

IN THE SUPREME COURT OF THE STATE OF NEVADA

GERALD LEE WHATLEY, JR.,
Appellant(s),

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF CLARK,
Respondent(s),

Electronically Filed
May 02 2023 10:12 AM
Elizabeth A. Brown
Clerk of Supreme Court

Case No: C-21-357412-1
Related Case A-22-861330-W
Docket No: 86185

RECORD ON APPEAL VOLUME 3

ATTORNEY FOR APPELLANT
GERALD LEE WHATLEY, JR. # 48057,
PROPER PERSON
P.O. BOX 208
INDIAN SPRINGS, NV 89070

ATTORNEY FOR RESPONDENT
STEVEN B. WOLFSON,
DISTRICT ATTORNEY
200 LEWIS AVE.
LAS VEGAS, NV 89155-2212

I N D E X

<u>VOLUME:</u>	<u>PAGE NUMBER:</u>
1	1 - 245
2	246 - 490
3	491 - 580

I N D E X

<u>VOL</u>	<u>DATE</u>	<u>PLEADING</u>	<u>PAGE NUMBER:</u>
1	12/29/2021	Amended Information	94 - 95
1	4/26/2022	Amended Jury List	108 - 108
1	6/20/2022	Amended Transcript Request	159 - 161
1	7/22/2022	Case appeal statement	180 - 180
3	5/2/2023	Certification of Copy and Transmittal of Record	
1	8/1/2022	Court Recorder's Invoice (Unfiled)	183 - 183
1	8/2/2021	Criminal Bindover	49 - 67
1	8/2/2021	Criminal Bindover (Confidential)	3 - 48
1	6/1/2022	Criminal Order to Statistically Close Case	151 - 152
3	5/2/2023	District Court Minutes	567 - 580
3	5/2/2023	Documentary Exhibits (Unfiled)	502 - 566
1	5/5/2022	Fourth Amended Information	138 - 139
1	8/3/2021	Guilty Plea Agreement	68 - 75
1	8/2/2021	Information	1 - 2
1	4/26/2022	Instructions to the Jury	109 - 134
1	6/1/2022	Judgment of Conviction (Jury Trial)	153 - 155
1	4/25/2022	Jury List	107 - 107
3	11/15/2022	Motion to Withdraw Attorney of Record and Request for Transcripts inter alia	499 - 501
3	10/19/2022	Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed	495 - 498
1	7/22/2022	Notice of Appeal	178 - 179
1	7/22/2022	Notice of Appeal	181 - 182
1	9/29/2021	Presentence Investigation Report (Unfiled) Confidential	76 - 86

I N D E X

<u>VOL</u>	<u>DATE</u>	<u>PLEADING</u>	<u>PAGE NUMBER:</u>
1	4/25/2022	Second Amended Information	105 - 106
1	12/29/2021	State's Notice of Witnesses and/or Expert Witnesses [NRS 174.234]	96 - 104
1	5/10/2022	Supplemental Presentence Investigation Report (Unfiled) Confidential	140 - 150
1	5/4/2022	Third Amended Information	136 - 137
1	8/4/2022	Transcript of Hearing Held on April 25, 2022 (Continued)	200 - 245
2	8/4/2022	Transcript of Hearing Held on April 25, 2022 (Continuation)	246 - 356
2	8/4/2022	Transcript of Hearing Held on April 26, 2022 (Continued)	357 - 490
3	8/4/2022	Transcript of Hearing Held on April 26, 2022 (Continuation)	491 - 494
1	7/13/2022	Transcript of Hearing Held on December 16, 2021	162 - 168
1	8/3/2022	Transcript of Hearing Held on December 16, 2021	184 - 190
1	11/11/2021	Transcript of Hearing Held on July 14, 2021	87 - 93
1	7/13/2022	Transcript of Hearing Held on May 26, 2022	169 - 177
1	8/3/2022	Transcript of Hearing Held on May 26, 2022	191 - 199
1	6/16/2022	Transcript Request	156 - 158
1	4/26/2022	Verdict	135 - 135

1 now?

2 MR. MENG: Yeah, based on that, Your Honor, I'd move to
3 remand the Defendant, based on the mandatory nature of the prison
4 sentence, potential 2 to 15, mandatory on the bottom, two years. I ask
5 Your Honor to remand the Defendant, based on the jury verdict.

6 THE COURT: Okay. Let me hear from Defense Counsel.

7 MS. PARK: Your Honor, I would ask that he'd remain not in
8 custody until sentencing. He has been at every single Court appearance;
9 he has done everything that I have asked him to do. Your Honor, he has
10 obligations, he has a home he has to try to sell at this point. His car is in
11 the parking lot. I mean, he needs to prepare to do that time.

12 And Your Honor, he has been -- and I think we talked about
13 this before, he's on probation in another case. This case predates it.
14 This didn't violate this probation, but he's been compliant with probation
15 for two years. He can continue to be compliant until the sentencing date.
16 I don't know how. We have to figure that out with that other case being
17 out there, but that's something else we're going to have to deal with.

18 I've known Mr. Whatley quite a few years now, and he's not
19 one to run from his obligations.

20 THE COURT: I appreciate what you're saying, Counsel, I
21 guess, but things have changed dramatically. We do have a mandatory
22 two-year sentence here, with -- what's the upper end?

23 MR. MENG: Fifteen.

24 THE COURT: Fifteen?

25 MR. MENG: Due to the conviction, which we'll be filing the

1 certified judgment of conviction prior to sentencing, for purposes of
2 sentencing.

3 THE COURT: And this is a whole series of DUIs. That's why I
4 was hesitant to accept the recommendation of the Parties. I -- it's just
5 -- Mr. Whatley, in the Court's opinion, represents a significant danger to
6 the community. I do find clear and convincing evidence, in view of the
7 charge here and the criminal history, that the Defendant does, at this
8 point, with the jury's verdict, represent a danger to the community, and
9 in view of the sentence here, I'm concerned in terms of him as a flight
10 risk. Find him very convincing. I feel it is appropriate, at this point in
11 time, to remand him to custody, and that would be the order of the
12 Court.

13 We'll set an in-custody sentencing date for the Defendant to
14 interview for probation for a presentence investigation.

15 MS. PARK: Do we need the new PSI? We have the original
16 one that was done in October.

17 THE COURT: No, he should need a --

18 THE DEFENDANT: Sir, can I speak?

19 THE COURT: No, not at this point in time. I probably could
20 just modify the new PSI.

21 MS. PARK: We could do a supplemental, I guess.

22 THE COURT: Supplemental. Why don't we set the
23 sentencing of for 30 days, and we'll ask for a supplement --

24 MS. PARK: Okay.

25 THE COURT: -- a supplemental PSI. You want to say

1 something, Counsel, on behalf of your client?

2 MS. PARK: Well, Your Honor, I just want to say, this was
3 back in 2019. When this occurred, he was going through this whole
4 issue with the other case he has, and it -- he and his wife were splitting
5 up, and he was -- he was just in a really bad place. But he's been doing
6 really good, working, doing everything he's supposed to do.

7 THE COURT: I'm not inclined to change my decision. If you
8 wish to file a motion --

9 THE DEFENDANT: Please, it isn't fair.

10 THE COURT: -- with additional materials or information, I'll
11 be glad to consider it.

12 THE MARSHAL: Are you taking his keys, and --

13 MS. PARK: Can I call somebody?

14 THE MARSHAL: She can take them, or you can take them
15 -- have them pick them pick up your property.

16 [Counsel and Defendant confer]

17 THE COURT: Is there anything else from the State?

18 MR. MENG: No, Your Honor, after you speak, if I can -- if
19 you can tell the jury if I can stop by.

20 THE COURT: Well, I'll let them know if you wish to speak to
21 them, I'll --

22 MS. PARK: Yeah, I'd like to too.

23 THE COURT: All right. They'll be coming out of the two
24 center doors.

25 /////

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THE CLERK: Sentencing date will be May 26th, at 8:30.

MR. MENG: May 26, 8:30.

THE CLERK: Yes.

[Proceedings concluded at 4:23 p.m.]

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



Maukele Transcribers, LLC

Jessica B. Cahill, Transcriber, CER/CET-708

IN THE SUPREME COURT OF THE STATE OF NEVADA

GERALD LEE WHATLEY, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

Supreme Court No. 85077
District Court Case No. C357412

FILED

OCT 19 2022

Elizabeth A. Brown
CLERK OF COURT

CLERK'S CERTIFICATE

STATE OF NEVADA, ss.

I, Elizabeth A. Brown, the duly appointed and qualified Clerk of the Supreme Court of the State of Nevada, do hereby certify that the following is a full, true and correct copy of the Judgment in this matter.

JUDGMENT

The court being fully advised in the premises and the law, it is now ordered, adjudged and decreed, as follows:

"ORDERS this appeal DISMISSED."

Judgment, as quoted above, entered this 22nd day of September, 2022.

IN WITNESS WHEREOF, I have subscribed
my name and affixed the seal of the Supreme
Court at my Office in Carson City, Nevada this
October 17, 2022.

