

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARK SIMS,

Appellant,

v.

THE STATE OF NEVADA,

Respondent.

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)
)

Case No. 84717

Electronically Filed
Jul 12 2022 08:52 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

RESPONDENT'S APPENDIX

ROBERT J. SCHMIDT
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Counsel for Appellant

Counsel for Respondent

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CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on July 12, 2022. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

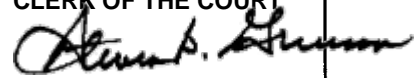
AARON D. FORD
Nevada Attorney General

ROBERT J. SCHMIDT
Deputy Public Defender

JOHN AFSHAR
Deputy District Attorney

BY /s/ E. Davis
Employee, District Attorney's Office

JA/Maricela Leon/ed



GPA
STEVEN B. WOLFSON
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200 Lewis Avenue
Las Vegas, NV 89155-2212
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Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

MARK SIMS,
#7528113

Defendant.

CASE NO: C-20-352400-1

DEPT NO: XXX

GUILTY PLEA AGREEMENT

I hereby agree to plead guilty to: **COUNT 1 – BATTERY BY STRANGULATION**
(Category C Felony - NRS 200.481 - NOC 54735), and **COUNT 2 – BATTERY**
CONSTITUTING DOMESTIC VIOLENCE (Misdemeanor - NRS 200.485(1)(A),
200.481(1)(A), 33.018 - NOC 50235), as more fully alleged in the charging document attached
hereto as Exhibit “1.”

I further agree to plead guilty to MALICIOUS DESTRUCTION OF PROPERTY
(Gross Misdemeanor - NRS 206.310, 193.155 - NOC 50905), in Case No. 20CR025134.

My decision to plead guilty is based upon the plea agreement in this case which is as
follows:

As to Count 1, the State retains the right to argue at sentencing but if Defendant does
not have any prior felony or gross misdemeanor convictions, then the State has no opposition
to probation with the condition of Mental Health Court. Defendant agrees to stay in custody
until accepted to Mental Health Court. If Defendant is not accepted to Mental Health Court,

1 then the State will not make any recommendation at sentencing. The Defendant agrees to pay
2 \$400.00 in restitution to the victim, Endria Castillo, and further, agrees to have no contact with
3 and will stay from Endria Castillo. As to Count 2, the parties agree to a sentence of credit for
4 time served. Further, in Case No. 20CR025134, if Defendant does not have any prior felony
5 or gross misdemeanor convictions, then the State has no opposition to probation with the
6 condition of Mental Health Court. Defendant agrees to stay in custody until accepted to Mental
7 Health Court. If Defendant is not accepted to Mental Health Court, then the State will not make
8 any recommendation at sentencing in Case No. 20CR025134 either. The Defendant agrees to
9 pay restitution to the victim, Lashanda Criss, in an amount to be determined, and further,
10 agrees to have no contact with and will stay away from Lashanda Criss. Finally, the State has
11 no opposition to concurrent time between cases.

12 I agree to the forfeiture of any and all weapons or any interest in any weapons seized
13 and/or impounded in connection with the instant case and/or any other case negotiated in
14 whole or in part in conjunction with this plea agreement.

15 I understand and agree that, if I fail to interview with the Department of Parole and
16 Probation, fail to appear at any subsequent hearings in this case, or an independent magistrate,
17 by affidavit review, confirms probable cause against me for new criminal charges including
18 reckless driving or DUI, but excluding minor traffic violations, the State will have the
19 unqualified right to argue for any legal sentence and term of confinement allowable for the
20 crime(s) to which I am pleading guilty, including the use of any prior convictions I may have
21 to increase my sentence as an habitual criminal to five (5) to twenty (20) years, life without
22 the possibility of parole, life with the possibility of parole after ten (10) years, or a definite
23 twenty-five (25) year term with the possibility of parole after ten (10) years.

24 Otherwise I am entitled to receive the benefits of these negotiations as stated in this
25 plea agreement.

26 CONSEQUENCES OF THE PLEA

27 I understand that by pleading guilty I admit the facts which support all the elements of
28 the offenses to which I now plead as set forth in Exhibit "1".

1 As to COUNT 1, I understand that as a consequence of my plea of guilty the Court must
2 sentence me to imprisonment in the Nevada Department of Corrections for a minimum term
3 of not less than ONE (1) year and a maximum term of not more than FIVE (5) years. The
4 minimum term of imprisonment may not exceed forty percent (40%) of the maximum term of
5 imprisonment. I understand that I may also be fined up to \$10,000.00. I understand that the
6 law requires me to pay an Administrative Assessment Fee.

7 Further as to COUNT 1, I understand that I am eligible for probation for the offense to
8 which I am pleading guilty. I understand that, except as otherwise provided by statute, the
9 question of whether I receive probation is in the discretion of the sentencing judge.

