

LARRY JAY TOM,)	Supreme Ct No. 84287
)	District Ct No. CR 21-7273
Appellant)	Electronically Filed
vs.)	Apr 14 2022 04:00 p.m.
)	Elizabeth A. Brown
)	Clerk of Supreme Court
THE STATE OF NEVADA,)	
)	
Respondent)	
)	

ATTORNEY FOR APPELLANT	ATTORNEY FOR RESPONDENT
Humboldt County Public Defender Matt Stermitz, NSB # 3610 Drawer 309 Winnemucca, Nevada 89445 775-623-6550	Humboldt County District Atty Michael Macdonald Drawer 909 Winnemucca, Nevada 89445 775-623-6363

TABLE OF CONTENTS

Criminal Information	22
Judgment of Conviction	32
Notice of Appeal	51
Plea Agreement	26
Sentencing Exhibits	
Exhibit 1	10
Exhibit 3	1
Transcript of Sentencing Proceeding	36

NO. 14CR00222

COPY

FILED
2014 MAR 26 PM 1:23

LETTER
JUSTICE OF THE
HUMBOLDT COUNTY
BY ABP

IN THE JUSTICE'S COURT OF UNION TOWNSHIP
COUNTY OF HUMBOLDT, STATE OF NEVADA

-oOo-

COUNTY OF HUMBOLDT,

Plaintiff,

CRIMINAL COMPLAINT

vs.

LARRY JAY TOM
510BS RESERVATION RD
P.O. BOX 163
MCDERMITT, NV 89421
DOB: 10/15/1968,

Defendant. /

PERSONALLY APPEARED BEFORE ME, RICHARD A HAAS, Deputy
District Attorney, who first being duly sworn, complains and
says that the Defendant(s) above-named has within the County of
Humboldt, State of Nevada, committed a certain crime which is
described as follows:

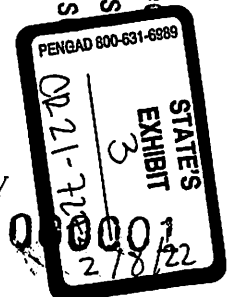
COUNT I

DRIVING UNDER THE INFLUENCE-FIRST OFFENSE,
A MISDEMEANOR

As Defined By Humboldt County Code 9.04.010
Which Incorporates Therein NRS 484C.110

That the Defendant did knowingly, willfully

Marked
States
Propos

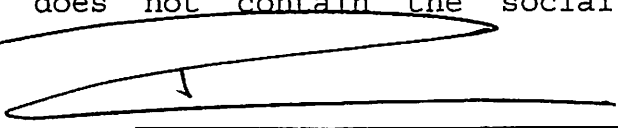


1 unlawfully drive or was in actual physical control of
2 a vehicle on a highway or premises to which the public
3 has access while under the influence of intoxicating
4 liquor; or having a concentration of alcohol of 0.08
5 or more in his/her blood or breath; or was found by
6 measurement within two hours after driving or being in
7 actual physical control of a vehicle to have a
8 concentration of alcohol of 0.08 or more in his/her
9 blood or breath, in the following manner, to-wit: That
10 on or about the 21st day of March, 2014, at or near
11 the location of South Reservation Road, McDermitt,
12 County of Humboldt, State of Nevada, the Defendant did
13 operate a motor vehicle while under the influence of
14 intoxicating liquor, and/or while having a BAC of .08
15 or more, and/or, having a BAC of .08 or more within 2
16 hours of driving.

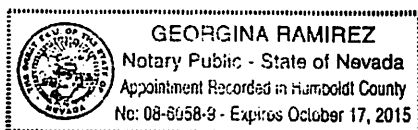
17 That complainant knows that said crime occurred and
18 that the Defendant, LARRY JAY TOM committed the same
19 based upon the following: because complainant is the
20 Deputy District Attorney, and is in the possession of
21 a crime report or report of investigation written by
22 CASEY NEGUS, known to complainant to be a Deputy with
23 the HUMBOLDT COUNTY SHERIFF'S OFFICE.

24 All of which is contrary to the form of the Statute in such
25 cases made and provided, and against the peace and dignity of
26 the State of Nevada. Said Complainant, therefore, prays that a
27 warrant and/or summons may be issued in the name of said
28 Defendant(s) above-named and dealt with according to law.

Furthermore, pursuant to NRS 239B.030., the undersigned hereby
affirms this document does not contain the social security
number of any person.


RICHARD A HAAS
Deputy District Attorney

SUBSCRIBED AND SWORN to before me this 25th day of
March, 2014.




NOTARY PUBLIC

000002

Case No. 14-1R-00222

IN THE JUSTICE COURT OF UNION TOWNSHIP IN AND ^{2014 FEB 29}
FOR THE COUNTY OF HUMBOLDT, STATE OF NEVADA

PM 1:18

JUDGMENT OF CONVICTION AND ORDER OF THE COURT

Defendant's Name Larry Jay Turn

- ☒ Represented by Self
☒ Waived right to be represented by counsel.
☒ Deputy-District Attorney Michael Mardene present
☒ Defendant entered Not guilty plea on 2/26/14
☒ Defendant was canvassed on plea.
☐ Defendant was found guilty by court.

Good cause appearing, IT IS SO ORDERED, that the Defendant's plea be accepted into the minutes of the Court. The Defendant is hereby adjudged guilty of.

COUNT I: A violation of NRS 484C.110
Driving Under the Influence 1st offense, a misdemeanor

COUNT II: A violation of NRS _____, a misdemeanor

COUNT III: A violation of NRS _____, a misdemeanor

COUNT I: Fined \$ 400 and \$ 125 Administrative assessment

COUNT II: Fined \$ 100 and \$ Specialty fee Administrative assessment

COUNT III: Fined \$ _____ and \$ _____ Administrative assessment

- ☐ Defendant ordered to pay \$35.00 Special assessment fee for programs for domestic violence
☐ Defendant to reimburse this court \$ _____ for the service of the Public Defender
☒ Defendant ordered to pay \$60.00 Forensic fee
☐ Defendant ordered to pay \$ _____ restitution through the court.
☒ Said fine(s), administrative assessment(s) and additional fees imposed total the sum of \$625 to be
Paid at Union Justice Court by Credit of \$300 for delay jail served \$325
☒ Defendant sentenced to 30 day(s) Humboldt County jail: suspended all-but 28 day(s) for 50 work
14 days eg. Delays - Credit jail served
☒ Defendant to serve a term of 30 days(s) in the Humboldt County jail with credit for any time served.
☐ Defendant to report to Humboldt County jail on _____ at the hour of _____ M.
☐ Defendant, filed Notice of Election on _____. Defendant's fine and jail sentence for DUI conviction are suspended for a period of one to three years on the condition that the defendant satisfactorily completed Notice of Election Program.
☒ Defendant ordered to attend and pay for DUI workshop and complete by July 29, 2014
☒ Defendant ordered to attend and pay for Victim Impact Panel on/by Self 2/26/14 - waived
☐ Defendant ordered to attend Alcoholics Anonymous Meetings _____ times per week with monthly signature to the court _____

000003

- ☐ Defendant ordered to complete _____ hour's community service work with completion report to the court by _____.
- ☐ Defendant ordered to attend and pay for counseling as outlined by a certified counselor with monthly report to the court.
- ☐ Batters Intervention counseling for a minimum of 1 ½ hours per week for a minimum of 6 months
- ☐ Substance Abuse counseling (Alcohol and/or drug)
- ☐ Bad check counseling
- ☐ Mental Health counseling
- ☐ Anger Management
- ☐ Other
- ☐ Obtain and pay for an alcohol/drug evaluation by _____ from a certified counselor and follow recommendations of the counselor with monthly reports to this court.

☒ NO FURTHER RELATED PROBLEMS

☒ NO ALCOHOL, NO BARS OR DRINKING ESTABLISHMENTS

☐ SUBJECT TO SEARCH AND SEIZURE

☒ NO CONTROLLED SUBSTANCE

☒ OTHER Previous hearing - July 28, 2014 at 11:50am

IT IS FURTHER ORDERED THAT THE DEFENDANT APPEAR ALCOHOL/DRUG FREE TO ASSIGNED PROGRAMS AND COUNTY JAIL.

DATED THIS 29th DAY OF April, 2014.

Gene Wambolt / Letty Norcutt
Justice of the Peace

I hereby understand and agree to follow the above conditions of my sentence. I understand that if I am unable to pay my fines or comply with any COURT ORDER I shall appear in court prior to the due date to request an extension. I understand that I could be sent to collection and a \$100.00 FTP fee will be added to the fine and possible drivers license being suspended. Failure to comply with any COURT ORDER will result in the issuance of a BENCH WARRANT for my immediate arrest.

Sam 10-15-68
Defendants Signature DOB Social Security No. _____

Street Address PO Box 163 City McElmitt State N.V. Zip 89421

Mailing Address

City _____ State _____ Zip _____

UNION TOWNSHIP JUSTICE COURT
Box 1218
Winnemucca, Nevada 89446
(775) 623-6059
(775) 623-6439 Fax

Phone 775-7

702-278-1825

000004

FILED

MAR 26 2014

No. 14CR00222

JUSTICE OF THE PEACE
MUNICIPAL JUDGE

BY AL CLERK

IN THE JUSTICE COURT OF UNION TOWNSHIP

COUNTY OF HUMBOLDT, STATE OF NEVADA

THE STATE OF NEVADA AND/OR)
THE COUNTY OF HUMBOLDT,)

Plaintiff,)

vs.)