Elizabeth A. Brown, Supreme Court Clerk

By: Rory Wunsch
Deputy Clerk

C-21-357412-1
CCJD
NV Supreme Court Clerks Certificate/Judgm
5009773



IN THE SUPREME COURT OF THE STATE OF NEVADA

GERALD LEE WHATLEY, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 85077

FILED

SEP 22 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a judgment of conviction. Eighth Judicial District Court, Clark County; Eric Johnson, Judge.

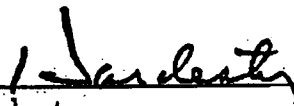
This court previously ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. Specifically, it appeared that the notice of appeal was untimely filed. In response, appellant does not dispute that the notice of appeal was untimely filed. Instead, counsel for appellant notes that she filed the transcript request form within the time to file a notice of appeal. Relying on *Lemmond v. State*, 114 Nev. 219, 220, 954 P.2d 1179, 1179 (1998), and *Forman v. Eagle Thrifty Drugs & Markets, Inc.*, 89 Nev. 533, 536, 516 P.2d 1234, 1236 (1973), *overruled on other grounds by Garvin v. Ninth Judicial Dist. Court*, 118 Nev. 749, 59 P.3d 1180 (2002), counsel asks that this court construe the transcript request form as a deficient notice of appeal.

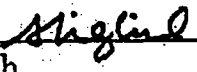
Pursuant to *Lemmond* and *Forman*, this court will not dismiss an appeal due to a technical defect in the notice of appeal if an intent to appeal from a judgment can be reasonably inferred from the notice of appeal.

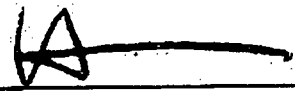
and the respondent is not misled. This court declines to infer an intent to appeal from a transcript request form.¹

"[A]n untimely notice of appeal fails to vest jurisdiction in this court." *Lozada v. State*, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994). Accordingly, this court lacks jurisdiction and

ORDERS this appeal DISMISSED.

, J.
Hardesty

, J.
Stiglich

, J.
Herndon

cc: Hon. Eric Johnson, District Judge
Leslie A. Park
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

¹It is noted that appellant has not provided this court with a copy of the form.

IN THE SUPREME COURT OF THE STATE OF NEVADA

GERALD LEE WHATLEY, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

Supreme Court No. 85077
District Court Case No. C357412

REMITTITUR

TO: Steven D. Grierson, Eighth District Court Clerk

Pursuant to the rules of this court, enclosed are the following:

Certified copy of Judgment and Opinion/Order.
Receipt for Remittitur.

DATE: October 17, 2022

Elizabeth A. Brown, Clerk of Court

By: Rory Wunsch
Deputy Clerk

cc (without enclosures):

Hon. Eric Johnson, District Judge
Leslie A. Park
Clark County District Attorney

RECEIPT FOR REMITTITUR

Received of Elizabeth A. Brown, Clerk of the Supreme Court of the State of Nevada, the
REMITTITUR issued in the above-entitled cause, on OCT 19 2022.

HEATHER UNGERMANN

Deputy District Court Clerk

RECEIVED
APPEALS
OCT 18 2022

1

22-32551

CLERK OF THE COURT

GERALD LEE WHEATLEY #48057
HIGH DESERT STATE PRISON
POST OFFICE BOX 1050
Indian Springs, Nevada 89070

December 6, 2022
8:30 AM

FILED

NOV 15 2022

CLERK OF COURT

THE EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

SUPREME COURT CASE NO. 85077

GERALD LEE WHEATLEY
Defendant

District Court Case NO. C357412

K.

THE STATE OF NEVADA
Plaintiff

MOTION TO REPHRASE
ATTORNEY OF RECORD
AND REQUEST FOR
TRANSCRIPTS INTERVIO

Comes now Gerald Lee Wheatley, respectfully

under the Honorable Court pursuant to Eighth Judicial District
Court Rule 7.40. Withdrawal of Attorney of Record at sec.
E.J.D.C. Rule 3.24. Discovery pursuant to the provisions of NRS 04.
235 and/or NRS 174.245.

Specifically the petitioner respectfully request that the
Honorable Court submit its order directing Attorney of
Record Leslie Parks, to relinquish and deliver by any
means to the movant full disclosure of his Jury Trial
Transcripts; Sentencing Transcript, and all related
documentation within her control and possession
regarding this case including all note and notations.

Respectfully
Requested

Dated this 30 day of September 2022

Gerald Wheatley
Defendant / Petitioner

RECEIVED

OCT 24 2022

CLERK OF THE COURT

THE STATE OF NEVADA - SS:
COUNTY OF CLARK

this motion does not contain the social security
number of any person whatsoever. See NRS 219B.030

of E.J.D.C. Rule 2.20(b)
ALL INTERESTED PARTIES
PLEASE TAKE NOTICE:

PROOF OF
SERVICE

I, Gerald W. Whatley, affiant deposes
and says that I mailed a true and correct copy
of the attached MOTION TO REVOKE ATTORNEY OF RECORD
AND REQUEST FOR TRANSCRIPTS in this to the following
interested parties:

STEVE WOLFSON, DISTRICT ATTORNEY
200 Lewis Ave.

LAS VEGAS, NEVADA 89155-2255

AARON D. FORD, ATTORNEY GENERAL
555 E. Washington Ave. Ste. 3900
Las Vegas, Nevada 89101

Dated this 30 day of September, 2002.

CASE NO. C351412

Gerald Whatley

in propria persona Defendant / Petitioner

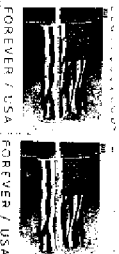
Gerald Whately #48057
High Desert State Prison
P.O. Box 1650
Indian Springs, NV. 89070-0650

6C-9

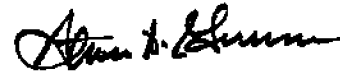
Eighth Judicial District Court
200 Lewis Ave
Las Vegas NV 89155

RECEIVED
OCT 20 2002
DISTRICT COURT ADMIN

100



DOCUMENTARY EXHIBITS



CLERK OF THE COURT

1 AJOCP

2
3 DISTRICT COURT

4 CLARK COUNTY, NEVADA

5
6 THE STATE OF NEVADA,

7 Plaintiff,

CASE NO. C279225-1

8 -vs-

DEPT. NO. XXI

9 GERALD WHATLEY
10 aka Gerald L. Whatley Jr.
11 #2753951

12 Defendant.

13 AMENDED JUDGMENT OF CONVICTION

14
15 The Defendant previously appeared before the Court with counsel and entered
16 a plea of guilty to the crime of DRIVING AND/OR BEING IN ACTUAL PHYSICAL
17 CONTROL WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR (Category
18 B Felony), in violation of NRS 484C.400(1)(c); thereafter, on the 8th day of January,
19 2013, the Defendant was present in court for sentencing with counsel, and good cause
20 appearing,
21

22
23 THE DEFENDANT WAS THEREBY ADJUDGED guilty of said offense and, in
24 addition to the \$25.00 Administrative Assessment Fee, \$60.00 Drug Analysis Fee,
25 \$150.00 DNA Analysis Fee including testing to determine genetic markers, and
26 \$2,000.00 FINE, the Defendant was sentenced as follows: TO A MAXIMUM of THIRTY
27 (30) MONTHS with a MINIMUM parole eligibility of TWELVE (12) MONTHS in the
28



1 Nevada Department of Corrections (NDC); with ZERO (0) days Credit for Time Served.

2 FURTHER, upon release from NDC, per NRS 484C.460, prior to the
3 reinstatement of Defendant's driving privileges, an interlock device shall be installed
4 and inspected on his vehicle at his expense for a period of a MINIMUM of TWELVE
5 (12) MONTHS and a MAXIMUM of THIRTY-SIX (36) months.
6

7 THEREAFTER, on the 2nd day of April, 2013, the Defendant was present in
8 court with his counsel, WILLIAM KENNEDY, ESQ., pursuant to Defendant's Motion for
9 Amended Judgment of Conviction to Include Jail Time Credits, and good cause
10 appearing to amend the Judgment of Conviction; now therefore,
11

12 IT IS HEREBY ORDERED the Defendant's sentence to be amended to include
13 FIFTY-THREE (53) DAYS Credit for Time Served.
14

15 DATED this 4th day of April, 2013
16

17 
18 _____
19 VALERIE ADAIR
20 DISTRICT JUDGE
21
22
23
24
25
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MA	STATE'S	ION
PRO	EXHIBIT	E
#	14	
Cas	0357412	4/26/22

<p align="center">Las Vegas Metropolitan Police Department Forensic Laboratory Report of Examination Blood Alcohol Testing</p>	<p>Distribution Date: March 4, 2020 Agency: LVMPD Location: Traffic Primary Case #: 191100108577 Incident: DUI Requester: Traffic Sgt Lab Case #: 19-14309.1</p>
<p>Subject(s): GERALD WHATLEY (Suspect)</p>	

I, Denise K. Heineman, do hereby declare:

That I am a Forensic Scientist employed by the Las Vegas Metropolitan Police Department;

That I am a "chemist", as defined in Nevada Revised Statute 50.320, and my duties include the analysis of the blood of a person to determine the presence or quantification of alcohol;

That on June 4, 2012, I first qualified in the City of Las Vegas Municipal Court of Clark County, Nevada, as an expert witness, to testify regarding the presence and amount of alcohol in a biological fluid;

That I received sealed evidence in the above case from a secure refrigerator in the LVMPD Forensic Laboratory, containing a sample of whole blood;

Results, Opinions, and Interpretations

That I completed an analysis on the sample from BLOOD/ALCOHOL KIT WHATLEY, GERALD and determined that the blood contained a concentration of ethanol of 0.249 g/100ml +/- 0.011 g/100ml of blood;

NOTE: Limit of detection is 0.010 g ethanol/100 ml of blood.

