilty plea
21 might also underlie the type of written memorandum that the
22 Court is requesting, and so if the Court is open to it, I
23 might ask the Court if the Court would be willing to set a
24 hearing for us to address that, to address that matter.

25 THE COURT: I'm trying to understand what you just

1 said. Are you anticipating that Mr. Neahusan is going to
2 attempt to file something under seal?

3 MR. PRENGAMAN: I don't want, that's why I'm
4 saying I don't want to speak for him. I think he might have
5 concerns about that, the nature of that pleading. And,
6 again, I don't want to speak for him, but I would certainly
7 be happy and I think it might be more expeditious if the
8 Court would be willing to allow us to have a closed hearing
9 to address it in lieu of the pleadings.

10 THE COURT: Well, I don't know. I mean, try and
11 do it through the Court's eyes. You know this gentleman,
12 right, you examined his participation in this crime, crime
13 of murder. You have been working on this case for probably
14 a year or more.

15 I have known him for 6 minutes and I have never
16 had somebody convicted of, either convicted by a jury or
17 pleading guilty to murder who goes to his own liberty
18 pre-sentencing, I never have, and now I'm hearing there is a
19 history.

20 And what he wants is different than my
21 responsibility to our community, and so I'm not sure that
22 I'm going to be persuaded to do a sealed hearing, because I
23 have to err on the side of being fully informed and
24 confident in the decision that I make.

25 And so, Mr. Neahusan, I guess I will let you tell

1 me what you are thinking, but then it's just going to have
2 to unfold in the ordinary course.

3 MR. NEAHUSAN: Your Honor, that places me in a
4 very uncomfortable position. There are some things in this
5 case that I think the Judge is required to know that we
6 would normally bring up at a sidebar, which are difficult to
7 do in the era of Zoom.

8 But this is a case where Mr. Prengaman and I have
9 discussed at length in detail and I think that a closed
10 hearing would be definitely more expeditious, but I
11 understand your statements as well where you are going to
12 need to be thoroughly briefed and vetted and comfortable
13 before allowing him out, and I understand that.

14 THE COURT: Is the purpose of the closed hearing
15 to protect your client or does it also include protection
16 for the prosecution, because I have to balance that desire
17 for protection with what is a public process, and I spent a
18 lot of time analyzing and adjudicating requests for privacy,
19 both in civil and criminal contexts, and we sometimes just
20 default to, Judge, we want to do in camera stuff. That
21 particularly happens when there is substantial assistance
22 type participation.

23 That's all fine, but it must be balanced with the
24 public's right to open proceedings, which are a check
25 against all of us. We who operate in this criminal justice

1 system are temporary occupants of a much larger system and
2 the public has the right to be aware of the work of the
3 judiciary.

4 So I'm not denying the public, or I'm not denying
5 a closed proceeding. I'm just sharing with you that I have
6 to balance and you are going to have to persuade me somehow.
7 So, counsel, I acknowledge that a sidebar is not possible
8 through Zoom, but I'm not going to do anything in a First
9 Degree Murder case that isn't reported, so I wouldn't take
10 you into the jury room in a sidebar right now.

11 MR. PRENGAMAN: Your Honor, I would not expect
12 that it would not be reported; however, there is a
13 difference between an open courtroom in the non-COVID time
14 and an open courtroom in COVID time where the stream is sort
15 of out and can be recorded, even though it's not supposed
16 to. It is a different, I think it's a different level of
17 access of view than it would be in a normal public hearing
18 in an open courtroom.

19 So that's all, Your Honor, and I certainly didn't
20 mean to do it without reporting the hearing, but simply that
21 I think it would be, my suggestion was I think it would be
22 more expeditious if we had, again, a hearing, a sealed
23 hearing.

24 THE COURT: When you say sealed, are you referring
25 to a non-Zoom proceeding or are you referring to a sealed

1 transcript and closed courtroom?

2 MR. PRENGAMAN: Your Honor, I would be referring
3 to a closed courtroom, so a courtroom where only the parties
4 and the defendant and the Court and Court staff are present
5 and one that was not being broadcast over the internet.
6 That's what I contemplate. Like a closed, in non-COVID time
7 would be a closed courtroom.

8 THE COURT: But not a sealed transcript?

9 MR. PRENGAMAN: Yes, Your Honor, correct.

10 THE COURT: I dearly want to accommodate
11 Mr. Gosselin's transport to the courthouse and a reported
12 closed courtroom proceeding and in a case such as this it's
13 appropriate, but I don't have the authority at the moment to
14 order that. I might after our Judges' meeting today.

15 MR. PRENGAMAN: And I was just thinking the
16 equivalent, Your Honor, would be that if we had a Zoom
17 hearing where the, it was again not broadcast or that if it
18 was begun that it was sealed at a point where the broadcast
19 ended and the only parties present in that hearing would be,
20 over the Zoom, would be the Court, the Court staff, the
21 parties, and the defendant.

22 THE COURT: I can accommodate that. We can just
23 do a separate Zoom hearing in which we know who the gallery
24 participants are, because there won't be any, but I'm still
25 unwilling to take the bench cold without information of some

1 type in written form.

2 Mr. Prengaman, at some point you have victims of
3 this crime. I know the primary victim is a decedent, but
4 there are those who are entitled -- are there any entitled
5 to constitutional notice of, you know, a Marsy's law
6 analysis?

7 MR. PRENGAMAN: Certainly, Your Honor, there are.
8 And we have discussed, this is something that I have
9 discussed with them. I have discussed Mr. Gosselin's
10 participation in this case, and as the Court indicated this
11 case does go back some ways and so I have been in
12 communication with the victim representatives for some
13 period of time and I have thoroughly discussed
14 Mr. Gosselin's participation in the case with them.

15 THE COURT: All right. So I have got to bring
16 this to the end, because this is one of I think 12 or 13 or
17 14 cases I have had and it has expired the time allotted.
18 Here is what's going to happen.

19 I'm going to receive something in writing to which
20 the State is going to respond and then I will schedule a
21 Zoom hearing on the request, and we will limit the Zoom
22 participants to the two attorneys, Court staff, and
23 Mr. Gosselin himself. No other person will be invited to
24 observe or participate, and we will do that sometime next
25 week. Do you want to set that time now, counsel?

1 MR. NEAHUSAN: Yes, please.

2 THE COURT: Let me look at my calendar.

3 MR. NEAHUSAN: Jacob, call me when you get a
4 chance today.

5 THE DEFENDANT: All right.

6 THE COURT: Monday at 2:00 next week.

7 MR. PRENGAMAN: That's good for the State,
8 Your Honor.

9 MR. NEAHUSAN: Your Honor, I have hearings
10 scheduled all day, but if it's dependent on the trial that's
11 going on right now, there was some warning that the trial
12 might go into next week, so, therefore, my hearing would be
13 pushed back. I haven't gotten any information on that as of
14 yet and I had requested some information.

15 I'm just checking to see if we have gotten any
16 response. The hearings for next week are not going to be
17 able to go due to our current trial, so it looks like they
18 are going to be rescheduled.

19 THE COURT: Monday of next week, a week from
20 today, at 2:00.

21 MR. NEAHUSAN: I'm good to go on that date.

22 THE COURT: Ms. Clerk, do we need to confirm with
23 the County Jail that they can make Mr. Gosselin available?

24 THE CLERK: Your Honor, I will do that after
25 court, but I'm sure that he can be available.

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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 THE STATE OF NEVADA,

10 Plaintiff,

Case No. CR20-4005

11 v.

Dept. No. 15

12 JACOB DANIEL GOSSELIN,

13 Defendant.
14 _____ /

15 GUILTY PLEA MEMORANDUM

16 1. I, JACOB DANIEL GOSSELIN , understand that I am charged
17 with the offense(s) of: COUNT 1. MURDER OF THE FIRST DEGREE WITH THE
18 USE OF A DEADLY WEAPON, a violation of NRS 200.010 and NRS 200.030
19 and NRS 193.165; Count 2: ATTEMPTED MURDER WITH THE USE OF A DEADLY
20 WEAPON, a violation of NRS 193.330 and NRS 193.165; and Count 3:
21 CONSPIRACY TO COMMIT ROBBERY, A VIOLATION OF NRS 199.480 AND NRS
22 200.380.

23 2. I desire to enter pleas of guilty to the offenses of,
24 COUNT 1: MURDER OF THE FIRST DEGREE WITH THE USE OF A DEADLY WEAPON,
25 a violation of NRS 200.010 and NRS 200.030 and NRS 193.165; Count 2:
26 ATTEMPTED MURDER WITH THE USE OF A DEADLY WEAPON, a violation of NRS

1 193.330 and NRS 193.165; Count 3: CONSPIRACY TO COMMIT ROBBERY, A
2 VIOLATION OF NRS 199.480 AND NRS 200.380, as more fully alleged in
3 the Information filed against me.

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

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

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

10 C. I waive my right to confront my accusers, that is, the
11 right to confront and cross examine all witnesses who would testify
12 at trial.

13 D. I waive my right to subpoena witnesses for trial on my
14 behalf.

15 4. I understand the charge(s) against me and that the
16 elements of the offense(s) which the State would have to prove beyond
17 a reasonable doubt at trial are:

18 As to COUNT 1. MURDER OF THE FIRST DEGREE WITH THE USE OF A
19 DEADLY WEAPON: That on or about January 14, 2020, at Reno Township,
20 within the County of Washoe, State of Nevada, I, acting in concert
21 with Daniel Negrette Munoz as a conspirator and abettor, did
22 willfully, unlawfully, and with malice aforethought, deliberation,
23 and premeditation, kill and murder EDWARD LONG, a human being, by
24 means of shooting EDWARD LONG in the face and/or head with a deadly
25 weapon, which was a handgun, thereby inflicting mortal injuries upon
26 the said victim from which he died on January 14, 2020;

1 In that the killing occurred in the perpetration or
2 attempted perpetration of a burglary, kidnapping, and/or robbery, to
3 wit: I did willfully and unlawfully conspire and agree with Daniel
4 Negrette Munoz to kidnap, assault and/or batter, commit burglary
5 against, and rob EDWARD LONG, and in furtherance thereof, Munoz
6 inveigled, enticed, or decoyed EDWARD LONG to the area of the Sunset
7 Set Ridge Apartments, 2141 Centennial Way, with the intent to hold or
8 detain EDWARD LONG for the purpose of robbing and inflicting
9 substantial bodily harm upon him, and I, armed with a handgun and in
10 order to back up and assist Munoz and facilitate the kidnapping,
11 assault, and robbery, did accompany Munoz to his meeting with Long
12 and thereafter did follow Munoz and Long to the area of the Sunset
13 Ridge Apartments where Munoz confronted and attempted to rob Long,
14 during which I provided Munoz with the handgun Munoz used to shoot
15 the victim in the face and/or head.

16 As to COUNT 2. ATTEMPTED MURDER WITH THE USE OF A DEADLY
17 WEAPON: That on or about January 14, 2020, in Reno, Washoe County,
18 Nevada, I did willfully and unlawfully, acting in concert with Daniel
19 Negrette Munoz as a conspirator and abettor, attempt to kill and
20 murder EDWARD LONG, a human being, by means of shooting EDWARD LONG
21 in the face and/or head with a deadly weapon, which was a handgun;

22 In that the attempted murder occurred in the perpetration
23 or attempted perpetration of a burglary, kidnapping, and/or robbery,
24 to wit: I did willfully and unlawfully conspire and agree with Daniel
25 Negrette Munoz to kidnap, assault and/or batter, commit burglary
26 against, and rob EDWARD LONG, and in furtherance thereof, Munoz

1 inveigled, enticed, or decoyed EDWARD LONG to the area of the Sunset
2 Set Ridge Apartments, 2141 Centennial Way, with the intent to hold or
3 detain EDWARD LONG for the purpose of robbing and inflicting
4 substantial bodily harm upon him, and I, armed with a handgun and in
5 order to back up and assist Munoz and facilitate the kidnapping,
6 assault, and robbery, did accompany Munoz to his meeting with Long
7 and thereafter did follow Munoz and Long to the area of the Sunset
8 Ridge Apartments where Munoz confronted and attempted to rob Long,
9 during which I provided Munoz with the handgun Munoz used to shoot
10 the victim in the face and/or head.

11 As to COUNT 3. CONSPIRACY TO COMMIT ROBBERY: That on or
12 about January 14, 2020, at Reno Township, within the County of
13 Washoe, State of Nevada, I did willfully and unlawfully conspire with
14 Daniel Negrette Munoz to take money or other personal property from
15 the person of EDWARD LONG or from the presence of EDWARD LONG against
16 LONG's will and by means of force or violence or fear of immediate or
17 future injury to his person.

