

NEVADA COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

POST COMMISSION MEETING
1:00 P.M., WEDNESDAY,
FEBRUARY 5, 2025

POST ADMINISTRATION BUILDING,
CLASSROOM #2
5587 WA PAI SHONE AVE.
CARSON CITY, NV 89701

NOTICES

STATE OF NEVADA
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
5587 Wa Pai Shone Avenue
Carson City, Nevada 89701
(775) 687-7678 FAX (775) 687-4911

JOE LOMBARDO
Governor

MICHAEL D. SHERLOCK
Executive Director

NOTICE OF PUBLIC MEETING (NRS 241)

NOTICE IS HEREBY GIVEN THAT STARTING AT **1:00 P.M. ON WEDNESDAY, FEBRUARY 5, 2025,** THE COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING WILL HOLD A REGULARLY SCHEDULED MEETING AT **THE POST ADMINISTRATION BUILDING, CLASSROOM #2, 5587 WA PAI SHONE AVE., CARSON CITY, NV 89701.**

The agenda will include the following items. The Commission, at their discretion, may take items out of order, combine two or more agenda items for consideration, and remove an item from the agenda or delay discussion relating to an item on the agenda at any time. A request to have an item on the agenda heard out of order shall be made to the Commission's secretary prior to the commencement of the meeting. Prior to the commencement or conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual the Commission may refuse to consider public comment. See NRS 233B.126.

I. REGULARLY SCHEDULED MEETING

1. Call to Order

2. Roll call of Commission Members

3. **PUBLIC COMMENT**
   The Commission may not take action on any matter considered under this item until the matter is specifically included on an agenda as an action item.

4. **DISCUSSION AND FOR POSSIBLE ACTION.**
   Approval of minutes from October 17, 2024, public hearing and regularly scheduled meeting.

5. **INFORMATION** Executive Director's report.
   a. Training Division
   b. Standards Division
   c. Administration

6. **DISCUSSION AND FOR POSSIBLE ACTION.**
   For possible action - policy change related to the processing of Gross Misdemeanor convictions of peace officers (NAC289.290(1)(e)).

7. **DISCUSSION AND FOR POSSIBLE ACTION.**
Request from the Boulder City Police Department for an Executive Certificate for their employee Chief Timothy Shea, pursuant to NAC 289.270 (1)(b). Possible action may include approval or denial of the requested Executive Certificate.

8. **DISCUSSION AND FOR POSSIBLE ACTION.**
Request from the Boulder City Police Department for an Executive Certificate for their employee Lieutenant Thomas Healing, pursuant to NAC 289.270(1)(a). Possible action may include approval or denial of the requested Executive Certificate.

9. **DISCUSSION AND FOR POSSIBLE ACTION.**
Request from the North Las Vegas Police Department for an Executive Certificate for their employee Captain Mario Perez, pursuant to NAC 289.270(1)(a). Possible action may include approval or denial of the requested Executive Certificate.

10. **DISCUSSION AND FOR POSSIBLE ACTION.**
Request from the Eleventh Judicial District Youth and Family Services for a 6-month extension past the one-year requirement (NRS 289.550) in order the meet the requirements for certification for their employee Deputy Chief Juvenile Probation Officer Nicole Mathias. Hire date January 15, 2024, extension to July 15, 2025. Possible action may include approval or denial of the requested extension.

11. **DISCUSSION AND FOR POSSIBLE ACTION.**
Hearing pursuant to NAC 289.290(1)(i) on the revocation of Charles N. Beck's (formerly employed with the Fallon Police Department) Category I and III basic certificate(s) based on a conviction of a misdemeanor crime of domestic violence as defined in 18 U.S.C § 921(a)(33). The conviction(s) that have led to this action are:
Count II: BATTERY THAT CONSTITUTES DOMESTIC VIOLENCE FIRST OFFENSE, a violation of NRS 200.485 (1)(A), 200.481 and 33.018, a Misdemeanor.
Possible action may be revocation of the Category I and III basic certificate(s).

12. **DISCUSSION AND FOR POSSIBLE ACTION.**
Hearing pursuant to NAC 289.290(1)(g) and NAC 289.290 (1)(i) on the revocation of Lejohshona Bess's (formerly employed with the Nevada Department of Corrections) Category III basic certificate based on a conviction of or entry of a plea of guilty, guilty but mentally ill or nolo contendere to a felony and conviction of a misdemeanor crime of domestic violence. The conviction(s) which have led to this action are:
Count I: COERCION (Category B Felony) in violation of NRS 207.190 -NOC 53159.
Count II: BATTERY CONSTITUTING DOMESTIC VIOLENCE (Misdemeanor)-in violation of NRS 200.485(1)(A), 200.481(1)(A), 33.018 – NOC 50235.
Action will be revocation of the Category III basic certificate.

13. **DISCUSSION AND FOR POSSIBLE ACTION.**
Hearing pursuant to NAC 289.290(1)(e) on the revocation of Mark A. Lawson's (formerly employed with the University Police Department-Northern Command) Category I basic certificate based on a conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a gross misdemeanor. The conviction(s) that have led to this action are:
COUNT I: CONSPIRACY TO POSSESS A DRUG THAT MAY NOT BE INTRODUCED INTO INTERSTATE COMMERCE in violation of NRS 454.351(1) and NRS 199.480(3)(g), a gross misdemeanor.
Possible action may be revocation of the Category I basic certificate.

14. DISCUSSION AND FOR POSSIBLE ACTION.

Hearing pursuant to NAC 289.290(1)(g) on the revocation of De'Wayne Lyons's (formerly employed with the Nevada Department of Corrections) Category III basic certificate based on a conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a felony. The conviction(s) which have led to this action are:

Count I: FURNISHING A WEAPON, FACSIMILE, INTOXICANT, OR CONTROLLED SUBSTANCE TO STATE PRISONER (Category B Felony), in violation of NRS 212.160(1)(a), NOC 53434

Action will be revocation of the Category III basic certificate.

15. DISCUSSION AND FOR POSSIBLE ACTION.

Hearing pursuant to NAC 289.290(1)(g) on the revocation of Dario A. Sanchez's (formerly employed with the Nevada Department of Corrections) Category III basic certificate based on a conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a felony. The conviction(s) which have led to this action are:

Count I: OPPRESSION UNDER COLOR OF OFFICE WITH USE OF PHYSICAL FORCE (Category D Felony), in violation of NRS 197.200(1)(a), NRS 197.200(1)(d), NRS 197.200(2)(a), NOC 52313

Action will be revocation of the Category III basic certificate.

16. DISCUSSION AND FOR POSSIBLE ACTION.

Hearing pursuant to NAC 289.290(1)(g) on the revocation of Andrew L. Trujillo's (formerly employed with the Nevada Department of Corrections) Category III basic certificate based on a conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a felony. The conviction(s) which have led to this action are:

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Action will be revocation of the Category III basic certificate.

17. PUBLIC COMMENT

The Commission may not take action on any matter considered under this item until the matter is specifically included on an agenda as an action item.

18. DISCUSSION AND FOR POSSIBLE ACTION.

Schedule upcoming Commission Meeting – May/Carson City

19. DISCUSSION AND FOR POSSIBLE ACTION.

Adjournment.

POSTED AT THE FOLLOWING LOCATIONS:

Commission on POST Administrative Office
Carson City, NV 89701
State Library, Archives and Public Records
100 Stewart Street, Carson City
http://post.nv.gov
http://notice.nv.gov
http://leg.state.nv.us

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   Approval of minutes from October 17, 2024, public hearing and regularly scheduled meeting

STATE OF NEVADA

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

A Public Hearing and Regularly Scheduled Meeting of the Commission on Peace Officer Standards and Training was held on Thursday, October 17, 2024 commencing at 8:02 a.m. at The Southpoint Hotel/Casino, 9777 Las Vegas Blvd., S. Napa Room A, Las Vegas, NV 89183.

COMMISSIONERS:

Tyler Trouten, Chairman

Dan Coverley

Kevin McKinney

Oliver Miller

Russ Niel

Jamie Prosser

Tim Shea

Rob Straube

George Togliatti

STAFF:

Kathy Floyd, POST F

Jesselyn V. De Luna, Attorney General's Office

Mike Sherlock, POST F

TRANSCRIBED BY: Marsha Steverman-Meech

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PROCEEDINGS

TROUTEN: Good morning. We'll call to order the POST Commission meeting and public comment hearings for October 17, 2024. For the record, the time is 8:02 AM. Go to Kathy Floyd for the legal posting information.

FLOYD: The public hearing and meeting agenda have been posted in compliance with NRS 241.020. These notices and agendas were physically posted at the POST Administration Building and the Nevada State Library in Carson City, and electronically posted at post.nv.gov, State of Nevada website at notice.nv.gov, the legislative website at leg.state.nv.gov, and emailed to all SPOCS and admins on the POST listserv.

TROUTEN: All right, thank you. We'll now commence with roll call. I'm Ty Trouten, Elko PD, Chair of POST Commission.

STRAUBE: Rob Straube, City of Las Vegas, Department of Public Safety.

PROSSER: Jamie Prosser, Las Vegas Metro.

MCKINNEY: Kevin McKinney, City of Carlin.

SHEA: Tim Shea, City of Boulder City.

COVERLEY: Dan Coverley, Douglas County Sheriff's Office.

TOGLIATTI: George Togliatti, Nevada Department of Public Safety.

MILLER: Oliver Miller, Reno Police Department.

NIEL: Russ Niel, State Gaming.

FLOYD: Kathy Floyd, Nevada POST.

SHERLOCK: Mike Sherlock from POST.

DE LUNA: Jesselyn De Luna from the Attorney General's office.

TROUTEN: All right, thank you. We'll now start with public comment and the public hearing section of this on several proposed regulations. The public comment hearings will address proposed regulations. The purpose of the hearing is to receive comments from all interested persons regarding the adoption, amendment, and repeal of regulations pertaining to Chapter 289 of the Nevada Administrative Code, NAC. This public comment hearing has been previously noticed as required by NRS Chapter 233(b). Item A, proposed regulation file number R091-24. Go to Director Sherlock for some background information, please.

SHERLOCK: Thank you, Mike Sherlock for the record. As the Commission may recall, this change was to address the situation where an agency may want to bring back a former officer who has been out of policing for five years, but less than 10. This regulation simply creates a process to reactivate their basic certificate. Internally, in anticipation, we are working on the training and testing necessary to do that in this situation. This is simply the time for any public comment on this proposed regulation. During the regularly scheduled

meeting, the Commission will have a chance to discuss final adoption or changes or any other action they want to take but at this time, it's just public comment.

TROUTEN: Thank you, director. So if we have public comment, if you could please come up to the table here and clearly state your name for the record. Do we have public comment on this item?

WATTS: Good morning, ladies and gentlemen. My name's Jesse Watts, J-E-S-S-E, W-A-T-T-S, and I serve as the sheriff of Eureka County, Nevada. My public comment is that I believe that 10 years is too long. The current regulation of five years is sufficient, and I don't believe that this is going to address any kind of recruiting crisis or any kind of hiring that we could take and articulate to justify changing complete regulations of NAC and department practices. This is going to impact a lot of things, not only administratively for this Board, but department wise, along with the fact that you're going to create some -- you have the potential of creating some animosity between somebody that is coming back after, let's say, eight years, four legislative changes, that's not getting current on legislation because four sessions is a lot to relearn practices technology, et cetera, and you have the real chance of having some generational problems on training and such. Furthermore, something that I was thinking about over this week with others was if you get hired, have a POST Commission, don't

pass probation, and then eight years later you decide to come back in law enforcement, why should you be entitled to the same venture that you would've been if it was five years? That is a long time for coming back after being gone for five to 10 years. Five years is the current regulation, in my opinion, is more than sufficient. I don't think that we have enough applicants statewide to completely change the NAC regulations and practices because of -- to help a recruiting crisis or a hiring crisis. Thank you.

TROUTEN: Thank you, sheriff. Are there other public comments on this item? Hearing none, we'll move on to Item B, proposed regulation file number R098-24. Director, Sherlock, could you provide some background on this item, please?

SHERLOCK: Sure. Mike Sherlock for the record. So this public comment hearing is to address changes to the revocation process as it relates to domestic violence. This proposed regulation would bring our regulations in line with the federal definition related to domestic violence conduct. This would also -- this change would also allow for personal service related to revocation hearings, which is our most common practice, and it just would reflect what we do in the regulation. Again, this is the time for the Commission to accept any public comment. This issue will be on the regular scheduled meeting and the Commission can discuss this regulation

and determine whether they want to move forward the final adoption matter, that sort of thing.

TROUTEN: Thank you, Director. Do we have any public comments on this item? All right, hearing none, we will then close out the public hearing meeting and move on to the regular Commission meeting. So just let the record reflect that all the members are still present and we'll move on. All right, so at the beginning of this, and as advisement to the public, we'll have a public comment section at the beginning of this regular POST Commission meeting and then again at the end, but there would not be public comment on each item within the agendas. So Item Number 1, is there any public comment? This is an item the Commission may not take any action on this matter until considered under an item specifically included on an agenda as an action item. It will also be another opportunity at the end for public comment. Are there any public comments? Hearing none, we'll move on to Item 2, discussion, and for possible action approval of minutes from the May 2, 2024 regularly scheduled POST Commission meeting. Has everyone had an opportunity to review the minutes and is there a motion or any changes, amendments to those minutes?

MCKINNEY: Kevin McKinney for the record. I'll make a motion that we approve the minutes.

TROUTEN: Have a motion to approve. Is there a second?

SHEA: Tim Shea, I'll second.

TROUTEN: Have a motion and second. All those in favor of approving the minutes, please say aye.

MEMBERS: Aye.

TROUTEN: Any opposed? I also vote aye. Minutes are approved. Item Number 3, the Executive Director's Report. Director?

SHERLOCK: Thanks. Mike Sherlock for the record. Just a few items. We're trying to figure out the best way to get the word out on SB 225 issues. This was not a bill that we proposed or wrote but it is the law and there's things in there related to the National Decertification Index. Many of you are already aware of the affidavit required by that bill on new hires and activating their basic certificate. There's provisions related to IAs and the result of the IA. I think there's some confusion out there. It requires reporting to POST, and it gets a little confusing for us because it doesn't discriminate between what is a revocable or suspension issue. It still has to be reported to us, you know, so there's some concerns on our part to make sure we get the word out to agencies. We don't want agencies to get into some sort of issue over that. I would suggest that agencies take a look at that bill because it would seem to require that agencies complete an IA even in cases where you have someone resign in lieu, but I would leave that up to the agency's legal to determine that and

we don't get involved, but it is reported to us and that's the only reason I bring it up. So that's a pretty extensive bill. I know most of you know SB 225, but we're seeing where some agencies are reporting things to us and others aren't, and we just don't want to get in the middle of that. So we're looking at maybe putting things out on SB 225 just as an educational posting so agencies understand how extensive that bill was out there. We are ramping up for the next legislative session, budget, and that sort of thing. We already have BDRs coming our way and looking to us for some advice and that kind of thing. I can say from staff's perspective that we encourage legislators to not use the BDR process for standards or training. We have a Commission, the Commission's mission is to do that, and they're the experts in policing. We're not always very successful in requesting that of our legislators, but that's what we try, and that's our take. I have spoken to a couple people on some BDRs that I think they've agreed to leave that to the Commission, and so it benefits us in the long run, not putting things in statute. I recently attended a federally facilitated meeting with all POST directors. I should say 36 states attended plus US Virgin Islands and Guam. It was quite interesting to see what's going on across the country. I was asked to speak in reference to disciplined academy environments and how that works, and many states that had moved away from a disciplined academy or stress academy are going back to it so they're

looking at our structure at POST and going that way. So that was an interesting time with what's going on across the country. And with that, I'll yield back.

TROUTEN: Any questions for the director on those items?

PROSSER: No. Jamie Prosser for the record. I'm not sure if this falls into that area, but in our book reference, the quarterly audit report, can I ask a couple questions about that?

SHERLOCK: Sure.

PROSSER: Is this the time? Can you just -- just for my knowledge, can you explain how the audits work and what do we do when we have a agency who is deficient in either backgrounds or training, and what's the follow up from POST ensuring that they do become compliant?

SHERLOCK: Sure. Mike Sherlock for the record. So it is kind of a difficult area for us sometimes. We seek to educate agencies, not punish 'em and teach them, you know, what is required under the regulations. The other issue, if you think of it just from a logical standpoint, let's say that, you know, an agency didn't complete a psych or a truth verification poly or CVSA and we discover that in an audit, which is not unusual, we do find those on occasion. The issue becomes the regulations are clear that that must be completed prior to employment and it wasn't. There's no way for us to go back in

time, right? We can't say, go ahead and give 'em a poly now, or do the psych now. Still not in compliance with the regulation because they're already employed. And so generally we do an audit report, that is a public document, that documents those deficiencies and work with the agencies on how they can accomplish the psych or the poly prior to that conditional job offer and that sort of thing. So really, for us, our only recourse is that public document, the audit, and then working with those agencies. Generally we'll give a timeframe to either correct their policy in their hiring process and we will come back 30 days later, you know, 45 days later and ensure that that policy was updated and changed and not a lot of recourse other than that in that public document, which by the way, I think is pretty powerful. Don't get me wrong. You don't want out there a public document that indicates that you're in violation of the regulation in the hiring process, right? In terms of audits themselves, we are mandated to physically audit every academy every year, and so that's a lot of our time. And most academies have been running for a long time now in the state and there's not a lot that we see with the academies in terms of their operation, but we are mandated to do that so we do visit the academies once a year. As far as agencies, 33 percent, right, still we attempt to do a third of the agencies a year. And hopefully that answered your question.

PROSSER: So two particular questions. In regards to the Yerington Paiute tribal that was not compliant for their training for 2023, and it said that they were to get it done in 2024, which would not count towards 2024's training, and it states that the audit is now closed. Is there a plan in place to go back and ensure that they not only finished what they needed to for 2023, but that they do 2024 as well?

FLOYD: We emailed the information.

PROSSER: Okay.

SHERLOCK: Yeah. So we did get an update from them. We do check on them. When there's a deficiency, we do return or at least do it electronically and that's what we've done with them. There is another issue, sort of the same issue, with annual compliance training in that you have to do the training during the calendar year and same thing. There's no way to go back. And so one of the things we look at is is there really a benefit to say you didn't do 2023 and so 2024, we're going to make you do it twice, right, and there's no real benefit to that. So, you know, for us it's more, again, the documentation route and then, you know, constant contact with that agency till they come up to speed in that area. And as far as annual compliance training, that is an individual issue too, not just the agency and so we look at it from both perspectives.

PROSSER: And finally, can you advise whether or not Esmeralda County Sheriff's Office has finished their backgrounds on the four officers that did not have --

SHERLOCK: No. And I believe they're gone, right, some of 'em?

FLOYD: I don’t know.

SHERLOCK: We're still working with them on this. I think two of 'em are no longer employed there, and so we're still -- well, without getting too far into it, there's some other issues related to that.

PROSSER: Thank you.

TROUTEN: Other questions from the Board? All right, hearing none. We'll move on to Item Number 4, discussion for possible action. The Commission to discuss and take possible action related to NAC 289.290(e), revocation process. Director Sherlock, some background information, please.

SHERLOCK: Sure. Mike Sherlock for the record. So, again, as I just mentioned, SB 225 made changes in regards to revocations and reporting and that sort of thing but even without those changes, historically, we've had a very specific procedure in terms of regulation and that procedure, again, is, is based on those regulations. First, I think the Commission needs to know that our regulations leave revocation decisions solely to the Commission, not to staff. We don't revoke anybody, we have no authority to do so obviously although in

many states that's not the way it works, which was interesting to hear. That said, the only way for us to allow the Commission to consider revocation is to put those listed issues that are listed in the NAC on the agenda. As a Commission, you can then weigh that evidence and decide whether or not to revoke, suspend suspension is always an option except in felonies, and so just so the Commission understands that from a regulatory standpoint. Once a felony conviction has been shown, the regs don't leave discretion and everybody knows that. Where it's a gross misdemeanor conviction, the staff brings those to the Commission for consideration and again, you can revoke, suspend, not revoke, that sort of thing. The hearing is about the revocation and the outcome of that revocation hearing is completely up to the Commission. Where the conviction of the person is for a misdemeanor where it's domestic violence, that is brought to the Commission. Where it's a conviction for specifically domestic violence, currently under the regs, that is brought to the Commission by staff. Where it is any other misdemeanor conviction, staff can only bring that to you if the agency, the employing agency, requests. Staff doesn't have and the Commission doesn't have independent authority to revoke for misdemeanor convictions, right, and so if the agency that employed that person once is requesting revocation, then that's how we do that, we bring that to you. So understand that these are based on the current regulations, right? So due to some

discussion staff has had, we'd like to be sure that the Commission is satisfied with that procedure. If there's a desire for change, we would ask for some direction as it would likely require a rule change in the regulation. After speaking to our DAG, you know, there was some discussion, something like some sort of gatekeeping in terms of what's brought forward in a revocation hearing. I think if that was done outside of full Commission that would require a reg change. That said, we've heard some may like to have the opportunity to vet some of these possible revocations before an actual revocation hearing, things like an agenda item, that sort of allows staff to provide a blind sort of presentation on the reason the hearing would occur and whether or not the Commission wants to go forward with the hearing, and I think that might be able to be accomplished under current structure. I'd have to talk to, you know, the AG's Office a little bit about it, but we're just looking for some direction. Let me just add that the perception out there, that POST somehow wants to influence personnel decisions, and we hear this often, is wrong. It's actually the opposite for us if you think about it logically. We often hear agencies who would like to use the POST Commission's decisions for their personnel decisions rather than the other way around and as you can imagine, we really don't want to be involved in personnel decisions or anything like that, and that's why, if you'll notice that nearly every revocation hearing we bring forward,

personnel decisions have already been made and almost every case, they've been terminated. Not all, but almost every case that person has been terminated, and I think that's the right way to go. So we're not involved in that, but we're just looking for some direction on how we deal with -- and part of it with SB 225, we're getting more and more notices of possible disciplinary action and much more than we have historically. So we're just looking for if you're satisfied with the way we're doing it and the way you're receiving those, we're fine with that, it's just we're looking for some direction on where what best fits the Commission and their plan.

PROSSER: Jamie Prosser for the record. Just for clarification, as it stands right now, revocations are brought before us if they're convicted of a felony or convicted of domestic violence?

SHERLOCK: Or a gross misdemeanor.

PROSSER: Or a gross misdemeanor.

SHERLOCK: Yeah.

PROSSER: And otherwise, it's up to the agency to request the revocation hearing if they're convicted of a misdemeanor?

SHERLOCK: Correct. Yes.

PROSSER: And to your point, I see that, you know, some agencies, they would like POST to hold their people accountable before they hold them accountable.

SHERLOCK: Correct.

PROSSER: And in my opinion, I think, my opinion is that continue with the felonies that are convictions as well as the domestic batteries and then any misdemeanor or gross misdemeanor that's turned over to you, it's up to the agency to request a revocation hearing. That would be my request, my suggestion.

SHERLOCK: And we're good with that. Understand that would require rule change, which, you know, that's what we do. We can certainly bring that to the Commission in terms of a rule change if that's what, you know, the Commission wants. No problem.

COVERLEY: Chairman, Dan Coverley for the record. I agree with Ms. Prosser. I don't like the arrest, I think we need to stick with the conviction because there's a lot that goes into the judicial process from the time of arrest until they're convicted and things change, and I don't know why we would hold peace officers to a different standard than a regular citizen as far as that.

SHERLOCK: Yeah. Mike Sherlock for the record. It's only convictions. For most --

COVERLEY: And proposed changed, does it have some language, was arrested and then regardless of what the conviction is, is that not (inaudible)?

SHERLOCK: Oh, okay. So you're talking about the proposed regulation and we will get to that I think shortly, but just to clarify, that still requires a conviction. Under the current regs and if you adopt that one, it still requires a conviction.

COVERLEY: Okay.

SHERLOCK: It may not be domestic violence, I understand that, but it's still a conviction. And that's the way our regs are set up, that we have to have a -- barring very specific things, it has to be a conviction for us to move forward with revocation.

COVERLEY: Thank you.

SHERLOCK: So that's not a change in the regs.

DE LUNA: And then Jesselyn De Luna from the Attorney General's Office for the record. Just to confirm, there are different tiers for it. So for felonies upon the criminal indictment or the filing of the criminal complaint, the suspension may be imposed, and then upon conviction, then the certificate will be revoked. So there's no discretion there. If someone's convicted of a felony, then the certificate will be revoked. When it comes to gross misdemeanors, upon criminal indictment or filing of a criminal complaint, the suspension may be imposed. And then when it comes to regular misdemeanors, the employee agency actually has to recommend the suspension or revocation following the conviction.

TROUTEN: So Ty Trouten for the record. I'm curious of the Board, is there -- as we have in every Commission meeting, we have an update from POST on training and different things have come up. This is a requirement of the agencies to report arrests. Without, it has nothing to compel the Board to take action. Is there any appetite, as we were just discussing with, like, the audits of having, you know, an update on the quarterly meetings that we've received these many notifications pursuant to arrests, or to have the staff give an update of we're monitoring or following to see what happens with them and so forth, or just to let that be handled by the POST staff?

MCKINNEY: Kevin McKinney for record? I'll start. I would not be opposed to getting an update on the numbers or the, you know, types of referrals. I'm just not sure anything needs to be changed in this. It sounds like we're almost just specifically looking at gross misdemeanors, which I don't see why we can't review those if they occur, but I'm not opposed of being notified of those.

SHERLOCK: Mike Sherlock for the record. So that's part of the issue. Under SB 225, it's required that we get notified, so we're getting notified of things that we don't have the authority to revoke on and that's part of the confusion for us right now and for agencies, frankly but, yeah, certainly I think, as was suggested, that we make gross misdemeanors the same as misdemeanors in terms of bringing them forward. That

would be a reg change and we're looking for -- we would need the Commission to authorize that or recommend that via a motion.

DE LUNA: Jesselyn De Luna for the record. To Director Sherlock's point, the way that the regulation is currently written, it's NAC 289.290(3), it says that the employing agency shall notify the Commission of any time that it becomes aware that one of its officers has been charged with a crime that could result in denial, suspension, or revocation procedures, so misdemeanors, gross misdemeanors, or anything that falls under the 289.290(1) violation, I guess. And then upon receipt of that information then the Commission as a whole, the way that I understand it to be written, will determine whether to pursue revocation or suspension.

PROSSER: Jamie Prosser for the record. To Mr. Sherlock's point, POST doesn't get to do the revocations, Commission that does, and I truly believe that it's good to keep the felonies obviously, and the domestic violence, but I also believe that there are so many intricate gross misdemeanors out there that it should rely on the agency to decide whether or not they would like to move forward with revocation of a certificate, and so I would move to make that motion that if we were to move forward with a revocation for a gross misdemeanor, conviction, or a misdemeanor conviction, it's based on the agency's request. To Chief Trouten's point, I do think that as a Commission, we do hold a responsibility to monitor agencies

that are having arrests and I think it wouldn't -- I don't know from POST perspective, Mr. Sherlock, if it would be too much of a lift for an audit report similar to what we get from you guys that simply says Las Vegas Metro reported they had six arrests, three for domestic violence, and three for DUI, and not give any specifics to the people, and then as a Commission, we could move forward with what we need to do.

SHERLOCK: Yeah, Mike Sherlock for the record. We could certainly do that.

PROSSER: I don't know what kind of numbers you're getting, so I don't want --

SHERLOCK: Yeah, frankly, we don't know. You know, we're not sure what the compliance level is of SB 225 right now, but we are getting notified right now. We do have statistics that we keep as best we can on those notifications. I mean, we can -- let me just say we could do that. I don't know that everybody wants their agency, you know --

PROSSER: So --

SHERLOCK: -- publicly noticed like that, but we could certainly do it.

PROSSER: Does anyone from the Commission have any other suggestions? I mean, do you just want to see so many gross misdemeanors were reported and so many misdemeanors across the state?

SHERLOCK: Yeah, and we could certainly do that. It is a little bit surprising, to be honest with you, the number of reports that we're getting right now.

MCKINNEY: My question is, I'm sorry, Kevin McKinney for the record, does NAC 289.290, does it conflict with SB 255 in any real way?

SHERLOCK: No. Mike Sherlock for the record. So really, it just requires more reporting than we currently require, doesn't change the revocation authority at all. It does change some hiring issues, but it doesn't change revocation at all and it's really not on POST, it's demands that agencies report those things to us, even though, you know, they're not revocable or they're not actionable on our part based on our regulations, but we still have to accept those reports from the agency. But, no, it does not change what you can revoke for or suspend or anything. So, just to clarify too, we would need a motion to continue the rulemaking or start the rulemaking in relation to the gross misdemeanor if that's the appetite of the Commission.

PROSSER: All right. Jamie Prosser. I would like to make a motion to continue the rulemaking process.

SHEA: Tim Shea. I'll second.

TROUTEN: We have a motion and a second. Is there any further discussion?

SHEA: I just have a hard time. I was looking at the wrong page, which I was one event ahead of where we are. So when you do this, would it be possible to kind of clearly state what the issue is you're seeing cause I'm having a little hard time grasping what the problem we're facing and why we need a real change, and that would help for me at least. I have a hard time figuring out where we're having a deficiency.

SHERLOCK: So --

PROSSER: Jamie Prosser for the record. I think I can clarify this. So currently, as it stands, if your officer is convicted of a gross misdemeanor, they will automatically come before this Board for a revocation hearing whether or not you choose for them to or not as the chief of the police department. So the rulemaking process that I'm proposing is that it will go to the same way the misdemeanors are currently, whereas if your officer's convicted of a misdemeanor, it's up to the agency to request POST for the revocation hearing. So my recommendation is to allow for gross misdemeanors and misdemeanors to be at the request of the agency to go before revocation, not an automatic revocation for a gross misdemeanor.

SHEA: And these are those that are outside of the mandatory requirements for DV and things like that?

PROSSER: Correct.

SHEA: Thank you.

PROSSER: It would still mandate that felony arrests, convictions, and DV arrests would come before us.

TROUTEN: Okay, nothing further, all those in favor say aye.

MEMBERS: Aye.

TROUTEN: Any opposed? I also vote aye. Motion carries to continue rulemaking process. Now we will move on to Item Number 5, discussion and for possible action. This is for the Commission to discuss and take possible action to adopt the following regulations, and there are two of these, and we also need to consider so before we get going, any written and or other comments that have come forward on these? Kathy?

UNIDENTIFIED: (Inaudible.)

TROUTEN: All right. So with that we'll start specifically with item a. This is LCB R091-24, which amends NAC 289.200, and creates a recertification program for officers whose basic certificate expired, but has not been out of law enforcement for more than 10 years. Director Sherlock.

