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Respondent.

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Docket 84029 Document 2022-21960

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Case No. 84029

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JUSTICE COURT, HENDERSON TOWNSHIP
CLARK COUNTY, NEVADA

HENDERSON JUSTICE COURT
8-6-18
FILED IN OPEN COURT

THE STATE OF NEVADA,

Plaintiff,

-vs-

DANIEL SALDANA #8435950,

Defendant.

BOOK 001482-000

CASE NO: 18FH1638X

DEPT NO:

CRIMINAL COMPLAINT

The Defendant above named having committed the crimes of BURGLARY (Category B Felony - NRS 205.060 - NOC 50424); POSSESSION OF DOCUMENT OR PERSONAL IDENTIFYING INFORMATION (Category C Felony - NRS 205.465 - NOC 50696) and ATTEMPT THEFT (Category C Felony - NRS 205.0832, 205.0835.4, 193.330 - NOC 55995), in the manner following, to wit: That the said Defendant, on or about the 26th day of July, 2018, at and within the County of Clark, State of Nevada,

COUNT 1 - BURGLARY

did willfully, unlawfully, and feloniously enter building, owned or occupied by HENDERSON CHEVROLET, located at 240 North Gibson Road, Henderson, Clark County, Nevada, with intent to commit a felony, to wit: theft.

COUNT 2 - POSSESSION OF DOCUMENT OR PERSONAL IDENTIFYING INFORMATION

did willfully, knowingly, and feloniously possess any document or personal identifying information, to wit: a California Identification Card in the name of DANIEL SALDANA, for the purpose of establishing a false status, occupation, membership, license or identity for himself or any other person, to commit any of the crimes set forth in NRS 205.085 through 205.217, inclusive, 205.473 through 205.513, inclusive or 205.610 through 205.810, inclusive.

///

1 ///

2 COUNT 3 - ATTEMPT THEFT

3 did willfully, knowingly, feloniously, and without lawful authority, attempt to obtain
4 personal property, having a value of \$3,500.00 or more, belonging to HENDERSON
5 CHEVROLET, by a material misrepresentation with intent to deprive that person of the
6 property, in the following manner, to wit: by attempting to finance and/or purchase a vehicle
7 using fraudulent identifying information.

8 All of which is contrary to the form, force and effect of Statutes in such cases made and
9 provided and against the peace and dignity of the State of Nevada. Said Complainant makes
10 this declaration subject to the penalty of perjury.

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13 08/03/18

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26 18FH1638X/mcb
27 HPD EV# 1816171
28 (TK)

JUSTICE COURT. HENDERSON TOWNSHIP
CLARK COUNTY, NEVADA
DOCKET SHEET...CRIMINAL

CASE #	18CRH001482-0000	18FH1638X	SAM BATEMAN - DEPT # 1
State	SALDANA, DANIEL		8435950 (SCOPE)
Charge(s)	BURGLARY, 1ST		WAIVER OF PRELIMINARY HEARING
	POSS DOC/PERS ID INFO TO COMMIT FORGERY/C-FEITING/UNLAW COMPUTER ACT/UNLAW CREDIT/DEBIT CARD ACT		WAIVER OF PRELIMINARY HEARING
	ATT THEFT, \$3500+		WAIVER OF PRELIMINARY HEARING

LINKED CASES FOR: 18CRH001482-0000

CASE #	STATUS	EVENT DATE	EVENT DESCRIPTION
18PCH001404-0000	CRIMINAL COMPLAINT FIL	NO FUTURE EVENTS	72 HOUR HEARING (VIDEO) HND

**DATE, JUDGE, OFFICERS
OF COURT PRESENT**

**PROCEEDINGS
APPEARANCES - HEARING**

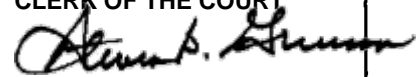
EVENTS

August 20, 2018 S. BATEMAN, JP V. VILLEGAS, DDA C. PETERSON, DPD H. GARCIA, CLK L. BRENSKE, CR	THIS IS THE TIME SET FOR PRELIMINARY HEARING: Defendant PRESENT IN CUSTODY Per Negotiations: Defendant UNCONDITIONALLY WAIVED Preliminary Hearing. Thereupon Court ORDERED defendant held to answer to said charge in the Eighth Judicial District Court. \$14,000 CASH OR SURETY STANDS RETURN TO METRO <hr/> SET FOR COURT APPEARANCE Event: DISTRICT COURT ARRAIGNMENT HND Date: 08/29/2018 Time: 10:00 am Judge: Location: DISTRICT COURT ARRAIGNMENT	DISTRICT COURT ARRAIGNMENT HND Date: August 29, 2018 Time: 10:00 am Location: DISTRICT COURT ARRAIGNMENT
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JUSTICE COURT, HENDERSON TOWNSHIP
CLARK COUNTY, NEVADA
DOCKET SHEET...CRIMINAL

CASE # 18CRH001482-0000 18FH1638X SAM BATEMAN - DEPT # 1
State SALDANA, DANIEL 8435950 (SCOPE)

DATE, JUDGE, OFFICERS OF COURT PRESENT	PROCEEDINGS APPEARANCES - HEARING	EVENTS
August 06, 2018 S.L. GEORGE, JP FOR S. BATEMAN, JP S. BENEDICT, DDA T. MORALES, DPD J. NESCI, CLK D. TAVAGLIONE, CR	<p>SET FOR COURT APPEARANCE Event: FELONY ARRAIGNMENT HND Date: 08/06/2018 Time: 9:00 am Judge: GEORGE, STEPHEN L Location: DEPARTMENT 2</p> <hr/> <p>Result: ARRAIGNMENT HEARING HELD</p> <hr/> <p>INITIAL ARRAIGNMENT: DEFENDANT PRESENT IN CUSTODY CRIMINAL COMPLAINT FILED IN OPEN COURT ADVISED. REQUESTS PUBLIC DEFENDER. DEFENSE COUNSEL APPOINTED & ACKNOWLEDGES WAIVED READING OF THE COMPLAINT BY AND THROUGH HIS ATTORNEY, DEFENDANT ASKED FOR DATE CERTAIN FOR HEARING INVOKED 15 DAY RULE PRELIMINARY HEARING DATE SET BAIL STANDS: \$14,000 TOTAL CASH OR SURETY BOND REMAND TO METRO</p> <hr/> <p>SET FOR COURT APPEARANCE Event: PRELIMINARY HEARING HND Date: 08/20/2018 Time: 9:30 am Judge: BATEMAN, SAM Location: DEPARTMENT 1</p>	
July 30, 2018	<p>PROBABLE CAUSE DETERMINATION</p> <hr/> <p>FIRST APPEARANCE HELD BAIL SET: \$14,000 TOTAL CASH OR SURETY BOND The following event: 72 HOUR HEARING (VIDEO) HND scheduled for 07/30/2018 at 8:30 am has been resulted as follows:</p> <hr/> <p>Result: FIRST APPEARANCE HELD Judge: BATEMAN, SAM Location: DEPARTMENT 1</p>	
July 26, 2018	<p>SET FOR FIRST APPEARANCE Event: 72 HOUR HEARING (VIDEO) HND Date: 07/30/2018 Time: 8:30 am Judge: BATEMAN, SAM Location: DEPARTMENT 1</p> <hr/> <p>Result: FIRST APPEARANCE HELD</p>	



INFM
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
VICTORIA A. VILLEGAS
Chief Deputy District Attorney
Nevada Bar #002804
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA
I.A. 8/29/18
10:00 A.M.
PD

THE STATE OF NEVADA,
Plaintiff,

CASE NO: C-18-334299-1

-vs-

DEPT NO: XV

DANIEL SALDANA,
#8435950

Defendant.

INFORMATION

STATE OF NEVADA }
COUNTY OF CLARK } ss.

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

That DANIEL SALDANA, the Defendant(s) above named, having committed the crime of **BURGLARY (Category B Felony - NRS 205.060 - NOC 50424)**, on or about the 26th day of July, 2018, within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity

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1 of the State of Nevada, did willfully, unlawfully, and feloniously enter that certain building,
2 owned or occupied by HENDERSON CHEVROLET, located at 240 North Gibson Road,
3 Henderson, Clark County, Nevada, with intent to commit a felony, to wit: theft.

4 STEVEN B. WOLFSON
5 Clark County District Attorney
6 Nevada Bar #001565

7 BY 
8 VICTORIA A. VILLEGAS
9 Chief Deputy District Attorney
10 Nevada Bar #002804
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27 18FH1638X/erg/L-5
28 HPD EV#1816171
(TK)

ORIGINAL

GPA
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
VICTORIA A. VILLEGAS
Chief Deputy District Attorney
Nevada Bar #002804
200 Lewis Avenue
Las Vegas, NV 89155-2212
(702) 671-2500
Attorney for Plaintiff

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

AUG 29 2018

BY, Kristen Brown
KRISTEN BROWN, DEPUTY

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

DANIEL SALDANA,
#8435950

Defendant.

CASE NO: C-18-334299-1

DEPT NO: XV

GUILTY PLEA AGREEMENT

I hereby agree to plead guilty to: **BURGLARY (Category B Felony - NRS 205.060 - NOC 50424)**, as more fully alleged in the charging document attached hereto as Exhibit "1".

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

The State will retain the full right to argue, but will not oppose probation. Additionally, the State will not oppose my own recognizance release after entry of plea. If I fail to appear in court, fail to interview with the Division of Parole & Probation, fail to stay out of trouble or am arrested, not including traffic offenses, then the State retains the full right to argue to include large habitual treatment.

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

///

C-18-334299-1
GPA
Guilty Plea Agreement
4776343



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

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

12 CONSEQUENCES OF THE PLEA

13 I understand that by pleading guilty I admit the facts which support all the elements of
14 the offense(s) to which I now plead as set forth in Exhibit "1".

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

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

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

28 ///

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

3 I understand that if I am pleading guilty to charges of Burglary, Invasion of the Home,
4 Possession of a Controlled Substance with Intent to Sell, Sale of a Controlled Substance, or
5 Gaming Crimes, for which I have prior felony conviction(s), I will not be eligible for probation
6 and may receive a higher sentencing range.

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

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

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

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

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

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

- 21 1. The removal from the United States through deportation;
- 22 2. An inability to reenter the United States;
- 23 3. The inability to gain United States citizenship or legal residency;
- 24 4. An inability to renew and/or retain any legal residency status; and/or
- 25 5. An indeterminate term of confinement, with the United States Federal
26 Government based on my conviction and immigration status.

26 ///

27 ///

28 ///

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

4 I understand that the Division of Parole and Probation will prepare a report for the
5 sentencing judge prior to sentencing. This report will include matters relevant to the issue of
6 sentencing, including my criminal history. This report may contain hearsay information
7 regarding my background and criminal history. My attorney and I will each have the
8 opportunity to comment on the information contained in the report at the time of sentencing.
9 Unless the District Attorney has specifically agreed otherwise, the District Attorney may also
10 comment on this report.

11 WAIVER OF RIGHTS

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

- 14 1. The constitutional privilege against self-incrimination, including the right
15 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.
- 16 2. The constitutional right to a speedy and public trial by an impartial jury,
17 free of excessive pretrial publicity prejudicial to the defense, at which
18 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.
- 19 3. The constitutional right to confront and cross-examine any witnesses who
20 would testify against me.
- 21 4. The constitutional right to subpoena witnesses to testify on my behalf.
- 22 5. The constitutional right to testify in my own defense.
- 23 6. The right to appeal the conviction with the assistance of an attorney,
24 either appointed or retained, unless specifically reserved in writing and
25 agreed upon as provided in NRS 174.035(3). I understand this means I
26 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.

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1 VOLUNTARINESS OF PLEA

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

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

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

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

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

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

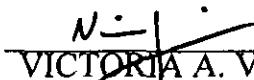
15 I am not now under the influence of any intoxicating liquor, a controlled substance or
16 other drug which would in any manner impair my ability to comprehend or understand this
17 agreement or the proceedings surrounding my entry of this plea.

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

20 DATED this 29 day of August, 2018.

21
22 
23 DANIEL SALDANA
24 Defendant

25 AGREED TO BY:

26
27 
28 VICTORIA A. VILLEGAS
Chief Deputy District Attorney
Nevada Bar #002804

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.

Dated: This 29 day of August, 2018.


ATTORNEY FOR DEFENDANT

erg/L-5

Steven D. Grierson

INFM
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
VICTORIA A. VILLEGAS
Chief Deputy District Attorney
Nevada Bar #002804
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

I.A. 8/29/18
10:00 A.M.
PD

THE STATE OF NEVADA,
Plaintiff,

CASE NO: C-18-334299-1

-vs-

DEPT NO: XV

DANIEL SALDANA,
#8435950

Defendant.

INFORMATION.

STATE OF NEVADA }
COUNTY OF CLARK } ss.

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

That DANIEL SALDANA, the Defendant(s) above named, having committed the crime of **BURGLARY (Category B Felony - NRS 205.060 - NOC 50424)**, on or about the 26th day of July, 2018, within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity

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1 of the State of Nevada, did willfully, unlawfully, and feloniously enter that certain building,
2 owned or occupied by HENDERSON CHEVROLET, located at 240 North Gibson Road,
3 Henderson, Clark County, Nevada, with intent to commit a felony, to wit: theft.

4 STEVEN B. WOLFSON
5 Clark County District Attorney
6 Nevada Bar #001565

7 BY


8 VICTORIA A. VILLEGAS
9 Chief Deputy District Attorney
10 Nevada Bar #002804

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28 HPD EV#1816171
(TK)

State of Nevada
DEPARTMENT OF PUBLIC SAFETY
Division of Parole and Probation
Carson City, NV 89706
PROBATION AGREEMENT AND RULES

File #:
Electronically Filed
1/17/2019 11:44 AM

Steven D. Grierson
CLERK OF THE COURT
Required to pay: \$5.00 Administrative Assessment Fee
and all other Court-ordered Fees to the County Clerk's
Office, 200 Lewis Ave., Las Vegas, NV 89101

Criminal Case No. **C-18-334299-1**

THE STATE OF NEVADA Plaintiff,

vs.

SALDANA, Daniel

Defendant

**ORDER ADMITTING DEFENDANT TO PROBATION
AND FIXING THE TERMS THEREOF**

DEFENDANT is guilty of the Crime of **Burglary, a Category B Felony.**

DEFENDANT is sentenced to a term of imprisonment in the **Nevada Department of Corrections** for **36-96 months with 36 days credit for time served.** Execution of that sentence is suspended and the **DEFENDANT** is hereby admitted to probation for an indeterminate period not to exceed **5 years** under the following conditions:

1. **Reporting:** You are to report in person to the Division of Parole and Probation as instructed by the Division or its agent. You are required to submit a written report each month on forms supplied by the Division. This report shall be true and correct in all respects.
2. **Residence:** You shall not change your place of residence without first obtaining permission from the Division of Parole and Probation, in each instance.
3. **Intoxicants:** You shall not consume any alcoholic beverages **to excess.** Upon order of the Division of Parole and Probation or its agent, you shall submit to a medically recognized test for blood/breath alcohol content. Test results of .08 blood alcohol content or higher shall be sufficient proof of excess.
4. **Controlled Substances:** You shall not use, purchase or possess any illegal drugs, or any prescription drugs, unless first prescribed by a licensed medical professional. You shall immediately notify the Division of Parole and Probation of any prescription received. You shall submit to drug testing as required by the Division or its agent.
5. **Weapons:** You shall not possess, have access to, or have under your control, any type of weapon.
6. **Search:** You shall submit your person, property, place of residence, vehicle or areas under your control to search including electronic surveillance or monitoring of your location, at any time, with or without a search warrant or warrant of arrest, for evidence of a crime or violation of probation by the Division of Parole and Probation or its agent.
7. **Associates:** You must have prior approval by the Division of Parole and Probation to associate with any person convicted of a felony, or any person on probation or parole supervision. You shall not have any contact with persons confined in a correctional institution unless specific written permission has been granted by the Division and the correctional institution.
8. **Directives and Conduct:** You shall follow the directives of the Division of Parole and Probation and your conduct shall justify the opportunity granted to you by this community supervision.
9. **Laws:** You shall comply with all municipal, county, state, and federal laws and ordinances.
10. **Out-of-State Travel:** You shall not leave the state without first obtaining written permission from the Division of Parole and Probation.
11. **Employment/Program:** You shall seek and maintain legal employment, or maintain a program approved by the Division of Parole and Probation and not change such employment or program without first obtaining permission. All terminations of employment or program shall be immediately reported to the Division.
12. **Financial Obligation:** You shall pay fees, fines, and restitution on a schedule approved by the Division of Parole and Probation. Any excess monies paid will be applied to any other outstanding fees, fines, and/or restitution, even if it is discovered after your discharge.
13. **Special Conditions:** SEE ATTACHED

The Court reserves the right to modify these terms of Probation at any time and as permitted by law. DATED this 15th day of January 2019, in the Eighth Judicial District Court of the State of Nevada, in and for the County of Clark.

District Judge **Joe Hardy**

AGREEMENT BY PROBATIONER

I do hereby waive extradition to the State of Nevada from any State in the United States, and from any territory or country outside the continental United States, and I also agree that I will not contest any effort to return me to the United States or the State of Nevada. I have read, or have had read to me, the conditions of my probation, and fully understand them and I agree to abide by and strictly follow them. I fully understand the penalties involved should I in any manner violate the foregoing conditions. I have received a copy of this document and NRS 76A.850.

Daniel Saldana 1/11/19
Probationer **Daniel Saldana**/Date

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

APPROVED: [Signature] 1/11/19

PROBATION AGREEMENT SPECIAL CONDITIONS ADDENDUM

File #

Criminal Case No. C-18-334299-1

SALDANA, Daniel

Defendant

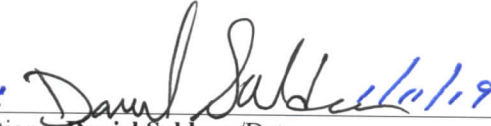
Standard Conditions: Refer to attached Probation Agreement and Rules

Special Conditions of your probation:

1. Standard Condition #6 to include: You shall submit your person, property (including cellular phones and / or computers), place of residence, vehicle or areas under your control to search at any time, with or without a search warrant or warrant of arrest, for evidence of a crime or violation of probation by P&P or its agent.
2. Defendant to be monitored on INTENSIVE SUPERVISION through P&P; the reduction of the supervision shall be at the discretion of P&P.
3. Have no use, possession, or control of marijuana, whether medicinal or recreational, even if the Defendant possesses a medical marijuana card.
4. Do not possess, distribute, inhale or ingest any synthetic cannabinoid, defined as a substance that mimics the effects of cannabis and is applied to plant material, commonly referred to as synthetic marijuana, K2, or Spice, while on probation; have no use, possession, or control of Kratom.
5. Beginning the week of January 14, 2019, complete thirty (30) hours per week of employment, job training, educational coursework, or community service.
6. Abide by any curfew imposed.
7. Defendant shall submit their digital storage media or any digital storage media that they 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.

AGREEMENT BY PROBATIONER

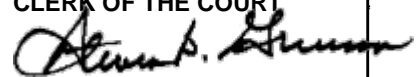
I do hereby waive extradition to the State of Nevada from any State in the Union and I also agree that I will not contest any effort to return me to the State of Nevada. I have read, or have had read to me, the foregoing conditions of my probation, and fully understand them and I agree to abide by and strictly follow them and I fully understand the penalties involved should I in any manner violate the foregoing conditions. I have received a copy of this document and NRS 176A.850.

x 
Probationer **Daniel Saldana**/Date

APPROVED:

 1/16/9

/ah



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

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

12 DANIEL SALDANA,
13 #8435950

14 Defendant.

CASE NO: C-18-334299-1

DEPT NO: XV

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

15 The defendant previously appeared before the Court with counsel and entered a plea of guilty to the
16 crime(s) of BURGLARY (Category B Felony), in violation of NRS 205.060; thereafter, on the 10th day of
17 January, 2019, the defendant was present in court for sentencing with his counsel, CHRISTOPHER
18 PETERSON, DEPUTY PUBLIC DEFENDER, and good cause appearing,

19 THE DEFENDANT WAS HEREBY ADJUDGED guilty of said offense(s) and, in addition to the
20 \$25.00 Administrative Assessment Fee, the \$150.00 DNA Analysis Fee, including testing to determine
21 genetic markers, and the \$3.00 DNA Collection Fee, the defendant was sentenced to a MAXIMUM of
22 NINETY-SIX (96) MONTHS and a MINIMUM of THIRTY-SIX (36) MONTHS in the Nevada Department
23 of Corrections (NDC), with THIRTY-SIX (36) DAYS credit time served, SUSPENDED; placed on
24 PROBATION for an indeterminate period not to exceed FIVE (5) YEARS.

25
26 STANDARD CONDITIONS:

<input type="checkbox"/> Nolle Prosequi (before trial)	<input type="checkbox"/> Bench (Non-Jury) Trial
<input type="checkbox"/> Dismissed (after diversion)	<input type="checkbox"/> Dismissed (during trial)
<input type="checkbox"/> Dismissed (before trial)	<input type="checkbox"/> Acquittal
<input checked="" type="checkbox"/> Guilty Plea with Sent (before trial)	<input type="checkbox"/> Guilty Plea with Sent (during trial)
<input type="checkbox"/> Transferred (before/during trial)	<input type="checkbox"/> Conviction
<input type="checkbox"/> Other Manner of Disposition	

- 1 1. Reporting: You are to report in person to the Division of Parole and Probation (P&P) as instructed by the
- 2 Division or its agent. You are required to submit a written report each month on forms supplied by the
- 3 Division. This report shall be true and correct in all respects.
- 4 2. Residence: You shall not change your place of residence without first obtaining permission from P&P, in
- 5 each instance.
- 6 3. Intoxicants: You shall not consume any alcoholic beverages to excess. Upon order of P&P or its agent, you
- 7 shall submit to a medically recognized test for blood/breath alcohol content. Test results of .08 blood alcohol
- 8 content or higher shall be sufficient proof of excess.
- 9 4. Controlled Substances: You shall not use, purchase or possess any illegal drugs, or any prescription drugs,
- 10 unless first prescribed by a licensed medical professional. You shall immediately notify P&P of any
- 11 prescription received. You shall submit to drug testing as required by the Division or its agent.
- 12 5. Weapons: You shall not possess, have access to, or have under your control, any type of weapon.
- 13 6. Search: You shall submit your person, property (including cellular phones and/or computers), place of
- 14 residence, vehicle or areas under your control to search at any time, with or without a search warrant or
- 15 warrant of arrest, for evidence of a crime or violation of probation by P&P or its agent.
- 16 7. Associates: You must have prior approval by P&P to associate with any person convicted of a felony, or
- 17 any person on probation or parole supervision. You shall not have any contact with persons confined in a
- 18 correctional institution unless specific written permission has been granted by the Division and the
- 19 correctional institution.
- 20 8. Directives and Conduct: You shall follow the directives of P&P and your conduct shall justify the
- 21 opportunity granted to you by this community supervision.
- 22 9. Laws: You shall comply with all municipal, county, state, and federal laws and ordinances. 10. Out-of-
- 23 State Travel: You shall not leave the state without first obtaining written permission from P&P.
- 24 11. Employment/Program: You shall seek and maintain legal employment, or maintain a program approved
- 25 by P&P and not change such employment or program without first obtaining permission. All terminations of
- 26 employment or program shall be immediately reported to the Division.
- 27
- 28

1 12. Financial Obligation: You shall pay fees, fines, and restitution on a schedule approved by P&P. Any
2 excess monies paid will be applied to any other outstanding fees, fines, and/or restitution, even if it is
3 discovered after your discharge.