ARRAIGNMENT AND RIGHTS

LARRY JAY TOM CT)

Defendant.)

Felony and/or Gross
Misdemeanor Charge(s):

Misdemeanor Charge(s): DRIVING UNDER THE INFLUENCE - 1ST CT

I, the Defendant in the above-entitled action do hereby state that I have been informed of my Constitutional Rights as follows:

That I am entitled to an attorney at all stages of the proceedings against me.
That if I cannot afford an attorney, one will be appointed to represent me at no cost to me if the law so allows. On misdemeanor charges, I understand that if the Court previously determines that I will not be given a jail sentence if found guilty of the charged misdemeanor offense(s), I may not be appointed an attorney;

/CT/

That I am entitled to a Preliminary Examination on felony and/or gross misdemeanor charges which will be set within a fifteen (15) day period of the date of this arraignment on the complaint unless waived by myself or my attorney, and that I am entitled to a speedy public trial on misdemeanor charges, within sixty (60) days of the arraignment on the complaint, unless for good cause a trial date cannot be set within this sixty (60) day period; /CT/

000005

MISDEMEANOR PLEA OPTIONS

GUILTY: I did commit the offense(s) as charged.

NOT GUILTY: I did not commit the offense(s) as charged.

NOLO CONTENDRE (NO CONTEST): I do not wish to contest the offense(s) as charged.

I have had the above Plea Options explained to me and I acknowledge that I understand these options. LT

Therefore: I do hereby enter a plea of NO contest; freely, knowingly and voluntarily.

Further, I hereby:

LT / waive or give up my right to be represented by a court appointed attorney, or, I was advised and understand that there is no jail time attached to the misdemeanor charges filed against me;

/ ___ / request my right to an attorney, because I cannot afford one;

/ ___ / will retain an attorney, list name if known _____.

3-26-14

Date

Larry J
Defendant

315
Witness

ATTEST:

THIS IS TO CERTIFY that the foregoing Arraignment And Rights wherein the above-named Defendant was charged with the crime(s) as listed on page one hereof, was voluntarily signed by the said Defendant in the presence of the presiding judge at Winnemucca, Nevada, on this 26th day of March, 2014.

Larry Norrell
JUSTICE OF THE PEACE
Union Township, County of Humboldt,
State of Nevada

000007

IN THE JUSTICE COURT OF UNION TOWNSHIP
COUNTY OF HUMBOLDT, STATE OF NEVADA

FILED

MAR 26 2014

JUSTICE OF THE PEACE
MUNICIPAL JUDGE
BY ADD CLERK

THE STATE OF NEVADA,

Plaintiff,

vs.

LARRY JAY TOM

DEFENDANT.

DUI ADMONISHMENT OF RIGHTS

I am the Defendant in this case. At this time, I am charged with willfully and unlawfully driving or being in actual physical control of a motor vehicle on a highway or on premises to which the public has access in the County of Humboldt, State of Nevada, while under the influence of intoxicating liquor; AND/OR a controlled substance; AND/OR a prohibited substance; AND/OR while having a concentration of alcohol of 0.08 or more in my blood or breath; AND/OR while having a concentration of alcohol of 0.08 or more in my blood or breath within two hours after driving or being in actual physical control of a motor vehicle, in violation of NRS 484.379 or NRS 484C.110.

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 prior 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 sentencing is entirely up to the court and the following penalties for committing the offense described above will apply:

FIRST OFFENSE WITHIN 7 YEARS (MISDEMEANOR):

At least 2 days, but not more than 6 months in the Humboldt County Detention Center or at least 48 hours, but not more than 96 hours of community services; a fine of not less than \$400 nor more than \$1,000 in addition to certain fees and assessments that are required by statute; required attendance at DUI school with tuition required to be paid by me; required attendance at the Victim Impact Panel. If I was found to have a concentration of alcohol of 0.18 or more in my blood or breath or if I was under 21 years of age when I committed this violation, the Court must, before sentencing, require an alcohol/drug dependency evaluation, and I will be assessed a \$100 fee. The Court may order a Breath Interlock Device installed on any vehicle I own or operate for not less than 3 months nor more than 6 months at my own expense, if I was found to have had a concentration of alcohol of less than 0.18 in my blood or breath; the Court may order me, for a period of determined by the Court, to install at my own expense a Breath Interlock Device in any motor vehicle which I own or operate as a condition of reinstatement of my driving privilege; and, if I was found to have had a concentration of alcohol of 0.18 or more in my blood or breath, the Court must order a Breath Interlock Device installed on any vehicle that I own or operate for a period of not less than 12 months nor more than 36 months. Further, the Department of Motor Vehicles will revoke or suspend my driver's license for at least 90 days and impose a \$35 civil penalty. Also, if I was found to have a concentration of alcohol of 0.18 or more in my blood or breath, I will be required to attend a program of treatment for the abuse of alcohol or drugs.

SECOND OFFENSE WITHIN 7 YEARS (MISDEMEANOR):

At least 10 days but not more than 6 months in the Humboldt County Detention Center or in residential confinement; a fine of not less than \$750 nor more than \$1,000 in addition to certain fees and assessments that are required by statute, or an equivalent number of hours of community service; and required attendance at the Victim Impact Panel. In addition, the Court must, before sentencing, require an alcohol/drug dependency evaluation, and I will be assessed a \$100 fee. Further, the Department of Motor Vehicles will revoke or suspend my driver's license for at least 1 year, impose a \$35 civil penalty, and suspend my registration for at least five days. Additionally, if I was found to have had a concentration of alcohol of less than 0.18 in my blood or breath, the Court may order me, for a period of not less than 3 months nor more than 6 months, to install at my own expense a Breath Interlock Device in any motor vehicle which I own or operate as a condition to obtaining a restricted license or as a condition of reinstatement of my driving privilege; if I was found to have had a concentration of alcohol of 0.18 or more in my blood or breath, the Court must order me to install, for a period of not less than 12 months nor more than 36 months, a Breath Interlock Device in any motor vehicle which I own or operate as a condition to obtaining a restricted license or as a condition of reinstatement of my driving privilege. Also, the Court must order me to attend a program of treatment for the abuse of alcohol or drugs.

DEFENDANT'S INITIALS

DEFENDANT'S ATTORNEY'S INITIALS (if applicable)

THIRD OFFENSE WITHIN 7 YEARS (FELONY):

Incarceration in the Nevada State Prison for a non-probationable sentence of at least 1 year, but not more than 6 years; a fine of not less than \$2,000 nor more than \$5,000 in addition to certain fees and assessments that are required by statute; and required attendance at the Victim Impact Panel. The Court must order a breath interlock device installed on any vehicle I own or operate for not less than 12 months not more than 36 months upon my release from prison at my expense. Further, the Department of Motor Vehicles will revoke or suspend my driver's license for at least 3 years, impose a \$35 civil penalty, and suspend my registration for at least five days. Before sentencing, the Court must also require me to be evaluated to determine whether I am an abuser of alcohol or drugs and whether I can be treated successfully for that condition.

SPECIAL WARNING

A person who has previously been convicted of: (a) A violation of NRS 484.379 or NRS 484C.110 that is punishable as a felony pursuant to paragraph (c) of subsection 1; (b) A violation of NRS 484.3795; (c) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379 or NRS 484C.110 or 484.3795; or (d) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a), (b) or (c), and who violates the provisions of NRS 484.379 or NRS 484C.110, is guilty of a category B felony and shall be punished by imprisonment in the Nevada State Prison for a nonprobationable sentence of at least 2 years, but not more than 15 years, and shall be further punished by a fine of not less than \$2,000 nor more than \$5,000 in addition to certain fees and assessments that are required by statute, along with required attendance at the Victim Impact Panel. The Court must order a Breath Interlock Device installed on any vehicle that the person owns or operates for not less than 12 months nor more than 36 months upon release from prison at the person's own expense. Further, the Department of Motor Vehicles will revoke or suspend that person's license for at least 3 years, impose a \$35 civil penalty, and if the person is convicted of a second or subsequent violation of NRS 484.379 or NRS 484C.110 or 484.3795 within 7 years, the Court must issue an order directing the Department of Motor Vehicles to suspend the registration of that person for at least 5 days. Before sentencing the offender, the Court must also require the person to be evaluated to determine whether he is an abuser of alcohol or drugs and whether he can be treated successfully for his condition.

VEHICULAR HOMICIDE

A person who commits vehicular homicide after three prior DUI offenses is guilty of a category A felony and shall be punished by imprisonment in the state prison: (a) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or (b) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served. The person may also be subjected to certain fees and assessments that are required by statute. In addition, the person is required to attend the Victim Impact Panel. The Court must also order a Breath Interlock Device on any vehicle that the person owns or operates for not less than 12 months nor more than 36 months upon the person's release from prison, at the person's own expense. Further, the Department of Motor Vehicles will revoke or suspend that person's driver's license for at least 3 years, the Department of Motor Vehicles may impose a \$35 civil penalty, and the person's registration will be suspended for at least 5 days. Before sentencing the offender, the Court must also require the person to be evaluated to determine whether he is an abuser of alcohol or drugs and whether he can be treated successfully for his condition.