SHERLOCK: Mike Sherlock for the record. So I'll just remind the Commission where this is at and what this means. So when we're at this point, the proposed reg was initiated due to the Commission's motion to start the rulemaking. There was a workshop. Result of that workshop was proposed language, which has previously been approved or has now been approved by the Commission. That language goes to LCB, who looks at it from a

legal standpoint and brings it back to us. We've had the public hearing, comment hearing on the regulation as it is currently written, and now we're back to the Commission for final adoption should you choose. This regulation change would allow previously certified Nevada officer who has expired under the current rules of 60 months, but has been out of employment as a peace officer for up to but less than 10 years, and their certificate was in good standing, this creates a pathway to reactivate their basic certificate and as written, staff would recommend that the final adoption is approved.

TROUTEN: So, clarification, if I remember a discussion, Director, if an officer comes back at this point, within 60 months of being out of law enforcement, they have to immediately recertify in their use of force tools and the required yearly trainings for all those things. It seems in our discussion, we've talked about having a more in depth recertification program when they come out. Now, that would include such things as basically an update on what has changed in the legal world, which would include both case law and codified law. Is that correct?

SHERLOCK: Yeah, Mike Sherlock for the record. So that's how staff has looked at this, that up to five years there is no retraining required. They have to demonstrate proficiency and critical skills before resuming, but there's no training up to 60 months out. After 60 months, this change would

essentially put them, from our perspective, similar to reciprocity, be an online training, basic training type program, and we're still discussing any hands-on, but there would be some recertification but not a full academy to meet with this requirement.

TROUTEN: Thank you. Comments from the Board? Hearing none, I would entertain a motion.

PROSSER: Jamie Prosser. I move to approve the changes as written.

TROUTEN: I have a motion. Is there a second?

STRAUBE: Rob Straube. I'll second.

TROUTEN: So we have motion and a second. All those in favor, please say aye.

MEMBERS: Aye.

TROUTEN: Those opposed? I also vote aye. Motion carries. Over to item b. This is the one concerning domestic violence. Director Sherlock, some more background on this one, please.

SHERLOCK: So Mike Sherlock for the record. Again so similarly, this regulation is in the same position where it's now back to the Commission to decide whether they want to final move forward with adoption. This regulation attempts to clean up the language that we have currently related to domestic violence and frankly the definition and tries to mirror the current state of law in federal definition. You know, it's not

an easy thing I know with domestic violence, but essentially what this regulation does is match the federal definition of the act of domestic violence, so it's about an act of violence and the requisite victim meeting the definition under federal law. So, you know, it's not unusual for someone to commit an act of domestic violence and through plea bargaining and that sort of thing, you know, final outcome of that criminal case is something other than domestic violence. Under federal law, it doesn't matter what the conviction is for as long as the act itself meets the definition, and that's what this language attempts to do. It's even harder in Nevada because of our domestic violence law, and so we spend a lot of time looking at the facts of a case. Under federal law, it requires an act of violence with the requisite victim meeting that, or the suspect meeting that definition. Unfortunately in Nevada, we have things like burglary, stalking, vandalism as domestic violence. Under federal law, those are not domestic violence so it's a struggle sometimes for us in Nevada I think, you know, to determine whether they fall under our revocation authority, and this language seeks to clear that up, and staff will recommend that the Commission adopt that language.

TROUTEN: Comments from the Board?

PROSSER: Jamie Prosser for the record, I don't agree with the language in J. I believe that it makes it more convoluted than necessary. It's already covered in I, where it

talks about the conviction of a misdemeanor crime of domestic violence automatically comes before us. We already discussed that with the rulemaking process moving forward on the previous discussion topic, so I believe it should be up to an agency dependent on if their employee is convicted of a misdemeanor or a gross misdemeanor up to the agency to bring before the Board for revocation.

SHEA: Yeah. Tim Shea. I agree with Chief Prosser, Assistant Sheriff Prosser, sorry. Good morning.

PROSSER: It's okay.

SHEA: I mean, I looked at different scenarios that could fall under this, and one of my civilian guy gets stopped and picked up for DUI and he's got a spouse with him who claims in the process they had a fight in the car and she's claiming she was assaulted so he is also charged with assault and DV, but that's all dropped, that all goes away because it didn't happen, never occurred, but he pleads guilty to a DUI. According to this, he was arrested for a misdemeanor crime of DV, but he pled guilty to DUI. It still fall under this. And, I mean, I can find also ludicrous scenarios that would fall under this and I agree with Assistant Sheriff Prosser that I think this is already covered, and if we wanted to cover what the federal government's saying is a DV, then why not just say something along those lines that if it meets the federal requirement for domestic violence, therefore it would come

before us without. Then it wouldn't matter what our state law is if that's what you're trying to cover.

MCKINNEY: Kevin McKinney. I echo Chief Shea's comments that, you know, my concern is that some of these circumstances, we might be relying on the opinion of a police officer who's been a cop for five minutes making a decision and making an arrest on a domestic violence when there's really no cause for it, but we're relying on that decision. I have an issue with that. I think the language about an arrest for DV, regardless of the conviction, violates some due process rights for the accused.

SHEA: And Tim Shea again for the record. The other thing I find myself at odds with is in cases like this, I believe the agency should be making the request that the totality of the circumstances they're faced with. In this case, the agency has done the things they need to do to do the proper disciplinary or corrective action and what we're saying is well, whether you want to or not, we're going to look at -- basically decertify this person, meaning we're going to fire this person for you and I think that that's a slippery slope to start going to, and we're going to start firing people for agencies that had no intent of firing somebody and righteously so, they didn't need to in this case, and I would hate to start down that path.

TROUTEN: Other comments from the Board?

COVERLEY: Dan Coverley for the record. I kind of jumped the gun on this but -- and I agree with what's been said today, and I just have an issue with the judicial process is complicated and rightfully so I guess. There should be time and thought and careful consideration to any conviction of any person and police officers are no different. So I think we should rely on the conviction, not what the arrest was cause as we all know, people are arrested for a lot of different things and ultimately even not convicted of anything or convicted of something different than what they were initially arrested for for a variety of reasons. So I think we need to stick with that and, and deal with the conviction only and not what the original arrest was for.,

TOGLIATTI: George Togliatti for the record. I concur with Sheriff Coverley and all the other comments. I think my concern is again, that the whole process has to be taken into consideration (inaudible) before we make a decision, and also I think it's important to always keep the agencies involved as well.

MILLER: Ollie Miller, for the record. Go back to it. I concur with all of my counterparts and go back to the initial comment made by Assistant Sheriff Prosser, it does seem to convolute Item -- Subsection J does seem to convolute the issue and is contained within subsection I. I think that giving

latitude to the agency and relying on the conviction is the proper path.

NIEL: Russ Niel for the record. I agree with my colleagues. I got no further comment.

TROUTEN: So we're hearing all these comments from the Board. I guess now I would ask, is there somebody want to make a stab at a motion on this to either continue with rule making language, removing Subsection I, or some other action?

PROSSER: Jamie Prosser for the record, I make a motion to remove all verbiage that's contained in this proposed LCB, except for Number 4, the Commission will notify the officer by personal service or by certified mail.

SHEA: Tim Shea. I'll second.

TROUTEN: Any further discussion? All those in favor please say aye.

MEMBERS: Aye.

TROUTEN: Any opposed? And I also vote aye. Move on to Item 6, discussion and for possible action. This is a request from the Henderson Police Department for an executive certificate for their employee, Chief Hollie Chadwick, pursuant to NAC 289.270(1)(a). This will be for action to include approval or denial of the requested executive certificate. Director Sherlock, background please.

SHERLOCK: Mike Sherlock for the record. So staff has reviewed Chief Chadwick's application for an executive

certificate and we do find she meets or exceeds the requirements, and would recommend the Commission approve. I don't know if she's here, but I don't think so. We recommend approval.

TROUTEN: Any discussion from the Board and if not, motion please?

PROSSER: Jamie Prosser moves to approve the executive certificate for Chief Chadwick.

SHEA: Tim Shea, I'll second.

TROUTEN: Have a motion and a second. All in favor?

MEMBERS: Aye.

TROUTEN: And opposed? And I also vote aye. Item Number 7, request from Henderson Police Department for executive certificate for their employee, Deputy Chief Jonathan Boucher, pursuant to NAC 289.270(1)(a), again for action, approval or denial. Director Sherlock.

SHERLOCK: Again, Mike Sherlock for the record. Staff again did review Deputy Chief Boucher's application for the executive certificate and find that they meet or exceed the requirements and would recommend that the Commission approve the certificate.

TROUTEN: Is the deputy chief present? All right, discussion by the Board? Would entertain a motion.

MCKINNEY: Kevin McKinney, I'll move to approve Jonathan Boucher's executive certificate.

COVERLEY: Dan Coverley, second.

TROUTEN: Have a motion, second. All in favor please say aye.

MEMBERS: Aye.

TROUTEN: Any opposed? I also vote aye. That motion carries. Item Number 8, request for Henderson Police Department for executive certificate for their employee, Deputy Chief Itzhak Henn, pursuant to NAC 289.270(1)(a), possible action, approval or denial of the executive certificate. Director Sherlock.

SHERLOCK: Mike Sherlock for the record. I should have this memorized by the time we get through these, but staff did review Deputy Chief Henn's application for an executive certificate and find he does meet or exceed the requirements and recommend the Commission approve, and I think he Deputy Chief's here. No, not here. We recommend approval.

TROUTEN: Discussion and/or motion?

SHEA: Tim Shea, I'll make a motion to approve.

TROUTEN: Have a motion. Is there a second?

NIEL: Russ Niel, I'll second.

TROUTEN: All right, we have motion and second. All those in favor, please say aye.

MEMBERS: Aye.

TROUTEN: Any opposed? And I also vote aye. Item Number 9, request from the Las Vegas Metropolitan Police Department for executive certificate for their employee, Undersheriff Andrew Walsh, pursuant to NAC 289.270(1)(b), possible action, approval or denial. Director Sherlock.

SHERLOCK: Again, Mike Sherlock for the record. Staff reviewed Assistant Sheriff Walsh application for an executive certificate and find they meet or exceed the requirements and would recommend the Commission approve that certificate.

TROUTEN: All right. Discussion and/or motion?

SHEA: Tim Shea. I'll make a motion to approve.

TROUTEN: Second?

MCKINNEY: Kevin McKinney. I'll second.

TROUTEN: Motion and second. All in favor, please say aye.

MEMBERS: Aye.

TROUTEN: Any opposed? I also vote aye. Motion carries. Item 10, discussion, for possible action. Request from the 4th District, Elko County Juvenile Probation Department, for an executive certificate for their employee, Chief Heather Plager, pursuant to NAC 289.270(1)(b), action to approve or deny. Director Sherlock.

SHERLOCK: Mike Sherlock for the record. Staff did review Chief Plager's application for an executive certificate and find she meets or exceeds the requirements, and staff recommends issuance of that certificate.

TROUTEN: Thank you. Discussion by the Board or a motion?

MCKINNEY: Kevin McKinney I'll move to approve Chief Plager's executive certificate.

TROUTEN: Is there a second?

STRAUBE: Rob Straube, I'll second.

TROUTEN: We have a motion, second. All in favor, please say aye.

MEMBERS: Aye.

TROUTEN: Any opposed? And I also vote aye. Item 11, discussion, possible action request from Washoe County Sheriff's Office for an executive certificate for their employee, Chief Deputy Timothy Mosley, pursuant to NAC 289.270(1)(a), approval or denial. Is there a discussion? Oh, I'm sorry, getting ahead of myself. Director Sherlock.

SHERLOCK: Again, Mike Sherlock for the record. Staff once again reviewed Chief Deputy Mosley's application for an executive certificate and find he meets or exceeds the requirements and would recommend that the Commission approve that certificate.

TROUTEN: Thank you. Now discussion and/or motion.

MILLER: Ollie Miller for the record. I'll move to approve Chief Deputy Tim Mosley's executive certificate.

TROUTEN: Have a motion? Do I have a second?

SHEA: Tim Shea. I'll second.

TROUTEN: Motion and second. All those in favor, please say aye.

MEMBERS: Aye.

TROUTEN: Any opposed? And I also vote aye. Moving on to Item 12, request from Lyon County Sheriff's Office for six month extension past the one year requirement pursuant to NRS 289.550 in order to meet the requirements for certification for the following employees: Deputy Benjamin Beck. Date of hire, November 13, 2023, extension to May 23 of 2025; Deputy Jonathan VanDiver, Jr., date of his Cat I position, November 16, 2023, extension May 16, 2025. So this is for possible action to include approval or denial. Director Sherlock, some background information if you have some.

SHERLOCK: Mike Sherlock for the record. I see Sheriff Pope is here if the Commission has any questions, but based on the information found in your book, staff recommends the requested extension be approved.

TROUTEN: Thank you. Discussion of the Board? Hearing none, do we have a motion?

COVERLEY: Dan Coverley for the record. I will move that we grant the six-month extension for employees, Benjamin Beck and deputy John VanDiver Jr. to May 23rd, 2025 for Mr. Beck and May 16th, 2025 for Mr. VanDiver.

TROUTEN: Thank you. Do I have a second?

SHEA: Tim Shea. I'll second.

TROUTEN: We have a motion, second. All those in favor, please say aye.

MEMBERS: Aye.

TROUTEN: Any opposed? And I also vote aye. Item 13, request from Mineral County Sheriff's Office for a six-month extension past the one-year requirement pursuant to NRS 289.550 in order to meet the requirements of the certification for their employee, Jorden Ferrell, date of hire, October 30, 2023, which would extend it to April 30, 2025 for action, approval, or denial. Director Sherlock (inaudible).

SHERLOCK: Again, Mike Sherlock for the record. And based on information provided by Sheriff Ferguson (phonetic) and also the letter found in your books, staff would recommend that the requested extension be approved.

TROUTEN: Thank you. Any discussion by the Board? Do we have a motion?

MCKINNEY: Kevin McKinney. I'll make a motion to extend Jorden Ferrell's time for six months.

TROUTEN: All right, have a motion. Is there a second?

SHEA: Tim Shea. I'll second.

TROUTEN: Motion and second. All those in favor, please say aye.

MEMBERS: Aye.

TROUTEN: Any opposed? I also vote aye. Motion carries. Moving on to Item 14, discussion, for possible action. This way a hearing pursuant to NAC 289.290(1)(g), and/or NAC 289.290(1)(h) on the revocation of George J. Head's, formerly employed with White Pine County Sheriff's Office, Category I, II, and III basic certificates. NAC 289.290(1) allows the Commission to revoke, refuse, or suspend the certificate of a peace officer for, under Item G, conviction of or entry of a plea of guilty, guilty but mentally ill, or nolo contendere to a felony and/or section H except as otherwise provided in Paragraph Section I, conviction of a misdemeanor. If the employing agency recommends suspension or revocation following the conviction of the employee for a misdemeanor, suspension or revocation may be imposed. The convictions which have led to this action are case number 091500069: charge 1, burglary, second degree felony; charge 2, theft, third degree felony; charge 3, criminal mischief, third degree felony; case number 091500075, charge 1, burglary, third degree felony. And this is for possible action to be the revocation of the Category I, II,

and III basic certificates. And I'll move to our Attorney General's representative.

DE LUNA: Thank you, Commissioner. Jesselyn De Luna for the record. So we're on Item 14, but just for all of the revocation items, so Item 14 through Item 18, I'd just like to take a minute to lay a basis, a foundation for the admissibility and validity of the materials that you're going to refer to and rely on in making any decisions here. So I'm going to ask Chief Floyd some questions about these documents to establish a record for what they are, their validity and viability for purposes of Agenda Items 14 through 18. Chief Floyd, for the records or documents that are contained in these meeting materials for the offenses addressed in Agenda Items 14 to 18, did you obtain these items or records directly from the courts or the employing agencies?

FLOYD: Yes, I did.

DE LUNA: And have you maintained these documents in the ordinary course of your record keeping since you obtained them from the courts?

FLOYD: Yes, I have.

DE LUNA: And are the versions of those documents that are contained in the meeting materials true and accurate copies of those materials?

FLOYD: Yes, they are.

DE LUNA: Thank you. Based on Chief Floyd's testimony, I advise you that the materials provided for Agenda Items 14 through 18 constitute valid public records of charges and convictions that uphold the regulatory standard for revocation in these matters and that these materials may be admitted for your consideration as to these five agenda items. So having advised us to that, does anyone have any questions for me about the admissibility or legal validity of the items that were provided to you? Hearing none, we'll go ahead to the Item 14. I guess just by way of explanation, there were three subcategories that were listed here and I'd like to turn your attention to the notice of intent to revoke. So it reiterates what was just said about the four different counts and so originally, if you turn to Exhibit G, this is for the case ending in 0069, Page 13 of that, that shows that the original convictions were for felonies. And if you turn to Page 15 of Exhibit G, it shows that after successful completion of his probation, the charges were reduced to Class A misdemeanors. This was a Utah case. And similarly, for case 0075, if you turn to Exhibit G, Page 10, that's the original conviction. It's a felony and Page 15 also shows that after successful completion of probation, the charges were reduced to Class A misdemeanors. So Class A misdemeanors in Utah, Utah has different -- they have different classes for misdemeanors, where here we have gross and just regular misdemeanors. Class A misdemeanors, my

understanding is that they're more similar to gross misdemeanors in Nevada because of the time, potential time spent incarcerated for them, which is the six months to the 364 days. So that is why you have the different versions of felony, gross misdemeanor, or misdemeanor. I will advise that even if the Commission wants to look at it as just a regular misdemeanor, for regular misdemeanor, the employing agency needs to recommend suspension or revocation, and here we also have that. So if you look at Exhibit E, that's the recommending letter from White Pine to revoke, and it's my understanding that Mr. Head was served and then Exhibit F, he filed an appeal and sent us various letters recommending him.

TROUTEN: Thank you. Questions, discussion of the Board?

PROSSER: Jamie Prosser for the record. So just for clarification purposes, Mr. Head was arrested for felonies in 2009, served his probation, which were dropped down to misdemeanors. He then went to the police academy 10 years later and got his POST certification in 2019, which is five years ago, so it's technically expired anyway. The only reason that this came before the Board is because he attempted to get employment with another agency in Utah doing a lateral, at which time they ran his background and asked why the hell we even arrested him -- or why we even hired him in the first place because he had previously been arrested for felonies. I struggle a little bit

because five years expired right now anyway, and the last sentence of the Chief Sheriff Henriod (phonetic), his letter says at the request of Chief Floyd and the newly discovered information, I'm requesting the revocation of his POST certification. He's not even employed by White Pine any longer, and his POST certification is technically expired. So they hired him with that background. We approved his certification. He hasn't been arrested since or convicted of anything since. I just feel allow the man some dignity that he successfully overcame whatever trials and tribulations he had at the age of 18.

SHERLOCK: Chairman, if I might, just to clarify, Mike Sherlock for the record. So the five years is not expired. He left in 2023, so he still has three years left and so I just want to clarify that and would agree with you, although it wasn't the arrest was the conviction of a felony and the reason we bring these to you is had we been aware of that felony, we would've never certified him, and we only became aware of it because Utah called us just to clarify. Otherwise that's the truth.

PROSSER: Based on the audit report, as provided earlier in the number of agencies that don't have the appropriate documents in their background files, there's probably a contingency of other officers that we've given POST certifications to that shouldn't have them.

SHEA: Tim Shea. Assistant Sheriff brought up -- Prosser brought up something that made me wonder that too. The person resigned and moved on to wherever months prior to this information becoming aware. So basically the past employee agency says oh, I think you ought to remove this person's certification. If you just take the circumstance, remove it, does the past agency have standing to request removing someone's certification when they're not an employee and haven't been an employee for a while, and when they left their separation paper that (inaudible) says it's not an NAC incident? So he left without it being a disqualifying component of his dismissal or termination, whatever occurred. So we're really looking at something that the POST Commission found out about through another agency doing a background and saying why did you certify this person, why was he certified with a felony conviction, and whether or not we go back and decertify people that are no longer employed with their certification is still intact is what I'm saying. And then again, we have a conviction, but then a conviction that is basically reduced by the same court of jurisdiction for someone that did something when they were a teenager.

TROUTEN: Other comments from the Board?

MCKINNEY: Kevin McKinney. I'll comment. Well, I to some degree agree with Chief Shea. I see this as really an opportunity to right an error that we made or that the White

Pine County Sheriff's Office made in allowing him to be certified when he probably shouldn't have qualified for certification. So I think it needs to be reviewed and make a determination. You know, right, wrong or indifferent, it slipped through the cracks and, you know, now we have an opportunity to correct that. The issue I have is later on, like, he is applying to a department in Utah, I believe, or had been at that time, you know, the de-certification index is a national thing that, you know, people rely on us to do our due diligence and I think we need to do our due diligence in this situation and determine whether he's qualified to be a peace officer in Nevada or not.

TROUTEN: Other comments from the Board?

STRAUBE: Rob Straube for the record. Just for clarity, Director Sherlock, you had said that had this been discovered, they had done their due diligence and he would not have received a certificate, correct?

SHERLOCK: Correct. Mike Sherlock for the record. So he would be ineligible to serve. I realize it was reduced to a misdemeanor, but the fact remains he was convicted of a felony and from our perspective, then they're ineligible to serve as a peace officer.

TROUTEN: Are there questions or discussion by the Board or is there a motion?

PROSSER: Jamie Prosser for the record. What occurs if we just vote to suspend his Commission status for the next two, three years? Then he'd have to come before the Board if he applies for another agency inside the state of Nevada.

SHERLOCK: So Mike Sherlock for the record. So you certainly have that authority and that that is an option and, you know, we look at it from a, you know, national perspective of preventing or at least notifying, as was mentioned, other states. So we would enter him into NDI as a suspension rather than a revocation, but it would at least give notice to agencies outside of Nevada to look into the background before they, you know, hire them and that kind of thing. So it is a good option.

PROSSER: Jamie Prosser moves to suspend Mr. Head's Commission status.

TROUTEN: So we have a motion to suspend the Category I, II, and III certificates for George Head. Is there a second?

MILLER: Ollie Miller second.

TROUTEN: I have a motion and a second. All in favor, please say aye.

MEMBERS: Aye.

TROUTEN: Are there any opposed? I also vote aye. Motion carries. Now we're onto Item 15. This is the hearing pursuant to NAC 289.290(1)(g) on revocation of Stewart E. Handte's, formerly employed with the Reno Sparks Indian Colony

Police, Category I basic certificate based on a conviction of, or entry of a plea of guilty, guilty but mentally ill, or nolo contendere to a felony. The conviction which has led to this action is Count II, burglary, a violation of NRS 205.060 a Category B felony. So we already have our items for notification and such substantiated. Anything further on this one?

DE LUNA: I would just like for to point out for the record just the different exhibits. So Exhibit G is the amended indictment, and then Exhibit H is his plea of nolo contendere, and then Exhibit J is the judgment of conviction.

TROUTEN: Thank you. Discussion, questions of the Board?

MILLER: Oliver Miller for the record. I want to add to the record that the Reno Police Department conducted the criminal investigation on Mr. Handte. I participated in the investigation and provided court testimony. As such, I'll be abstaining from making any comments, motions, and/or votes regarding this item.

TROUTEN: So noted. Thank you. Is there discussion, comments from the Board? Hearing none, is there a motion?

COVERLEY: Dan Coverley for the record. I move that we revoke Stewart Handte's Category I basic certificate based on the conviction of a felony burglary.

TROUTEN: We have a motion to revoke. Is there a second?

NIEL: Russ Niel. I second it.

TROUTEN: A motion and a second. All those in favor, please say aye.

MEMBERS: Aye.

TROUTEN: Any opposed? And I also vote aye. Item 16, discussion, for possible action, hearing pursuant to NAC 289.290(1)(g) on the revocation of Daniel Kelly's, formerly employed with Las Vegas Metropolitan Police Department, Category I basic certificate based on a conviction of, or entry of a plea of guilty, guilty but mentally ill, or nolo contendere to a felony. The convictions which have led to this count are Count I, attempt lewdness with a child under the age of 14, a Category B felony in violation of NRS 201.230(2)-NOC 60471, and possible action may be revocation of the Category I certificate. Back to our Attorney General's rep.

DE LUNA: Yep, same thing. Jesselyn De Luna for the record. Same thing for this one. Just like to point out Exhibit A is the notice, Exhibit B it looks like he was served but didn't respond. Is that correct, Chief Floyd?

FLOYD: Yes, he was served. We don't require any sort of a response.

DE LUNA: Okay. And then let's see. And so then there's Exhibit F, the amended indictment. Exhibit H is his

guilty plea of the felony, and Exhibit I is the judgment of conviction.

TROUTEN: All right, thank you. Discussion or comments from the Board? Hearing none, is there a motion by the Board?

COVERLEY: Dan Coverley for the record, I move that we revoke Daniel Kelly's Category I basic certificate based on the conviction of attempted lewdness with a child under the age of 14.

TROUTEN: We have a motion to revoke. Is there a second?

MILLER: Oliver Miller. Second.

TROUTEN: Motion and a second. All those in favor, please say aye.

MEMBERS: Aye.

TROUTEN: Any opposed? And I also vote aye. Motion carries to revoke. Item 17, hearing pursuant to NAC 289.290(1)(g) on the revocation of Christopher T. Peto's, formerly of the Las Vegas Metropolitan Police Department, Category I basic certificate based on a conviction of or entry of a plea of guilty, guilty but mentally ill, or nolo contendere to a felony. The convictions which have led to this action are: Count 1, Attempt Lewdness with a Child Under the Age of 16, Category C felony in violation of NRS 201.230, 193.153; and Count 2, Second Degree Kidnapping, a Category B felony in

violation of NRS 200.310 and 200.330. Possible action may be revocation of Category I basic certificate. Back to our Attorney General.

DE LUNA: Jesselyn De Luna for the record. Exhibit A is the notice, Exhibit B will show that he wasn't found, Exhibit F is the amended indictment, Exhibit G is the guilty plea agreement, and Exhibit H is a judgment of conviction for the two felonies.

TROUTEN: All right, thank you. Discussion, comments by the board. Hearing none, is there a motion?

MCKINNEY: Kevin McKinney. I'll move to revoke Christopher Peto's basic certificate.

TROUTEN: I have a motion to revoke. Is there a second?

SHEA: Tim Shea. I'll second.

TROUTEN: Motion and a second to revoke. All those in favor, please say aye.

MEMBERS: Aye.

TROUTEN: Any opposed? I also vote aye. Motion carries. Item 18, discussion and for possible action, hearing pursuant to NAC 289.290(1)(d) on the revocation of Chris D, and I'm probably going to slaughter this name, Trzaska's -- does anybody know how to say that?

UNIDENTIFIED: Trzaska?

TROUTEN: Trzaska? All right, formerly with the Henderson Police Department, Category I basic certificate based on a request and documentation submitted by the Henderson Police Department, which details the finding of an IA investigation, which concluded November 25, 2019, with a determination to terminate the employment due to six policy violations, which include: using any illicit or illegal drugs, violation of NAC 289.290(1)(d). Possible action may be revocation or suspension of Category I basic certificate. Back to our Attorney General's representative.

DE LUNA: So for this one -- Jesselyn De Luna for the record. For this one we have some documents that weren't included in the meeting materials just for confidentiality purposes. I will point you to Exhibit B, which is a letter from the Chief of Police, Chief Chadwick from the Henderson Police Department, confirming that office confirming that Chris Trzaska was terminated due to being under the influence. Some of the confidential materials that weren't in the booklet, I can confirm that I reviewed them, there's a lab test showing that he tested positive for controlled substances, and various other materials that shows that there was an internal affairs investigation in which he was found in violation of the conduct unbecoming and code of conduct regarding drugs, and affirmation of that decision by the Chief Operating Officer Deputy City Manager.

TROUTEN: All right, thank you. Comments or discussion by the Board? hearing no comments or discussion, is there a motion?

SHEA: Tim Shea, I'll make a motion to revoke.

PROSSER: Jamie Prosser. Second.

TROUTEN: We have motion and second to revoke. All those in favor, please say aye.

MEMBERS: Aye.

TROUTEN: Any opposed? I also vote aye and the motion carries. Item 19, discussion for possible action. Request from Chief Jason Potts, City of Las Vegas Department of Public Safety, to appeal the decision to deny Robert Falche Category I reciprocity pursuant to NAC 289.200(2). Robert Falche's employment and certification makes him eligible for Category II reciprocity. The Commission is to determine whether POST staff decision was valid. And do we have Chief Potts here?

WARD: He's not here. I'm Deputy Chief Ward on behalf.

TROUTEN: Okay, please, sir.

WARD: Good morning, Executive Board. Make it brief. So he's the current special agent right now, and I'm the Deputy Chief on the record, Kyle Ward, for City of Las Vegas Department of Public Safety. I oversee our professional support services, which includes hiring, recruitment, and retention. And we had this lateral candidate come to us from California.

Originally, he had five years as far as his training and experience. He went through the LA County Sheriff's Department back in '97, and he went between three different agencies, so one county agency and two city departments in California. And he had the training but per California POST, you have to complete probation in order to get your certificate. But here in Nevada, you have to -- of course, we know with the status here, once you complete your academy, then you get your certificate. So he has, since then, for those five years of 2002, he started with Homeland Security Investigations. He completed FLETC (phonetic), which is a federal law enforcement training center certification as a special agent. So for the last 22 years, he's been a special agent. He's worked in the office of OIG as well. Also, he's done some other undercover investigations. He's taught at FLETC for the last 15 years, and he has a lot of experience, but based on Nevada's current status right now, as far as his training, it only ranks him at a Category II. So we are requesting on behalf of Chief Potts and City of Las Vegas DPS, based on his training and experience as well, and I'll kind of recap some of those things. So five years with total training from that. So each one of those different agencies that he worked with, the three agencies, he didn't meet that probationary status with those agencies. So by the time he left, he didn't get off probation at that time. So he didn't approve that probation clearance status so he would

get his POST certificate. He completed Federal Law Enforcement Training Center. He also has a lot of experience there doing undercover investigations. He's still teaching at the academy there between Glenco and in other areas as well with the Army. He also has a lot of certifications there in training. So he came to us as a recruit trying to do his lateral and California POST did with him being outside of that timeframe with the five years where he would have expired, said that he can complete and get recertified within three weeks through California standards right now as far as to have that reinstated. But so I'll leave it up to that portion of it right now and just conclude with our field training programs, and I know with our hiring standards right now with Nevada and other places around the country, we're just trying to get quality candidates. We've had a lot of candidates that came through in the past year or so that did not really meet that, and we think with his experience there based on what he's done and has some patrol investigations as well with his criminal background as investigators, that we're seeking for you to review that. And possibly it may not be a waiver, but it may be a regulatory change and requesting your insight for that. I'll yield to any questions and thank you for your time.