4
5 SPECIAL CONDITIONS:

6 1. Defendant to be monitored on INTENSIVE SUPERVISION through P&P; the reduction of the supervision
7 shall be at the discretion of P&P.

8 2. Have no use, possession, or control of marijuana, whether medicinal or recreational, even if the Defendant
9 possesses a medical marijuana card.

10 3. Do not possess, distribute, inhale or ingest any synthetic cannabinoid, defined as a substance that mimics
11 the effects of cannabis and is applied to plant material, commonly referred to as synthetic marijuana, K2, or
12 Spice, while on probation; have no use, possession, or control of Kratom.

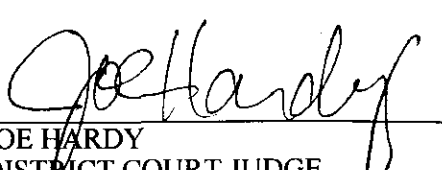
13 4. Beginning the week of January 14, 2019, complete thirty (30) hours per week of employment, job training,
14 educational coursework, or community service.

15 5. Abide by any curfew imposed.

16 6. Defendant shall submit their digital storage media or any digital storage media that they have access or use,
17 including computers, handheld communication devices and any network applications associated with those
18 devices, including social media and remote storage services to a search and shall provide all passwords,
19 unlock codes and account information associated with those items, with or without a search warrant, by the
20 Division of Parole and Probation or its agent.

21 COURT ORDERED the Defendant to REPORT to the Division of Parole & Probation (P&P)
22 IMMEDIATELY, or no later than the close of business on January 11, 2019.

23 DATED this 24th day of January, 2019.

24
25 
26 _____
27 JOE HARDY
28 DISTRICT COURT JUDGE

Steven D. Grierson

IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
AND FOR THE COUNTY OF CLARK

THE STATE OF NEVADA,

Plaintiff

vs.

SALDANA, DANIEL

Defendant

Case No. C-18-334299-1

Department No. XV

BENCH WARRANT

TO ANY LAW ENFORCEMENT OFFICERS:

It appearing to the undersigned District Judge JOE HARDY of the EIGHTH Judicial District Court of the State of Nevada, in and for the County of CLARK, that the defendant above-named has violated the terms of probation imposed upon the defendant by this Court on the 10TH day of JANUARY, 2019.

NOW, THEREFORE, by virtue of this Bench Warrant you are hereby commanded forthwith to arrest the above-named defendant, and deliver the defendant to the Chief Parole and Probation Officer of the State of Nevada in order that the defendant may be brought before me forthwith at my courtroom in LAS VEGAS, CLARK County, State of Nevada.

DATED at LAS VEGAS, CLARK County, State of Nevada, this 2d day of October, 2019.

Attest:

Alisa-Mae Chapman

OCT 07 2019

Deputy Clerk

Clerk of the Court, EIGHTH Judicial District Court

Court of the State of Nevada, in and for the County of CLARK

Alisa-Mae Chapman

Joe Hardy

JOE HARDY, District Judge

Proof of Service

Date Served _____

By _____

Agency _____

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

DISTRICT COURT
CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA,
8
9 Plaintiff,

-vs-

CASE NO: C-18-334299-1

10 DANIEL SALDANA,
11 #8435950

DEPT NO: XVIII

12 Defendant.

13 **ORDER FOR REVOCATION OF PROBATION AND**
14 **AMENDED JUDGMENT OF CONVICTION**

15 The defendant previously appeared before the Court with counsel and entered a plea of
16 guilty to the crime(s) of **BURGLARY (Category B Felony)**, in violation of **NRS 205.060**;
17 thereafter, on the 23rd day of February, 2021, the defendant was present in Court for
18 sentencing with counsel wherein the Court did adjudge the defendant guilty thereof by reason
19 of the plea(s) of guilty, suspended the execution of the sentence(s) imposed and granted
20 probation to the Defendant.

21 THEREAFTER, a parole and probation officer provided the Court with a written
22 statement setting forth that the defendant has, in the judgment of the parole and probation
23 officer, violated the conditions of probation; and on the 23rd day of February, 2021, the
24 defendant appeared in court with his counsel, CHRISTOPHER PETERSON, ESQ., and
25 pursuant to a probation violation hearing/proceeding, and good cause appearing to amend
26 Judgment of Conviction; now therefor,

27 //

28 //

1 THE COURT HEREBY ORDERED that the probation previously granted to the
2 defendant be REVOKED; and

3 THE COURT FURTHER ORDERED THAT: Defendant Saldana is REINSTATED
4 on PROBATION with the ADDED CONDITION OF:

- 5 1. Defendant to enter and complete Drug Court; further,
- 6 2. Defendant to remain in custody until his first appearance in Drug Court.

7 DRUG COURT SPECIAL CONDITIONS:

- 8 1. Have no use, possession or control of any alcoholic beverages or marijuana.
- 9 2. Do not possess, distribute, inhale or ingest any synthetic cannabinoid, defined as a
10 substance that mimics the effects of cannabis and is applied to plant material,
11 commonly referred to as "synthetic marijuana," "K2," or "Spice," while on probation.
- 12 3. Have no use, possession, or control of Kratom.
- 13 4. Once in phase 3 of Drug Court, Defendant will be required to attend one (1) outside
14 support group meeting each week [Narcotic Anonymous ("NA"), Alcoholics
15 Anonymous ("AA"), or a secular equivalent] for the remainder of Defendant's
16 probation.

17 5. Cell Phone Probation Conditions:

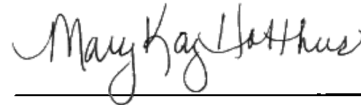
- 18 a) Only allowed to have one cell phone at any given time.
- 19 b) Provide current phone number to P&P, drug court staff and treatment
20 providers at all time.
- 21 c) Personalize voicemail in your own voice with your full name.
- 22 d) Don't let anyone use your cell phone and do not use anyone else's cell phone.
- 23 e) If phone is passcode protected, provide passcode to P&P, and unlock phone
24 at any time your probation officer requests to inspect your phone.
- 25 f) Do not change the password or delete any text messages on your phone
26 without permission and in the presence of your probation officer.
- 27 g) Do not remove the SIM card from your cell phone at any time.

28 ///

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

7 Colloquy between parties regarding Interstate Compact. Following colloquy, Court
8 noted Defendant would need to stay in Nevada to Drug Court. Officer Ariano present. Officer
9 Ariano indicated Defendant was currently being supervised in California. Further colloquy
10 between parties. Following colloquy, Officer Ariano indicated Defendant owed \$237.74 in
11 Extradition fee. COURT DIRECTED Defendant to pay his fees. COURT FURTHER
12 ORDERED, Defendant REFERRED to Drug Court.

13
14 Dated this 30th day of March, 2021

15 
16 _____

17 B6B C8B 3A4E 89E9
18 Mary Kay Holthus
19 District Court Judge
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28 kb/18FH1638X/L-5

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 State of Nevada

CASE NO: C-18-334299-1

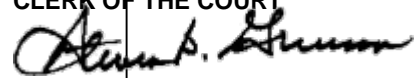
7 vs

DEPT. NO. Department 7

8 Daniel Saldana
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 Electronic service was attempted through the Eighth Judicial District Court's
12 electronic filing system, but there were no registered users on the case. The filer has been
13 notified to serve all parties by traditional means.
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1 **SUBT**

C. BENJAMIN SCROGGINS, ESQ.

2 Nevada Bar No. 7902

THE LAW FIRM OF

3 **C. BENJAMIN SCROGGINS, CHTD.**

629 South Casino Center Boulevard

4 Las Vegas, Nevada 89101

Tel.: (702) 328-5550

5 Fax: (702) 442-8660

info@cbscrogginslaw.com

6 *Attorney for Defendant,*

7 *DANIEL SALDANA*

8
9 **EIGHTH JUDICIAL DISTRICT COURT**

10 **CLARK COUNTY, NEVADA**

11 THE STATE OF NEVADA,

12 Plaintiff,

13 vs.

14 DANIEL SALDANA,

15 Defendant.

Case No.: C-18-334299-1

Dept. No.: VII

16 **SUBSTITUTION OF ATTORNEY**

17 Defendant, DANIEL SALDANA, hereby substitutes C. BENJAMIN SCROGGINS,
18 ESQ. as his attorney in place and instead of the Clark County Public Defender's Office

19 ///

20 ///

21 ///

1 in the above-captioned case.

3 CONSENT to the above substitution is hereby given:


4 This 10th day of November,

This 15 day of November, 2021.

6 By:


DANIEL SALDANA
Defendant

By:


Clark County Public Defender's Office

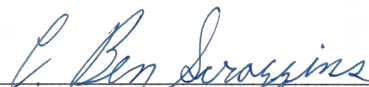
8 This ____ day of November 2021.

10 By:


C. BENJAMIN SCROGGINS, ESQ.

11 SUBMITTED this 15th day of November, 2021.

12 **THE LAW FIRM OF**
13 **C. BENJAMIN SCROGGINS, CHTD.**

14 
15 C. BENJAMIN SCROGGINS, ESQ.
16 Nevada Bar No. 7902
17 629 South Casino Center Boulevard
18 Las Vegas, Nevada 89101
19 Tel.: (702) 328-5550
20 Fax: (702) 442-8660
21 info@cbscrogginslaw.com

22 *Attorney for Defendant,*
23 *DANIEL SALDANA*

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CERTIFIED this 15th day of November, 2021.

An Employee of the
Clark County District Attorney's Office

EXHIBIT “A”

EXHIBIT “A”

1 **DECL**

2 C. BENJAMIN SCROGGINS, ESQ.

3 Nevada Bar No. 7902

4 **THE LAW FIRM OF**

5 **C. BENJAMIN SCROGGINS, CHTD.**

6 629 South Casino Center Boulevard

7 Las Vegas, Nevada 89101

8 Tel.: (702) 328-5550

9 Fax: (702) 442-8660

10 info@cbscrogginslaw.com

11 *Attorney for Defendant,*

12 *DANIEL SALDANA*

13 **EIGHTH JUDICIAL DISTRICT COURT**

14 **CLARK COUNTY, NEVADA**

15 THE STATE OF NEVADA,

16 Plaintiff,

17 vs.

18 DANIEL SALDANA,

19 Defendant.

Case No.: C-18-334299-1

Dept. No.: VII

20 **DECLARATION OF C. BENJAMIN SCROGGINS, ESQ.**

21 COMES NOW your Declarant, C. Benjamin Scroggins, Esq., and declares the following
22 under penalty of perjury:

23 1. I am an attorney duly licensed in and practicing law in the State of Nevada.

24 2. I make this Declaration upon my own personal knowledge, except as to those
matters stated as being asserted upon information and belief, but as to those matters I believe
them to be true.

3. I am over the age of 18 years, and am competent to testify in any court,
administrative agency, or any other tribunal in the State of Nevada, and will testify if called upon
to do so.

1 4. I was retained on November 9, 2021, to represent Daniel Saldana in the above-
2 captioned case.

3 5. On or about October 29, 2021, I went to the Clark County Detention Center, 330
4 S. Casino Center Blvd., Las Vegas, NV 89101 to meet with Mr. Saldana.

5 6. Mr. Saldana is being held at the Clark County Detention Center, North Valley
6 Complex and I met with him via video.

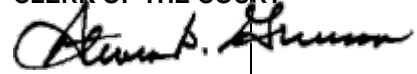
7 7. Because time is of the essence, I am signing on behalf of Mr. Saldana with full
8 authorization.

9 8. I declare under penalty of perjury that the foregoing is true and correct.

10 FURTHER YOUR DECLARANT SAYETH NAUGHT.

11 EXECUTED this 10th day of November, 2021.

12
13 
14 C. BENJAMIN SCROGGINS, ESQ.,
15 Declarant
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NOTC

C. BENJAMIN SCROGGINS, ESQ.

Nevada Bar No. 7902

THE LAW FIRM OF

C. BENJAMIN SCROGGINS, CHTD.

629 South Casino Center Boulevard

Las Vegas, Nevada 89101

Tel.: (702) 328-5550

Fax: (702) 442-8660

info@cbscrogginslaw.com

Attorney for Defendant,

DANIEL SALDANA

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

VS.

DANIEL SALDANA,

Defendant.

Case No.: C-18-334299-1

Dept. No.: VII

NOTICE OF SUBSTITUTION OF ATTORNEY

TO: THE STATE OF NEVADA, Plaintiff;

TO: THE CLARK COUNTY DISTRICT ATTORNEY'S OFFICE, attorneys for Plaintiff; and

TO: THE CLARK COUNTY PUBLIC DEFENDER'S OFFICE.

YOU AND EACH OF YOU will please take notice that a Substitution of Attorney was

///

///

///

1 filed in the above-captioned case on November 15, 2021, a true and correct copy of which is
2 attached hereto as Exhibit "A." Take due notice thereof and govern yourselves accordingly.

3 GIVEN this 19th day on November, 2021.

4 **THE LAW FIRM OF**
5 **C. BENJAMIN SCROGGINS, CHTD.**

6 

7 C. BENJAMIN SCROGGINS, ESQ.
8 Nevada Bar No. 7902
9 629 South Casino Center Boulevard
10 Las Vegas, Nevada 89101
11 Tel.: (702) 328-5550
12 Fax: (702) 442-8660
13 info@cbscrogginslaw.com

14 *Attorney for Defendant,*
15 *DANIEL SALDANA*

16 ///

17 ///

18 ///

1 **CERTIFICATE OF SERVICE**

2 Hereby certifies that service of the foregoing C. Benjamin Scroggins, Esq.'s Notice of
3 Substitution of Attorney was made pursuant to NRS 178.584(b) (1999) and JCRCP 5(b)(2)(D)
4 (2005) by serving the Notice by electronic means through the Court's electronic filing system
5 addressed to the following:

6 Clark County District Attorney's Office
7 Criminal Division
8 200 Lewis Avenue, Third Floor
9 Las Vegas, Nevada 89101
10 dainfo@clarkcountynyda.com

11 *Attorneys for Plaintiff,*
12 *STATE OF NEVADA*

Clark County Public Defender's Office
309 South Third Street, Suite 226
Las Vegas, Nevada 89101
WXP@clarkcountyny.gov

13 CERTIFIED this 19th day of November, 2021.

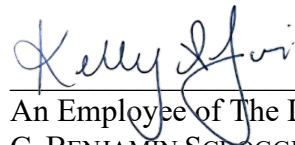
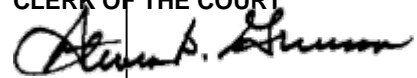
14 
An Employee of The Law Firm of
C. BENJAMIN SCROGGINS, CHTD.

EXHIBIT “1”

EXHIBIT “1”



1 **SUBT**

C. BENJAMIN SCROGGINS, ESQ.

2 Nevada Bar No. 7902

THE LAW FIRM OF

3 **C. BENJAMIN SCROGGINS, CHTD.**

629 South Casino Center Boulevard

4 Las Vegas, Nevada 89101

Tel.: (702) 328-5550

5 Fax: (702) 442-8660

info@cbscrogginslaw.com

6 *Attorney for Defendant,*

7 *DANIEL SALDANA*

8
9 **EIGHTH JUDICIAL DISTRICT COURT**

10 **CLARK COUNTY, NEVADA**

11 THE STATE OF NEVADA,

12 Plaintiff,

13 vs.

14 DANIEL SALDANA,

15 Defendant.

Case No.: C-18-334299-1

Dept. No.: VII

16 **SUBSTITUTION OF ATTORNEY**

17 Defendant, DANIEL SALDANA, hereby substitutes C. BENJAMIN SCROGGINS,
18 ESQ. as his attorney in place and instead of the Clark County Public Defender's Office

19 ///

20 ///

21 ///

1 in the above-captioned case.

3 CONSENT to the above substitution is hereby given:

4 This 10th day of November,

This 15 day of November, 2021.

6 By: C. Ben Scroggins
DANIEL SALDANA
7 Defendant

By: [Signature]
Clark County Public Defender's Office

8 This ____ day of November 2021.

9 By: C. Ben Scroggins
10 C. BENJAMIN SCROGGINS, ESQ.

11 SUBMITTED this 15th day of November, 2021.

12 **THE LAW FIRM OF**
13 **C. BENJAMIN SCROGGINS, CHTD.**

14 C. Ben Scroggins
15 C. BENJAMIN SCROGGINS, ESQ.
16 Nevada Bar No. 7902
17 629 South Casino Center Boulevard
18 Las Vegas, Nevada 89101
19 Tel.: (702) 328-5550
20 Fax: (702) 442-8660
21 info@cbscrogginslaw.com

22 *Attorney for Defendant,*
23 *DANIEL SALDANA*

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Clark County District Attorney's Office
200 Lewis Avenue
Las Vegas, NV 89101

An Employee of the
Clark County District Attorney's Office

EXHIBIT “A”

EXHIBIT “A”

1 **DECL**

2 C. BENJAMIN SCROGGINS, ESQ.

3 Nevada Bar No. 7902

4 **THE LAW FIRM OF**

5 **C. BENJAMIN SCROGGINS, CHTD.**

6 629 South Casino Center Boulevard

7 Las Vegas, Nevada 89101

8 Tel.: (702) 328-5550

9 Fax: (702) 442-8660

10 info@cbscrogginslaw.com

11 *Attorney for Defendant,*

12 *DANIEL SALDANA*

13 **EIGHTH JUDICIAL DISTRICT COURT**

14 **CLARK COUNTY, NEVADA**

15 THE STATE OF NEVADA,

16 Plaintiff,

17 vs.

18 DANIEL SALDANA,

19 Defendant.

Case No.: C-18-334299-1

Dept. No.: VII

20 **DECLARATION OF C. BENJAMIN SCROGGINS, ESQ.**

21 COMES NOW your Declarant, C. Benjamin Scroggins, Esq., and declares the following
22 under penalty of perjury:

23 1. I am an attorney duly licensed in and practicing law in the State of Nevada.

24 2. I make this Declaration upon my own personal knowledge, except as to those
matters stated as being asserted upon information and belief, but as to those matters I believe
them to be true.

3. I am over the age of 18 years, and am competent to testify in any court,
administrative agency, or any other tribunal in the State of Nevada, and will testify if called upon
to do so.

4. I was retained on November 9, 2021, to represent Daniel Saldana in the above-captioned case.

5. On or about October 29, 2021, I went to the Clark County Detention Center, 330 S. Casino Center Blvd., Las Vegas, NV 89101 to meet with Mr. Saldana.

6. Mr. Saldana is being held at the Clark County Detention Center, North Valley Complex and I met with him via video.

7. Because time is of the essence, I am signing on behalf of Mr. Saldana with full authorization.

8. I declare under penalty of perjury that the foregoing is true and correct.

FURTHER YOUR DECLARANT SAYETH NAUGHT.

EXECUTED this 10th day of November, 2021.


C. BENJAMIN SCROGGINS, ESQ.,
Declarant

AJOCP

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

DANIEL SALDANA
#8435950

Defendant.

CASE NO. C-18-334299-1

DEPT. NO. VI

ORDER FOR REVOCATION OF PROBATION AND
AMENDED JUDGMENT OF CONVICTION

The Defendant previously appeared before the Court with counsel and entered a plea of guilty to the crime of BURGLARY (Category B Felony) in violation of NRS 205.060; thereafter, on the 10th day of January, 2019, the Defendant was present in court for sentencing with counsel, wherein the Court did adjudge the Defendant guilty thereof by reason of the plea of guilty, suspended the execution of the sentence imposed and granted probation to the Defendant.

THEREAFTER, a parole and probation officer provided the Court with a written statement setting forth that the Defendant has, in the judgment of the parole and probation officer, violated the conditions of probation; and on the 16th day of December,

1 2021, the Defendant appeared in court with counsel C. BENJAMIN SCROGGINS,
2 ESQ., and pursuant to a probation violation hearing/proceeding and good cause
3 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 underlying sentence is imposed as follows: a
8 MAXIMUM of NINETY-SIX (96) MONTHS with a MINIMUM parole eligibility of THIRTY-
9 SIX (36) MONTHS in the Nevada Department of Corrections (NDC); with TWO
10 HUNDRED-FOURTEEN (214) DAYS credit for time served.
11

12 COURT recommends Defendant for the 184 program while incarcerated.
13

14 Dated this 27th day of December, 2021

15 

16 sb

17 A7B EEB 758B B265
18 Mary Kay Holthus
19 District Court Judge
20
21
22
23
24
25
26
27
28

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 State of Nevada

CASE NO: C-18-334299-1

7 vs

DEPT. NO. Department 7

8 Daniel Saldana
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: 12/27/2021

15 Clark County District Attorney

motions@clarkcountyda.com

16 Law Firm of C. Benjamin Scroggins, Chtd.

info@cbscrogginslaw.com

Eight Judicial District
STATE OF NEVADA

Electronically Filed
12/28/2021

Heather L. Hume
CLERK OF THE COURT

STATE OF NEVADA

Plaintiff,

vs.