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

_____ 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 _____.

CT 2. I freely, knowingly, voluntarily and intelligently waive my right to have an attorney represent me in this criminal case. I have chosen to represent myself. I have not taken any medications or other mind altering substances which would interfere with my ability to understand the nature of the criminal charge against me, my due process rights or the consequences of my plea and I was given an opportunity to ask questions concerning my rights and the consequences of my plea. 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.

I hereby enter a plea of No contest to driving under the influence. I have entered my plea FREELY, KNOWINGLY, VOLUNTARILY AND INTELLIGENTLY.

Harry S
Defendant's Signature

CT
Initials

10-15-68
Date of Birth

3-26-14
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 DUI CHARGE.

Harry S
Attorney at Law (if applicable)
Justice of the Peace

Bar Number

312614
Date
0000009

No. 14CR00960

FILED

2014 DEC 17 AM 11:44

COPY

LETTY HORCUTT
JUSTICE OF THE PEACE
MUNICIPAL COURT
AJP

IN THE JUSTICE'S COURT OF UNION TOWNSHIP,
COUNTY OF HUMBOLDT, STATE OF NEVADA

-oOo-

THE COUNTY OF HUMBOLDT,
Plaintiff,

vs.

CRIMINAL COMPLAINT

LAWRENCE JAY TOM, AKA
LARRY JAY TOM,
S. RESERVATION ROAD #510B
MCDERMITT, NV 89421
DOB: 10/15/1968,

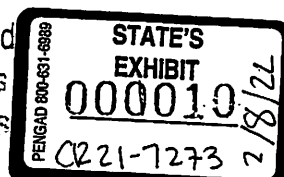
AND

GORDON TOM KELLY
P.O. BOX 302
OWYHEE, NV 89832
DOB: 3/29/1964,

Defendants. /

PERSONALLY APPEARED BEFORE ME, RICHARD HAAS, Deputy
District Attorney, who first being duly sworn, complains and says
that the Defendants above-named, have within the County of
Humboldt, State of Nevada, committed a certain crime which is
described as follows:

Marked
State's
Exhibit



HUMBOLDT COUNTY DISTRICT ATTORNEY

P.O. Box 909
Winnemucca, Nevada 89446

Certified to be a true and correct copy of the
original on file in this office

Date

January 28, 2020
Jim Lovell, Justice of the Peace
Union Township, County of Humboldt,
State of Nevada

AS TO THE CHARGES FOR DEFENDANT LAWRENCE JAY TOM

COUNT I

DRIVING UNDER THE INFLUENCE-SECOND OFFENSE,
A MISDEMEANOR

As Defined by Humboldt County Code 9.04.010
Which Further Incorporates Therein NRS 484C.110

That the Defendant did knowingly, willfully and unlawfully drive or was in actual physical control of a vehicle on a highway or premises to which the public has access while under the influence of intoxicating liquor; or having a concentration of alcohol of 0.08 or more in his/her blood or breath; or was found by measurement within two hours after driving or being in actual physical control of a vehicle to have a concentration of alcohol of 0.08 or more in his/her blood or breath, in the following manner, to-wit: That on or about the 12th day of December, 2014, at or near the location of US Highway 95 near mile marker 73, McDermitt, County of Humboldt, State of Nevada, the Defendant operated and/or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor, and/or while having a BAC of .08 or more, and/or, having a BAC of .08 or more within 2 hours of driving.

Further, that said Defendant has committed a like offense within the last seven (7) years and that said offense resulted in a conviction as follows:

DATE OF OCCURRENCE
DATE OF CONVICTION

COURT/COUNTY/STATE

March 21, 2014
April 29, 2014

Union Township/Humboldt/NV

COUNT II

OPERATING AN UNREGISTERED MOTOR VEHICLE,
A MISDEMEANOR

As Defined by Humboldt County Code 9.04.010
Which Further Incorporates Therein NRS 482.545

That the Defendant did operate a motor vehicle, trailer or a semi-trailer, upon a public highway in the County of Humboldt, State of Nevada, which was not

000011

properly registered in the State of Nevada in the following manner to-wit: That on or about the 12th day of December, 2014, at or near the location of US Highway 95 near mile marker 73, McDermitt, County of Humboldt, State of Nevada, the Defendant did operate a motor vehicle without valid registration.

COUNT III

OPERATING A MOTOR VEHICLE WITHOUT HAVING EVIDENCE
OF CURRENT INSURANCE LOCATED THEREIN,
A MISDEMEANOR

As Defined By Humboldt County Code 9.04.010
Which Further Incorporates Therein NRS 485.187.

That the Defendant, above-named, being the registered owner of the motor vehicle described hereafter, did operate or did knowingly permit the operation of a motor vehicle, at a time when the Defendant did not have evidence of current insurance covering the operator of said vehicle or the vehicle, in the following manner, to-wit: That on or about the 12th day of December, 2014, at or near the location of US Highway 95 near mile marker 73, McDermitt, County of Humboldt, State of Nevada, the Defendant operated a motor vehicle without proof of financial responsibility of insurance as required by NRS 485.185 through NRS 485.186.

AS TO THE CHARGES FOR DEFENDANT GORDON TOM KELLY

COUNT I

OPEN CONTAINER,
A MISDEMEANOR

As Defined by Humboldt County Code 9.04.010
Which Further Incorporates Therein NRS 484B.150

That the Defendant did knowingly, willfully and unlawfully had an open container of an alcoholic beverage within the passenger area of a motor vehicle while the motor vehicle is upon a highway in the following manner to-wit: That on or about the 12th day of December, 2014, at or near the location of US Highway 95 near mile marker 73, McDermitt, County of Humboldt, State of Nevada, the Defendant had an open container of an alcoholic beverage.

COUNT II

RESISTING A PUBLIC OFFICER,
A MISDEMEANOR

As Defined by Humboldt County Code 9.04.010
Which Incorporates Therein NRS 199.280

That the Defendant did knowingly, willfully and unlawfully, being any person to resist, delay, and/or obstruct a public officer, in discharging or attempting to discharge a legal duty of his office in the following manner, to-wit: That on or about the 12th day of December, 2014, at or near the location of US Highway 95 near mile marker 73, McDermitt, County of Humboldt, State of Nevada, the Defendant failed to comply with the lawful orders of Deputy Negus during his investigation.

That complainant knows that said crime occurred and that the Defendants, LAWRENCE JAY TOM and GORDON TOM KELLY, committed the same based upon the following: because complainant is the Deputy District Attorney, and is in the possession of a crime report or report of investigation written by KYLE NEGUS, known to complainant to be a Deputy with the HUMBOLDT COUNTY SHERIFF'S OFFICE.

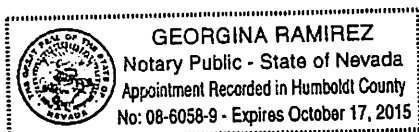
All of which is contrary to the form of the Statute in such cases made and provided, and against the peace and dignity of the State of Nevada. Said Complainant, therefore, prays that a warrant and/or summons may be issued in the name of said Defendant(s) above-named and dealt with according to law.

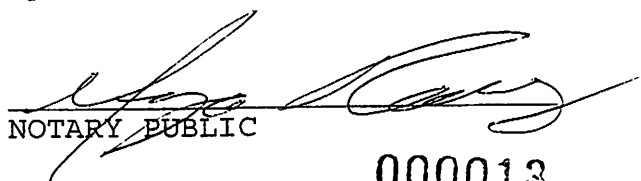
Furthermore, pursuant to NRS 239B.030., the undersigned hereby affirms this document does not contain the social security number of any person.


RICHARD NAAS

Deputy District Attorney

SUBSCRIBED AND SWORN to before me this 17th day of December, 2014, in Humboldt County, State of Nevada.




NOTARY PUBLIC

000013

Case No. 14 CR 00960

IN THE JUSTICE COURT OF UNION TOWNSHIP
IN AND FOR THE COUNTY OF HUMBOLDT, STATE OF NEVADA.

-oOo-

JUDGMENT OF CONVICTION AND ORDER OF THE COURT

Defendant's Name Lawrence Jay Tom

- ☒ Represented by Self
☐ Waived right to be represented by counsel
☒ Deputy District Attorney Max Stovall present.
☐ Defendant entered GUILTY PLEA or X NO CONTEST PLEA on December 17, 2014
☐ Defendant was canvassed on plea, and Court finds plea entered knowingly and voluntarily.
☐ Defendant was found guilty by court.