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

1 my plea.

2 6. I understand that as to Count 1. MURDER OF THE FIRST
3 DEGREE WITH THE USE OF A DEADLY WEAPON, I shall be punished by
4 imprisonment in the state prison: (1) For life without the possibility
5 of parole; (2) For life with the possibility of parole, with
6 eligibility for parole beginning when a minimum of 20 years has been
7 served; or (3) For a definite term of 50 years, with eligibility for
8 parole beginning when a minimum of 20 years has been served; plus an
9 additional consecutive term of imprisonment in the state prison for a
10 minimum term of not less than 1 year and a maximum term of not more
11 than 20 years for the deadly weapon enhancement. I understand that
12 probation is not available for this offense.

13 I understand that as to COUNT 2. ATTEMPTED MURDER WITH THE
14 USE OF A DEADLY WEAPON, I may be punished by imprisonment in the
15 state prison for a minimum term of not less than 2 years and a
16 maximum term of not more than 20 years, plus an additional
17 consecutive term of imprisonment in the state prison for a minimum
18 term of not less than 1 year and a maximum term of not more than 20
19 years for the deadly weapon enhancement. I understand that probation
20 is available for this offense.

21 I understand that as to COUNT 3. CONSPIRACY TO COMMIT
22 ROBBERY, I may be punished by imprisonment in the state prison for a
23 minimum term of not less than 1 year and a maximum term of not more
24 than 6 years. I understand that probation is available for this
25 offense.

26 I understand that my sentences as each offense may run

1 consecutively, meaning one after the other (in other words, I would
2 have to finish serving the sentence for one offense before starting
3 to serve the sentence for the next offense), or concurrently, meaning
4 I would begin serving the sentences for more than one offense at the
5 same time. I understand that whether the sentences for more than one
6 offense run consecutively or concurrently will be determined by the
7 court.

8 7. Agreement to Cooperate. In exchange for my pleas of
9 guilty, the State, my counsel and I have agreed to the following:

10 (a) I agree to cooperate fully with the State (meaning the Washoe
11 County District Attorney's Office representing the State) and any other
12 state or local law enforcement agency, as directed by the State. As used
13 herein, "cooperation" and "cooperate fully" requires me, in Washoe County
14 Second Judicial District Court case CR20-0308 (State v. Daniel Negrette
15 Munoz, relating to the death of Edward Long), or any case arising out of
16 or relating to the offenses charged in the Information on file in Second
17 Judicial District Court case CR20-0308 (State v. Daniel Negrette Munoz,
18 relating to the death of Edward Long): (i) to respond truthfully and
19 completely to all questions, whether in interviews, in correspondence,
20 telephone conversations, before a grand jury, at a preliminary
21 examination, or at any trial or other court proceeding; (ii) to attend
22 all meetings, grand jury proceedings, preliminary examinations, trials,
23 and other proceedings at which my presence is requested by a
24 representative of the State or compelled by subpoena or court order;
25 (iii) to provide all information and evidence within my knowledge or
26 control concerning the offenses charged in the Information on file in

1 Second Judicial District Court case CR20-0308 (State v. Daniel Negrette
2 Munoz, relating to the death of Edward Long), with all such information
3 being full, complete, accurate and truthful; and (iv) not to participate
4 in any criminal activity while cooperating with the State.

5 (b) If I commit any crimes or if any of my statements or testimony
6 prove to be knowingly false, misleading, or materially incomplete, or if
7 I otherwise violate this Agreement to Cooperate in any way, the State
8 will no longer be bound by its representations to me concerning the
9 limits on criminal prosecution and sentencing as set forth herein. The
10 State, for example, may opt to proceed to sentencing upon Count 3, which
11 I am pleading guilty to in this case, and be free to argue for any
12 appropriate sentence. The determination whether I have violated this
13 Agreement to Cooperate will be under a preponderance-of-the-evidence
14 standard. If I violate this Agreement to Cooperate, I shall thereafter be
15 subject to prosecution for any criminal violation of which the State has
16 knowledge, including but not limited to Perjury. Because disclosures
17 pursuant to this Agreement to Cooperate will constitute a waiver of
18 the Fifth Amendment privilege against compulsory self-incrimination, I
19 recognize that any such prosecution may be premised on statements and/or
20 information provided by me. Moreover, any prosecutions that are not time-
21 barred by the applicable statute of limitations as of the date of this
22 Agreement to Cooperate may be commenced in accordance with this
23 paragraph, notwithstanding the expiration of the statute of limitations
24 between the signing of this Agreement and the commencement of any such
25 prosecutions. I agree to waive all defenses based on the statute of
26

1 limitations or delay of prosecution with respect to any prosecutions that
2 are not time-barred as of the date of this Agreement to Cooperate.

3 (c) If it is determined that I have violated any provision of this
4 Agreement or if I successfully move to withdraw my pleas outside of the
5 parameters of this agreement: (i) all statements made by me to the
6 government or other law enforcement agents, or any testimony given by me
7 before a grand jury or court, whether before or after this Agreement,
8 shall be admissible in evidence in any criminal, civil, or administrative
9 proceedings thereafter brought against me; and (ii) I shall assert no
10 claim under the United States Constitution, Nevada State Constitution, or
11 any statute or rule, that statements made by me before or after this
12 Agreement, or any leads derived therefrom, should be suppressed. By
13 signing this Agreement, I waive any and all rights in the foregoing
14 respects.

15 (d) I agree that the sentencing in this case will occur after the
16 trial of any case arising out of or relating to the offenses charged in
17 the Information on file in Second Judicial District Court case CR20-0308
18 (State v. Daniel Negrette Munoz, relating to the death of Edward Long). I
19 hereby agree to any continuances of the sentencing hearing in this case
20 that are necessary to cause my sentencing herein to occur after such a
21 trials.

22 (e) In exchange for my cooperation, the State will agree that at
23 the time of sentencing herein, I may plead withdraw my guilty plea to the
24 charge of Murder of the First Degree (Count 1) that I am pleading guilty
25 to in this case, and be sentenced only upon the second and third charges
26 I am pleading guilty to in this case, Count 2: Attempted Murder With The

1 Use Of A Deadly Weapon, and Count 3: Conspiracy to Commit Robbery. The
2 State will not file any additional criminal charges or enhancements
3 resulting from my arrest in this case.

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

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

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

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

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

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

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

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

1 **SEAN NEAHUSAN, ESQ.**
2 **State Bar No. 11224**
3 **Neahusan Law**
4 **300 S. Arlington Ave. Suite B**
5 **Reno, NV 89501**
6 **Telephone: (775) 432-1581**

7
8 **IN THE SECOND JUDICIAL DISTRICT COURT**
9
10 **IN AND FOR THE COUNTY OF WASHOE, STATE OF NEVADA**

11 **THE STATE OF NEVADA,**

Case No.: CR20-4005

12 **Plaintiff,**

13 **vs.**

14 **MOTION FOR**
15 **OWN RECOGNIZNANCE RELEASE**

16 **JACOB DANIEL GOSSELIN,**

17 **Defendant.** /

18 **COMES NOW, Defendant, JACOB DANIEL GOSSELIN, by and through**
19 **his attorney of record, SEAN NEAHUSAN, ESQ., and hereby moves this Hon-**
20 **orable Court for an own recognizance release. It is requested that defendant**
21 **be released from custody on her own recognizance with enhanced supervision**
22 **conditions.**

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **INTRODUCTION**

3
4 **Defendant, JACOB DANIEL GOSSELIN, has plead to Count I, Murder of**
5 **the First Degree with the Use of a Deadly Weapon, a violation of NRS 200.010**
6 **and NRS 200.030, Count II, Attempted Murder with the Use of a Deadly Weap-**
7 **on, a violation of NRS 193.330 and NRS 193.15, and Count III, Conspiracy to**
8 **Commit Robbery, a violation of NRS 199.480 and NRS 200.380.**

9 **While Defendant knows this is an extraordinary request, it is made**
10 **based on the totality of the circumstances and the untenable situation he finds**
11 **himself in. Counsel is seeking an own recognizance release because of the**
12 **agreement made with the State, concern for his safety, and the support of**
13 **family, friends and community.**

14 **ARGUMENT**

15
16 **Nevada Revised Statute 178.498 is entitled, "Amount of Bail" and**
17 **provides, in pertinent part:**

18 **If the defendant is admitted to bail, the bail**
19 **must be set at an amount which in the judgment of the**
20 **magistrate will reasonably ensure the appearance of**
21 **the defendant and the safety of other persons and of**
22 **the community, having regard to:**

- 23 **1. The nature and circumstances of the offense**
- 24 **charged;**
- 25 **2. The financial ability of the defendant to give**
- 26 **bail;**
- 27 **3. The character of the defendant; and,**
- 28 **4. The factors listed in NRS 178.4853.**

29 **As indicated within NRS 178.498, "Amount of Bail," specifically set**
30 **forth within NRS 178.4853 lists the criteria to be used in determining the ap-**

1 **propriateness of an Own Recognizance Release or the amount of bail. The fac-**
2 **tors related to Mr. Gosselin are as follows:**

3 **1. The length of his residence in the community: Mr.**
4 **Gosselin has been married for just over a year, having been married on May 13,**
5 **2020. They have lived in their current residence in Washoe County, Nevada**
6 **since September 2020, while Mr. Gosselin has lived in Washoe County for the**
7 **last 4 years.**

8 **2. Status history of her employment.**
9 **Mr. Gosselin Has been employed as a landscaper for the last 3**
10 **years, at his last position for 6 months. His former employer has indicated**
11 **that he would hire Mr. Gosselin to work landscape if he were released.**

12 **3. Her reputation, character and mental condition:**
13 **Mr. Gosselin has been making efforts to overcome his past and his**
14 **drug addiction. He is in a very open and loving relationship with his wife.**
15 **Their combined family has 9 children, which Mr. Gosselin has taken multiple**
16 **parenting classes to be a better father. He maintains a close relationship with**
17 **his mother, aunt, and sister.**

18 **4. Her prior criminal record, including any record of his**
19 **appearing or failing to appear after release on bail or without bail: Mr.**
20 **Gosselin's Criminal History is not what would be hoped for while requesting**
21 **his own recognizance release.**

22 **5. The identity of responsible members of the community**
23 **who would vouch for the Defendant's reliability:**

24 **Mr. Gosselin is well-liked in his neighborhood and has many peo-**
25 **ple who would speak on his behalf including his wife, Melissa Gosselin**
26 **(Furbay), Doris Bennett, Jerry Gosselin, Darla Wallet, Julie Wagner, Cory**
27 **Armstrong, Wyatt Gerlock, Jesse Elizondo, Kelly Elizondo, Patty Wells, Chris-**
28 **topher Dolbeare, Jerry Austin, Elvita Indoe, Steve Wade, and many more.**

1 **6. The nature of the offense for which he is charged, the**
2 **apparent probable conviction, and a likely sentence, insofar as these fac-**
3 **tors relate to the risk of her not appearing:** The nature of the charge is
4 both serious and tragic.

5 **7. The nature and seriousness of the danger to any person in**
6 **the community that will be posed by the person's release:** While it is true
7 that Mr. Gosselin has pleaded to murder with a deadly weapon, the nature of
8 the agreement is such that he will be given a chance to withdraw this plea and
9 argue for probation. Mr. Gosselin would like the opportunity to show this
10 court that he is a person worthy of probation. Mr. Gosselin knows that any
11 failure to appear on his part, or any further criminal activity will remove his
12 right to withdraw his plea to the murder charge. The very fact that the plea
13 has been given is the strongest argument for his release as it leaves him with
14 much to lose.