Case No.: C-18-334299-1

Dept. No.: 6

Docket No.: _____

DANIEL SALDANA
#8435950, CCDC
Defendant

NOTICE OF APPEAL
PURSUANT TO RULE(3), RULE(3) B
RULE(4)

Comes now The Defendant
Daniel Saldana, and pursuant
to RULE(3), (3)B, and RULE(4)
Notifying The District Court
of his right to appeal.

The Defendant is appealing
The Sentence imposed in

CLERK OF THE COURT

RECEIVED
DEC 27 2021

CASE number C-18-334299-1 From
The SENTENCE imposed on December
16th, 2021.

The SENTENCE imposed WAS in
VIOLATION OF The CONSTITUTION
OF The UNITED STATES, and in
VIOLATION OF The NEVADA
REVISED STATUTES.

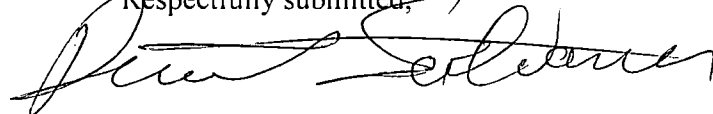
DATED THIS 21 day of DEC, 2021

Daniel Saldana, do

solemnly swear, under the penalty of perjury, that
the above Notice of Appeal is accurate,
correct, and true to the best of my knowledge.

NRS 171.102 and NRS 208.165.

Respectfully submitted,



Defendant

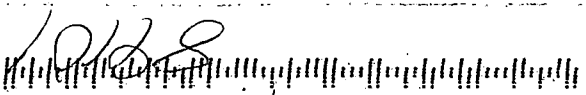
Daniel Saldana
8435950 CCDC

NRS 208.165 A prisoner may execute any instrument by signing his name immediately
following a declaration "under penalty of perjury" with the same legal effect as if he had
acknowledged it or sworn to its truth before a person authorized to administer oaths. As used in
this section, "prisoner" means a person confined in any jail or prison, or any facility for the
detention of juvenile offenders in this state.

SENT FROM THE
CLARK COUNTY DETENTION CENTER
LAS VEGAS, NEVADA



THIS ENVELOPE IS RECYCLABLE AND MADE WITH



9910166300 C075

~~STANDARD #6~~

200 JAMES AVE
LAS VEGAS, NV

Clark County Detention Center
#6
Personal Justice Center

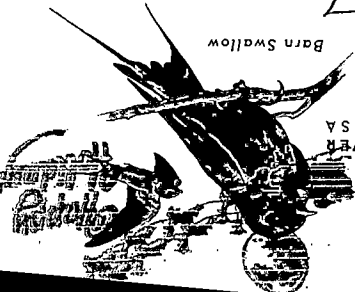
46
SALDANA #8435950
Clark County Detention Center
NVE 2F
330 S. Carson Center Blvd
LAS VEGAS, NV 89001

Barn Swallow

FOREVER
USA

22 DEC 2021 PM 5 L

LAS VEGAS NV 890



Felony/Gross Misdemeanor

COURT MINUTES

August 29, 2018

C-18-334299-1 State of Nevada
 vs
 Daniel Saldana

August 29, 2018 10:00 AM Initial Arraignment

HEARD BY: De La Garza, Melisa COURTROOM: RJC Lower Level Arraignment

COURT CLERK: Brown, Kristen

RECORDER: Schmidt, Kiara

REPORTER:

PARTIES PRESENT:

Daniel Saldana Defendant

Mark D Cichoski Attorney for Defendant

Public Defender Attorney for Defendant

JOURNAL ENTRIES

Deputized Law Clerk, Melanie Marland appearing for the State.

NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. DEFT. SALDANA ARRAIGNED AND PLED GUILTY TO BURGLARY (F). Court ACCEPTED plea and, ORDERED, matter referred to the Division of Parole and Probation (P & P) and SET for sentencing. Pursuant to negotiations, COURT FURTHER ORDERED, Deft. GRANTED Own Recognizance (OR) Release and DIRECTED Deft. to report to P & P within 48 hours of release.

O.R.

1/10/19 8:30 AM SENTENCING (DEPT. 15)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 10, 2019**

C-18-334299-1 State of Nevada
 vs
 Daniel Saldana

January 10, 2019 08:30 AM Sentencing

HEARD BY: Hardy, Joe **COURTROOM:** RJC Courtroom 11D

COURT CLERK: Duncan, Kristin

RECORDER: Yarbrough, Matt

REPORTER:

PARTIES PRESENT:

Bernard B. Zadrowski	Attorney for Plaintiff
Christopher Peterson	Attorney for Defendant
Daniel Saldana	Defendant
State of Nevada	Plaintiff

JOURNAL ENTRIES

State submitted on the negotiations. Mr. Peterson requested probation. Statements by the Defendant. DEFT SALDANA ADJUDGED GUILTY of BURGLARY(F). COURT ORDERED, in addition to the \$25.00 Administrative Assessment Fee, the \$150.00 DNA Analysis Fee, including testing to determine genetic markers, and the \$3.00 DNA Collection Fee, Deft. SENTENCED to a MAXIMUM of NINETY-SIX (96) MONTHS and a MINIMUM of THIRTY-SIX (36) MONTHS in the Nevada Department of Corrections (NDC), with THIRTY-SIX (36) DAYS credit time served, SUSPENDED; placed on PROBATION for an indeterminate period not to exceed FIVE (5) YEARS. STANDARD CONDITIONS:

1. Reporting: You are to report in person to the Division of Parole and Probation (P&P) as instructed by the Division or its agent. You are required to submit a written report each month on forms supplied by the Division. This report shall be true and correct in all respects.
2. Residence: You shall not change your place of residence without first obtaining permission from P&P, in each instance.
3. Intoxicants: You shall not consume any alcoholic beverages to excess. Upon order of P&P or its agent, you shall submit to a medically recognized test for blood/breath alcohol content. Test results of .08 blood alcohol content or higher shall be sufficient proof of excess.
4. Controlled Substances: You shall not use, purchase or possess any illegal drugs, or any prescription drugs, unless first prescribed by a licensed medical professional. You shall immediately notify P&P of any prescription received. You shall submit to drug testing as required by the Division or its agent.
5. Weapons: You shall not possess, have access to, or have under your control, any type of weapon.
6. Search: You shall submit your person, property (including cellular phones and / or computers), place of residence, vehicle or areas under your control to search at any time, with or without a search warrant or warrant of arrest, for evidence of a crime or violation of probation by P&P or its agent.
7. Associates: You must have prior approval by P&P to associate with any person convicted of a felony, or any person on probation or parole supervision. You shall not have any contact with persons confined in a correctional institution unless specific written permission has been granted by the Division and the correctional institution.
8. Directives and Conduct: You shall follow the directives of P&P and your conduct shall justify the opportunity granted to you by this community supervision.

9. Laws: You shall comply with all municipal, county, state, and federal laws and ordinances.
10. Out-of-State Travel: You shall not leave the state without first obtaining written permission from P&P.
11. Employment/Program: You shall seek and maintain legal employment, or maintain a program approved by P&P and not change such employment or program without first obtaining permission. All terminations of employment or program shall be immediately reported to the Division.
12. Financial Obligation: You shall pay fees, fines, and restitution on a schedule approved by P&P. Any excess monies paid will be applied to any other outstanding fees, fines, and/or restitution, even if it is discovered after your discharge.

SPECIAL CONDITIONS:

1. Defendant to be monitored on INTENSIVE SUPERVISION through P&P; the reduction of the supervision shall be at the discretion of P&P.
2. Have no use, possession, or control of marijuana, whether medicinal or recreational, even if the Defendant possesses a medical marijuana card.
3. Do not possess, distribute, inhale or ingest any synthetic cannabinoid, defined as a substance that mimics the effects of cannabis and is applied to plant material, commonly referred to as synthetic marijuana, K2, or Spice, while on probation; have no use, possession, or control of Kratom.
4. Beginning the week of January 14, 2019, complete thirty (30) hours per week of employment, job training, educational coursework, or community service.
5. Abide by any curfew imposed.
6. Defendant shall submit their digital storage media or any digital storage media that they 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 ORDERED the Defendant to REPORT to the Division of Parole & Probation (P&P) IMMEDIATELY, or no later than the close of business on January 11, 2019.

BOND, if any, EXONERATED.

NIC

Felony/Gross Misdemeanor

COURT MINUTES

February 02, 2021

C-18-334299-1 State of Nevada
 vs
 Daniel Saldana

February 02, 2021 11:00 AM Revocation of Probation

HEARD BY: Holthus, Mary Kay COURTROOM: RJC Courtroom 03F

COURT CLERK: Yorke, Dara

RECORDER: Sison, Yvette G.

REPORTER:

PARTIES PRESENT:

Christopher Peterson Attorney for Defendant

Daniel Saldana Defendant

Ekaterina Derjavina Attorney for Plaintiff

State of Nevada Plaintiff

JOURNAL ENTRIES

Ekaterina Derjavina, Esq. and Christopher Peterson, Esq. present via Bluejeans video conference; Deft. present in-custody via Bluejeans video conference.

Mr. Peterson indicated he spoke with Deft. the previous day and he would like time to apply Deft. to a program; therefore, requested matter be continued for two weeks. Ms. Derjavina submitted. Mr. Peterson indicated he didn't know if they were stipulating to the violation and arguing for reinstatement. Court advised it wasn't making any promises and normally wouldn't give time if Deft. wasn't stipulating and arguing; however, it would make this exception. COURT ORDERED, matter CONTINUED. Bench Warrant, RETURNED-SERVED.

CUSTODY

2/23/21 11:00 AM CONTINUED: REVOCATION OF PROBATION

Felony/Gross Misdemeanor

COURT MINUTES

February 23, 2021

C-18-334299-1 State of Nevada
 vs
 Daniel Saldana

February 23, 2021 11:00 AM Revocation of Probation

HEARD BY: Holthus, Mary Kay COURTROOM: RJC Courtroom 03D

COURT CLERK: Yorke, Dara

RECORDER: Sison, Yvette G.

REPORTER:

PARTIES PRESENT:

Christopher Peterson Attorney for Defendant

Daniel Saldana Defendant

State of Nevada Plaintiff

Victoria A. Villegas Attorney for Plaintiff

JOURNAL ENTRIES

Victoria Villegas, Esq. and Christopher Peterson, Esq. present via Bluejeans video conference; Deft. present in-custody via Bluejeans video conference; Officer Ariano, present on behalf of Parole and Probation via Bluejeans video conference.

Upon Court's inquiry, Mr. Peterson indicated they would be stipulating to the violations and arguing for reinstatement. DEFT. STIPULATED to being in violation of probation; Court ACCEPTED stipulation. Ms. Villegas argued for revocation. Mr. Peterson argued for Drug Court instead of prison. Colloquy between the Court and Deft. Following colloquy, Court noted due to Deft. doing 14 months on the new case, it would defer to Drug Court; additionally, Court FINDS that Deft. was in violation of probation; however, ORDERED, Deft. Saldana is REINSTATED on PROBATION with the ADDED CONDITION OF:

1. Deft. to enter and complete Drug Court; further,
2. Deft. to remain in custody until his first appearance in Drug Court.

DRUG COURT SPECIAL CONDITIONS:

1. Have no use, possession or control of any alcoholic beverages or marijuana.
2. Do not possess, distribute, inhale or ingest any synthetic cannabinoid, defined as a substance that mimics the effects of cannabis and is applied to plant material, commonly referred to as "synthetic marijuana," "K2," or "Spice," while on probation.
3. Have no use, possession or control of Kratom.
4. Once in phase 3 of Drug Court, Defendant will be required to attend one (1) outside support group meeting each week [Narcotic Anonymous ("NA"), Alcoholics Anonymous ("AA"), or a secular equivalent] for the remainder of Defendant's probation.
5. Cell Phone Probation Conditions:
 - a) Only allowed to have one cell phone at any given time.
 - b) Provide current phone number to P&P, drug court staff and treatment providers at all times.
 - c) Personalize voicemail in your own voice with your full name.

- d) Don't let anyone use your cell phone and do not use anyone else's cell phone.
 - e) If phone is passcode protected, provide passcode to P&P and unlock phone at any time your probation officer requests to inspect your phone.
 - f) Do not change the password or delete any text messages on your phone without permission and in the presence of your probation officer.
 - g) Do not remove the SIM card from your cell phone at any time.
6. Additional Search Clause Condition: You shall submit your digital storage media or any digital storage media that you have access to 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.

Colloquy between parties regarding Interstate Compact. Following colloquy, Court noted Deft. would need to stay in Nevada to Drug Court. Officer Ariano present. Officer Ariano indicated Deft. was currently being supervised in California. Further colloquy between parties. Following colloquy, Officer Ariano indicated Deft. owed \$237.74 in Extradition fee. COURT DIRECTED Deft. to pay his fees. COURT FURTHER ORDERED, Deft. REFERRED to Drug Court.

CUSTODY

2/25/21 1:00 PM FIRST APPEARANCE: DRUG COURT (DEPT. 7)

Felony/Gross Misdemeanor

COURT MINUTES

February 25, 2021

C-18-334299-1 State of Nevada
 vs
 Daniel Saldana

February 25, 2021 01:00 PM First Appearance Drug Court

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

COURT CLERK: Estala, Kimberly

RECORDER: Medina, Vanessa

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

APPEARANCES CONTINUED: Defendant present. Ms. Canfield, Drug Court coordinator, Glen O'Brien, Deputy District Attorney, and Jason Makris, Contract Defense Counsel with Drug Court team also present.

COURT ORDERED, Defendant ACCEPTED, ACCESSED and case to be TRANSFERRED to Department VII. COURT FURTHER ORDERED, Defendant RELEASED to Las Vegas City Jail with detainer back to CCDC then release to Freedom House and matter SET for status check.

F.H.

03/19/21 9:00 AM STATUS CHECK: DTP

Felony/Gross Misdemeanor

COURT MINUTES

April 09, 2021

C-18-334299-1 State of Nevada
 vs
 Daniel Saldana

April 09, 2021 09:00 AM First Appearance Drug Court

HEARD BY: Bell, Linda Marie; COURTROOM: RJC Courtroom 16A
 Wittenberger, Shannon

COURT CLERK: Moleres, Cynthia

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

APPEARANCES: Defendant, Jason Makris, Track Attorney, Officer Jones and Officer Natali, Parole and Probation (P&P), Allison Alegria, Choices Representative, Katie Welgand, Healthy Minds Representative, Codi Lingenfelter and Lindsey Lee, Drug Court Coordinators, present and all appearing via BlueJeans.

COURT ORDERED, Defendant ACCEPTED into DRUG COURT, ASSESSED \$1,500.00 and Defendant's case TRANSFERRED to Dept. 7/Adult Drug Court.

Upon Court's inquiry, Defendant provided his e-mail address and phone number, to which Court NOTED Defendant would receive an e-mail with all the Drug Court instructions. Ms. Lingenfelter advised all instructions would be e-mailed today. Upon Court's further inquiry, Defendant advised he had reported to American Toxicology, Inc. (ATI), and with Officer Natali. COURT EXPLAINED the Drug Court Program and FURTHER ORDERED, matter SET for a Status Check.

NIC

04/21/21 9:00 A.M. STATUS CHECK: DTP

Felony/Gross Misdemeanor

COURT MINUTES

April 21, 2021

C-18-334299-1 State of Nevada
 vs
 Daniel Saldana

April 21, 2021 01:00 PM Status Check: DTP

HEARD BY: Bell, Linda Marie; COURTROOM: RJC Courtroom 16A
 Wittenberger, Shannon

COURT CLERK: Moleres, Cynthia

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

APPEARANCES: Defendant, Jason Makris, Track Attorney, Officer Jones and Officer Bolyard, Parole and Probation (P&P), Stephanie Pineda, Healthy Minds Representative, Allison Alegria, Choices Representative, Lindsey Lee, Codi Lingenfelter and Whitney Canfield, Drug Court Coordinators, present and all appearing via BlueJeans.

Colloquy regarding Defendant's participation and progress in the drug treatment program (DTP). COURT ORDERED, matter SET for a status check.

NIC

05/07/21 9:00 A.M. STATUS CHECK: DTP

Felony/Gross Misdemeanor

COURT MINUTES

May 07, 2021

C-18-334299-1 State of Nevada
 vs
 Daniel Saldana

May 07, 2021 09:00 AM Status Check: DTP

HEARD BY: Bell, Linda Marie; COURTROOM: RJC Courtroom 16A
 Wittenberger, Shannon

COURT CLERK: Moleres, Cynthia

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

APPEARANCES: Defendant, Jason Makris, Track Attorney, Officer Jones, Officer Natali and Sgt. Morgan, Parole and Probation (P&P), Kathleen Welgand, Healthy Minds Representative, Codi Lingenfelter and Whitney Canfield, Drug Court Coordinator, present and all appearing via BlueJeans.

Colloquy regarding job development and F.I.T. Upon Court's inquiry, Defendant advised he would like to move in with his cousin, to which the Court directed Defendant to provide all his cousin's information to Ms. Canfield and his Probation Officer. COURT ORDERED, matter SET for Status Check.

NIC

05/21/21 9:00 A.M. STATUS CHECK: DTP

Felony/Gross Misdemeanor

COURT MINUTES

May 21, 2021

C-18-334299-1 State of Nevada
 vs
 Daniel Saldana

May 21, 2021 09:00 AM Status Check: DTP

HEARD BY: Bell, Linda Marie; COURTROOM: RJC Courtroom 16A
 Wittenberger, Shannon

COURT CLERK: Wolverton, April

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

APPEARANCES: Defendant, Jason Makris, Track Attorney, Officer Jones, Officer Natali, and Sgt. Morgan, Parole and Probation (P&P), and Whitney Canfield AND Codi Lingenfelter, Drug Coordinator, present and all appearing via BlueJeans.

Colloquy regarding Defendant s participation and progress in the drug treatment program (DTP).

COURT ORDER, matter SET for Status Check.

NIC

06/04/21 9:00 A.M. STATUS CHECK: DTP

Felony/Gross Misdemeanor

COURT MINUTES

June 04, 2021

C-18-334299-1 State of Nevada
 vs
 Daniel Saldana

June 04, 2021 09:00 AM Status Check: DTP

HEARD BY: Bell, Linda Marie; COURTROOM: RJC Courtroom 16A
 Wittenberger, Shannon

COURT CLERK: Wolverton, April

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

APPEARANCES: Defendant, Jason Makris, Track Attorney, Officer Jones and Sgt. Morgan, Parole and Probation (P&P), and Whitney Canfield AND Codi Lingenfelter, Drug Coordinator, Ms Rebecca Nemec, Healthy Minds representative, present and all appearing via BlueJeans.

Colloquy regarding Defendant s participation and progress in the drug treatment program (DTP). COURT ORDER, matter SET for Status Check.

NIC

06/18/21 9:00 A.M. STATUS CHECK: DTP

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 18, 2021

C-18-334299-1 State of Nevada
 vs
 Daniel Saldana

June 18, 2021 9:00 AM Status Check: DTP

HEARD BY: Bell, Linda Marie Wittenberger, **COURTROOM:** RJC Courtroom 16A
 Shannon

COURT CLERK: Lauren Kidd

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- APPEARANCES: Defendant, Jason Makris, Track Attorney, Katie Welgand, Healthy Minds Representative, Robert Banghart, Freedom House Representative, Michele Garrett, Sierra Sage Recovery Services Representative and Whitney Canfield, Drug Court Coordinator, present and appearing via BlueJeans.

Colloquy regarding Defendant's participation and progress in the drug treatment program (DTP).
COURT ORDER, matter SET for Status Check.

NIC

07/02/21 9:00 A.M. STATUS CHECK: DTP

PRINT DATE: 12/30/2021

Page 1 of 1

Minutes Date: June 18, 2021

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 02, 2021

C-18-334299-1 State of Nevada
 vs
 Daniel Saldana

July 02, 2021 9:00 AM Status Check: DTP

HEARD BY: Bell, Linda Marie Wittenberger, **COURTROOM:** RJC Courtroom 16A
 Shannon

COURT CLERK: Lauren Kidd
 Jennifer Lott

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- APPEARANCES: Defendant, Jason Makris, Track Attorney, Codi Lingernfelter, Drug Court Coordinator, and Whitney Canfield, Drug Court Coordinator, present and appearing via BlueJeans.

Colloquy regarding Defendant's participation and progress in the drug treatment program (DTP).
COURT ORDER, matter SET for Status Check.

NIC

07/23/21 9:00 A.M. STATUS CHECK: DTP

Felony/Gross Misdemeanor

COURT MINUTES

July 23, 2021

C-18-334299-1 State of Nevada
 vs
 Daniel Saldana

July 23, 2021 09:00 AM Status Check: DTP

HEARD BY: Bell, Linda Marie; COURTROOM: RJC Courtroom 16A
 Wittenberger, Shannon

COURT CLERK: Goodwin, Tondalaya; Wolverton, April

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

APPEARANCES: Defendant, Jason Makris, Track Attorney, Officer Natali, Parole and Probation (P&P), and Whitney Canfield, Drug Coordinator, present and all appearing via BlueJeans.

COURT NOTED on 7/8 Defendant missed MRT group; to which Defendant stated he dropped his phone and it broke. COURT ORDER, matter SET for Status Check.

NIC

08/13/21 9:00 A.M. STATUS CHECK: DTP

Felony/Gross Misdemeanor

COURT MINUTES

August 13, 2021

C-18-334299-1 State of Nevada
 vs
 Daniel Saldana

August 13, 2021 09:00 AM Status Check: DTP

HEARD BY: Bell, Linda Marie; COURTROOM: RJC Courtroom 16A
 Wittenberger, Shannon

COURT CLERK: Wolverton, April

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

APPEARANCES: Defendant, Jason Makris, Track Attorney, Officer Jones, and Officer Natali, Parole and Probation (P&P), and Codi Lingenfelter, Drug Coordinator, Katie Wegland Healthy Minds Representative, present and all appearing via BlueJeans.

COURT NOTED on 8/1 Defendant missed an urinalysis (UA) appointment. COURT ORDERED, Defendant PLACED on scheduled UA's every Monday, Wednesday, Friday and Saturday. COURT ADVISED Defendant he MUST attend 2 outside meetings a week and to provide proof. COURT ORDERED, matter SET for Status Check.