Good cause appearing, IT IS ORDERED that the Defendant's plea be accepted into the minutes of the Court. The Defendant is hereby adjudged guilty of:

COUNT I: a violation of NRS 484C.110
Driving Under the Influence 2nd, a misdemeanor

COUNT II: a violation of NRS _____, a misdemeanor

COUNT III: a violation of NRS _____, a misdemeanor

COUNT I: Fined \$ 875.- and \$ 140.- administrative assessment fees

COUNT II: Fined \$ _____ and \$ _____ administrative assessment fees

COUNT III: Fined \$ _____ and \$ _____ administrative assessment fees

- ☐ Defendant ordered to pay \$100 DUI special assessment fee.
☐ Defendant ordered to pay \$35 special assessment fee for programs for domestic violence.
☐ Defendant ordered to reimburse this Court \$ _____ for the services of court-appointed counsel. Defendant
☒ ordered to pay a \$60 forensic fee.
☐ Defendant ordered to pay \$ _____ restitution through the Humboldt County Treasurer.
☒ The fine(s), administrative assessment(s) and additional fee(s) imposed total the sum of \$ 1,075.- 02/05/20
to be paid at Union Justice Court as follows: \$50.- per month, due the 5th of every month
☒ Defendant sentenced to 100 day(s) in the Humboldt County Detention Center with 50 days
stayed for a period of 1 year.
☒ Defendant to serve a term of 10 day(s) in the Humboldt County Jail with credit for time served
of 5 day(s). Converted 10 days house arrest.
☐ Defendant filed Notice of Election on _____. Defendant's fine, fees, and jail sentence for
DUI conviction are suspended for a period of one to three years on the condition that the defendant
satisfactorily complete the treatment program.
☒ Defendant ordered to attend and pay for DUI workshop, and complete hv
☒ Defendant ordered to attend and pay for Victim Impact Panel on/by _____
☐ Defendant ordered to attend Alcoholics Anonymous or similar self-help meetings _____ times per
week with monthly signed attendance reports to the court.
☐ Defendant ordered to complete _____ hours of community service, with monthly reports and/or
completion report to the Court by _____.
☐ Defendant ordered to attend and pay for counseling as outlined by a certified counselor with monthly
reports to the Court.
☒ Breath Interlock device Ordered _____ Days 12 Month(s) 000014

- 000015

Case No. 14 CR 00960

2019 DEC 10 AM 10:19

IN THE JUSTICE COURT OF UNION TOWNSHIP
COUNTY OF HUMBOLDT, STATE OF NEVADA

-oOo-

THE COUNTY OF HUMBOLDT,
STATE OF NEVADA,

Plaintiff,

vs.

ORDER

Lawrence Jay Tom
Defendant.

IT IS HEREBY ORDERED that the above-named Defendant install a device as defined in NRS 484C.450 to prevent a person who has consumed alcohol from starting a vehicle. This device will be installed at the Defendant's own expense, and shall be in service for a period of 12 days/months on any motor vehicle which the Defendant operates as a condition to obtaining a restricted license pursuant to NRS 483.490 and NRS 484C.460, or as a condition of reinstatement of the Defendant's driving privilege.

With _____ days/months credit for the time the Breath Interlock Device was installed prior to entry of this Order.

In the above-referenced case, the Court finds that the following exception as set forth in NRS 484C.460(2), applies to avoid undue hardship to the Defendant:

- _____ (a) Requiring the person to install a device in a motor vehicle which the person owns or operates would cause the person to experience an economic hardship;
- _____ (b) The person requires the use of the motor vehicle to: (1) travel to and from work or in the course and scope of his or her employment; or (2) obtain medicine, food or other necessities or to obtain health care services for the person or another member of the person's immediate family;
- _____ (c) The person is unable to provide a deep lung breath sample for a device, as certified in writing by a physician of the person; or
- _____ (d) The person resides more than 100 miles from a manufacturer of a device or its agent.

Furthermore, pursuant to NRS 239B.030, the undersigned hereby affirms this document does not contain the social security number of any person.

DATED this 10th day of December 2019.

[Signature]
JUSTICE OF THE PEACE

000016

No. 14CR00960

IN THE JUSTICE COURT OF UNION TOWNSHIP
COUNTY OF HUMBOLDT, STATE OF NEVADA

FILED

DEC 17 2014

JUSTICE OF THE PEACE
MUNICIPAL JUDGE
BY LT CLERK

THE STATE OF NEVADA AND/OR)
THE COUNTY OF HUMBOLDT,)

Plaintiff,)

vs.)

LAWRENCE JAY TOM, AKA)
LARRY JAY TOM LT)

Defendant.)

ARRAIGNMENT AND RIGHTS

Felony and/or Gross
Misdemeanor Charge(s):

Misdemeanor Charge(s): DRIVING UNDER THE INFLUENCE-2ND;
OPERATING AN UNREGISTERED MOTOR VEHICLE; OPERATING A MOTOR
VEHICLE WITHOUT HAVING EVIDENCE OF CURRENT INSURANCE
LOCATED THEREIN.

I, the Defendant in the above-entitled action do hereby state that I have been informed of my Constitutional Rights as follows:

That I am entitled to an attorney at all stages of the proceedings against me.
That if I cannot afford an attorney, one will be appointed to represent me at no cost to me if the law so allows. On misdemeanor charges, I understand that if the Court previously determines that I will not be given a jail sentence if found guilty of the charged misdemeanor offense(s), I may not be appointed an attorney;

LT

That I am entitled to a Preliminary Examination on felony and/or gross misdemeanor charges which will be set within a fifteen (15) day period of the date of this arraignment on the complaint unless waived by myself or my attorney, and that I am entitled to a speedy public trial on misdemeanor charges, within sixty (60) days of the arraignment on the complaint, unless for good cause a trial date cannot be set within this sixty (60) day period; LT

000017

1 That I am entitled to face and hear all the witnesses who may testify against me
2 and to cross examine each witness; / LT /

3 That I have the right to present evidence in my own behalf; / LT /

4 That I may have the Court subpoena witnesses to testify in my behalf, or compel
5 records to be brought to Court in my behalf at no expense to me; / LT /

6 That I may be a witness at my own preliminary examination and/or trial if I
7 choose to testify. However, I understand that I cannot be compelled or made to
testify against myself. If I decide to testify, I will be subject to cross examination
by the prosecutor; / LT /

8 That I am entitled to be released on reasonable bail, which is currently set at
9 \$ 2,675.00, cash or bail bond; / LT /

10 That anything I say, can and will be used against me in a Court of law; / LT /

11 That the maximum penalty for each misdemeanor offense with which I am
12 charged is up to six months in the County Jail or a fine of up to \$1,000.00 or both
such fine and imprisonment; / LT /

13 **FELONY/GROSS MISDEMEANOR CHARGES ONLY:**

14 / ____ / I hereby request a court appointed attorney because I cannot afford one.

15 / ____ / I will retain or hire my own attorney; _____.

17 By placing my signature below, I acknowledge that I have read and understand
18 the above mentioned rights. Further, I acknowledge that these rights have been read
19 aloud to me in open court and I was given the opportunity to ask questions concerning
these rights.

20 12-17-14

Date

Lang 2
Defendant

21
22
23
24
000018

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4

NOT GUILTY: I did not commit the offense(s) as charged.

I have had the above Plea Options explained to me and I acknowledge that I understand these options. /C/

Further, I hereby:

/ I request my right to an attorney, because I cannot afford one;

/ / will retain an attorney, list name if known _____

Date _____

Larry J.
Defendant

31.5
Witness

THIS IS TO CERTIFY that the foregoing Arraignment And Rights wherein the above-named Defendant was charged with the crime(s) as listed on page one hereof, was voluntarily signed by the said Defendant in the presence of the presiding judge at Winnemucca, Nevada, on this 17th day of December, 2014.

Kenn M. Smith

JUSTICE OF THE PEACE
Union Township, County of Humboldt,
State of Nevada

000019

IN THE JUSTICE COURT OF UNION TOWNSHIP
COUNTY OF HUMBOLDT, STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff,)

vs.)

LAWRENCE JAY TOM, AKA LARRY JAY TOM)

DEFENDANT.)

FILED
DEC 17 2014
JUSTICE OF THE PEACE
MUNICIPAL JUDGE
BY AK CLERKDUI ADMONISHMENT OF RIGHTS

I am the Defendant in this case. At this time, I am charged with willfully and unlawfully driving or being in actual physical control of a motor vehicle on a highway or on premises to which the public has access in the County of Humboldt, State of Nevada, while under the influence of intoxicating liquor; AND/OR a controlled substance; AND/OR a prohibited substance; AND/OR while having a concentration of alcohol of 0.08 or more in my blood or breath; AND/OR while having a concentration of alcohol of 0.08 or more in my blood or breath within two hours after driving or being in actual physical control of a motor vehicle, in violation of NRS 484.379 or NRS 484C.110.