15 **8. The likelihood of more criminal activity by the person**
16 **after he is released:** See above

17 **9. Any other factors concerning his ties to the community**
18 **or bearing on the risk that she may willfully fail to appear:** Mr. Gosselin
19 was free for almost a year after the incident and before he was taken into cus-
20 tody. He was checking in and committed no indiscretions during this time. He
21 has continued to improve his parenting skills through parenting classes. His
22 wife and children are at risk of losing their housing in his absence and the ab-
23 sence of his income. He plans on continuing his involvement in church and
24 continue providing for his family. He and his wife were attempting to, and
25 plan to continue attempts to, purchase a home for the family. While he was
26 out, he supported his wife while she attended college, which has been difficult
27 to continue this endeavor without Mr. Gosselin. While this case was pending,
28

1 **Mr. Gosselin fully cooperated with the investigation, even owning his own ac-**
2 **tions and involvement.**

3 **CONCLUSION**

4 **It is respectfully submitted that the above factors should, at this time,**
5 **come into play with respect to the Court's decision-making process, as should**
6 **the negotiations and agreement between the defendant and the State, wherein**
7 **the Defendant requests the Court grant an own recognizance release.**

8 **Mr. Gosselin would put more at risk by failing to attend every hearing**
9 **the Court sets for him, and therefore is not a risk to flee. The agreement into**
10 **which he entered, not only gives him the rope to climb out of the hole or hang**
11 **himself, it is already tied in a noose around his neck. Furthermore, he is will-**
12 **ing to comply with any specific conditions of release the court deems appro-**
13 **priate.**

14 **WHEREFORE, it is respectfully requested JACOB DANIEL GOSSELIN**
15 **released on his own recognizance and/or with any other conditions that re-**
16 **quire him to remain in the Washoe County area and continue working in his**
17 **current occupation.**

18 **DATED this 21st day of May, 2021.**

19
20 **NEAHUSAN LAW**

21 **/s/Sean Neahusan**
22 **SEAN NEAHUSAN, ESQ.**
23 **Attorney for Defendant,**
24 **JACOB DANIEL GOSSELIN**

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AFFIRMATION PURSUANT TO NRS 239.B.030

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

DATED this 21st day of May, 2021.

NEAHUSAN LAW

**/s/Sean Neahusan
SEAN NEAHUSAN, ESQ.
Attorney for Defendant,
JACOB DANIEL GOSSELIN**

*** * * * ***

CERTIFICATE OF SERVICE

Pursuant to NRCP 5 (b) I hereby certify that I am an employee of Neahusan law and that on this date I sent via U.S. Postal Service, first class, postage pre-paid, a correct copy of the foregoing Motion for Reduction of Bail to the following:

**Washoe County District Attorney's Office
1 South Sierra St
Reno, NV 89501
Attn: Luke Prengeman, Esq.**

DATED this 21st day of May, 2021.

**/s/Sean Neahusan
Sean Neahusan, Esq
NEAHUSAN LAW**

Your Honor,

On behalf of Jacob Gosselin, I Melissa Gosselin wife of a year, am writing on behalf of his character. I believe to know Jacob to the fullest extent of his heart. We have had extensive conversations about many things in our lives and in the world since we met.

We currently have 9 kids together ranging from four to seventeen, of whom all see him as their primary male role model and amazing father. This has greatly impacted our lives especially due to his absence. We are at risk of losing our home due to the lack of income resulting from his incarceration. Jacob has taken many parenting classes to become the best father he can be for our children. He has taught myself some very valuable ways to parent our children to be the best they can be for our society.

The man I've come to know and love I could not see committing such a horrendous crime. I know you have seen the horrors of the world and I believe you will not see that in the eyes of the man standing in front of you. I know him to be a very kind hearted man who works to the fullest extent to provide for his immense family and friends. He is the most dedicated family man I have ever met.

Given the chance I believe he can prove to the courts exactly the man I have described. Thank you for taking the time to read my character witness letter.

Respectfully,

Melissa Gosselin

Your Honor,

I am a friend of the family of Jacob Gosselin and have known Jacob since 2012. I think he is a intelligent and loving family man and an asset to our society.

It would be devastating to his family and children to have him incarcerated when they depend on him for love and support. I know Jacob is a hard working young man with an excellent future ahead of him.

Please consider leniency as he is a needed father and provider for his children.

Sincerely,

Darla J. Watlet

Family Friend

Dear your honor I have known Jacob Gosselin since 2017. out of All the years I have known Jacob Gosselin I have seen him grow into a loving, caring, kind, protective father I have seen him grow such a beautiful family. he is a hardworking father to All his kids including his step kids. he work hard to make sure his kids are fed, healthy, safe, and clean. he makes sure his kid's are taken care of before him self. he is such a loving, caring, and an amazing father, friend, husband. I myself think his kids couldn't ask for a better father. Jacob Gosselin is always there for anybody when they need help or they need anything he will always do the best he can to help. Jacob Gosselin is like a dad to me. me and his son have been friends for longer then I can remember. Jacob Gosselin was always there for me since day one. he always made sure I was safe, fed and always made sure he treated me just like his own child. your honor I dont think I have met some one so amazing in my entire life time then Jacob Gosselin.

Sincerely

Sabrina
Wideen

1 CODE #4185
 2 SUNSHINE REPORTING SERVICES
 3 151 Country Estates Circle
 4 Reno, Nevada 89511
 5 (775) 323-3411

6
 7

8 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
 9 IN AND FOR WASHOE COUNTY
 10 HONORABLE DAVID A. HARDY, JUDGE

11 -o0o-

12 STATE OF NEVADA,
 13 Plaintiff, Case No. CR20-4005
 14 vs. Dept. No. 15
 15 JACOB DANIEL GOSSELIN,
 16 Defendant.

17 /

18
 19 TRANSCRIPT OF PROCEEDINGS
 20 ARRAIGNMENT
 21 MAY 24, 2021
 22 HELD THROUGH AUDIO VISUAL TRANSMISSION

23
 24

25 REPORTED BY: AMY JO TREVINO, CRR #825

A P P E A R A N C E S

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FOR THE PLAINTIFF:

LUKE J. PRENGAMAN, ESQ.
Deputy District Attorney
One South Sierra Street
P.O. Box 30083
Reno, Nevada 89520
328-3286

FOR THE DEFENDANT:

NEAHUSAN, A. SEAN, ESQ.
300S. Arlington Ave, Suite B
Reno, NV 89501
(775) 432-1581

1 WASHOE COUNTY, NEVADA, MAY 24, 2021, 2:00 P.M.

2 -o0o-

3
4 THE COURT: Good afternoon, Mr. Neahusan,
5 Mr. Prengaman. I see Mr. Gosselin is present. He is in
6 custody. This is the time set for a hearing on Mr. Gosselin's
7 request for his own recognizance release. I read the motion.
8 Doesn't tell me much. In fact Mr. Neahusan, you were very
9 careful as you passed over his criminal history. I'm simply
10 running Mr. Gosselin's criminal history was not what we would
11 hope for while requesting a recognizance relief. At some point
12 I want counsel to tell me what that criminal history is, but
13 also give you an opportunity to tell me things that you were
14 uncomfortable saying last week when we were in court. I'll
15 begin with Mr. Neahusan.

16 MR. NEAHUSAN: Your Honor, the reason we asked for
17 this to be kind of a closed hearing is this is a situation
18 where the plea deal anticipates full cooperation from my client
19 in the prosecution of another individual. In exchange for that
20 plea deal he will be -- in exchange for that cooperation he
21 will be allowed to withdraw his plea to the murder in the first
22 degree with a deadly weapon charge.

23 Because of the understanding within the detention
24 facility, my client has already received some threats to his
25 life and we anticipate that those will continue to happen,

1 which is why we negotiated with Mr. Prengaman to seek a very
2 monitored and structured release after his entry of plea so
3 that he can safely deliver the testimony that is expected of
4 him.

5 Your Honor, this is a situation where my client does
6 have some involvement, and he recognizes his involvement in the
7 case, and that's why I didn't go deep into his criminal history
8 because he does have some felonies in his criminal history, and
9 he does have some culpability here, Your Honor, and he knows
10 that and understands that. He was making changes in his life
11 and long story short, Your Honor, he is a drug addict and he
12 was making changes in his life and made some bad decisions,
13 which led to him being around an individual that has a powerful
14 influence on his life. And in the process of that he did
15 provide the firearm in this case, and in his mind this was most
16 likely going to be a shake down and nothing more, and the
17 firearm was for protection only and, unfortunately, that's not
18 how things turned out.

19 He understands his culpability. He is not trying to
20 shirk his responsibility or the debt he owes society. He has
21 tried to do what is right and do so by cooperating fully with
22 the State, but he is in fear of his life at this time,
23 especially if he continues to remain in custody.

24 He does have a job waiting for him when he gets out
25 with the landscape architect firm or a landscaping firm. He

1 has a wife, and I don't know if all nine kids live with them,
2 but they have combined nine kids, and he has voluntarily gone
3 out of his way to take parenting classes so that he can relate
4 not only to his natural born kids, but to all the children that
5 are in the home.

6 Your Honor, he has been making some changes in his
7 life and, unfortunately, he relapsed and it caused a very bad
8 string of events in his life. He is taking culpability for his
9 actions. He is standing up for what is right and he is putting
10 himself at risk and he understands that.

11 It's the request of Mr. Gosselin, and it was agreed
12 upon by Mr. Prengaman, that he be allowed to be released
13 pending the duration of this trial so that he can remain safe
14 and provide the testimony that is expected of him, that he can
15 make the commitments that the District Attorney's office will
16 have of him. It is not his intention to leave Washoe County.
17 It is not his intention to fail his responsibility, because he
18 knows if he does, he will from that day on forever and ever be
19 a convicted murderer. As it is he is going to be convicted of
20 attempted murder, and he understands that and he understands
21 why that is, and he is taking culpability for that action, Your
22 Honor. And he is ready to move forward, but I do fear for his
23 safety in the Washoe County detention facility, and I do hope
24 that you will uphold the negotiation that Mr. Prengaman and I
25 went through to get here.

1 Now that being said, the plea deal was separate and
2 apart from this agreement to let him out, so we are not -- if
3 you do not let him out, we will not be looking to withdraw the
4 plea, so I want that to be clear, but I do hope that you will
5 value the work that Mr. Prengaman and I went into to get to
6 this point and assist us in getting the murder charge and the
7 murder conviction where it should be. Thank you.

8 THE COURT: Let me just pause for a minute.
9 Mr. Neahusan, I would like you to respond to one of the Court's
10 concerns. I ask it not to be argumentative in any way but to
11 be intellectual, to be intellectually courageous and to
12 demonstrate intellectual integrity. You can imagine that I see
13 many, many people whose liberty is impaired, and I also hear
14 judge, I'm afraid to be in custody, I'm not safe in custody. I
15 recently tried a case that was charged as first degree murder.
16 There was a conviction of the shooter. Similar to this case
17 the person who assisted the shooter took a plea and testified
18 against his cousin at trial, and he was in custody for what
19 must have been two to three years it seems, afraid for his
20 safety, with threats to his safety. This morning I sentenced
21 somebody to prison who possessed and rebroadcast images of a
22 three-year-old child being anally and orally raped, and I can't
23 imagine that person is feeling secure about his safety in
24 custody. But when do I become the guarantor of safety as
25 opposed to yielding to our correctional professionals who

1 screen risk factors, who segregate and protect as necessary,
2 how do I have the ability to say Mr. Gosselin is safer in the
3 community, essentially with no supervision, an addict with
4 essentially no supervision. I know he has to check in with
5 Pretrial Services, but how do I make the intellectual decision
6 that I know better for his safety than the Washoe County
7 Sheriff?

8 MR. NEAHUSAN: Your Honor, while that is where my plea
9 was headed, you know, actually you are correct, that isn't your
10 call. It isn't, shouldn't be your concern, but it is my
11 concern and, you know, it's the emotional plea that I have at
12 this point is we have an individual who was, who is an addict
13 and who has made horrible decisions in his past and in his
14 present. Now that being said, while this case was pending he
15 fully cooperated with the police. He was out and checking in
16 and doing well. He was working. He was checking in. He made
17 every appointment that the detectives had with him and he
18 showed the character of who he is when he is not using. And I
19 think the important factor is when he is not using. So it is
20 anticipated by both myself and Mr. Prengaman that Mr. Gosselin
21 would be tested most likely daily to make sure he is staying
22 clean and sober, because if he's not clean and sober, that's
23 when he goes the wrong direction.

24 We also anticipated putting him on the SCRAM bracelet
25 for GPS so it would be known immediately if he tries to break,

1 and they would know where he was at all times, and he would
2 only be allowed, and Mr. Prengaman can correct me if I'm wrong,
3 he pretty much would be allowed to go to work, go home, go to
4 counseling and church services, and I don't know if there was
5 anything else that was contemplated, which is really all
6 Mr. Gosselin wants is he wants to be at work, he wants to
7 provide for his family, he wants to be at home, and he wants to
8 be able to worship.

9 One thing of note for me that while he has been in
10 custody he has been in contact with the clergy there and he has
11 been working very hard to make himself right with the Lord as
12 well as with the State, and that has started with when he
13 started dating his current wife and, Your Honor, every
14 conversation I have had with both him and his wife is about
15 getting him right both physically, mentally and emotionally.
16 And I think that's what the concern is here, is that we want
17 him right. We don't want just another person in the system.
18 We want him to be a productive member of society, and he can't
19 show he is going to do that, going to be that from inside the
20 system.