10 As to COUNT 2, I understand that as a consequence of my plea of guilty I may be
11 imprisoned in the Clark County Detention Center for a period of not more than SIX (6) months
12 and that I may be fined up to \$1,000.00.

13 Further as to COUNT 2, I understand that the State will use this conviction, and any
14 other conviction from this or any other State which prohibits the same or similar conduct, to
15 enhance the penalty for any similar subsequent offense, as detailed in the Battery/Domestic
16 Violence: Admonishment of Rights, which I have reviewed with my attorney and is attached
17 hereto as Exhibit "2."

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

22 I understand that I must submit to blood and/or saliva tests under the Direction of the
23 Division of Parole and Probation to determine genetic markers and/or secretor status.

24 I understand that if more than one sentence of imprisonment is imposed and I am
25 eligible to serve the sentences concurrently, the sentencing judge has the discretion to order
26 the sentences served concurrently or consecutively.

27 I understand that information regarding charges not filed, dismissed charges, or charges
28 to be dismissed pursuant to this agreement may be considered by the judge at sentencing.

1 I have not been promised or guaranteed any particular sentence by anyone. I know that
2 my sentence is to be determined by the Court within the limits prescribed by statute.

3 I understand that if my attorney or the State of Nevada or both recommend any specific
4 punishment to the Court, the Court is not obligated to accept the recommendation.

5 I understand that if the offense(s) to which I am pleading guilty was committed while I
6 was incarcerated on another charge or while I was on probation or parole that I am not eligible
7 for credit for time served toward the instant offense(s).

8 I understand that if I am not a United States citizen, any criminal conviction will likely
9 result in serious negative immigration consequences including but not limited to:

- 10 1. The removal from the United States through deportation;
- 11 2. An inability to reenter the United States;
- 12 3. The inability to gain United States citizenship or legal residency;
- 13 4. An inability to renew and/or retain any legal residency status; and/or
- 14 5. An indeterminate term of confinement, with the United States Federal
15 Government based on my conviction and immigration status.

16 Regardless of what I have been told by any attorney, no one can promise me that this
17 conviction will not result in negative immigration consequences and/or impact my ability to
18 become a United States citizen and/or a legal resident.

19 I understand that the Division of Parole and Probation will prepare a report for the
20 sentencing judge prior to sentencing. This report will include matters relevant to the issue of
21 sentencing, including my criminal history. This report may contain hearsay information
22 regarding my background and criminal history. My attorney and I will each have the
23 opportunity to comment on the information contained in the report at the time of sentencing.
24 Unless the District Attorney has specifically agreed otherwise, the District Attorney may also
25 comment on this report.

26 WAIVER OF RIGHTS

27 By entering my plea of guilty, I understand that I am waiving and forever giving up the
28 following rights and privileges:

1. The constitutional privilege against self-incrimination, including the right to refuse to testify at trial, in which event the prosecution would not be allowed to comment to the jury about my refusal to testify.
2. The constitutional right to a speedy and public trial by an impartial jury, free of excessive pretrial publicity prejudicial to the defense, at which trial I would be entitled to the assistance of an attorney, either appointed or retained. At trial the State would bear the burden of proving beyond a reasonable doubt each element of the offense(s) charged.
3. The constitutional right to confront and cross-examine any witnesses who would testify against me.
4. The constitutional right to subpoena witnesses to testify on my behalf.
5. The constitutional right to testify in my own defense.
6. The right to appeal the conviction with the assistance of an attorney, either appointed or retained, unless specifically reserved in writing and agreed upon as provided in NRS 174.035(3). I understand this means I am unconditionally waiving my right to a direct appeal of this conviction, including any challenge based upon reasonable constitutional, jurisdictional or other grounds that challenge the legality of the proceedings as stated in NRS 177.015(4). However, I remain free to challenge my conviction through other post-conviction remedies including a habeas corpus petition pursuant to NRS Chapter 34.

VOLUNTARINESS OF PLEA

I have discussed the elements of all of the original charge(s) against me with my attorney and I understand the nature of the charge(s) against me.

I understand that the State would have to prove each element of the charge(s) against me at trial.

I have discussed with my attorney any possible defenses, defense strategies and circumstances which might be in my favor.