TROUTEN: Any direct questions at this time?

SHERLOCK: Chairman, do you want me to go through what's required of that?

TROUTEN: Yes, please.

SHERLOCK: So Mike Sherlock for the record. There's a lot of confusion, reciprocity. Hopefully this will help you out that under the regulation, POST may award a basic certificate to someone who has been awarded a basic certificate in another state. The requirements of that to apply under the regulations currently are that POST must evaluate the basic training requirements in that state, that their basic certificate in that state was in good standing and that they have worked in the capacity as a Category I officer within the last 60 months. So in this incident case, the applicant -- and I did talk to the chief for quite some time, had a good conversation. The applicant first and foremost does not have a basic certificate that we can recognize to grant reciprocity for that basic certificate. In other words, there's no reciprocity where there isn't a basic certificate under our regulations. He was never certified in that other state, which is the basis of reciprocity. So in this case, the basic academy for this applicant from the state he was coming from does meet our equivalency. The applicant attended that basic academy 28 years ago and was never able to receive certification. In addition, that applicant had not worked in the capacity of a Cat I officer for more than 24 years which again, under our regulation requires 60 months and the applicant's beyond that 60 months. So of the two of the three requirements for us to recognize that

other state's basic were not here. So just so we all understand that should the Commission waive those requirements for reciprocity, both the fact that they have to have a basic certificate and they had to work within the last 60 months would be the basis of that waiver. Just historically, POST, going back long before my time, has never waived a regulation standard. I'm sure as the Commission, and as the chief, we talked, you know, once you waive a standard, there is no standard, staff would have a difficult time evaluating for reciprocity going forward, so we would recommend that the Commission does not issue a waiver in this case for those requirements. We would also note that the applicant is eligible for Category II reciprocity and could be certified as a Category II officer and clearly the applicant is not barred from getting his Cat I, just not via reciprocity under our current structure without a waiver. It does shine a light at a deficiency in our regulations in terms of certification. The fact that California requires a person to complete probation before being certified. And again, don't misunderstand me, this is not any reflection on this applicant at all, but it does serve as a gatekeeper for us, and we don't provide that same service to other states based on how we get our basic certificates, simply that we don't require that they finish a probationary period as other states do. And so from that perspective, it is interesting to have that light shine on that sort of a weakness in our regulatory process on

reciprocity. Anyway, so that's the basis of denial of that, two of the three requirements were not met. Staff would recommend that no waiver be issued but also would seek some direction from the Commission on perhaps regulatory change to have us meet what other states are doing in terms of when a person gets certified.

TROUTEN: Thank you, Director. Comments, discussion from the Board?

STRAUBE: Rob Straube for the record. Director Sherlock, on what you had just mentioned was my question. On the other states, do you find that we are a outlier as far as issuing that certificate right after the academy versus a training or probationary or whatever they may call it?

SHERLOCK: Yeah, Mike Sherlock for the record, we are definitely the minority in that area. States either require -- some states you have to finish field training, but I would say a majority require you complete probation to receive a certificate, and so we're in the minority there.

SHEA: Tim Shea. I have a question also. So talking over about maybe something we have to look at in the future, but so the LA Sheriff's Academy would meet our POST I requirement as for an academy if it stood alone, that meets it. Does FLETC meet it for Category I or only Category II?

SHERLOCK: So there have been -- Mike Sherlock for the record. So this particular course that this applicant went through at FLETC, let me back up a little bit, I believe it was

2004, 2009, 2002. Yeah. So the particular FLETC training that this applicant went through in 2002 at the time did not meet any of our reciprocity. Since that time, it has been reevaluated and does meet our Category II requirement, and that's why he's eligible as a Category II reciprocity and he could do that.

SHEA: So if the Category I Academy requirement is met by the LA Sheriff's Office standalone, does the job experience with the federal government that is current, does that meet Category I requirements that employment? So in other words, he had a Category I academy, he went to state law enforcement agencies, but he moved into federal employment. If he went straight from the LA Sheriff's Academy into federal employment and stayed for federal employment until today, would that federal employment meet Category I standards?

SHERLOCK: Mike Sherlock for the record. No, his work history is a Category II work history.

SHEA: Okay. So that's a category work level standard. So we have a Category I academy, a 20-year break, and a Category II academy and Category II employment.

SHERLOCK: Yeah, as I recall, Mike Sherlock for the record, so he actually went through, but you're right in terms of employment, yeah, I'll lean with that. Yeah.

SHEA: Okay. So his employment only qualifies for Category II.

SHERLOCK: Yeah, that -- yeah, Mike Sherlock for the record. So for us, when you're looking at the regulation, it's more about that basic certificate. The federal side throws a wrench into sort of area. We've just out of consideration have been recognizing the federal side. But when you look at the definition of our Category I, the employment with the federal side, and his particular position was Category II related, not Category I. And I should say, Mike Sherlock for the record, there are federal jobs and federal training that do now meet our Category I, and that's some of their uniform services and their academies that are related to that.

SHEA: But these positions that he was in and the jobs he did, would not correspond to a Category I?

SHERLOCK: Correct. That's correct.

SHEA: So I take it things such as the FBI would, DEA would, and some of the other ones?

SHERLOCK: Again, it's related to basic training and what program they went through, and I would say FBI and DEA do not attend that particular training and are not uniformed, and so don't fit into our Category I reciprocity, but do fit into Category II.

PROSSER: Jamie Prosser for the record. Can you explain the statement that California POST will allow him to reactivate his certification following a three week POST

requalification program? Have they since changed their POST requirements that you don't have to get off probation?

SHERLOCK: No, Mike Sherlock for the record. So just because I happen to know, and we deal with California a lot, obviously that's where I came from, what they're talking about is it will revalidate his basic training, it will not allow him to be certified. So he could do a three-week program and get updated, but then he would have to get hired and complete a probationary period before he receives certification. So he can't get re-certified because he's never been certified in California, but California would allow him to use his basic training to get employed again and if he was able to complete a probationary period, my understanding is they would issue him a basic certificate, but the issue is not having completed that probationary period and that remains the same.

SHEA: Tim Shea. I have another question. Then would our POST in lieu course be equivalent to the three week recertification process in California that would allow him to reactivate basically his basic training, then complete his probationary period, which would then give him a POST certificate? Would it be very similar in this state then that this would reactivate his basic training by going to our POST in lieu class and then he'd be on a probationary period just like he would be in California?

SHERLOCK: I don't know that I can answer that, and by the way, I think California just moved their retraining to five weeks I believe now, but I can't speak to their content. For us, from a regulatory standpoint, is he still wouldn't have a basic certificate for us to recognize for reciprocity.

MCKINNEY: Kevin McKinney, I have a question for Deputy Chief. I'm sorry.

WARD: Kyle Ward, WARD.

MCKINNEY: Deputy Chief Ward, just for clarification, are you requesting reconsideration for a Category I reciprocity or are you now asking for a Category II reciprocity?

WARD: Chief, so I'm looking for, we're actually requesting for actually review of his federal training cause the hours that he's accrued over that time too, which should be substantiated with those years of service. Every year from what we review from his training, he's an instructor at FLETC, he's been instructor for a number of years. He accrues a lot of hours there from those patrol investigation investigations as well cause he teaches DEA, CID, all of the federal counterparts as well in their hours. So he has to be trained and certified in those as well. So what actually constitutes is my question, what constitutes if you do qualify for Cat I based on the hours? He accrues hours through the LA County Sheriff's Department initially, which will meet our

requirements in Nevada, but his 22 years on the federal side, he's been doing recertifications as a trainer and teaching there, so that should -- undercover investigation, patrol operations, that should constitute -- so what actually constitutes him not getting Cat I from the federal side?

PROSSER: Jamie Prosser for the record. He met the standards that we require here in Nevada, whether he didn't finish his probation or not, but he's got such a long, extensive federal career, even working with Las Vegas Metro and supervising gang task force, so I don't think we can disqualify that he hasn't been doing the job that we need him to do.

TROUTEN: So if I understand this correctly, Ty Trouten for the record, we've had in the past where people would challenge the standard. I think it occurred with FLETC. Here's what I was trained in at this time, and does that meet the criteria per the topics of our Cat I Academy? Is that correct?

SHERLOCK: Yes.

TROUTEN: And so if I'm understanding correctly, that challenge was made, was found deficient by what training topics he had had I guess through the FLETC side as the federal side, and then that's what you're asking to be reviewed. Is that correct?

SHERLOCK: So Mike Sherlock. Correct. So what we -- on the federal side, yes because there is no basic certificate, we're talking about reciprocity that because of the

uniqueness of the federal law enforcement, we looked at their training in terms of reciprocity, knowing that we can't require a federal officer to have a basic certificate cause they don't do that on the federal side. And again, I have to go back to the reciprocity is about that certificate. We're recognizing the certificate. And so when we evaluate the federal side, that's what it's based on.

TROUTEN: So we're really not talking about a reciprocity consideration here, we're talking about a challenge from the federal side that still falls deficient. Is that correct? If this was regardless of whatever alphabet entity or academy they went to, somebody comes into Nevada, wants to work as Cat I officer and says, here's the training I've had, here's the topics I've been training in, does this meet the standard under the federal challenge I guess that we've had in the past.

SHERLOCK: So the federal academy he went to does not meet our Cat I requirement. That's true.

TROUTEN: Yeah. Okay. That's what I'm getting at. It's interesting because it also begs the discussion and of continuing education training for this state, you know, POST number of classes and stuff that would allow you to elevate certificates, I guess, you know, through additional trainings, but I don't know that we have that process in order and legally do we have that latitude as it stands now under NACs?

SHERLOCK: Well, the Commission can waive any provision under the NAC. It's your regulations. Just from our perspective, from staff perspective, I think we have to be careful because if you waive the requirement to have that basic certificate going forward, we don't know how to deal with other applicants.

PROSSER: Jamie Prosser for the record.

SHERLOCK: And what the standard is.

PROSSER: We review them individually like we are right now. So the two points of contention are that he didn't receive the certification because he didn't finish probation, but he went through the class, which mimics what we would require here in the state of Nevada; and the other thing is that he wasn't a police officer for more than 60 months, 60 months has lapsed since he was a police officer, but he's been a federal agent for 20 plus years, conducting law enforcement operations and investigations. So as a Board, we can waive those two options. He still has to finish the minimum 80 hours of training that we require, and the state certification, and the physical fitness, correct?

SHERLOCK: Yeah. Not physical fitness. Yeah, that's correct except for the -- yeah, except for the physical. Yeah. As a reciprocity.

COVERLEY: Dan Coverley for the record. Are you ready for a motion?

TROUTEN: If you've got one, absolutely.

COVERLEY: Yeah. So I move that we waive the requirements and grant him as Category I peace officer based on his experience with the HSI.

SHEA: Tim Shea. I'll second.

TROUTEN: We have a motion and a second. All those in favor, please signify by saying aye.

MEMBERS: Aye.

TROUTEN: Any opposed? I also vote aye. And motion carries. We are now on Item 20, public comment. The Commission cannot take any action on any matters considered under this item until it's specifically included on a future agenda as an action item. Are there any public comments? Hearing none. We'll move on to Item 21, discussion and possible action, upcoming meetings for February and location. Director Sherlock.

SHERLOCK: Mike Sherlock for the record. So I think everybody knows we're going into legislative session, Sheriffs and Chiefs. Well, legislature starts February 3rd. Sheriffs and Chiefs have a afternoon meeting and legislative mixer, I think is the same day on February 6th. So staff would recommend our next meeting, February 6th, maybe 9:00 AM to allow everyone to get to the other functions in Carson City where Sheriffs and Chiefs is already going to be.

TROUTEN: Any concerns from the Board at that date and time?

PROSSER: The weather is of concern.

TROUTEN: I have no control on that at all.

UNIDENTIFIED: February what?

PROSSER: February 6th.

TROUTEN: Sixth.

SHEA: I lived in Seattle for 32 years. What weather? We don't have weather here.

TROUTEN: All right. So it sounds like that will be about as good as can be predictably. So that time and date, the 6th at 9:00. All right. Do we have a motion to approve that?

PROSSER: I'll move to approve February 6th at 9:00 AM.

TROUTEN: Pending weather? Second?

SHEA: Tim Shea. I'll second.

TROUTEN: Shea seconds. All those in favor say aye.

MEMBERS: Aye.

TROUTEN: I also vote aye. And lastly, adjournment.

SHEA: I have pre-discussion though before we do that. I just wanted to make a comment that I think today was the most executive certificates that we've ever had come through

our system. So I, for one, believe that the changes we made are showing the positive results now, I'm happy to see 'em, and I think these are all fine people that came before us. So I'm glad to see they've gotten this opportunity that before we had made this change, would not have been open to them, which again, puts our people on an equal playing field with people, our peers in other states when it comes to executive positions. So I, for one, am happy to see this.

TROUTEN: I concur with that. Thank you. Other comments?

SHEA: I'll make a motion that we adjourn.

PROSSER: I'll second that.

TROUTEN: A motion and second. All in favor, please say aye.

MEMBERS: Aye.

TROUTEN: Motion carries. We stand adjourned at 9:50 AM.

5. INFORMATION Executive Director's report.

a. Training Division
b. Standards Division
c. Administration

POST 4th Quarterly Audit Report
(October-December)

Number of Agencies: 14 **Number of Agencies with Deficiencies: 4**
Number of Academies: 4 **Number of Academies with Deficiencies: 0**

AGENCIES:

Agency training deficiency and recommended corrective action:

1. **Agency Name/Date:** 7th Judicial Court 11/20/2024
   Findings: During the audit, the subject of qualified instructors for perishable skills training was addressed. The instructor currently conducting perishable skills training was certified in approximately 2007, but no current certifications are on file.
   Pursuant to NAC 289.230 (8), instructors for perishable skill subjects must be recertified at least once every 3 years. (See below)
   Pursuant to NAC 289.230(9), agencies shall maintain documentation of qualifications of instructors.
   Recommendation: Ensure instructors are certified. **CLOSED**

2. **Agency Name/Date**: Sparks Fire Department 12/2/2024
   Findings: I finally received a reply from the SPOC and the sole sworn peace officer employee, Fire Investigator Eli Maile. On September 11, he sent me copies of all his training from 2023. In his correspondence, he noted he is not in a role requiring him to carry a firearm or less lethal weapon. He mentioned his training, to include defensive tactics, was completed via Police One. I then sent him an e-mail advising DT's could not be completed online and would need to be completed with an agency with a certified POST training instructor. He followed with an e-mail requesting clarification. In doing so, he told me he could complete DT's with Sparks PD. The other issue was the Use of Force Policy. He also did that online. A Use of Force Policy should be constructed to apply for the individual agency. Mr. Maile used the Police One course as the Sparks Fire Department do not have a Use of Force Policy. This audit was done remotely with Fire Inspector Maile as he was able to scan and e-mail me the documents I needed to see.
   Recommendation: It is recommended that the Sparks Fire Department create a Use of Force Policy which is catered to the job description for the Fire Investigator position. I reached out to the agency administration many times and provided guidance and assistance as they had questions and/or concerns regarding this position. I mentioned that if change was to be made, it needed to be addressed/requested by the Chief of the Agency. To date, I have received no correspondence from the Agency Administrator. **CLOSED**

3. **Agency Name/Date**: Moapa Tribal PD 12/11/2024
   Findings: I asked Bogden for the certification of the person doing most of the training. He said he did not have it but would when I arrived for the audit. Bogden has since left the agency and Wilson is now the person in charge of training. I asked him for proof of certification of their trainer. Wilson said that person has now left the agency and refused to provide his certificates. I advised that I had looked at the person's training record and found no proof of current instructor certification. Wilson was not surprised and is currently getting new instructors certified to instruct for the agency. Instructors not in compliance with NAC 289.230 8 & 9.
   Recommendation: Maintain currently certified/qualified instructors on staff **CLOSED**

Agency background deficiency and recommended corrective action

1. **Agency Name/Date:** Douglas County Sheriff 11/6/2024
   Findings: Four (4) background files were audited for content. It was discovered that two of the BG's did not meet compliance requirements per NAC 289.110. In the two non-compliant BG's, there were no medical exam, drug screening, psychological test or polygraph/CVSA. Both individuals had previously retired from administrative positions within their respective agencies. One was a prior DCSO employee, but he had been separated from service for nearly 4.5 years. The other was from a neighboring county.
   Recommendation: I discussed this matter with a member of the DCSO administrative staff and was assured this was a mistake which would not happen again. **CLOSED**

2. **Agency Name/Date:** 7th Judicial Court 11/20/2024
   Findings: Two files were reviewed for backgrounds. Both files were incomplete. No backgrounds are being conducted for new hire candidates, in violation of NAC 289.110
   **It should be noted that this same violation was noted in the audit conducted in 2022.
   Recommendation: **CLOSED**

3. **Agency Name/Date:** Moapa Tribal PD 12/11/2024
   Findings: No background documents were collected on two of the applicants and no required testing was performed. On the third candidate there were some of the required background documents collected but none of the required testing was performed. This is a violation of the requirements per NAC 289.110
   Recommendation: Complete backgrounds **CLOSED**

Significant or repeated deficiencies found: 1

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6. **DISCUSSION AND FOR POSSIBLE ACTION.**
   For possible action - policy change related to the processing of Gross Misdemeanor convictions of peace officers.

	Date of Arrest	Charges per Criminal Information	Status
1	8/31/2023	Sexual assault 1 ct. attempted sex assault 1 ct. sex assault w/minor under 16	Trial March 4-11, 2025
2	1/15/2025	1.(F) Coercion w/force or threat of force 2. (F) Assault w/deadly weapon 3.(F) Kidnapping, second degree-w/use of deadly weapon or tear gas	Status Check 02/27/2025
3	2/24/2024	1. (GM) Battery on protected person 2. (F) Oppression under color w/force	Negotiations 02/20/2025
4	8/18/2023	1. Deprivation of Rights Under Color of Law 2-5. Fraud by Wire - Dismissed 6. Perjury	Trial March 24, 2025
5	10/12/2024	1. (F) DV by strangulation	Jury Trial 04/14/2025
6	4/2/2024	(M) DUI	Trial 04/03/2025
7	6/18/2023	1. (F) Assault w/use of deadly weapon	Preliminary Hearing 01/29/2025
8		Domestic Violence	Waiting for hearing
9	3/18/2024	3 (F) counts -Unlawful for Prision employee/volunteer to commit sexual abuse of prisoner	Preliminary Hearing 02/05/2025
10	8/26/2024	1. (F) Battery/Domestic Violence	Guilty Plea - Sentencing 01/21/2025
11	11/28/2023	11 (F) Counts -Assault w/deadly weapon, child abuse, discharging gun into occupied vehicle, oppression under color of office	02/10/2025 Jury Trial
12	9/20/2024	1. (M) DUI	Status Check 01/27/2025 of filing criminal complaint
13	2/29/2024	1.(F) Assault w/deadly weapon constituting DV 2. (F) Burglary of motor vehicle in possession of deadly weapon	**Pled Guilty (NLVJustice) / Status check 02/12/2025**
15	4/25/2023	1. (F) Sexual Assault 2. (F) Assault w/use of deadly weapon 3. (M) Domestic Violence 4. (M) Stalking 5. (F) Prevent or dissuade victim or other from reporting crime	Guilty Plea - Sentencing 03/10/2025
16	10/3/2020	1. (F) Attempt Theft	Pled Guilty - Sentencing 03/06/2025
17	10/23/2024	1. DV	Waiting on update
18	5/1/2023	1. (F/GM) Attempt Theft 2. (GM) - Oppression under color of office	Pled Guilty - Sentencing 02/06/2025
19	8/30/2024	1. (GM) Oppression under color of office 2. (F) Oppression under color of office w/immediate threat or use of physical force 3. (GM) Oppression under color of office 4. (F) Perjury 5-9 (GM) Oppression under color of office 10. (F) Perjury 11.(GM) Battery on protected person 12-13. (GM) Oppression under color of office	Jury Trial 03/31/2025
20	11/16/2023	1-6 (F) Child Abuse, Neglect, or Endangerment w/use of deadly weapon 7. (F) Coercion	Sentencing 03/19/2025
21	5/17/2023	1. (F) Trafficking in a controlled substance , 100 grams or more, but less than 400 grams	Convicted - Sentenced to Dept of Corrections 120 mo/ minimum 48 mo.

	Date of Arrest	Charges per Criminal Information	Status
22	11/15/2023	**1. (F) Oppression under color of office** **2. (F) Misconduct of Public Officer** **3. (F) Sexual Assault**	**FTA**
23	3/6/2024	1. (F) Sex Trafficking of a child under 18 2. (F) First Degree Kidnapping of minor	Pled Guilty - Sentencing 02/27/2025
25	3/11/2022	1. (F) Sexual Assault against a child	Jury Trial 02/24/25
26	1/14/2024	Sexual Assault Pending Investigation	Waiting for update

NAC 289.290 Denial, revocation or suspension of certificate; reinstatement of revoked certificate. (NRS 289.510)

1. Each of the following constitutes cause for the Commission to revoke, refuse or suspend the certificate of a peace officer:

(a) Willful falsification of any information provided to obtain the certificate.

(b) A permanent or chronic physical or mental disability affecting the officer's ability to perform his or her full range of duties.

(c) Chronic drinking or drunkenness on duty.

(d) Addiction to or the unlawful use or possession of narcotics or other drugs.

(e) Conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a gross misdemeanor. Upon criminal indictment or filing of a criminal complaint, suspension may be imposed.

(f) Failure to comply with the standards established in this chapter.

(g) Conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a felony. Upon criminal indictment or filing of a criminal complaint, suspension may be imposed. Upon conviction or entry of a plea of guilty, guilty but mentally ill or nolo contendere, the certificate will be revoked.

(h) Except as otherwise provided in paragraph (i), conviction of a misdemeanor. If the employing agency recommends suspension or revocation following the conviction of the employee for a misdemeanor, suspension or revocation may be imposed. In determining whether to suspend or revoke the certificate, the Commission will consider the type of conviction and other information provided by the agency indicating unprofessional conduct or similar undesirable activity by the officer that resulted in disciplinary action.

(i) Conviction of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33). Following the conviction of the employee for such a misdemeanor, suspension or revocation may be imposed regardless of whether the employing agency recommends suspension or revocation.

2. Denial, suspension or revocation procedures will not be considered by the Commission in cases where the employment of an officer is terminated for violations of the policies, general orders or similar guidelines of operation of the employing agency which do not constitute any of the causes for denial, suspension or revocation specified in subsection 1.

3. The employing agency shall notify the Commission any time that it becomes aware that one of its officers has been charged with a crime that could result in denial, suspension or revocation procedures. Upon receipt of information alleging any of the causes enumerated in subsection 1, the Commission will determine whether to pursue revocation or suspension of the certificate of the officer.

4. The Commission will notify the officer by certified mail at the officer's last known address of any pending revocation or suspension action and of the nature of the charges and the officer's right to appear and answer the charges. The officer shall, within 15 days after the date on the certified mail receipt, respond in writing, notifying the Commission of his or her intended action with reference to the charges.

5. If the officer fails to notify the Commission within the specified time of his or her intention to appear in answer to the pending action, the Commission will:

(a) Consider the case on its own merits, using the statement from the head of the employing agency or the substantiated information derived from any independent investigation it deems necessary;

(b) Take no action pending the outcome of possible criminal action which may be filed against the officer; and

(c) Take no action pending the outcome of an appeal.

Ê The Commission's decision will be determined by a majority vote of the members of the Commission present.

6. When an officer notifies the Commission of his or her intention to appear and answer the charges pending against him or her, the Commission will elect to sit as a whole at a hearing or designate an independent hearing officer to hear the matter and make recommendations in writing to the Commission. The Commission will review the recommendations of any such hearing officer and arrive at a decision by majority vote of the members present.

7. The Commission will notify the officer of its decision within 15 days after the hearing.

8. An applicant for a certificate who has not been previously certified, but who would be subject to revocation for any cause set out in subsection 1, will not be granted a certificate.

9. If, upon receiving a written allegation that a peace officer is in violation of any provision of subsection 1 and that the facts and circumstances indicate that suspension rather than revocation would be in the best interests of the agency and law enforcement in general, the Commission will suspend the officer's certificate.

10. The Commission will provide each peace officer whose certificate is suspended with written notice of the suspension by certified registered mail. The suspension becomes effective 24 hours after receipt of the certified notice. The notice will contain a statement advising the officer of the right to a hearing.

11. Suspension of a certificate is not a bar to future revocation of the certificate and any prior suspensions may be considered as a factor if revocation is being considered by the Commission.

12. Five years after the revocation of a certificate, an officer may submit a written request to the Commission to allow him or her to reinstate his or her certificate. The Commission will schedule a hearing to consider whether to reinstate the officer's certificate. The Commission will notify the agency that requested the revocation of the date and time of the hearing. After the hearing, the Commission will determine whether to reinstate the certificate. If the certificate is reinstated, the Commission may establish a probationary period during which any misconduct by the officer would result in revocation.

(Added to NAC by Peace Officers' Standards & Training Com., eff. 12-17-87; A 8-24-90; 4-28-94; A by Peace Officers' Standards & Training Comm'n by R102-99, 11-2-99; R003-07, 4-17-2008; R051-14, 10-24-2014; R006-19, 12-30-2019)

7. **DISCUSSION AND FOR POSSIBLE ACTION.**
Request from the Boulder City Police Department for an Executive Certificate for their employee Chief Timothy Shea, pursuant to NAC 289.270 (1)(b). Possible action may include approval or denial of the requested Executive Certificate.

State of Nevada – POST

Professional Certificate Application

Agency ID *
0015

Agency Name *
Boulder City PD

Officer's Details

POST ID *
31913

Officer's Name *
Timothy J Shea

Select the Professional Certificate and choose the applicant's qualifications for the certificate.
All officer's hours of POST training used to meet the requirements must be entered into the POST database before submitting this application. Use the POST *Professional Training* or *Annual Compliance* forms for this.

*	*
○ Intermediate (NAC 289.240) ○ Advanced (NAC 289.250) ○ Supervisor (NAC 289.255) ○ Management (NAC 289.260) ◉ Executive (NAC 289.270)	6 yrs (1 Exec) exp., supervise 2 mgrs, head of agency/div/bureau, 200 hrs adv mgmt trng

Click the Attach button to submit Only the following documents as REQUIRED:

> **Executive** – a letter confirming job level, org. chart, and proof of 200 hrs. advanced management training

Attachments (2)

POST – PROFESSIONAL CERTIFICATE APPLICATION – – Timothy J Shea – 11/27/2024
POST – PROFESSIONAL CERTIFICATE APPLICATION – – Timothy J Shea – 11/27/2024

Additional information or comments
Current chief, 5+ years

Submitter Details

By electronically signing and submitting this form, you attest that the applicant meets the requirements for the certificate applied for as set out in the Nevada Administrative Code that is referenced next to the certificate level selected.

Submitter's Full Name *	Submitter's Phone # *	Submitter's E-Mail *
Tiffany Driscoll	702-293-9224	tdriscoll@bcnv.org

This section is for POST approval only

Education	Credit Hours	Date Achieved
Approved By	**Certification Date**	**Document Type** PROFESSIONAL CERTIFICATE APPLICATION
Comments		

Police Department

Police Chief
Timothy Shea

Deputy Police Chief
Aaron Johnson

Lieutenant - Operations
Thomas Healing

Days One

Sergeant
Chris Slack

Police Officers
Chris Gelson
Chadd Richner
Parker Steele
Giovanni Torcaso

Days Two

Sergeant
Jen Woolsey

Police Officers
Brandon Blake
Jacob Meyer
Dave Olson
Tonja Simecka

Detectives/Training

Sergeant
Tiffany Driscoll

Detectives
Kenny Calzada
Mark Dubois
Bret Hood
Brett Wibrew

Directed Patrol
James Garcia
Xavier Gideon

Graves One

Sergeant
Craig Tomao

Police Officers
Ryan Espiritu
John Hunt
Jesse Oliver
Alan Nutzman K9
Scott Pastore

Graves Two

Sergeant
Pete Wheeler

Police Officers
Zach Avery
Kevin Barakat
Armando Salazar K9
Parker Steele

Updated: August 2024

Lieutenant - Administrative
Vincent Albowicz

Traffic

Sergeant
John Glenn

Traffic Officers
Ian Ham
Guy Liedkie

Police Officers
David Krumm, OSO
Eric Prunty, SRO

Desert Conservation Marshal P/T
Charles Harvey
Bryan Meyer

Animal Control

Animal Control Supr
Ann Inabnitt

Animal Control Officer
Brendan Hansen
Amelia Kemp
Seajin Cordova

Animal Control Officer – PT
Chris Zuniga

Police Support

Police Supp/Code Enforcement Officer
Pat Richardson

Police Support Aide P/T
Steve Staley
Doug Cannon

Crossing Guards P/T
Patricia Brown
Paul Curry
Deborah Davies
Gregory Deaver
George Essbach
Rodney Hickman
Linda Molisee
Sharon Momsen
Darcy Nelson
Monique Orlando
Kevin Roos
Brian Springer
Jeffrey Stone
Joseph Sunderland
Mark Tolar
Terri Watson-Vrtis

City Marshals P/T

Robert Dante
Charles Haycox
Michael Krause
Samantha Lloyd

Support Services Manager
Ruby Perkins

Dispatchers

Destiny Gilbert
Jen Giles
Sicily McCall
Jen Owen
Paige Schultz
Erin Thomas
Jazmin Toma
Gipsy Varela Curipoma

Department Secretary
Hillary Croft

Warrant/Evidence Technician
Mike Crook

Office Assistants
William Avery
Chelsea Newman

Police Support Aide P/T
Allison Staley

8. **DISCUSSION AND FOR POSSIBLE ACTION.**
Request from the Boulder City Police Department for an Executive Certificate for their employee Lieutenant Thomas Healing, pursuant to NAC 289.270(1)(a). Possible action may include approval or denial of the requested Executive Certificate.

State of Nevada – POST

Professional Certificate Application

Agency Details

Agency Name *
Boulder City PD

Officer's Details

POST ID *
23557

Officer's Name *
Thomas S Healing

Select the Professional Certificate and choose the applicant's qualifications for the certificate.
All officer's hours of POST training used to meet the requirements must be entered into the POST database before submitting this application. Use the POST *Professional Training* or *Annual Compliance* forms for this.