NOTE: A coverage probability of 99.73% was utilized in the calculation of uncertainty (+/-) for the measurement(s) reported above.

That I sealed the evidence and placed it in a secure refrigerator in the LVMPD Forensic Laboratory;

That the evidence was in my custody from the time I first obtained it until I resealed the sample, at which time it was in substantially the same condition as when I first obtained it;

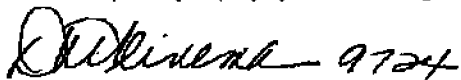
That the dates of testing were 02/24/2020 – 02/26/2020;

That each blood kit received was a standard blood kit containing two gray top tubes of whole blood. Only one blood tube per kit was used for analysis;

That blood alcohol analysis is performed by Dual Column Headspace Gas Chromatography/Flame Ionization Detection (GC/FID);

That this report does not constitute the entire case file. The case file may be comprised of worksheets, images, analytical data and other documents.

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



 Denise K. Heineman, #9724
 Forensic Scientist

- END OF REPORT -



LAS VEGAS METROPOLITAN POLICE DEPARTMENT
DECLARATION FOR THE WITHDRAWAL OF WHOLE BLOOD SAMPLE

EVENT #: LLV191100108577

STATE OF NEVADA)

) WHITLEY, GERALD LEE JR
(Name of Person Blood Drawn From)

COUNTY OF CLARK)

BRIAN BRYNOS
(Print name of declarant drawing blood)

being first duly sworn, deposes

and say THAT I AM A:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Registered Nurse | <input type="checkbox"/> Nurse Practitioner |
| <input type="checkbox"/> Licensed Practical Nurse | <input type="checkbox"/> Medical Doctor |
| <input type="checkbox"/> Laboratory Technician/Assistance | <input type="checkbox"/> Other (Specify) _____ |
| <input type="checkbox"/> Emergency Medical Technician | |
| <input type="checkbox"/> Physician Assistance | |

employed by: JUNISE Hospital

That a regular part of my duties is the withdrawing of blood samples from the persons and I am authorized to do so by:

- ☒ Nevada State Board of Nursing.
☐ Nevada Department of Human Resources / Health Division / Bureau of Licensure & Certification.
☐ Nevada Board of Medical Examiners (Doctors Only).

That on 11/23/2019, at 1852 AM, I withdrew a sample of blood in a medically
(Date Drawn) (Time Drawn)
accepted manner (including using no alcohol solutions or alcohol-based swabs) from a person known to me as
WHITLEY, GERALD LEE JR
(Print name of person blood drawn from)

That I kept the sample of blood in my sole custody or control and it remained in substantially the same condition as when I first obtained it, until I delivered the sample to Officer M. PORTER, P# 19800

of the Las Vegas Metropolitan Police Department. I, BRIAN BRYNOS, do hereby
(Print Declarant Name)

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

ABZ
Declarant Signature

REGISTERED NURSE
Declarant Title

[Signature]
Witness Signature

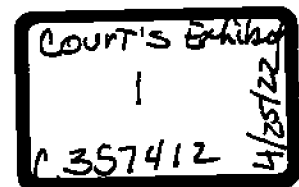
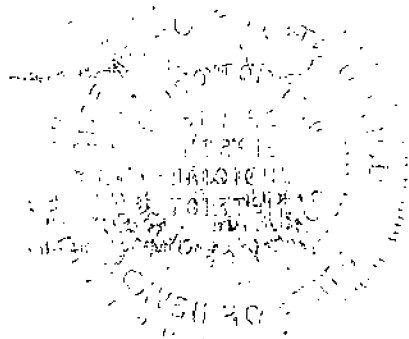
11/23/2019
Date

Declarant Contact Information

Work Address

Phone Number

Fax Number




CLERK OF THE COURT

AJOCP

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

CASE NO. C279225-1

DEPT. NO. XXI

GERALD WHATLEY
aka Gerald L. Whatley Jr.
#2753951

Defendant.

AMENDED JUDGMENT OF CONVICTION

The Defendant previously appeared before the Court with counsel and entered a plea of guilty to the crime of DRIVING AND/OR BEING IN ACTUAL PHYSICAL CONTROL WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR (Category B Felony), in violation of NRS 484C.400(1)(c); thereafter, on the 8th day of January, 2013, the Defendant was present in court for sentencing with counsel, and good cause appearing,

THE DEFENDANT WAS THEREBY ADJUDGED guilty of said offense and, in addition to the \$25.00 Administrative Assessment Fee, \$60.00 Drug Analysis Fee, \$150.00 DNA Analysis Fee including testing to determine genetic markers, and \$2,000.00 FINE, the Defendant was sentenced as follows: TO A MAXIMUM of THIRTY (30) MONTHS with a MINIMUM parole eligibility of TWELVE (12) MONTHS in the

1 Nevada Department of Corrections (NDC); with ZERO (0) days Credit for Time Served.

2 FURTHER, upon release from NDC, per NRS 484C.460, prior to the
3 reinstatement of Defendant's driving privileges, an interlock device shall be installed
4 and inspected on his vehicle at his expense for a period of a MINIMUM of TWELVE
5 (12) MONTHS and a MAXIMUM of THIRTY-SIX (36) months.
6

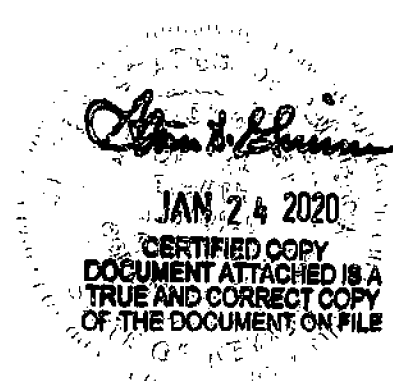
7 THEREAFTER, on the 2nd day of April, 2013, the Defendant was present in
8 court with his counsel, WILLIAM KENNEDY, ESQ., pursuant to Defendant's Motion for
9 Amended Judgment of Conviction to Include Jail Time Credits, and good cause
10 appearing to amend the Judgment of Conviction; now therefore,
11

12 IT IS HEREBY ORDERED the Defendant's sentence to be amended to include
13 FIFTY-THREE (53) DAYS Credit for Time Served.
14

15 DATED this 4th day of April, 2013
16

17 *Valerie Adair*
18

19 VALERIE ADAIR
20 DISTRICT JUDGE
21



ORIGINAL

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

JUL 24 2012

BY: Denise Husted
DENISE HUSTED, DEPUTY

1 GPA
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #1565
5 STEVEN L. WATERS
6 Chief Deputy District Attorney
7 Nevada Bar #6162
8 200 Lewis Avenue
9 Las Vegas, NV 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

C-12-279225-1
GPA
Guilty Plea Agreement
1910471



9 THE STATE OF NEVADA,
10
11 Plaintiff,

12 -vs-

13 GERALD WHATLEY, aka,
14 Gerald L. Whatley, Jr., #2753951

Defendant.

CASE NO: C-12-279225-1

DEPT NO: XXI

GUILTY PLEA AGREEMENT

16 I hereby agree to plead guilty to: DRIVING AND/OR BEING IN ACTUAL
17 PHYSICAL CONTROL WHILE UNDER THE INFLUENCE OF INTOXICATING
18 LIQUOR (Category B Felony -- NRS 484C.400(1)(c)), as more fully alleged in the charging
19 document attached hereto as Exhibit "1".

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

22 The State and I stipulate to a term of twelve (12) to thirty (30) months in the Nevada
23 Department of Corrections.

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

27 I understand and agree that, if I fail to interview with the Department of Parole and
28 Probation, fail to appear at any subsequent hearings in this case, or an independent

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

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

10 CONSEQUENCES OF THE PLEA

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

13 I understand that as a consequence of my plea of guilty the Court must sentence me to
14 imprisonment in the Nevada Department of Corrections for a minimum term of not less than
15 ONE (1) year and a maximum term of not more than SIX (6) years. The minimum term of
16 imprisonment may not exceed forty percent (40%) of the maximum term of imprisonment. I
17 understand that I may also be fined up to \$5,000.00. I understand that the law requires me to
18 pay an Administrative Assessment Fee and a \$60.00 Drug Analysis Fee.