21 Now, I know that your concerns are with public safety
22 and in a case like this, that is absolutely a valid and
23 important concern and, Your Honor, I will just go back to how
24 he handled the situation after the fact. He immediately
25 started helping with the police as soon as this case started.

1 He was -- I don't know and Mr. Gosselin can correct me on this
2 one, because I forgot to ask this particular question, I don't
3 know if he went to the police before they came to him, but I
4 know that his entire interactions with the police have been in
5 cooperation and in conjunction with their investigation. And,
6 Your Honor, I know that this is the highest level of concern.
7 I mean there are no greater crimes in the State of Nevada other
8 than capital murder, and I understand that, and I know this is
9 a big ask, but I see in Mr. Gosselin an individual who has the
10 potential to overcome even these obstacles and show this Court
11 that it can place its faith in him, and he understands that if
12 he steps one foot out of line, because he is probation
13 eligible, if he cooperates fully, he will be probation
14 eligible, and he understands if he gets out and steps even one
15 foot out of line, he is going away for a very long time and
16 there is nothing anybody can do about that. And he wants this
17 opportunity to prove to himself and to you that he can stay
18 clean and sober and that he can do this thing to keep himself
19 in a position where he can still help his family.

20 I don't know if that exactly answers your question,
21 Your Honor, I know --

22 THE COURT: You did a great job acknowledging what is
23 concerning and offering a plea on behalf of your client, which
24 I would expect nothing less.

25 When you say he has felonies, how many felonies, what

1 felonies, and how distant in time?

2 MR. NEAHUSAN: Your Honor, if I could leave that to
3 Mr. Prengaman. I have an incomplete criminal history and
4 that's one of the reasons I was dodging with his criminal
5 history. I know that he has more than one felony. I believe
6 they are all drug related, but again, I will leave that to
7 Mr. Prengaman to address because I don't have a complete
8 criminal history.

9 THE COURT: The second concern that I have that I just
10 give voice to and invite your response, Mr. Neahusan, is
11 implicated by your reference to probation eligibility.
12 Presentence opportunities is a two edged sword. On the one
13 side of that sword is an experiment with the defendant's
14 liberty to determine how the defendant accepts that gift and
15 magnifies the opportunity. But the other side of that sword is
16 that presentence liberty sometimes does not serve the over-all
17 interests of justice. Hypothetical grounded in cumulative
18 experiences is some young defendant, early 20s, born into
19 privilege and affluence commits a crime. Parents immediately
20 bail that person out thinking that they are doing what is best
21 for their child and in reality they are actually harming their
22 child because the short term victory also results in a long
23 term defeat, and I don't know what the State's position is
24 going to be on sentencing, I have no idea. I know nothing
25 other than these two experiences I have had in the last week

1 with you and Mr. Prengaman, but if there is any chance that
2 your client is going to receive probation, any chance, I have
3 to be personally satisfied that there has also been a punitive
4 response on behalf of the State. So sometimes when counsel
5 argues so strenuously for what their client wants today, they
6 neglect what may be best for their client tomorrow. Do you
7 have any thoughts when I say that?

8 MR. NEAHUSAN: As you were discussing that, the
9 thoughts that were going through my head is, because I could
10 see where you were headed, and I don't disagree with you, but
11 at the same time my thoughts are if we don't give him the
12 opportunity to show he can do it, he is not going to get the
13 opportunity to show that he can do it. These charges are
14 serious, and at the end of trial if he is still in custody, and
15 not to say that you will do this, Judge, but if I was sitting
16 on the bench and he was in custody, my thought would be why
17 would I move him, why would I release him, because he has shown
18 nothing to show me that he is going to succeed. So my thought
19 on that is you give him the rope, Your Honor, and he knows that
20 it is already tied in a noose, and it's around his neck, and he
21 can either climb out of the hole he has put himself in or he
22 can pull the wrong way and hang himself. But if he is not
23 given the opportunity to show that, then we are going to judge
24 him as an inmate rather than judging him as a person. And I
25 believe that everybody has the opportunity or should have the

1 opportunity to be judged as a person. And Mr. Gosselin knows
2 that his history and this particular case, this case in
3 particular, puts him behind the eight ball to begin with. He
4 doesn't have any wiggle room whatsoever and he knows that, and
5 he knows that this is not, even this request is an uphill
6 battle at this point and he knows that. But it's our hope that
7 he is given the opportunity to show you, Judge, the type of,
8 the caliber of person he has become and how this incident as
9 well as the cumulative incidents in his background have pushed
10 him to a breaking point and rather than break, he has
11 redirected and is moving towards society instead of away from
12 society.

13 THE COURT: Thank you. Mr. Prengaman, could you
14 detail Mr. Gosselin's criminal history, please?

15 MR. PRENGAMAN: Yes, Your Honor. And so the
16 combination of what I have, just so the Court knows, is an NCIC
17 printout. We don't have any presentence investigation here
18 locally in Washoe County. So this is a combination of his
19 NCIC, and then I have a certified copy of his 2003 convictions
20 which details the charges there. So just so that the Court
21 knows that.

22 So in 1998 he was arrested, and I can go into as much
23 as the Court would like in terms of arrests as opposed to
24 convictions, but in 1998 he was arrested on a number of charges
25 including theft, taking vehicle without owner consent,

1 possession of a dangerous weapon, and he was ultimately
2 convicted of the taking of the vehicle without an owner's
3 consent, a felony. And that felony conviction is reflected on
4 his, again, on that NCIC printout. There was a failure to
5 appear on a felony charge attached to -- I don't want to mix
6 that up, so that comes later, Your Honor. So there is that
7 1998 felony conviction. He in 2003 was arrested, and it
8 appears on two separate cases in California, and I do have the
9 certified copies from that case and the, it appears that the
10 failure to appear was attached to that case. It appears to be
11 a failure to appear at some point while that case was pending.
12 Ultimately as a result of two separate cases CRF10219 and
13 CRF12804 he was ultimately convicted of the following charges.
14 First degree residential burglary, auto theft, escape with
15 felony charges pending, evading arrest, possession of
16 ammunition by a prohibited person and possession of a
17 controlled substance. He then in 2009 --

18 THE COURT: Did he go to prison in 2003?

19 MR. PRENGAMAN: Let me go back to that. Yes, Your
20 Honor. So in that case -- well, it appears ultimately, Your
21 Honor, this is a little difficult especially the California
22 case. If you will just give me one moment, Your Honor.
23 Actually, it appears on that case, Your Honor, that it appears
24 from reading the history he was given a probationary sentence
25 and that probation was revoked and that he ultimately went to

1 prison in that, on those charges that I just read, but it does
2 appear from the dispositional sheet that I'm looking at that it
3 reflects a revocation of probation the ultimate sentence that
4 he was sent to prison on those charges.

5 So it looks like probation resulted, but ultimately
6 was revoked, was ultimately a prison sentence. I do not have
7 the -- the sentence on the 2008 case for the Court's
8 information.

9 THE COURT: Well, you didn't tell me the conviction.
10 You described it as a 2009 case.

11 MR. PRENGAMAN: Yes, Your Honor.

12 THE COURT: 1998 case, the 2003 series of crimes, and
13 then next in his history.

14 MR. PRENGAMAN: So the 2009 case -- I was going to try
15 to tell the Court, the criminal history doesn't reflect, it
16 just shows to me that the 1998 resulted in the conviction, but
17 it does not appear that I can tell the sentence or what the
18 result was in that case. I was trying to find that out for the
19 Court. So the 2009 case was an arrest for possession of a
20 dangerous weapon or in California possession slash
21 manufacturing slash sale of a dangerous weapon, etcetera, is
22 the charge. And then failure to appear on a felony charge.
23 And both of those charges reflect ultimately dismissed. So
24 there was no, no apparent resulting conviction from the 2009
25 arrest.

1 There was a -- and then there was a 2002 arrest for
2 possession of a dangerous weapon with no disposition reported.

3 And then in 2019 there was a child abuse. He was
4 convicted in Washoe County of gross misdemeanor child neglect.

5 And then in 2004 there are arrests for -- so for the
6 Court's information, so the criminal history, the NCIC printout
7 was 2004 arrest from escape from jail, taking a vehicle without
8 owner's consent, burglary, and false ID to police officers. It
9 appears to me, and again, I cannot guarantee it 100 percent,
10 but it appears to me from the notations that that reflects the
11 probation violation. So that it appears to me that he was
12 arrested while on probation, because those charges track the
13 charges that I read earlier from the certified copy of the
14 judgment. And it appears -- and then there is a notation he
15 was convicted, committed to prison, and it appears to me that
16 that is again a result of a probation violation. So the arrest
17 being while he was on probation he was arrested, and then
18 ultimately sentenced to prison. So I do not believe that
19 reflects additional charges, rather the arrest that resulted in
20 his ultimate revocation. And I think that is, that reflects
21 the charges that I see on his NCIC, Your Honor.

22 THE COURT: Mr. Prengaman, why would you -- what do
23 you see that I don't see that would cause you to stipulate to
24 an OR release?

25 MR. PRENGAMAN: Your Honor, I'm not so sure that I

1 would characterize what do I see that the Court doesn't see,
2 but from my position I can summarize the following. First, as
3 the Court knows, you know perfect world we would have perfect
4 evidence and perfect accountability, but the real world that
5 the State's ability to prosecute accused criminals tracks the
6 evidence, the State needs proof beyond a reasonable doubt in
7 order to hold any defendant accountable, and as we all know
8 probable cause doesn't cut it. It's not even close.

9 So in this case there are two individuals involved. I
10 think the evidence in this case clearly indicates that
11 Mr. Gosselin is involved as an aider and abettor, but he is not
12 the shooter. And in this case the police's priority, which I
13 think rightfully so, was the highest priority was to make a
14 case against a shooter who because of his more significant
15 accountability versus the accomplice or the person who was not
16 the shooter, and again, in a perfect world there would be
17 perfect accountability. In this case when the police developed
18 Mr. Munoz and Mr. Gosselin as suspects and ultimately contacted
19 them, Mr. Munoz did not, was not cooperative in the sense of
20 initially giving any type of statement to the police.
21 Mr. Gosselin, and I don't want the Court to come away from the
22 information that he opened up right away and gave full
23 cooperation, I don't believe that represents what happened, but
24 he through a series of interviews, what I would characterize
25 two main interviews with some follow up, he provided

1 ultimately -- so initially I think he was trying to be, I would
2 again characterize his initial kind of statements as attempting
3 to minimize his involvement, but ultimately he acknowledged and
4 provided, he acknowledged his involvement and provided an
5 account of what happened.

6 The police, and again, I'm summarizing and I am not
7 repeating anything verbatim or purporting to, but I believe the
8 police in the course of their contact with Mr. Gosselin told
9 him that they, their priority was to hold the shooter
10 accountable and be able to successfully prosecute and prove the
11 case against the shooter and that they were willing to use
12 Mr. Gosselin as, again, my summary, not their verbatim words,
13 but they viewed Mr. Gosselin as having lesser involvement, and
14 therefore, having the role of a witness, because at that point
15 they did need information about what happened.

16 Mr. Gosselin was not arrested. He was at liberty
17 during the investigation stage of the case. He provided some
18 surreptitious recordings, because Mr. Munoz was staying with
19 Mr. Gosselin before the murder and for awhile after. He made
20 some surreptitious recordings of, although I wouldn't
21 characterize them as containing an outright confession, but
22 they did have statements from Mr. Munoz that were, I would say
23 showed guilty knowledge, and did provide helpful information to
24 the police that they ultimately brought to bear when they were
25 able to have an interview with Mr. Munoz. And in that

1 interview I believe Mr. Munoz to a large degree corroborated
2 many of the things that Mr. Gosselin had ultimately told the
3 police in giving his account of the offense.

4 And so when this, when ultimately the police
5 determined they had sufficient evidence and arrested Mr. Munoz
6 for the murder, it was their determination to use Mr. Gosselin
7 as a witness, because as the Court knows, due to the various
8 rules of evidence and so forth, if he were to be arrested, his
9 statements and his account of the crime would have been off
10 limits to the State. The State would have been unable to use
11 them unless the State negotiated some type of bargain to do so.
12 So it was determined that they were -- again, nobody is
13 suggesting, I'm not suggesting that is ideal, however, I will
14 suggest that it was tolerable in this case because of the need
15 for evidence and because again, sometimes in these cases and
16 these investigations a determination has to be made that you go
17 after the person with the most culpability or the person who
18 you have the most evidence against, and that's not always a
19 pleasant to make, but it has to be made. And in this case it
20 was made in favor of pursuing the most culpable individual, the
21 person that actually stood in front of the victim and shot the
22 victim.