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 prior 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 sentencing is entirely up to the court and the following penalties for committing the offense described above will apply:

FIRST OFFENSE WITHIN 7 YEARS (MISDEMEANOR):

At least 2 days, but not more than 6 months in the Humboldt County Detention Center or at least 48 hours, but not more than 96 hours of community services; a fine of not less than \$400 nor more than \$1,000 in addition to certain fees and assessments that are required by statute; required attendance at DUI school with tuition required to be paid by me; required attendance at the Victim Impact Panel. If I was found to have a concentration of alcohol of 0.18 or more in my blood or breath or if I was under 21 years of age when I committed this violation, the Court must, before sentencing, require an alcohol/drug dependency evaluation, and I will be assessed a \$100 fee. The Court may order a Breath Interlock Device installed on any vehicle I own or operate for not less than 3 months nor more than 6 months at my own expense, if I was found to have had a concentration of alcohol of less than 0.18 in my blood or breath; the Court may order me, for a period of determined by the Court, to install at my own expense a Breath Interlock Device in any motor vehicle which I own or operate as a condition of reinstatement of my driving privilege; and, if I was found to have had a concentration of alcohol of 0.18 or more in my blood or breath, the Court must order a Breath Interlock Device installed on any vehicle that I own or operate for a period of not less than 12 months nor more than 36 months. Further, the Department of Motor Vehicles will revoke or suspend my driver's license for at least 90 days and impose a \$35 civil penalty. Also, if I was found to have a concentration of alcohol of 0.18 or more in my blood or breath, I will be required to attend a program of treatment for the abuse of alcohol or drugs.

SECOND OFFENSE WITHIN 7 YEARS (MISDEMEANOR):

At least 10 days but not more than 6 months in the Humboldt County Detention Center or in residential confinement; a fine of not less than \$750 nor more than \$1,000 in addition to certain fees and assessments that are required by statute, or an equivalent number of hours of community service; and required attendance at the Victim Impact Panel. In addition, the Court must, before sentencing, require an alcohol/drug dependency evaluation, and I will be assessed a \$100 fee. Further, the Department of Motor Vehicles will revoke or suspend my driver's license for at least 1 year, impose a \$35 civil penalty, and suspend my registration for at least five days. Additionally, if I was found to have had a concentration of alcohol of less than 0.18 in my blood or breath, the Court may order me, for a period of not less than 3 months nor more than 6 months, to install at my own expense a Breath Interlock Device in any motor vehicle which I own or operate as a condition of obtaining a restricted license or as a condition of reinstatement of my driving privilege; if I was found to have had a concentration of alcohol of 0.18 or more in my blood or breath, the Court must order me to install, for a period of not less than 12 months nor more than 36 months, a Breath Interlock Device in any motor vehicle which I own or operate as a condition of obtaining a restricted license or as a condition of reinstatement of my driving privilege. Also, the Court must order me to attend a program of treatment for the abuse of alcohol or drugs.

DEFENDANT'S INITIALS
DEFENDANT'S ATTORNEY'S INITIALS (if applicable) 000020

THIRD OFFENSE WITHIN 7 YEARS (FELONY):

Incarceration in the Nevada State Prison for a non-probationable sentence of at least 1 year, but not more than 6 years; a fine of not less than \$2,000 nor more than \$5,000 in addition to certain fees and assessments that are required by statute; and required attendance at the Victim Impact Panel. The Court must order a breath interlock device installed on any vehicle I own or operate for not less than 12 months not more than 36 months upon my release from prison at my expense. Further, the Department of Motor Vehicles will revoke or suspend my driver's license for at least 3 years, impose a \$35 civil penalty, and suspend my registration for at least five days. Before sentencing, the Court must also require me to be evaluated to determine whether I am an abuser of alcohol or drugs and whether I can be treated successfully for that condition.

SPECIAL WARNING

A person who has previously been convicted of: (a) A violation of NRS 484.379 or NRS 484C.110 that is punishable as a felony pursuant to paragraph (c) of subsection 1; (b) A violation of NRS 484.3795; (c) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379 or NRS 484C.110 or 484.3795; or (d) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a), (b) or (c), and who violates the provisions of NRS 484.379 or NRS 484C.110, is guilty of a category B felony and shall be punished by imprisonment in the Nevada State Prison for a nonprobationable sentence of at least 2 years, but not more than 15 years, and shall be further punished by a fine of not less than \$2,000 nor more than \$5,000 in addition to certain fees and assessments that are required by statute, along with required attendance at the Victim Impact Panel. The Court must order a Breath Interlock Device installed on any vehicle that the person owns or operates for not less than 12 months nor more than 36 months upon release from prison at the person's own expense. Further, the Department of Motor Vehicles will revoke or suspend that person's license for at least 3 years, impose a \$35 civil penalty, and if the person is convicted of a second or subsequent violation of NRS 484.379 or NRS 484C.110 or 484.3795 within 7 years, the Court must issue an order directing the Department of Motor Vehicles to suspend the registration of that person for at least 5 days. Before sentencing the offender, the Court must also require the person to be evaluated to determine whether he is an abuser of alcohol or drugs and whether he can be treated successfully for his condition.

VEHICULAR HOMICIDE

A person who commits vehicular homicide after three prior DUI offenses is guilty of a category A felony and shall be punished by imprisonment in the state prison: (a) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or (b) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served. The person may also be subjected to certain fees and assessments that are required by statute. In addition, the person is required to attend the Victim Impact Panel. The Court must also order a Breath Interlock Device on any vehicle that the person owns or operates for not less than 12 months nor more than 36 months upon the person's release from prison, at the person's own expense. Further, the Department of Motor Vehicles will revoke or suspend that person's driver's license for at least 3 years, the Department of Motor Vehicles may impose a \$35 civil penalty, and the person's registration will be suspended for at least 5 days. Before sentencing the offender, the Court must also require the person to be evaluated to determine whether he is an abuser of alcohol or drugs and whether he can be treated successfully for his condition.

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

_____ 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 _____.

LT

_____ 2. I freely, knowingly, voluntarily and intelligently waive my right to have an attorney represent me in this criminal case. I have chosen to represent myself. I have not taken any medications or other mind altering substances which would interfere with my ability to understand the nature of the criminal charge against me, my due process rights or the consequences of my plea and I was given an opportunity to ask questions concerning my rights and the consequences of my plea. 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.

I hereby enter a plea of No contest to driving under the influence. I have entered my plea FREELY, KNOWINGLY, VOLUNTARILY AND INTELLIGENTLY.

Larry L. Smith
Defendant's Signature

LT
Initials

10-15-68
Date of Birth

12-17-14
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 DUI CHARGE.

Attorney at Law (if applicable)
[Signature]
Justice of the Peace

Bar Number

Date
12/17/14
Date

1 NO. 02 210 7273

2 DEPT. II

FILED

2021 OCT 25 PM 3:49

Winnemucca
TAMARA STERN
DIST. COURT CLERK

3
4
5 IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
6
7 IN AND FOR THE COUNTY OF HUMBOLDT.

8 -oOo-

9 STATE OF NEVADA,

10 Plaintiff,

11 vs.

INFORMATION

12 LARRY J. TOM
13 DOB: 10/15/1968

Defendant.

14 MICHAEL MACDONALD, District Attorney of Humboldt County, Nevada, in the name
15 and by the authority of the State of Nevada, informs the Court:

16 COUNT I:

17 DRIVING UNDER THE INFLUENCE WITH TWO PRIOR CONVICTIONS
18 WITHIN THE LAST SEVEN YEARS,
19 A CATEGORY B FELONY
AS DEFINED BY NRS 484C.110 AND NRS 484C.400

20 That the Defendant did knowingly, willfully, and unlawfully drive or was in actual
21 physical control of a vehicle upon a highway or premises to which the public has
22 access while under the influence of intoxicating liquor; or having a concentration
23 of alcohol of 0.08 or more in his/her blood or breath, in the following manner, to-
24 wit: That on or about the 22nd day of September, 2019, at or near the location of
25 Olavarria St. and Pioneer Rd., McDermitt, County of Humboldt, State of Nevada,
the Defendant drove or was in actual physical control of a motor vehicle while
under the influence of intoxicating liquor, and/or while having a BAC of .08 or
more.

26 Further, that said Defendant has committed like offenses within the last seven (7)
27 years and that said offenses resulted in a conviction.

28 ///

000022

DATE OF OCCURRENCE

DATE OF CONVICTION

March 21, 2014

April 29, 2014

COURT/COUNTY/STATE

Union Township Justice Court

Humboldt County, Nevada

DATE OF OCCURRENCE

DATE OF CONVICTION

December 12, 2014

December 10, 2019

Union Township Justice Court

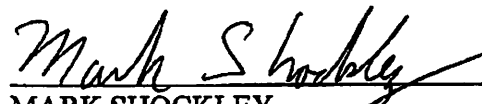
Humboldt County, Nevada

COURT/COUNTY/STATE

All of which is contrary to the form of the statute in such cases made and provided and against the peace and dignity of the State of Nevada.

That the names of all witnesses who will testify for the State of Nevada in said action that are known to the District Attorney at the time of the filing of this Information are listed with addresses on the annexed Exhibit "A" and the names of all other witnesses who will testify for the State of Nevada that become known to the District Attorney before time of trial will be endorsed hereon by subsequent Exhibit.

Furthermore, pursuant to NRS 239B.030, the undersigned hereby affirms this document does not contain the social security number of any person.