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

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

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

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

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

6 DATED this 29 day of November, 2020.

7
8 Mark Sims
9 MARK SIMS
Defendant

10 AGREED TO BY:

11
12 /s/ Samuel Kern
13 SAMUEL KERN
14 Deputy District Attorney
Nevada Bar #010638

Signature affixed by
Rob Schmitt
at the direction of
Mark Sims

1 CERTIFICATE OF COUNSEL:

2 I, the undersigned, as the attorney for the Defendant named herein and as an officer of the court
3 hereby certify that:

- 4 1. I have fully explained to the Defendant the allegations contained in the
5 charge(s) to which guilty pleas are being entered.
- 6 2. I have advised the Defendant of the penalties for each charge and the restitution
7 that the Defendant may be ordered to pay.
- 8 3. I have inquired of Defendant facts concerning Defendant's immigration status
9 and explained to Defendant that if Defendant is not a United States citizen any
10 criminal conviction will most likely result in serious negative immigration
11 consequences including but not limited to:
 - 12 a. The removal from the United States through deportation;
 - 13 b. An inability to reenter the United States;
 - 14 c. The inability to gain United States citizenship or legal residency;
 - 15 d. An inability to renew and/or retain any legal residency status; and/or
 - 16 e. An indeterminate term of confinement, by with United States Federal
17 Government based on the conviction and immigration status.

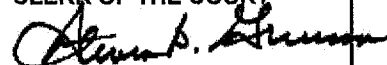
18 Moreover, I have explained that regardless of what Defendant may have been
19 told by any attorney, no one can promise Defendant that this conviction will not
20 result in negative immigration consequences and/or impact Defendant's ability
21 to become a United States citizen and/or legal resident.

- 22 4. All pleas of guilty offered by the Defendant pursuant to this agreement are
23 consistent with the facts known to me and are made with my advice to the
24 Defendant.
- 25 5. To the best of my knowledge and belief, the Defendant:
 - 26 a. Is competent and understands the charges and the consequences of
27 pleading guilty as provided in this agreement,
 - 28 b. Executed this agreement and will enter all guilty pleas pursuant hereto
voluntarily, and
 - c. Was not under the influence of intoxicating liquor, a controlled
substance or other drug at the time I consulted with the Defendant as
certified in paragraphs 1 and 2 above.

29 Dated: This 29 day of November, 2020.

30 Rob Schmidt
31 DEPUTY PUBLIC DEFENDER

32 jg/DVU



1 **INFM**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 SAMUEL KERN
6 Deputy District Attorney
7 Nevada Bar #010638
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

12 I.A. 12/02/2020
13 8:00 A.M.
14 PUBLIC DEFENDER

DISTRICT COURT
CLARK COUNTY, NEVADA

15 THE STATE OF NEVADA,
16
17 Plaintiff,

CASE NO: C-20-352400-1

18 -vs-

DEPT NO: XXX

19 MARK SIMS,
20 #7528113

21 Defendant.

INFORMATION

22 STATE OF NEVADA }
23 COUNTY OF CLARK } ss.

24 STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State
25 of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

26 That MARK SIMS, the Defendant above named, having committed the crimes of
27 **BATTERY BY STRANGULATION (Category C Felony - NRS 200.481 - NOC 54735)**
28 **and BATTERY CONSTITUTING DOMESTIC VIOLENCE (Misdemeanor - NRS**
29 **200.485(1)(A), 200.481(1)(A), 33.018 - NOC 50235),** on or about the 19th day of September,
30 2020, within the County of Clark, State of Nevada, contrary to the form, force and effect of
31 statutes in such cases made and provided, and against the peace and dignity of the State of
32 Nevada,

33 COUNT 1 - BATTERY BY STRANGULATION

34 did then and there willfully, unlawfully, and feloniously use force or violence upon the
35 person of another, to wit: ENDRIA CASTILLO, by strangulation.

V:\2020\406\22\202040622C-INFM-(MARK SIMS)-001.DOCX

Exhibit "1"

Case Number: C-20-352400-1

RA008

1 COUNT 2 - BATTERY CONSTITUTING DOMESTIC VIOLENCE

2 did willfully and unlawfully use force or violence against or upon the person of his
3 spouse, former spouse, any other person to whom he is related by blood or marriage, a person
4 with whom he has had or is having a dating relationship, a person with whom he has a child
5 in common, the minor child of any of those persons or his minor child, to wit: ENDRIA
6 CASTILLO, by pushing the said ENDRIA CASTILLO into a bathtub and/or headbutting her.

7 STEVEN B. WOLFSON
8 Clark County District Attorney
9 Nevada Bar #001565

10 BY /s/ Samuel Kern
11 SAMUEL KERN
12 Deputy District Attorney
13 Nevada Bar #010638
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27 20CR028546/jg/DVU
28 LVMPD EV#200900086765
(TK2)

District Court, Clark County
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

- vs. -

MARK SIMS, #7528113
Defendant.