19 Further, the Court must order the installation of a breath ignition interlock device
20 installed in any vehicle I own or operate, as a condition to my obtaining a restricted driver's
21 license, for not less than twelve (12) months and not more than thirty-six (36) months upon
22 my release from prison at my own expense. I understand that if I should be convicted of any
23 subsequent DUI offense, and that subsequent offense, regardless of when incurred, upon
24 conviction shall be a felony punishable by imprisonment for a minimum of two (2) years and
25 a maximum of fifteen (15) years, and a fine of not less than \$2,000.00 and not more than
26 \$5,000.00, and that imprisonment will not be suspended nor will that fine be excused.

27 I understand that I am not eligible for probation for the offense to which I am
28 pleading guilty.

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

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

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

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

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

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

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

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

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

- 26 1. The removal from the United States through deportation;
- 27 2. An inability to reenter the United States;
- 28 3. The inability to gain United States citizenship or legal residency;

4. An inability to renew and/or retain any legal residency status; and/or
5. An indeterminate term of confinement, with the United States Federal Government based on my conviction and immigration status.

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

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

WAIVER OF RIGHTS

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

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

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.

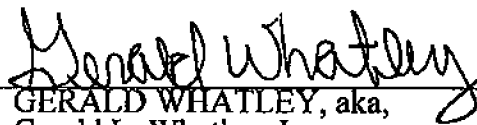
10 I believe that pleading guilty and accepting this plea bargain is in my best interest,
11 and that a trial would be contrary to my best interest.

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
19 its consequences to my satisfaction and I am satisfied with the services provided by my
20 attorney.

21 DATED this 24 day of July, 2012.

22
23 
24 GERALD WHATLEY, aka,
25 Gerald L. Whatley, Jr.
26 Defendant

27 AGREED TO BY:

28 
STEVEN L. WATERS
Chief Deputy District Attorney
Nevada Bar #6162

1 CERTIFICATE OF COUNSEL:

2 I, the undersigned, as the attorney for the Defendant named herein and as an officer of the
3 court 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
7 restitution 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
20 not result in negative immigration consequences and/or impact Defendant's
21 ability 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 24 day of July, 2012.

ATTORNEY FOR DEFENDANT

28 jg/vcu


CLERK OF THE COURT

1 **INFM**
2 MARY-ANNE MILLER
3 Clark County District Attorney
4 Nevada Bar #001419
5 STEVEN L. WATERS
6 Chief Deputy District Attorney
7 Nevada Bar #6162
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

7 I.A. 02/09/2012
9:00 A.M.
8 W. KENNEDY
DISTRICT COURT
CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,
11 Plaintiff,

CASE NO: C-12-279225-1
DEPT NO: XXI

12 -VS-

13 GERALD WHATLEY, aka,
14 Gerald L. Whatley Jr., #2753951
15 Defendant.

INFORMATION

16 STATE OF NEVADA }
17 COUNTY OF CLARK } ss.

18 MARY-ANNE MILLER, District Attorney within and for the County of Clark, State
19 of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

20 That GERALD WHATLEY, aka, Gerald L. Whatley Jr., the Defendant above named,
21 having committed the crime of DRIVING AND/OR BEING IN ACTUAL PHYSICAL
22 CONTROL WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR (Category
23 B Felony – NRS 484C.400(1)(c)), on or about the 27th day of June, 2011, within the County
24 of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases
25 made and provided, and against the peace and dignity of the State of Nevada, did then and
26 there wilfully, unlawfully, and feloniously drive and/or be in actual physical control of a
27 motor vehicle, to-wit: a 2000 Chevrolet, bearing Nevada License No. 749USJ, on a
28 highway, or on premises to which the public has access, to-wit: 3750 East Bonanza, Las

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EXHIBIT 47

1 Vegas, Clark County, Nevada, while under the influence of intoxicating liquor to any degree,
2 however slight, which rendered him incapable of safely driving and/or exercising actual
3 physical control and/or while he had a concentration of alcohol of 0.08 or more in his blood
4 or breath, and/or when the Defendant was found to have a concentration of alcohol of 0.08 or
5 more in his blood in a blood sample which was taken within two (2) hours after driving
6 and/or being in actual physical control of said vehicle, said Defendant having previously
7 committed the offense of Driving While Under the Influence of Intoxicating Liquor within
8 seven (7) years immediately preceding the date of the principal offense or after the principal
9 offense charged herein, to-wit:

10 Date of Offense: July 1, 2006
11 Conviction: December 11, 2006, Case No. SF100884A,
Superior Court of California, San Joaquin County, California; and

12 Date of Offense: December 18, 2004
13 Conviction: July 18, 2006, Case No. ST038926A,
Superior Court of California, San Joaquin County, California.

14
15 MARY-ANNE MILLER
16 Clark County District Attorney
Nevada Bar #001419

17 BY /s/ Steven L. Waters
18 STEVEN L. WATERS
19 Chief Deputy District Attorney
20 Nevada Bar #6162
21

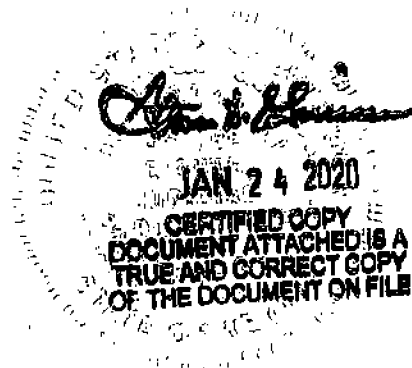
22 Names of witnesses known to the District Attorney's Office at the time of filing this
23 Information are as follows:

24	<u>NAME</u>	<u>ADDRESS</u>
25	CUSTODIAN OF RECORDS	CCDC
26	CUSTODIAN OF RECORDS	LVMPD COMMUNICATIONS
27	CUSTODIAN OF RECORDS	LVMPD RECORDS
28	GRANT, JENNY	Quest Diagnostics, 4230 Burnham, LVN

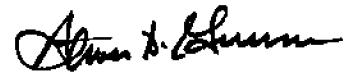
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HAMPTON, S.
SCANLON, M.
SINGH, S.

LVMPD P#14296
LVMPD P#13517
LVMPD P#13322



DA#11F15178X/jg/vcu
LVMPD EV#1106270895
(TK12)



CLERK OF THE COURT

1 INFM
2 MARY-ANNE MILLER
3 Clark County District Attorney
4 Nevada Bar #001419
5 STEVEN L. WATERS
6 Chief Deputy District Attorney
7 Nevada Bar #6162
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

12 I.A. 02/09/2012
13 9:00 A.M.
14 W. KENNEDY

DISTRICT COURT
CLARK COUNTY, NEVADA

15 THE STATE OF NEVADA,

16 Plaintiff,

17 -vs-

18 GERALD WHATLEY, aka,
19 Gerald L. Whatley Jr., #2753951

20 Defendant.

CASE NO: C-12-279225-1
DEPT NO: XXI

INFORMATION

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

23 MARY-ANNE MILLER, District Attorney within and for the County of Clark, State
24 of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

25 That GERALD WHATLEY, aka, Gerald L. Whatley Jr., the Defendant above named,
26 having committed the crime of DRIVING AND/OR BEING IN ACTUAL PHYSICAL
27 CONTROL WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR (Category
28 B Felony – NRS 484C.400(1)(c)), on or about the 27th day of June, 2011, 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 of the State of Nevada, did then and
there wilfully, unlawfully, and feloniously drive and/or be in actual physical control of a
motor vehicle, to-wit: a 2000 Chevrolet, bearing Nevada License No. 749USJ, on a
highway, or on premises to which the public has access, to-wit: 3750 East Bonanza, Las

1 Vegas, Clark County, Nevada, while under the influence of intoxicating liquor to any degree,
2 however slight, which rendered him incapable of safely driving and/or exercising actual
3 physical control and/or while he had a concentration of alcohol of 0.08 or more in his blood
4 or breath, and/or when the Defendant was found to have a concentration of alcohol of 0.08 or
5 more in his blood in a blood sample which was taken within two (2) hours after driving
6 and/or being in actual physical control of said vehicle, said Defendant having previously
7 committed the offense of Driving While Under the Influence of Intoxicating Liquor within
8 seven (7) years immediately preceding the date of the principal offense or after the principal
9 offense charged herein, to-wit:

10 Date of Offense: July 1, 2006
11 Conviction: December 11, 2006, Case No. SF100884A,
Superior Court of California, San Joaquin County, California; and

12 Date of Offense: December 18, 2004
13 Conviction: July 18, 2006, Case No. ST038926A,
Superior Court of California, San Joaquin County, California.

14
15 MARY-ANNE MILLER
Clark County District Attorney
Nevada Bar #001419

16
17 BY /s/ Steven L. Waters
18 STEVEN L. WATERS
Chief Deputy District Attorney
19 Nevada Bar #6162
20
21

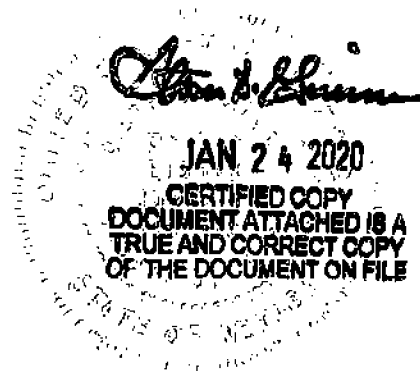
22 Names of witnesses known to the District Attorney's Office at the time of filing this
23 Information are as follows:

24	<u>NAME</u>	<u>ADDRESS</u>
25	CUSTODIAN OF RECORDS	CCDC
26	CUSTODIAN OF RECORDS	LVMPD COMMUNICATIONS
27	CUSTODIAN OF RECORDS	LVMPD RECORDS
28	GRANT, JENNY	Quest Diagnostics, 4230 Burnham, LVN

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HAMPTON, S.
SCANLON, M.
SINGH, S.