23 So this case proceeded on to preliminary hearing and
24 during that time Mr. Gosselin was not under arrest, he was
25 not -- he was at liberty. I subpoenaed him and my intention

1 was to call him to testify at the preliminary hearing. The
2 defendant, Mr. Munoz waived, so we all showed up on the day of
3 the preliminary hearing, including Mr. Gosselin pursuant to
4 subpoena. That morning before the hearing proceeding Mr. Munoz
5 waived his appearance so no preliminary hearing occurred, no
6 testimony was taken.

7 Now, after that I did have contact with Mr. Gosselin
8 and he indicated to me that he had -- and I was up front with
9 him. I told him my intention was to call him as a witness. I
10 told him that I was making absolutely no promises about what
11 would happen to him, that he was welcome to consult a lawyer if
12 he wished. And so he did later tell me that he had consulted
13 with a lawyer and that his advice from the lawyer was that he
14 should invoke his 5th Amendment privilege as to anything that
15 implicated him in any type of criminal liability, but that he
16 could testify about things that implicated or incriminated
17 Mr. Munoz, and he indicated to me it was his intention to
18 follow that advice. And that knowledge is what ultimately
19 prompted the State to file the charges in this case, because,
20 and again, and that was essentially the extent. I took what he
21 told me. I never gave him any indication that he shared that
22 with me, and then at a later time I determined that that
23 essentially rendered him if he were to try to do what he had
24 indicated, that that was not tenable for me to use him as a
25 witness in that fashion, because it would essentially be

1 impossible and largely render his testimony -- I don't think I
2 could have elicited testimony in the case under those
3 circumstances without either granting him immunity or charging
4 him.

5 And so I made the decision to charge him, because I
6 believe there is truth beyond a reasonable doubt as his
7 involvement as an aider and abettor in this event and
8 ultimately spoke to Mr. Neahusan and negotiated his
9 cooperation.

10 Now, I tell that to the Court so that the Court can
11 see again, this is not a perfect world and not the choice which
12 faced the police and then later the State in terms of how to go
13 forward; in other words, essentially go forward on both or go
14 forward on the one who is most culpable with the best possible
15 evidence. And that again was not an ideal choice but a choice
16 that was made and again, it's not ideal, but I would have
17 certainly tolerated having Mr. Gosselin out of custody. Had he
18 not determined to invoke his 5th Amendment privilege, I would
19 have tolerated him being out of custody as a witness in this
20 case and had him testify again as I was at the prelim, at the
21 trial. And so from that perspective while again, I don't think
22 it is ideal or working in a perfect world, but in terms of what
23 the Court is presented with I see it in this way.
24 Mr. Gosselin's testimony is significant to the State's case,
25 that's why the negotiation is what it is. I, as the Court

1 indicated earlier, it's the first time I heard a defendant in
2 this situation indicate that he has concerns about his safety.
3 Now, not everyone is actually threatened. I have not
4 infrequently heard the concern I'm worried or worried about
5 being in custody. It is different to actually be threatened.
6 He is in custody. He is in the same facility as Mr. Munoz.
7 They are not in the same unit but they are in the same
8 facility. And, again, in a perfect world you could have
9 perfect separation and no communication, and I think very
10 highly of the Sheriff's Office and the job that they do, but
11 again, it's not a perfect world always and people are able to
12 communicate in the jail in ways that get around the best
13 efforts of the Sheriff's Office to prevent that. And so I
14 don't have conclusive proof that Mr. Gosselin has been
15 threatened, but I'm not -- if given the circumstances, I can't
16 say that I disbelieve him that he was threatened, so I take
17 that at face value and that is a concern.

18 Now, that by itself would not bring me to the point of
19 agreeing to an own recognizance release, however, the nature of
20 the plea bargain as much as I think is possible does give me
21 the belief that he has as much incentive as is humanly possible
22 to fulfill his side of the plea bargain as well as refraining
23 from further criminal activity, and that is in large part
24 because he has pled guilty to the offense of first degree
25 murder, so first degree murder which carries a potential

1 possibility of life without possibility of parole. This is not
2 a case where this is pending charge where he is agreeing to
3 cooperate with the State, cooperate in providing truthful
4 testimony or face that charge, or it's not one, in other words,
5 where if he doesn't fulfill his end he just moves forward in
6 the process. It's a situation where it's a guarantee, if he
7 doesn't fulfill his side of the bargain or if he violates any
8 term of our negotiations, and that includes committing other
9 criminal offenses, it includes being available, keeping the
10 State apprised of his contact information and whereabouts, if
11 he violates our negotiation, it is not again an abstraction, he
12 will be going to prison, and the only question is whether it is
13 for life without the possibility of parole or 20 to life, plus
14 the deadly weapon enhancement, or for 20 to 50 plus the deadly
15 weapon enhancement. That's it. So it is not an abstraction.
16 Any violation of our negotiation results in a guaranteed
17 conviction of first degree murder and the corresponding
18 sentence.

19 And so that, Your Honor, more than really anything
20 else is as much insurance as I think is possible that
21 Mr. Gosselin will be an acceptable risk in the community under
22 the circumstances of this case.

23 THE COURT: Thank you.

24 MR. PRENGAMAN: And if I might, Your Honor, just to
25 follow up on something that the Court said, as I was thinking

1 about it and I think the Court's point is well taken, in terms
2 of, I hate the phrase setting someone up to fail, because I
3 think that is what we commonly hear in court, references made
4 to the situation, and I don't like that because I don't think
5 it accurately represents the personal responsibility that
6 attaches, but I think what the Court was getting at is
7 essentially would it be better for Mr. Munoz (sic) to stay in
8 custody versus get out, potentially do something like use, get
9 caught using, and be back in front of the Court for sentencing.

10 I merely want to point out to the Court that under the
11 terms of our agreement any criminal offense he commits is a
12 breach of our bargain, and as the Court could see from the
13 Guilty Plea Memorandum, we have a standard of proof, he doesn't
14 need to be convicted, but I merely need to establish to the
15 Court by a preponderance of the evidence that he has conducted
16 some criminal conduct or some breach of our bargain. And so,
17 again, is that a hundred percent guarantee? It's not. There
18 is no hundred percent guarantee. However, I do believe and I
19 just wanted to point that out in terms of addressing what the
20 Court brought up. Mr. Neahusan is absolutely correct, it is
21 the defendant's choice. There is an argument to be made not
22 just in this case, maybe more so in this case given the stakes,
23 but in many cases that some defendants are better off in
24 custody, because they can't hurt themselves or they can hurt
25 themselves less in custody they can outside by virtue of their

1 conduct, by violating the terms of release, by creating a
2 recent record to the Court that they are not to be trusted on
3 supervised release, things like that. And I think he is right
4 but that's a choice of this defendant. That's something that
5 he can consider, and I'm simply addressing the circumstances.
6 And, again, from my perspective, from the State's perspective
7 prosecuting this case to let the Court know where the State is
8 coming from, and I think the, again, it's a choice for him but
9 it's, I believe that there is the most incentive possible to
10 insure again that he is a reasonable risk while out in the
11 community attaches in this case.

12 THE COURT: Thank you. I would like to just pause.

13 I begin by complimenting both attorneys, which
14 reflects my appreciation for your different roles. There is a
15 time a decade ago when I arrived at the criminal calendar and
16 had some growing pains with the State, because the State would
17 reach negotiations with the defense and I would strive to
18 understand the negotiations when asked to accept them. And I
19 would regularly ask why is this just. What underlies the
20 negotiations. The State's attorneys would regularly say well,
21 Judge, I can't breach the negotiations, and I would say I'm not
22 asking you to breach them, I'm asking you to educate me. And
23 the tension got pretty hot, went up to the top at many times
24 and from time to time the State would say through the Chief and
25 Mr. Gammick, well, you are asking the State's attorney to admit

1 on the record in the presence of the defendant things about the
2 case that they prefer not to share. Witness problems, for
3 example, evidence problems. Never fully understood that, and
4 as I reflect a decade later upon what you said, Mr. Prengaman,
5 I admire the way you diplomatically conveyed your perception of
6 this case as an administer of justice. I'm not unduly
7 complimenting you over Mr. Neahusan, I'm using that phrase
8 administer of justice because it's grounded in prosecutorial
9 ethics.

10 As I listened to counsel, I began to think that much
11 of what I am hearing now is really a statement in mitigation of
12 punishment, and I'm trying to place into the category of a
13 presentence release the information that may influence my
14 sentencing decision, and I'm intrigued by what I just heard,
15 and I hope to hear it and more at the time of the sentencing,
16 but I cannot discern a benefit to the community from having
17 Mr. Gosselin at liberty, particularly in light of his history
18 that goes back 23 years to include prior imprisonment, and one
19 of the themes that worked its way through that history was
20 weaponry, violence, and drugs. And sometimes I will hear
21 privately well, Judge, the defendant needs to be out at liberty
22 so that the defendant can assist law enforcement, and that's
23 not what I heard here. So I have got to balance what is the
24 benefit to the community of having somebody who has pled guilty
25 to first degree murder at liberty, and I can't discern any

1 benefit. I can discern risks to the community, risks to public
2 safety and social work.

3 So then I turn to what are the benefits to
4 Mr. Gosselin specifically. Well, Mr. Gosselin may demonstrate
5 a pattern of commendable living, which would underlie his
6 attorney's request for probation. He might, but I'm not
7 satisfied that I will be -- I'm not satisfied today that I will
8 be satisfied in September that a debt for his crime has been
9 satisfied. So that's six and a half dozen. It's just, I'm
10 identifying, I'm not seeing a benefit to him. I'm not seeing a
11 great burden to him. Some of what Mr. Prengaman just told me
12 actually inures to his favor about his choices to participate,
13 to be candid, to accept responsibility. Some of those showings
14 have already been made.

15 And so this hearing is really about what Mr. Gosselin
16 wants. He has a new relationship. He has some children who
17 need help. He has a job, a landscape laborer. This hearing is
18 that he wants out of custody. There is no real benefit for him
19 for being out of custody in the long term. There is no real
20 benefit to the community for him being out of custody. It's
21 what he wants, and what he wants is important but subordinate
22 to my responsibility to be the voice and values of our
23 community safety.

24 I am denying the motion for a presentencing release to
25 Mr. Gosselin's own recognizance. I do so without prejudice or

1 foreshadowing of what my sentencing may be. I have learned a
2 lot today, and I look forward to learn a lot more at the time
3 of sentencing, but Mr. Gosselin will remain in custody until
4 the time of sentencing.

5 Counsel, am I missing anything?

6 MR. NEAHUSAN: No, Your Honor.

7 THE COURT: Okay, thank you both. Well done.

8 Mr. Gosselin, we will see you in September.

9 Court will be in recess.

10 (Proceedings concluded.)

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

3

4 I, AMY JO TREVINO, an Official Reporter of the Second
5 Judicial District Court of the State of Nevada, in and for
6 Washoe County, DO HEREBY CERTIFY;

7 That I was present through audio visual transmission in
8 Department 15, of the above-entitled Court on May 24, 2021, and
9 took verbatim stenotype notes of the proceedings had upon the
10 matter captioned within, and thereafter transcribed them into
11 typewriting as herein appears;

12 That the foregoing transcript, consisting of pages 1
13 through 28, is a full, true and correct transcription of my
14 stenotype notes of said proceedings.

15 DATED: At Reno, Nevada, this 3rd day of April, 2022.

16

17

18

19

20

 /s/ Amy Jo Trevino _____
 AMY JO TREVINO, CRR #825

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22

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24

25

1 CODE: 4185
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4 Court Reporter

5
6 SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7 IN AND FOR THE COUNTY OF WASHOE

8 HONORABLE DAVID A. HARDY, DISTRICT JUDGE

9
10 STATE OF NEVADA,

11 Plaintiff,

Case No. CR20-4005

12 vs.

Dept. No. 15

13 JACOB DANIEL GOSSELIN,

14 Defendant.
-----/

15
16 TRANSCRIPT OF PROCEEDINGS

17 SENTENCING

18 Thursday, September 23, 2021

19 Reno, Nevada

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24 Reported by:

LORI URMSTON, CCR #51

APPEARANCES:

FOR THE PLAINTIFF:

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FOR THE DIVISION OF
PAROLE & PROBATION:

SARA CURRENCE

1 RENO, NEVADA; THURSDAY, SEPTEMBER 23, 2021; 10:55 A.M.

2 --o0o--

3 THE COURT: Turning now to CR20-4005, the State
4 versus Jacob Daniel Gosselin. Mr. Gosselin is present.
5 He's in custody. Mr. Prengaman is present for the
6 State.