MARK SHOCKLEY
Deputy District Attorney

HUMBOLDT COUNTY DISTRICT ATTORNEY
P.O. Box 909
Winnemucca, Nevada 89446

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT "A"
INFORMATION
Names and Addresses Known to the
District Attorney at the time of
Filing of the Information

Gus Duncan, A-EMT
Humboldt General Hospital
Winnemucca, NV 89445

Trooper David Lewis
Nevada Highway Patrol
3505 Construction Way
Winnemucca, NV 89445

Felicia Mason
Criminalist
Washoe County Crime Lab
911 Parr Blvd.
Reno, NV

HUMBOLDT COUNTY DISTRICT ATTORNEY
P.O. Box 909
Winnemucca, Nevada 89446


CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the Humboldt County District Attorney's Office, and that on the 25 day of October, 2021, I delivered a true copy of the

INFORMATION to:

Matthew J. Stermitz
P.O. Box 309
Winnemucca, NV 89446

- ☐ U.S. Mail
☐ Certified Mail
☐ Hand-delivered
☒ Placed in DCT Box
☐ Via Facsimile



Nancy Jurad

000025

COPY

FILED

2021 OCT 27 AM 10:54

TAMI DAE SPENCER
DIST. COURT CLERK

Case No. CR 21-7273

Dept. No. 2

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF HUMBOLDT

THE STATE OF NEVADA,

Plaintiff,

vs.

LARRY JAY TOM,

Defendant.

PLEA AGREEMENT

I, Larry Jay Tom, defendant, hereby agree to plead no contest to one count of driving under the influence of intoxicating liquor, third offense, a category B felony in violation of NRS 484C.110 and NRS 484C.400.

My decision to plead no contest is based upon the plea agreement in this case which is as follows: (1) the Humboldt County District Attorney will agree to recommend the minimum sentence in the Nevada Department of Corrections.

CONSEQUENCES OF THE PLEA

I understand that by pleading no contest I admit sufficient facts exist to support all the elements of the offense to which I now plead.

I understand had the matter gone to trial the State of Nevada would have had to prove beyond a reasonable doubt the following elements:

1. That the Defendant did unlawfully drive and/or was in actual physical control of a vehicle.
2. Upon a highway or premises to which the public has access;

000026

1 3. While under the influence of an intoxicating liquor; or having a concentration
2 of alcohol of .08 or more in his blood or breath;

3 4. On the 22ND day of September, 2019, in Humboldt County, State of Nevada.

4 5. And the Defendant has committed two like offenses within seven years.

5 I understand that as a consequence of my plea of guilty, the district court, at its
6 discretion, will either:

7 (1) Convict me of third offense driving under the influence, a category B felony in
8 violation of NRS 484C.110 and NRS 484C, and punish me to a minimum term of 1 year
9 and a maximum term of 6 years in prison, and impose a fine of not less than \$ 2,000.00
10 or more than \$ 5,000.00, or

11 (2) Suspended further proceedings and place me on probation for not more than
12 5 years upon the condition that I be accepted for treatment by a treatment facility and
13 complete the treatment satisfactorily and comply with any other condition ordered by the
14 court. If I am accepted for treatment and satisfactorily complete the treatment a
15 judgment of conviction will be entered for a violation of "second offense dui", a
16 misdemeanor punishable by not less than 10 days in jail nor more than 6 months and
17 impose a fine of not more than \$ 1,000.00 If I am not accepted for treatment or do not
18 satisfactorily complete the treatment or do not comply with the conditions ordered by the
19 court I will be convicted of a felony pursuant to NRS 484C.110 and NRS 484C.400, as
20 set forth in paragraph (1) above-herein.

21 I understand that the law requires me to pay an administrative assessment fee of
22 \$ 25, a DNA fee in the amount of \$ 150.00 and a \$ 3 DNA assessment fee.

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

27 I understand that if I am convicted by the court of third offense driving under the
28 influence I will not be eligible for probation.

000027

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

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

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

12 I understand that the division of parole and probation of the department of public
13 safety may or will prepare a report for the sentencing judge before sentencing. This
14 report will include relevant matters relating to sentencing, including my criminal history.
15 I understand that this report may contain hearsay information regarding my background
16 and criminal history. My attorney and I will each have the opportunity to comment on
17 the information in the report at sentencing.

18 WAIVER OF RIGHTS

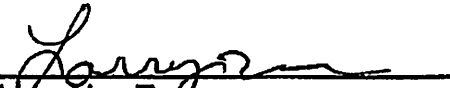
19 By entering my plea, I understand that I have waived the following rights and
20 privileges:

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

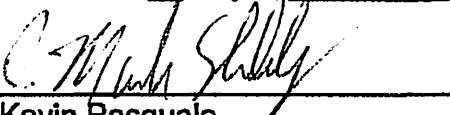
24 2. The constitutional right to a speedy and public trial by an impartial jury,
25 free of excessive pretrial publicity prejudicial to the defense, at which trial I would be
26 entitled to the assistance of an attorney, either appointed or retained. At trial, the state
27 would bear the burden of proving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

000028

1 Dated this 14 day of October, 2021.

2 
3 Larry Jay Tom
4 Defendant

5 Dated this 14 day of October, 2021.

6 
7 Kevin Pasquale
8 Chief Deputy District Attorney

9 CERTIFICATE OF COUNSEL

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

12 1. I have fully explained to the defendant the allegations contained in the
13 charges to which a plea is entered.

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

16 3. All pleas offered by the defendant pursuant to this agreement are
17 consistent with all the facts known to me and are made with my advice to the defendant
18 are in the best interest of the defendant.

19 4. To the best of my knowledge and belief, the defendant:
20 (a) Is competent and understands the charges and the consequences of
21 pleading guilty as provided in this agreement.

22 (b) Executed this agreement and will enter all guilty pleas pursuant hereto
23 voluntarily.
24
25
26
27
28

000030

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

Dated this 14 day of October, 2021.

Matt Stermitz

Matt Stermitz
Attorney for the Defendant

1 Case No. CR 2107273

2 Dept. No. II

FILED

2022 FEB 17 PM 3:07

1A.01.00000000
DISTRICT CLERK

3
4
5
6 **IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,**
7 **IN AND FOR THE COUNTY OF HUMBOLDT.**

8 -oOo-

9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

JUDGMENT OF CONVICTION

12 LARRY JAY TOM,

13 Defendant. /

14 **WHEREAS**, on the 14th day of December, 2021, the Defendant entered his plea of no
15 contest to the charge of DRIVING UNDER THE INFLUENCE WITH TWO PRIOR
16 CONVICTIONS WITHIN THE LAST SEVEN YEARS, a Category B Felony, and the matter
17 having been submitted before the Honorable Judge Michael R. Montero.

18 At the time Defendant entered the plea of no contest, this Court informed the Defendant
19 of the privilege against compulsory self-incrimination, the right to a speedy trial, the right to a
20 trial by jury, the right to compulsory process to compel witnesses to testify on behalf of the
21 Defendant and the right to confront the accusers. That after being so advised, the Defendant
22 stated that these rights were understood and still desired this Court to accept the plea of guilty.

23 The Court having accepted the Defendant's plea of no contest, set the date of the 8th day
24 of February, 2022, at the hour of 9:30 a.m. as the date and time for imposing judgment and
sentence.

000032

1 Furthermore, at the time Defendant entered the plea of no contest and at the time of
2 sentencing, Defendant was represented by attorney, MATT STERMITZ, Humboldt County
3 Public Defender,: also present in Court were TAMI RAE SPERO, Humboldt County Court Clerk
4 or her designated agent; MIKE ALLEN, Sheriff of Humboldt County or his designated agent;
5 ELIZABETH HILL and MARNI POOL, representing the Division of Parole and Probation; and
6 MICHAEL MACDONALD, Humboldt County District Attorney or his designated agent,
7 representing the State of Nevada.

8 The Defendant having appeared on 8th day of February, 2022, represented by counsel and
9 Defendant having been given the opportunity to exercise the right of allocution and having
10 shown no legal cause why judgment should not be pronounced at this time.

11 The above-entitled Court having pronounced LARRY JAY TOM guilty of DRIVING
12 UNDER THE INFLUENCE WITH TWO PRIOR CONVICTIONS WITHIN THE LAST
13 SEVEN YEARS, a Category B Felony, in violation of NRS 484C.110 and NRS 484C.400, on
14 the 8th day of February, 2022, the Defendant was thereby ordered by the Court to serve a
15 minimum term of twenty-four (24) months and a maximum term of seventy-two (72) months in
16 the Nevada Department of Corrections, with credit for time served of twenty-seven (27) days.

17 The Defendant is ordered to pay an administrative assessment fee in the amount of
18 \$25.00, a forensic fee in the amount of \$60.00, a DNA assessment fee in the amount of \$3.00
19 and a fine in the amount of \$2,000.00, payable to the Humboldt County Clerk of the Court.
20 Further, pursuant to NRS 176.0913, the Defendant is ordered submit a biological specimen under
21 the direction of the Nevada Department of Corrections to determine the Defendant's genetic
22 markers. Also, pursuant to NRS 176.0915, in addition to any other penalty, the Defendant must
23 pay a \$150.00 DNA fee, payable to the Humboldt County Clerk of the Court, and may not be
24 deducted from any other fines or fees imposed by the Court.