LVMPD P#14296
LVMPD P#13517
LVMPD P#13322



DA#11F15178X/jg/vcu
LVMPD EV#1106270895
(TK12)

Court Exhibit
Z
6,357412 4/25/22

1 INST

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA,

8 Plaintiff,

9 -vs-

CASE NO: C-21-357412-1

10 GERALD LEE WHATLEY JR., aka,
11 Gerald L. Whatley Jr., #2753951,

DEPT NO: I

12 Defendant.

13 INSTRUCTIONS TO THE JURY (INSTRUCTION NO. I)

14 MEMBERS OF THE JURY:

15 It is now my duty as judge to instruct you on the law that applies to this case. It is your
16 duty as jurors to follow these instructions and to apply the rules of law to the facts as you find
17 them from the evidence.

18 You must not be concerned with the wisdom of any rule of law stated in these
19 instructions. Regardless of any opinion you may have as to what the law ought to be, it would
20 be a violation of your oath to base a verdict upon any other view of the law than that given in
21 the instructions of the Court.
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INSTRUCTION NO. _____

If, in these instructions, any rule, direction or idea is repeated or stated in different ways, no emphasis thereon is intended by me and none may be inferred by you. For that reason, you are not to single out any certain sentence or any individual point or instruction and ignore the others, but you are to consider all the instructions as a whole and regard each in the light of all the others.

The order in which the instructions are given has no significance as to their relative importance.

INSTRUCTION NO. 3

An Amended Information is but a formal method of accusing a person of a crime and is not of itself any evidence of his guilt.

In this case, it is charged in an Information that GERALD LEE WHATLEY JR., aka, Gerald L. Whatley Jr., the Defendant ~~(by)~~ above named, having committed the crime of DRIVING UNDER THE INFLUENCE ~~(Category B Felony NRS 484C.110, 484C.410, 484C.105, NOC 53916)~~, on or about the 23rd day of November, 2019, 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 of the State of Nevada, did willfully and unlawfully drive and/or be in actual physical control of a motor vehicle on a highway or on premises to which the public has access at Desert Inn Road and Theme, Las Vegas, Clark County, Nevada, Defendant being responsible in one or more of the following ways and/or under one or more of the following theories, to wit: 1) while under the influence of intoxicating liquor to any degree, however slight, which rendered him incapable of safely driving and/or exercising actual physical control of a vehicle, 2) ~~while he had a concentration of alcohol of .08 or more in his blood~~, and/or 3) when he was found by measurement within two (2) hours after driving and/or being in actual physical control of a vehicle to have a concentration of alcohol of .08 or more in his blood.

It is the duty of the jury to apply the rules of law contained in these instructions to the facts of the case and determine whether or not the Defendant is guilty of the offense charged.

The elements of Driving and/or Being in Actual Physical Control of a Motor Vehicle While Under the Influence of an Intoxicating Liquor or Alcohol are:

(1) A person is driving a vehicle on or off the highway or on premises to which the public has access;

(2) The person, while driving:

a. Is under the influence of an intoxicating liquor to a degree that renders him incapable of safely driving the vehicle; or

~~b. Has a concentration of alcohol of .08 or more in his blood; or~~

b c. Is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have a concentration of alcohol of 0.08 or more in his blood;

NRS 484C.110

NRS 484C.430

1
2 "Physical control" means a person has existing or present influence, domination, or
3 regulation of a motor vehicle.

4 In deciding whether someone has existing or present influence, domination, or
5 regulation of a vehicle, the trier of fact must weigh a number of considerations, including:

- 6 (1) where, and in what position, the person is found in the vehicle;
7 (2) whether the vehicle's engine is running or not;
8 (3) whether the occupant is awake or asleep;
9 (4) whether, if the person is apprehended at night, the vehicle's lights are on;
10 (5) the location of the vehicle's keys;
11 (6) whether the person was trying to move the vehicle or did move the vehicle;
12 (7) whether the property on which the vehicle is located is public or private; and
13 (8) whether the person must, out of necessity, have driven to the location where
14 apprehended.

15 These considerations should be taken as a whole and considered together. No one
16 consideration is dispositive in determining actual physical control.¹

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¹ *Rogers v. State*, 105 Nev. 230, 233-34, 773 P.2d 1226, 1228 (1989)

“Motor vehicle” means every vehicle which is self-propelled but not operated upon rails. A car or a van is a motor vehicle.

NRS 484A.130

“Highway” means the entire width between the boundary lines of every way dedicated to a public authority when any part of the way is open to the use of the public for purposes of vehicular traffic, whether or not the public authority is maintaining the way.

Desert Inn and Theme are highways.

"Premises to which the public has access" means property in private or public ownership onto which members of the public regularly enter, are reasonably likely to enter, or are invited or permitted to enter as invitees or licensees, whether or not access to the property by some members of the public is restricted or controlled by a person or a device.

The term includes, but is not limited to:

- (1) A parking deck, parking garage or other parking structure;
- (2) A paved or unpaved parking lot or other paved or unpaved area where vehicles are parked or are reasonably likely to be parked;
- (3) A way that provides access to or is appurtenant to:
 - a. A place of business;
 - b. A governmental building;
 - c. An apartment building;
 - d. A mobile home park;
 - e. A residential area or residential community which is gated or enclosed or the access to which is restricted or controlled by a person or a device; or
 - f. Any other similar area, community, building or structure.

“Under the influence” means impaired to a degree that renders a person incapable of safely driving or exercising actual physical control of a vehicle.

NRS 484C.105

Etcheverry v. State, 107 Nev. 782, 821 P.2d 350 (1991)

“Incapable of Safely Driving” does not mean that a person is incapable of reaching his destination in safety, but rather that the person’s mental or physiological functions are diminished so that the risk of an accident is unreasonably increased.

City v. Rhymer, Nevada Supreme Court Case 30730 (June 23, 1998)

INSTRUCTION NO. _____

“Concentration of alcohol of 0.08 or more in his blood” means 0.08 grams or more of alcohol per 100 milliliters of the blood of a person.

NRS 484C.020

The State has alleged that the Defendant is criminally liable for the charge of Driving and/or Being in Actual Physical Control of a Motor Vehicle While Under the Influence of an Intoxicating Liquor or Alcohol under one or more of the following principles of criminal liability:

(1) That Defendant was under the influence of an intoxicating liquor to a degree that rendered him incapable of safely driving the vehicle; or

~~(2) That the Defendant had a concentration of alcohol of 0.08 or more in his blood; or~~

2(3) That Defendant was found by measurement within two (2) hours after driving a vehicle to have a concentration of alcohol of 0.08 or more of alcohol in his blood.

Your verdict must be unanimous as to the charge. You do not have to be unanimous on the principle of criminal liability. It is sufficient that each of you find beyond a reasonable doubt that the crime committed was Driving and/or Being in Actual Physical Control of a Motor Vehicle While Under the Influence of an Intoxicating Liquor or Alcohol ~~Resulting in Death~~ regardless of which principle of criminal liability you find.

To constitute the crime charged, there must exist a union or joint operation of an act forbidden by law and an intent to do the act.

The intent with which an act is done is shown by the facts and circumstances surrounding the case.

Do not confuse intent with motive. Motive is what prompts a person to act. Intent refers only to the state of mind with which the act is done.

Motive is not an element of the crime charged and the State is not required to prove a motive on the part of the Defendant in order to convict. However, you may consider evidence of motive or lack of motive as a circumstance in the case.

1
2 The Defendant is presumed innocent unless the contrary is proved. This presumption
3 places upon the State the burden of proving beyond a reasonable doubt every element of the
4 crime charged and that the Defendant is the person who committed the offense.

5 A reasonable doubt is one based on reason. It is not mere possible doubt but is such a
6 doubt as would govern or control a person in the more weighty affairs of life. If the minds of
7 the jurors, after the entire comparison and consideration of all the evidence, are in such a
8 condition that they can say they feel an abiding conviction of the truth of the charge, there is
9 not a reasonable doubt. Doubt to be reasonable must be actual, not mere possibility or
10 speculation.

11 If you have a reasonable doubt as to the guilt of the Defendant, he is entitled to a verdict
12 of not guilty.
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It is a constitutional right of a defendant in a criminal trial that he may not be compelled to testify. Thus, the decision as to whether he should testify is left to the defendant on the advice and counsel of his attorney. You must not draw any inference of guilt from the fact that he does not testify, nor should this fact be discussed by you or enter into your deliberations in any way.