CASE NO.: C-20-352400-1

DEPT. NO.: XXX

BATTERY/DOMESTIC VIOLENCE: ADMONISHMENT OF RIGHTS

(For Offenses occurring on or after July 1, 2019)

I am the Defendant in this case. At this time, I am charged with battery constituting domestic violence in having willfully and unlawfully committed an act of force or violence upon my spouse, former spouse, a person to whom I am related by blood or marriage (excluding a sibling or cousin with whom I am not in a custodial or guardian relationship), a person with whom I have had or am having a dating relationship, a person with whom I have a child in common, the minor child of any of those persons, my minor child, or any other person who has been appointed the custodian or legal guardian for my minor child (in violation of NRS 33.018/NRS 200.485).

I AM AWARE THAT I HAVE EACH OF THE FOLLOWING RIGHTS AND THAT I WILL BE WAIVING THESE RIGHTS IF I PLEAD GUILTY OR NOLO CONTENDERE:

1. The right to a speedy trial;
2. The right to require the State to prove the charge(s) against me beyond a reasonable doubt;
3. The right to confront and question all witnesses against me;
4. The right to subpoena witnesses on my behalf and compel their attendance;
5. The right to remain silent and not be compelled to testify if there were a trial; and
6. The right to appeal my conviction except on constitutional or jurisdictional grounds.

I AM ALSO AWARE THAT BY PLEADING GUILTY OR NOLO CONTENDERE I AM ADMITTING THE STATE COULD FACTUALLY PROVE THE CHARGE(S) AGAINST ME. I AM ALSO AWARE THAT MY PLEA OF GUILTY OR NOLO CONTENDERE MAY HAVE THE FOLLOWING CONSEQUENCES:

1. I understand the State will use this conviction, and any other conviction from this or any other State which prohibits the same or similar conduct, to enhance the penalty for any subsequent offense;
2. I understand that, as a consequence of my plea of guilty or nolo contendere, if I am not a citizen of the United States, I may, in addition to other consequences provided by law, be removed, deported, or excluded from entry into the United States or denied naturalization;
3. I understand that if I am convicted of a misdemeanor or felony that constitutes domestic violence pursuant to 18 U.S.C. § 921(a)(33), my possession, shipment, transportation, or receipt of a firearm or ammunition will constitute a felony pursuant to NRS 202.360 or federal law;
4. I understand that sentencing is entirely up to the court and the range of penalties outlined in this admonishment for committing the offense described above will apply (unless a greater penalty is provided pursuant to NRS 200.481, 200.485(2)-(5)).

I AM ALSO HEREBY INFORMED that, if I am convicted of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33) (which requires "the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim"), I will be prohibited from owning, possessing or having under my custody or control any firearm pursuant to NRS 202.360, and I will be ordered to permanently surrender, sell, or transfer any firearm that I own or that is in my possession or under my custody or control in the manner set forth in NRS 202.361. A person who violates any provision included in a judgment of conviction or admonishment of rights issued pursuant to NRS 200.485 concerning the surrender, sale, transfer, ownership, possession, custody or control of a firearm is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.00.

DEFENDANT'S INITIALS: MS

DEFENDANT'S ATTORNEY'S INITIALS (if applicable): RTS

Exhibit "2"

PAGE 1 of 2
Initials affixed by Rob Schmidt
at the direction of Mark Sims

RA010

CONSEQUENCES FOR ALL OFFENSES:

In addition to any other penalty, in the Court's discretion, the Court may order me to participate in an alcohol or drug treatment program at my expense; and, in the Court's discretion, if it appears from information presented to the Court that a child under the age of 18 years may need counseling as a result of the commission of a battery which constitutes domestic violence, the Court may refer the child to an agency which provides protective services, and, if that occurs, the Court will require me to reimburse the agency for the costs of any services provided, to the extent of my ability to pay. There may also be certain fees or assessments required by statute.

FOR ALL FIRST, SECOND, AND THIRD OFFENSES WITHIN 7 YEARS:

An offense constitutes a prior offense so long as it occurs within seven years of the instant offense, regardless of the sequence of offenses and convictions. An offense also constitutes a prior offense if the offense was dismissed in connection with successful completion of a diversionary program or specialty court program, or if the offense was conditionally dismissed pursuant to NRS 176A.290, without regard to the sequence of the offenses.

FIRST OFFENSE WITHIN 7 YEARS (MISDEMEANOR):

At least 2 days in jail but not more than 6 months; at least 48 hours but not more than 120 hours, of community service; a fine of not less than \$200, but not more than \$1,000; mandatory participation in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6 months, but not more than 12 months, at a certified agency, at my expense.

SECOND OFFENSE WITHIN 7 YEARS (MISDEMEANOR):

At least 20 days in jail but not more than 6 months; at least 100 hours, but not more than 200 hours, of community service; a fine of not less than \$500, but not more than \$1,000; mandatory participation in weekly counseling sessions of not less than 1 1/2 hours per week for 12 months, at a certified agency, at my expense.