*

- ○ Intermediate (NAC 289.240)
- ○ Advanced (NAC 289.250)
- ○ Supervisor (NAC 289.255)
- ○ Management (NAC 289.260)
- ◉ Executive (NAC 289.270)

*
6 yrs (1 Exec) exp., supervise 2 mgrs, head of agency/div/bureau, 200 hrs adv mgmt trng

Click the Attach button to submit Only the following documents as REQUIRED:

> **Executive** – a letter confirming job level, org. chart, and proof of 200 hrs. advanced management training

Attachments (3)

POST – PROFESSIONAL CERTIFICATE APPLICATION – – Thomas S Healing – 10/21/2024
POST – PROFESSIONAL CERTIFICATE APPLICATION – – Thomas S Healing – 10/21/2024
POST – PROFESSIONAL CERTIFICATE APPLICATION – – Thomas S Healing – 10/21/2024

Additional information or comments

Submitter Details

By electronically signing and submitting this form, you attest that the applicant meets the requirements for the certificate applied for as set out in the Nevada Administrative Code that is referenced next to the certificate level selected.

Submitter's Full Name *	Submitter's Phone # *	Submitter's E-Mail *
Thomas Healing	702-589-9615	thealing@bcnv.org

This section is for POST approval only

Education	Credit Hours	Date Achieved
Approved By	**Certification Date**	**Document Type** PROFESSIONAL CERTIFICATE APPLICATION
Comments		

BOULDER CITY POLICE DEPARTMENT

October 21, 2024

Nevada Commission on Peace Officers' Standards and Training
5587 Wa Pai Shone Ave
Carson City NV 89701

Attn Mike Sherlock, Executive Director

Reference Executive Certificate for Lieutenant Thomas Healing

Dear Director Sherlock,

I am recommending Lieutenant Thomas Healing to receive his P.O.S.T. Executive Certificate. Lieutenant Healing is the Operations Division Commander overseeing our Patrol Bureau, Detective Bureau and the Training and Recruitment Bureau, as well as our Internal Affairs Unit. As third in command of the Department, he frequently fills the role of Deputy Chief, in the Deputy Chief's absence. He is also in the direct line, immediately available and authorized to act as the Acting Chief of Police should both the Deputy Chief and I be absent and/or unavailable.

Please accept this letter as confirmation that Lieutenant Healing meets the requirements for the issuance of an Executive Certificate. If you have any questions, please do not hesitate to contact me.

Sincerely,

Timothy J. Shea
Chief of Police

1005 Arizona Street • Boulder City, Nevada 89005-2603 • (702) 293-9224 • Fax: (702) 293-9281

11/6/2024 Nevada Commission on POST Employee Profile

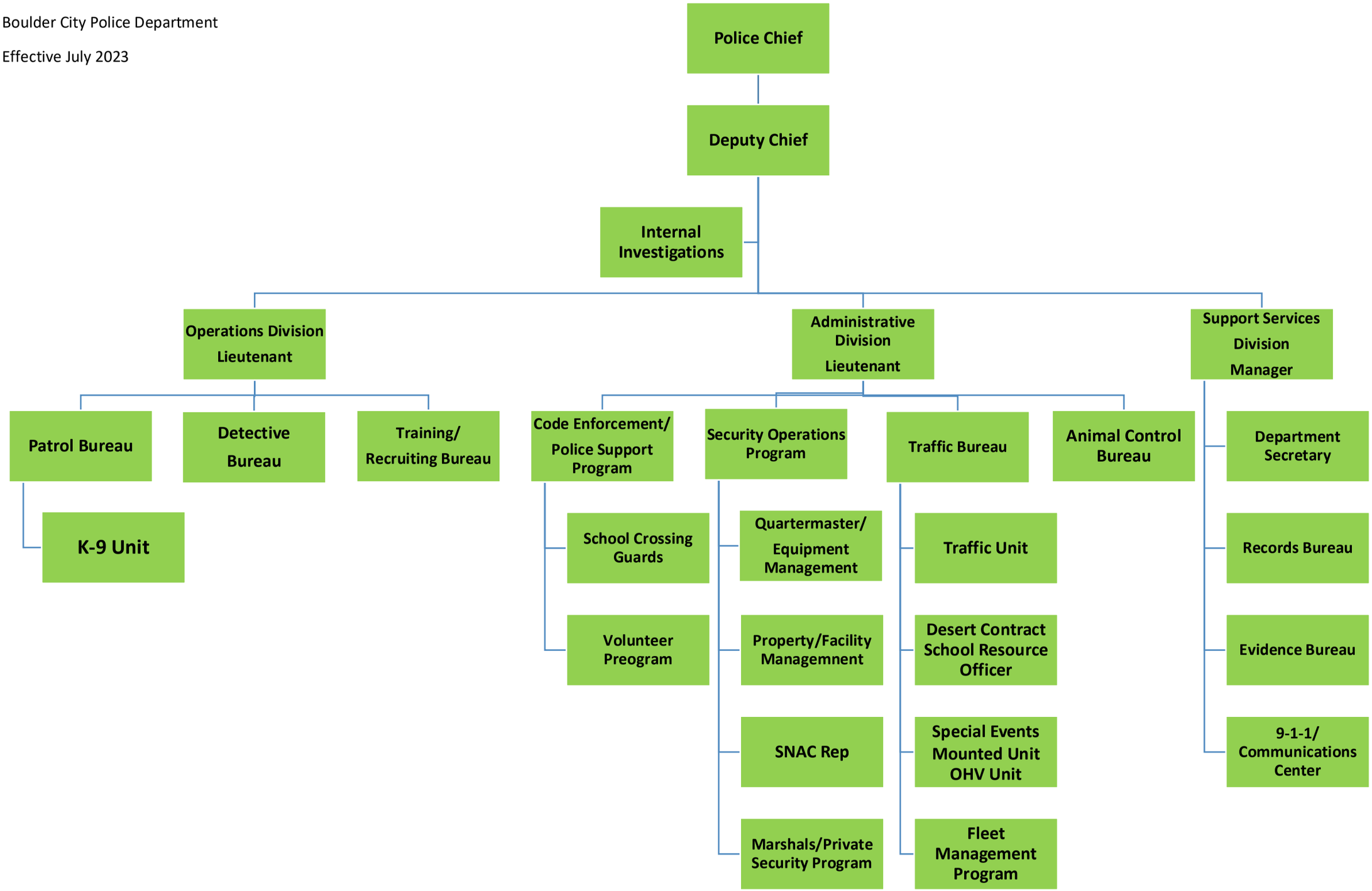
Healing, Thomas S (23557)

Certifications

Level	Status Date	Status	Cert Date	Exp Date
Management	4/2/2024	Active	4/2/2024	
Supervisor	2/3/2015	Active	2/3/2015	
Advanced	11/19/2012	Active	11/19/2012	
Intermediate	4/1/2008	Active	4/1/2008	
Category I	6/21/2007	Active	5/8/2006	
Category III	6/21/2007	Active	1/25/2005	

Boulder City Police Department

Effective July 2023



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION





Issues this award thereby certifying that

Thomas Spencer Healing

Boulder City Police Department, Boulder City, NV

has completed a general course of instruction afforded by the

FBI National Academy

at Quantico in the state of Virginia for a period of ten weeks
ending the eighth day of June in the year of two thousand and twenty three.

Christopher A. Wray
Director
Federal Bureau of Investigation

Timothy Dunham
Assistant Director
Training Division

9. <u>DISCUSSION AND FOR POSSIBLE ACTION.</u>

Request from the North Las Vegas Police Department for an Executive Certificate for their employee Captain Mario Perez, pursuant to NAC 289.270(1)(a). Possible action may include approval or denial of the requested Executive Certificate.

State of Nevada – POST

Professional Certificate Application

Agency Details

Agency Name *
North LV PD

Officer's Details

POST ID *
18127

Officer's Name *
Mario Perez

Select the Professional Certificate and choose the applicant's qualifications for the certificate.
All officer's hours of POST training used to meet the requirements must be entered into the POST database before submitting this application. Use the POST *Professional Training* or *Annual Compliance* forms for this.

*

- ○ Intermediate (NAC 289.240)
- ○ Advanced (NAC 289.250)
- ○ Supervisor (NAC 289.255)
- ○ Management (NAC 289.260)
- ◉ Executive (NAC 289.270)

*
6 yrs (1 Exec) exp., supervise 2 mgrs, head of agency/div/bureau, 200 hrs adv mgmt trng

Click the Attach button to submit Only the following documents as REQUIRED:

> **Executive** – a letter confirming job level, org. chart, and proof of 200 hrs. advanced management training

Attachments (1)

POST – PROFESSIONAL CERTIFICATE APPLICATION – – Mario Perez – 11/26/2024

Additional information or comments
Confirmed with Kathy Floyd that the Northwestern School of Police Staff and Command (10 week) course was accepted for the 200 hours needed for the Advanced Management Training

Submitter Details

By electronically signing and submitting this form, you attest that the applicant meets the requirements for the certificate applied for as set out in the Nevada Administrative Code that is referenced next to the certificate level selected.

Submitter's Full Name *	Submitter's Phone # *	Submitter's E-Mail *
GABRIELA VAZQUEZ	702-633-1832	vazquezgd@cityofnorthlasvegas.com

This section is for POST approval only

Education	Credit Hours	Date Achieved
Approved By	**Certification Date**	**Document Type** PROFESSIONAL CERTIFICATE APPLICATION
Comments		

NORTH LAS VEGAS POLICE

Jacqueline Gravatt
Chief of Police

November 21, 2024

Mike Sherlock, Executive Director
Commission on Peace Officers' Standards & Training
5587 Wa Pai Shone Avenue
Carson City, NV 89701

Dear Mr. Sherlock,

Effective Saturday, August 27, 2022, Mario Perez was promoted to Captain of the Operations Support Command with the North Las Vegas Police Department. As such, he supervises two or more persons who hold management level positions and is in charge of an entire agency, major division, or bureau within an agency. Please consider this a letter of authority. It is acknowledged and affirmed by the chief executive of this agency to be in direct line and immediately available and authorized to act as the chief executive of this agency during the absence of the chief executive.

Enclosed is a copy of the Department's Organization Chart.

If additional information or documentation is necessary, please contact Gaby Vazquez at 702-633-1832, ext. 5775.

Thank you,

Jacqueline Gravatt
Chief of Police

CITY OF NORTH LAS VEGAS
POLICE DEPARTMENT

PERSONNEL ORDER # 22-177

Title: **Promotion ~ Lt. Mario Perez, P#1566**		
Effective Date: **August 27, 2022**	Supersedes:	Revises:
Cancellation Date:	Review Date:	
Approved by: **Jacqueline Gravatt**	Title: **Chief of Police**	Date: **August 15, 2022**
Paper Copy Distribution: **Lt. Mario Perez, P#1566** **Signed Copy to Resource Management Division** **Signed Copy to Chief's Office for Personnel File** **Signed Copy to PSA Office**		
Completed By: **Julie Walker**		

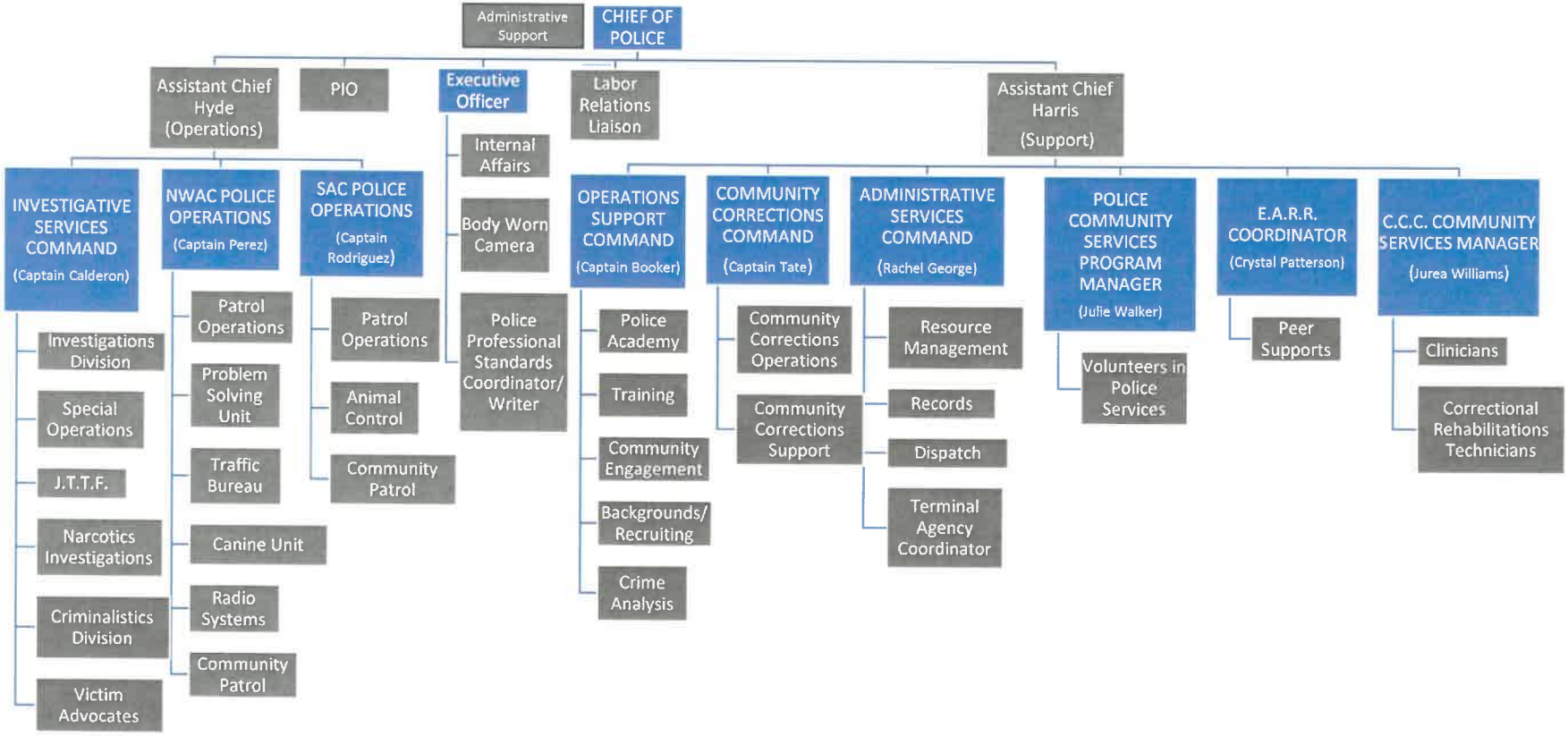
Effective Saturday, August 27, 2022, you are being promoted to the rank of Captain of the Operations Support Command.

Please report to Assistant Chief Harris for further instructions.

Congratulations on your promotion!

NORTH LAS VEGAS POLICE DEPARTMENT

DEPARTMENT COMMAND STRUCTURE



Northwestern University Center for Public Safety

Evanston, Illinois

This is to certify that

Mario Perez Jr.

has successfully completed the

School of

Police Staff and Command

North Las Vegas, Nevada

August 12 – October 18, 2024

Thomas F. Gibbons
Dean of the School of Continuing Studies

Executive Director, Center for Public Safety

Certificate (Mario Perez 18127)	Level	Status	StatusDate	CertDate	ExpirationDate
Management		Active	10/17/2023	10/17/2023	
Supervisor	Professional	Active	10/21/2019	10/21/2019	
Intermediate	Professional	Active	3/21/2016	3/21/2016	
Advanced	Professional	Active	3/21/2016	3/21/2016	
Category I	Basic	Active	4/1/2003	4/1/2003	

10. **DISCUSSION AND FOR POSSIBLE ACTION.**

Request from the Eleventh Judicial District Youth and Family Services for a 6-month extension past the one-year requirement (NRS 289.550) in order the meet the requirements for certification for their employee Deputy Chief Juvenile Probation Officer Nicole Mathias.

Hire date January 15, 2024, extension to July 15, 2025. Possible action may include approval or denial of the requested extension.

Eleventh Judicial District
Youth & Family Services
PERSHING-LANDER-MINERAL

JIM C. SHIRLEY
District Court Judge

KATHRYN NORTH
Chief Juvenile Probation Officer

NICOLE MATHIAS
Deputy Chief Juvenile Probation Officer

October 16, 2024

Mike Sherlock
Executive Director
Nevada POST Academy
5587 Wa-Pai-Shone Ave.
Carson City, NV 89701

Director Sherlock,

I am respectfully requesting a six-month extension, pursuant to NRS 289.550, for the Eleventh Judicial District Youth and Family Services, Deputy Chief Juvenile Probation Officer, Nicole Mathias. This request is made due to injury. Ms. Mathias has provided supporting documentation limiting her physical activity, which did not permit her to attend the CAT II Academy in May 2024. Ms. Mathias was hired on January 15, 2024. She will be attending the next available CAT II academy in March 2025.

Your consideration is greatly appreciated.

Kathryn North
Chief Juvenile Probation Officer
Eleventh Judicial District Youth and Family Services

PERSHING COUNTY
P.O. Box 501 / 795 Western Ave.
Lovelock, NV 89419
Tel. (775) 273-2769
Fax (775) 273-5113

LANDER COUNTY
50 State Route 305
Battle Mountain, NV 89820
Tel. (775) 635-2117
Fax (775) 635-2146

MINERAL COUNTY
P.O. Box 1167 / 314 West Fifth St .
Hawthorne, NV 89415
Tel. (775) 945-3393
Fax (775) 945-0719

11. <u>DISCUSSION AND FOR POSSIBLE ACTION.</u>

Hearing pursuant to NAC 289.290(1)(i) on the revocation of Charles N. Beck's (formerly employed with the Fallon Police Department) Category I and III basic certificate(s) based on a conviction of a misdemeanor crime of domestic violence as defined in 18 U.S.C § 921(a)(33). The conviction(s) that have led to this action are:

Count II: BATTERY THAT CONSTITUTES DOMESTIC VIOLENCE FIRST OFFENSE, a violation of NRS 200.485 (1)(A), 200.481 and 33.018, a Misdemeanor.

Possible action may be revocation of the Category I and III basic certificate(s).

STATE OF NEVADA
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
5587 Wa Pai Shone Avenue
Carson City, Nevada 89701
(775) 687-7678 FAX (775) 687-4911

JOE LOMBARDO
Governor

MICHAEL D. SHERLOCK
Executive Director

NOTICE OF INTENT TO REVOKE

January 7, 2025

Charles N. Beck
[redacted]

POST PIN #: 18451

Dear Mr. Beck,

Based upon documentation received by the Nevada Peace Officer Standards and Training Commission (the Commission) and in accordance with Nevada Administrative Code 289.290 and Nevada Revised Statute 241.033, you are hereby notified that the Commission has initiated action to revoke your Nevada peace officer certificate(s) that authorizes the holder to be employed as a peace officer in the state of Nevada.

I have included a copy of Nevada Administrative Code 289.290 for your convenience.

The Commission's regulations provide that a person's peace officer certificate(s) may be revoked pursuant to **NAC 289.290(1)(i) based on a Conviction of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33).** The conviction(s) which have led to this action are as follows:

Count II: BATTERY THAT CONSTITUTES DOMESTIC VIOLENCE FIRST OFFENSE, a violation of NRS 200.485 (1)(A), 200.481 and 33.018, a Misdemeanor.
Case#: 24 CR 00144
Jurisdiction: IN THE JUSTICE'S COURT OF NEW RIVER TOWNSHIP COUNTY OF CHURCHILL, STATE OF NEVADA

You have the right to appear before the Commission to contest the revocation of your Nevada peace officer certificate(s) by providing written notice to the Commission within fifteen (15) days of the date of the hearing.

If you choose to appeal and answer the charges against you, the Commission may elect to sit as a whole or designate an independent hearing officer to hear the matter and make recommendations in writing to the Commission. You will be given the opportunity to present evidence and cross-examine witnesses as applicable. If you wish, you may be represented by an attorney; however, this would be at your own expense. **If you or your counsel have any written arguments you would like to present to the Commission, you can send that information to me no less than ten (10) days prior to the date of the hearing.**

EXHIBIT A

Written requests can be made to:

Nevada Commission on Peace Officer Standards and Training
ATTN: Director Sherlock
5587 Wa Pai Shone Ave.
Carson City, NV 89701

The Commission will determine whether your Nevada peace officer certification(s) should be revoked at the meeting listed below:

Date: FEBRUARY 5, 2025
Time: 1:00 P.M.
Location: POST ADMINISTRATION BUILDING, CLASSROOM 2, 5587 WA PAI SHONE AVE., CARSON CITY, NV 89701

The hearing will cover the following: whether your P.O.S.T certificate(s) should be revoked, pursuant to **NAC 289.290(1)(i) based on a Conviction of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33).**

You will be notified of the Commission's decision within 15 days after this hearing, or as soon thereafter as is practicable.

If you need additional information concerning this matter, contact Chief Kathy Floyd at (775) 687-7678, ext. 3335.

Sincerely,

Kathy Floyd
Chief of Standards Division
Nevada Commission on Peace
Officer Standards and Training

cc: Senior Deputy Attorney General Geordan Goebel
File

STATE OF NEVADA

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

5587 Wa Pai Shone Avenue
CARSON CITY, NEVADA 89701
(775) 687-7678 FAX (775) 687-4911

JOE LOMBARDO
Governor

MICHAEL D. SHERLOCK
Executive Director

DECLARATION OF SERVICE

I, Jose-Luis Perez, served the foregoing **Notice of Intent to Revoke**
Print name of the person serving this document

To Individual's Name: **CHARLES N. BECK**

at [redacted] on this
(location)

14TH day of January, 2025.
Day *Month* *Year*

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

Executed on this 14TH day of January, 2025.
Day *Month* *Year*

Signature of person serving the Notice

Jose-Luis Perez
Printed name of person serving the Notice

RETURN THE SIGNED ORIGINAL OF THIS FORM TO POST WITHIN 15 DAYS*

EXHIBIT B

State of Nevada – POST

Update – Personnel Action Report (PAR)

Agency Login

Agency Name *
Fallon PD

Employee Details

POST ID *
18451

First Name *
CHARLES

Last Name *
BECK

Middle Initial
N

Suffix

☐ Name Changed

☐ Address Changed

Level Change

Level Changed *
◉ Line ○ Supervisor ○ Management ○ Executive

*
○ Part Time ◉ Full Time

Status Changed
○ Deceased ○ Retired ◉ Separated

Effective Date *
03/27/2024

NAC 289.290 Notification (Cause for Commission Action)

EXHIBIT C

Pursuant to NAC 289.290(3): "The employing agency shall notify the Commission anytime that it becomes aware that one of its officer's has been charged with a crime that could result in denial, suspension or revocation procedures. Upon receipt of information alleging any of the causes enumerated in subsection 1, the Commission will determine whether to pursue revocation or suspension of the certificate of the officer."

Does the above NAC apply?
○ No ◉ Yes

Is your agency requesting revocation?
◉ Yes ○ No

You will need to e-mail an official revocation request to the Chief of Standards for processing.

Comments\Additional Information:
Charles Beck was placed on administrative leave after charges were filed by Churchill County Sheriff's Office in December of 2023. He was separated from Fallon Police Department on 03/27/24. On 04/06/24 he was arrested by Fallon Police Department for Domestic Battery and False Imprisonment which are unrelated charges from the December event.

Submitter Details

Submitter's Full Name *	Submitter's Phone #*	Submitter's E-Mail Address
Emily Rasmussen	775-423-0167	fallonpdadmin@fallonnevada.gov

txtFormType
Update PAR

STATE OF NEVADA

COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING

Hereby Awards the

Basic Certificate

To

CHARLES N. BECK

For having fulfilled the requirements for Basic Certification as prescribed by Nevada Revised Statutes.

CATEGORY I AND III

Governor

Executive Director, Commission on Peace Officers' Standards and Training

Presented this 31st day of December , 2002

EXHIBIT D

Churchill County District Attorney
165 North Ada Street
Fallon, NV 89406
(775) 423-6561 Fax (775) 423-6528

Case No.: 24-CR-00144

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

FILED
2024 APR 12 AM 10: 31
JUSTICE COURT
FALLON, NEVADA

IN THE JUSTICE'S COURT OF NEW RIVER TOWNSHIP
COUNTY OF CHURCHILL, STATE OF NEVADA

THE STATE OF NEVADA,
Plaintiff,
vs.
CHARLES NASH BECK,
Defendant.

CRIMINAL COMPLAINT

I, DETECTIVE AUSTIN WOOD, with the Fallon Police Department, declaring under penalty of perjury under the laws of the State of Nevada, complains and charges **CHARLES NASH BECK** with having committed the following:

COUNT 1
COERCION WITH THE USE OF PHYSICAL FORCE OR THE IMMEDIATE THREAT OF PHYSICAL FORCE, a Category B Felony, in violation of Nevada Revised Statutes 207.190(2)(A)

That within declarant's information and belief, CHARLES NASH BECK, on or about April 6, 2024, and prior to the filing of this CRIMINAL COMPLAINT, at or near [redacted], Nevada, did, with the intent to compel another to do or abstain from doing an act that the other person has the right to do or abstain from doing, use physical force or the immediate threat of physical force to use violence or inflict injury upon the other person or any of his family, or upon his property, or threaten such violence or injury; deprive the person of any tool, implement, or clothing, or hinder him in the use thereof; or attempt to intimidate that person with threats of force, to wit: said Defendant did prevent [redacted] from leaving by throwing her on the bed and getting on top of her.

EXHIBIT E

COUNT 2
BATTERY THAT CONSTITUTES DOMESTIC VIOLENCE FIRST OFFENSE, a Misdemeanor, in violation of Nevada Revised Statutes 200.485(1)(A), 200.481 and 33.018

That within declarant's information and belief, CHARLES NASH BECK, on or about April 6, 2024, and prior to the filing of this CRIMINAL COMPLAINT, at or near [redacted], within the jurisdiction of [redacted] Nevada, did willfully and unlawfully use force or violence upon the person of [redacted] who is the Defendant's girlfriend, to wit: said Defendant did punch or hit [redacted] in the face and/or body.

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

I declare under pains and penalties of perjury under the laws of the State of Nevada, that the foregoing is true and correct.

DATED: This 17th day of April, 2024.

Detective Austin Wood
Fallon Police Department

Churchill County District Attorney
165 North Ada Street
Fallon, NV 89406
(775) 423-6561 Fax (775) 423-6528

Case No.: 24-CR-00144

2024 JUL 22 AM 10:47

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

IN THE JUSTICE'S COURT OF NEW RIVER TOWNSHIP

COUNTY OF CHURCHILL, STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

CHARLES NASH BECK,

Defendant.

FIRST AMENDED CRIMINAL COMPLAINT

Churchill County District Attorney
165 North Ada Street
Fallon, NV 89406
(775) 423-6561 Fax (775) 423-6528

I, SENIOR DEPUTY DISTRICT ATTORNEY PRISCILLA L. BAKER, with the Churchill County District Attorney's Office, declaring under penalty of perjury under the laws of the State of Nevada, complains and charges **CHARLES NASH BECK** with having committed the following:

COUNT 1

COERCION WITH THE USE OF PHYSICAL FORCE OR THE IMMEDIATE THREAT OF PHYSICAL FORCE, a Category B Felony, in violation of Nevada Revised Statutes 207.190(2)(A)

That within declarant's information and belief, CHARLES NASH BECK, on or about April 6, 2024, and prior to the filing of this FIRST AMENDED CRIMINAL COMPLAINT, at or near [redacted] Nevada, did, with the intent to compel another to do or abstain from doing an act that the other person has the right to do or abstain from doing, use physical force or the immediate threat of physical force to use violence or inflict injury upon the other person or any of his family, or upon his property, or threaten such violence or injury; deprive the person of any tool, implement, or clothing, or hinder him in the use thereof; or attempt to intimidate that person with threats of force, to wit: said Defendant did prevent

EXHIBIT F

[redacted] from leaving by throwing her on the bed and getting on top of her and/or shutting or blocking the door.

COUNT 2
BATTERY CAUSING SUBSTANTIAL BODILY HARM TO VICTIM THAT CONSTITUTES DOMESTIC VIOLENCE, a Category B Felony, in violation of Nevada Revised Statutes 200.485(5), 200.481 and 33.018

That within declarant's information and belief, CHARLES NASH BECK, on or about April 6, 2024, and prior to the filing of this FIRST AMENDED CRIMINAL COMPLAINT, at or near [redacted] within the jurisdiction of [redacted] Nevada, did willfully and unlawfully use for or violence upon the person of [redacted] who is the Defendant's girlfriend, causing substantial bodily harm, to wit: said Defendant did punch or hit [redacted] in the face and/or body, causing prolonged physical pain.

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

I declare under pains and penalties of perjury under the laws of the State of Nevada, that the foregoing is true and correct.

DATED: This 22nd day of July, 2024.

Priscilla L. Baker
Senior Deputy District Attorney
Churchill County District Attorney's Office

Churchill County District Attorney
165 North Ada Street
Fallon, NV 89406
(775) 423-6561 Fax (775) 423-6528

CERTIFICATE OF SERVICE

On the 22nd day of July, 2024, I was an employee of the Churchill County District Attorney's Office and that the foregoing **FIRST AMENDED CRIMINAL COMPLAINT** was served to the following address(s):

Jesse Kalter
Attorney at Law
1150 Selmi Drive, Suite 505
Reno, NV 89512

By:

✓ U.S. Mail

____ Certified Mail

____ Return Receipt Requested

____ Hand Delivered

____ Facsimile

✓ Email

Charlene Nelson
Executive Legal Secretary

Churchill County District Attorney
165 North Ada Street
Fallon, NV 89406
(775) 423-6561 Fax (775) 423-6528

CASE NO. 24 CR 00144

2024 AUG -5 AM 8:23

IN THE JUSTICE'S COURT OF NEW RIVER TOWNSHIP

COUNTY OF CHURCHILL, STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

CHARLES NASH BECK,

Defendant

JUDGMENT OF CONVICTION

24 CR 00144 – COUNT 2 TO BATTERY THAT CONSTITUTES DOMESTIC VIOLENCE FIRST OFFENSE, a violation of NRS 200.485 (1) (A), 200.481 and 33.018, a misdemeanor: GUILTY. COUNT 1 DISMISSED

The above-entitled action came on for an entry of plea/sentencing hearing on **August 1st, 2024**, with the state being present, and represented by Deputy District Attorney, **Priscilla Baker**, and the defendant, **Charles Nash Beck**, date of birth: [redacted] appearing with retained counsel, **Jesse Kalter**.

This court personally informed the defendant of his privilege against compulsory self-incrimination, right to a speedy trial, right to trial by judge or jury, right to compulsory process to compel witnesses to testify in his behalf and his right to confront his accusers.