NRS 175.181

Carter v. Kentucky, 101 S.Ct. 1112

Franklin v. State, 98 Nev. 266, 646 P.2d 543 (1982)

whether the D is guilty or not guilty

INSTRUCTION NO. 16

You are here to determine ~~the guilt or innocence of the Defendant~~ from the evidence in the case. You are not called upon to return a verdict as to the guilt or ~~innocence~~ *not guilty as to* of any other person. So, if the evidence in the case convinces you beyond a reasonable doubt of the guilt of the Defendant, you should so find, even though you may believe one or more persons are also guilty.

The evidence which you are to consider in this case consists of the testimony of the witnesses, the exhibits, and any facts admitted or agreed to by counsel.

There are two types of evidence; direct and circumstantial. Direct evidence is the testimony of a person who claims to have personal knowledge of the commission of the crime which has been charged, such as an eyewitness. Circumstantial evidence is the proof of a chain of facts and circumstances which tend to show whether the Defendant is guilty or not guilty. The law makes no distinction between the weight to be given either direct or circumstantial evidence. Therefore, all of the evidence in the case, including the circumstantial evidence, should be considered by you in arriving at your verdict.

Statements, arguments and opinions of counsel are not evidence in the case. However, if the attorneys stipulate to the existence of a fact, you must accept the stipulation as evidence and regard that fact as proved.

You must not speculate to be true any insinuations suggested by a question asked a witness. A question is not evidence and may be considered only as it supplies meaning to the answer.

You must disregard any evidence to which an objection was sustained by the court and any evidence ordered stricken by the court.

Anything you may have seen or heard outside the courtroom is not evidence and must also be disregarded.

1
2 The credibility or believability of a witness should be determined by his or her manner
3 upon the stand, his or her relationship to the parties, his or her fears, motives, interests or
4 feelings, his or her opportunity to have observed the matter to which he or she testified, the
5 reasonableness of his or her statements and the strength or weakness of his or her recollections.

6 If you believe that a witness has lied about any material fact in the case, you may
7 disregard the entire testimony of that witness or any portion of his or her testimony which is
8 not proved by other evidence.

A witness who has special knowledge, skill, experience, training or education in a particular science, profession or occupation is an expert witness. An expert witness may give his opinion as to any matter in which he is skilled.

You should consider such expert opinion and weigh the reasons, if any, given for it. You are not bound, however, by such an opinion. Give it the weight to which you deem it entitled, whether that be great or slight, and you may reject it, if, in your judgment, the reasons given for it are unsound.

1
2 Although you are to consider only the evidence in the case in reaching a verdict, you
3 must bring to the consideration of the evidence your everyday common sense and judgment
4 as reasonable men and women. Thus, you are not limited solely to what you see and hear as
5 the witnesses testify. You may draw reasonable inferences from the evidence which you feel
6 are justified in the light of common experience, keeping in mind that such inferences should
7 not be based on speculation or guess.

8 A verdict may never be influenced by sympathy, prejudice or public opinion. Your
9 decision should be the product of sincere judgment and sound discretion in accordance with
10 these rules of law.
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INSTRUCTION NO. 21

In your deliberation you may not discuss or consider the subject of punishment, as that is a matter which lies solely with the court. Your duty is confined to the determination of the ^{whether} ~~the defendant is guilty or not guilty~~ guilt or innocence of the Defendant.

During the course of this trial, and your deliberations, you are not to:

- (1) communicate with anyone in any way regarding this case or its merits-either by phone, text, Internet, or other means;
- (2) read, watch, or listen to any news or media accounts or commentary about the case;
- (3) do any research, such as consulting dictionaries, using the Internet, or using reference materials;
- (4) make any investigation, test a theory of the case, re-create any aspect of the case, or in any other way investigate or learn about the case on your own.

1
2 When you retire to consider your verdict, you must select one of your member to act as
3 foreperson who will preside over your deliberation and will be your spokesperson here in
4 court.

5 During your deliberation, you will have all the exhibits which were admitted into
6 evidence, these written instructions and forms of verdict which have been prepared for your
7 convenience.

8 Your verdict must be unanimous. As soon as you have agreed upon a verdict, have it
9 signed and dated by your foreperson and then return with it to this room.

1
2 If, during your deliberation, you should desire to be further informed on any point of
3 law or hear again portions of the testimony, you must reduce your request to writing signed by
4 the foreperson. The officer will then return you to court where the information sought will be
5 given you in the presence of, and after notice to, the district attorney and the Defendant and
6 his counsel.

7 Playbacks of testimony are time-consuming and are not encouraged unless you deem it
8 a necessity. Should you require a playback, you must carefully describe the testimony to be
9 played back so that the court recorder can arrange her notes. Remember, the court is not at
10 liberty to supplement the evidence.

INSTRUCTION NO. _____

Now you will listen to the arguments of counsel who will endeavor to aid you to reach a proper verdict by refreshing in your minds the evidence and by showing the application thereof to the law; but, whatever counsel may say, you will bear in mind that it is your duty to be governed in your deliberation by the evidence as you understand it and remember it to be and by the law as given to you in these instructions, with the sole, fixed and steadfast purpose of doing equal and exact justice between the Defendant and the State of Nevada.

GIVEN: _____

DISTRICT JUDGE

1 **VER**

2
3
4
5 **DISTRICT COURT**
6 **CLARK COUNTY, NEVADA**

7 **THE STATE OF NEVADA,**
8 **Plaintiff,**

9 **-vs-**

10 **GERALD LEE WHATLEY JR., aka,**
11 **Gerald L. Whatley Jr., #2753951,**
12 **Defendant.**

CASE NO: C-21-357412-1

DEPT NO: I

13 **VERDICT**

14 **We, the jury in the above-entitled case, find the Defendant, as follows:**

15 **COUNT 1 - DRIVING AND/OR BEING IN ACTUAL PHYSICAL CONTROL OF A**
16 **MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF AN**
17 **INTOXICATING LIQUOR OR ALCOHOL**

18 ***(Please check the appropriate box, select only one)***

- 19 ☐ **Guilty of Driving and/or Being in Actual Physical Control of a Motor**
20 **Vehicle While Under the Influence of an Intoxicating Liquor or Alcohol**
21 ☐ **Not Guilty**

22 **DATED this _____ day of April, 2022**

23
24 _____
25 **FOREPERSON**
26
27
28

INSTRUCTION NO. _____

If, during your deliberation, you should desire to be further informed on any point of law or hear again portions of the testimony, you may send a note through the marshal, signed by any one or more of you. No member of the jury should ever attempt to communicate with me except by a signed writing, and I will respond to the jury concerning the case only in writing or here in open court. If you send out a question, I will consult with the lawyers before answering it, which may take some time. You may continue your deliberations while waiting for the answer to any questions. Remember that you are not to tell anyone - including me - how the jury stands, numerically or otherwise, on any question submitted to you, including the question of the guilt of the defendant, until after you have reached a unanimous verdict or have been discharged.

Playbacks of testimony are time-consuming and are not encouraged unless you deem it a necessity. Should you require a playback, you must carefully describe the testimony to be played back so that the court recorder can arrange her notes. Remember, the court is not at liberty to supplement the evidence.

INSTRUCTION NO. _____

In deciding the facts in this case, you may have to decide which testimony to believe and which testimony not to believe. You may believe everything a witness says, or part of it, or none of it.

In considering the testimony of any witness, you may take into account:

- (1) the opportunity and ability of the witness to see or hear or know the things testified to;
- (2) the witness's memory;
- (3) the witness's manner while testifying;
- (4) the witness's interest in the outcome of the case, if any;
- (5) the witness's bias or prejudice, if any;
- (6) whether other evidence contradicted the witness's testimony;
- (7) the reasonableness of the witness's testimony in light of all the evidence; and
- (8) any other factors that bear on believability.

Sometimes a witness may say something that is not consistent with something else he or she said. Sometimes different witnesses will give different versions of what happened. People often forget things or make mistakes in what they remember. Also, two people may see the same event but remember it differently. You may consider these differences, but do not decide that testimony is untrue just because it differs from other testimony.

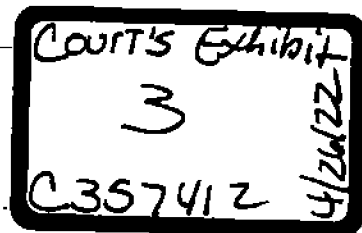
However, if you decide that a witness has deliberately testified untruthfully about something important, you may choose not to believe anything that witness said. On the other hand, if you think the witness testified untruthfully about some things but told the truth about others, you may accept the part you think is true and ignore the rest.

Court's Proposed JI #2

The weight of the evidence as to a fact does not necessarily depend on the number of witnesses who testify. What is important is how believable the witnesses were, and how much weight you think their testimony deserves.

3

Do you have training
on being able to determine
how fast a vehicle is
traveling?