THIRD OFFENSE WITHIN 7 YEARS:

A category B felony punishable by a sentence of imprisonment in the Nevada State Prison for at least 1 year but not more than 6 years; and a fine of at least \$1,000 but not more than \$5,000. A defendant is not eligible for probation for a third offense.

OFFENSES SUBSEQUENT TO FELONY OFFENSES (CATEGORY B FELONY):

Any violation of NRS 200.485, at any time after July 1, 2019, subsequent to any felony conviction constituting domestic violence under NRS 33.018, or the laws of any other State prohibiting similar conduct, is a Category B felony, punishable by a sentence of imprisonment for at least 2 years, but not more than 15 years, and a mandatory fine of at least \$2,000 but not more than \$5,000. The instant offense is subsequent to a qualifying offense when evidenced by a conviction, without regard to the sequence of the offenses and convictions, and regardless of whether the prior offense(s) occurred within 7 years. A defendant is not eligible for probation for offenses under this section.

OFFENSES INVOLVING PREGNANT VICTIMS

Unless a greater penalty is provided pursuant to NRS 200.481, an offense committed against a victim who was pregnant at the time of the battery, and that fact is known or should have been known to the batterer: a first offense is a gross misdemeanor, punishable by up to 364 days in jail, and a fine of up to \$2,000. A subsequent offense is a Category B felony punishable by imprisonment of not less than 1 year, but not more than 6 years, and a fine of not less than \$1,000, and not more than \$5,000.

ALL DEFENDANTS MUST INITIAL EITHER #1 OR #2 BELOW--DO NOT INITIAL BOTH

- MS 1. I am represented by an attorney in this case. My attorney has fully discussed these matters with me and advised me about my legal rights. My attorney is Public Defender.
- ____ 2. I have declined to have an attorney represent me and I have chosen to represent myself. I have made this decision even though there are dangers and disadvantages in self-representation in a criminal case, including but not limited to, the following:
- (a) Self-representation is often unwise, and a defendant may conduct a defense to his or her own detriment;
 - (b) A defendant who represents himself is responsible for knowing and complying with the same procedural rules as lawyers, and cannot expect help from the judge in complying with those procedural rules;
 - (c) A defendant representing himself will not be allowed to complain on appeal about the competency or effectiveness of his or her representation;
 - (d) The state is represented by experienced professional attorneys who have the advantage of skill, training, and ability;
 - (e) A defendant unfamiliar with legal procedures may allow the prosecutor an advantage, may not make effective use of legal rights, and may make tactical decisions that produce unintended consequences; and
 - (f) The effectiveness of the defense may well be diminished by a defendant's dual role as attorney and accused.

Signature, initials,
and date of birth
affixed by
Rob Schmidt
at the direction of
Mark Sims

<u>Mark Sims</u>	<u>1/26/93</u>	<u>11/29/20</u>
DEFENDANT'S SIGNATURE	DATE OF BIRTH	DATE

I HAVE REVIEWED THIS ADMONISHMENT WITH MY CLIENT AND HE/SHE UNDERSTANDS THE RIGHTS HE/SHE IS WAIVING AND THE CONSEQUENCES OF HIS/HER PLEA OF GUILTY/NOLO CONTENDERE TO THIS BATTERY/DOMESTIC VIOLENCE CHARGE, INCLUDING, BUT NOT LIMITED TO, GUN POSSESSION AND RIGHTS.

Rob Schmidt
DEFENDANT'S ATTORNEY (if applicable)

14611
BAR NUMBER

Exhibit "2"

Felony/Gross Misdemeanor

COURT MINUTES

December 02, 2020

C-20-352400-1 State of Nevada
 vs
 Mark Sims

December 02, 2020 08:00 AM Initial Arraignment

HEARD BY: Bell, Linda Marie COURTROOM: RJC Lower Level Arraignment

COURT CLERK: Estala, Kimberly

RECORDER: Garcia, Trisha

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT.
DEFT. SIMS ARRAIGNED AND PLED GUILTY TO COUNT 1 - BATTERY BY
STRANGULATION (F) and COUNT 2 - BATTERY CONSTITUTING DOMESTIC VIOLENCE
(M). Court ACCEPTED plea, and, ORDERED, matter referred to the Division of Parole and
Probation (P & P) and SET for sentencing.

CUSTODY

01/14/2021 8:30 AM SENTENCING (DEPT. 29)

Heather S. Simon

CLERK OF THE COURT

AJOC
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

MARK SIMS,
#7528113

Defendant.