The defendant on **August 1st, 2024** having pled GUILTY to Domestic Battery, is pronounced GUILTY and is sentenced accordingly:

IT IS HEREBY ORDERED that the defendant continue a domestic violence treatment program, and the conditions of the program are as follows:

EXHIBIT G

a. That he attends & completes Domestic Violence Counseling **for 26 sessions.** That he pays for all treatment costs.

b. That the court receives monthly progress reports along with proof of completion. **Due in 9 months.**

In accordance with the applicable statutes of the State of Nevada, this court sentenced the defendant in the following manner:

1. **48 hour** jail sentence, credit given for **12 hours**, time served. Balance of **36 hours converted to 72 hours of House Arrest**. Proof of completion due to this court within **30 days.** Defendant is responsible for any associated fees.
2. A fine in the amount of **$200.00**, plus an administrative assessment in the amount of **$85.00**, plus a court facility fee of **$10.00**, plus a specialty court fee of **$7.00** plus a specialty court fee of **$3.00**, upon the charge of Domestic Battery. A state administrative fee in the amount of **$35.00**. Defendant will pay in full today.
3. A sentence of **48 hours** Community Service at Fallon Daily Bread. Proof of completion due to the court within **6 months.**

IT IS HEREBY ORDERED that all aspects of the imposed sentence must be completely drug and alcohol free and that should defendant fail to comply with any part of this order, a bench warrant shall immediately be issued for his arrest.

DONE IN OPEN COURT; dated this 5th day of August 2024.

Judge Benjamin D. Trotter
New River Township Justice Court

Please remit payments to: Justice Court
71 N. Maine St.
Fallon, NV 89406

CHARLES NASH BECK
24 CR 00144
DMR

FILED
FALLON JUSTICE COURT
9/5/2024

IN THE JUSTICE COURT OF NEW RIVER TOWNSHIP
IN AND FOR THE COUNTY OF CHURCHILL, STATE OF NEVADA

THE STATE OF NEVADA, Plaintiff, vs. Charles Beck. Defendant.	Case No.: 24 CR 00144 Dept. No.: _____ **ORDER TO SURRENDER FIREARMS PURSUANT TO NRS 200.481, NRS 200.485, NRS 202.360, and 18 U.S.C. § 921(a)(33)**

Pursuant to the requirements of NRS 200.485, NRS 202.360, and 18 U.S.C. § 921(a)(33), you are hereby notified that you are prohibited from owning, possessing or having under your custody or control any firearm. You are further notified that violation of this order is a **Category B felony** and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years and may further be punished by a fine of not more than $5000; THEREFORE:

IT IS HEREBY ORDERED that you must permanently surrender, sell, or transfer any and all firearms that you own, in your possession, or under your control not later than **24 hours** from the date of this order in the following manner as indicated by the corresponding checkmark:

☐ 1. Surrender any firearm(s) in your possession, custody, or control to Fallon Police Departments, Churchill County Sheriff's Office, or another law enforcement agency. The law enforcement agency shall provide you with a receipt which includes a description and serial number of each firearm surrendered; **or**

☒ 2. Surrender any firearm(s) in your possession, custody, or control to the following person: [redacted]. In this circumstance, you shall provide to this Court and to either the Fallon Police Department, Churchill County Sheriff's Office, or another law enforcement agency the name and address of the person

12/17

EXHIBIT H

to whom each firearm was surrendered, along with a description and serial number of each firearm surrendered; **or**

☐ 3. Sell or transfer any firearm(s) in your possession, custody, or control to a licensed firearm dealer as defined in 18 U.S.C. § 923(a). The licensed firearm dealer shall provide you with a receipt which includes a description and serial number of each firearm surrendered.

IT IS FURTHER ORDERED that not later than **72 hours or one business day**, whichever is later, after the surrender, sale, or transfer of any such firearm, you shall provide the receipt and/or documents described in the checked paragraph above to this Court from the person or entity to whom any such firearm was surrendered, sold, or transferred.

IT IS FURTHER ORDERED that in the event you currently do not own or have any firearm(s) in your possession, custody, or control, you shall execute the subsequent Declaration Under Penalty of Perjury.

Dated this 5th day of September, 20 24

JUSTICE OF THE PEACE

DECLARATION UNDER PENALTY OF PERJURY
PURSUANT TO SB 124 (2017) AND NRS 53.045

I, _____, the Defendant herein, hereby declare under penalty of perjury to this Court that I do not own, possess, or have under my custody or control, any firearm(s). I further acknowledge that my failure to surrender, sell, or transfer any firearm(s) I own, possess, or have under my custody or control is a violation of this order and state law.

I DECLARE UNDER PENALTY OF PERJUY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: _____

Defendant's Signature

12. <u>DISCUSSION AND FOR POSSIBLE ACTION.</u>

Hearing pursuant to NAC 289.290(1)(g) and NAC 289.290 (1)(i) on the revocation of Lejohshona Bess's (formerly employed with the Nevada Department of Corrections) Category III basic certificate based on a conviction of or entry of a plea of guilty, guilty but mentally ill or nolo contendere to a felony and conviction of a misdemeanor crime of domestic violence. The conviction(s) which have led to this action are:

Count I: COERCION (Category B Felony) in violation of NRS 207.190 -NOC 53159.

Count II: BATTERY CONSTITUTING DOMESTIC VIOLENCE (Misdemeanor)- in violation of NRS 200.485(1)(A), 200.481(1)(A), 33.018 – NOC 50235.

Action will be revocation of the Category III basic certificate.

STATE OF NEVADA
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
5587 Wa Pai Shone Avenue
Carson City, Nevada 89701
(775) 687-7678 FAX (775) 687-4911

JOE LOMBARDO
Governor

MICHAEL D. SHERLOCK
Executive Director

NOTICE OF INTENT TO REVOKE

January 7, 2025

Lejohshona Bess
[redacted]

POST PIN #: 39506

Dear Ms. Bess,

Based upon documentation received by the Nevada Peace Officer Standards and Training Commission (the Commission) and in accordance with Nevada Administrative Code 289.290 and Nevada Revised Statute 241.033, you are hereby notified that the Commission has initiated action to revoke your Nevada peace officer certificate(s) that authorizes the holder to be employed as a peace officer in the state of Nevada.

I have included a copy of Nevada Administrative Code 289.290 for your convenience.

The Commission's regulations provide that a person's peace officer certificate(s) will be revoked pursuant to **NAC 289.290(1)(g) based on a Conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a felony and NAC 289.290(2)(i) based on a Conviction of a misdemeanor crime of domestic violence as defined in 18 U.S.C.§ 921 (a)(33).**

The conviction(s) which have led to this action are as follows:

Count I: COERCION (Category B Felony) in violation of NRS 207.190- NOC 53159
Count II: BATTERY CONSTITUTING DOMESTIC VIOLENCE (Misdemeanor) in violation of NRS 200.485(1)(a), 200.481(1)(a), 33.018 – NOC 50235)
Case#: C-24-381136-1
Dept No: XXII
Jurisdiction: District Court Clark County, Nevada

You have the right to appear before the Commission to contest the revocation of your Nevada peace officer certificate(s) by providing written notice to the Commission within fifteen (15) days of the date of the hearing.

If you choose to appeal and answer the charges against you, the Commission may elect to sit as a whole or designate an independent hearing officer to hear the matter and make recommendations in writing to the Commission. You will be given the opportunity to present evidence and cross-examine witnesses as applicable. If you wish, you may be represented by an attorney; however, this would be at your own expense. **If you or your**

EXHIBIT A

counsel have any written arguments you would like to present to the Commission, you can send that information to me no less than ten (10) days prior to the date of the hearing.

Written requests can be made to:

Nevada Commission on Peace Officer Standards and Training
ATTN: Director Sherlock
5587 Wa Pai Shone Ave.
Carson City, NV 89701

The Commission will determine whether your Nevada peace officer certification(s) should be revoked at the meeting listed below:

Date: FEBRUARY 5, 2025
Time: 1:00 P.M.
Location: POST ADMINISTRATION BUILDING, CLASSROOM #2, 5587 WA PAI SHONE AVE., CARSON CITY, NV 89701

The hearing will cover the following: the revocation of your P.O.S.T certificate(s) pursuant to **NAC 289.290(1)(g) based on a Conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a felony and NAC 289.290(2)(i) based on a Conviction of a misdemeanor crime of domestic violence as defined in 18 U.S.C.§ 921 (a)(33).**

You will be notified of the Commission's decision within 15 days after this hearing, or as soon thereafter as is practicable.

If you need additional information concerning this matter, contact Chief Kathy Floyd at (775) 687-7678, ext. 3335.

Sincerely,

Kathy Floyd
Chief of Standards Division
Nevada Commission on Peace
Officer Standards and Training

cc: Senior Deputy Attorney General Geordan Goebel
File

AFFIDAVIT OF DUE AND DILIGENT ATTEMPT

Case Number: C-24-381136-1

Plaintiff : STATE OF NEVADA POST

Defendant: LEJOHSHONA BESS

State of NEVADA }
}
County of CLARK }

Name of Server: Deputy, D. NAKAGAWA P#0045, undersigned, being duly sworn, deposes and says that at the time of service, he/she was over the age of twenty-one and was not a party to this action.

Document(s) Served: The undersigned attempted to serve the following document(s), described as:

NOTICE OF INTENT TO REVOKE

Attempts: The following is a list of attempts made to effect service:

Date/Time/Address Attempted: 01/10/2025 / 0730 / [redacted] NV 89108

Reason for Non-Service: KNOCK AND ANNOUNCE AT FRONT DOOR. NO RESPONSE. LEFT CONTACT (RED) CARD AT APARTMENT. NO REPLY (CALL-BACK).

Date/Time/Address Attempted: 01/13/2025 / 1335 / SAME LISTED ADDRESS

Reason for Non-Service: CONFIRMED WITH LEASING OFFICE, SUBJECT RESIDE AT LISTED ADDRESS. KNOCK AND ANNOUNCE AT FRONT DOOR. NO RESPONSE. CONTACT (RED) CARD LEFT AT APARTMENT. SUBJECT REPLIED AND LEFT CONTACT PHONE NUMBER WITH THE HENDERSON CONSTABLE OFFICE.

Date/Time/Address Attempted: 01/15/2025 / 1400 / LAND-LINE. FOUR ADDITIONAL ATTEMPTS WERE CONDUCTED TO COORDINATE A PLACE AND TIME FOR SERVICE. SUBJECT NOT AT HOME (ERRANDS). SUBJECT OFFERED AND AGREED TO COME TO THE HENDERSON CONSTABLE OFFICE TO BE SERVED. SUBJECT FAILED TO COME TO THE OFFICE ON TWO AGREED OCCASIONS.

Reason for Non-Service:

[X] Based on the above stated facts, Affiant believes the Defendant is avoiding service.

UNSWORN DECLARATION: Per NRS 53.045:

"I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct."

Printed Name of Deputy: D. NAKAGAWA P#0045 Signature: D. Nakagawa #45 Date: 01/23/2025

EXHIBIT B

HNTC 180

CONSTABLE'S OFFICE of HENDERSON TOWNSHIP

Kenny Taylor, Constable
243 Water Street Henderson, NV 89015
Phone 702-455-7940 Fax 702-455-7942

RUSH!

CIVIL PROCESS FORM

PLEASE COMPLETE THE FOLLOWING INFORMATION ABOUT THE PERSON OR COMPANY WE ARE SERVING:

NAME & TITLE OF PERSON TO BE SERVED: If a company or corporation please provide the name of the owner, corporate officer, or resident agent.

Type: NOTICE OF INTENT TO REVOKE
Case # C-24-381136-1
Fee Total: 0.00
Court Date: 02-05-2025

Defendant Info (person to be served)

NAME OR BUSINESS TO BE SERVED: LEJOHSHONA BESS

HOME or BUSINESS ADDRESS (Apt #, Suite #, Zip Code): [redacted] NV 89108 [redacted]

EMPLOYER & EMPLOYER ADDRESS: _____

BEST TIME TO SERVE @ HOME: _____ A.M. P.M. @WORK _____ A.M. P.M.

PHONE NUMBER OF PERSON TO BE SERVED: HOME [redacted] WORK _____

DESCRIPTION

RACE _____ SEX _____ HEIGHT _____ WEIGHT _____ HAIR COLOR _____ EYES _____ AGE _____

VEHICLE

YEAR _____ MAKE _____ BODY STYLE _____ COLOR _____ PLATE # _____ STATE _____

OTHER INFORMATION TO HELP US SERVE THE DEFENDANT:

_____

Plaintiff Info

PLAINTIFF'S DAY PH#: _____ CELL PH#: 775-687-4911

PLAINTIFF'S NAME State of Nevada Commission on Peace Officer Standards & Training

ADDRESS 5587 Wa Pai Shone Ave

Carson City, NV 89701

(DO NOT WRITE BELOW THIS LINE)

Deputy Worksheet

DEPUTY ASSIGNED: NAKAGAWA DATE: 1-7-25

1. DATE: JAN 10 2025 TIME: 0730 LOCATION: S/A - R/C, K+A - NO

2. DATE: JAN 13 2025 TIME: 1335 LOCATION: S/A - PER LENDING OFC. - CONFIRM ADD. K+A - NO REPLY - R/C - FRT DOOR.

3. DATE: JAN 15 2025 TIME: 1400 LOCATION: PH# OBTAINED (HCO) CALLED - NOT HOME.

REASON FOR NON-SERVICE: UNSERVED

NEW ADDRESS INFO: _____

PERSON ACCEPTING PRINT and SIGN _____

D. NAKAGAWA P#45

State of Nevada – POST

Update – Personnel Action Report (PAR)

Agency ID *
0093

Agency Name *
NV Dept of Corrections

Employee Details

POST ID *
39506

First Name *
LEJOHSHONA

Last Name *
BESS

Middle Initial

Suffix

☐ Name Changed

☐ Address Changed

Level Change

Level Changed *
◉ Line ○ Supervisor ○ Management ○ Executive

*
○ Part Time ◉ Full Time

Status Changed
○ Deceased ○ Retired ◉ Separated

Effective Date *
07/25/2024

NAC 289.290 Notification (Cause for Commission Action)

Pursuant to NAC 289.290(3): "The employing agency shall notify the Commission anytime that it becomes aware that one of its officer's has been charged with a crime that could result in denial, suspension or revocation procedures. Upon receipt of information alleging any of the causes enumerated in subsection 1, the Commission will determine whether to pursue revocation or suspension of the certificate of the officer."

EXHIBIT C

Does the above NAC apply?

(●) No ( ) Yes

Comments\Additional Information:

Submitter Details

Submitter's Full Name *	Submitter's Phone #*	Submitter's E-Mail Address
Gregory Carter	725-216-6418	gcarter@doc.nv.gov

txtFormType

Update PAR

STATE OF NEVADA

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Hereby Awards the

Category III
Basic Certificate

To

Lejohshona Bess

For having fulfilled all the requirements for basic certification
As prescribed by Nevada Administrative Code.

Commission Chairman

Executive Director

39506
POST ID #

11/12/2021
Date

EXHIBIT D

Electronically Filed
3/11/2024 11:23 AM
Steven D. Grierson
CLERK OF THE COURT

INFM
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
SKYLER SULLIVAN
Deputy District Attorney
Nevada Bar #014957
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

LEJOHSHONA BESS, #6075759

Defendant.

CASE NO: C-24-381136-1

DEPT NO: XXII

INFORMATION

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

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 LEJOHSHONA BESS, the Defendant(s) above named, having committed the crimes of **COERCION (Category B Felony - NRS 207.190 - NOC 53159) and BATTERY CONSTITUTING DOMESTIC VIOLENCE (Misdemeanor - NRS 200.485(1)(A), 200.481(1)(A), 33.018 - NOC 50235)**, on or about the 29th day of July, 2023, 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,

//

//

//

//

EXHIBIT E

COUNT 1 – COERCION

did willfully, unlawfully, and feloniously use physical force, or the immediate threat of such force, against [redacted], with intent to compel her to do, or abstain from doing, an act which she had a right to do, or abstain from doing, by keeping the said [redacted] inside of a vehicle preventing her from leaving and/or escaping.

COUNT 2 - BATTERY CONSTITUTING DOMESTIC VIOLENCE

did willfully and unlawfully use force or violence against or upon the person of her spouse, former spouse, any other person to whom she is related by blood or marriage, a person with whom she has had or is having a dating relationship, a person with whom she has a child in common, the minor child of any of those persons or her minor child, to wit: [redacted], by grabbing the said [redacted] face and/or breaking her nail.

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

BY */s/ Skyler Sullivan*
SKYLER SULLIVAN
Deputy District Attorney
Nevada Bar #014957

December 17, 2024

UNITED STATES OF AMERICA DISTRICT COURT OF THE EIGHTH JUDICIAL DISTRICT COUNTY OF CLARK STATE OF NEVADA

CERTIFIED COPY
ELECTRONIC SEAL (NRS 1.190(3))

23CR057306/clh/DVU
NHP EV#230701986
(TK10)

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT
APR 02 2024
BY, NICOLE CEJAS, DEPUTY

GPA
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
SKYLER SULLIVAN
Deputy District Attorney
Nevada Bar #014957
200 Lewis Avenue
Las Vegas, NV 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,
-vs-
LEJOHSHONA BESS, #6075759
Defendant.

CASE NO: C-24-381136-1
DEPT NO: XXII

GUILTY PLEA AGREEMENT

I hereby agree to plead guilty to: **COUNT 1 - COERCION (Category B Felony - NRS 207.190 - NOC 53159) and COUNT 2 - BATTERY CONSTITUTING DOMESTIC VIOLENCE (Misdemeanor - NRS 200.485(1)(A), 200.481(1)(A), 33.018 - NOC 50235)**, as more fully alleged in the charging document attached hereto as Exhibit "1".

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

As to Count 1 - The State has no opposition to probation with alcohol treatment and twenty-six (26) weeks domestic violence counseling as a condition of probation. Defendant agrees to have no contact with [redacted] As to Count 2 - Both parties agree to credit for time served. The State agrees not to file charges under event number LLV240100101636. If defendant is successful on probation and receives an honorable discharge, she may withdraw her plea to counts 1 & 2 and can plead guilty to one count of CONSPIRACY TO COMMIT BATTERY (Gross Misdemeanor - NRS 200.481, 199.480 - NOC 50243) with credit for time

EXHIBIT F

served. All remaining counts contained in the Criminal Complaint which were bound over to District Court shall be dismissed when Defendant is adjudged guilty and sentenced.

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.

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

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

CONSEQUENCES OF THE PLEA

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

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

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

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

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

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

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

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

I understand that, if the crime to which I am pleading guilty is residential burglary as defined in NRS §205.060, I am not eligible for probation unless mitigating circumstances exist and I have not previously been convicted of residential burglary or another crime involving the unlawful entry or invasion of a dwelling.

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

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

//

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

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

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

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

1. The removal from the United States through deportation;
2. An inability to reenter the United States;
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.

VOLUNTARINESS OF PLEA

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

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

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

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

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

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

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

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

DATED this 2nd day of ~~March~~ April, 2024.

LEJOHSHONA BESS
Defendant

AGREED TO BY:

/s/ Skyler Sullivan
SKYLER SULLIVAN
Deputy District Attorney
Nevada Bar #014957

CERTIFICATE OF COUNSEL:

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

1. I have fully explained to the Defendant the allegations contained in the charge(s) to which guilty pleas are being entered.

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

3. I have inquired of Defendant facts concerning Defendant's immigration status and explained to Defendant that if Defendant is not a United States citizen any criminal conviction will most likely result in serious negative immigration consequences including but not limited to:

   a. The removal from the United States through deportation;

   b. An inability to reenter the United States;

   c. The inability to gain United States citizenship or legal residency;

   d. An inability to renew and/or retain any legal residency status; and/or

   e. An indeterminate term of confinement, by the United States Federal Government based on the conviction and immigration status.

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

4. All pleas of guilty offered by the Defendant pursuant to this agreement are consistent with the facts known to me and are made with my advice to the Defendant.

5. To the best of my knowledge and belief, the Defendant:

   a. Is competent and understands the charges and the consequences of pleading guilty as provided in this agreement,

   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 2nd day of March, 2024.

December 17, 2024

ATTORNEY FOR DEFENDANT

UNITED STATES OF AMERICA DISTRICT COURT OF THE EIGHTH JUDICIAL DISTRICT COUNTY OF CLARK STATE OF NEVADA

CERTIFIED COPY
ELECTRONIC SEAL (NRS 1.190(3))

clh/DV

Electronically Filed
3/11/2024 11:23 AM
Steven D. Grierson
CLERK OF THE COURT

INFM
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
SKYLER SULLIVAN
Deputy District Attorney
Nevada Bar #014957
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

LEJOHSHONA BESS, #6075759

Defendant.

CASE NO: C-24-381136-1

DEPT NO: XXII

INFORMATION

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

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 LEJOHSHONA BESS, the Defendant(s) above named, having committed the crimes of **COERCION (Category B Felony - NRS 207.190 - NOC 53159) and BATTERY CONSTITUTING DOMESTIC VIOLENCE (Misdemeanor - NRS 200.485(1)(A), 200.481(1)(A), 33.018 - NOC 50235)**, on or about the 29th day of July, 2023, 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,

//

//

//

//

EXHIBIT "1"

COUNT 1 – COERCION

did willfully, unlawfully, and feloniously use physical force, or the immediate threat of such force, against [redacted] with intent to compel her to do, or abstain from doing, an act which she had a right to do, or abstain from doing, by keeping the said [redacted] inside of a vehicle preventing her from leaving and/or escaping.

COUNT 2 - BATTERY CONSTITUTING DOMESTIC VIOLENCE

did willfully and unlawfully use force or violence against or upon the person of her spouse, former spouse, any other person to whom she is related by blood or marriage, a person with whom she has had or is having a dating relationship, a person with whom she has a child in common, the minor child of any of those persons or her minor child, to wit: [redacted] by grabbing the said [redacted] face and/or breaking her nail.

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

BY */s/ Skyler Sullivan*
SKYLER SULLIVAN
Deputy District Attorney
Nevada Bar #014957

23CR057306/clh/DVU
NHP EV#230701986
(TK10)

District Court, Clark County
CLARK COUNTY, NEVADA

THE STATE OF NEVADA, Plaintiff, - vs. – LEJOHSHONA BESS, #6075759 Defendant.	CASE NO.: C-24-381136-1 DEPT. NO.: XXII

BATTERY/DOMESTIC VIOLENCE: ADMONISHMENT OF RIGHTS
(For Offenses occurring on or after July 1, 2019)

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

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

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

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

1. **I understand the State will use this conviction, and any other conviction from this or any other State which prohibits the same or similar conduct, to enhance the penalty for any subsequent offense;**

2. I understand that, as a consequence of my plea of guilty or nolo contendere, if I am not a citizen of the United States, I may, in addition to other consequences provided by law, be removed, deported, or excluded from entry into the United States or denied naturalization;

3. I understand that if I am convicted of a misdemeanor or felony that constitutes domestic violence pursuant to 18 U.S.C. § 921(a)(33), my possession, shipment, transportation, or receipt of a firearm or ammunition will constitute a felony pursuant to NRS 202.360 or federal law;

4. I understand that sentencing is entirely up to the court and the range of penalties outlined in this admonishment for committing the offense described above will apply (unless a greater penalty is provided pursuant to NRS 200.481, 200.485(2)–(5)).

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

DEFENDANT'S INITIALS: LB

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

Exhibit "2"

BATTERY/DOMESTIC VIOLENCE ADMONISHMENT OF RIGHTS CASE NO: C-24-381136-1

CONSEQUENCES FOR ALL OFFENSES:

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

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

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

FIRST OFFENSE WITHIN 7 YEARS (MISDEMEANOR):

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

SECOND OFFENSE WITHIN 7 YEARS (MISDEMEANOR):

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

THIRD OFFENSE WITHIN 7 YEARS:

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

OFFENSES SUBSEQUENT TO FELONY OFFENSES (CATEGORY B FELONY):

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

OFFENSES INVOLVING PREGNANT VICTIMS

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

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

CS 1. I am represented by an attorney in this case. My attorney has fully discussed these matters with me and advised me about my legal rights. My attorney is Sweets.

____ 2. I have declined to have an attorney represent me and I have chosen to represent myself. I have made this decision even though there are dangers and disadvantages in self-representation in a criminal case, including but not limited to, the following:

(a) Self-representation is often unwise, and a defendant may conduct a defense to his or her own detriment;

(b) A defendant who represents himself is responsible for knowing and complying with the same procedural rules as lawyers, and cannot expect help from the judge in complying with those procedural rules;

(c) A defendant representing himself will not be allowed to complain on appeal about the competency or effectiveness of his or her representation;

(d) The state is represented by experienced professional attorneys who have the advantage of skill, training, and ability;

(e) A defendant unfamiliar with legal procedures may allow the prosecutor an advantage, may not make effective use of legal rights, and may make tactical decisions that produce unintended consequences; and

(f) The effectiveness of the defense may well be diminished by a defendant's dual role as attorney and accused.

DEFENDANT'S SIGNATURE	DATE OF BIRTH	DATE
	05/25/95	04/2/24

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

DEFENDANT'S ATTORNEY (if applicable)	BAR NUMBER
	14541

Exhibit "2"

Electronically Filed
07/08/2024 11:15 AM
CLERK OF THE COURT

JOC

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA, **Plaintiff,** **Vs.** **LEJOHSHONA BESS, #6075759,** **Defendant.**	**Case No. C-24-381136-1** **Dept. No. XXII**

JUDGMENT OF CONVICTION
(PLEA OF GUILTY)

On the 2nd day of July 2024, Defendant LEJOHSHONA BESS appeared with her counsel, BAYLIE HELLMAN, ESQ., before Department XXII of the Eighth Judicial District Court in and for Clark County, Nevada with JUDGE SUSAN JOHNSON presiding, and having previously entered a plea of guilty to the crimes of COUNT 1 – COERCION (Category B Felony) in violation of NRS 207.190 and COUNT 2 – BATTERY CONSTITUTING DOMESTIC VIOLENCE (Misdemeanor) in violation of 200.485(1)(A), NRS 200.481(1(A) and NRS 33.018, and thereupon, with the Pre-Sentence Investigation (PSI) Report being presented to the Court,

Defendant LEJOHSHONA BESS is hereby ADJUDGED GUILTY of committing such offenses and, in addition to the $25.00 Administrative Assessment fee, $3.00 DNA Administrative Assessment fee and $150.00 DNA Analysis fee including testing to determine genetic markers, Defendant is SENTENCED, as to COUNT 1, to a MINIMUM of TWELVE (12) MONTHS up to a MAXIMUM of FORTY-EIGHT (48) MONTHS to be served in the Nevada Department of Corrections (NDOC); SUSPENDED and placed on PROBATION for an indeterminate period of

SUSAN H. JOHNSON
DISTRICT JUDGE
DEPARTMENT XXII

EXHIBIT G

Statistically closed: A. USJR - CR - Guilty Plea With Sentence (Before trial) (USGPB)

time not to exceed THREE (3) YEARS. As to COUNT 2, Defendant is SENTENCED to CREDIT FOR TIME SERVED. In addition to the standard rules and conditions that may be imposed by the Division of Parole and Probation,[1] SPECIAL CONDITIONS INCLUDE:

1. Defendant is not to consume, possess or control any alcohol or marijuana even if he obtains or has a medical marijuana card.

2. Defendant is to abide by any curfew imposed by the Division of Parole and Probation as it deems necessary.

. . .

---

[1]The standard probation agreement and rules are:

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/breach alcohol content. Test results of .08 blood alcohol content (BAC) 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.

SUSAN H. JOHNSON
DISTRICT JUDGE
DEPARTMENT XXII

13. DISCUSSION AND FOR POSSIBLE ACTION.

Hearing pursuant to NAC 289.290(1)(e) on the revocation of Mark A. Lawson's (formerly employed with the University Police Department-Northern Command) Category I basic certificate based on a conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a gross misdemeanor. The conviction(s) that have led to this action are:

COUNT I: CONSPIRACY TO POSSESS A DRUG THAT MAY NOT BE INTRODUCED INTO INTERSTATE COMMERCE in violation of NRS 454.351(1) and NRS 199.480(3)(g), a gross misdemeanor.

Possible action may be revocation of the Category I basic certificate.

STATE OF NEVADA
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
5587 Wa Pai Shone Avenue
Carson City, Nevada 89701
(775) 687-7678 FAX (775) 687-4911

JOE LOMBARDO
Governor

MICHAEL D. SHERLOCK
Executive Director

NOTICE OF INTENT TO REVOKE

January 7, 2025

Mark A. Lawson
[redacted]

POST PIN #: 37661

Dear Mr. Lawson,

Based upon documentation received by the Nevada Peace Officer Standards and Training Commission (the Commission) and in accordance with Nevada Administrative Code 289.290 and Nevada Revised Statute 241.033, you are hereby notified that the Commission has initiated action to revoke your Nevada peace officer certificate(s) that authorizes the holder to be employed as a peace officer in the state of Nevada.

I have included a copy of Nevada Administrative Code 289.290 for your convenience.

The Commission's regulations provide that a person's peace officer certificate(s) may be revoked pursuant to **NAC 289.290(1)(e) based on a Conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a gross misdemeanor.** The conviction(s) which have led to this action are as follows:

Count I: CONSPIRACY TO POSSESS A DRUG THAT MAY NOT BE INTRODUCED INTO INTERSTATE COMMERCE, in violation of NRS 454.351(1) and NRS 199.480(3)(g), a gross misdemeanor.
Case#: CR24-1494
Dept No: 1
Jurisdiction: IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF WASHOE

You have the right to appear before the Commission to contest the revocation of your Nevada peace officer certificate(s) by providing written notice to the Commission within fifteen (15) days of the date of the hearing.

If you choose to appeal and answer the charges against you, the Commission may elect to sit as a whole or designate an independent hearing officer to hear the matter and make recommendations in writing to the Commission. You will be given the opportunity to present evidence and cross-examine witnesses as applicable. If you wish, you may be represented by an attorney; however, this would be at your own expense. **If you or your counsel have any written arguments you would like to present to the Commission, you can send that information to me no less than ten (10) days prior to the date of the hearing.**

EXHIBIT A

Written requests can be made to:

Nevada Commission on Peace Officer Standards and Training
ATTN: Director Sherlock
5587 Wa Pai Shone Ave.
Carson City, NV 89701

The Commission will determine whether your Nevada peace officer certification(s) should be revoked at the meeting listed below:

Date: FEBRUARY 5, 2025
Time: 1:00 P.M.
Location: POST ADMINISTRATION BUILDING, CLASSROOM 2, 5587 WA PAI SHONE AVE., CARSON CITY, NV 89701

The hearing will cover the following: whether your P.O.S.T certificate(s) should be revoked, pursuant to **NAC 289.290(1)(e) based on a Conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a gross misdemeanor.**

You will be notified of the Commission's decision within 15 days after this hearing, or as soon thereafter as is practicable.

If you need additional information concerning this matter, contact Chief Kathy Floyd at (775) 687-7678, ext. 3335.