DESPITE THE BLOOD

& TRAUMA BEING
PRESENTS ARE ABLE

TO RECOGNIZE THE

PERSON YOU SAW

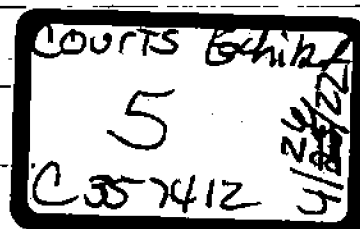
IN THIS COURTROOM

#8

7 200

7

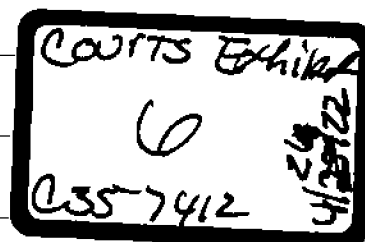
Did the Can look new or old?



WAS THERE EVIDENCE
OF ANOTHER PERSON
IN THE VEHICLE

PRIOR TO INCIDENT
ACCIDENT

~~JS~~

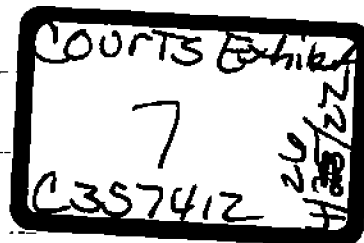


Juror 3

Any closed containers

Also inventoried Prison

Contents of the vehicle?

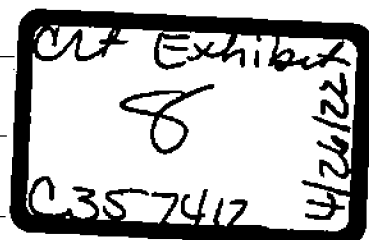


#2 Juror

Why did you think
that it was a DUI

and, therefore, pursued
a blood draw?

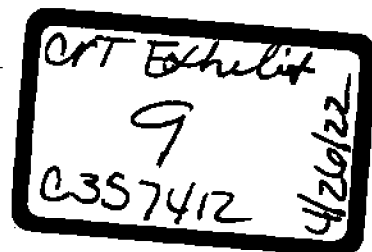
Is this done routinely
following an
accident?

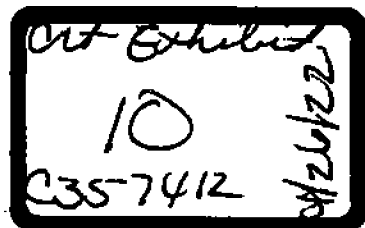


Juror #3

Could Driver have consumed
the alcohol in the open container
you identified after the
vehicle accident occurred
resulting in an exceeding
legal limit by time you did
blood draw of defendant
at the hospital?

(I realize this is a compound
question)





USING YOUR EXPERIENCE
~~AS~~ A TACTICAL
OFFICER USING ALL
THE FACTS YOU ARE
AWARE OF ~~WHAT IS THE~~
IS IT LIKELY ~~THE~~ OF A 2ND
OCCUPANT IN THE VEHICLE
LEAVING NO EVIDENCE BEHIND
THERE EITHER BY A
~~PERSON~~ WHO SUSTAINED
OR ITEMS LEFT?

#6

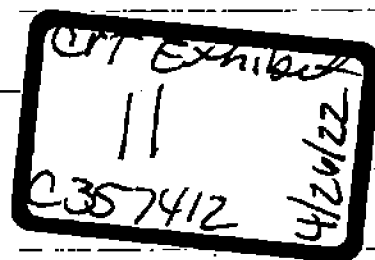
2000

DOES

4000 RECORDS

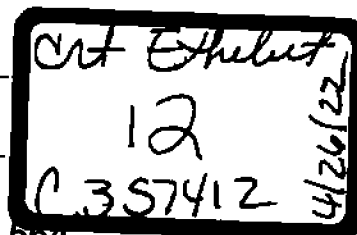
WAS THERE EVIDENCE
OF A 2nd
OCCUPANT IN THE
VEHICLE PRIOR
TO THE ACCIDENT

AS



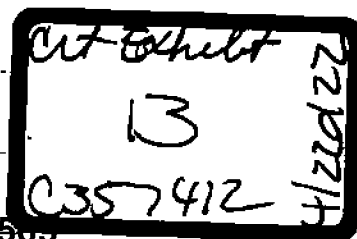
Juror #3

What time did you draw
the blood of the defendant
according to the document
you filled out?



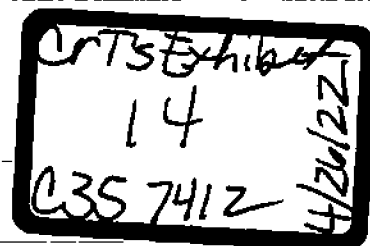
#7

Was he on any Med Be for
the Blood was taking?



Juror #3

Do utals of blood ever
break or spill while being
tested?



**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 03, 2021

C-21-357412-1 State of Nevada
 vs
 Gerald Whatley, Jr.

August 03, 2021 10:00 AM Initial Arraignment

HEARD BY: Johnson, Eric **COURTROOM:** RJC Courtroom 12A

COURT CLERK: Kathryn Hansen-McDowell

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT:	Park, Leslie A.	Attorney
	State of Nevada	Plaintiff
	Torre, John T.	Attorney
	Whatley, Gerald Lee	Defendant

JOURNAL ENTRIES

- NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED ELECTRONICALLY. DEFT. WHATLEY ARRAIGNED AND PLED GUILTY TO RECKLESS DRIVING (F). Court ACCEPTED plea and ORDERED, matter REFERRED to the Division of Parole and Probation (P & P) and SET for SENTENCING. Court DIRECTED Deft. to report to P & P immediately.

OR

11/30/2021 10:00 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 30, 2021

C-21-357412-1 State of Nevada
 vs
 Gerald Whatley, Jr.

November 30, 2021 9:30 AM Sentencing

HEARD BY: Johnson, Eric **COURTROOM:** RJC Courtroom 12A

COURT CLERK: Kathryn Hansen-McDowell

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT:	Park, Leslie A.	Attorney
	Smith, Tyler D.	Attorney
	State of Nevada	Plaintiff
	Whatley, Gerald Lee	Defendant

JOURNAL ENTRIES

- Court noted this was the time set for sentencing, however, it wanted more information regarding the negotiations and stated it was not inclined to follow the negotiations without further information. Mr. Smith requested the matter be continued for the negotiating deputy to be present. COURT ORDERED, matter CONTINUED.

OR

CONTINUED TO: 12/16/2021 9:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 16, 2021**

C-21-357412-1 State of Nevada
vs
Gerald Whatley, Jr.

December 16, 2021 9:30 AM Sentencing

HEARD BY: Johnson, Eric **COURTROOM:** RJC Courtroom 12A

COURT CLERK: Kathryn Hansen-McDowell

RECORDER: Michelle Ramsey

REPORTER:

PARTIES

PRESENT:	Lexis, Chad N.	Attorney
	Park, Leslie A.	Attorney
	State of Nevada	Plaintiff
	Whatley, Gerald Lee	Defendant

JOURNAL ENTRIES

- Court noted this matter was previously on for sentencing and the Court had serious concerns with the negotiations, therefore it continued to matter for further explanation. Mr. Lexus provided the reasoning behind the negotiations. Court stated it was not inclined to grant the Defendant probation and would allow the Defendant to withdraw his plea if he chose. Ms. Park argued for the Court to follow the negotiations. Colloquy as to whether the Court wanted Defendant to file a written motion to withdraw plea. Mr. Lexus stated the State had no objection to the Defendant withdrawing his plea. Ms. Park orally requested to withdraw the plea and trial date set in ordinary course. COURT ORDERED, Defendant's oral motion to withdraw plea GRANTED and trial date SET.

OR

04/19/2022 8:30 AM CALENDAR CALL

04/25/2022 9:00 AM TRIAL DATE

PRINT DATE: 05/02/2023

Page 3 of 14

Minutes Date: August 03, 2021

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 01, 2022

C-21-357412-1 State of Nevada
 vs
 Gerald Whatley, Jr.

February 01, 2022 9:30 AM Status Check: Trial Setting

HEARD BY: Johnson, Eric **COURTROOM:** RJC Courtroom 12A

COURT CLERK: Kathryn Hansen-McDowell

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT:	Park, Leslie A.	Attorney
	State of Nevada	Plaintiff
	Thomson, Megan	Attorney
	Whatley, Gerald Lee, Jr.	Defendant

JOURNAL ENTRIES

- Court noted this was a status check to verify the Defendant waived his right to a speedy trial when the trial dates were set at the December 16, 2021 hearing. Following colloquy, Defendant waived his right to a speedy trial. COURT stated, trial dates STAND.

OR

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 19, 2022**

C-21-357412-1 State of Nevada
vs
Gerald Whatley, Jr.

April 19, 2022 8:30 AM Calendar Call

HEARD BY: Johnson, Eric **COURTROOM:** RJC Courtroom 12A

COURT CLERK: Kathryn Hansen-McDowell

RECORDER: Angie Calvillo
Connie Coll

REPORTER:

PARTIES

PRESENT:	Lexis, Chad N.	Attorney
	Park, Leslie A.	Attorney
	State of Nevada	Plaintiff
	Whatley, Gerald Lee, Jr.	Defendant

JOURNAL ENTRIES

- Court noted this was the time for calendar call and inquired where the matter stood. Mr. Lexis announced ready for the State. Ms. Park stated she would be ready, however, she has a conflict next week as it was her contract week with North Las Vegas Municipal Court and she would need to handle morning calendar in municipal court before the trial start time Monday - Thursday. Colloquy regarding scheduling. Mr. Lexis stated the trial should be quick and he did not anticipate a problem if the trial started around 11:30 am or 12:00 pm Monday - Thursday. COURT SO NOTED and ORDERED, central calendar call SET.