NIC

08/27/21 9:00 A.M. STATUS CHECK: DTP

Felony/Gross Misdemeanor

COURT MINUTES

August 27, 2021

C-18-334299-1 State of Nevada
 vs
 Daniel Saldana

August 27, 2021 09:00 AM Status Check: DTP

HEARD BY: Wittenberger, Shannon COURTROOM: RJC Courtroom 16A

COURT CLERK: Goodwin, Tondalaya

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

APPEARANCES: Defendant, Jason Makris, Track Attorney, Officer Jones and Officer Natali, Parole and Probation (P&P), and Codi Lingenfelter, Drug Court Coordinator, present and all appearing via BlueJeans.

Colloquy regarding Defendants participation and progress in the drug treatment program (DTP) and status of finding employment. COURT advised Defendant to follow up with F.I.T. COURT ORDERED matter SET for status check.

NIC

9/17/2021 9:00 A.M. STATUS CHECK DTP

Felony/Gross Misdemeanor

COURT MINUTES

September 03, 2021

C-18-334299-1 State of Nevada
 vs
 Daniel Saldana

September 03, 2021 09:00 AM Status Check: DTP

HEARD BY: Bell, Linda Marie; COURTROOM: RJC Courtroom 16A
 Wittenberger, Shannon

COURT CLERK: Goodwin, Tondalaya

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

APPEARANCES: Jason Makris, Track Attorney, Officer Jones, Parole and Probation (P&P), and Whitney Canfield, Drug Coordinator, present and all appearing via BlueJeans.

Defendant not present. COURT NOTED Defendant was IN CUSTODY and ORDERED, Defendant's presence WAIVED today; matter CONTINUED.

CUSTODY

9/23/21 1:00 PM STATUS CHECK:DTP

Felony/Gross Misdemeanor

COURT MINUTES

September 16, 2021

C-18-334299-1 State of Nevada
 vs
 Daniel Saldana

September 16, 2021 02:00 PM Status Check

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

COURT CLERK: Orpineda, Yolanda

RECORDER: Estala, Kimberly

REPORTER:

PARTIES PRESENT:

Daniel Saldana	Defendant
Jason Makris	Attorney for Defendant
Mariya Malkova	Attorney for Plaintiff
State of Nevada	Plaintiff

JOURNAL ENTRIES

COURT STATED the Defendant is in custody since they allowed another participant to use their vehicle which resulted in a search and drugs were found, and ORDERED, matter SET for termination hearing.

CUSTODY

9/30/2021 2:00 P.M. TERMINATION HEARING (DRUG COURT)

CLERK'S NOTE: This Minute Order was prepared by listening to the JAVs recording. (12-18-2021 ks)

Felony/Gross Misdemeanor

COURT MINUTES

September 30, 2021

C-18-334299-1 State of Nevada
 vs
 Daniel Saldana

September 30, 2021 02:00 PM Termination Hearing (Drug Court)

HEARD BY: Elliott, Jennifer COURTROOM: RJC Lower Level Arraignment

COURT CLERK: Orpineda, Yolanda

RECORDER: Estala, Kimberly

REPORTER:

PARTIES PRESENT:

Daniel Saldana	Defendant
Jason Makris	Attorney for Defendant
Mariya Malkova	Attorney for Plaintiff
State of Nevada	Plaintiff

JOURNAL ENTRIES

Counsel present via BlueJeans. Whitney Canfield; Drug Court Coordinator also present via Bluejeans.

Arguments by State to have Deft. terminated from Drug Court program. Statement by Deft. Arguments by Counsel to have Deft. remain in the program. Ms. Canfield requested the matter be continued for there to be testimony by the officers who reported issues with the Deft. COURT ORDERED, and matter CONTINUED.

SCRAM/ HOUSE ARREST

CONTINUED TO: 10/07/21 2:00 PM

Felony/Gross Misdemeanor

COURT MINUTES

October 07, 2021

C-18-334299-1 State of Nevada
 vs
 Daniel Saldana

October 07, 2021 02:00 PM Status Check: DTP

HEARD BY: Bonaventure, Joseph T. COURTROOM: RJC Lower Level Arraignment

COURT CLERK: Orpineda, Yolanda

RECORDER: Estala, Kimberly

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

Ms. Malkova present via Bluejeans.

COURT ORDERED, matter CONTINUED for Judge Bell to hear.

CUSTODY

10/14/21 2:00 PM TERMINATION HEARING: DRUG COURT

Felony/Gross Misdemeanor

COURT MINUTES

October 14, 2021

C-18-334299-1 State of Nevada
 vs
 Daniel Saldana

October 14, 2021 02:00 PM Termination Hearing (Drug Court)

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

COURT CLERK: Orpineda, Yolanda

RECORDER: Estala, Kimberly

REPORTER:

PARTIES PRESENT:

Jason Makris Attorney for Defendant

Mariya Malkova Attorney for Plaintiff

State of Nevada Plaintiff

JOURNAL ENTRIES

Deft. present in person. Whitney Canfield; Drug Court Coordinator and other parties present via Bluejeans.

Ms. Canfield stated to the Court that Parole and Probation was needed at this hearing and therefore requested a one week continuance; with no objection from the State, COURT SO ORDERED.

CUSTODY

10/21/21 2:00 PM TERMINATION HEARING: DTP

Felony/Gross Misdemeanor

COURT MINUTES

October 21, 2021

C-18-334299-1 State of Nevada
 vs
 Daniel Saldana

October 21, 2021 02:00 PM Termination Hearing (Drug Court)

HEARD BY: Bonaventure, Joseph T. COURTROOM: RJC Lower Level Arraignment

COURT CLERK: Orpineda, Yolanda

RECORDER: Estala, Kimberly

REPORTER:

PARTIES PRESENT:

Jason Makris Attorney for Defendant

Mariya Malkova Attorney for Plaintiff

State of Nevada Plaintiff

JOURNAL ENTRIES

Counsel present via Bluejeans.

Mr. Makris requested a one week continuance for Judge Bell to hear remaining arguments as she was previously present; COURT SO ORDERED.

CUSTODY

10/28/21 2:00 PM TERMINATION HEARING: DTP

Felony/Gross Misdemeanor

COURT MINUTES

October 28, 2021

C-18-334299-1 State of Nevada
 vs
 Daniel Saldana

October 28, 2021 02:00 PM Termination Hearing (Drug Court)

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

COURT CLERK: Orpineda, Yolanda

RECORDER: Estala, Kimberly

REPORTER:

PARTIES PRESENT:

Daniel Saldana	Defendant
Jason Makris	Attorney for Defendant
Mariya Malkova	Attorney for Plaintiff
State of Nevada	Plaintiff

JOURNAL ENTRIES

Appearances Continued: Russell Larson, Parole and Probation (P&P) Officer. All parties present via BlueJeans. Deft. present in custody.

The State notified the Court that the matter had been continued multiple times to have the witness present. Arguments by State including findings to have Deft. terminated from program. State presented witness, P&P officer Russell Larsen, SWORN AND TESTIFIED; testimony given by Mr. Larsen regarding findings in Deft.'s apartment. Arguments by Counsel for Deft. to remain in the program. COURT NOTED, the evidence presented by the officer are beyond struggles of addiction and therefore ORDERED, Deft. TERMINATED from the Drug Court program, with the case being REFERRED to originating department and SET for revocation of probation.

CUSTODY

11/04/21 11:00 AM REVOCATION OF PROBATION: TERMINATED FROM DRUG COURT (DEPT. 06)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 04, 2021

C-18-334299-1 State of Nevada
 vs
 Daniel Saldana

November 04, 2021 11:00 AM Revocation of Probation

HEARD BY: Bluth, Jacqueline M.

COURTROOM: RJC Courtroom 10C

COURT CLERK: Kristen Brown

RECORDER: De'Awna Takas

REPORTER:

PARTIES

PRESENT:	Public Defender	Attorney
	Saldana, Daniel	Defendant
	Scheible, Melanie L.	Attorney for the State
	Smith-Peterson, Jessica	Attorney for the Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Counsel stated that they have not seen an updates violation report. Ms. Smith-Peterson requested the matter be CONTINUED to see why the Deft. was terminated from Drug Court, COURT SO ORDERED.

CUSTODY

CONTINUED TO: 11/16/21 11:00 AM

Felony/Gross Misdemeanor

COURT MINUTES

November 16, 2021

C-18-334299-1 State of Nevada
 vs
 Daniel Saldana

November 16, 2021 11:00 AM Revocation of Probation: Terminated from Drug Court

HEARD BY: Thompson, Charles COURTROOM: RJC Courtroom 10C

COURT CLERK: Brown, Kristen

RECORDER: Takas, De'Awna

REPORTER:

PARTIES PRESENT:

C. Benjamin Scroggins Attorney for Defendant

Daniel Saldana Defendant

Jay Raman Attorney for Plaintiff

State of Nevada Plaintiff

JOURNAL ENTRIES

Mr. Scroggins stated that he was just retained as counsel and requested the matter be continued as he hasn't received the file from the Public Defender's office. Mr. Raman noted the Deft. was terminated from the Drug Court program. COURT ORDERED, matter CONTINUED.

CUSTODY

12/09/21 11:00 AM REVOCATION OF PROBATION

Felony/Gross Misdemeanor

COURT MINUTES

December 09, 2021

C-18-334299-1 State of Nevada
 vs
 Daniel Saldana

December 09, 2021 11:00 AM Revocation of Probation: Terminated from Drug Court

HEARD BY: Bluth, Jacqueline M. COURTROOM: RJC Courtroom 10C

COURT CLERK: Brown, Kristen

RECORDER: Takas, De'Awna

REPORTER:

PARTIES PRESENT:

C. Benjamin Scroggins Attorney for Defendant

Daniel Saldana Defendant

Melanie L. Scheible Attorney for Plaintiff

State of Nevada Plaintiff

JOURNAL ENTRIES

Mr. Scroggins stated that he hasn't been able to obtain the file from the Public Defender's office and the only thing he has access to is the minute orders which do not provide much information; further, a violation report was filed yesterday but does not have access to that document as well. COURT ORDERED, matter CONTINUED for Mr. Scroggins to obtain the file. Court provided Mr. Scroggins and the State with a copy of the violation report.

CUSTODY

CONTINUED TO: 12/16/21 11:00 AM

Felony/Gross Misdemeanor

COURT MINUTES

December 16, 2021

C-18-334299-1 State of Nevada
 vs
 Daniel Saldana

December 16, 2021 11:00 AM Revocation of Probation: Terminated from Drug Court

HEARD BY: Holthus, Mary Kay COURTROOM: RJC Courtroom 03F

COURT CLERK: Boyle, Shelley; Squyres, Stephanie

RECORDER: Sison, Yvette G.

REPORTER:

PARTIES PRESENT:

C. Benjamin Scroggins Attorney for Defendant

Christopher P. Pandelis Attorney for Plaintiff

Daniel Saldana Defendant

State of Nevada Plaintiff

JOURNAL ENTRIES

Mr. Scroggins stated he did not receive a copy of the Violation Report. Upon Court's inquiry Deft. STIPULATED to the violations. Arguments by counsel. COURT ACCEPTED Deft's. STIPULATION, FOUND Deft. in VIOLATION of their probation conditions, and ORDERED, Deft's. PROBATION REVOKED. The ORIGINAL UNDERLYING SENTENCE of a MINIMUM of THIRTY-SIX (36) MONTHS and a MAXIMUM of NINETY-SIX (96) MONTHS in the Nevada Department of Corrections (NDC) IMPOSED, with TWO HUNDRED FOURTEEN (214) DAYS credit for time served. DEFT. ADMONISHED to take advantage of the programming available to him.

NDC

Felony/Gross Misdemeanor

COURT MINUTES

February 02, 2022

C-18-334299-1 State of Nevada
 vs
 Daniel Saldana

February 02, 2022 11:00 AM Order of Limited Remand for Designation of Counsel

HEARD BY: Holthus, Mary Kay COURTROOM: RJC Courtroom 03F

COURT CLERK: Boyle, Shelley; Squyres, Stephanie

RECORDER: Sison, Yvette G.

REPORTER:

PARTIES PRESENT:

Ronald S. Paulson Attorney for Defendant

State of Nevada Plaintiff

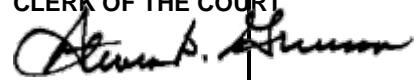
Tyler D. Smith Attorney for Plaintiff

JOURNAL ENTRIES

Deft. not present, not transported from Nevada Department of Corrections.

Upon Court's inquiry, Mr. Paulson indicated the Public Defender's Office can accept appointment for the purposes of filing an appeal. COURT ORDERED, Public Defenders Office APPOINTED as counsel of record.

NDC



TRAN

CASE NO. C334299-1

IN THE JUSTICE'S COURT OF HENDERSON TOWNSHIP
COUNTY OF CLARK, STATE OF NEVADA

STATE OF NEVADA,)	
)	
Plaintiff,)	
vs.)	
)	CASE NO. 18FH1638X
)	
DANIEL SALDANA,)	
)	
Defendant.)	
_____)	

REPORTER'S TRANSCRIPT
OF
WAIVER OF PRELIMINARY HEARING
BEFORE THE HONORABLE SAMUEL G. BATEMAN
JUSTICE OF THE PEACE

MONDAY, AUGUST 20, 2018

APPEARANCES:

For the State: VICTORIA VILLEGAS
Chief Deputy District Attorney

For the Defendant: CHRISTOPHER PETERSON
Deputy Public Defender

Reported by: Lisa Brenske, CCR #186

HENDERSON, NEVADA, AUGUST 20, 2018

* * * * *

11:11AM THE COURT: Daniel Saldana, 18FH1638X. On
for preliminary hearing. What are we doing?

MR. PETERSON: Your Honor, this matter has
been negotiated. Mr. Saldana will be unconditionally
waiving his right to a preliminary hearing today. He
will be pleading guilty to one count of burglary,

Category B felony. The State will have no opposition
to probation. The State will agree to an OR at entry
of plea. However, if he after being released fails to
stay out of trouble or if he fails to appear for his
court dates, the State will retain the right to ask for
habitual treatment.

MS. VILLEGAS: In addition fail to
interview with P & P and fails to stay out of trouble,
meaning no new arrests above minor traffic offenses,
then the State retains full right to argue to include
the large habitual.

THE COURT: Okay. Is that what you want
to do, sir?

THE DEFENDANT: Yes, sir.

THE COURT: In order to take that deal you

11:12AM 1 have to waive your right to a preliminary hearing. Do
2 you understand that?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Do you understand that by
11:12AM 5 unconditionally waiving your right to a preliminary
6 hearing you're waiving your right to confront the
7 witnesses the State would call against you, call
8 witnesses on your own behalf and testify on your own
9 behalf at a preliminary hearing?

11:12AM 10 THE DEFENDANT: Yes, sir.

11 THE COURT: Do you also understand if you
12 get to District Court and decide you don't want that
13 negotiation, you don't come back in front of me for a
14 preliminary hearing, you just go to trial on the
11:13AM 15 original charges?

16 THE DEFENDANT: Yes.

17 THE COURT: Do you understand?

18 THE DEFENDANT: Yes.

19 THE COURT: It appears to me from the
11:13AM 20 complaint on file herein that a crime or crimes have
21 been committed and the defendant named herein having
22 unconditionally waived his right to a preliminary
23 hearing. I hereby order said defendant be held to
24 answer to said charges in the Eighth Judicial District
11:13AM 25 Court, State of Nevada, County of Clark on the

11:13AM 1 following date.

2 THE CLERK: August 29th, 10:00 a.m.,

3 lower level.

4 THE COURT: That's your date for your

11:13AM 5 plea. They'll be in touch with you for a guilty plea

6 agreement.

7 THE DEFENDANT: Do I get OR today?

8 THE COURT: I thought the deal was an OR

9 at the entry of plea.

11:13AM 10

11 (The proceedings concluded.)

12

13 * * * * *

14

11:13AM 15 ATTEST: Full, true and accurate

16 transcript of proceedings.

17

18 /S/Lisa Brenske

19 LISA BRENSKE, CSR No. 186

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THE STATE OF NEVADA,
Plaintiff,
vs.
DANIEL SALDANA,
Defendant.

CASE#: C-18-334299-1

DEPT. XVIII

**RECORDER'S TRANSCRIPT OF HEARING:
REVOCATION OF PROBATION**

For the State:

For the Defendant:

CHRISTOPHER PETERSON, ESQ.
Deputy Public Defender

Page 1

1 Las Vegas, Nevada, Tuesday, February 2, 2021

2
3 [Hearing began at 11:19 a.m.]

4 THE COURT CLERK: State of Nevada versus Daniel
5 Saldana, C334299.

6 MR. PETERSON: And Your Honor, Chris Peterson from the
7 Clark County Public Defender's Office appearing on behalf of Mr.
8 Saldana. I spoke with Mr. Saldana yesterday. I would like to try -- get
9 some time to apply him for some programming. I think he'd be an
10 excellent candidate for a variety of options that we have. If I can get two
11 weeks to do that, I would appreciate it.

12 THE COURT: Do I have anybody from P&P? State?

13 MS. DERJAVINA: The State will submit on their request for a
14 continuance.

15 THE COURT: Are you going to stip and argue Mr. Peterson?

16 MR. PETERSON: I'm not sure. I gotta see what else I got on
17 the table to be entirely honest, Your Honor. I would've done this earlier,
18 but I just came back, as the Court is aware.

19 THE COURT: All right. I'm not making any promises, and
20 normally I don't allow you to do the program thing unless it's a stip and
21 argue, but because you just came back, I'll give you -- how much time?

22 MR. PETERSON: I appreciate it, Your Honor.

23 THE COURT: How much time do you need?

24 MR. PETERSON: Well, with the programming, can you
25 actually -- can you give me three weeks?

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THE COURT: Yes.

MR. PETERSON: Thank you, Your Honor, I appreciate it.

THE COURT CLERK: February 23rd at 11 a.m.

MS. DERJAVINA: And what the State is requesting, any of the officers that are online, if they can contact whoever is assigned to this case to make sure they're present.

THE COURT: Thank you. Mr. Saldana, do you know what's going on?

THE DEFENDANT: Yes, can I get approved for a program or something?

MR. PETERSON: We're going to work on that.

THE COURT: Your attorney is going to try and find a program, an alternative to prison for you.

THE DEFENDANT: Okay.

MR. PETERSON: All right Mr. Saldana, I'll give you a call okay?

THE DEFENDANT: Okay, thank you.

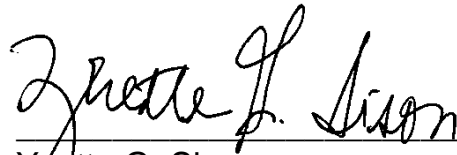
MR. PETERSON: All right, take care.

[Hearing concluded at 11:21 a.m.]

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ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.



Yvette G. Sison
Court Recorder/Transcriber

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THE STATE OF NEVADA,
Plaintiff,
vs.
DANIEL SALDANA,
Defendant.

CASE#: C-18-334299-1

DEPT. XVIII

**RECORDER'S TRANSCRIPT OF HEARING:
REVOCATION OF PROBATION**

For the State: VICTORIA VILLEGAS, ESQ.
Deputy District Attorney

For the Defendant: CHRISTOPHER PETERSON, ESQ.
Deputy Public Defender

Also Present: OFFICER SORIANO
Department of Parole and Probation

RECORDED BY: YVETTE SISON, COURT RECORDER

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Las Vegas, Nevada, Tuesday, February 23, 2021

[Hearing began at 11:28 a.m.]

THE COURT CLERK: State of Nevada versus Daniel Saldana, C334299.

MR. PETERSON: Chris Peterson from the Clark County Public Defender's Office appearing on behalf of Mr. Saldana.

THE COURT: Is this negotiated, stip and argue, or are we having a hearing?

MR. PETERSON: And Your Honor, we're actually going to do a stip and argue today. I just want to confirm, did the Court receive the acceptance letter for the Drug Court Program?

THE COURT: Yes.

MR. PETERSON: Okay. So we'd be ready to argue today, Your Honor.

THE COURT: Okay. Mr. Saldana, the State has filed a motion to revoke your probation. It's my understanding that you will agree the State can prove all the facts set forth in the probation violation report dated January 11, 2021. Do you agree?

THE DEFENDANT: Yes.

THE COURT: State.

MS. VILLEGAS: Judge, in this case, the State is asking that the Defendant be revoked and incarcerated in prison. I was the DA that originally negotiated this case knowing the fact that at that time, he was a five-time ex-felon, and he had these drug issues that supposedly he

1 was supposed to take care of.

2 Obviously since he has been placed on this probation, he
3 became -- he picked up a new felony conviction in California, and now
4 we're back here on this revocation. So, obviously, any drug treatment
5 program that counsel is trying to argue, I think given the fact that he still
6 continues to commit new crimes; the State is asking that the Defendant
7 be revoked. I don't know if there's a P&P Officer here, because I don't
8 have the credit -- how many credits he's entitled to.

9 THE COURT: Anybody from P&P there? Mr. Saldana or Mr.
10 Peterson.

11 MR. PETERSON: Your Honor, if I can make argument first. I
12 also believe Mr. Saldana may have something may have something to
13 say to the Court as well; but I wanna explain why Drug Court is the
14 appropriate avenue in this situation with Mr. Saldana.

15 I'll actually start by responding to the State's claim that they're
16 aware of the substance abuse problems when Mr. Saldana was
17 originally sentenced.

18 In reviewing the JOC, there is not even any indication of an
19 interest in doing a -- he was not ordered to do a substance abuse
20 evaluation or anything of that sort, and while there is indication in his
21 record of drug abuse and I think also, as this Court is aware of, with the
22 experience the Court has that property-related offenses are close-
23 related to drug addiction, that at the time of this original offense, I think
24 Mr. Saldana was in denial about his drug issues. I want to go back -- I
25 want to lay this out clearly, okay.

1 So, obviously what we have here in this case is something
2 that is a property-related offense. He's accused of going in, giving his
3 own name at a dealership, but using false information along with his
4 name to try and get a vehicle. He gets in trouble for that here, and in
5 this case, and that's why he's charged the way he's charged in this case.

6 Then, he picks up a new offense in California, which is again a
7 property-related offense, but denying that he was convicted out there.

8 So, I think that the Court is aware that these kinds of offenses
9 are often directly related to drug use, and if you look through his PSI,
10 there was a prior history of drug-related offenses with him, but of
11 personal-use offenses, not sales or anything like that, but personal-use
12 offenses.