CASE NO: C-20-352400-1

DEPT NO: XXX

**AMENDED
JUDGMENT OF CONVICTION
(PLEA OF GUILTY)**

The defendant previously appeared before the Court with counsel and entered a plea of guilty to the crime(s) of COUNT 1 - BATTERY BY STRANGULATION (Category C Felony - NRS 200.481) and COUNT 2 - BATTERY CONSTITUTING DOMESTIC VIOLENCE (Misdemeanor - NRS 200.485(1)(A), 200.481(1)(A), 33.018); thereafter, on the 11th day of March, 2021, the defendant was present in court for sentencing with his counsel, ROBERT J. SCHMIDT, ESQ., and good cause appearing,

THE DEFENDANT WAS HEREBY ADJUDGED guilty of said Felony offense as to Count 1 and Misdemeanor as to Count 2 and, in addition to the \$25.00 Administrative Assessment Fee, a \$150.00 DNA analysis fee, including testing to determine genetic markers,

\$3.00 DNA Collection fee, and \$250.00 Indigent Defense Civil Assessment fee, Defendant SENTENCED as to COUNT 1 to a MINIMUM of TWELVE (12) MONTHS and a

///

1 MAXIMUM of THIRTY-SIX (36) MONTHS in the Nevada Department of Corrections
2 (NDC), SUSPENDED; placed on PROBATION for an indeterminate period not to exceed
3 TWENTY-FOUR (24) MONTHS. In addition to the Standard Conditions of the Division of
4 Parole and Probation (P & P), which are IMPOSED, Deft. must comply with the following
5 SPECIAL CONDITIONS:

- 6 1. Enter and complete an Adult Education program to obtain High School Diploma or GED.
- 7 2. Undergo a mental health evaluation by a licensed professional and complete any
8 recommended treatment.
- 9 3. Enter and complete a substance abuse evaluation and complete any treatment deemed
10 necessary.
- 11 4. Stay away and have no contact whatsoever with the victim.
- 12 5. Pay RESTITUTION in the amount of \$400.00 to Endria Castillo.
- 13 6. Maintain full time employment of at least THIRTY (30) hours per week, or complete
14 SIXTEEN (16) hours of community service work each month. Deft. DIRECTED to work
15 with P & P to do a combination of both education and work.
- 16 7. You shall submit your digital storage media or any digital storage media that you have
17 access or use, including computers, handheld communication devices and any network
18 applications associated with those devices, including social media and remote storage
19 services to a search and shall provide all passwords, unlock codes and account information
20 associated with those items, with or without a search warrant, by the Division of Parole and
21 Probation or its agent.

22 COURT FURTHER ORDERED, as to COUNT 2 Defendant SENTENCED to credit
23 for time served.

24 THEREAFTER, all parties present via BlueJeans video conferencing. The defendant
25 has, violated the conditions of probation; and on the 30th day of September, 2021, the

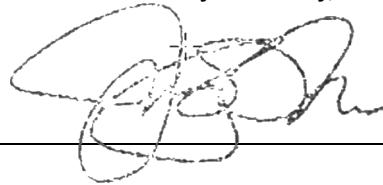
26 ///

1 defendant appeared in court with his counsel, ROBERT J. SCHMIDT, ESQ., and pursuant
2 to a probation violation hearing, and good cause appearing to amend Judgment of
3 Conviction; now therefor,

4 IT IS ORDERED THAT: PROBATION REINSTATED with the following added
5 conditions:

- 6 1. Temporary revocation of probation for TWENTY (20) DAYS with TWENTY (20)
7 DAYS credit for time served.
8 2. Defendant is to be placed on Intensive Supervision for SIXTY (60) DAYS upon
9 release from custody. Defendant's time on Intensive Supervision is to run
10 CONCURRENT with case C-20-352764-1 for a TOTAL of SIXTY (60) DAYS
11 between both cases.

Dated this 12th day of January, 2022



LK

FBA 01F 3408 06D3
Jerry A. Wiese
District Court Judge

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 State of Nevada

CASE NO: C-20-352400-1

7 vs

DEPT. NO. Department 30

8 Mark Sims
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Amended Judgment of Conviction was served via the court's electronic
13 eFile system to all recipients registered for e-Service on the above entitled case as listed
below:

14 Service Date: 1/12/2022

15 Dept 30 Law Clerk

Dept30LC@clarkcountycourts.us

16 Roxana Valladares

Roxana.Valladares@clarkcountynv.gov

17 Lynn Avants

avantsla@ClarkCountyNV.gov

18 LLA Clerk Brown

BrownK@clarkcountycourts.us

20 Robert Schmidt

Robert.Schmidt@clarkcountynv.gov

21 Irina Macinskaia

Irina.Macinskaia@clarkcountynv.gov

22 Ebeth Palafox

Ebeth.palafox@clarkcountynv.gov

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RA016

1 AJOC

2 DISTRICT COURT

3 CLARK COUNTY, NEVADA

4 THE STATE OF NEVADA,

5 Plaintiff,

CASE NO. C-20-352400-1

7 -vs-

DEPT. NO. XXX

8 MARK SIMS
9 #7528113

10 Defendant.

11
12 ORDER FOR REVOCATION OF PROBATION AND
13 AMENDED JUDGMENT OF CONVICTION
14

15 The Defendant previously appeared before the Court with counsel and entered
16 a plea of guilty to the crime of COUNT 1 – BATTERY BY STRANGULATION (Category
17 C Felony) in violation of NRS 200.481 and COUNT 2 – BATTERY CONSTITUTING
18 DOMESTIC VIOLENCE (Misdemeanor) in violation of NRS 200.485(1)(A),
19 200.481(1)(A), 33.018; thereafter, on the 11th day of March, 2021, the Defendant was
20 present in court for sentencing with counsel, wherein the Court did adjudge the
21 Defendant guilty thereof by reason of the plea of guilty, suspended the execution of the
22 sentence imposed and granted probation to the Defendant.
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24

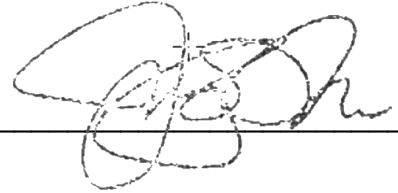
25 THEREAFTER, a parole and probation officer provided the Court with a written
26 statement setting forth that the Defendant had, in the judgment of the parole and
27 probation officer, violated the conditions of probation; and on the 3rd day of March,
28

1 2022, the Defendant appeared in court with counsel, ROBERT J. SCHMIDT, Deputy
2 Public Defender, and pursuant to a probation violation hearing/proceeding, and good
3 cause appearing to amend the Judgment of Conviction;
4

5 IT IS HEREBY ORDERED that the probation previously granted to the
6 Defendant is revoked, in addition to the original fees, fines and assessments, IT IS
7 FURTHER ORDERED that the original sentence is imposed as follows: COUNT 1 - a
8 MAXIMUM of THIRTY-SIX (36) MONTHS with a MINIMUM Parole Eligibility of
9 TWELVE (12) MONTHS in the Nevada Department of Corrections (NDC) be imposed
10 and COUNT 2 – PREVIOUSLY SENTENCED TO CREDIT FOR TIME SERVED, with
11 ONE HUNDRED FIFTY-ONE (151) DAYS credit for time served.
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13 Dated this 18th day of March, 2022

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A handwritten signature in black ink, appearing to read "Jerry A. Wiese", is written over a horizontal line.

838 68F 203C 16D0
Jerry A. Wiese
District Court Judge

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

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5
6 State of Nevada

CASE NO: C-20-352400-1

7 vs

DEPT. NO. Department 30

8 Mark Sims
9

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below:

14 Service Date: 3/18/2022

15 Dept 30 Law Clerk	Dept30LC@clarkcountycourts.us
16 Roxana Valladares	Roxana.Valladares@clarkcountynv.gov
17 Lynn Avants	avantsla@ClarkCountyNV.gov
18 LLA Clerk Brown	BrownK@clarkcountycourts.us
19 Robert Schmidt	Robert.Schmidt@clarkcountynv.gov
20 Irina Macinskaia	Irina.Macinskaia@clarkcountynv.gov
21 Ebeth Palafox	Ebeth.palafox@clarkcountynv.gov
22 Melanie Marland	Melanie.marland@clarkcountyda.com

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RA019

Heather S. Simon

CLERK OF THE COURT

JOC
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

MARK SIMS,
#7528113

Defendant.

CASE NO: C-20-352400-1

DEPT NO: XXX

**AMENDED JUDGMENT OF CONVICTION
(PLEA OF GUILTY)**

The defendant previously appeared before the Court with counsel and entered a plea of guilty to the crime(s) of COUNT 1 - BATTERY BY STRANGULATION (Category C Felony - NRS 200.481) and COUNT 2 - BATTERY CONSTITUTING DOMESTIC VIOLENCE (Misdemeanor - NRS 200.485(1)(A), 200.481(1)(A), 33.018); thereafter, on the 11th day of March, 2021, the defendant was present in court for sentencing with his counsel, ROBERT J. SCHMIDT, ESQ., and good cause appearing,

THE DEFENDANT WAS HEREBY ADJUDGED guilty of said Felony offense as to Count 1 and Misdemeanor as to Count 2 and, in addition to the \$25.00 Administrative Assessment Fee, a \$150.00 DNA analysis fee, including testing to determine genetic markers,

\$3.00 DNA Collection fee, and \$250.00 Indigent Defense Civil Assessment fee, Defendant SENTENCED as to COUNT 1 to a MINIMUM of TWELVE (12) MONTHS and a MAXIMUM of THIRTY-SIX (36) MONTHS in the Nevada Department of Corrections

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(NDC), SUSPENDED; placed on PROBATION for an indeterminate period not to exceed TWENTY-FOUR (24) MONTHS. In addition to the Standard Conditions of the Division of Parole and Probation (P & P), which are IMPOSED, Deft. must comply with the following SPECIAL CONDITIONS:

1. Enter and complete an Adult Education program to obtain High School Diploma or GED. 2. Undergo a mental health evaluation by a licensed professional and complete any recommended treatment.