Sincerely,

Kathy Floyd
Chief of Standards Division
Nevada Commission on Peace
Officer Standards and Training

cc: Senior Deputy Attorney General Geordan Goebel
File

[redacted]

STATE OF NEVADA

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

5587 Wa Pai Shone Avenue
CARSON CITY, NEVADA 89701
(775) 687-7678 FAX (775) 687-4911

JOE LOMBARDO
Governor

MICHAEL D. SHERLOCK
Executive Director

DECLARATION OF SERVICE

I, Deputy Tony Falls, served the foregoing **Notice of Intent to Revoke**
Print name of the person serving this document

To Individual's Name: **MARK A. LAWSON**

at [redacted] on this
(location)

10 day of January, 2025.
Day *Month* *Year*

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

Executed on this 10 day of January, 2025.
Day *Month* *Year*

Signature of person serving the Notice

Tony Falls 3112
Printed name of person serving the Notice

RETURN THE SIGNED ORIGINAL OF THIS FORM TO POST WITHIN 15 DAYS*

EXHIBIT B

State of Nevada - POST
UPDATE - Personnel Action Report (PAR)

Post ID Number: 37661

Last Name: Lawson **First Name:** Mark

MI: A **Suffix:**

☐ **Name Change?**

Last Name: Lawson First Name: Mark

MI: A Suffix:

☐ **Address Change?**

Street Address: [redacted]

City: [redacted] State: NV Zip Code: [redacted]

County: Other E-Mail:

Level Change? O Line O Supervisor O Management O Executive

O Part Time O Full Time

Status Change? O Deceased O Retired ◉ Separated

NAC289.290 Notification (Cause For Commission Action)

Pursuant to NAC 289.290(3) "The employing agency shall notify the Commission any time that it becomes aware that one of its officers has been charged with a crime that could result in denial, suspension or revocation procedures. Upon receipt of information alleging any of the causes enumerated in subsection 1, the Commission will determine whether to pursue revocation or suspension of the certificate of the officer."

Does the above NAC apply? ◉ No O Yes

If you selected YES, ensure it is correct and provide details in the Comment field.

Comments\Additional Information:

Effective Date: 08/30/2021

Submitters Name: A.G.Wilson

Submitters Phone: (775) 313-5197

Submitters E-Mail: agwilson@unr.edu

POST Update PAR form
Revised 01/01/2016

Submission number: 201490

EXHIBIT C

STATE OF NEVADA

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Hereby Awards the

Category I
Basic Certificate

To

Mark A. Lawson

For having fulfilled all the requirements for basic certification
As prescribed by Nevada Administrative Code.

Commission Chairman

Executive Director

37661
POST ID #

11/20/2019
Date

EXHIBIT D

F I L E D
Electronically
CR24-1494
2024-07-22 08:33:14 AM
Alicia L. Lerud
Clerk of the Court
Transaction # 10461079

1800
AARON D. FORD
Attorney General
KELLI R. GALLIMORE (Bar No. 13428)
Senior Deputy Attorney General
State of Nevada
Office of the Attorney General
5420 Kietzke Lane, Suite 202
Reno, NV 89511
P: (775) 687-2103
F: (775) 688-1822
kgallimore@ag.nv.gov
Attorneys for Plaintiff

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

STATE OF NEVADA,

Plaintiff,

vs.

MARK ALLEN LAWSON,

Defendant.

Case No. CR24-1494

Dept. No. 15

CRIMINAL INFORMATION

AARON D. FORD, Attorney General of the State of Nevada, and KELLI R. GALLIMORE, Senior Deputy Attorney General, in the name and by the authority of the State of Nevada, inform the above-entitled court that MARK ALLEN LAWSON (LAWSON), 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, committed the following offense:

COUNT I

CONSPIRACY TO POSSESS A DRUG THAT MAY NOT BE INTRODUCED INTO INTERSTATE COMMERCE
Gross Misdemeanor - NRS 454.351(1) [51366]; NRS 199.480(3)(g) [55982]

That the Defendant, LAWSON, on or about August 21, 2021 did conspire with another to possess body building supplements, namely anabolic steroids, to wit: Mesterolone, and/or Oxymetholone, and/or, Stanozolol, and/or Fluoxymesterone and/or Methenolone which may not be introduced into interstate commerce in that the Defendant, LAWSON, did purchase or sell said controlled substances from a source outside the State of Nevada, and had the same delivered to his residence in Washoe County, Nevada.

EXHIBIT E

1 of 4 Certified by AJuarez on 09/05/2024

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

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding document, CRIMINAL INFORMATION, filed in Second Judicial District Court case number CR24-1494, does not contain the social security number of any person.

DATED this 22nd day of July, 2024.

AARON D. FORD
Attorney General

By:/s/ *Kelli R. Gallimore*
KELLI R. GALLIMORE
Senior Deputy Attorney General

WITNESS LIST

Pursuant to NRS 173.045, the following people may be called as witnesses at trial.

1. Nevada Rhodes, Nevada Attorney General's Office, 5420 Kietzke Lane, Suite 202 Reno, NV 89511

2. David O'Hara, Minden, NV 89423

3. Annecia Martin, Drug Enforcement Administration, 2815 Scott Street, Vista, CA 92081

4. Sylvia Tarin-Brousseau. Drug Enforcement Administration, 2815 Scott Street, Vista, CA 92081

5. Chad Forrester, Sparks, NV 89434

6. Johnnie Gonzales, Sparks, NV 89434

7. LaQuisha Chaffin, Office of Professional Standards, Intelligence Division – Digital Forensics Unit, 300 Patrol Road, Forsyth, GA 31029

8. Sydney Murphy, Oxygen Forensics, 909 N. Washington Street, Suite 300, Alexandria, VA 22314

RESPECTFULLY SUBMITTED this 22nd day of July, 2024.

AARON D. FORD
Attorney General

By:/s/ *Kelli R. Gallimore*
KELLI R. GALLIMORE
Senior Deputy Attorney General

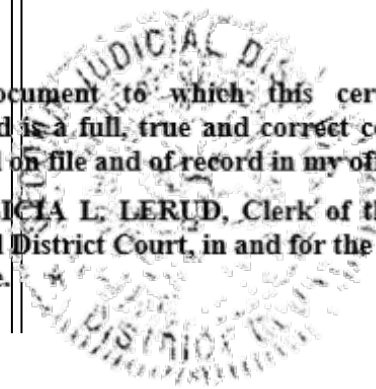
3 of 4 Certified by AJuarez on 09/05/2024

CERTIFICATE OF SERVICE

I certify on this 22nd day of July, 2024, I electronically filed the foregoing CRIMINAL INFORMATION with the Clerk of the Court by using the ECF system, which will send a notice of electronic filing to the following:

Thomas E. Viloria, Esq.
Viloria, Oliphant, Oster & Aman, LLP
P.O. Box 3677
Reno, NV 89505

/s/*Rhonda Collins*
RHONDA COLLINS



The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in my office.

By: ALICIA L. LERUD, Clerk of the Second Judicial District Court, in and for the County of Washoe.

4 of 4 Certified by AJuarez on 09/05/2024

FILED
Electronically
CR24-1494
2024-08-14 02:29:15 PM
Alicia L. Lerud
Clerk of the Court
Transaction # 10508144

1785
AARON D. FORD
Attorney General
KELLI R. GALLIMORE (Bar #13428)
Senior Deputy Attorney General
State of Nevada
Office of the Attorney General
5420 Kietzke Lane, Suite 202
Reno, NV 89511
P: (775) 687-2100
F: (775) 688-1822
kgallimore@ag.nv.gov
Attorneys for Plaintiff

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

STATE OF NEVADA,

Plaintiff,

vs.

MARK ALLEN LAWSON,

Defendant.

Case No. CR24-1494

Dept. No. 1

NOLO CONTENDERE PLEA MEMORANDUM

I, MARK ALLEN LAWSON, understand that I am charged with one (1) gross misdemeanor offense of CONSPIRACY TO POSSESS A DRUG THAT MAY NOT BE INTRODUCED INTO INTERSTATE COMMERCE.

1. I desire to enter a plea of nolo contendere pursuant to *North Carolina v. Alford,* 400 U.S. 25 (1970), to one (1) gross misdemeanor offense of CONSPIRACY TO POSSESS A DRUG THAT MAY NOT BE INTRODUCED INTO INTERSTATE COMMERCE, in violation of NRS 454.351(1) and NRS 199.480(3)(g), as set forth in the Criminal Information and as more fully alleged in the charge filed against me. I acknowledge that the facts supporting the plea to Count One constitutes a legal fiction and I waive any defects with the charge to which I am pleading.

2. By entering my plea of nolo contendere, I know and understand that I am waiving the following constitutional rights:

a. I waive my privilege against self-incrimination.

b. I waive my right to trial by jury, at which trial the State would have to prove

EXHIBIT F

1 of 5 Certified by AJuarez on 09/05/2024

my guilt of all elements of the offenses beyond a reasonable doubt.

c. I waive my right to confront my accusers, that is, the right to confront and cross-examine all witnesses who would testify at trial.

d. I waive my right to subpoena witnesses for trial on my behalf.

As to Count 1, I am pleading nolo contendere to CONSPIRACY TO POSSESS A DRUG THAT MAY NOT BE INTRODUCED INTO INTERSTATE COMMERCE, a gross misdemeanor. I understand that had this case proceeded to trial, the State would have been prepared to prove beyond a reasonable doubt the elements of CONSPIRACY TO POSSESS A DRUG THAT MAY NOT BE INTRODUCED INTO INTERSTATE COMMERCE, a gross misdemeanor in violation of 454.351(1) and NRS 199.480(3)(g), in that on or about August 21, 2021, I did conspire with another to possess body building supplements, namely anabolic steroids, to wit: Mesterolone, and/or Oxymetholone, and/or, Stanozolol, and/or Fluoxymesterone and/or Methenolone which may not be introduced into interstate commerce in that I did purchase or sell said controlled substances from a source outside the State of Nevada, and had the same delivered to my residence in Washoe County, Nevada.

4. I understand that by pleading nolo contendere pursuant to *North Carolina v. Alford,* 400 U.S. 25 (1970), I am not expressly admitting guilt and maintain my factual innocence. However, by pleading nolo contendere I am authorizing the court to treat me as if I were guilty. I admit the State possesses sufficient evidence which could result in my conviction on more serious offenses at trial and authorize the court to weigh my conflicting claim of innocence against the State's evidence supporting the original charges in entering its Judgment of Conviction.

I have considered and discussed all possible defenses and defense strategies with my counsel. I understand that I have the right to appeal from adverse rulings on pretrial motions only if the State and the Court consent to my right to appeal in a separate written agreement. In the absence of such an agreement, I understand that any substantive or procedural pretrial issue or issues which could have been raised at trial are waived by my nolo contendere plea.

5. As to Count 1, I understand that the consequences of my plea of nolo contendere are that I may be imprisoned in the county jail for a maximum term of not more than 364 days, and/or a fine of not more than $2,000.

6. In exchange for my plea of nolo contendere, the State, my counsel and I have agreed to the following: I agree to enroll in and complete an eight (8) hour substance abuse education/training program in advance of my plea. I additionally agree to pay investigative fees to the Nevada Attorney General's Office in the amount of $2,000, payable at the time of sentencing. I agree to pay all fines and fees imposed by the court. The State agrees to forego prosecution on the originally charged felony counts against me, and the State will not pursue any other offenses arising out of the investigation in Attorney General Case No. 11801-3292. The parties agree to waive Presentence Investigation and proceed to immediate sentencing after entry of plea.

7. I understand that, even though the State and I have reached this nolo contendere plea agreement, the State is reserving the right to present arguments, facts, and/or witnesses at sentencing in support of the plea agreement and its recommended sentence.

8. I understand that, if applicable, I may be ordered to make restitution to the victim(s) of the offense to which I am pleading nolo contendere and to the victim(s) of any related offense which is being dismissed or not prosecuted pursuant to this agreement. I will also be ordered to reimburse the State of Nevada for any expenses related to my extradition, if any. For any amount of restitution which remains unpaid upon expiration of the term of parole or probation, I agree to enter a Civil Confession of Judgment. I agree to waive all defects in the pleadings, if any, pay all fines and fees imposed by the Court, interview with the Division of Parole and Probation, comply with all Court orders or instructions, cooperate with and comply with all instructions from pre-trial services, appear at all hearings in District Court, and obey all laws (excluding minor traffic violations).

9. I understand that the State, at its discretion, is entitled to either withdraw from this agreement and proceed with the prosecution of the original charges and still be free to argue for an appropriate sentence at the time of sentencing if I fail to appear at any scheduled proceeding in this matter OR if prior to the date of my sentencing, I am arrested in any jurisdiction for a violation of law, OR if a judge of competent jurisdiction issues a warrant for my arrest, OR if I have misrepresented my prior criminal history. I understand and agree that the occurrence of any of these acts constitutes a material breach of my plea agreement with the State. I further understand and agree that by the execution of this agreement, I am waiving any right I may have to remand this matter to Justice Court should I later

withdraw my plea.

10. I understand and agree that pursuant to the terms of the plea agreement stated herein, any counts which are to be dismissed and any other related cases charged or uncharged which are either to be dismissed or not pursued by the State, may be considered by the Court at the time of my sentencing.

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

12. I understand that this plea and resulting conviction will likely have adverse effects upon my residency in this country if I am <u>not</u> a U.S. Citizen. I have discussed the effects my plea will have upon my residency with my counsel.

13. I offer my plea freely, voluntarily, knowingly and with full understanding of all matters set forth in the Criminal Information and in this Plea Memorandum. I understand everything contained within this Memorandum.

14. My plea of nolo contendere is voluntary, and is not the result of any threats, coercion or promises of leniency.

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15. I am signing this Plea Memorandum voluntarily with advice of counsel, under no duress, coercion, or promises of leniency.

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding document, NOLO CONTENDERE PLEA MEMORANDUM, filed in Second Judicial District Court case number CR24-1494, does not contain the social security number of any person.

DATED this 14th day of August, 2024.

MARK ALLEN LAWSON
Defendant

Attorney Witnessing Defendant's signature

/s/ Kelli R. Gallimore
Prosecuting Attorney

The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in my office.

By: ALICIA L. LERUD, Clerk of the Second Judicial District Court, in and for the County of Washoe.

5 of 5 Certified by AJuarez on 09/05/2024

F I L E D
Electronically
CR24-1494
2024-08-30 02:02:51 PM
Alicia L. Lerud
Clerk of the Court
Transaction # 10540351

CODE 1850

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

STATE OF NEVADA,

Plaintiff,

vs. **Case No. CR24-1494**

MARK ALLEN LAWSON, **Dept. No. 1**

Defendant.

_____/

JUDGMENT OF CONVICTION

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

1. That Mark Allen Lawson is Guilty of the crime of Conspiracy To Possess A Drug That May Not Be Introduced Into Interstate Commerce, a violation of NRS 454.351(1); NRS 199.480(3)(g), a gross misdemeanor, as charged in the Information.

2. That Mark Allen Lawson be punished by payment of an investigative fee in the amount of $2,000.00 made payable to the State of Nevada Attorney General and by completing 8 hours of a substance abuse education/training program and the same have been satisfied.

3. It is further ordered that Mark Allen Lawson shall pay an administrative assessment fee of $25.00 and the $3.00 as an administrative assessment for obtaining a

EXHIBIT G

1 of 2 Certified by AJuarez on 09/05/2024

biological specimen and conducting a genetic marker analysis to the Clerk of the Second Judicial District Court.

4. Mark Allen Lawson is hereby advised that:

Any fine, fee administrative assessment, or restitution imposed today (as reflected in this judgment of conviction) constitutes a lien, as defined in Nevada Revised Statute 176.275. Should you not pay these fines, fees, or assessments, collection efforts may be undertaken against you.

Dated this 29th day of August, 2024.

DISTRICT JUDGE

The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in my office.

By: ALICIA L. LERUD, Clerk of the Second Judicial District Court, in and for the County of Washoe.

2 of 2 Certified by AJuarez on 09/05/2024

F I L E D
Electronically
CR24-1494
2024-09-04 09:39:14 AM
Alicia L. Lerud
Clerk of the Court
Transaction # 10544506

CODE 1850

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

STATE OF NEVADA,

Plaintiff,

vs. **Case No. CR24-1494**

MARK ALLEN LAWSON, **Dept. No. 1**

Defendant.

_____/

CORRECTED JUDGMENT OF CONVICTION

(This Corrected Judgment is entered to reflect the Defendant's correct plea)

The Defendant having entered a plea of Nolo Contendere, and no legal cause being shown as to why judgment should not be pronounced against Mark Allen Lawson, the Court rendered judgment as follows:

1. That Mark Allen Lawson is Guilty of the crime of Conspiracy To Possess A Drug That May Not Be Introduced Into Interstate Commerce, a violation of NRS 454.351(1); NRS 199.480(3)(g), a gross misdemeanor, as charged in the Information.

2. That Mark Allen Lawson be punished by payment of an investigative fee in the amount of $2,000.00 made payable to the State of Nevada Attorney General and by completing 8 hours of a substance abuse education/training program and the same have been satisfied.

3. It is further ordered that Mark Allen Lawson shall pay an administrative assessment fee of $25.00 and the $3.00 as an administrative assessment for obtaining a

EXHIBIT H

1 of 2 Certified by AJuarez on 09/05/2024

biological specimen and conducting a genetic marker analysis to the Clerk of the Second Judicial District Court.

4. Mark Allen Lawson is hereby advised that:

Any fine, fee administrative assessment, or restitution imposed today (as reflected in this judgment of conviction) constitutes a lien, as defined in Nevada Revised Statute 176.275. Should you not pay these fines, fees, or assessments, collection efforts may be undertaken against you.

Dated this 3rd day of September, 2024.
NUNC PRO TUNC to August 29, 2024.

DISTRICT JUDGE

The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in my office.

By: ALICIA L. LERUD, Clerk of the Second Judicial District Court, in and for the County of Washoe.

2 of 2 Certified by AJuarez on 09/05/2024

MARK LAWSON RESPONSE LETTER

EXHIBIT I

Received
JAN 2 1 2025
P.O.S.T

January 13, 2025

To: Nevada Commission of Peace Officer Standards of Training
ATTN: Director Sherlock
5587 Wa Pai Shone Avenue
Carson City, NV 89701

From: Mark Lawson
POST PIN #37661

Subject: POST Revocation Consideration

I was recently served with a Notice of Intent to Revoke my Nevada POST certification by the Washoe County Sheriff's Department on behalf of the State of Nevada Commission on Peace Officer Standard and Training dated January 7, 2025.

By writing this letter to you and your staff who review this case, I was hoping you reconsider not to revoke my Nevada POST certification based on a few different points of clarification and other factors I would consider honorable.

I have honorably served as a public safety official for over three decades most of which were with CAL FIRE but I have also been a sworn peace officer for over (22) years where I have even achieved an Advanced Peace Officer certification. In that time, I have never been investigated by anyone for any type of misconduct nor have I ever been disciplined for any type of employee/officer misconduct.

As with any background check of which I have had conducted, I have absolutely nothing that would give any agency I have applied for or worked for a reason to not hire me. This is until a recent incident where I was investigated by the State of Nevada for alleged controlled substance related charges that were filed against me shortly after accepting a job as the Fire Chief for the City of Sparks in December of 2022. This particular investigation initially started in 2021 while I was employed with the University of Nevada as a Category I Police Officer. I was never arrested or had charges even filed against me until (7) days after being appointed the Fire Chief for the City of Sparks were these erroneous charges filed.

Fast forwarding ahead to August of 2024, after almost (3) years of fighting the various charges against me, none of which ever stuck, was I given direction by my Criminal Defense Attorney, Tom Viloria, to consider an entry of a no contest plea of a

"Conspiracy to Possess a Drug That May or May Not be Introduced into Interstate Commerce, a gross misdemeanor in the State of Nevada. Although, I wanted to continue to fight these erroneous charges, I was told that if I chose to continue to fight the charges, I would possibly be looking at spending another potential $30,000.00 in court and attorney fees and if for some reason the jury found me guilty on even one felony charge that I would be considered a convicted felon and never allowed to vote, own a firearm or travel outside of the country etc. He explained to me that if I accept this plea bargain of nolo contendere pursuant to North Carolina vs. Alford I would still maintain my factual innocence however, the courts would still consider it a guilty charge. He also told me to contact him exactly a year and six months from the adjudication date and he could file a request with the courts to have the charge completely removed from my record as if it never happened.

If you are familiar with the case, it was handled through the Nevada Attorney General's Office and they seemed to put in a bunch of extra effort and time into my case that sat static for almost three years but as soon as I was appointed the Fire Chief for the City of Sparks, they filed charges a week later and continued to try to have something "stick" against me after I successfully sued the City of Sparks for defamation. They even dropped the charges against me and then decided to refile them after doing so.

I can assure you and anyone who has ever done a background on me or who know me, that I have never done drugs in my life, even after almost (56) years of my life. I do however have prescription for hormone replacement therapy that includes Testosterone replacement therapy of which seems to be pretty popular these day amongst males over (40) years old and abundance of those being sworn peace officers or other public safety officials. I don't deny the fact that I was asked by a close friend at the time whose father was diagnosed with Stage IV cancer if I could help him get some Testosterone for his ailing father to treat his low levels. As I have always told anyone who has asked, I have never nor would I ever share a prescription drug with anyone as I know that is considered to be illegal. I did however acquire testosterone from a legitimate website online who advertised it to be of pharmaceutical grade without the need of a physician's prescription. The website is Aslan Pharmaceuticals and anyone including yourself can purchase these types of PED's online as well. Nowhere on this particular site does it say they need a physician's prescription to initiate a purchase. They are an out of state company who ships worldwide. I have now 's learned that even though the site does not require a physician's prescription that they are still illegally selling Schedule III Controlled Substances and if anyone were to purchase them from the website is breaking the law. I have never purchased anything since even with a physician's prescription.

As I have stated, I have had an very successful career in public safety and have always been one who values honor, integrity and trust within my personal and professional life. I have never even smoked marijuana nor have I ever even been issued a traffic citation.

I consider myself as a very honorable person and believe this whole unfortunate situation as a very personal attack on me as a person. I will also assure you that there is a lot of other illegal activity that was happening at the Warm Springs Correctional Center prior to me even being somehow implicated or named within this investigation that was never given any additional investigative work and "swept under the rug" for the most part. I truly believe they were just looking for someone to hold responsible and because of my name and my position, I was singled out.

In closing, I know this is a difficult decision for you and your staff but I believe by allowing me to maintain my POST certification, it may allow me to continue to utilize my extensive knowledge and experience in another opportunity where I can help uphold the laws within the State of Nevada with great honor and integrity as I have my entire career. Do very honorable public safety officials make mistakes or make decisions that if given the opportunity to correct they would? Of course they do. I am most certain that there are plenty of other Nevada POST certified officers who've exercised poor judgment and were able to maintain their certification? Of course, there are and I am fairly certain that it was a positive outcome. I actually am proud to say my own son will carry on my legacy as he has entered the brother/sisterhood of sworn peace officers including many other family members who have since retired. One was even a cousin who was the Sheriff in Battle Mountain, Dwayne Urrutia.

If for some reason, you and your staff still feel it necessary to stick to the letter of the law without exercising some flexibility or spirit of the law and move to revoke my Nevada POST certification, you please allow me to surrender my certification. Although this is not the outcome I desire, I prefer not to be disciplined once again for something that I will forever continue to maintain my factual innocence. I have every intention of having any type of conviction against me removed or sealed within the time period I spoke of in prior language within this letter.

Thank you in advance for your time and consideration. I am truly grateful for the opportunity to submit this letter for consideration in this very important matter.

Respectfully submitted,

Mark A. Lawson

Mark A. Lawson

14. DISCUSSION AND FOR POSSIBLE ACTION.

Hearing pursuant to NAC 289.290(1)(g) on the revocation of De'Wayne Lyons's (formerly employed with the Nevada Department of Corrections) Category III basic certificate based on a conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a felony. The conviction(s) which have led to this action are:

Count I: FURNISHING A WEAPON, FACSIMILE, INTOXICANT, OR CONTROLLED SUBSTANCE TO STATE PRISONER (Category B Felony), in violation of NRS 212.160(1)(a), NOC 53434

Action will be revocation of the Category III basic certificate.

STATE OF NEVADA
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
5587 Wa Pai Shone Avenue
Carson City, Nevada 89701
(775) 687-7678 FAX (775) 687-4911

JOE LOMBARDO
Governor

MICHAEL D. SHERLOCK
Executive Director

NOTICE OF INTENT TO REVOKE

January 7, 2025

De'Wayne Lyons
[redacted]

POST PIN #: 36165

Dear Mr. Lyons,

Based upon documentation received by the Nevada Peace Officer Standards and Training Commission (the Commission) and in accordance with Nevada Administrative Code 289.290 and Nevada Revised Statute 241.033, you are hereby notified that the Commission has initiated action to revoke your Nevada peace officer certificate(s) that authorizes the holder to be employed as a peace officer in the state of Nevada.

I have included a copy of Nevada Administrative Code 289.290 for your convenience.

The Commission's regulations provide that a person's peace officer certificate(s) will be revoked pursuant to **NAC 289.290(1)(g) based on a Conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a felony.** The conviction(s) which have led to this action are as follows:

Count I: FURNISHING A WEAPON, FACSIMILE, INTOXICANT, OR CONTROLLED SUBSTANCE TO STATE PRISONER, in violation of NRS 212.160(1)(a), NOC 53434, a category "B" Felony
Case#: C-24-385287-5
Dept No: XXXII
Jurisdiction: DISTRICT COURT, CLARK COUNTY, NEVADA

You have the right to appear before the Commission to contest the revocation of your Nevada peace officer certificate(s) by providing written notice to the Commission within fifteen (15) days of the date of the hearing.

If you choose to appeal and answer the charges against you, the Commission may elect to sit as a whole or designate an independent hearing officer to hear the matter and make recommendations in writing to the Commission. You will be given the opportunity to present evidence and cross-examine witnesses as applicable. If you wish, you may be represented by an attorney; however, this would be at your own expense. **If you or your counsel have any written arguments you would like to present to the Commission, you can send that information to me no less than ten (10) days prior to the date of the hearing.**

EXHIBIT A

Written requests can be made to:

Nevada Commission on Peace Officer Standards and Training
ATTN: Director Sherlock
5587 Wa Pai Shone Ave.
Carson City, NV 89701

The Commission will determine whether your Nevada peace officer certification(s) should be revoked at the meeting listed below:

Date: FEBRUARY 5, 2025
Time: 1:00 P.M.
Location: POST ADMINISTRATION BUILDING, CLASSROOM 2, 5587 WA PAI SHONE AVE., CARSON CITY, NV 89701

The hearing will cover the following: the revocation of your P.O.S.T certificate(s) pursuant to **NAC 289.290(1)(g) based on a Conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a felony.**

You will be notified of the Commission's decision within 15 days after this hearing, or as soon thereafter as is practicable.

If you need additional information concerning this matter, contact Chief Kathy Floyd at (775) 687-7678, ext. 3335.

Sincerely,

Kathy Floyd
Chief of Standards Division
Nevada Commission on Peace
Officer Standards and Training

cc: Senior Deputy Attorney General Geordan Goebel
File

STATE OF NEVADA

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

5587 Wa Pai Shone Avenue
CARSON CITY, NEVADA 89701
(775) 687-7678 FAX (775) 687-4911

JOE LOMBARDO
Governor

MICHAEL D. SHERLOCK
Executive Director

DECLARATION OF SERVICE

I, D. NAKAGAWA P#45, served the foregoing **Notice of Intent to Revoke**
Print name of the person serving this document

To Individual's Name: **DE'WAYNE LYONS**

at [redacted] on this
(location)

JAN 13 2025 day of JAN 13 2025.
Day *Month* *Year*

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

Executed on this _____ day of JAN 13 2025.
Day *Month* *Year*

D. Nakagawa #45
Signature of person serving the Notice

D. NAKAGAWA P#45
Printed name of person serving the Notice

RETURN THE SIGNED ORIGINAL OF THIS FORM TO POST WITHIN 15 DAYS*

EXHIBIT B

State of Nevada - POST
UPDATE - Personnel Action Report (PAR)

Post ID Number: 36165

Last Name: Lyons **First Name:** De'Wayne

MI: G **Suffix:**

☐ **Name Change?**

Last Name: Lyons First Name: De'Wayne

MI: G Suffix:

☐ **Address Change?**

Street Address: [redacted]

City: [redacted] State: [redacted] Zip Code: [redacted]

County: Clark E-Mail:

Level Change? O Line O Supervisor O Management O Executive

O Part Time O Full Time

Status Change? O Deceased O Retired ◉ Separated

NAC289.290 Notification (Cause For Commission Action)

Pursuant to NAC 289.290(3) "The employing agency shall notify the Commission any time that it becomes aware that one of its officers has been charged with a crime that could result in denial, suspension or revocation procedures. Upon receipt of information alleging any of the causes enumerated in subsection 1, the Commission will determine whether to pursue revocation or suspension of the certificate of the officer."

Does the above NAC apply? ◉ No O Yes

If you selected YES, ensure it is correct and provide details in the Comment field.

Comments\Additional Information:

Effective Date: 07/11/2022

Submitters Name: Darnella Bird

Submitters Phone: (725) 216-6922

Submitters E-Mail: dbird@doc.nv.gov

EXHIBIT C

STATE OF NEVADA

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Hereby Awards the

Category III Basic Certificate

To

De'Wayne G. Lyons

For having fulfilled all the requirements for Basic Certification as prescribed by Nevada Administrative Code.

Governor

Executive Director

36165
POST ID No.

June 15, 2018
Date

(O) 500B

EXHIBIT D

Electronically Filed
8/19/2024 1:17 PM
Steven D. Grierson
CLERK OF THE COURT

INFM
AARON D. FORD
Attorney General
ERICA M. GOLD (Bar No. 8574)
Senior Deputy Attorney General
State of Nevada
Office of the Attorney General
1 State of Nevada Way
Suite #100
Las Vegas, NV 89119
P: (702) 486-3420
F: (702) 486-3768
Egold@ag.nv.gov
Attorney for the State of Nevada

DISTRICT COURT

CLARK COUNTY, STATE OF NEVADA

THE STATE OF NEVADA, Plaintiff, vs. DE'WAYNE LYONS, ID# 2571527, Defendant.	Case No.: C-24-385287-5 Dept. No.: XXXII

INFORMATION

AARON D. FORD, Attorney General for the State of Nevada, by and through ERICA M. GOLD, Senior Deputy Attorney General, in the name and by the authority of the State of Nevada, informs the Court that the above-named Defendant, DE'WAYNE LYONS, committed the crime of FURNISHING A WEAPON, FACSIMILE, INTOXICANT, OR CONTROLLED SUBSTANCE TO STATE PRISONER, a category "B" felony, in violation of NRS 212.160(1)(a) [NOC 53434].