13 When we look at what's going on here right, and what makes
14 sense for us to do here, obviously the Court has the authority to revoke
15 his bail -- his probation and send him to prison; that is an option. But I
16 think something that this Court is often aware of, is that in doing that, the
17 Court in some ways loses the opportunity to do something a little better
18 for Mr. Saldana but also in decrease the danger to the community with
19 these kinds of offenses by having a stip over Mr. Saldana's head and
20 making him go into a drug treatment program; and obviously what Mr.
21 Saldana opportunity here is now is actually our best drug treatment
22 program we have available for him because he's going to be under
23 constant supervision by a court while he's going through his drug
24 treatment.

25 Obviously, it is up to this Court to make a determination on

1 whether or not to send him there, but if anything obviously about drug
2 court is they take and consider all the information that's provided.

3 Now, when we first applied Mr. Saldana for drug treatment
4 with the Drug Court Program, I was concerned about the original PSI
5 where he was in denial about the drug issues that he was having three
6 years ago, but when -- obviously going and interviewing, there's
7 something they do consider, right when they interview, and in talking
8 with Mr. Saldana, I think that in the last three years, he's come to grips
9 with the fact that he does have a serious problem. It's rooted back in his
10 drug abuse, and obviously he qualifies for drug treatment through the
11 Drug Court Program.

12 And I think ultimately -- the other thing the Court often I think
13 considers is, is this the kind of underlying case that requires retribution.
14 And I think the Court, you know, probably better than other courts, thinks
15 about that idea. Is this something where a complaining witness that this
16 -- assuming that he doesn't go to prison, is the complaining witness
17 going to miss out on an aspect of sentencing. And I think in this case,
18 when we look at it, the underlying complaining witness is a car
19 dealership that ultimately didn't lose any financial benefit from what
20 happened here; they caught Mr. Saldana on the scene; and so I don't
21 even know if the complaining witness would even remember Mr.
22 Saldana.

23 So again, what we're looking at here again, the two primary
24 actors we have to worry about is one, is it something that -- if we have
25 the opportunity to solve this problem now, does the community benefit

1 from sending him to prison or by making him do drug court right? The
2 only thing, of course, with Mr. Saldana, is he going to be better, can we
3 change his life, is something else to consider.

4 Drug Court is basically the best option here for Mr. Saldana
5 considering his prior record, whether he's accused here or whether he's
6 accused in California, and then the fact that the Court can solve this
7 problem now or take our best shot at solving this problem now. And so
8 we're asking the Court to send him to Drug Court rather than send him
9 to prison.

10 THE COURT: His job for the last four years has been
11 stealing. He doesn't appear to have changed much.

12 MR. PETERSON: And Your Honor, that's because we haven't
13 done intervention with him right? And I think the Court is very aware that
14 something like drug court --

15 THE COURT: He's been on probation multiple times over the
16 years.

17 MR. PETERSON: -- I think the Court is also aware -- I know
18 the Court likes programming --

19 THE COURT: I do like programming.

20 MR. PETERSON: -- and for a reason, right and at the end of
21 the day, Probation does offer services, but Drug Court is a specifically
22 geared program to deal with the problem that Mr. Saldana has.

23 THE COURT: I'm pretty sure -- new felonies on probation
24 really should get you revoked. How much time did he do on that new
25 felony?

1 MR. PETERSON: Well since the two years, I'm not sure
2 exactly how the credit system works out in California though.

3 THE COURT: Mr. Saldana, how much time did you do on
4 that?

5 THE DEFENDANT: I did about 14 months. Your Honor, I do
6 have a problem, and I need help, and I just never had a chance for the
7 Court to give me that kind of help that I need --

8 THE COURT: Don't, don't, don't, don't you be telling me you
9 never had a chance with the Court or anybody else. You been on
10 probation. You been in the system most of your adult life here, and
11 guarantee you programming was offered and counseling was offered,
12 and whatever, so this is a you, not the Court or the system.

13 In spite of my general bright-line rule, however, because he
14 did do 14 months on that new case and because I'm going to defer to
15 Drug Court, having made the appropriate investigation and defer their
16 judgment, so I'm going to find that you are in violation. I'm going to
17 reinstate you with Drug Court and all the attendant conditions of Drug
18 Court, are to be added including: You are to have no possession or
19 control of any alcoholic beverage of marijuana. You may not possess,
20 distribute synthetic cannabinoids. No possession of or control of kratom.
21 Once in Phase III of the Drug Court, you're going to have to go to
22 outside meetings; cell phone probation conditions, only one cell phone at
23 a time, provide current numbers to P&P, Drug Court Staff, and treatment
24 providers. Personalize your voicemail in your only full name. Don't let
25 your cell phone -- let anybody use it or use anyone else's. If its

1 passcode protected, P&P gets the passcode anytime, you have to
2 unlock it. Don't change your passcode or delete any text messages
3 without permission. Do not remove the SIM card from your cell phone at
4 any time. You also shall have the additional search clause that you shall
5 submit your digital storage media and digital storage devices; that you
6 have access to all of your computers and what not, P&P can search
7 them anytime, anyplace with or without warrant, and you'll provide the
8 passcode. I'm telling you --

9 MS. VILLEGAS: And Judge --

10 THE COURT: -- yes.

11 MS. VILLEGAS: -- so it was originally agreed that he was
12 under that interstate compact, so is that condition gone now too? He
13 was supposed --

14 THE COURT: I don't know that we need to do anything with --
15 oh you mean -- no, well he's obviously gotta be here --

16 MS. VILLEGAS: Yes, so --

17 MR. PETERSON: Yes.

18 THE COURT: For the Drug Court.

19 MS. VILLEGAS: -- so that condition is revoked, right?

20 MR. PETERSON: My understanding is he will be staying in
21 Nevada to do the Drug Court Program, Your Honor; that's our
22 understanding.

23 THE COURT: Yeah, I --

24 MS. VILLEGAS: He's not to leave the State.

25 THE COURT: -- I --

1 PAROLE AND PROBATION: Your Honor?

2 THE COURT: -- yes.

3 PAROLE AND PROBATION: I apologize. I had gotten
4 disconnected. This is Specialist Soriano with Interstate Compact from
5 Parole and Probation. I -- mister -- this is regarding Mr. Saldana. He is
6 being currently supervised in the State of California on that new arrest
7 and conviction.

8 THE COURT: Is that going to cause issues with him doing the
9 Drug Court here?

10 PAROLE AND PROBATION: His supervising officer currently
11 did not know that he was arrested here. I had gotten in contact with her,
12 and so -- I don't know if they're going to be doing a violation report on
13 him once I give them the information whether he's reinstated or revoked.
14 I'm supposed to notify her of what's going on. I think that maybe
15 revoking his probation -- or I'm sorry, Your Honor -- I believe they're
16 going to be addressing his arrest here once they find out that this
17 Division has another case.

18 THE DEFENDANT: Your Honor, when I got released from
19 Riverside, I had this warrant, and they released me on this warrant. I
20 had been checking into probation and everything on my own. I didn't get
21 picked up on a new charge when I got extradited here.

22 MR. PETERSON: And Mr. Saldana, you were extradited from
23 California, is that correct?

24 THE DEFENDANT: Yes. I was in -- I was checking in with my
25 probation. My Probation Officer was well aware of my working status

1 and everything, and I was checking in --

2 THE COURT: Was it probation or parole? I thought he got 14
3 -- I thought he got two years --

4 PAROLE AND PROBATION: Incarceration, then he was
5 released -- he was sentenced to mandatory supervision and he's being
6 supervised until February 11, 2023.

7 THE COURT: Okay. Well, if it gets twisted or something
8 happens, then let me know. My thing is right now, he's going to be
9 reinstated with Drug Court. He's going to stay in custody to be released
10 only to the Drug Court Program -- by the Drug Court Program.

11 PAROLE AND PROBATION: Okay.

12 THE COURT: Anything else they want to impose, they can
13 impose if need be. And then if something happens, if he's not released
14 or he's returned or -- I don't know they would violate him in California for
15 something that had happened prior -- I mean -- that's kind of a circle --
16 we're violating for him for what he did in California, California is going to
17 violate him because we're violating because of what he did in California.
18 It doesn't really make a lot of sense to me, so I'm guessing that's not
19 going to be an issue is my whole point. If it is, just call us.

20 THE DEFENDANT: Your Honor, they released me on this
21 warrant from Riverside County, when I got released I had this warrant,
22 and they released me on it. I don't know. They said [unintelligible] right
23 there when I finished my time this way. So -- and I shouldn't see why I
24 should be -- I get violated if I was checking in with probation and
25 everything and --

1 THE COURT: I don't -- well that's another Judge's problem,
2 not mine.

3 THE DEFENDANT: Okay.

4 THE COURT: I'm giving -- I'm letting you, and I'm not 100%
5 sure this is the right thing. I'll tell you right now, nothing -- you are --
6 you're a young man, and you've got a -- 32 years old, you already got
7 five felonies. It's ridiculous.

8 MS. VILLEGAS: Thanks, Judge, thanks.

9 THE COURT: But who's counting Ms. Villegas? Oh yeah,
10 you are. It's -- you know, it's time; or you are going to spend the rest of
11 your life in prison. So you need to decide how you're going to --

12 THE DEFENDANT: I'm not going to let you down.

13 THE COURT: I hope not. Good luck.

14 PAROLE AND PROBATION: Your Honor,

15 THE COURT: Yes.

16 PAROLE AND PROBATION: We have extradition of \$237.74.

17 THE COURT: All right. Mr. Saldana, pay your extradition fees
18 will you.

19 THE DEFENDANT: Yes ma'am, yes Your Honor, I will.

20 THE COURT: Is it \$247 or \$237?

21 THE DEFENDANT: You guys can take that off my books if
22 you want to.

23 PAROLE AND PROBATION: It's \$237.

24 THE COURT CLERK: The Drug Court Date will be February
25 25th at 1 p.m. in Department 7.

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MR. PETERSON: All right, thank you, Your Honor.

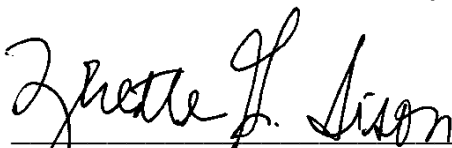
THE DEFENDANT: Thank you.

THE COURT: Good luck.

[Hearing concluded at 11:43 a.m.]

* * * * *

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.



Yvette G. Sison
Court Recorder/Transcriber

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Las Vegas, Nevada, Thursday, February 25, 2021

[Case called at 3:50 p.m.]

THE COURT: All right, Daniel it looks like you have some traffic warrants in the City.

THE DEFENDANT: I don't know.

MS. CANFIELD: I did confirm that on the City of Las Vegas website that they are -- there is that bench warrant out there for him.

THE COURT: All right so, Whitney would you prefer me to release him to the City with a detainer or to -- what would you like me to do?

MS. CANFIELD: We want to -- because we are going to send our list over anyways -- that's going to have him on there to be released and we'll just put a note on there that we're aware of the City detainer. And so they will just request transport once he returns. So that way it's on CCDC's radar once he comes back from --

THE COURT: Okay.

MS. CANFIELD: -- the City.

THE COURT: So I'll go ahead accept, assess, and transfer today. Does he need the special conditions?

MS. CANFIELD: I'm looking right now, a lot of these guys were sentenced or reinstated this week so not all the minutes were updated. So that's kind of where some of our challenges were. He wasn't -- yes he was -- the special conditions were imposed by Department 18 at time -- of reinstatement.

1 THE COURT: All right so accept, assess, and transfer. And
2 then Daniel you'll be released to Freedom House for placement in sober
3 living once you take care of your -- those traffic things. And how am I
4 going -- so I'm going to release him to the City with a detainer. And then
5 when he comes back he's to be released to Freedom House for
6 placement in sober living. You'll be doing outpatient treatment at Healthy
7 Minds and going to ATI for drug testing. So once you get out you need to
8 check in with probation and email the -- email Whitney, the coordinator,
9 so and then she'll send you the handbook and the instructions about
10 treatment and all of that.

11 THE DEFENDANT: Okay, thank you.

12 THE COURT: And we'll keep an eye just to make sure that
13 nothing does south with this.

14 THE DEFENDANT: Okay, thank you.

15 THE COURT: All right and then you'll have court March 19th
16 at 9:00 a.m. in front of Judge Wittenberger.

17 [Proceedings concluded at 3:52 p.m.]

18 * * * * *

19
20 ATTEST: I do hereby certify that I have truly and correctly transcribed the
21 audio/video proceedings in the above-entitled case to the best of my
22 ability.

23 
24 Kimberly Estala
25 Court Recorder/Transcriber

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THE STATE OF NEVADA,
Plaintiff,
vs.
DANIEL SALDANA,
Defendant.

VS.

DANIEL SALDANA,
Defe

**RECORDER'S TRANSCRIPT OF HEARING:
STATUS CHECK: DTP**

For the State:	NONE
For the Defendant:	JASON MAKRIS, ESQ., Appeared By Video

RECORDED BY: CYNTHIA MOLERES, DEPUTY COURT CLERK

1 Las Vegas, Nevada, Friday, April 9, 2021

2
3 [Case called at 10:28 a.m.]

4 THE COURT: And page 22, page 23 Daniel Saldana
5 C334299, Daniel are you there?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: How are you?

8 THE DEFENDANT: Good, how about yourself?

9 THE COURT: I'm good, thank you. So I'm going to assess,
10 accept and transfer you into the Adult Drug Court Program. In addition
11 to the special -- the standard conditions of probation that you've been
12 placed on you also have these special conditions: you cannot use,
13 possess or control any alcoholic beverage or marijuana. You cannot
14 possess, distribute, inhale or ingest any synthetic cannabinoids
15 designed as a substance that mimics the effects of cannabis and is
16 applied to plant material commonly referred to as synthetic marijuana,
17 K2, or spice while on probation. You cannot use, possess, or control
18 Kratom. Once in phase 3 of drug court you'll be required to attend one
19 support group meeting each week such as Narcotic Anonymous,
20 Alcoholics Anonymous, or a secular equivalent for the remainder of
21 your probation. Regarding your cell phone, you're only allowed to have
22 one cell phone at any given time. You must provide current phone
23 number to Probation and Parole, drug court staff and treatment
24 providers at all times. You must personalize voicemail greeting in your
25 own voice with your full name. You cannot allow anyone else to use
your cell phone and you cannot use anyone else's cell phone. If you do
have a password you must provide it to Probation and Parole and
unlock phone at any time your probation officer requests to inspect your

1 phone. You cannot change the password or delete any text messages
2 on your phone without permission of and in the presence of your
3 probation officer. And you cannot remove the SIM card from your cell
4 phone at any time. Additionally, you shall submit your digital storage
5 media or any digital storage media you have access to or use, including
6 computers, handheld communication devices and any network
7 applications associated with those devices, including social media and
8 remote storage services to a search and shall provide all passwords,
9 unlock codes and account information associated with those items, with
or without a search warrant, by Probation and Parole or its agent.

10 Do you understand those conditions?

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: Do you have any questions regarding those?

13 THE DEFENDANT: Something about attend meetings, or
14 something.

15 THE COURT: So once you're in phase 3 --

16 THE DEFENDANT: Is that the --

17 THE COURT: -- once you're in phase 3 of drug court then
you're required to attend one meeting a week.

18 THE DEFENDANT: What phase am I at right now?

19 THE COURT: Phase 1.

20 THE DEFENDANT: Phase 1, okay. I have another question,
21 when will I be able to move out to my own place or something if I get an
address out here?

22 THE COURT: It will depend on how you progress. So you
23 were just placed in sober living on April 7th, you haven't even had
24 contact with Whitney your coordinator. You aren't in treatment yet so
25 we're not even close to that okay.

1 THE DEFENDANT: Okay is she supposed to contact me or
2 am I supposed to contact her, Whitney?
3 THE COURT: Well -- she has tried to contact you. What is
4 your email address?
5 THE DEFENDANT: Dsaldana213@gmail.com .
6 THE COURT: And what is your phone number?
7 THE DEFENDANT: 909-516-8394.
8 THE COURT: And do you have a voicemail set up?
9 THE DEFENDANT: Yes I do. What's her name, Whitney?
10 THE COURT: Yes.
11 THE DEFENDANT: Is there a number for her I can --
12 THE COURT: You'll -- she will contact you through email now
13 that -- so it is your responsibility to -- check your email every single day
14 including your spam. Do you understand?
15 THE DEFENDANT: Yes.
16 THE COURT: Do you have your voicemail -- does it have
17 your first and last name on your voicemail?
18 THE DEFENDANT: I just got my phone, I haven't set up my
19 voicemail but I will do that.
20 THE COURT: Okay so you need to do that right away
21 because they will not leave a message. Have you checked into --
22 THE DEFENDANT: Okay.
23 THE COURT: -- Healthy Minds for treatment?
24 THE DEFENDANT: ATI or Healthy Minds?
25 THE COURT: Healthy Minds.
THE DEFENDANT: No, I have not.
MS. LINGENFELTER: Your Honor, this is Codi.
THE COURT: Yes.

1 MS. LINGENFELTER: He hasn't received any of his
2 instructions yet because he did not email Ms. Whitney. So Freedom
3 House staff has her email address if he emails her today we can
4 probably get those instructions out to him.

5 THE COURT: Okay, well can we send it -- I mean he just
6 gave us his email so can we send it to him?

7 MS. LINGENFELTER: Yes, Your Honor.

8 THE COURT: Okay, thank you. So --

9 THE DEFENDANT: Can you repeat my email just in case you
10 guys have it right?

11 THE COURT: dsaldana S-A-L-D-A-N-A 213@gmail.

12 THE DEFENDANT: Yes.

13 THE COURT: Okay. So you will be emailed instructions as to
14 all the things you need to do. That will include contacting Healthy
15 Minds, and I want you to do that immediately to set up for an orientation
16 and assessment. And do not -- miss those appointments. You also --
17 ATI did you go to ATI and start drug testing?

18 THE DEFENDANT: Yes -- my first day I went out there and
19 today I have to go out there too. Is my officer, Probation Officer, on here
20 that he can hear? I put in the wrong email when I went to check in with
21 them. I don't know if there was a zero at the end or not, but it's not a
22 zero.

23 THE COURT: Okay.

24 THE DEFENDANT: I don't know if he can hear it and get my
25 email down. I see that he's on here.

THE COURT: So have you been assigned a -- have they told
you who your officer is?

OFFICER NATALI: Your Honor, this is Officer Natali.

THE COURT: Yes.

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OFFICER NATALI: I'm his assigned officer.

THE COURT: Okay great. So you've got that change in his email?

OFFICER NATALI: Can I get the corrected email, Mr. Saldana?

THE DEFENDANT: Dsaldana213@gmail.com.

OFFICER NATALI: 213?

THE DEFENDANT: Yes, not a zero at the end. I remember I put a zero there but it's just 213.

OFFICE NATALI: Okay, thank you.

THE COURT: Thank you very much. So you will be sent instructions on, you know, contacting all these places. You will be sent a handbook for drug court, some LC homework we call it, a medication list and orientation information because you will have an orientation with Whitney or one of our other coordinators so they'll go over in detail everything that's expected in the program and the different phases and everything. Okay?

THE DEFENDANT: Yeah because I've been checking in with the staff here at Freedom House making sure every day what I need to do and I want to stay on top of this and get through this so anything I need to know just I need so I get it done and, you know, stay on top of this and get through this. Thank you.

THE COURT: Okay so just be mindful check your email. If you don't get an email today then you need to reach out like Codi said Freedom House has contact information for Whitney and the other coordinators. So they can also give you have information, okay?

THE DEFENDANT: Okay I would ask for that information, thank you.

THE COURT: You're welcome.

1 MS. LINGENFELTER: Your Honor, this is Codi I just sent that
2 email.

3 THE COURT: Thank you so much. So you should have that
4 email Mr. Saldana and are you checking?

5 THE DEFENDANT: Yes, you said to check spam too?

6 THE COURT: Yeah just in case.

7 THE DEFENDANT: Nothing, oh yeah -- Codi, yes I just got it
8 right now.

9 THE COURT: Okay so make sure you read it fully. Because a
10 lot of people look at it --

11 THE DEFENDANT: Okay.

12 THE COURT: -- they glance at it and then later they're like
13 well what am I supposed to do, and it's all in there. Okay?

14 THE DEFENDANT: If I have any questions just reply to the
15 email?

16 THE COURT: Yes.

17 THE DEFENDANT: Okay, thank you.

18 THE COURT: All right. So I'm going to bring you back -- do
19 you have any other questions?

20 THE DEFENDANT: No, no that was my question when do I
21 have to come back.

22 THE COURT: I'm going to bring you back on April 21st at 1:00
23 p.m.

24 THE DEFENDANT: Okay.

25 THE COURT: All right so between now and then if you have
any questions reach out.

THE DEFENDANT: To Whitney?

THE COURT: When I had another participant, Maria,
hopefully you heard about, you know, you need to be honest and up

1 front with us even about relapse. No, you know, trying to manipulate or
2 things like that. We'll work with you through your sobriety journey. We,
3 you know, we're very dedicated to getting people the help they need as
4 long as you work with us. You have a whole team of people, including
5 Mr. Makris who's your attorney now for the program. Your coordinator,
6 your probation officer and the treatment team. So just reach out if you
7 need anything, okay?

8 THE DEFENDANT: I did had reach out when I went to
9 probation the next day I got out too and I'm trying to get through this so
10 I appreciate all your help that the Court has given me. I appreciate
11 everything; I'm very grateful for this, thank you.

12 THE COURT: Okay well welcome to the program, I look
13 forward working with you and I'll talk to you on the 21st.

14 THE DEFENDANT: 21st, okay, at 1:00 p.m. right?

15 THE COURT: Yes.

16 THE DEFENDANT: All right, thank you.

17 THE COURT: Thank you.

18 [Proceedings concluded at 10:37 a.m.]

19 * * * * *

20 ATTEST: I do hereby certify that I have truly and correctly transcribed the
21 audio/video proceedings in the above-entitled case to the best of my
22 ability.

23 
24 Kimberly Estala
25 Court Recorder/Transcriber

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THE STATE OF NEVADA,
Plaintiff,
vs.
DANIEL SALDANA,
Defendant.

VS.