1 Further, pursuant to NRS 484C.460 prior to the reinstatement of the Defendant's driving
2 privileges, an interlock device shall be installed and inspected on his vehicle at his own expense
3 for a period of 12 to 36 months, said period to commence after any period of imprisonment,
4 residential confinement, confinement in a treatment facility, or on parole or probation and all
5 other applicable provisions of NRS 484C.340 and NRS 484C.460

6 Furthermore, bail, if any, is hereby exonerated.

7 MATT STERMIYZ, Humboldt County Public Defender, represented the Defendant
8 during all stages of the proceedings;

9 MICHAEL MACDONALD, Humboldt County District Attorney, represented the State
10 of Nevada at all stages of these proceedings.

11 Therefore, the clerk of the above-entitled Court is hereby directed to enter this Judgment
12 of Conviction as a part of the record in the above-entitled matter.

13 Furthermore, pursuant to NRS 239B.030, the undersigned hereby affirms this document
14 does not contain the social security number of any person.

15 DATED this 15th day of February, 2022, in the City of Winnemucca, County of
16 Humboldt, State of Nevada.

17 
18 MICHAEL R. MONTERO
19 DISTRICT COURT JUDGE
20
21
22
23
24

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the Sixth Judicial District Court, and that on the 15th day of February, 2022, I delivered at Winnemucca, Nevada, by the following means, a copy of the **JUDGMENT OF CONVICTION** to:

MICHAEL MACDONALD
Humboldt County District Attorney
501 S. Bridge Street
Winnemucca, Nevada 89445
(DCT Box)

MATT STERMITZ
Humboldt County Public Defender
P.O. Box 309
Winnemucca, Nevada 89445
(DCT Box)


ELISHA FORMBY
Judicial Assistant

000035

FILED

2022 APR -8 PM 12:59

TAMI DAE SPERO
DIST. COURT CLERK

IN THE SIXTH JUDICIAL DISTRICT COURT

OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF HUMBOLDT,

BEFORE THE HONORABLE MICHAEL MONTERO, DISTRICT JUDGE

-oOo-

STATE OF NEVADA,

Plaintiff,

Case No. CR 21-7273

V.

Dept. No. 2

LARRY JAY TOM,

Defendant. /

COPY

Transcript of Proceedings

Sentencing Hearing

February 8, 2022

Winnemucca, Nevada

Transcribed By: Julie Rowan - (775) 745-2327

000036

11/11/11

11/11/11

380000

A P P E A R A N C E S

For the Plaintiff: Richard Haas, Esq.
Humboldt County District Attorney's
Office
P.O. Box 909
Winnemucca, NV 89445

For the Defendant: Matt Stermitz, Esq.
Humboldt County Public Defender
Drawer 309
Winnemucca, NV 89445

Division of Parole Elizabeth Hill
and Probation

Pretrial Services: Denni Byrd

-oOo-

I N D E X

WITNESSES ON BEHALF OF THE PLAINTIFF: Page

None

WITNESSES ON BEHALF OF THE DEFENDANT:

None

EXHIBITS:		<u>Marked</u>	<u>Admitted</u>
PX-1	Criminal complaint	5	10
PX-2	Forensic Report	5	10
PX-3	Criminal Report	5	10
PX-4	Forensic Report	6	10

000037

1 FEBRUARY 8, 2022, WINNEMUCCA, NEVADA

2 -oOo-

3 THE COURT: We're on the record in Case
4 CR 21-7273, case caption, State of Nevada, Plaintiff,
5 versus Larry Jay Tom, Defendant. The record this
6 morning will reflect the presence of the Defendant,
7 Mr. Tom --

8 Good morning.

9 -- with counsel, Mr. Matthew Stermitz,
10 Mr. Richard Haas on behalf of the State. I have
11 Officer Hill with the Division of Parole and Probation
12 in the courtroom; Ms. Pool, with the Division of Parole
13 and Probation via Zoom; Ms. Byrd with Pretrial Services.
14 We're here today for sentencing.

15 The Court has received a presentence
16 investigation report prepared by the Division of Parole
17 and Probation dated January 21st, 2022. We have one
18 attachment, which is the Defendant's handwritten
19 statement.

20 Mr. Stermitz, have you received a copy of the
21 presentence investigation report?

22 MR. STERMITZ: Yes.

23 THE COURT: Do you or your client have any
24 factual corrections?

25 MR. STERMITZ: None I'm aware of.

000038

1 THE COURT: Mr. Tom, did you review the
2 presentence investigation report?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Did you find any -- any factual
5 errors in that document?

6 THE DEFENDANT: No, not that I noticed.

7 THE COURT: Okay. Let's take a look at a
8 couple of things here. I'm going to add Mr. Haas' name
9 at the top. He's here today on the behalf of the
10 District Attorney's Office. And it looks like we have
11 the right sentencing date.

12 So, Mr. Haas, any factual corrections to the
13 presentence investigation report?

14 MR. HAAS: No, Judge. We do have some
15 evidence to admit.

16 THE COURT: Okay. Mr. Stermitz, any
17 evidence?

18 MR. STERMITZ: No.

19 THE COURT: Okay. Mr. Haas, evidence.

20 MR. HAAS: Yeah, Judge, for purposes -- this
21 is a DUI third. What the State has is the three blood
22 draws so the Court can be able to observe those, the
23 blood alcohol, and the two prior convictions for
24 purposes of a DUI (indiscernible).

25 THE COURT: Have these proposed exhibits been

000039

1 provided to --

2 MR. HAAS: I believe they have, but I'll hand
3 them --

4 THE COURT: -- Defense counsel?

5 MR. HAAS: -- to Mr. Stermitz.

6 (Whereupon, counsel confer)

7 MR. HAAS: May I approach?

8 THE COURT: You may. Let's have these marked
9 as State's Exhibits 1, 2, and 3.

10 (Whereupon, Plaintiff's Exhibits 1, 2, and 3
11 marked)

12 MR. STERMITZ: May I approach?

13 THE COURT: You may.

14 MR. STERMITZ: (Indiscernible-away from
15 microphone)

16 THE COURT: The Court is now in receipt of
17 three exhibits marked State's Exhibits 1, 2, and 3.

18 MR. HAAS: Judge, we do actually have one
19 more exhibit. I had noticed that it was a
20 (indiscernible) blood draw in order to establish at the
21 time of driving, there is an extrapolation
22 (indiscernible) as well.

23 THE COURT: Would you like to have that
24 marked as Exhibit 4?

25 MR. HAAS: We would like to have it marked,

000040

1 yeah, just for purposes of showing (indiscernible)
2 impairment at the time. And it's contained on the last
3 page, Judge.

4 (Whereupon, Plaintiff's Exhibit 4 marked)

5 THE COURT: So we'll have State's Exhibit
6 No. 4 -- and just so that this record -- the documents
7 you've seen is clear, the file -- the criminal complaint
8 file-stamped December 17th, 2014, is Exhibit 1; the
9 forensic report executed on October 7th, 2019, is
10 Exhibit 2; and then the criminal complaint filed
11 March 26, 2014, is Exhibit 3; and now Exhibit 4 is a
12 packet of documents with the top page being Washoe
13 County Sheriff's Office Forensic Science Division
14 forensic report. That's Exhibit 4. Okay.

15 They're being offered?

16 MR. HAAS: They are being offered, Judge.

17 THE COURT: Mr. Stermitz, any objections?

18 MR. STERMITZ: We do. In both the 2014 and
19 2016 convictions, number one, there's no blood alcohol
20 evidence in either of those exhibits, and I don't know
21 if that's neither here nor there, but interestingly, in
22 both of those cases, Mr. Tom appeared, and he
23 represented himself.

24 It appears that he negotiated those deals
25 with a member of the Humboldt County District Attorney's

1 Office pro se. He wasn't represented by counsel. And
2 we would suggest -- argue that as a consequence, those
3 convictions are not constitutionally firm, and we would
4 ask the Court to exclude them.

5 THE COURT: And you're making reference to
6 Exhibits 1 and 3, correct?

7 MR. STERMITZ: (Indiscernible)

8 THE COURT: Mr. Haas, do you wish to respond?

9 MR. HAAS: Yeah, I Judge I don't know that
10 there's any requirement that the BAC's be included with
11 the two convictions. They were valid convictions.
12 (Indiscernible) 2 on page 3, Mr. Tom, on the
13 14 CR-00222, where Mr. Larry Tom clearly acknowledged
14 freely, knowingly, voluntarily, and intelligently waive
15 my right to have an attorney present with me. The State
16 would argue that Mr. Tom freely waived his right to an
17 attorney in that case.

18 In regards to 14 CR-00960, again, the last
19 page contained therein, Mr. Larry Tom, I freely,
20 knowingly, voluntarily, intelligently waive my right to
21 an attorney to represent me. The State would argue that
22 Mr. Tom was made aware of his rights, acknowledged those
23 rights, and waived his right to an attorney and elected
24 to go forward at that point in time with the sentencing
25 without the advice -- or without the representation of

000042

1 counsel, which he is entitled to do.