All of the acts alleged herein were committed or completed on one or more dates between approximately September 1, 2021 and January 31, 2023 by the Defendant and/or one or more co-Defendants, (NRS 195.020), within the County of Clark, State of Nevada, in the following manner:

/ / /

/ / /

/ / /

EXHIBIT E

Case Number: C-24-385287-5

COUNT I
FURNISHING A WEAPON, FACSIMILE, INTOXICANT, OR CONTROLLED SUBSTANCE TO STATE PRISONER
Category "B" Felony
NRS 212.160(1)(a)

The Defendant, without lawful authorization, did knowingly furnish and/or attempt to furnish, and/or aid or assist in furnishing or attempting to furnish to a prisoner confined in an institution of the Department of Corrections, or any other place where prisoners are authorized to be or are assigned by the Director of the Department, any deadly weapon, explosive, a facsimile of a firearm or an explosive, any controlled substance or intoxicating liquor, to wit: the Defendant DE'WAYNE LYONS unlawfully and knowingly furnished or assisted in furnishing one or more cellular phone(s) to inmate [redacted], and/or one or more other prisoners confined at Southern Desert Correctional Center.

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

DATED this 15th day of August, 2024.

SUBMITTED BY:

AARON D. FORD
Attorney General

By: */s/ Erica Gold*
ERICA M. GOLD (Bar No. 8574)
Senior Deputy Attorney General
Attorneys for the State of Nevada

November 21, 2024



CERTIFIED COPY
ELECTRONIC SEAL (NRS 1.190(3))

5

ORIGINAL

GPA
AARON D. FORD
Attorney General
ERICA M GOLD (Bar No. 8574)
Senior Deputy Attorney General
State of Nevada
Office of the Attorney General
555 E. Washington Ave., Ste. 3900
Las Vegas, Nevada 89101-1068
P: (702) 486-3420
F: (702) 486-0660
Egold@ag.nv.gov
Attorneys for the State of Nevada

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT
AUG 22 2024
BY. Andrea Natali
ANDREA NATALI, DEPUTY

DISTRICT COURT

CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

DE'WAYNE LYONS, ID# 2571527,

Defendant.

Case No.: C-24-385287-5

Dept. No.: XXXII

C-24-385287-5
GPA
Guilty Plea Agreement
5096571

GUILTY PLEA AGREEMENT

I hereby agree to plead guilty to FURNISHING A WEAPON, FACSIMILE, INTOXICANT, OR CONTROLLED SUBSTANCE TO STATE PRISONER, a category "B" Felony, in violation of NRS 212.160(1)(a) [NOC 53434], as more fully alleged in the Information, attached hereto as Exhibit "1."

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

1. The State has no opposition to probation, for a fixed term of three (3) years;
2. The parties stipulate to an underlying sentence of 28 to 72 months in the Nevada Department of Corrections (NDOC), suspended;
3. The following special conditions will be part of my probation:
   a. $2500 fine;
   b. I agree to be forever barred from working in Law Enforcement; and
   c. I agree to forfeit any property seized in connection with this matter, except for the Apple MacBook, which can be returned to me after all co-

EXHIBIT F

defendant cases related to this matter are adjudicated by way of final sentencing or dismissal.

4. The State retains the right to argue for any other lawful terms and conditions of probation after review of the Pre-Sentence Investigation Report; and

5. If I successfully complete probation and receive an honorable discharge, I may withdraw my plea and plead guilty instead to Inhumanity to Prisoners, pursuant to NRS 212.020(1)(b), a gross misdemeanor, with credit for time served.

Furthermore, I agree to waive any defects or infirmities as to this process, my plea, this guilty plea agreement, and/or the form and/or force of the charging document attached as Exhibit "1."

I understand that, pursuant to NRS 176.015(3), victims so desiring will be allowed to make impact statements, if applicable to my case.

I understand and agree that the State's agreement to recommend or stipulate to a particular sentence, to not present argument regarding the sentence, to not oppose a particular sentence, or to not seek punishment as a habitual criminal is contingent upon my conduct between now and sentencing: If I fail to interview with the Division of Parole and Probation ("P & P"); fail to appear at any subsequent hearings in this case; fail to appear at any court-ordered appearances related to this case, prior to sentencing; or a magistrate reviews a declaration of arrest and finds probable cause to believe that I have committed a new criminal offense, including reckless driving or DUI, but excluding minor traffic violations, the State will regain the right to argue for any lawful sentence and term of confinement allowable for the crime to which I am now pleading, including the use of any prior convictions I may have to increase my sentence as a habitual criminal to five (5) to twenty (20) years, life without the possibility of parole, life with the possibility of parole after ten (10) years, or a definite twenty-five (25)-year term with the possibility of parole after ten (10) years, if applicable.

CONSEQUENCES OF THE PLEA

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

I understand that, as a consequence of my plea of guilty to the charge of FURNISHING CONTROLLED SUBSTANCE TO A STATE PRISONER, a category "B" Felony, the Court must

sentence me to imprisonment in the state prison for a minimum term of not less than one (1) year and a maximum term of not more than six (6) years, and that I may be further punished by a fine of not more than $5,000.

I understand the law requires me to pay one or more Administrative Assessment Fees.

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

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

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

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

I understand that if the offense to which I am pleading guilty was committed while I was incarcerated on another charge or while I was on probation or parole that, pursuant to NRS 176.035(3), any imposed prison sentence in this case must run consecutive to the sentence that I was serving when this incident occurred.

I understand that if the offense to which I am pleading guilty was committed while I was incarcerated on another charge or while I was on probation or parole that, pursuant to NRS 176.035(3), any imposed prison sentence in this case must run consecutive to the sentence that I was serving when this incident occurred.

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

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

attorney or the State of Nevada or both recommend any specific punishment to the Court, the Court is not obligated to accept the recommendation.

I understand that the parties have the opportunity to review a report 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 Attorney General has specifically agreed otherwise, the Attorney General may also comment on this report.

I understand if the offense to which I am pleading guilty was committed while I was incarcerated on another charge or while I was on probation or parole that I am not eligible for credit for time served toward the instant offense, pursuant to NRS 176.055.

I understand that if I am not a United States citizen, this criminal conviction will likely result in serious negative immigration consequences including but not limited to: removal from the United States through deportation; an inability to reenter the United States; the inability to gain United States citizenship or legal residency; an inability to renew and/or retain any legal residency status; and/or 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 an 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 legal resident.

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 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 the appeal is based upon reasonable constitutional, jurisdictional, or other grounds that challenge the legality of the proceedings and except as otherwise provided in subsection 3 of NRS 174.035.

VOLUNTARINESS OF PLEA

I have discussed the elements of all the original charges against me with my attorney and I understand the nature of the charges against me;

I understand the State would have to prove each element of the charges against me at trial;

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

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

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

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

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

///

///

///

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

DATED this 22 day of August, 2024.

DE'WAYNE LYONS, Defendant

AGREED TO BY:

/s/ Erica M. Gold
Erica M. Gold
Senior Deputy Attorney General

CERTIFICATE OF DEFENSE COUNSEL

I, the undersigned, as the attorney for DE'WAYNE LYONS named herein and as an officer of the court hereby certify that:

1. I have fully explained to DE'WAYNE LYONS the allegations contained in the charge to which guilty pleas are being entered;

2. I have advised DE'WAYNE LYONS of the penalties for the charge and the restitution/costs/fines that DE'WAYNE LYONS may be ordered to pay;

3. I have inquired of DE'WAYNE LYONS facts concerning DE'WAYNE LYONS' immigration status and explained to DE'WAYNE LYONS that if DE'WAYNE LYONS is not a United States citizen, any criminal conviction will most likely result in serious negative immigration consequences including but not limited to:

   a. The removal from the United States through deportation;

   b. An inability to reenter the United States;

   c. The inability to gain United States citizenship or legal residency;

   d. An inability to renew and/or retain any legal residency status; and/or

   e. An indeterminate term of confinement with the United States Federal Government based on his/her conviction and immigration status.

Moreover, I have explained that regardless of what DE'WAYNE LYONS may have been told by any attorney, no one can promise DE'WAYNE LYONS that this conviction will not result in negative immigration consequences and/or impact DE'WAYNE LYONS' ability to become a United States citizen and/or legal resident;

4. All pleas of guilty offered by DE'WAYNE LYONS pursuant to this agreement are consistent with all the facts known to me, and are made with my advice to DE'WAYNE LYONS and are in the best interest of DE'WAYNE LYONS; and

5. To the best of my knowledge and belief DE'WAYNE LYONS:

a. Is competent and understands the charges and the consequences of pleading guilty as provided in this agreement;

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 of the execution of this agreement.

DATED this 22nd day of August, 2024.

MICHAEL TROIANO, ESQ.
Attorney for DE'WAYNE LYONS

November 21, 2024

UNITED STATES OF AMERICA DISTRICT COURT OF THE EIGHTH JUDICIAL DISTRICT COUNTY OF CLARK STATE OF NEVADA

CERTIFIED COPY
ELECTRONIC SEAL (NRS 1.190(3))

EXHIBIT 1

EXHIBIT 1

Electronically Filed
8/19/2024 1:17 PM
Steven D. Grierson
CLERK OF THE COURT

INFM
AARON D. FORD
Attorney General
ERICA M. GOLD (Bar No. 8574)
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1 State of Nevada Way
Suite #100
Las Vegas, NV 89119
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F: (702) 486-3768
Egold@ag.nv.gov
Attorney for the State of Nevada

DISTRICT COURT

CLARK COUNTY, STATE OF NEVADA

THE STATE OF NEVADA, Plaintiff, vs. DE'WAYNE LYONS, ID# 2571527, Defendant.	Case No.: C-24-385287-5 Dept. No.: XXXII

INFORMATION

AARON D. FORD, Attorney General for the State of Nevada, by and through ERICA M. GOLD, Senior Deputy Attorney General, in the name and by the authority of the State of Nevada, informs the Court that the above-named Defendant, DE'WAYNE LYONS, committed the crime of FURNISHING A WEAPON, FACSIMILE, INTOXICANT, OR CONTROLLED SUBSTANCE TO STATE PRISONER, a category "B" felony, in violation of NRS 212.160(1)(a) [NOC 53434].

All of the acts alleged herein were committed or completed on one or more dates between approximately September 1, 2021 and January 31, 2023 by the Defendant and/or one or more co-Defendants, (NRS 195.020), within the County of Clark, State of Nevada, in the following manner:

///

///

///

COUNT I
FURNISHING A WEAPON, FACSIMILE, INTOXICANT, OR CONTROLLED SUBSTANCE TO STATE PRISONER
Category "B" Felony
NRS 212.160(1)(a)

The Defendant, without lawful authorization, did knowingly furnish and/or attempt to furnish, and/or aid or assist in furnishing or attempting to furnish to a prisoner confined in an institution of the Department of Corrections, or any other place where prisoners are authorized to be or are assigned by the Director of the Department, any deadly weapon, explosive, a facsimile of a firearm or an explosive, any controlled substance or intoxicating liquor, to wit: the Defendant DE'WAYNE LYONS unlawfully and knowingly furnished or assisted in furnishing one or more cellular phone(s) to inmate [redacted] and/or one or more other prisoners confined at Southern Desert Correctional Center.

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

DATED this 15th day of August, 2024.

SUBMITTED BY:

AARON D. FORD
Attorney General

By: */s/ Erica Gold*
ERICA M. GOLD (Bar No. 8574)
Senior Deputy Attorney General
Attorneys for the State of Nevada

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11/18/2024 8:36 AM
CLERK OF THE COURT

JOC

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

DE'WAYNE LYONS,

#2571527

Defendant.

CASE NO: C-24-385287-5

DEPT NO: XXXII

JUDGMENT OF CONVICTION

(PLEA OF GUILTY)

The defendant previously appeared before the Court with counsel and entered a plea of guilty to the crime(s) of FURNISHING A WEAPON INTOXICANT OR CONTROLLED SUBSTANCE TO STATE PRISONER (Category B Felony), in violation of NRS 212.160(1)(a); thereafter, on the 31st day of October, 2024, the defendant was present in court for sentencing with counsel, Michael Troiano, Esq., and good cause appearing,

THE DEFENDANT WAS HEREBY ADJUDGED guilty of said offense(s) and, COURT ORDERED, in addition to the $25.00 Administrative Assessment Fee, $2,500.00 Fine, a $150.00 DNA Analysis fee including testing to determine genetic markers, and a $3.00 DNA Collection fee, Deft. SENTENCED to a MINIMUM of TWENTY-EIGHT (28) MONTHS and a MAXIMUM of SEVENTY-TWO (72) MONTHS in the Nevada Department of Corrections, SENTENCE SUSPENDED; placed on PROBATION for FIXED THREE (3) YEARS wherein the Defts. is to receive any statutory good time credits while on probation, with ZERO (0) DAYS credit for time served, under the following STANDARD CONDITIONS:

///

EXHIBIT G

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.

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, place of residence, vehicles, 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 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.

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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.

COURT NOTED, the Deft. had agreed to be barred from working in law enforcement as part of the guilty plea agreement; however, it was unaware if it could make that order but acknowledged that the condition was included in the guilty plea agreement.

FURTHER NOTED, the Defendant would be eligible for a drop down if he/she successfully completes probation and is honorably discharged, therefore, inquired if the Deft.'s attorney could enter the plea, to the drop-down charge of Inhumanity to Prisoners (GM) with a sentence of credit for time served, on the Defendant's behalf. Defendant so agreed.

COURT ORDERED, NO additional special conditions imposed and the device search condition related to digital storage media is NOT imposed and NO restitution. COURT DIRECTED, Deft. to report to P&P within 24-48 hours.

BOND, if any, EXONERATED. .

November 21, 2024

UNITED STATES OF AMERICA DISTRICT COURT OF THE EIGHTH JUDICIAL DISTRICT COUNTY OF CLARK STATE OF NEVADA

CERTIFIED COPY3
ELECTRONIC SEAL (NRS 1.190(3))

Dated this 18th day of November, 2024

E10 9DA CD68 D942
Christy Craig
District Court Judge

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

State of Nevada	CASE NO: C-24-385287-5
vs	DEPT. NO. Department 32
De'wayne Lyons	

AUTOMATED CERTIFICATE OF SERVICE

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

Service Date: 11/18/2024

R Holm	rholm@ag.nv.gov
C Ross	CRoss@ag.nv.gov
Marcie Burris	mburris@ag.nv.gov
Erica Gold	egold@ag.nv.gov
Tiffany DiBari	tdibari@ag.nv.gov
Camila Reingruber	creingruber@ag.nv.gov

15. DISCUSSION AND FOR POSSIBLE ACTION.

Hearing pursuant to NAC 289.290(1)(g) on the revocation of Dario A. Sanchez's (formerly employed with the Nevada Department of Corrections) Category III basic certificate based on a conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a felony. The conviction(s) which have led to this action are:

Count I: OPPRESSION UNDER COLOR OF OFFICE WITH USE OF PHYSICAL FORCE (Category D Felony), in violation of NRS 197.200(1)(a), NRS 197.200(1)(d), NRS 197.200(2)(a), NOC 52313

Action will be revocation of the Category III basic certificate.

STATE OF NEVADA
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
5587 Wa Pai Shone Avenue
Carson City, Nevada 89701
(775) 687-7678 FAX (775) 687-4911

JOE LOMBARDO
Governor

MICHAEL D. SHERLOCK
Executive Director

NOTICE OF INTENT TO REVOKE

January 7, 2025

Dario A. Sanchez
[redacted]

POST PIN #: 15332

Dear Mr. Sanchez,

Based upon documentation received by the Nevada Peace Officer Standards and Training Commission (the Commission) and in accordance with Nevada Administrative Code 289.290 and Nevada Revised Statute 241.033, you are hereby notified that the Commission has initiated action to revoke your Nevada peace officer certificate(s) that authorizes the holder to be employed as a peace officer in the state of Nevada.

I have included a copy of Nevada Administrative Code 289.290 for your convenience.

The Commission's regulations provide that a person's peace officer certificate(s) will be revoked pursuant to **NAC 289.290(1)(g) based on a Conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a felony.** The conviction(s) which have led to this action are as follows:

Count I: OPPRESSION UNDER COLOR OF OFFICE WITH USE OF PHYSICAL FORCE, in violation of NRS 197.200(1)(a), NRS 197.200(1)(d), NRS 197.200(2)(a), NOC 52313, a category "D" Felony
Case#: C-24-385594-1
Dept No: III
Jurisdiction: DISTRICT COURT, CLARK COUNTY, STATE OF NEVADA

You have the right to appear before the Commission to contest the revocation of your Nevada peace officer certificate(s) by providing written notice to the Commission within fifteen (15) days of the date of the hearing.

If you choose to appeal and answer the charges against you, the Commission may elect to sit as a whole or designate an independent hearing officer to hear the matter and make recommendations in writing to the Commission. You will be given the opportunity to present evidence and cross-examine witnesses as applicable. If you wish, you may be represented by an attorney; however, this would be at your own expense. **If you or your counsel have any written arguments you would like to present to the Commission, you can send that information to me no less than ten (10) days prior to the date of the hearing.**

EXHIBIT A

Written requests can be made to:

Nevada Commission on Peace Officer Standards and Training
ATTN: Director Sherlock
5587 Wa Pai Shone Ave.
Carson City, NV 89701

The Commission will determine whether your Nevada peace officer certification(s) should be revoked at the meeting listed below:

Date: FEBRUARY 5, 2025
Time: 1:00 P.M.
Location: POST ADMINISTRATION BUILDING, CLASSROOM 2, 5587 WA PAI SHONE AVE., CARSON CITY, NV 89701

The hearing will cover the following: the revocation of your P.O.S.T certificate(s) pursuant to **NAC 289.290(1)(g) based on a Conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a felony.**

You will be notified of the Commission's decision within 15 days after this hearing, or as soon thereafter as is practicable.

If you need additional information concerning this matter, contact Chief Kathy Floyd at (775) 687-7678, ext. 3335.

Sincerely,

Kathy Floyd
Chief of Standards Division
Nevada Commission on Peace
Officer Standards and Training

cc: Senior Deputy Attorney General Geordan Goebel
File

AFFIDAVIT OF DUE AND DILIGENT ATTEMPT

Plaintiff : STATE OF NEVADA POST **Case Number:** C-24-385594-1

Defendant: DARIO SANCHEZ

State of NEVADA }
}
County of CLARK }

Name of Server: **Deputy,** D. NAKAGAWA P#0045 **undersigned, being duly sworn, deposes and says that at the time of service, he/she was over the age of twenty-one and was not a party to this action.**

Document(s) Served: **The undersigned attempted to serve the following document(s), described as:**

NOTICE OF INTENT TO REVOKE

Attempts: **The following is a list of attempts made to effect service:**

Date/Time/Address Attempted: 01/10/2025 / 0712 / [redacted] NV 89084

Reason for Non-Service: INITIAL SERVICE WAS CONDUCTED AT LISTED ADDRESS. KNOCK AND ANNOUNCE ON FRONT DOOR-NO RESPONSE. VISUAL OBSERVATION INTO THE APARTMENT USING THE WINDOW WITH OPEN BLINDS TO BE VACANT.

Date/Time/Address Attempted: 01/14/2025 / 1321 / LISTED ADDRESS

Reason for Non-Service: DUE TO THE LEASING OFFICE FOR THE PROPERTY OPENS AT 0900 HOURS, A FOLLOW UP WAS CONDUCTED ON THE ABOVE DATE AND TIME. RE-CONFIRMED WITH THE LEASING OFFICE, LISTED APARTMENT TO BE VACANT. IN ADDITION, NO RECORD WAS LISTED FOR THE ABOVE SUBJECT.

Date/Time/Address Attempted:

Reason for Non-Service:

[ ] **Based on the above stated facts, Affiant believes the Defendant is avoiding service.**

UNSWORN DECLARATION: **Per NRS 53.045:**

"I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct."

Printed Name of Deputy: D. NAKAGAWA P#0045 **Signature:** D Nakagawa #5 **Date:** 01/15/2025

EXHIBIT B

HNTC 182

CONSTABLE'S OFFICE of HENDERSON TOWNSHIP
Kenny Taylor, Constable
243 Water Street Henderson, NV 89015
Phone 702-455-7940 Fax 702-455-7942

RUSH!

CIVIL PROCESS FORM

PLEASE COMPLETE THE FOLLOWING INFORMATION ABOUT THE PERSON OR COMPANY WE ARE SERVING:

Type: NOTICE OF INTENT TO REVOKE
Case # C-24-385594-1
Fee Total: 0.00
Court Date: 02-05-2025

NAME & TITLE OF PERSON TO BE SERVED: If a company or corporation please provide the name of the owner, corporate officer, or resident agent.

NAME OR BUSINESS TO BE SERVED:
DARIO SANCHEZ

HOME or BUSINESS ADDRESS (Apt #, Suite #, Zip Code):
[redacted] NV 89048 84 [redacted]

EMPLOYER & EMPLOYER ADDRESS:

BEST TIME TO SERVE @ HOME: _____ A.M. P.M. @WORK _____ A.M. P.M.

PHONE NUMBER OF PERSON TO BE SERVED: HOME _____ WORK _____

DESCRIPTION

RACE _____ SEX ____ HEIGHT _____ WEIGHT _____ HAIR COLOR _____ EYES _____ AGE _____

VEHICLE

YEAR _____ MAKE _____ BODY STYLE _____ COLOR _____ PLATE # _____ STATE _____

OTHER INFORMATION TO HELP US SERVE THE DEFENDANT:

Defendant Info (person to be served)

PLAINTIFF'S DAY PH#: _____ CELL PH#: 775-687-4911

PLAINTIFF'S NAME State of Nevada Commission on Peace Officer Standards & Training

ADDRESS 5587 Wa Pai Shone Ave
Carson City, NV 89701

Plaintiff Info

(DO NOT WRITE BELOW THIS LINE)

DEPUTY ASSIGNED: Nakagawa DATE: 1-7-25

1. DATE: JAN 10 2025 TIME: 0712 LOCATION: LISTED. VACANT

2. DATE: JAN 14 2025 TIME: 1321 LOCATION: CONFIRMED - VACANT.

3. DATE: _____ TIME: _____ LOCATION: UNSERVED

REASON FOR NON-SERVICE: CONFIRMED W/ LEASING OFC. - APT. VACANT.

NEW ADDRESS INFO: - NOT LISTED AS A PRIOR TENANT.

PERSON ACCEPTING PRINT and SIGN _____

Deputy Worksheet

D. NAKAGAWA P#45

State of Nevada – POST

Update – Personnel Action Report (PAR)

Agency Login

Agency Name *
NV Dept of Corrections

Employee Details

POST ID *
15332

First Name *
DARIO

Last Name *
SANCHEZ

Middle Initial
A

Suffix

☐ Name Changed

☐ Address Changed

Level Change

Level Changed *
○ Line ◉ Supervisor ○ Management ○ Executive

*
○ Part Time ◉ Full Time

Status Changed
○ Deceased ○ Retired ◉ Separated

Effective Date *
10/25/2023

NAC 289.290 Notification (Cause for Commission Action)

EXHIBIT C

Pursuant to NAC 289.290(3): "The employing agency shall notify the Commission anytime that it becomes aware that one of its officer's has been charged with a crime that could result in denial, suspension or revocation procedures. Upon receipt of information alleging any of the causes enumerated in subsection 1, the Commission will determine whether to pursue revocation or suspension of the certificate of the officer."

Does the above NAC apply?

○ No ● Yes

Is your agency requesting revocation?

● Yes ○ No

You will need to e-mail an official revocation request to the Chief of Standards for processing.

Comments\Additional Information:

Will be facing charges per Inspector General Office

Submitter Details

Submitter's Full Name *	Submitter's Phone # *	Submitter's E-Mail Address
Gregory Carter	725-216-6418	gcarter@doc.nv.gov

txtFormType

Update PAR

STATE OF NEVADA

COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING

Hereby Awards the

Basic Certificate

To

DARIO A. SANCHEZ

For having fulfilled the requirements for Basic Certification as prescribed by Nevada Revised Statutes.

CATEGORY III

Governor

Executive Director, Commission on Peace Officers' Standards and Training

Presented this 17th day of June 2002

(O) 389

EXHIBIT D

Electronically Filed
8/29/2024 2:51 PM
Steven D. Grierson
CLERK OF THE COURT

INFM

AARON D. FORD
Attorney General
ERICA M. GOLD (Bar No. 8574)
Senior Deputy Attorney General
State of Nevada
Office of the Attorney General
1 State of Nevada Way, Suite #100
Las Vegas, NV 89119
P: (702) 486-3420
F: (702) 486-3768
Egold@ag.nv.gov
Attorney for the State of Nevada

DISTRICT COURT

CLARK COUNTY, STATE OF NEVADA

THE STATE OF NEVADA, Plaintiff, vs. DARIO SANCHEZ, ID# 7140145, a/k/a OROPEZA DARIO ABRAHAM SANCHEZ, Defendant.	Case No.: C-24-385594-1 Dept. No.: III

INFORMATION

AARON D. FORD, Attorney General for the State of Nevada, by and through ERICA M. GOLD, Senior Deputy Attorney General, in the name and by the authority of the State of Nevada, informs the Court that the above-named Defendant, DARIO SANCHEZ, committed the crime of (1) count of OPPRESSION UNDER COLOR OF OFFICE WITH USE OF PHYSICAL FORCE, a category "D" felony, in violation of NRS 197.200(1)(a), NRS 197.200(1)(d), NRS 197.200(2)(a) [NOC 52313].

The acts alleged herein were committed by DARIO SANCHEZ, within the County of Clark, State of Nevada, on or between approximately September 23, 2022 and October 19, 2023, in the following manner:

/ / /

/ / /

/ / /

EXHIBIT E

Case Number: C-24-385594-1

COUNT I
OPPRESSION UNDER COLOR OF OFFICE WITH USE OF PHYSICAL FORCE
Category "D" Felony
NRS 197.200(1)(a), NRS 197.200(1)(d), NRS 197.200(2)(a)

The Defendant, while an officer, unlawfully and maliciously, under pretense or color of official authority, and with use of physical force or the immediate threat of physical force, arrested or detained a person against that person's will, and/or committed an act whereby the person, property, and/or rights of another person were injured, to wit: DARIO SANCHEZ, while a correctional officer employed by the Nevada Department of Corrections ("NDOC"), acting under color of official authority, maliciously and without lawful authority, removed, or had removed, inmate E.M. from her assigned NDOC housing unit and then took her to another area of the prison where he kissed E.M. on her mouth; put his hands and/or arms around her in a hugging motion; and/or grabbed one of her hands and/or used his hand to rub E.M.'s hand(s), all while E.M. was an inmate serving a felony sentence with NDOC at Florence McClure Women's Correctional Center.

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

DATED this 28th day of August, 2024.

SUBMITTED BY:

AARON D. FORD
Attorney General

By: */s/ Erica Gold*
ERICA M. GOLD (Bar No. 8574)
Senior Deputy Attorney General
Attorneys for the State of Nevada

December 19, 2024

UNITED STATES OF AMERICA DISTRICT COURT OF THE EIGHTH JUDICIAL DISTRICT COUNTY OF CLARK STATE OF NEVADA

CERTIFIED COPY
ELECTRONIC SEAL (NRS 1.190(3))

Electronically Filed
9/5/2024 4:33 PM
Steven D. Grierson
CLERK OF THE COURT

GPA
AARON D. FORD
Attorney General
ERICA M. GOLD (Bar No. 8574)
Senior Deputy Attorney General
State of Nevada
Office of the Attorney General
1 State of Nevada Way, Suite #100
Las Vegas, NV 89119
P: (702) 486-3420
F: (702) 486-3768
Egold@ag.nv.gov
Attorney for the State of Nevada

DISTRICT COURT

CLARK COUNTY, STATE OF NEVADA

THE STATE OF NEVADA, Plaintiff, vs. DARIO SANCHEZ, ID# 7140145, a/k/a OROPEZA DARIO ABRAHAM SANCHEZ, Defendant.	Case No.: C-24-385594-1 Dept. No.: III

GUILTY PLEA AGREEMENT

I hereby agree to plead guilty to OPPRESSION UNDER COLOR OF OFFICE WITH USE OF PHYSICAL FORCE, a category "D" felony, in violation of NRS 197.200(1)(a), NRS 197.200(1)(d), NRS 197.200(2)(a) [NOC 52313], as more fully alleged in the Information, attached hereto as Exhibit "1."

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

1. The State will not oppose probation for a fixed term of two (2) years with an underlying sentence of 19-48 months in the Nevada Department of Corrections (NDOC), suspended;
2. I agree to the following special conditions to be ordered as part of any sentence of probation:
   a. I will complete a mental health evaluation with a court-certified evaluator, and follow their recommendations;
   b. I will have no contact with [redacted] and [redacted]; and
   c. I agree to be forever barred from working in Law Enforcement;

EXHIBIT F

Case Number: C-24-385594-1

3. I further agree to forfeit any property seized in connection with this matter; and

4. I understand that the State retains the right to argue for any other lawful terms and conditions of probation after review of the Pre-Sentence Investigation Report.

Furthermore, I agree to waive any defects or infirmities as to this process, my plea, this guilty plea agreement, and/or the form and/or force of the charging document attached as Exhibit "1."

I understand that, pursuant to NRS 176.015(3), victims so desiring will be allowed to make impact statements, if applicable to my case.

I understand and agree that the State's agreement to recommend or stipulate to a particular sentence, to not present argument regarding the sentence, to not oppose a particular sentence, or to not seek punishment as a habitual criminal is contingent upon my conduct between now and sentencing: If I fail to interview with the Division of Parole and Probation ("P & P"); fail to appear at any subsequent hearings in this case; fail to appear at any court-ordered appearances related to this case, prior to sentencing; or a magistrate reviews a declaration of arrest and finds probable cause to believe that I have committed a new criminal offense, including reckless driving or DUI, but excluding minor traffic violations, the State will regain the right to argue for any lawful sentence and term of confinement allowable for the crime to which I am now pleading, including the use of any prior convictions I may have to increase my sentence as a habitual criminal to five (5) to twenty (20) years, life without the possibility of parole, life with the possibility of parole after ten (10) years, or a definite twenty-five (25)-year term with the possibility of parole after ten (10) years, if applicable.

CONSEQUENCES OF THE PLEA

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

I understand that as a consequence of my plea of guilty to the charge of OPPRESSION UNDER COLOR OF OFFICE WITH USE OF PHYSICAL FORCE, a category "D" felony, the Court must sentence me to imprisonment in the state prison for a minimum term of not less than one (1) year and a maximum term of not more than four (4) years. In addition to any other penalty, the court may impose a fine of not more than $5,000, unless a greater fine is authorized or required by statute.

I understand the law requires me to pay one or more Administrative Assessment Fees.

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

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

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

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

I understand that if the offense to which I am pleading guilty was committed while I was incarcerated on another charge or while I was on probation or parole that, pursuant to NRS 176.035(3), any imposed prison sentence in this case must run consecutive to the sentence that I was serving when this incident occurred.