DANIEL SALDANA,
Defe

**RECORDER'S TRANSCRIPT OF HEARING:
STATUS CHECK: DTP**

For the State:	NONE
For the Defendant:	JASON MAKRIS, ESQ., Appeared By Video

RECORDED BY: CYNTHIA MOLERES, DEPUTY COURT CLERK

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Las Vegas, Nevada, Wednesday, April 21, 2021

[Case called at 2:46 p.m.]

THE COURT: Page 22, page 45 Daniel Saldana, C334299.
Daniel, are you there?

THE DEFENDANT: Yes, ma'am. How are you doing?

THE COURT: I'm good, thank you. How are you?

THE DEFENDANT: Very good, thank you for asking.

THE COURT: Good, so you had your screening on the 19th,
did you get your group schedule?

THE DEFENDANT: I believe she just emailed it to me like 2
hours ago. So I'm going to look over it and give her a call back because
I'm kind of confused on the times. But yes I should start next Monday for
Healthy Minds.

THE COURT: Okay. And did they give you your individual
counselor yet?

THE DEFENDANT: I believe that starts next week too.

THE COURT: Okay good. So you'll definitely want to make
sure you are certain of those dates.

Is there anything you need right now?

THE DEFENDANT: At the moment no. I'm fine, thank you.
Thank you for everything and I'm doing good. I think I'm doing good.

THE COURT: Okay. All right it sounds like you're making all
your appointments, you're submitting negative UA's so I'm going to bring
you back in two weeks on this date.

1 THE CLERK: May 5th at 1.
2 THE DEFENDANT: Okay.
3 THE CLERK: May 5th --
4 THE DEFENDANT: What day was it again?
5 THE CLERK: May 5th at 1.
6 THE DEFENDANT: May 5th?
7 THE COURT: Yes.
8 MS. CANFIELD: Actually, Your Honor, I believe he will need
9 to go to Friday May 7th.
10 THE COURT: Oh because he's-- okay.
11 MS. CANFIELD: Yes neglected to put that on there, sorry.
12 THE COURT: No that's okay you're fine. Thanks for letting us
13 know. So Daniel you're actually going to be coming on that Friday, May
14 7th at 9, okay.
15 THE DEFENDANT: Okay, so is everything good on your end,
16 I'm everything I'm doing?
17 THE COURT: Yes.
18 THE DEFENDANT: Okay, thank you.
19 THE COURT: You're doing good. So just make sure you
20 make all those appointments. If you have any questions reach out,
21 okay?
22 THE DEFENDANT: Okay thank you, I appreciate your help.
23 So May 7th at 1?
24 THE COURT: May 7th at 9. It's a Friday. You'll be coming
25 Friday's at 9 now.

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THE DEFENDANT: 9 in the morning. Okay, thank you.

THE COURT: You're welcome. Talk to you then.

THE DEFENDANT: All right, bye-bye.

THE COURT: Bye-bye.

[Proceedings concluded at 2:48 p.m.]

* * * * *

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.



Kimberly Estala
Court Recorder/Transcriber

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THE STATE OF NEVADA,
Plaintiff,
vs.
DANIEL SALDANA,
Defendant.

CASE#: C-18-334299-1

DEPT. VII

**RECORDER'S TRANSCRIPT OF HEARING:
STATUS CHECK: DTP**

For the State:	NONE
For the Defendant:	JASON MAKRIS, ESQ., Appeared By Video

RECORDED BY: CYNTHIA MOLERES, DEPUTY COURT CLERK

1 Las Vegas, Nevada, Friday May 07, 2021

2
3 [Case called at 11:05 a.m.]

4 THE COURT: Page 15, page 29 Daniel Saldana C334299.
5 Daniel, are you there?

6 THE DEFENDANT: Yes, ma'am. How are you doing?

7 THE COURT: I'm good thank you, how are you?

8 THE DEFENDANT: Good, good. Thank you for asking.

9 THE COURT: Good so it sounds like you're doing pretty well.
10 You were meeting with the job development at Sierra Sage about 4 days
11 ago, how did that go?

12 THE DEFENDANT: The what?

13 THE COURT: The job development people at Sierra Sage to
14 help you with employment. Did you meet with someone at Sierra Sage
15 regarding that? Or you're at Freedom House so, did you --

16 THE DEFENDANT: Yeah I'm at Freedom House.

17 THE COURT: Did -- you meet with a case manager at
18 Freedom House about work?

19 THE DEFENDANT: About work?

20 THE COURT: Yes.

21 THE DEFENDANT: No I haven't.

22 THE COURT: Are you working?

23 THE DEFENDANT: I'm not currently working, no.

24 THE COURT: All right because usually there they'll like have
25 you, you haven't talked to anyone there about work opportunities or what

1 you can do to follow up?

2 THE DEFENDANT: Yeah I just have too many classes right
3 now and I'm trying to do my treatment first right now, you know, because
4 I got -- but I mean I need to get a job too.

5 THE COURT: Okay so we do like to --

6 MS. CANFIELD: Your Honor --

7 THE COURT: -- take it step by step, yes Whitney?

8 MS. CANFIELD: Your Honor, real quick, he was supposed to
9 meet, according to Robert at Freedom House, he was supposed to meet
10 with job development on 5/3.

11 So did that not happen?

12 THE DEFENDANT: They never told me anything about that.

13 THE COURT: Okay so you need to reach out to Robert there
14 and we were told that you were going to have this meeting. So here's
15 the thing Daniel, when we are having you reach out to different places
16 for jobs we get that you're balancing a lot so we have you reach out and
17 start exploring. We don't necessarily --

18 THE DEFENDANT: Okay.

19 THE COURT: -- require that you get a job immediately but
20 obviously --

21 THE DEFENDANT: Okay.

22 THE COURT: -- it's a process and it takes time. So two things
23 --

24 THE DEFENDANT: Yes.

25 THE COURT: -- I need you to reach out to Robert at Freedom

1 House and ask him about that job development. And if they give you
2 another appointment follow up. Otherwise you should reach out to FIT
3 and Whitney can send you the information.

4 So Fit is a job program and, you know, you have to go first for
5 an orientation and then they get you a case manager and you work with
6 your case manager. So you can still concentrate on your treatment but
7 then start working towards independence. Because at some point your
8 grant will expire so you then have to have some kind of financial income.
9 Okay?

10 THE DEFENDANT: When does my grant expire?

11 THE COURT: Well the grants are generally 120 days so you
12 were placed there in April so you've used 30. So you have about 90
13 days left.

14 THE DEFENDANT: Okay, is there any okay so FIT or talk to
15 Robert, either or it's the same thing?

16 THE COURT: Talk to Robert or what?

17 THE DEFENDANT: Or go to FIT, either one is fine?

18 THE COURT: I want you to first talk to Robert because if they
19 had something set up for you I'd like you to follow through. But if they
20 don't have anything then yes go to FIT. Okay?

21 THE DEFENDANT: Okay. Also how long do I have to be here
22 at Freedom House before I can move out?

23 THE COURT: Well where would you be moving to?

24 THE DEFENDANT: I have a cousin that stays right here in
25 Nevada somewhere on Charleston. He's not -- on probation. He's going

1 to rent me out a room. My parents are going to help me pay for it.

2 THE COURT: Okay.

3 THE DEFENDANT: So I mean --

4 THE COURT: Well once -- you'll need to provide the address
5 and your cousin's name and date of birth to your probation officer and to
6 Whitney and we can start investigating that as a possibility. But I want to
7 make sure you're kind of stabilized where you're at and doing things
8 before we get to that point.

9 THE DEFENDANT: Yes.

10 THE COURT: But it takes time to investigate all of that so you
11 should provide that information to your officer, okay?

12 THE DEFENDANT: Okay, am I doing everything else? Am I
13 doing good on everything else?

14 THE COURT: Yes you are.

15 THE DEFENDANT: Okay, thank you.

16 THE COURT: You're welcome. So -- keep up the good work
17 and I'm going to bring you back in two weeks okay?

18 THE DEFENDANT: Okay, thank you.

19 THE CLERK: May 21st 9:00 a.m.

20 [Proceedings concluded at 11:09 a.m.]

21 * * * * *

22 ATTEST: I do hereby certify that I have truly and correctly transcribed the
23 audio/video proceedings in the above-entitled case to the best of my
24 ability.

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Kimberly Estala
Court Recorder/Transcriber

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THE STATE OF NEVADA,
Plaintiff,
vs.
DANIEL SALDANA,
Defendant.

VS.

DANIEL SALDANA,
Defe

**RECORDER'S TRANSCRIPT OF HEARING:
STATUS CHECK: DTP**

For the State:	NONE
For the Defendant:	JASON MAKRIS, ESQ., Appeared By Video

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Las Vegas, Nevada, Friday May 21, 2021

[Case called at 10:39 a.m.]

THE COURT: Page 14, page 37 Daniel Saldana C334299.

Daniel, are you there?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Hello, how are you?

THE DEFENDANT: Good, how about yourself?

THE COURT: I'm good, thank you. So you went to FIT on May 14th, last week, what happened and what's your next step?

THE DEFENDANT: I have to go back today at 12:30. It was just the orientation to get signed up and everything so today I have a one on one with counselor there.

THE COURT: Okay.

THE DEFENDANT: And I'm going to go from there so today's my second appointment.

THE COURT: Good, I'm glad to see that. And it's my understanding you had to go to the doctor.

How are you feeling?

THE DEFENDANT: Yeah, I just had a high blood pressure and the doctor was concerned about my heart and -- he send me to the hospital and everything. But they give me some medication so everything's good, thank you for asking.

THE COURT: Sure. Have you had high blood pressure in the past?

1 THE DEFENDANT: Yes.

2 THE COURT: Okay, well make sure that you follow up and
3 take those medications. Okay?

4 THE DEFENDANT: Thank you.

5 THE COURT: You previously had talked about potentially
6 moving into a -- moving in with a cousin, is that still a potential plan?

7 THE DEFENDANT: Not at the moment. I'm going to stay here
8 until probably my grants over and then go from there.

9 THE COURT: Okay so you'll want to focus on, you know,
10 obviously the grants there to help get you on your feet but you want to
11 make sure you're already starting to plan ahead as to where you'd go or
12 if you want to find your own place and financially, you know --

13 THE DEFENDANT: Yes.

14 THE COURT: -- what that's going to require. Okay?

15 THE DEFENDANT: I wanted to get a job too first before
16 anything, you know.

17 THE COURT: Yup, and that's what FIT will help you with as
18 long as you --

19 THE DEFENDANT: Yes.

20 THE COURT: -- make sure you put treatment first, okay?

21 THE DEFENDANT: Yes of course. I should be phasing up
22 next week so I have less hours at Healthy Minds. So that will give me
23 more -- I don't want to be interrupting my employer with asking them for I
24 need to get time off and stuff like that.

25 THE COURT: Okay, well lots of times if you let your employer

1 know at the beginning then they'll work around it. So just it's best to give
2 them that information, okay?

3 THE DEFENDANT: Okay.

4 THE COURT: All right well it sounds like you're doing well. Is
5 there anything you need right now?

6 THE DEFENDANT: My curfew's at 6, can I get an extended
7 curfew?

8 THE COURT: For what reason?

9 THE DEFENDANT: Just I mean I don't really go out that
10 much but, you know, there's days, you know, like on the weekends my
11 family comes and they stay out longer or something.

12 THE COURT: Well but Freedom House you have a curfew
13 regardless. So what's your curfew at Freedom House?

14 THE DEFENDANT: At 6:00.

15 THE COURT: Right. I mean that's the general curfew so I --

16 THE DEFENDANT: Oh okay that's fine.

17 THE COURT: I won't change their curfew. I make --

18 THE DEFENDANT: Oh okay.

19 THE COURT: -- it more restrictive but I won't expand it.

20 THE DEFENDANT: Okay that's fine.

21 THE COURT: Okay, any other questions?

22 THE DEFENDANT: No that will be it.

23 THE COURT: All right well keep up the good work and I'll talk
24 to you in two weeks on this date?

25 THE CLERK: June 4th --

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THE DEFENDANT: Okay, thank you.

THE CLERK: June 4th at 9.

THE COURT: Thank you.

THE DEFENDANT: Okay, thank you.

[Proceedings concluded at 10:42 a.m.]

* * * * *

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.



Kimberly Estala
Court Recorder/Transcriber

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Las Vegas, Nevada, Friday June 04, 2021

[Case called at 11:14 a.m.]

THE COURT: Page 15, page 31 Daniel Saldana C334299.

Daniel, are you there?

THE DEFENDANT: Hello?

THE COURT: Hello, how are you?

THE DEFENDANT: Good, how about yourself?

THE COURT: I'm good, thank you. All right it looks like --
how's IOP going?

THE DEFENDANT: It's going good. I should be phasing up
this week. So, you know, I got my driver license too so I could go to FIT
and turn that in because they were asking about that.

THE COURT: Okay.

THE DEFENDANT: So everything's progressing good.

THE COURT: Good.

THE DEFENDANT: On my end.

THE COURT: What about, you had talked previously about
going back to your previous job at South Point. What's going on with
that?

THE DEFENDANT: No, I didn't have a previous -- I'm not
from Nevada so I never had a job here. I was talking about, I have a
friend that can get me in but I need my ID and my license so I'm just
waiting for it to get it in the mail so I can go there.

THE COURT: Okay, all right. But it sounds like therapy is

1 going well. You haven't missed anything, which is good. And then as
2 soon as you get your ID you'll start on the employment part.

3 THE DEFENDANT: Yes, I mean I went to FIT and everything
4 but FIT's just asking for my ID which so we can progress to move on
5 forward.

6 THE COURT: Okay, all right. So yeah once you get that then
7 follow up with them because obviously you'll need that for employment
8 purposes. Is there anything else --

9 THE DEFENDANT: Yeah.

10 THE COURT: -- you need right now?

11 THE DEFENDANT: Not at the moment I'm good, thank you.

12 THE COURT: All right well keep up the good work and I'll talk
13 to you in two weeks on this date?

14 THE CLERK: June 18th --

15 THE DEFENDANT: All right, thank you.

16 THE CLERK: -- at 9.

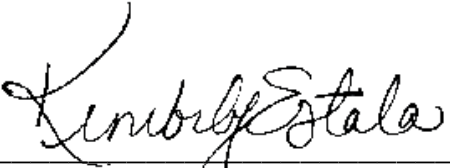
17 THE DEFENDANT: All right, thank you.

18 THE COURT: Thank you.

19 [Proceedings concluded at 11:16 a.m.]

20 * * * * *

21 ATTEST: I do hereby certify that I have truly and correctly transcribed the
22 audio/video proceedings in the above-entitled case to the best of my
23 ability.

24 

25 Kimberly Estala
Court Recorder/Transcriber

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THE STATE OF NEVADA,
Plaintiff,
vs.
DANIEL SALDANA,
Defendant.

CASE#: C-18-334299-1
DEPT. VII

**RECORDER'S TRANSCRIPT OF HEARING:
STATUS CHECK: DTP**

For the State:	NONE
For the Defendant:	JASON MAKRIS, ESQ., Appeared By Video

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Las Vegas, Nevada, Friday June 18, 2021

[Case called at 10:55 a.m.]

THE COURT: And then let's go to page 18, page 42 Daniel Saldana C334299. Daniel, are you there?

THE DEFENDANT: Yes.

THE COURT: How are you?

THE DEFENDANT: Good, good how about yourself?

THE COURT: Good, thank you. So it's my understanding you got your drivers license?

THE DEFENDANT: Yes I did.

THE COURT: Good, that's good. And you're working -- you're doing Uber Eats?

THE DEFENDANT: Yes, I'm doing that.

THE COURT: And are -- do you still intend on applying at South Point?

THE DEFENDANT: No, I'm still going to FIT though for a better job or something, you know.

THE COURT: And what are you doing with them? What are they have you doing?

THE DEFENDANT: Well they going to put me up for this class to be like a flagger for construction. So I have an appointment with them on Tuesday next week at 8:30 a.m.

THE COURT: Okay, good. I'm glad you're following up with that. Everything else going well?

1 THE DEFENDANT: Yes, thank you.

2 THE COURT: Now that you are working some have you
3 thought about going on self-pay and or looking at other housing
4 arrangements?

5 THE DEFENDANT: Yes, I'm looking into this apartment that
6 they said I might be able to move in next month as soon as it clears out.
7 So as soon as I get the approval to move in I'll let you guys know.

8 THE COURT: Is this an apartment just by yourself?

9 THE DEFENDANT: Yes, it's a studio.

10 THE COURT: Okay and have you -- communicated with your
11 Probation Officer regarding those plans?

12 THE DEFENDANT: No I haven't because it's still like pending
13 everything so I haven't been confirmed that I'll be getting it yet so I
14 haven't communicated with them yet.

15 THE COURT: Okay yeah you'll have to make sure -- I mean
16 when it's on your own and there's no one else to basically investigate or
17 see if they're appropriate it's usually a little easier process. But just make
18 sure as soon as you have that information they'll need time to look into
19 it, okay?

20 THE DEFENDANT: Before I pay and I get confirmation from
21 them I will let him know so I make sure I won't pay for nothing and, you
22 know.

23 THE COURT: Perfect. That's exactly the right way to go
24 about it. All right, have you started to look at attending outside support
25 meetings, like AA, NA, or something like that?

1 THE DEFENDANT: Yes I did go to one but I didn't know the
2 schedule but when I got there I looked at the schedule so I will be going
3 this week to outside support meetings.

4 THE COURT: Okay good. Is there anything you need right
5 now?

6 THE DEFENDANT: No, I'm good, thank you.

7 THE COURT: All right, well keep up the good work and I'm
8 going to bring you back in two weeks on this date.

9 THE CLERK: July 2nd at 9:00 a.m.

10 THE DEFENDANT: Thank you.

11 THE COURT: You're welcome.

12 [Proceedings concluded at 10:59 a.m.]

13 * * * * *

14 ATTEST: I do hereby certify that I have truly and correctly transcribed the
15 audio/video proceedings in the above-entitled case to the best of my
16 ability.

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19 Kimberly Estala
20 Court Recorder/Transcriber
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THE STATE OF NEVADA,
Plaintiff,
vs.
DANIEL SALDANA,
Defendant.

VS.

DANIEL SALDANA,
Defe

**RECORDER'S TRANSCRIPT OF HEARING:
STATUS CHECK: DTP**

For the State:	NONE
For the Defendant:	JASON MAKRIS, ESQ., Appeared By Video

Page 1

1 Las Vegas, Nevada, Friday July 2, 2021

2
3 [Case called at 11:42 a.m.]

4 THE COURT: Let's go to page 25, page 46 Daniel Saldana
5 C334299. Daniel, are you there?

6 THE DEFENDANT: Yes.

7 THE COURT: How are you?

8 THE DEFENDANT: Good, how about yourself?

9 THE COURT: I'm good thank you. So it's my understanding
10 that you've -- talked about transitioning to three quarter housing, is that
11 accurate?

12 THE DEFENDANT: No I'm looking for an apartment right
13 now. Just with my criminal background now I just have to look a little bit
14 more with some apartments that are felony friendly I guess, you know.

15 THE COURT: Well but that is often a good reason to look at
16 the three quarter housing because then you don't have that obstacle.

17 THE DEFENDANT: That's true, that's true. But I mean my
18 last resource with be a three quarter house, you know, since I won't be
19 able to get into one.

20 THE COURT: Okay, so are you working right now?

21 THE DEFENDANT: Yes, working part time.

22 THE COURT: Okay and where are you working?

23 THE DEFENDANT: Working for Uber Eats and Door Dash.

24 THE COURT: Okay, and how is MRT going?

25 THE DEFENDANT: Having a little difficult with phase one but

1 I need to study more.

2 THE COURT: Okay.

3 THE DEFENDANT: It's just been a while since I -- I haven't
4 done any homework and all that stuff. So it's been a while.

5 THE COURT: Have you reached out to your individual
6 therapist if you're struggling a little to maybe get some guidance?

7 THE DEFENDANT: Well that's the thing my individual
8 therapist was out then I was supposed to see him this Monday and then
9 they're closed so I'm going have to wait another two weeks to see him.
10 So then they didn't reschedule me or anything for individual therapy. But
11 I do need to see him and talk to him about it so maybe he can give me
12 some pointers or something, how to get to phase one.

13 THE COURT: So when he was out did they give you like
14 homework or other things to do since he was out?

15 THE DEFENDANT: MRT or my individual?

16 THE COURT: Your individual.

17 THE DEFENDANT: No he hasn't gave me anything. I haven't
18 seen him in like a month I think.

19 THE COURT: So when is your next appointment with your
20 individual therapist?

21 THE DEFENDANT: It was supposed to be Monday but
22 they're closed so it's going to be in another two weeks.

23 THE COURT: You know if you need to see your therapist
24 before those dates you can always call and ask to have an earlier
25 appointment if they can. So --

1 THE DEFENDANT: Oh okay.

2 THE COURT: -- if you don't need to that's okay, but -- and
3 obviously those times that aren't your fault aren't held against you but
4 my point being, and it's important for you and others to know, if let's say
5 there's just things that you need to talk to someone about or you feel you
6 need that support you can always request more. Okay?

7 THE DEFENDANT: Okay I didn't know. Well I mean I thought
8 it was just a schedule I had to follow abide by the schedule.

9 THE COURT: Well you have to in the sense you can do less
10 then we're telling you. But there are often times where people feel like
11 they need more and as much as we have somewhat of a schedulized
12 idea of what people should do, we want it to be individualized. So if you
13 feel you need more support than that that's definitely something we'll do
14 our best to accommodate okay.

15 THE DEFENDANT: Well yeah I have like a little side talk with
16 the -- I was pretty much -- I was kind of confused the first week of how to
17 do it because we had a substitute and then he didn't give me the
18 rundown on MRT. And then the next week I did the wrong presentation
19 but she pulled me to the side and gave me like an explanation of exactly
20 what I have to do. So I should be able to get through it this week -- next
21 week with the presentation.

22 THE COURT: Okay. All right so I'm going to then bring you
23 back in three weeks so keep, you know, working through that, reach out
24 if you do need help, and then I want you to come up with a plan as to
25 housing.

1 THE DEFENDANT: Okay.

2 THE COURT: Because you're at Freedom House so if you're
3 going to be working we need to look at transitioning to self-pay or a three
4 quarter house or something else, okay?