7 Who do I have for the defense?

8 THE CLERK: Your Honor, I have gotten a couple of
9 emails from Sean Neahusan telling me that he is in a
10 trial. And I told him that we would be calling his
11 case very soon and he is still not in the attendee
12 section.

13 THE COURT: This case was special set for 10:30.
14 It is now 10:56. Regrettably I must enforce the
15 integrity of this process. Mr. Neahusan has previously
16 failed to appear in at least one other case for which
17 he was sanctioned.

18 Mr. Law Clerk, please prepare an order finding
19 Mr. Neahusan in contempt of court. You can see me in
20 chambers. We have a specific template order. And
21 because of that finding, which has occurred in the
22 direct view and presence of the Court, he is fined
23 \$500. That fine will be made payable immediately to
24 the Washoe County Law Library. And at some point

1 Mr. Neahusan will begin attending court promptly.

2 THE CLERK: Your Honor, do you want me to file
3 those emails into the case?

4 THE COURT: Not particularly. I don't care if you
5 do or don't. So let me just say yes. If you relied
6 upon them and you've brought them to my attention, they
7 should be part of the court's record. I haven't relied
8 upon them in making my decision.

9 Mr. Prengaman, at some point Mr. Neahusan is going
10 to appear. I don't want you to sit on Zoom until then.
11 If you can coordinate contact information with the
12 court clerk.

13 MR. PRENGAMAN: Yes, certainly, Your Honor, I will
14 do that. And if the Court is inclined, I don't know if
15 the Court is, but I don't oppose the Court continuing
16 the matter to a different date if the Court is inclined
17 to do that. And one reason I say that is because I
18 know that the victim's sister -- I saw her in the
19 gallery. I know that she is present and wishes to
20 attend the sentencing as is one of the lead detectives
21 involved in the case. I don't know the timeframe, but,
22 again, if the Court is contemplating that, the State
23 would not object just for the convenience of those
24 folks so that they won't be waiting around. The

1 sister, for instance, really does wish to attend the
2 sentencing, the victim's sister.

3 THE COURT: I want all who wish to participate to
4 participate. That's why counsel's absence is so
5 outrageous, because we all await his convenience. I
6 don't think I should say anything else.

7 Ms. Clerk, will you please promote Mr. Long's
8 sister.

9 THE CLERK: Yes, Your Honor.

10 Mr. Prengaman, what is her name?

11 MR. PRENGAMAN: She's the last name Gosselin,
12 Melissa Gosselin.

13 THE CLERK: Okay. Sorry.

14 MR. PRENGAMAN: I'm sorry. I apologize. That's
15 the defendant's -- that is the defendant's wife. She
16 indicated that she was going to appear. And I see that
17 there's like a guest and -- but I do not see her --
18 excuse me for just a second. She might -- I believed
19 that she was going to attend. She might be the one
20 that indicates the "Viewer."

21 THE CLERK: Okay.

22 MR. PRENGAMAN: But I thought I saw her in there
23 earlier.

24 THE CLERK: The person titled "Viewer" just dropped

1 off.

2 THE COURT: I wanted her promoted because I wanted
3 to know if she would like to just continue to wait for
4 another hour or two or 10 minutes. I have no idea when
5 Mr. Neahusan is going to appear or whether I should set
6 it for another date certain, but I have no confidence
7 Mr. Neahusan is going to appear then either.

8 MR. PRENGAMAN: And I apologize, Your Honor. I was
9 hoping that -- again, I don't want to -- I just wanted
10 to let the Court know that I would not be objecting to
11 that if the Court was inclined to do it.

12 THE COURT: I'll recall the case at 11:30. We'll
13 see if everybody is here. Please remember to mute
14 yourself.

15 (A recess was taken.)

16 THE COURT: This is CR20-4005. Mr. Prengaman is
17 present for the State. Mr. Neahusan is present for
18 Mr. Gosselin who is present in custody. This is the
19 time set for entry of judgment and imposition of
20 sentence.

21 Counsel, I wanted to begin by asking the question
22 that developed when I read the file materials.
23 Mr. Gosselin and Mr. Munoz Negrette -- I don't know
24 exactly the pronunciation -- are co-defendants in the

1 same crime, yet each appear in different departments.

2 When I read the file involving Mr. Munoz Negrette,
3 to include the order on suppression, I wondered if a
4 single judge should impose sentence to ensure that each
5 sentence is contextualized by the other and that there
6 was some consistency. I'm not devoted to the answer.
7 I presume Mr. Gosselin came to Department 15 because of
8 our assignment protocols that exist in the clerk's
9 office and his -- assignment protocols in the clerk's
10 office.

11 So I'll begin with the State and then Mr. Neahusan.
12 So, Mr. Prengaman and Mr. Neahusan, is there any
13 benefit to either side by marrying these two defendants
14 together at the same time for sentencing?

15 MR. PRENGAMAN: Your Honor, obviously I won't speak
16 for the defense. I don't believe so. We have --
17 Nevada's sentencing is individualized sentencing. I
18 don't believe there's any -- obviously the Court, as
19 you've indicated, Your Honor, is familiar with the
20 file, with the case. I don't see any, I guess, benefit
21 to sort of deviating from the court's standard
22 assignment process in sentencing to have a single judge
23 impose sentence. Unless there's anything specifically
24 the Court was concerned about that I could address, I

1 don't see a reason to do that.

2 THE COURT: Well, the only concern I would have is
3 that if one of the two sentencing judges -- if the two
4 sentencing judges just saw this offense so differently
5 that either the State or the defendant was somehow
6 penalized by that difference. When I think about
7 Mr. Munoz Negrette --

8 How do you say his name, Mr. Prengaman?

9 MR. PRENGAMAN: Ne-gret-ta.

10 THE COURT: Mr. Munoz Negrette I believe is now
11 guilty of second degree murder with minimum parole
12 eligibility only after 10 years has been served. And
13 in this case I need to hear from the State about
14 dismissing Count I and Mr. Gosselin's compliance to
15 negotiations, but if Mr. Gosselin stands before the
16 Court on Count II the minimum parole eligibility is far
17 under 10 years. And so I don't know that there's going
18 to be great disparity in the sentences, because the
19 crimes are different. I just wanted to give everyone a
20 chance to be heard.

21 Mr. Neahusan, do you have any thoughts?

22 MR. NEAHUSAN: Your Honor, I actually think that
23 there might be a benefit in having them heard in the
24 same department, although not necessarily at the same

1 time. I believe that -- and I know Mr. Gosselin is
2 concerned that he's going to end up doing more time
3 than the individual that actually shot the person. I
4 know that that's been a concern of his for quite some
5 time since he heard that a deal was struck.

6 So I think that a single judge might have a benefit
7 of seeing both of them in the light of the incident
8 rather than each incident free of the other actor, if
9 that makes sense.

10 THE COURT: Let me just think for a moment.

11 Mr. Prengaman, has Mr. Gosselin complied with
12 negotiations and do you intend to seek the dismissal of
13 Count I?

14 MR. PRENGAMAN: Yes, Your Honor. So even though --
15 although we obviously did not proceed to trial, I
16 believe Mr. Gosselin's -- the possibility of him as a
17 witness was a significant factor. In my view he did
18 comply with his end of the bargain. My intention today
19 is to go forward on Counts II and III and ask that the
20 Court at the conclusion of sentencing on those two
21 counts dismiss Count I.

22 THE COURT: Without argument would you frame for me
23 what prison time you will seeking.

24 MR. PRENGAMAN: Well, Your Honor, I actually would

1 like to hear from the defense. If I may, I would like
2 to go in the normal order the Court would -- because it
3 will make -- I think it will assist me to some degree
4 to hear the defendant's position.

5 THE COURT: Let me see if I can play chess with you
6 a little bit, because I saw your hesitation.

7 Mr. Neahusan has expressed concern that this defendant
8 may be sentenced disproportionately and harshly to the
9 other defendant. One way for me to understand or
10 neutralize that is to know what the State's position is
11 going to be at sentencing and then compare it to the
12 possible range of sentence for the other defendant.
13 That's why I ask.

14 Now, if you truly don't know what your sentence is
15 going to be, just tell me and I'll trust you as an
16 advocate. But if you're being strategic with me and
17 just withholding what you already know, I'm going to
18 ask you to disclose it.

19 MR. PRENGAMAN: Your Honor, I'm not -- I would not
20 be canny with the Court. I can tell you I intend to
21 ask for the maximum sentence on Mr. Munoz. He was the
22 shooter. I know that to be the case. He shot the
23 victim in the face. I intend to ask for the maximum
24 sentence on him.

1 I do not intend to ask for the maximum sentence in
2 this case for Mr. -- I do intend to ask for prison
3 time, but I do not intend to ask for the maximum
4 sentence, certainly not -- and it would be just over --
5 Mr. Neahusan is correct. In theory if you gave the
6 maximum sentence on both II and III and ran them
7 consecutively, that would be just over the maximum
8 sentence of 18 to life in terms of the lower end, the
9 parole eligibility. That would be slightly over by I
10 think a year or a year and a few months over what is
11 possible on the second degree murder. I don't intend
12 to ask for that or close to that maximum.

13 THE COURT: Okay. And that's helpful for the
14 Court, because when there are -- I hear this voice in
15 my head telling me all cases are significant from the
16 de minimis gross misdemeanor all the way up to capital
17 A. I hear that each person who appears in front of me
18 either as an accused or a victim is important, and so I
19 want to make sure that my words aren't misunderstood.

20 My confidence in counsel, and I'm talking about the
21 State's attorney and the defense attorney, increases
22 with the severity of the case, the preparation of the
23 case for either trial or resolution, because I know
24 counsel are far more familiar than just the high volume

1 kind of conveyer belt processing we sometimes see.

2 And so if you're telling me that you're going to
3 ask for something today that is less than the maximum
4 available, that means a lot to me in terms of how I
5 shall listen. And I'm now satisfied that there's no
6 palpable benefit to consolidating these two cases into
7 one. So I will now proceed.

8 Mr. Gosselin, you previously entered a plea of
9 guilty to three counts: Count I, murder of the first
10 degree with the use of a deadly weapon; Count II,
11 attempted murder with the use of a deadly weapon; and
12 Count III, conspiracy to commit robbery. My
13 understanding is that the State is going to request
14 that Count I, murder, be dismissed. So as you address
15 the Court, I invite you to do so by reference to Count
16 II, attempted murder, and Count III, conspiracy to
17 commit robbery. If you wish to address the Court, this
18 is your time. You're not required to, but you may if
19 you would like.

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: Is there anything that you wish to say,
22 Mr. Gosselin?

23 THE DEFENDANT: Yes, Your Honor. First I want to
24 give my apologies to the victim's family if they're

1 listening. I'm haunted by this every day. This has
2 haunted me every day since. I was in the process of
3 trying to reach out to the family while I was out there
4 on the streets to give my apologies. I never made it
5 that far. But if they're listening I hope that they
6 understand that I'm not the one who took the life of
7 their loved one.

8 And I just ask for the mercy of the courts. I have
9 a son out there and he's 16 right now and he's kind of
10 leading down the same road I led when I was his age.
11 And he really needs my guidance. I have young ones
12 that I really hate to see grow up while I'm in here.
13 My wife and my kids really need me for support.

14 And I realize that I made the mistake by bringing
15 somebody a gun. It wasn't supposed to turn out the way
16 it did. And I'm sorry for it. I'm doing everything I
17 can to change my life in here. I've gotten baptized.
18 I've been doing substance abuse. Even though I
19 graduated I'm still continuing it.

20 Around this time that all this happened I was going
21 through a divorce after 10 years. I lived in the same
22 apartment complex as my kids. I wasn't able to see
23 them or talk to them. And then shortly after that my
24 dad passed away.

1 I wasn't thinking clearly when all this happened,
2 because if I was I wouldn't have done it, I wouldn't
3 have taken him a gun, and nobody would be dead. And I
4 beat myself up every day for it. And if I could turn
5 back the hands of time I would change everything about
6 it, but unfortunately what's done is done. But I've
7 been baptized. I attend -- still after I graduated I
8 still attend the substance abuse. I'm doing parenting
9 because everybody can do -- learn stuff from parenting
10 no matter what. I'm doing co-occurring and anger
11 management. And I'm just trying to better myself.

12 THE COURT: Thank you. In addition to your words
13 today, I want you to know that I read your written
14 statement.

15 Mr. Neahusan.

16 MR. NEAHUSAN: Your Honor, I don't think it's any
17 surprise today that I'm going to be asking the Court
18 for probation. I think we addressed that earlier in
19 this case when we were talking about his release prior
20 to sentencing. This is an individual -- and, Your
21 Honor, I don't say this lightly. This is one of the
22 more serious cases that I've handled, but this
23 particular client also is one of the people that have
24 shown the most regret and sadness over the situation.