OR

04/20/2022 2:00 PM CENTRAL CALENDAR CALL (LLA)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 20, 2022

C-21-357412-1 State of Nevada
 vs
 Gerald Whatley, Jr.

April 20, 2022 2:00 PM Central Calendar Call

HEARD BY: Trujillo, Monica **COURTROOM:** RJC Lower Level Arraignment

COURT CLERK: Deriontae Green

RECORDER: Grecia Snow

REPORTER:

PARTIES

PRESENT: Lexis, Chad N. Attorney
 Park, Leslie A. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Court noted deft not present.

Upon Court's Inquiry, matter has not resolved. Both sides are ready for trial. COURT ORDERED,
Matter SET for jury trial.

O.R.

4/26/22 10:00 A.M. JURY TRIAL (DEPT 1)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 25, 2022

C-21-357412-1 State of Nevada
 vs
 Gerald Whatley, Jr.

April 25, 2022 9:00 AM Jury Trial

HEARD BY: Johnson, Eric **COURTROOM:** RJC Courtroom 12A

COURT CLERK: Kathryn Hansen-McDowell

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT:	Lexis, Chad N.	Attorney
	Park, Leslie A.	Attorney
	State of Nevada	Plaintiff
	Whatley, Gerald Lee, Jr.	Defendant

JOURNAL ENTRIES

- 2nd Amended Information FILED IN OPEN COURT

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL:

Mr. Lexis advised a 2nd amended information was being filed removing NRS statue numbers from the description of the charge. No opposition from Ms. Park. Colloquy regarding trial schedule.

PROSPECTIVE JURY PANEL PRESENT:

Vior dire.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL:

Colloquy regarding releasing jurors for hardship.

PROSPECTIVE JURY PANEL PRESENT:

Vior dire continued. Preemptory challenges exercised. Jury selected and sworn. Clerk the 2nd Amended Information. Opening statements by Mr. Lexis and Ms. Park. COURT ORDERED, matter

PRINT DATE: 05/02/2023

Page 7 of 14

Minutes Date: August 03, 2021

CONTINUED.

OUTSIDE THE PRESENCE OF THE JURY PANEL:

Jury instructions SETTLED on the record. Court advised Deft. of his right not to testify. Evening recess.

OR

CONTINUED TO: 04/26/2022 11:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 26, 2022

C-21-357412-1 State of Nevada
vs
Gerald Whatley, Jr.

April 26, 2022 11:00 AM Jury Trial

HEARD BY: Johnson, Eric

COURTROOM: RJC Courtroom 12A

COURT CLERK: Kathryn Hansen-McDowell

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT:	Meng, Yu	Attorney
	Park, Leslie A.	Attorney
	State of Nevada	Plaintiff
	Whatley, Gerald Lee, Jr.	Defendant

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY:
Court ADMONISHED Deft. for being late.

JURY PRESENT:
Testimony and exhibits presented. (See worksheets).

OUTSIDE THE PRESENCE OF THE JURY:
Mr. Lexis wanted to note drinking after the fact was not a valid defense which could be raised. Upon Court's inquiry, Ms. Park stated they were not raising this defense. COURT ORDERED, drinking after the fact could not be used as a defense. Upon Court's inquiry as to Ms. Park and Defendant being on the same elevator as juror, Ms. Park stated her and the Defendant were on the elevator and the juror stepped in; there was no contact. While in the elevator the Defendant did state to her he was stressed. Based upon Ms. Park's representation of the events, Mr. Meng had no objections to continuing.

JURY PRESENT:

Testimony and exhibits presented. (See worksheets).

OUTSIDE THE PRESENCE OF THE JURY:

Court advised the Defendant of his right not to testify.

JURY PRESENT:

State RESTS. Defense RESTS. Closing argument by Mr. Meng on behalf of the State. Closing argument by Ms. Park. Rebuttal closing argument by Mr. Lexis on behalf of the State. At the hour of 2:45pm, the jury RETIRED to deliberate.

JURY PRESENT: all parties present as before except Mr. Lexis.

At the hour of 4:15pm, the jury returned with a verdict in accordance with the written verdict, which was FILED IN OPEN COURT. Jury FOUND Defendant GUILTY of DRIVING AND/OR BEING IN ACTUAL PHYSICAL CONTROL OF A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF AN INTOXICATING LIQUOR OR ALCOHOL. Jury thanked and excused.

OUTSIDE THE PRESENCE OF THE JURY:

Mr. Meng orally requested the Defendant be remanded into custody. Arguments by Mr. Meng and Ms. Park. COURT stated its FINDINGS and ORDERED, Defendant REMANDED INTO CUSTODY. Following colloquy regarding the Presentence Investigation (PSI) Report completed 9/29/2021, COURT FURTHER ORDERED, matter referred to the Division of Parole and Probation (P&P) for a supplemental PSI and sentencing SET.

CUSTODY

05/26/2022 8:30 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 26, 2022

C-21-357412-1

State of Nevada

vs

Gerald Whatley, Jr.

April 26, 2022

1:00 PM

Minute Order

HEARD BY: Jones, Tierra

COURTROOM: Chambers

COURT CLERK: Teri Berkshire

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- As this case was originally assigned to Department 20, and then reassigned to Department 1 through Central Trial Calendar Call, after Central Calendar Call, Department 20 became available for trial in the instant case. Pursuant to EDCR 1.31(b)(4), this case is reassigned to Department 20.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 26, 2022**

C-21-357412-1 State of Nevada
vs
Gerald Whatley, Jr.

May 26, 2022 8:30 AM Sentencing

HEARD BY: Johnson, Eric **COURTROOM:** RJC Courtroom 12A

COURT CLERK: Kathryn Hansen-McDowell
Shuron Dockery

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT:	Meng, Yu	Attorney
	Park, Leslie A.	Attorney
	State of Nevada	Plaintiff
	Whatley, Gerald Lee, Jr.	Defendant

JOURNAL ENTRIES

- Upon Court's inquiry, Ms.Park, and Defendant advised there are no issues with the Presentence Investigation (PSI) Report pursuant to the Stockmeier decision.

Exhibit Presented (See Worksheet).

DEFT WHATLEY ADJUDGED GUILTY of DRIVING AND OR BEING IN ACTUAL PHYSICAL CONTROL OF A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF AN INTOXICATING LIQUOR OR ALCOHOL (F). Arguments by counsel and statement by Defendant. COURT ORDERED, in addition to the \$25.00 Administrative Assessment Fee, and the \$150.00 DNA Analysis fee including testing to determine genetic markers WAIVED as previously taken, \$3.00 DNA Collection Fee and a \$2000.00 fine. Deft. SENTENCED to a MAXIMUM of FIFTEEN (15) YEARS and a MINIMUM of FOUR (4) YEARS in the Nevada Department of Corrections (NDC) with THIRTY-ONE (31) DAYS credit for time served.

PRINT DATE: 05/02/2023

Page 12 of 14

Minutes Date: August 03, 2021

COURT FURTHER ORDERED, pursuant to NRS 484C.340 and NRS 484C.460, prior to reinstatement of the Defendant's driving privileges, an interlock device shall be installed and inspected on his vehicle at the Defendant's expense for a period of 36 months, said period to commence after any period of imprisonment, residential confinement, confinement in a treatment facility, or on parole or probation.

BOND, if any, EXONERATED.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 06, 2022

C-21-357412-1	State of Nevada
	vs
	Gerald Whatley, Jr.

December 06, 2022	8:30 AM	Motion	Motion to Withdraw Counsel and for Transcripts
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HEARD BY: Johnson, Eric

COURTROOM: RJC Courtroom 12A

COURT CLERK: Louisa Garcia

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT:	State of Nevada	Plaintiff
	Trippiedi, Hagar L	Attorney

JOURNAL ENTRIES

- COURT ORDERED, Defendant's Motion to Withdraw Counsel and for Transcripts, GRANTED. Ms. Park to provide Defendant a copy of his file.

NDC

CLERK'S NOTE: The above minute order was emailed to: Leslie Park at leslieparklaw@gmail.com.
/lg 12-6-22

Certification of Copy and Transmittal of Record

State of Nevada }
County of Clark } SS:

Pursuant to the Supreme Court order dated April 25, 2023, I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, do hereby certify that the foregoing is a true, full and correct copy of the complete trial court record for the case referenced below. The record comprises three volumes with pages numbered 1 through 580.

STATE OF NEVADA,

Plaintiff(s),

vs.

GERALD LEE WHATLEY, JR.
aka GERALD L. WHATLEY, JR.,

Defendant(s),

Case No: C-21-357412-1

Related Case A-22-861330-W

Dept. No: XX

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 2 day of May 2023.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