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

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

I understand that the parties will have the opportunity to review a report 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 Attorney General has specifically agreed otherwise, the Attorney General may also comment on this report.

I understand if the offense to which I am pleading guilty was committed while I was incarcerated on another charge or while I was on probation or parole that I am not eligible for credit for time served toward the instant offense, pursuant to NRS 176.055.

I understand that if I am not a United States citizen, this criminal conviction will likely result in serious negative immigration consequences including but not limited to: removal from the United States through deportation; an inability to reenter the United States; the inability to gain United States citizenship or legal residency; an inability to renew and/or retain any legal residency status; and/or 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 an 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 legal resident.

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 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 the appeal is based upon reasonable constitutional, jurisdictional, or other grounds that challenge the legality of the proceedings and except as otherwise provided in subsection 3 of NRS 174.035.

VOLUNTARINESS OF PLEA

I have discussed the elements of all the original charges against me with my attorney and I understand the nature of the charges against me;

I understand the State would have to prove each element of the charges against me at trial;

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

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

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

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

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

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

DATED this 30 day of August, 2024.

DARIO SANCHEZ, Defendant

AGREED TO BY:

/s/ Erica M. Gold
Erica M. Gold
Senior Deputy Attorney General

CERTIFICATE OF DEFENSE COUNSEL

I, the undersigned, as the attorney for DARIO SANCHEZ named herein and as an officer of the court hereby certify that:

1. I have fully explained to DARIO SANCHEZ the allegations contained in the charge to which guilty pleas are being entered;

2. I have advised DARIO SANCHEZ of the penalties for the charge and the restitution/costs/fines that DARIO SANCHEZ may be ordered to pay;

3. I have inquired of DARIO SANCHEZ facts concerning DARIO SANCHEZ's immigration status and explained to DARIO SANCHEZ that if DARIO SANCHEZ is not a United States citizen, any criminal conviction will most likely result in serious negative immigration consequences including but not limited to:

a. The removal from the United States through deportation;

b. An inability to reenter the United States;

c. The inability to gain United States citizenship or legal residency;

d. An inability to renew and/or retain any legal residency status; and/or

e. An indeterminate term of confinement with the United States Federal Government based on his/her conviction and immigration status.

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

4. All pleas of guilty offered by DARIO SANCHEZ pursuant to this agreement are consistent with all the facts known to me, and are made with my advice to DARIO SANCHEZ and are in the best interest of DARIO SANCHEZ; and

5. To the best of my knowledge and belief DARIO SANCHEZ:

a. Is competent and understands the charges and the consequences of pleading guilty as provided in this agreement;

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 of the execution of this agreement.

DATED this 5TH day of September, 2024.

Vilma Nunez

VILMA NUNEZ, ESQ.
Attorney for DARIO SANCHEZ

December 19, 2024



CERTIFIED COPY
ELECTRONIC SEAL (NRS 1.190(3))

EXHIBIT 1

EXHIBIT 1

Electronically Filed
8/29/2024 2:51 PM
Steven D. Grierson
CLERK OF THE COURT

INFM
AARON D. FORD
Attorney General
ERICA M. GOLD (Bar No. 8574)
Senior Deputy Attorney General
State of Nevada
Office of the Attorney General
1 State of Nevada Way, Suite #100
Las Vegas, NV 89119
P: (702) 486-3420
F: (702) 486-3768
Egold@ag.nv.gov
Attorney for the State of Nevada

DISTRICT COURT

CLARK COUNTY, STATE OF NEVADA

THE STATE OF NEVADA, Plaintiff, vs. DARIO SANCHEZ, ID# 7140145, a/k/a OROPEZA DARIO ABRAHAM SANCHEZ, Defendant.	Case No.: C-24-385594-1 Dept. No.: III

INFORMATION

AARON D. FORD, Attorney General for the State of Nevada, by and through ERICA M. GOLD, Senior Deputy Attorney General, in the name and by the authority of the State of Nevada, informs the Court that the above-named Defendant, DARIO SANCHEZ, committed the crime of (1) count of OPPRESSION UNDER COLOR OF OFFICE WITH USE OF PHYSICAL FORCE, a category "D" felony, in violation of NRS 197.200(1)(a), NRS 197.200(1)(d), NRS 197.200(2)(a) [NOC 52313].

The acts alleged herein were committed by DARIO SANCHEZ, within the County of Clark, State of Nevada, on or between approximately September 23, 2022 and October 19, 2023, in the following manner:

///

///

///

COUNT I
OPPRESSION UNDER COLOR OF OFFICE WITH USE OF PHYSICAL FORCE
Category "D" Felony
NRS 197.200(1)(a), NRS 197.200(1)(d), NRS 197.200(2)(a)

The Defendant, while an officer, unlawfully and maliciously, under pretense or color of official authority, and with use of physical force or the immediate threat of physical force, arrested or detained a person against that person's will, and/or committed an act whereby the person, property, and/or rights of another person were injured, to wit: DARIO SANCHEZ, while a correctional officer employed by the Nevada Department of Corrections ("NDOC"), acting under color of official authority, maliciously and without lawful authority, removed, or had removed, inmate E.M. from her assigned NDOC housing unit and then took her to another area of the prison where he kissed E.M. on her mouth; put his hands and/or arms around her in a hugging motion; and/or grabbed one of her hands and/or used his hand to rub E.M.'s hand(s), all while E.M. was an inmate serving a felony sentence with NDOC at Florence McClure Women's Correctional Center.

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

DATED this 28th day of August, 2024.

SUBMITTED BY:

AARON D. FORD
Attorney General

By: */s/ Erica Gold*
ERICA M. GOLD (Bar No. 8574)
Senior Deputy Attorney General
Attorneys for the State of Nevada

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12/16/2024 3:02 PM
CLERK OF THE COURT

JOC

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

DARIO SANCHEZ, aka OROPEZA DARIO ABRAHAM SANCHEZ, #7140145

Defendant.

CASE NO: C-24-385594-1

DEPT NO: III

JUDGMENT OF CONVICTION

(PLEA OF GUILTY)

The Defendant previously appeared before the Court with counsel and entered a plea of guilty to the crime of OPPRESSION UNDER COLOR OF OFFICE WITH USE OF PHYSICAL FORCE (Category D Felony), in violation of NRS 197.200(1)(a), 197.200(1)(d), 197.200(2)(a); thereafter, on the 11th day of December, 2024, the Defendant was present in court for sentencing with counsel, CRAIG HENDRICKS, ESQ., and good cause appearing,

THE DEFENDANT WAS HEREBY ADJUDGED guilty of said offense and, in addition to the $25.00 Administrative Assessment fee, a $150.00 DNA Analysis fee including testing to determine genetic markers, and $3.00 DNA Collection fee, Defendant SENTENCED to a MINIMUM of NINETEEN (19) MONTHS and a MAXIMUM of FORTY-EIGHT (48) MONTHS in the Nevada Department of Corrections (NDC), SUSPENDED; placed on PROBATION for a FIXED period of TWENTY-FOUR (24) MONTHS with the following CONDITIONS:

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EXHIBIT G

STANDARD TERMS AND 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.

SPECIAL CONDITIONS:

1. Maintain employment, if not employed, provide proof of employment search to Parole and Probation.

2. Defendant to have NO CONTACT, either directly or indirectly (social media, telephone, or 3rd party) with the victims, E.M. and K.H.

3. Undergo a mental health evaluation and complete any counseling that Parole and Probation deems appropriate based upon such evaluation.

4. Undergo an impulse control evaluation and complete any counseling that Parole and Probation deems appropriate based upon such evaluation.

5. No possession or use of drugs while on probation, unless prescribed by a physician. Provide proof of a prescription to Parole and Probation.

6. No possession of weapons.

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7. Pursuant to negotiations, Defendant is prohibited from applying for any law enforcement positions.

Court noted Defendant had ONE (1) DAY credit for time served and FURTHER ORDERED, Defendant to report to the Department of Parole and Probation (P&P) within 48 hours of sentencing. BOND, if any, EXONERATED.

December 19, 2024

Dated this 16th day of December, 2024

UNITED STATES OF AMERICA
DISTRICT COURT
OF THE
EIGHTH
JUDICIAL
DISTRICT
COUNTY OF CLARK
STATE OF NEVADA

6BF 27F EFEF 1042
Monica Trujillo
District Court Judge

CERTIFIED COPY
ELECTRONIC SEAL (NRS 1.190(3))

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

State of Nevada	CASE NO: C-24-385594-1
vs	DEPT. NO. Department 3
OROPEZA DARIO SANCHEZ	

AUTOMATED CERTIFICATE OF SERVICE

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

Service Date: 12/16/2024

R Holm	rholm@ag.nv.gov
C Ross	CRoss@ag.nv.gov
Marcie Burris	mburris@ag.nv.gov
Erica Gold	egold@ag.nv.gov
Tiffany DiBari	tdibari@ag.nv.gov
District Attorney	motions@clarkcountydanv.gov
Cynthia Walker	cwalker@thedefenders.net
Lisa Whalen	lwhalen@thedefenders.net
Camila Reingruber	creingruber@ag.nv.gov

16. DISCUSSION AND FOR POSSIBLE ACTION.

Hearing pursuant to NAC 289.290(1)(g) on the revocation of Andrew L. Trujillo's (formerly employed with the Nevada Department of Corrections) Category III basic certificate based on a conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a felony. The conviction(s) which have led to this action are:

Count I: OPPRESSION UNDER COLOR OF OFFICE WITH USE OF PHYSICAL FORCE (a Category D Felony), in violation of NRS 197.200(1)(a), NRS 197.200(1)(d), NRS 197.200(2)(a), NOC 52313

Action will be revocation of the Category III basic certificate.

STATE OF NEVADA
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
5587 Wa Pai Shone Avenue
Carson City, Nevada 89701
(775) 687-7678 FAX (775) 687-4911

JOE LOMBARDO
Governor

MICHAEL D. SHERLOCK
Executive Director

NOTICE OF INTENT TO REVOKE

January 7, 2025

Andrew L. Trujillo
[redacted]

POST PIN #: 12038

Dear Mr. Trujillo,

Based upon documentation received by the Nevada Peace Officer Standards and Training Commission (the Commission) and in accordance with Nevada Administrative Code 289.290 and Nevada Revised Statute 241.033, you are hereby notified that the Commission has initiated action to revoke your Nevada peace officer certificate(s) that authorizes the holder to be employed as a peace officer in the state of Nevada.

I have included a copy of Nevada Administrative Code 289.290 for your convenience.

The Commission's regulations provide that a person's peace officer certificate(s) will be revoked pursuant to **NAC 289.290(1)(g) based on a Conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a felony.** The conviction(s) which have led to this action are as follows:

Count I: OPPRESSION UNDER COLOR OF OFFICE WITH USE OF PHYSICAL FORCE, in violation of NRS 197.200(1)(a), NRS 197.200(1)(d), NRS 197.200(2)(a), NOC 52313, a category "D" Felony
Case#: C-24-386012-1
Dept No: XXXII
Jurisdiction: DISTRICT COURT, CLARK COUNTY, STATE OF NEVADA

You have the right to appear before the Commission to contest the revocation of your Nevada peace officer certificate(s) by providing written notice to the Commission within fifteen (15) days of the date of the hearing.

If you choose to appeal and answer the charges against you, the Commission may elect to sit as a whole or designate an independent hearing officer to hear the matter and make recommendations in writing to the Commission. You will be given the opportunity to present evidence and cross-examine witnesses as applicable. If you wish, you may be represented by an attorney; however, this would be at your own expense. **If you or your counsel have any written arguments you would like to present to the Commission, you can send that information to me no less than ten (10) days prior to the date of the hearing.**

EXHIBIT A

Written requests can be made to:

Nevada Commission on Peace Officer Standards and Training
ATTN: Director Sherlock
5587 Wa Pai Shone Ave.
Carson City, NV 89701

The Commission will determine whether your Nevada peace officer certification(s) should be revoked at the meeting listed below:

Date: FEBRUARY 5, 2025
Time: 1:00 P.M.
Location: POST ADMINISTRATION BUILDING, CLASSROOM 2, 5587 WA PAI SHONE AVE., CARSON CITY, NV 89701

The hearing will cover the following: the revocation of your P.O.S.T certificate(s) pursuant to **NAC 289.290(1)(g) based on a Conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a felony.**

You will be notified of the Commission's decision within 15 days after this hearing, or as soon thereafter as is practicable.

If you need additional information concerning this matter, contact Chief Kathy Floyd at (775) 687-7678, ext. 3335.

Sincerely,

Kathy Floyd
Chief of Standards Division
Nevada Commission on Peace
Officer Standards and Training

cc: Senior Deputy Attorney General Geordan Goebel
File

STATE OF NEVADA

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

5587 Wa Pai Shone Avenue
CARSON CITY, NEVADA 89701
(775) 687-7678 FAX (775) 687-4911

JOE LOMBARDO
Governor

MICHAEL D. SHERLOCK
Executive Director

DECLARATION OF SERVICE

I, D. NAKAGAWA P# 45, served the foregoing **Notice of Intent to Revoke**
Print name of the person serving this document

To Individual's Name: **ANDREW L. TRUJILLO**

at [redacted] NV 89129 on this
(location)

10 day of JANUARY, 2025.
Day *Month* *Year*

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

Executed on this 10 day of JANUARY, 2025.
Day *Month* *Year*

D. Nakagawa 45
Signature of person serving the Notice

D. NAKAGAWA # 45
Printed name of person serving the Notice

RETURN THE SIGNED ORIGINAL OF THIS FORM TO POST WITHIN 15 DAYS*

EXHIBIT B

State of Nevada - POST
UPDATE - Personnel Action Report (PAR)

Post ID Number: 12038

Last Name: Trujillo **First Name:** Andrew

MI: L **Suffix:**

☐ **Name Change?**

Last Name: Trujillo First Name: Andrew

MI: L Suffix:

☐ **Address Change?**

Street Address: [redacted]

City: [redacted] State: NV Zip Code: [redacted]

County: Clark E-Mail:

Level Change? O Line O Supervisor O Management O Executive

O Part Time O Full Time

Status Change? O Deceased O Retired ◉ Separated

NAC289.290 Notification (Cause For Commission Action)

Pursuant to NAC 289.290(3) "The employing agency shall notify the Commission any time that it becomes aware that one of its officers has been charged with a crime that could result in denial, suspension or revocation procedures. Upon receipt of information alleging any of the causes enumerated in subsection 1, the Commission will determine whether to pursue revocation or suspension of the certificate of the officer."

Does the above NAC apply? ◉ No O Yes

If you selected YES, ensure it is correct and provide details in the Comment field.

Comments\Additional Information:

Effective Date: 06/09/2023

Submitters Name: Gregory Carter

Submitters Phone: (725) 216-6418

Submitters E-Mail: gcarter@doc.nv.gov

POST Update PAR form
Revised 01/01/2016

Submission number: 269715

EXHIBIT C

STATE OF NEVADA

COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING

Hereby Awards the

Basic Certificate

To

ANDREW L. TRUJILLO

For having fulfilled the requirements for Basic Certification as prescribed by Nevada Revised Statutes.

CATEGORY III

Governor

Executive Director, Commission on Peace Officers' Standards and Training

Presented this 17th day of June , 2002

(O) 389

EXHIBIT D

Electronically Filed
9/18/2024 2:20 PM
Steven D. Grierson
CLERK OF THE COURT

INFM
AARON D. FORD
Attorney General
ERICA M. GOLD (Bar No. 8574)
Senior Deputy Attorney General
State of Nevada
Office of the Attorney General
1 State of Nevada Way, Suite #100
Las Vegas, NV 89119
P: (702) 486-3420
F: (702) 486-3768
Egold@ag.nv.gov
Attorney for the State of Nevada

DISTRICT COURT

CLARK COUNTY, STATE OF NEVADA

THE STATE OF NEVADA, Plaintiff, vs. ANDREW TRUJILLO, ID# 1044617, Defendant.	Case No.: C-24-386012-1 Dept. No.: XXXII

INFORMATION

AARON D. FORD, Attorney General for the State of Nevada, by and through ERICA M. GOLD, Senior Deputy Attorney General, in the name and by the authority of the State of Nevada, informs the Court that the above-named Defendant, ANDREW TRUJILLO, committed the crime of (1) count of OPPRESSION UNDER COLOR OF OFFICE WITH USE OF PHYSICAL FORCE, a category "D" felony, in violation of NRS 197.200(1)(a), NRS 197.200(1)(d), NRS 197.200(2)(a) [NOC 52313].

The acts alleged herein were committed by ANDREW TRUJILLO, within the County of Clark, State of Nevada, on or between approximately December 2, 2022 and May 12, 2023, in the following manner:

/ / /

/ / /

/ / /

EXHIBIT E

Case Number: C-24-386012-1

COUNT I
OPPRESSION UNDER COLOR OF OFFICE WITH USE OF PHYSICAL FORCE
Category "D" Felony
NRS 197.200(1)(a), NRS 197.200(1)(d), NRS 197.200(2)(a)

The Defendant, while an officer, unlawfully and maliciously, under pretense or color of official authority, and with use of physical force or the immediate threat of physical force, arrested or detained a person against that person's will, and/or committed an act whereby the person, property, and/or rights of another person were injured, to wit: ANDREW TRUJILLO, while a correctional officer employed by the Nevada Department of Corrections ("NDOC"), acting under color of official authority, maliciously and without lawful authority, groped the unclothed breasts of L.C., and/or put his lips on the mouth of L.C., and/or did grope L.C.'s clothed and/or unclothed buttock(s), all while L.C. was an inmate serving a felony sentence with NDOC at Florence McClure Women's Correctional Center.

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

DATED this 18th day of September, 2024.

SUBMITTED BY:

AARON D. FORD
Attorney General

By: */s/ Erica Gold*
ERICA M. GOLD (Bar No. 8574)
Senior Deputy Attorney General
Attorneys for the State of Nevada

January 7, 2025

UNITED STATES OF AMERICA DISTRICT COURT OF THE EIGHTH JUDICIAL DISTRICT COUNTY OF CLARK STATE OF NEVADA

CERTIFIED COPY
ELECTRONIC SEAL (NRS 1.190(3))

Electronically Filed
9/25/2024 11:18 AM
Steven D. Grierson
CLERK OF THE COURT

GPA
AARON D. FORD
Attorney General
ERICA M. GOLD (Bar No. 8574)
Senior Deputy Attorney General
State of Nevada
Office of the Attorney General
1 State of Nevada Way, Suite #100
Las Vegas, NV 89119
P: (702) 486-3420
F: (702) 486-3768
Egold@ag.nv.gov
Attorney for the State of Nevada

DISTRICT COURT

CLARK COUNTY, STATE OF NEVADA

THE STATE OF NEVADA, Plaintiff, vs. ANDREW TRUJILLO, ID# 1044617, Defendant.	Case No.: C-24-386012-1 Dept. No.: XXXII

GUILTY PLEA AGREEMENT

I hereby agree to plead guilty to OPPRESSION UNDER COLOR OF OFFICE WITH USE OF PHYSICAL FORCE, a category "D" felony, in violation of NRS 197.200(1)(a), NRS 197.200(1)(d), NRS 197.200(2)(a) [NOC 52313], as more fully alleged in the Information, attached hereto as Exhibit "1."

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

1. The State will not oppose probation for a fixed term of two (2) years with an underlying sentence of 19-48 months in the Nevada Department of Corrections (NDOC), suspended;
2. I agree to the following special conditions to be ordered as part of any sentence of probation:
   a. I will complete a mental health evaluation with a court-certified evaluator, and follow their recommendations;
   b. I will have no contact with [redacted]
   c. I will have no contact with any inmate housed at a Nevada Department

EXHIBIT F

Case Number: C-24-386012-1

of Corrections facility; and

d. I agree to be forever barred from working in Law Enforcement;

3. I further agree to forfeit any property seized in connection with this matter; and

4. I understand that the State retains the right to argue for any other lawful terms and conditions of probation after review of the Pre-Sentence Investigation Report.

Furthermore, I agree to waive any defects or infirmities as to this process, my plea, this guilty plea agreement, and/or the form and/or force of the charging document attached as Exhibit "1."

I understand that, pursuant to NRS 176.015(3), victims so desiring will be allowed to make impact statements, if applicable to my case.

I understand and agree that the State's agreement to recommend or stipulate to a particular sentence, to not present argument regarding the sentence, to not oppose a particular sentence, or to not seek punishment as a habitual criminal is contingent upon my conduct between now and sentencing: If I fail to interview with the Division of Parole and Probation ("P & P"); fail to appear at any subsequent hearings in this case; fail to appear at any court-ordered appearances related to this case, prior to sentencing; or a magistrate reviews a declaration of arrest and finds probable cause to believe that I have committed a new criminal offense, including reckless driving or DUI, but excluding minor traffic violations, the State will regain the right to argue for any lawful sentence and term of confinement allowable for the crime to which I am now pleading, including the use of any prior convictions I may have to increase my sentence as a habitual criminal to five (5) to twenty (20) years, life without the possibility of parole, life with the possibility of parole after ten (10) years, or a definite twenty-five (25)-year term with the possibility of parole after ten (10) years, if applicable.

CONSEQUENCES OF THE PLEA

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

I understand that as a consequence of my plea of guilty to the charge of OPPRESSION UNDER COLOR OF OFFICE WITH USE OF PHYSICAL FORCE, a category "D" felony, the Court must sentence me to imprisonment in the state prison for a minimum term of not less than one (1) year and a maximum term of not more than four (4) years. In addition to any other penalty, the court may impose a

fine of not more than $5,000, unless a greater fine is authorized or required by statute.

I understand the law requires me to pay one or more Administrative Assessment Fees.

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

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

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

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

I understand that if the offense to which I am pleading guilty was committed while I was incarcerated on another charge or while I was on probation or parole that, pursuant to NRS 176.035(3), any imposed prison sentence in this case must run consecutive to the sentence that I was serving when this incident occurred.

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

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

I understand that the parties will have the opportunity to review a report 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 Attorney General has specifically agreed otherwise, the Attorney General may also comment on this report.

I understand if the offense to which I am pleading guilty was committed while I was incarcerated on another charge or while I was on probation or parole that I am not eligible for credit for time served toward the instant offense, pursuant to NRS 176.055.

I understand that if I am not a United States citizen, this criminal conviction will likely result in serious negative immigration consequences including but not limited to: removal from the United States through deportation; an inability to reenter the United States; the inability to gain United States citizenship or legal residency; an inability to renew and/or retain any legal residency status; and/or 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 an 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 legal resident.

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 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 the appeal is based upon reasonable constitutional, jurisdictional, or other grounds that challenge the legality of the proceedings and except as otherwise provided in subsection 3 of NRS 174.035.

VOLUNTARINESS OF PLEA

I have discussed the elements of all the original charges against me with my attorney and I understand the nature of the charges against me;

I understand the State would have to prove each element of the charges against me at trial;

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

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

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

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

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

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

DATED this 25 day of September, 2024.

ANDREW TRUJILLO, Defendant

AGREED TO BY:

/s/ Erica M. Gold
Erica M. Gold
Senior Deputy Attorney General

CERTIFICATE OF DEFENSE COUNSEL

I, the undersigned, as the attorney for ANDREW TRUJILLO named herein and as an officer of the court hereby certify that:

1. I have fully explained to ANDREW TRUJILLO the allegations contained in the charge to which guilty pleas are being entered;

2. I have advised ANDREW TRUJILLO of the penalties for the charge and the restitution/costs/fines that ANDREW TRUJILLO may be ordered to pay;

3. I have inquired of ANDREW TRUJILLO facts concerning ANDREW TRUJILLO's immigration status and explained to ANDREW TRUJILLO that if ANDREW TRUJILLO is not a United States citizen, any criminal conviction will most likely result in serious negative immigration consequences including but not limited to:

a. The removal from the United States through deportation;

b. An inability to reenter the United States;

c. The inability to gain United States citizenship or legal residency;

d. An inability to renew and/or retain any legal residency status; and/or

e. An indeterminate term of confinement with the United States Federal Government based on his/her conviction and immigration status.

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

4. All pleas of guilty offered by ANDREW TRUJILLO pursuant to this agreement are consistent with all the facts known to me, and are made with my advice to ANDREW TRUJILLO and are in the best interest of ANDREW TRUJILLO; and

5. To the best of my knowledge and belief ANDREW TRUJILLO:

a. Is competent and understands the charges and the consequences of pleading guilty as provided in this agreement;

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 of the execution of this agreement.

DATED this 24 ~~day~~ of September, 2024.

ROBERT BECKETT, ESQ.
Attorney for ANDREW TRUJILLO

EXHIBIT 1

EXHIBIT 1

Electronically Filed
9/18/2024 2:20 PM
Steven D. Grierson
CLERK OF THE COURT

INFM
AARON D. FORD
Attorney General
ERICA M. GOLD (Bar No. 8574)
Senior Deputy Attorney General
State of Nevada
Office of the Attorney General
1 State of Nevada Way, Suite #100
Las Vegas, NV 89119
P: (702) 486-3420
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Egold@ag.nv.gov
Attorney for the State of Nevada

DISTRICT COURT

CLARK COUNTY, STATE OF NEVADA

THE STATE OF NEVADA, Plaintiff, vs. ANDREW TRUJILLO, ID# 1044617, Defendant.	Case No.: C-24-386012-1 Dept. No.: XXXII

INFORMATION

AARON D. FORD, Attorney General for the State of Nevada, by and through ERICA M. GOLD, Senior Deputy Attorney General, in the name and by the authority of the State of Nevada, informs the Court that the above-named Defendant, ANDREW TRUJILLO, committed the crime of (1) count of OPPRESSION UNDER COLOR OF OFFICE WITH USE OF PHYSICAL FORCE, a category "D" felony, in violation of NRS 197.200(1)(a), NRS 197.200(1)(d), NRS 197.200(2)(a) [NOC 52313].

The acts alleged herein were committed by ANDREW TRUJILLO, within the County of Clark, State of Nevada, on or between approximately December 2, 2022 and May 12, 2023, in the following manner:

///

///

///

COUNT I
OPPRESSION UNDER COLOR OF OFFICE WITH USE OF PHYSICAL FORCE
Category "D" Felony
NRS 197.200(1)(a), NRS 197.200(1)(d), NRS 197.200(2)(a)

The Defendant, while an officer, unlawfully and maliciously, under pretense or color of official authority, and with use of physical force or the immediate threat of physical force, arrested or detained a person against that person's will, and/or committed an act whereby the person, property, and/or rights of another person were injured, to wit: ANDREW TRUJILLO, while a correctional officer employed by the Nevada Department of Corrections ("NDOC"), acting under color of official authority, maliciously and without lawful authority, groped the unclothed breasts of L.C., and/or put his lips on the mouth of L.C., and/or did grope L.C.'s clothed and/or unclothed buttock(s), all while L.C. was an inmate serving a felony sentence with NDOC at Florence McClure Women's Correctional Center.

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

DATED this 18th day of September, 2024.

SUBMITTED BY:

AARON D. FORD
Attorney General

By: */s/ Erica Gold*
ERICA M. GOLD (Bar No. 8574)
Senior Deputy Attorney General
Attorneys for the State of Nevada

January 7, 2025

UNITED STATES OF AMERICA DISTRICT COURT OF THE EIGHTH JUDICIAL DISTRICT COUNTY OF CLARK STATE OF NEVADA

CERTIFIED COPY
ELECTRONIC SEAL (NRS 1.190(3))

Electronically Filed
12/24/2024 8:12 AM
CLERK OF THE COURT

JOC

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

ANDREW TRUJILLO,,

1044617,

Defendant.

CASE NO: C-24-386012-1

DEPT NO: XXXII

JUDGMENT OF CONVICTION

(PLEA OF GUILTY)

The defendant previously appeared before the Court with counsel and entered a plea of guilty to the crime(s) of OPPRESSION UNDER COLOR OF OFFICE WITH USE OF PHYSICAL FORCE (Category D Felony), in violation of NRS 197.200(1)(a), NRS 197.200(1)(d), NRS 197.200(2)(a); thereafter, on the 19th day of December, 2024, the defendant was present in court for sentencing with counsel, Robert S. Beckett, Esq., and good cause appearing,

THE DEFENDANT WAS HEREBY ADJUDGED guilty of said offense(s) and, COURT ORDERED, in addition to the $25.00 Administrative Assessment Fee, a $150.00 DNA Analysis fee including testing to determine genetic markers, and a $3.00 DNA Collection fee, Deft. SENTENCED to a MINIMUM of NINETEEN (19) MONTHS and a MAXIMUM of FORTY-EIGHT (48) MONTHS in the Nevada Department of Corrections, SENTENCE SUSPENDED; placed on PROBATION for FIXED TWO (2) YEARS, with TWO (2) DAYS credit for time served, under the following STANDARD CONDITIONS:

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EXHIBIT G

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.

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, place of residence, vehicles, 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 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.

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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.

In addition to the standard conditions the following SPECIAL CONDITIONS are IMPOSED:

1. Deft. is to undergo a mental health evaluation, within the first 90 days of probation, and complete any treatment recommended by P&P, and provide proof to P&P.

2. No contact with [redacted] or any inmate at any Nevada Department of Corrections (NDC) facility in Nevada.

3. During the pendency of probation, Deft. may not work in Law Enforcement.

4. 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.

COURT FURTHER ORDERED, NO restitution imposed. COURT DIRECTED, Deft. to report to P&P within 24-48 hours.

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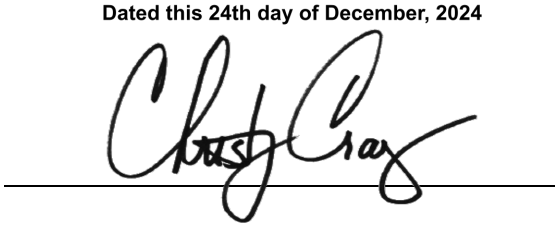
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COURT FURTHER ORDERED, Deft. to be REMOVED from PCU LEVEL 2.

BOND, if any, EXONERATED.

Dated this 24th day of December, 2024



02F AD9 2833 D44F
Christy Craig
District Court Judge

January 7, 2025



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CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

State of Nevada	CASE NO: C-24-386012-1
vs	DEPT. NO. Department 32
Andrew Trujillo	

AUTOMATED CERTIFICATE OF SERVICE

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

Service Date: 12/24/2024

R Holm	rholm@ag.nv.gov
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17. <u>PUBLIC COMMENT</u>

The Commission may not take action on any matter considered under this item until the matter is specifically included on an agenda as an action item.

18. <u>DISCUSSION AND FOR POSSIBLE ACTION.</u>
Schedule upcoming Commission Meeting – May/Carson City

19. <u>DISCUSSION AND FOR POSSIBLE ACTION</u>.
Adjournment.