1 He has a better understanding than most of what has
2 occurred and how his actions have impacted the lives of
3 others, not necessarily just the lives of those victims
4 of the incident but the lives of those who are related
5 to or otherwise attached to that victim as well as the
6 lives of those who are related and attached to him.

7 The facts of this case are -- the facts of the case
8 and the incident that led up to my client being here
9 before you today are interesting in that my client was
10 originally led to believe that he was helping a friend,
11 who turned out not to be such a great friend, protect
12 another individual. And that's what the purpose of the
13 firearm was for in my client's eyes at the time.

14 As they were there, it morphed into a potential
15 robbery. And upon providing the firearm to the
16 co-defendant, it morphed even further. The eyewitness
17 even claimed that my client was standing by not doing
18 anything. Now, my client was not involved in the
19 argument, my client was not involved in the shooting,
20 but he understands that as an aider and abettor he is
21 culpable just as much so as the primary in this case.

22 And he also understands that more importantly than
23 what this Court can do to him -- he has been baptized
24 since. He understands that more importantly than what

1 this Court can do to him, his actions have impacted
2 others. And he understands that he's got a lot to do
3 in his life to make up for the situation that he put
4 himself in.

5 He has also become -- he's also been married since
6 this incident occurred. And in the presentence
7 investigation, Your Honor, it mentions, I believe, four
8 kids. He actually helps take care of nine kids, three
9 of his own, three from a previous marriage and three
10 from his current marriage. So he has nine kids that
11 he's taking care of. He also listed off all the things
12 that he's doing while in custody to try to better
13 himself.

14 The thing that in my mind truly makes this
15 interesting is while he was not extremely forthcoming
16 right at the start, he was cooperative from the start
17 of the investigation. And he may have obfuscated, but
18 he didn't deny what was going on and he kind of led the
19 police to where they needed to be and was working with
20 the police to overcome this incident and was never
21 arrested.

22 He was arrested a year later on this incident on a
23 warrant. And the reason he was finally arrested, my
24 understanding, and Mr. Prengaman can address this as

1 well, is that he received some bad advice to plead the
2 Fifth and say he wasn't going to provide testimony.
3 And the State needed his testimony in order to get a
4 conviction. Therefore, he was arrested and charged as
5 an aider and abettor in this case.

6 Your Honor, one thing in the PSI that he wanted me
7 to address and I notice has been corrected in the new
8 PSI is that he does not have any gang affiliation. He
9 wanted me to mention that he has two prison trips.
10 While there were multiple counts on both of those, he's
11 only been sent to prison twice. Now, I say "only," and
12 that's, you know, more than most people get sent to
13 prison.

14 I understand that the State is going to be seeking
15 prison in this case and I understand the reason why. A
16 life was lost in this case. And while my client is
17 culpable in providing the weapon that ultimately took
18 the life of the victim in this case, between the drugs
19 that my client was on and his mental state at the time,
20 it's not hard for me to believe that he did not
21 understand the severity of the situation. He now does.
22 And he's taken it seriously and he's taken -- he has
23 not sat on his hands while he's in custody. And he
24 understands that this Court may send him to prison for

1 a significant amount of time.

2 It is his hope that this Court will see the changes
3 in him and the person that he has become in large part
4 because of this incident, because this has shocked him
5 into an understanding of the path that he was on and
6 the path that he wants to be on.

7 And he has made some changes in his life and
8 continues to make changes in his life and I believe
9 will continue to do so whether he is sent to prison or
10 not. But, Your Honor, this is an individual who, as I
11 mentioned earlier, I have never seen with my clients
12 someone who has been so tortured by the actions and the
13 outcome of their actions as Mr. Gosselin has been.

14 He has truly shown me the caliber of person that he
15 is and the caliber of person that he wants to strive to
16 be. He has a devoted wife that supports him. He's got
17 a mother and grandmother who are behind him completely,
18 a brother who protects him. And he now has a church
19 family that also is seeking his presence and to help
20 him through this healing process.

21 We're not trying to minimize what happened here,
22 Your Honor, but we do want the Court to recognize that
23 had he not forced the State's hands he may never have
24 even faced charges on this case. And now he is taking

1 responsibility for his participation in this tragic
2 event and he's ready to go forward.

3 We are asking for the Court to give him a stiff
4 sentence. In fact, when I was talking to Mr. Gosselin
5 I explained to him that I was probably going to ask for
6 the maximum suspended sentence -- or the maximum
7 sentence to be suspended on the condition that he be
8 granted probation with some very serious requirements
9 on him, to continue to work on his drug addiction, to
10 be on an ankle monitor for three months or longer if
11 the Court deems necessary, for him to continue checking
12 in with Probation and doing whatever it is Parole and
13 Probation finds requisite for him.

14 Your Honor, this is an individual who has some
15 history, who has a long history of drug use and whose
16 history is all clouded by that drug use. I think this
17 is an individual that if he was given drug court as a
18 condition of probation, it would help him to succeed.
19 And I'm not trying to minimize his criminal activity or
20 who he is, but I do want to say, Judge, that I think
21 this is an individual worth taking a chance on.

22 And with that I'll submit it. I apologize. I did
23 want to say in the alternative if the Court does want
24 to -- or does feel the need to send him to prison,

1 which I would understand, we would ask for the minimums
2 and that the Court aggregate the consecutive sentences
3 and run Count III concurrent to Count II. Thank you.

4 THE COURT: Thank you, counsel.

5 To the State.

6 THE DEFENDANT: Excuse me, Your Honor. I'm sorry.
7 I forgot to add in I spoke with Jennifer Johnson with
8 ACCS and I would be also continuing counseling services
9 at home with her as well.

10 THE COURT: Thank you, Mr. Gosselin.

11 To the State.

12 MR. PRENGAMAN: Thank you, Your Honor.

13 Your Honor, in a perfect world the police would be
14 able to obtain all possible evidence and in a case like
15 this where two people contribute to committing an
16 offense we would be able to hold them accountable to
17 the full extent of the law, but it's not a perfect
18 world.

19 Suspects lie. Witnesses lie. Witnesses try to
20 avoid cooperating with the police, try to evade the
21 police. And sometimes in spite of the very best
22 efforts of the police, they wind up with evidence that
23 may not be sufficient as to one or the other of an
24 offender.

1 And as I indicated when we were addressing bail,
2 Your Honor, in this case this is such a case where at
3 the outset I was in a position where I think the
4 evidence was quite strong as to Mr. Gosselin as an
5 aider and abettor, but we knew, and I know, I know that
6 he is not the shooter. The evidence that we know out
7 of court, not necessarily what we can use in court, but
8 we know from everything the police gathered that
9 Mr. Munoz was the shooter, the individual that stood
10 and shot another individual in the face with a gun
11 provided at the scene by Mr. Gosselin, and we know that
12 that is what happened.

13 But the prospect was that the case against
14 Mr. Munoz was not quite the same in terms of what the
15 evidence supported and due to the application of the
16 rules of evidence and Bruton and all the rules that
17 filters the evidence that the police obtained into what
18 can be used to prove guilt in court, Mr. Gosselin
19 was -- his testimony would be significant in holding
20 the shooter accountable. And that was the decision
21 made.

22 Rather than proceed against Mr. Gosselin, the
23 decision was made to proceed against the shooter, the
24 one who had more absolute culpability, absolute

1 decision making and culpability in causing the victim
2 in this case his death. And that is the way we
3 proceeded.

4 As I indicated again back at the prior hearing, my
5 intention since before I charged Mr. Munoz was to
6 proceed and call Mr. Gosselin as a witness. Had he
7 participated as a witness, as I told the Court, I would
8 not have charged him with Mr. -- what Mr. Neahusan said
9 is true. I would not have charged him had he
10 participated as a witness. However, he did indicate --
11 there came a point where he told me that he had
12 consulted a lawyer, that he would be invoking his right
13 to counsel, which, again, that's his absolute
14 privilege, that is his right, but it left me in the
15 position of proceeding against him with criminal
16 charges. And that's where we are today.

17 Again, it's not a perfect world. I do not find it
18 an appetizing choice or one that I enjoy to make a
19 decision to elect to proceed against one and not the
20 other, to elect -- to choose the lesser of evils, so to
21 speak. I don't relish explaining to the victim's
22 family that based on the evidence we have we kind of
23 have a choice to make in terms of who we hold
24 accountable.

1 And in my view the greater future danger is
2 Mr. Munoz, the one who again made the choice, the
3 decision to take a gun and shoot another human being in
4 the face at relatively close quarters. He is more
5 culpable. I perceive him as the greater future danger
6 were he to be out of custody, and therefore we
7 proceeded against him.

8 And I am not going to minimize. Mr. Gosselin's
9 potential testimony was a significant factor. That is
10 the reason the negotiation the Court sees before it
11 came to being. Again, I think -- again, I agree with
12 Mr. Neahusan. He is accurate and forthcoming that I
13 believe that had this case proceeded to trial a jury
14 easily would have found Mr. Gosselin guilty of first
15 degree murder as an aider and abettor, not as the
16 shooter but as an aider and abettor.

17 This negotiation represents a deal for him and in
18 recognition of his contribution to the State being able
19 to hold Mr. Munoz accountable to the degree that we
20 were able based again on the evidence available. As
21 the Court saw in the record, some evidence was
22 suppressed, and that's how we ended up with the
23 negotiation in that case. But even though we didn't go
24 to trial, Mr. Gosselin's potential testimony played a

1 significant role in us being able, the State being
2 able, to hold Mr. Munoz accountable by that conviction
3 to second degree murder with the use of a deadly
4 weapon.

5 Now, Mr. Gosselin not only has culpability, he has
6 a significant criminal history. And his culpability,
7 while lesser in the absolute terms, not necessarily in
8 legal terms, but in absolute terms is lesser, it is
9 still substantial. He still played a significant role
10 in the death of Edward Long.

11 I believe that in terms of -- well, let me address
12 probation. There may have been a time prior to the
13 current probation scheme by the legislature where I
14 suggest in abstract terms probation might have been
15 more, I guess, acceptable potentially, because there
16 was a day where this Court could have imposed the
17 maximum sentence that Mr. Neahusan is talking about on
18 an individual, again in the abstract, such as
19 Mr. Gosselin who had a significant history and told him
20 that "If I tell you that you can't use drugs, if I tell
21 you that you can't have alcohol, if I tell you that you
22 need to wear an ankle monitor, any violation, however
23 small, will result in you going to prison for the
24 maximum sentence, because given your history and your

1 culpability in this case society cannot tolerate to
2 have you out, the risk you pose if you were to violate
3 or even one violation," I don't think that's possible
4 now due to the current scheme that we have which
5 mandates and tolerates in my view quite a bit of
6 misconduct without the consequence of revoking the
7 sentence.

8 And I'm not saying that that would be appropriate
9 even under the prior scheme, but I'm just guessing it's
10 more palpable and it's something the Court should
11 consider, that the array of remedies for misconduct on
12 probation has been altered and it lessens the recourse
13 the Court has. And I suggest that that also means that
14 there's less risk that's tolerable on probation as a
15 result.

16 I believe that an appropriate sentence that
17 represents a fair accommodation between the role
18 Mr. Gosselin played in being able to hold Mr. Munoz
19 accountable but also balances his culpability in what
20 happened, which again was not insignificant, in light
21 of his history is a sentence of 7 to 20 years on the
22 attempted murder with a 1- to 20-year sentence for the
23 deadly weapon enhancement, a 24- to 72-month sentence
24 on Count III to run concurrent. And so that would

1 yield an aggregate sentence of 8 to 40 years on Count
2 III with Count -- I'm sorry -- on Count II with Count
3 III running concurrent.

4 And unless the Court has any questions, that
5 concludes the State's argument.

6 THE COURT: I guess I want to know a little bit
7 more about the facts of this offense, because I've
8 heard the defense perspective that the outcome was
9 different than the original intention. The Presentence
10 Investigation Report cites, I believe, twice this text
11 message from Mr. Munoz to Mr. Gosselin -- let me just
12 find it -- where Mr. Munoz purportedly says, "So I'm
13 going to tell him to pull over. Then come up with the
14 gun. Then I'll shoot him."

15 In the investigation of law enforcement and in your
16 preparation for prosecution, do you have evidence that
17 Mr. Gosselin knew Mr. Munoz would shoot Mr. Long?