5 THE DEFENDANT: Okay when is my grant over?

6 THE COURT: You have a little while, but we try to focus on it.
7 And we don't necessarily want people to use their whole grant right
8 away because, you know, sometimes if people in the program
9 sometimes people do take steps back and if we need to utilize that
10 grant. You only get the one grant for the program. So the other factor is
11 if people are working and are able to pay we need beds. We have
12 people literally waiting weeks and weeks even in jail for beds. So we're
13 really trying to transition people that are able to and are stable to self-
14 pay and or other options. Okay?

15 THE DEFENDANT: Okay.

16 THE COURT: All right then I'm --

17 THE DEFENDANT: I'll talk to my Freedom House counselor.

18 THE COURT: Okay, then I'm going to talk to you again in 3
19 weeks on this date.

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THE CLERK: July 23rd at 9:00 a.m.

THE COURT: Thank you.

THE DEFENDANT: Bye.

[Proceedings concluded at 11:47 a.m.]

* * * * *

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability. Please note: Technical glitches which resulted in distortion in the Bluejeans audio/video and/or audio cutting out completely were experienced and are reflected in the transcript.



Kimberly Estala
Court Recorder/Transcriber

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THE STATE OF NEVADA,
Plaintiff,
vs.
DANIEL SALDANA,
Defendant.

BEFORE THE HONORABLE SHANNON WITTENBERGER,
DISTRICT COURT HEARING MASTER
FRIDAY, JULY 23, 2021

APPEARANCES:

For the State:	NONE
For the Defendant:	JASON MAKRIS, ESQ., Appeared By Video

RECORDED BY: TONDALAYA GOODWIN, DEPUTY COURT CLERK

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Las Vegas, Nevada, Friday July 23, 2021

[Case called at 11:00 a.m.]

THE COURT: Page 21, page 29 Daniel Saldana C334299.

Daniel, are you there?

THE DEFENDANT: Yes.

THE COURT: All right Daniel, how are you? Are you there?

THE DEFENDANT: Yes.

THE COURT: Do you have your camera on?

THE DEFENDANT: Yes I do.

THE COURT: Okay. So it's my understanding you did not attend MRT on July 8th, how come?

THE DEFENDANT: My phone broke when I was walking down the stairs at Freedom House I was rushing to my room and I dropped it from the second story.

THE COURT: Okay, did you tell anyone? Did you get ahold of Healthy Minds? Did you tell Whitney? I can't hear you.

THE DEFENDANT: Can you hear me now?

THE COURT: Yes. So did you -- tell Whitney? Did you?

THE DEFENDANT: Well no I -- told my one on one when I had my one on one because it took me like two or three days to get my phone -- another phone.

THE COURT: Okay, so but you are at Freedom House. You could have gone to some there and asked to use a computer or something, correct?

1 THE DEFENDANT: I mean yeah but I didn't know the log in
2 or anything, it's all on my email.

3 THE COURT: Well you can access your email from a
4 computer or something else.

5 THE DEFENDANT: I have a two-step verification thing that
6 needs to send a code to my phone.

7 THE COURT: Well you need to change that because you if
8 you lose your phone we can't have this.

9 THE DEFENDANT: I understand that.

10 THE COURT: So there cannot be any other misses or I'm
11 going to make you go in person. Do you understand?

12 THE DEFENDANT: Yes, ma'am. It was not my intent to miss.

13 THE COURT: I know but, and I get it, you know, phone issues
14 happen but if you don't have a reliable connection source then the only
15 option is in person, okay?

16 THE DEFENDANT: I understand.

17 THE COURT: All right so we previously had talked about
18 three quarter houses. What's going on with your living arrangement?

19 THE DEFENDANT: I'm looking for an apartment but I got talk
20 to Freedom House about moving out. I saw my probation officer.

21 THE COURT: Did you find an apartment? And are you going
22 to be living alone?

23 THE DEFENDANT: Yeah I'll be living alone.

24 THE COURT: And did you find an apartment you're interested
25 in?

1 THE DEFENDANT: I found one in but it was too expensive so
2 I'm looking for another one. So hopefully by next -- this week I should be
3 able to have found [indiscernible].

4 THE COURT: Did you do -- did you do a budget to have an
5 understanding of what you can afford or not?

6 THE DEFENDANT: Yes, yes I did.

7 THE COURT: So how much do you believe you can afford a
8 month in rent?

9 THE DEFENDANT: I found this apartment that's \$1,000.00
10 with all utilities included and I think I'm able to afford that.

11 THE COURT: Okay so just keep communicating you're your
12 probation officer, you know, if you find a place do not sign a lease until
13 you specifically get permission, okay?

14 THE DEFENDANT: Yes, I understand that.

15 THE COURT: All right, and if you have, you know, if in the
16 future you're having a phone problem then you need to go and go in
17 person to, you know, even if -- you before you see me if your phones not
18 working then you should go to Healthy Minds when you have an
19 appointment, okay?

20 THE DEFENDANT: Okay. [Indiscernible] I mean I was just
21 rushing down to my [Indiscernible] back from my meeting and I with my
22 book it slipped cracked and everything. So that's why -- that's what
23 happened. So it's not that -- I'm pretty good on being.

24 THE COURT: All right

25 THE DEFENDANT: Just everything -- that was the only class.

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THE COURT: Okay any questions?

THE DEFENDANT: No, no ma'am.

THE COURT: All right then I will talk to you again in 3 weeks
on this date.

THE CLERK: August 13th at 9:00 a.m.

THE COURT: Thank you.

THE DEFENDANT: Thank you.

[Proceedings concluded at 11:05 a.m.]

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ATTEST: I do hereby certify that I have truly and correctly transcribed the
audio/video proceedings in the above-entitled case to the best of my
ability. Please note: Technical glitches which resulted in distortion in the
Bluejeans audio/video and/or audio cutting out completely were
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Kimberly Estala
Court Recorder/Transcriber

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THE STATE OF NEVADA,
Plaintiff,
vs.
DANIEL SALDANA,
Defendant.

CASE#: C-18-334299-1
DEPT. VII

**RECORDER'S TRANSCRIPT OF HEARING:
STATUS CHECK: DTP**

For the State:	NONE
For the Defendant:	JASON MAKRIS, ESQ., Appeared By Video

RECORDED BY: APRIL WOLVERTON, DEPUTY COURT CLERK

1 Las Vegas, Nevada, Friday August 13, 2021

2
3 [Case called at 1:56 p.m.]

4 THE COURT: Page 42, page 44 Daniel Saldana C334299.
5 Daniel, are you there?

6 THE DEFENDANT: Yes.

7 THE COURT: All right so Mr. Saldana you had a missed UA
8 on August 1st. What happened?

9 THE DEFENDANT: I honestly went Saturday and I never
10 thought they would call back to back I just, you know, just totally missed
11 it.

12 THE COURT: Okay so you've got to call every day.

13 THE DEFENDANT: Yes I understand that I just got to
14 comfortable I guess, you know, like the days they call the color. You
15 know like once they call you they'll probably call you in another two
16 days. I never actually thought they'll call back to back.

17 THE COURT: All right well I'm going to have you do
18 scheduled UA's Mondays, Wednesdays, Fridays, and Saturdays. You
19 don't have to call your color as long as you go those days, okay?

20 THE DEFENDANT: Let me write them down. Monday,
21 Wednesday, and Fridays and Saturdays?

22 THE COURT: Correct.

23 THE DEFENDANT: Okay.

24 THE COURT: Also, I know that you were instructed by your
25 therapist to attend two outside support meetings and I need you to make

1 sure you are doing that and provide proof. Got it?

2 THE DEFENDANT: Okay, yes.

3 THE COURT: So provide weekly proof to your coordinator of
4 attendance of those meetings, okay?

5 THE DEFENDANT: Yes.

6 THE COURT: Do you have any questions?

7 THE DEFENDANT: No.

8 THE COURT: All right, make sure no more misses. I'll you
9 know --

10 THE DEFENDANT: Yes.

11 THE COURT: I'll accept that you just forgot but I'm going to
12 increase monitoring and I want to make sure you're getting that outside
13 support which is such an important part of your recovery, okay?

14 THE DEFENDANT: Okay, so Monday, Wednesday, Friday,
15 Saturdays so no more colors?

16 THE COURT: No more colors for now.

17 THE DEFENDANT: All right, thank you.

18 THE COURT: You're welcome. And I'll talk to you in 2 weeks
19 on this date.

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THE CLERK: August 27th at 9:00.

THE COURT: Thank you.

THE DEFENDANT: Thank you.

[Proceedings concluded at 1:58 p.m.]

* * * * *

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.



Kimberly Estala
Court Recorder/Transcriber

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THE STATE OF NEVADA,
Plaintiff,
vs.
DANIEL SALDANA,
Defendant.

CASE#: C-18-334299-1
DEPT. VII

**RECORDER'S TRANSCRIPT OF HEARING:
STATUS CHECK: DTP**

For the State:	NONE
For the Defendant:	JASON MAKRIS, ESQ., Appeared By Video

Page 1

1 Las Vegas, Nevada, Friday August 27, 2021

2
3 [Case called at 11:07 a.m.]

4 THE COURT: Page 17, page 41 Daniel Saldana C334299.
5 Daniel, are you there? Daniel, I see you logged in can you hear me?

6 THE DEFENDANT: Yes.

7 THE COURT: How are you?

8 THE DEFENDANT: Good, how about yourself?

9 THE COURT: Good, so how was your experience with Shine
10 a Light?

11 THE DEFENDANT: It was crazy man, I never seen that
12 experience and it made me think twice and it was just -- it was a good
13 experience but it was dangerous I thought it was dangerous but I mean I
14 went through okay though.

15 THE COURT: Well I'm glad you had the experience. I think its
16 very eye opening.

17 THE DEFENDANT: Yeah it is eye opening.

18 THE COURT: I know the first time I met some of the people
19 that were in Freedom House and they were telling me about all the
20 people that live in the tunnels and, you know, and that I was honestly
21 shocked. I had no idea and it was another reminder to myself personally
22 how lucky I am but --

23 THE DEFENDANT: Yes and I will go help out again, you
24 know, volunteer you know just to help out more. You know, now that I
25 see how it is down there like I would go more prepared I guess. I need

1 some water boots or something because there was water and had some
2 Nike's and you know but next time I'll go more prepared --

3 THE COURT: Well that's good --

4 THE DEFENDANT: -- and be more safe.

5 THE COURT: -- you learn from it. And I always I love the
6 quote and I'm probably going to screw it up but in the world you're one
7 person but to one person you can be the world. And I love --

8 THE DEFENDANT: Yes.

9 THE COURT: -- the idea of Shine The Light because you can
10 have contact with one person that whole night that they decide to give
11 treatment a try, or they decide to go get some services whether it be
12 drug, mental health, whatever. And you can be that change for one
13 person and they can end up in recovery and -- you know get what they
14 deserve and supportive services. So I think it's a really good experience.

15 THE DEFENDANT: Yes.

16 THE COURT: All right so are you -- have you finished relapse
17 track?

18 THE DEFENDANT: Yes I did, I believe so.

19 THE COURT: Okay and you're on step on 3 in MRT?

20 THE DEFENDANT: Step 4 actually.

21 THE COURT: Oh great so you passed step 3, good job.

22 THE DEFENDANT: Yeah thank you.

23 THE COURT: And any update from Amazon?

24 THE DEFENDANT: They're still waiting on by background
25 just they're waiting on 3 weeks now I keep on checking with them but I'm

1 applying other places just in case that doesn't go through.

2 THE COURT: Okay, yeah definitely if you're waiting on that I
3 definitely want you to apply at other places in case that doesn't work out,
4 okay?

5 THE DEFENDANT: Yeah that is a good job and I'm looking
6 forward for it but I mean I don't have an extensive background but I'll
7 figure something out.

8 THE COURT: Okay, so have you been to FIT before?

9 THE DEFENDANT: Yes, I've been to FIT before and I'm still
10 going to FIT I'm just waiting on some classes that they offer.

11 THE COURT: All right well follow up with them make sure you
12 know when those classes are because I don't want you just not
13 searching other ideas while you're waiting, okay?

14 THE DEFENDANT: Of course not.

15 THE COURT: Is there anything you need from us right now?

16 THE DEFENDANT: No I don't. Thank you every things --
17 thank you.

18 THE COURT: Well keep up the good work and I'll talk to you
19 in 3 weeks on this date.

20 THE CLERK: September 17th at 9:00 a.m.

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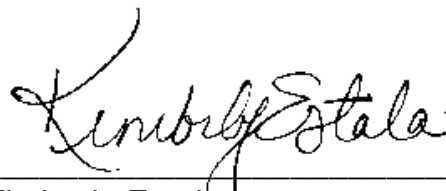
THE DEFENDANT: Thank you.

THE COURT: Thank you.

[Proceedings concluded at 11:10 a.m.]

* * * * *

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.

A handwritten signature in cursive script, reading "Kimberly Estala", written over a horizontal line.

Kimberly Estala
Court Recorder/Transcriber

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THE STATE OF NEVADA,
Plaintiff,
vs.
DANIEL SALDANA,
Defendant.

CASE#: C-18-334299-1
DEPT. VII

**RECORDER'S TRANSCRIPT OF HEARING:
STATUS CHECK**

For the State:	MARIYA MALKOVA Deputy District Attorney Appeared by Video
For the Defendant:	JASON MAKRIS, ESQ., Appeared By Video

RECORDED BY: KIMBERLY ESTALA, COURT RECORDER

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Las Vegas, Nevada, Thursday, September 16, 2021

[Case called at 3:12 p.m.]

THE COURT: Daniel Saldana is present in custody. It looks like okay so Daniel it looks like Probation arrested you because they're saying that you allowed another Drug Court person to use your vehicle and ultimately that was found with some drugs and then there was a search of your apartment that turned up some things as well. So I'm going to set it for a termination hearing in 2 weeks.

THE CLERK: September 30th at 2:00 p.m.

[Proceedings concluded at 3:13 p.m.]

* * * * *

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.



Kimberly Estala
Court Recorder/Transcriber

152

1 Las Vegas, Nevada, Thursday, October 7, 2021

2
3 [Case called at 2:28 p.m.]

4 THE COURT: --4299 Daniel Saldana. Who's here on this?
5 Who's on Daniel Saldana?

6 [Colloquy between Court and Court Staff]

7 MS. MALKOVA: Mariya Malkova for the State, Your Honor.

8 THE COURT: Who's here for the defense?

9 MR. MAKRIS: Jason Makris, Your Honor, for Mr. Saldana.

10 THE COURT: Now did Judge Bell hear some of this and
11 continue it? I'm not sure what happened.

12 MS. MALKOVA: Yes, Your Honor. So if we could --

13 THE COURT: I think Judge Bell should finish this because
14 she heard part of it and she wanted -- so I don't want to start over again.
15 Let's continue this for Judge Bell. When will she be back?

16 THE RECORDER: Next week.

17 THE COURT: Next week, we'll leave it for Judge Bell.

18 THE CLERK: October 14th at 2:00 p.m.

19 [Proceedings concluded at 2:29 p.m.]

20 * * * * *

21 ATTEST: I do hereby certify that I have truly and correctly transcribed the
22 audio/video proceedings in the above-entitled case to the best of my
23 ability.

24 
25 Kimberly Estala
Court Recorder/Transcriber

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THE STATE OF NEVADA,
Plaintiff,
vs.
DANIEL SALDANA,
Defendant.

CASE#: C-18-334299-1

DEPT. VII

**RECORDER'S TRANSCRIPT OF HEARING:
TERMINATION HEARING**

For the State:	MARIYA MALKOVA Deputy District Attorney Appeared by Video
For the Defendant:	JASON MAKRIS, ESQ., Appeared By Video

RECORDED BY: KIMBERLY ESTALA, COURT RECORDER

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Cross Examination by Mr. Makris	5
Redirect Examination by Ms. Malkova	6

1 Las Vegas, Nevada, Thursday, October 28, 2021

2
3 [Case called at 2:37 p.m.]

4 THE COURT: -- Saldana. All right this is on for a termination
5 hearing, Ms. Malkova.

6 MS. MALKOVA: Thank you, Your Honor. So this case has
7 been continued numerous times for P and P officer to be present.
8 Essentially what happened there is that he was arrested after it was
9 discovered that he was allowing other participants to use his vehicle and
10 was in a relationship with a female client who has been already
11 terminated. And those other two participants essentially were fleeing
12 from police and there were drugs found in his apartment. But I believe
13 there is P and P officer present here who can give us more details on
14 what they observe.

15 OFFICER LARSEN: Your Honor, its Officer Larsen I'm
16 covering for Officer Natali who was his supervising officer.

17 THE COURT: Okay so officer --

18 OFFICER LARSEN: So on the --

19 THE COURT: Oh hang on just a second we'll go ahead and
20 swear you in.

21 **RUSSELL LARSEN**

22 [having been called as a witness and being first duly sworn, testified]

23 THE COURT: And Officer if you'll please state your name and
24 spell it for the record.

25 OFFICER LARSEN: First name is Russell R-U-S-S-E-L-L last

1 of Larsen L-A-R-S-E-N.

2 THE COURT: All right, Ms. Malkova.

3 **DIRECT EXAMINATION OF RUSSELL LARSEN**

4 BY MS. MALKOVA:

5 Q Hello Officer, could you please tell us how are you employed?

6 A I am employed with the State of Nevada Department of Public
7 Safety, Parole and Probation.

8 Q And how long have you been in this position?

9 A I've been in this position for 1 year 10 months.

10 Q And are you familiar with Daniel Saldana?

11 A I am somewhat familiar with him yes.

12 Q And how -- how do you know him?

13 A I know him from the date that he was arrested.

14 Q And so are you involved with supervising him on his
15 probation?

16 A I am not, that was Officer Natali.

17 Q So could you tell us what happened on the day when Mr.
18 Saldana was arrested? And what date was?

19 A Mr. Saldana was arrested, I don't know the specific date. We
20 made contact with Mr. Saldana. The search clause was invoked. During
21 the search of the residence we discovered two glass bowl pipes, one
22 glass triangle pipe, one glass pipe labeled monster, an iPhone, Nevada
23 license plate that did not belong to him. There was 12.1 gross grams of
24 THC infused gummies that were discovered and 7.1 gross grams of a
25 crystal like substance that was tested presumptive positive for

1 methamphetamine.

2 Q So you did observe all of that yourself, you were present on
3 the scene correct?

4 A I was.

5 Q And but -- you were aware that he was on probation?

6 A I was.

7 Q Was he allowed to have these type of items in his residence?

8 A He is not.

9 Q Thank you, Officer.

10 THE COURT: All right, Mr. Makris.

11 **CROSS EXAMINATION OF RUSSELL LARSEN**

12 BY MR. MAKRIS:

13 Q I'll just be quick. Officer Larsen, on when you searched --
14 when you went to make contact with Daniel Saldana, did he attempt to
15 run at all?

16 A No, he did not attempt to run but it took multiple, multiple
17 knocks for him to come to the front door. I don't know the exact time
18 frame but it was a good substantial amount of time.

19 Q Okay, and he let you guys into his apartment?

20 A We did enter the apartment, yes.

21 Q Okay, all right. And did you that's -- when you were in the
22 apartment did you -- is Daniel Saldana the only one who's registered to
23 that apartment?

24 A I do not know.

25 Q Okay, so you okay you don't know. All right that's all I have.

1 Thank you, Your Honor.

2 THE COURT: All right anything else Ms. Malkova?

3 MS. MALKOVA: Yes, Your Honor. Just to clarify for the
4 record.

5 **REDIRECT EXAMINATION OF RUSSELL LARSEN**

6 BY MS. MALKOVA:

7 Q So Officer you already testified that you don't remember the
8 exact date but to refresh your recollection was it September 2nd that you
9 were involved in the search of Mr. Saldana's apartment?

10 A It was most likely around that date. I can't specify the exact
11 date but it was around that time frame.

12 Q Thank you.

13 THE COURT: All right, anything else, any additional
14 witnesses Ms. Malkova?

15 MS. MALKOVA: No, Your Honor. It's just --

16 THE COURT: Hang on, Mr. Makris do you have any
17 witnesses?

18 MR. MAKRIS: No, Your Honor.

19 THE COURT: Okay, go ahead Ms. Malkova.

20 MS. MALKOVA: Thank you, Your Honor. So, Your Honor,
21 one thing when somebody's in a Drug Court and there having hard time
22 with their addiction, you know, they're relapsing or, you know, or missing
23 meetings. Here we have a person who's in Drug Court and not only they
24 have illegal substances in their apartment, there actually involved with
25 other participants who are committing criminal activities and fleeing from

1 police. So there should be the State's position is that there should be
2 zero tolerance for things like that. And we've heard officer testify that
3 there were illegal substances found in his apartment which is a criminal
4 activity. And also although there weren't charges filed there were
5 evidence that he had illegal drugs in his apartment, and, in addition to
6 that involved with other participants who were fleeing from police and
7 also were involved in illegal activities. So, given that Your Honor, we're
8 asking for termination.

9 THE COURT: All right, Daniel is there anything that you want
10 to say?

11 THE DEFENDANT: Yeah, I'd like to say that the participant
12 that she says I was fleeing from police, he wasn't fleeing from police you
13 guys already talked about that and you guys reinstated him. He was
14 actually doing very good in the program. I wasn't like, you know, like
15 hanging out with people that were doing bad. I mean I was I did talk to
16 Alicia but I was just I separated myself a little by her. You know, I was
17 doing good when I was at Freedom House. I mean it's been a long time
18 that I been in this addiction and I think it was too early for me to leave
19 Freedom House. And if I could just go back to Freedom House and
20 return to my program and finish it from there I would really appreciate
21 that. Also where there's more monitoring like curfews and you know
22 more sobriety environment. Thank you.

23 THE COURT: Okay, Mr. Makris.

24 MR. MAKRIS: Thank you, Your Honor. And Mr. Saldana
25 came into this program in March of this year, Your Honor. I think what I

1 think that's kind of notable, Your Honor, is usually P and P decided not
2 to press charges on him so it's not that typical where we have someone
3 who's come into with new charges and that were looking to terminate
4 him. I will note that even though the insinuation was that somehow he
5 may have been involved with that chase. Mr. Saldana was not at all
6 involved with Daniel Ochoa and Alicia Lopez when they were -- I'm sorry
7 George Ochoa, when they were the ones that were fleeing from the
8 police, Your Honor. So I just want to make that clear. He was at his
9 apartment. And so I really think, Your Honor, that, you know, despite this
10 evidence here there aren't any new charges. I think that he moved to
11 soon out of the kind of structure, as he stated, in the sober living home.
12 It was just a month previous to this is when he went and got his own
13 apartment. And so I just think he needs to be back in sober living, Your
14 Honor, and really kind of maybe to a higher level of care and IOP
15 because we do have a positive test result on August 28th shortly, you
16 know, before all of this.