3. Enter and complete a substance abuse evaluation and complete any treatment deemed necessary.

4. Stay away and have no contact whatsoever with the victim.

5. Pay RESTITUTION in the amount of \$400.00 to Endria Castillo.

6. Maintain full time employment of at least THIRTY (30) hours per week, or complete SIXTEEN (16) hours of community service work each month. Deft. DIRECTED to work with P & P to do a combination of both education and work.

7. You shall submit your digital storage media or any digital storage media that you have access or use, including computers, handheld communication devices and any network applications associated with those devices, including social media and remote storage services to a search and shall provide all passwords, unlock codes and account information associated with those items, with or without a search warrant, by the Division of Parole and Probation or its agent.

COURT FURTHER ORDERED, as to COUNT 2 Defendant SENTENCED to credit for time served.

THEREAFTER, on the 24th of June 2021, the defendant being present in court with his counsel ROBERT J. SCHMIDT, ESQ. and officer Bonnell of Parole and Probation (P&P), and pursuant to the revocation of probation proceedings, COURT ORDERED, Defendant REINSTATED on probation with the same conditions as previously imposed.

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1 THEREAFTER, on the 30th of September 2021, the defendant being present in court
2 with his counsel ROBERT J. SCHMIDT, ESQ. and pursuant to the revocation of probation
3 proceedings, COURT ORDERED, probation REINSTATED with the following added
4 conditions:

5 1. Temporary revocation of probation for TWENTY (20) DAYS with TWENTY (20)
6 DAYS credit for time served.

7 2. Defendant is to be placed on Intensive Supervision for SIXTY (60) DAYS upon
8 release from custody. Defendant's time on Intensive Supervision is to run
9 CONCURRENT with case C-20-352764-1 for a TOTAL of SIXTY (60) DAYS
10 between both cases.

11 THEREAFTER, on the 2nd day of November 2021, the defendant being present
12 in court with his counsel ROBERT J. SCHMIDT, ESQ. and pursuant to the revocation of
13 probation proceedings, COURT ORDERED, probation REINSTATED with the following
14 added conditions: ORDERED, Probation REINSTATED WITH ADDED CONDITIONS:

15 1. SERVE THIRTY (30) DAYS FLAT TIME in Clark County Detention Center
16 (CCDC) with ZERO (0) DAYS credit for time served;

17 2. Have no contact with Ebony Thomas.

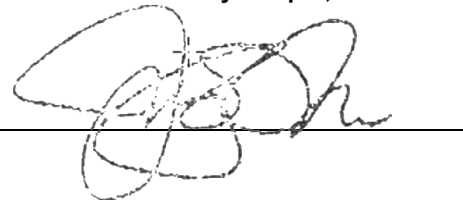
18 THEREAFTER, on the 1st day of February 2022, the defendant being present in
19 court with his counsel ROBERT J. SCHMIDT, ESQ. and pursuant to the revocation of
20 probation proceedings, COURT ORDERED, probation REINSTATED with the following
21 added conditions: ORDERED, Probation REINSTATED WITH ADDED CONDITIONS:

22 1. Temporary revocation of NINETY (90) DAYS Flat Time in the Clark County
23 Detention Center;

24 2. Upon release, return on probation with the same conditions as previously imposed;

25 3. Stay away from the victim.

Dated this 13th day of April, 2022

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C78 F7B 34EA 73AD
Jerry A. Wiese
District Court Judge

RA022

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 State of Nevada

CASE NO: C-20-352400-1

7 vs

DEPT. NO. Department 30

8 Mark Sims
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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16 Roxana Valladares	Roxana.Valladares@clarkcountynv.gov
17 Lynn Avants	avantsla@ClarkCountyNV.gov
18 LLA Clerk Brown	BrownK@clarkcountycourts.us
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20 Irina Macinskaia	Irina.Macinskaia@clarkcountynv.gov
21 Melanie Marland	Melanie.marland@clarkcountyda.com
22 Ebeth Palafox	Ebeth.palafox@clarkcountynv.gov

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RA023