18 MR. PRENGAMAN: Your Honor, I think that the
19 facts -- so in terms of the facts, that text message
20 was sent and received. That was a text message from
21 Mr. Munoz's phone to Mr. Gosselin's phone. I believe
22 the facts show that Mr. -- that the three -- so the
23 victim came together. So Mr. Long met up, again
24 arranged by Mr. Munoz by way of cell phone

1 communication. We have records of cell phone
2 communications leading up to the time of the murder
3 between Mr. Munoz's cell phone and the victim's cell
4 phone.

5 We have surveillance video that shows that the
6 victim corresponding to a couple of those calls showed
7 up at the gas station in his Jeep. He picked up
8 Mr. Munoz. Mr. Gosselin was in the parking lot in a
9 separate vehicle waiting. He was in the car waiting.

10 When Mr. Long drove away and drove up to the
11 ultimate area where the murder occurred, Mr. Gosselin
12 followed. You can see on the surveillance footage
13 Mr. Gosselin followed the Jeep in his vehicle up to the
14 scene.

15 Once they arrived at the scene they are separated,
16 so Mr. Gosselin is not in the same vehicle, he is not
17 in -- he is not present for any of the interaction
18 between Mr. Long and Mr. Munoz.

19 Now, when Mr. Gosselin spoke to the police he --
20 again, as Mr. Neahusan, you know, quite forthcoming
21 acknowledged, he didn't tell the truth right away. It
22 was a process of more information coming out over time.

23 According to Mr. Gosselin he claims in his
24 interview -- and, again, I can't quote it verbatim,

1 because I'm not looking at it, but in his interview he
2 told the police that he received a message that
3 essentially conveyed bring the gun. He said he didn't
4 recall receiving a message about shooting anyone. And
5 that's what he has maintained, that he does not recall
6 any part of the message but that he received a text
7 message about bringing the gun which is what triggered
8 him to leave the vehicle that he was in, meet Mr. Munoz
9 and hand off the firearm.

10 And I don't want to mispaint that in any way. So
11 that's why I took the time to go through that, Your
12 Honor. Because what I would say -- now, Mr. Gosselin
13 has maintained all along that he doesn't remember
14 seeing anything about shooting someone.

15 I believe that from those facts, however, you can
16 infer that he must have, because he acknowledged
17 receiving some text at least or some trigger in a text
18 message to bring the gun. And so he knew to bring the
19 gun. And the text message that we see on the phone,
20 again, that communication between them, in the string
21 it's basically where are you leading up to this point
22 where Mr. Munoz texts and says just what the Court
23 quoted exactly what is quoted in the Presentence
24 Investigation Report.

1 So, again, I don't want to say in absolute terms,
2 because I don't want to imply that Mr. Gosselin ever
3 contradicted himself, because he didn't on that point.
4 However, I would say, as I would have argued in any
5 trial on this case, that Mr. Gosselin did see that
6 text, because, again, he knew and acknowledged having
7 received a text about bringing the gun.

8 THE COURT: Mr. Prengaman, do you anticipate
9 anybody testifying on behalf of the victim?

10 MR. PRENGAMAN: I do not, Your Honor. I did try to
11 look into that again while we were on the recess, and I
12 do not believe there is anyone who wishes to address
13 the Court.

14 THE COURT: And do you affirmatively request
15 dismissal of Count I?

16 MR. PRENGAMAN: Your Honor, I would at the -- I
17 would ask that the Court -- I would affirmatively
18 request at the conclusion of the imposition of sentence
19 as to Counts II and III, so once the sentence has been
20 imposed, I would move that the Court then dismiss Count
21 I pursuant to our plea bargain.

22 THE COURT: Mr. Gosselin is adjudicated guilty of
23 Count II, attempted murder with the use of a deadly
24 weapon, a category B felony, and conspiracy to commit

1 robbery, a category B felony.

2 Mr. Gosselin will pay an administrative assessment
3 of \$25, a DNA administrative assessment of \$3, a DNA
4 test fee of \$150.

5 Mr. Neahusan, are you appointed in this case?

6 MR. NEAHUSAN: I am, Your Honor.

7 THE COURT: All right. And an attorney's fee of
8 \$500.

9 Well, I am not going to grant the request for
10 probation. I understand Mr. Gosselin is disappointed
11 by that, maybe not surprised. I am confident
12 Mr. Gosselin is sincere in his remorse, but a few
13 things militate against probation. One is the numeric
14 criminal history.

15 While Mr. Neahusan noted that some of the felonies
16 kind of aggregated together to common events, I cannot
17 overlook the fact that this is now the ninth and tenth
18 felony adjudication in Mr. Gosselin's 37 years. And as
19 I look at the criminal history, there are no
20 convictions that I would consider de minimus. They're
21 not like operating a vehicle without a safety restraint
22 or failing to register or some of the types of criminal
23 histories that I see. There's not even the mere
24 possession of drugs or paraphernalia. The history is

1 significant.

2 Second, the severity of this crime militates
3 against probation. And then I'll acknowledge what the
4 State has said regarding our probation scheme.

5 It is the judgment of this Court that Mr. Gosselin
6 be remanded to the Nevada Department of Corrections for
7 a term of imprisonment for a minimum of 7 years and a
8 maximum of 20 years as to Count I. Consecutive to that
9 is the deadly weapon enhancement which I am really
10 struggling with, because the State has asked for 12
11 months on the bottom end but 20 on the top. And what
12 that does is it ensures a long tail of supervision upon
13 Mr. Gosselin's release from prison.

14 So I understand why, but I'm reacting in a certain
15 way to 40 years as a consecutive maximum. And then I
16 think, well, if there was ever a case for a deadly
17 weapon enhancement, this is certainly it. This
18 homicide was committed because of a firearm, and
19 Mr. Gosselin delivered the firearm at the request of
20 his co-offender. Without Mr. Gosselin's participation
21 in this deadly weapon event, there would not be the
22 homicide we now have and Mr. Long would yet be alive.
23 So I decided to go with the State's recommendation of 1
24 to 20 for the deadly weapon enhancement.

1 As to Count III, I am sentencing Mr. Gosselin to a
2 minimum of 12 months and a maximum of 30 months to be
3 concurrent to Count II.

4 Do you have the aggregation, Ms. Clerk?

5 THE CLERK: (Nods head.)

6 THE COURT: Credit for time served.

7 MS. STAVNESS: Your Honor, for the record, Marissa
8 Stavness appearing on behalf of the Division. Credit
9 for time served is 211 days.

10 THE COURT: Credit for time served in the amount of
11 211 days will be ordered.

12 Counsel, am I missing anything?

13 MR. NEAHUSAN: No, Your Honor.

14 MR. PRENGAMAN: No, Your Honor.

15 THE COURT: I acknowledge those in the gallery.

16 We'll be in recess.

17 (The proceedings were concluded.)

18 --o0o--

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

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

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

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

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

19 DATED: At Reno, Nevada, this 14th day of
20 December, 2021.

21
22 LORI URMSTON, CCR #51
23 -----
24 LORI URMSTON, CCR #51

1 **CODE 1850**

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

8

9 **STATE OF NEVADA,**

10 **Plaintiff,**

Case No. CR20-4005

11 **vs.**

Dept. No. 15

12 **JACOB DANIEL GOSSELIN,**

13 **Defendant.**

14

15

JUDGMENT

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

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1 That Jacob Daniel Gosselin is guilty of the crime of Conspiracy to Commit
2 Robbery, a violation of NRS 199.480 and NRS 200.380, a category B felony, as charged in
3 Count III of the Information, and that he be punished by imprisonment in the Nevada
4 Department of Corrections for the maximum term of thirty (30) months with the minimum
5 parole eligibility of twelve (12) months, to be served concurrently to the sentence imposed
6 for Count II, with credit for two hundred eleven (211) days time served.

7 The Court, having found that the penalty imposed for the deadly weapon
8 enhancement be served consecutively to the underlying sentence imposed for Count II,
9 finds that the maximum aggregate term of imprisonment in the Nevada Department of
10 Corrections is forty (40) years, and the minimum aggregate term of imprisonment is eight
11 (8) years.

12 It is further ordered that the Defendant shall pay the statutory Twenty-Five
13 Dollar (\$25.00) administrative assessment fee; that he shall submit to a DNA analysis test
14 for the purpose of determining genetic markers and pay a testing fee in the amount of One
15 Hundred Fifty Dollars (\$150.00); that he shall pay the Three Dollar (\$3.00) administrative
16 assessment fee for obtaining a biological specimen and conducting a genetic marker
17 analysis; and that he shall reimburse Washoe County in the amount of Five Hundred
18 Dollars (\$500.00) for legal services rendered.

19 It is further ordered that the fees shall be subject to removal from the
20 Defendant's books at the Washoe County Jail and/or the Nevada Department of
21 Corrections. Any fine, fee, administrative assessment, or restitution ordered today (as
22 reflected in this Judgment) constitutes a lien, as defined in NRS 176.275. Should the
23 Defendant not pay these fines, fees, assessments, or restitution, collection efforts may be
24 undertaken against him.

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It is further ordered that Murder of the First Degree with the Use of a Deadly
Weapon, a violation of NRS 200.010, NRS 200.030, and NRS 193.165, a category A felony,
as charged in Count I of the Information, is hereby dismissed.

Dated this 23rd day of September, 2021.


DISTRICT JUDGE

FILED

In the District Court of Reno, Nevada
2021 OCT 19 PM 2:48

In and for the County of Washoe, State of Nevada
ALICE L. LERUD
CLERK OF THE COURT
BY DEPUTY

Jacob Daniel Gosselin; Plaintiff

Case No: CR20-4005

Dept. No: 15

Vs.

State of Nevada; Defendant

Motion

Notice of Appeal

Jacob Daniel Gosselin of the County of Washoe

State of Nevada wishes to verify that he would

like to invoke his right to an appeal for Case #

CR20-4005. In said appeal Jacob Gosselin will

be asking for a sentence reduction. Due to

1 Mr. Gosselin's substantial help to law enforcement

2

3 he feels that the amount of time given does not match

4

5 up. He was given 8-40 years when his co-defendant

6

7 Daniel Munoz is only looking at doing 10-50 years

8

9 During the proceeding of this case Mr. Gosselin was

10

11 supposed to be released on an ankle monitor according

12

13 to the deal he signed. Although Mr. Gosselin feels

14

15 he should not be let off entirely, he is asking his

16

17 sentence be reduced to 6-15 years.

18

19 Jacob Gosselin

Date: 10/13/2021

20

21

22 I am in the intake process and am limited

23

24 access due to Covid to forms needed. If you

25

26 could please give me a extension if this is not

27 good enough. I did not know I only had 30 days.

28 My Lawyer Sean Neahusen said I had 1 year.

1249389
Jacob Gosselin #1249389
Cell 5B-25
P.O. Box 7000
Carson City, NV.
89202



County Clerk of Reno
District Court Washoe County
One South Sierra St.
Reno, NV. 89520

quadrant

FIRST-CLASS MAIL

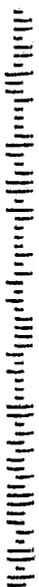
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NSF

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FILED

2021 NOV -1 PM 4:00

Jacob Daniel Gosselin

(Name)
1249389

(I.D. No.)

Northern Nevada Correctional Center
Post Office Box 7000
Carson City, Nevada 89702

ALICIA L. BERUD
CLERK OF THE COURT

BY [Signature]
DEPUTY

IN THE 2nd JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF Washoe

Jacob Daniel Gosselin

Petitioner/Plaintiff,

vs.

State of Nevada

Respondent/Defendant

Case No.: CR20-4005

Dept. No. 15

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that I, Jacob Gosselin appeal the
Judgment / Order entered on the 23 day of September, 2021 by this
court.

Dated this 20 day of October, 2021.

[Signature]
(Signature)

CERTIFICATE OF SERVICE BY MAIL

Pursuant to NRCP Rule 5(b), I hereby certify that I am the Defendant named herein and that on this 21 day of October, 2021, I mailed a true and correct copy of the foregoing NOTICE OF APPEAL to the following:

Washoe County District Attorney
P.O. Box 11130
Reno, NV. 89502


(Signature)

AFFIRMATION PURSUANT TO NRS 239B.030

** I certify that the foregoing document DOES NOT contain the social security number of any persons.

10/21/2021
(Date)


(Signature)

GOSSELIN, J. 1249389

Northern Nevada Correctional Center
Post Office Box 7000
Carson City Nevada 89702

quadrant 11851 0158
317

NOV 01 2021 \$000.53

ZIP 89701
010410951125

Second Judicial District Court

County of Washoe
75 Court Street,
Reno Nevada 89501

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