2 The State would argue that they are, in fact,
3 valid underlying convictions.

4 THE COURT: Thank you. Mr. Stermitz,
5 anything further?

6 MR. STERMITZ: No.

7 THE COURT: Okay. The Court is reviewing,
8 first, Exhibit 3. This is the criminal complaint,
9 March 26, 2014. That criminal complaint is the first
10 two pages, and the third page is the judgment of
11 conviction and order of the Court, April 29th, 2014.
12 Count 1, a violation of NRS 484C.110, driving under the
13 influence, a first offense.

14 This document does indicate that Mr. Tom was
15 self-represented at the top. It also indicates clearly
16 the entry of his plea of no contest. It clearly
17 indicates the legal violation for which he is being
18 convicted. It indicates the sentence that he was to
19 receive for this offense.

20 Signed by Mr. Tom on page 2 that he
21 understood and agreed to the conditions of his sentence.
22 There's also a box checked where he self-represented
23 that he waived his right to be represented by counsel.
24 In his arraignment and rights, there's also the
25 reference to his constitutional right to be represented

1 by an attorney at all stages of these proceedings, that
2 if he could not afford an attorney, one will be
3 appointed to represent him at no cost that the law so
4 allows. That paragraph has Mr. Tom's initials.

5 Signed by Mr. -- this assignment --
6 arraignment and rights signed by Mr. Tom on March 26th,
7 2014. Under the misdemeanor plea options, it also
8 indicates that he waived his right to be represented by
9 counsel. His initials on that document as well and his
10 signature on March 26, 2014.

11 The final part of this exhibit is the DUI
12 admonishment of rights, which provides in much detail
13 Mr. Tom's rights as a defendant and what he will be
14 waiving if he pleads guilty or no contest or nolo
15 contendere. This document, which is two pages, also
16 contains a very lengthy paragraph explaining waiver of
17 his right to have an attorney representing him in his
18 criminal case. He's initialed that. He's signed the
19 document. The Court finds that this is a valid criminal
20 conviction for a DUI one.

21 Looking at Exhibit No. 1, which is the
22 criminal complaint of December 17th, 2014, driving under
23 the influence, second offense, among other charges. The
24 same documents attached, the judgment of conviction,
25 getting self-represented.

1 The only distinction I find with this
2 document is that the box where he waived his right to be
3 represented by counsel following self-represented on the
4 judgment of conviction, and that box is not checked.
5 However, this document is signed by Mr. Tom,
6 understanding that he -- understanding his sentence, and
7 he agrees to the sentence that he's received.

8 The next document is the order for an
9 interlock device and then his arraignment where he has
10 also, again, initialed that he's entitled to an
11 attorney, and he's waived that right to an attorney.
12 This document was signed December 17th, 2014. He pled
13 no contest, indicating on his misdemeanor plea options,
14 he waived his right, again, to be represented by
15 counsel. That's initialed and signed by Mr. Tom on
16 December 17th, 2014. And finally, the DUI admonishment
17 of rights, almost identical to the one in -- that is
18 Exhibit 3, initialed and signed by Mr. Tom.

19 The Court finds that these are valid
20 convictions for first and second DUI offenses. These
21 documents will be admitted into evidence.

22 (Whereupon, Plaintiff's Exhibits 1, 2, 3, and
23 4 admitted)

24 MR. HAAS: Thank you, Judge.

25 THE COURT: Mr. Stermitz, argument.

000045

1 MR. STERMITZ: Your Honor, the Court's hands
2 are tied, as the Court is aware, other than, I guess,
3 placing Mr. Tom in DUI court. That was discussed with
4 Mr. Tom, and it's my understanding Mr. Tom chose -- or
5 directed me not to request that so I didn't.

6 Mr. Tom is a lifelong resident. He's going
7 to probably always be a resident of McDermitt, Nevada,
8 certainly, with the exception of, I guess, the time that
9 he's going to be spending incarcerated. But I don't
10 see any reason not to adopt what -- I guess the
11 recommendation from the State, that the Court impose the
12 minimum sentence in exchange for Mr. Tom's willingness
13 to plead no contest to this (indiscernible).

14 THE COURT: Thank you, Mr. Stermitz.

15 Mr. Haas, argument.

16 MR. HAAS: Judge, the State really doesn't
17 have a lot to add on that. I did look at this, and
18 page 1, line 18 and 19, it does say the Humboldt County
19 District Attorney will agree to recommend the minimum
20 sentence in the Nevada Department of Corrections.
21 (Indiscernible) consistent with that plea agreement, the
22 State will make that recommendation just on
23 (indiscernible).

24 THE COURT: Officer Hill, does the Division
25 have anything further to add?

000046

1 MS. HILL: No, Your Honor.

2 THE COURT: Mr. Tom, before I impose sentence
3 on you, you have the right of allocution, which means
4 that you may make a statement to the Court or present
5 information in mitigation of punishment.

6 Do you wish to make a statement?

7 THE DEFENDANT: I don't -- I have
8 (indiscernible).

9 THE COURT: Nothing you want to say?

10 THE DEFENDANT: Well, back then, you know, I
11 was (indiscernible). You know, I (indiscernible). But
12 (indiscernible). So (indiscernible). You know, I
13 (indiscernible). You know, I just want to get it over
14 with. I just want to be a free man (indiscernible). So
15 (indiscernible). So, you know, (indiscernible) over
16 with.

17 THE COURT: I will agree with you. It's
18 taken a while to get here. I see this arrest was back
19 in 2019, and I hear you, you want to get it over with.

20 Hearing no legal -- is there anything else
21 you wanted to say?

22 THE DEFENDANT: Huh-huh.

23 THE COURT: Hearing no legal cause why you
24 should not be sentenced and based upon your no contest
25 plea, this Court does now pronounce you guilty of

000047

1 driving under the influence with two or more prior
2 convictions, a category B felony. In accordance with
3 the laws of the State of Nevada, it will be the order
4 and judgment of this Court that the Defendant, Larry Jay
5 Tom, be sentenced as follows:

6 As a part of the sentence in this case, the
7 Court renders judgment against you in the amount of \$25
8 as an administrative assessment fee, \$3 DNA collection
9 fee, \$60 chemical drug analysis fee, \$150 DNA -- DNA
10 fee. This is an offense which carries with it a fine of
11 not less than 2,000, nor more than \$5,000. The Court
12 will order a \$2,000 fine.

13 The Court is further going to order that the
14 Defendant be sentenced as follows. You know, this case
15 -- I see the -- the arrest for this incident was back in
16 September of 2019. This is -- this is followed by a
17 March 2nd, 2020, arrest, duty to stop at the scene of an
18 accident, driving without a valid driver's license.
19 That has been resolved pursuant to, I believe, the plea
20 in this case, or maybe it was a separate plea in Justice
21 Court. Those are misdemeanors.

22 This is -- this is a case in which -- also in
23 which the forensic report indicates a blood alcohol of
24 -- anywhere from .179 to .195, depending on the time
25 from the blood draws. It's very significant impairment

000048

1 while driving a vehicle.

2 The Court is going to order that the
3 Defendant, Mr. Tom, serve a minimum term of 24 months
4 and a maximum term of 72 months in the Nevada Department
5 of Corrections. There will be credit for time served,
6 according to the presentence investigation report, of 27
7 days. And Mr. Tom, you'll be ordered to your -- and now
8 carry out this sentence.

9 We'll be in recess for today.

10 (Whereupon, proceeding conclude)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

000049

C E R T I F I C A T I O N

I, JULIE ROWAN, do hereby certify:

That on February 8, 2022, a sentencing hearing was held in the within-entitled matter in the Sixth Judicial District Court, within the State of Nevada, in and for the County of Humboldt;

That said change of sentencing hearing was recorded on a recording system, and said recording was delivered to me for transcription;

That the foregoing transcript, consisting of pages 1 through 15, is a full, true, and correct transcript of said recording performed to the best of my ability.

Dated this 6th day of February, 2022.


Julie Rowan

FILED

2022 FEB 23 PM 1:26

Case No. CR 21-7273

Dept. No. 2

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF HUMBOLDT

STATE OF NEVADA,

Plaintiff,

vs.

LARRY JAY TOM,

Defendant.

NOTICE OF APPEAL

Larry Jay Tom, defendant, by and through his attorney, Matt Stermitz, the Humboldt County Public Defender, appeals to the Nevada Supreme Court from the Judgment of Conviction entered herein on the 17th day of February, 2022, and attached hereto.

Dated this 23rd day of February, 2022.

Matt Stermitz
Matt Stermitz, Bar # 03610
Humboldt County Public Defender
Drawer 309
Winnemucca, Nevada 89445
775-623-6550

CERTIFICATE OF SERVICE

Pursuant to applicable appellate rules, on the 23rd day of February, 2022, the undersigned mailed a true and correct copy of the foregoing, addressed to: Humboldt County District Attorney, Drawer 909, Winnemucca, Nevada 89445, and Larry Tom, HCDC, 801 E. Fairgrounds Road, Winnemucca, NV 89445.

Matt Stermitz
Matt Stermitz

000051

CERTIFICATE OF SERVICE

Pursuant to applicable appellate rules, on the 14th day of April, 2022, the undersigned mailed a true and correct copy of the foregoing addressed to Larry Tom # 1253956, Northern Nevada Correctional Center, P.O. Box 7000, Carson City, NV 89702.

Matt Stermitz

Matt Stermitz