17 So that would be my ask, Your Honor. I think Daniel knows
18 what he needs for his recovery and I think maybe back in Freedom
19 House and IOP with or into inpatient would be appropriate in this matter
20 and that's what we're asking for.

21 THE COURT: All right thank you. Well, you know, I have to
22 agree with Ms. Malkova on this. I just think that the --

23 THE DEFENDANT: Your Honor, like I --

24 THE COURT: Sir, like were looking at activity that's beyond,
25 you know, really beyond the struggles that I would anticipate somebody

1 in a treatment program and we cannot tolerate --

2 THE DEFENDANT: May I just get one more chance please?
3 My parents are like getting sick with Covid

4 THE COURT: -- this kind of criminal behavior. So I'm going to
5 return Mr. Saldana to the sentencing department.

6 THE CLERK: November 4th at 11:00 a.m. in Department 6.

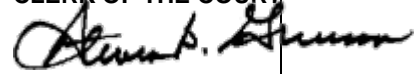
7 MS. MALKOVA: Thank you.

8 [Proceedings concluded at 2:47 p.m.]

9 * * * * *

10 ATTEST: I do hereby certify that I have truly and correctly transcribed the
11 audio/video proceedings in the above-entitled case to the best of my
12 ability.

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15 Court Recorder/Transcriber
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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7
8 THE STATE OF NEVADA,
9 Plaintiff,

CASE#: C-18-334299-1
DEPT. VII

10 vs.

11 DANIEL SALDANA,
12 Defendant.

13
14 BEFORE THE HONORABLE JACQUELINE M. BLUTH,
15 DISTRICT COURT JUDGE
16 THURSDAY, NOVEMBER 4, 2021

17 **RECORDER'S TRANSCRIPT OF HEARING:**
18 **REVOCATION OF PROBATION: TERMINATED FROM DRUG COURT**

19 APPEARANCES:

20 For the State:

MELANIE SCHEIBLE, ESQ.
Deputy District Attorney
Appeared By Video

22 For the Defendant:

JESSICA SMITH-PETERSON, ESQ.,
Deputy Public Defender
Appeared By Video

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25 RECORDED BY: DE'AWNA TAKAS, COURT RECORDER

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Las Vegas, Nevada, Thursday, November 4, 2021

[Case called at 12:25 p.m.]

THE COURT: -- 34299-1

MS. SCHIEBLE: Your Honor, could we go back to Mr. Sherwood very briefly?

THE COURT: Sure.

[Proceedings concluded at 12:25 p.m.]

[Proceedings recalled at 12:46 p.m.]

THE COURT: Let's go down to -- what was I calling Saldana? All right Saldana C334299-1. He's present in custody via Bluejeans, Ms. Smith-Peterson on his behalf, Ms. Schieble on behalf of the State. Both attorneys via Bluejeans. This is a revocation of probation for termination from Drug Court.

MS. SMITH-PETERSON: And, Your Honor, I believe that on the Odyssey website Mr. Makris was the assigned attorney so I haven't been able to see a probation violation report with the exception of the note that he was terminated from Drug Court. Is there anything outside of that, or a Probation Officer for this matter, or do we need to continue this?

THE COURT: Let me --

MS. SCHIEBLE: Your Honor, I didn't receive an updated violation report either. I have a violation report from September 2019 and January 2021. And then I just saw in Odyssey that he was terminated from Drug Court.

1 THE COURT: Okay so we need to -- I don't know if they -- do
2 they always do -- I'm not sure they always do formal revocation with a
3 termination from Drug Court. Do you guys know? I feel like I've seen
4 some termination from specialty courts where I haven't had the formal.

5 MS. SCHIEBLE: I agree, Your Honor, I've had other
6 revocation hearings where someone comes in and just informs the Court
7 that they've been terminated without a violation report.

8 THE COURT: So I mean Ms. Smith-Peterson, what would
9 you like to pass this so you can, you know, go through the court minutes
10 and look at the violations for the reason for the termination or how would
11 you like to proceed?

12 MS. SMITH-PETERSON: I would, Your Honor, because all I
13 have is the representation that he was terminated. I don't know why he
14 was terminated.

15 THE COURT: Okay. The Tuesday after the holiday.

16 THE CLERK: Okay so that'll be November 16th at 11:00.

17 THE DEFENDANT: Can my attorney come talk to me?

18 MS. SMITH-PETERSON: Yes.

19 THE DEFENDANT: Okay thank you.

20 [Proceedings concluded at 12:28 p.m.]

21 * * * * *

22 ATTEST: I do hereby certify that I have truly and correctly transcribed the
23 audio/video proceedings in the above-entitled case to the best of my
24 ability.

25 
Kimberly Estala
Court Recorder/Transcriber

166

1 Las Vegas, Nevada, Tuesday, November 16, 2021

2
3 [Case called at 12:08 p.m.]

4 THE COURT: Daniel Saldana. Record will reflect the
5 presence of the defendant. Matters on calendar for sentencing, is the
6 defendant ready to proceed?

7 MR. SCROGGINS: Your Honor, actually I believe it was on
8 for a probation revocation.

9 THE COURT: Oh you're right.

10 MR. SCROGGINS: And Your Honor, I would request a short
11 continuance. I was retained and I filed the substitution yesterday. I have
12 not received the file yet from the Public Defender's Office.

13 THE COURT: I'm sorry but I did not receive a revocation
14 report. Is there one filed?

15 MR. SCROGGINS: I don't have the file at all. I just -- because
16 of the holiday I wasn't able to substitution until yesterday.

17 THE COURT: Maybe the Clerk can tell us if there was a
18 revocation report filed.

19 MR. RAMAN: Your Honor, I checked right before court there
20 is not in Odyssey. There is one document that's relevant according to
21 previous court minutes from November 4th he was terminated from Drug
22 Court and I think that's part of the reason why he is being revoked.

23 THE COURT: This is okay this wouldn't be a revocation
24 report, he was terminated from Drug Court.

25 MR. RAMAN: So to that point, and this will help Mr. Scroggins

1 as well, according to Odyssey there's a November 12th document which
2 I cannot access, it is sealed or confidential. It is the report from the Drug
3 Court as to why he was terminated. Can that be unsealed and provided
4 to the parties that will help us? Because that's what the Court wanted to
5 get information on as well.

6 THE CLERK: You said November 12th?

7 MR. RAMAN: Correct. So when you click on the document --
8 well I use the old Odyssey.

9 THE CLERK: All I see --

10 THE JUDICIAL EXECUTIVE ASSISTANT: It might have been
11 something that I personally left side filed.

12 THE CLERK: They're minutes. It's the actual minute order
13 that's the only thing I show on --

14 THE COURT: Well that should be provided to counsel.

15 THE CLERK: Yes. It's just the minute order.

16 MR. RAMAN: It's something.

17 THE CLERK: I can print it.

18 THE COURT: Can we provide that to counsel?

19 THE CLERK: Yes.

20 THE COURT: Let's do that.

21 THE CLERK: I'll make two copies.

22 THE COURT: I might tell you counsel it's been my policy that
23 if somebody is granted probation with Drug Court as a condition and fails
24 Drug Court I order that the sentence be served.

25 MR. SCROGGINS: I understand that, Your Honor.

1 THE COURT: Now if you want me to continue this I will.

2 MR. SCROGGINS: I do understand your position on that,
3 Your Honor, and in the past I've had situations with Drug Court where
4 after seeing investigation and discussion with the Court and the State we
5 have been able to come to resolution. So I know where your inclination
6 is if we proceed today but I would request a short continuance, maybe 2
7 weeks so that I can investigate.

8 THE COURT: Well I'll continue it at the convenience of the
9 Court.

10 THE CLERK: December 9th at 11:00.

11 MR. SCROGGINS: Thank you.

12 [Proceedings concluded at 12:11 p.m.]

13 * * * * *

14 ATTEST: I do hereby certify that I have truly and correctly transcribed the
15 audio/video proceedings in the above-entitled case to the best of my
16 ability.

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18 Kimberly Estala
19 Court Recorder/Transcriber
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CLERK OF THE COURT
Alvin B. Hanson

RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

VS.

DANIEL SALDANA,
Defendant.

CASE#: C-18-334299-1
DEPT. VII

BEFORE THE HONORABLE JACQUELINE M. BLUTH,
DISTRICT COURT JUDGE
THURSDAY, DECEMBER 9, 2021

**RECORDER'S TRANSCRIPT OF HEARING:
REVOCATION OF PROBATION: TERMINATED FROM DRUG COURT**

APPEARANCES:

For the State: MELANIE SCHIEBLE, ESQ.
Deputy District Attorney

For the Defendant: BEN SCROGGINS, ESQ.,

RECORDED BY: DE'AWNA TAKAS, COURT RECORDER

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Las Vegas, Nevada, Thursday, December 9, 2021

[Case called at 11:31 a.m.]

THE COURT: -- 28 this is State of Nevada versus Daniel Saldana. C334299-1 he's present in custody via Bluejeans Mr. Scroggins present on behalf here in court, Ms. Schieble present on behalf of the State. Do I have an Officer present? All right this is a revocation of probation due to the termination from Drug Court.

Mr. Scroggins what are we doing today?

MR. SCROGGINS: Well, Your Honor, last time I was here I requested a continuance so that I could get more information about the basis of that termination.

THE COURT: Right.

MR. SCROGGINS: And hopefully a police report or something of that nature. Unfortunately I haven't been able to obtain the file from the Public Defender. My assistant has made repeated requests to receive that. We still haven't and the only thing I had access to is the minutes from the Drug Court.

THE COURT: Okay.

MR. SCROGGINS: And it's unclear to me exactly what the rational was for the termination.

THE COURT: Okay.

MR. SCROGGINS: And I'm also informed that yesterday apparently a probation violation report was filed. But I did not receive a copy of that. My assistant found it this morning preparing me to come

1 here but she can't download it because it's a violation report.

2 THE COURT: Okay.

3 MR. SCROGGINS: So I'm still in a position of no information.

4 THE COURT: All right so I am going to get this printed for you
5 right now. And just so you know it says per the Drug Court case
6 management system Mr. Saldana tested positive for methamphetamine
7 on August 8th. On August 28th he was terminated from the ADC program
8 due to his lack of compliance and the evidence found on September 2nd
9 which is discussed above. So I will get that printed out for you and then
10 we can go ahead and reschedule this. So why don't we put this on --
11 how many do we have on for Tuesday and Thursday of next week?

12 MS. SCHIEBLE: Your Honor?

13 THE COURT: Yes, Ms. Schieble?

14 MS. SCHIEBLE: Can I get a copy of that as well?

15 THE COURT: Yeah.

16 MS. SCHIEBLE: Thank you.

17 THE CLERK: I think Thursday would be the better of the two.

18 THE COURT: Okay Thursday please.

19 THE CLERK: That'll be December 16th at 11:00.

20 THE COURT: And then we're going to get those copies so
21 we'll get those to you okay.

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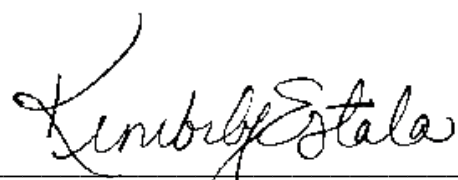
MR. SCROGGINS: Thank you very much, Your Honor.

THE COURT: You're welcome.

[Proceedings concluded at 11:34 p.m.]

* * * * *

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.



Kimberly Estala
Court Recorder/Transcriber

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THE STATE OF NEVADA,
Plaintiff,
vs.
DANIEL SALDANA,
Defendant.

CASE#: C-18-334299-1

DEPT. XVIII

**RECORDER'S TRANSCRIPT OF HEARING:
REVOCATION OF PROBATION: TERMINATED FROM DRUG
COURT**

For the State: CHRISTOPHER PANDELIS, ESQ.
Deputy District Attorney

For the Defendant: C. BENJAMIN SCROGGINS, ESQ.
Deputy Public Defender

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Las Vegas, Nevada, Thursday, December 16, 2021

[Hearing began at 11:45 a.m.]

THE COURT CLERK: State of Nevada versus Daniel
Saldana, C334299.

THE COURT: Good Morning.

MR. SCROGGINS: Good Morning, Your Honor, Ben
Scroggins, bar #7902, here for the Defendant. He is present in custody.

THE COURT: Is this a recall? No. What page is it? 28?
What's it on for?

MR. PANDELIS: It's on for revocation.

MR. SCROGGINS: It was a revocation hearing last week that
got continued because we hadn't received a violation report or --

THE COURT: Do you have it now?

MR. SCROGGINS: -- I did get the violation report.

THE COURT: Is this resolved? Are we stip and arguing or
setting it for trial?

MR. SCROGGINS: We're stippling and arguing, Your Honor.
I did speak with the State. I do have something I would like to address
the Court about, but the State can't agree with any stipulations to
resolution.

THE COURT: Okay. All right, this is the time set for
revocation. Mr. Saldana, it's my understanding you're going to stipulate
to the facts as set forth in the probation violation report and agree that
the State could prove those facts. Is that correct?

1 THE DEFENDANT: Yes.

2 THE COURT: All right. State or P&P.

3 MR. PANDELIS: Your Honor, Chris Pandelis for the State.

4 Your Honor, State's asking for revocation today with the 36 to 96-month
5 sentence.

6 As you know, Your Honor, he was reinstated back earlier this
7 year, I think in September with the added condition of successful
8 completion of Drug Court. That was back in February of this year, and
9 now here we are, just about eight months later, with him being
10 terminated from the Drug Court Program, that was back in October --
11 late October of 2021.

12 The basis of his termination from Drug Court was for multiple
13 reasons. Basically Mr. Saldana did, while he was in Drug Court, did
14 exactly what you're not supposed to do while in Drug Court.

15 There was a home check back in September of this year.
16 During the home check, the search clause was exercised. He was
17 found in possession of pipes, fake ID's, THC, methamphetamine,
18 marijuana. This was actually after he has a -- I think a month or so after
19 he has a positive test for methamphetamine, actually that was in August,
20 and he's still given another opportunity to complete the Drug Court
21 Program, and then that search takes place. Rather than take that
22 positive test as a warning, he's still found in possession of all this stuff.

23 So, Your Honor, Mr. Saldana isn't taking probation seriously.
24 He's certainly not taken the additional chance he was given after he was
25 reinstated seriously when he was given the opportunity to complete Drug

1 Court to salvage this opportunity.

2 And I'd also point out, the fact he was even given probation in
3 this case was an opportunity that -- probably shouldn't have had given
4 the fact he was a four-time felon when he received probation in this
5 case.

6 So, I would ask that the Court just impose the 36 to 96-month
7 sentence in this case and revoke his probation.

8 THE COURT: Am I correct that there were also credit cards
9 found?

10 MR. PANDELIS: Pardon.

11 THE COURT: Am I correct that there were also credit cards
12 found?

13 MR. PANDELIS: Oh yeah, there were; I'm sorry. Yeah fake
14 ID's and credit cards.

15 THE COURT: Thank you.

16 MR. PANDELIS: And I have 214 credit as of today, Your
17 Honor.

18 THE COURT: Okay. P&P anything to add, if you're there.
19 Okay, Mr. Saldana?

20 THE DEFENDANT: Your Honor, I have a really bad addiction.
21 You know, I was actually -- I think I was doing good because it was four
22 months -- I was a daily user, and now I only used once; at that time I
23 was the proudest, but now I just need help and I need to change my life
24 around.

25 THE COURT: Yes you do.

1 THE DEFENDANT: From using once, for being a daily user, I
2 think I was doing good -- and I was left out of the sober living house too
3 early, and I was left to deal with the temptations that there were, you
4 know; that's all I have to say.

5 THE COURT: Counsel.

6 MR. SCROGGINS: Yes, Your Honor, and that's the bottom
7 line. When I went and spoke with him about this violation report and
8 looking at the prior probation issue with the methamphetamine positive
9 test, and I asked him to explain to me why this situation occurred, he flat
10 out told me he cannot stop using drugs. And, I believe that the criminal
11 history that he does have is related to that addiction and is fueled by that
12 addiction. And I do understand and I appreciate that he was given a
13 chance by getting probation and by being referring to the Drug Court
14 Program; so that's two chances, and I understand that.

15 But, if you look at the violation itself, it's involving drugs. The
16 first probation violation --

17 THE COURT: But the problem I have is the fake ID's and the
18 credit cards, to be honest with you.

19 MR. SCROGGINS: Well, Your Honor, unfortunately when --

20 THE COURT: The extra problem.

21 MR. SCROGGINS: I understand that, and unfortunately -- and
22 you've been around. People with addictions, that is the type of crimes
23 they wind up getting involved with because the biggest need a person
24 has is money, when they're trying to feed a drug addiction such as this.

25 When I asked him why that is happened, he flat out --

1 basically he has a problem that makes him insane when it comes to his
2 drug use, which you've seen and we know that, that is something that
3 happens. Unfortunately, especially in this city, I don't know what it is
4 with methamphetamine in this city, but I have seen some of the craziest
5 things because of it.

6 His problem, what he told me flat out, is he cannot trust
7 himself if he's not supervised. Now I know the State would argue that,
8 that's a good reason to put him in prison, but what I'm here to ask for,
9 and he understands that this is purely asking for the Court's mercy, that
10 you're not required to do anything I'm asking.

11 But, I have had success in the past with people who have
12 failed specialty court programs. If they go into a long-term, in-house
13 supervised rehabilitation, somewhere where they can be under constant
14 supervision, where they can receive actual therapy for their addiction;
15 where they can be put into programs such as 12-step programs where
16 they have sponsors.

17 And, right before I came here, I was on the phone with a
18 person who is a vocational rehab, drug rehab counselor for Westcare. I
19 was finding out about all of their options that they have there. They have
20 a program where he would be 90 days in the detox facility essentially,
21 and then he could go up to what they call the Mountain, which is another
22 three-month program, and then now they offer a transitional program
23 from the Mountain.

24 So, basically, it would be guaranteed that he would be under
25 the supervision and in the treatment of counselors and therapists for

1 almost a complete year.

2 You don't have to consider that. I've also spoken with the
3 people at Crossroads. They have a similar program, it's not the
4 Mountain, but they have an inpatient supervised program where they
5 don't let these people out of their sight, and once they've earned the
6 ability and they've achieved the certificates to prove that they've done
7 what they're supposed to be doing, they are slowly re-integrated into
8 society, under supervision still.

9 I believe that, that really is the only chance that this man has
10 for getting his life together. He needs treatment. I think his criminal
11 history shows that at. This isn't -- you know -- it's about drugs and
12 getting money for drugs, and he has no excuse except the fact that he
13 couldn't help himself. He needed to get high.

14 The amounts we're looking at here -- he's not being accused
15 of dealing drugs. Its marijuana and methamphetamine. The
16 methamphetamine was less than 14 ounces, so it's on the lower level of
17 the charges that would be brought. I don't think any charges have been
18 brought from this violation, at least I haven't seen any, any charges filed
19 against him to prosecute him for this. I know at least one of the ID's was
20 a girlfriend of his who was also in the Drug Court Program, and she was
21 revoked, is my understanding, and she went to prison. But, I don't think
22 that she was given the opportunity to enter into an actual program to
23 receive actual help.

24 I understand the State's position, I do, and I understand the
25 position that sometimes courts take -- just because of the reality of what

1 we all do, that at some point, you just gotta say -- we gave you the
2 chance, and you just gotta go.

3 But, I submit that a lot of times, that is condemnation. People
4 don't receive the treatment they should receive in prison, when they
5 have a serious addiction issue. They don't receive the treatment they
6 need to receive in prison if they have a serious mental health issue,
7 which is why we have facilities for the mentally insane.

8 THE COURT: I gave him Drug Court.

9 MR. SCROGGINS: I understand that, Your Honor.

10 THE COURT: That's treatment.

11 MR. SCROGGINS: Your Honor --

12 THE COURT: It's among the best we got, but -- all right. Are
13 you done?

14 MR. SCROGGINS: -- that's it, Your Honor.

15 THE COURT: I can't. There's absolutely no way. Maybe if he
16 didn't have the credit cards. But, even then, at some point, by your
17 admission you can't stop.

18 I'm going to go ahead and find that you are in violation. I'm
19 going to revoke you. I'm going to impose the 36 to 96 months. I will
20 refer you to the 184 treatment program.

21 Here's the deal sir, you can say I can't do it. If you want to do
22 it, you can do it. You'll find drugs in prison, I'm sure, if you want to. If
23 you don't on the other hand, if you want to take advantage of the
24 program and what not, then I think you can do that too. I would also
25 suggest that you reach out to the Hope for Prisoners Program, because I

1 think that when you come out, that might be a good support system for
2 you to break the cycle that you're under. Good luck to you sir; there's
3 how many days credit?

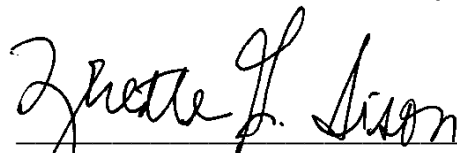
4 MR. PANDELIS: There's 214.

5 THE COURT: There's 214 credit. Thank you.

6 [Hearing concluded at 11:57 a.m.]

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11 ATTEST: I do hereby certify that I have truly and correctly transcribed the
12 audio/video proceedings in the above-entitled case to the best of my ability.

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14 Yvette G. Sison
15 Court Recorder/Transcriber
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DANIEL SALDANA,) No. 84029
)
Appellant,)
)
v.)
)
THE STATE OF NEVADA,)
)
Respondent.)
)

DARIN F. IMLAY Clark County Public Defender 309 South Third Street Las Vegas, Nevada 89155-2610 Attorney for Appellant	STEVE WOLFSON Clark County District Attorney 200 Lewis Avenue, 3 rd Floor Las Vegas, Nevada 89155 AARON FORD Attorney General 100 North Carson Street Carson City, Nevada 89701-4717 (702) 687-3538 Counsel for Respondent
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I hereby certify that this document was filed electronically with the Nevada Supreme Court 12th on the day of July, 2022. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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

BY /s/ Rachel Howard
Employee, Clark County Public Defender's Office