



PUBLIC HEARING AND POST COMMISSION MEETING
THURSDAY, FEBRUARY 12, 2026
1:00 P.M.

CASABLANCA HOTEL/CASINO, STARDUST/FLAMINGO ROOM
950 W. MESQUITE BLVD.
MESQUITE, NV 89027

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

Posted: JANUARY 6, 2026

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Adoption of Regulations of the Commission on Peace Officer Standards and Training as proposed in LCB File No. R081-25

DATE AND TIME: THURSDAY, FEBRUARY 12, 2026, 1:00 P.M.

LOCATION: CASABLANCA HOTEL AND CASINO, STARDUST/FLAMINGO ROOM, 950 W. MESQUITE BLVD., MESQUITE, NV 89027

The purpose of the hearing is to receive comments from all interested persons regarding the adoption, amendment and/or repeal of regulations that pertain to Chapter 289 of the Nevada Administrative Code (NAC).

The following information is provided pursuant to the requirements of NRS 233B.0603.

1. The need for and purpose of the proposed amendment.

Existing law requires the Peace Officer Standards and Training Commission to adopt regulations establishing minimum standards for the certification, decertification, recruitment, selection and training of peace officers. (NRS 289.510)

The 83rd session of the Nevada Legislature enacted legislation to add a new topic to the continuing education requirement listed under NRS 289.510. The additional topic is "Interactions with persons with developmental disabilities which may include, without limitation, training on recognizing and responding to persons with an autism spectrum disorder". (NRS 289.510, as amended by section 2 of Senate Bill No. 380).

This regulation makes the corresponding change to the continuing education requirements of the Commission.

2. For a proposed temporary regulation, the terms, or the substance of the regulation to be adopted, amended or repealed, or a description of the subjects and issues involved.

This is a permanent regulation.

3. For a proposed permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation.

The proposed regulation text may be obtained by going to the Register of Administrative Regulations for 2025 and clicking the link: <https://www.leg.state.nv.us/Register/2025Register/R081-25P.pdf>, by contacting Chief Kathy Floyd at kfloyd@post.state.nv.us or by telephone at 775-687-7678, ext. 3335 or going to the Nevada Commission on POST website at <https://post.nv.gov>.

4. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and, in each case, must include:

(a) Both adverse and beneficial effects; and

- (1) Adverse effects: There will be no adverse economic effect.
- (2) Beneficial effects: There will be no beneficial economic effect.

(b) Both immediate and long-term effects:

- (1) The immediate effects: There will be no immediate economic effect.
- (2) The long-term effects: There will be no long-term effect.

5. The methods used by the agency in determining the impact on a small business.

The Commission on POST has reviewed the text of the proposed regulations. Because the proposed regulation amends Nevada Administrative Code Chapter 289, dealing with certification of peace officers, the proposed amendments to NAC Chapter 289 will have no impact on small business.

6. The estimated cost to the agency for enforcement of the proposed regulation.

None

7. A description of and citation to any regulations of other states or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

The proposed regulation does not overlap or duplicate any regulations of state, local or federal governmental agency regulating the same activity.

8. If the regulation is required pursuant to federal law, a citation and description of the federal law.

The proposed regulation is not required by federal law.

9. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provision.

There are no federal regulations that regulate the same activity.

10. Whether the proposed regulation establishes a new fee or increases an existing fee.

This regulation does not involve or establish fees.

11. For a temporary regulation, each address at which the text of the regulation may be inspected and copied.

N/A

Persons wishing to comment upon the proposed action of the Commission on Peace Officer Standards and Training (Commission on POST) may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to Michael D. Sherlock, Executive Director, Commission on POST, 5587 Wa Pai Shone Avenue, Carson City, Nevada 89701. **Written submissions must be received by the Commission on POST on or before 5:00 pm on January 29, 2026.** If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission on POST may proceed immediately to act upon any written submissions.

This Notice of Intent to Act Upon Regulations and the proposed regulation will be on file at the State Library, Archives and Public Records Administrator, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the notice and regulations to be adopted, amended or repealed will be available at the Commission on POST Administrative Offices, 5587 Wa Pai Shone Avenue, Carson City, 89701 for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://leg.state.nv.us>, the POST web site at <http://post.nv.gov> and the State of Nevada Department of Administration website at <https://notice.nv.gov>.

Copies of this notice and the proposed regulation will also be mailed to members of the public at no charge upon request.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

The Notice of Intent to Act Upon Regulations and the proposed regulation have been sent to all criminal justice agencies on the Commission on POST Listserv list and posted at the following locations:

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NOTE: We are pleased to make reasonable accommodations for members of the public with disabilities who wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Commission on POST, in writing, at 5587 Wa Pai Shone Avenue, Carson City, Nevada 89701, or call Chief Kathy Floyd at (775) 687-7678, Extension 3335, no later than five working days prior to the meeting.

**SEE ATTACHED COPIES OF THE PROPOSED
REGULATIONS**

**PROPOSED REGULATION OF THE PEACE OFFICERS’
STANDARDS AND TRAINING COMMISSION**

LCB File No. R081-25

November 17, 2025

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: § 1, NRS 289.510, as amended by section 2 of Senate Bill No. 380, chapter 389, Statutes of Nevada 2025, at page 2592, and NRS 289.605, as amended by section 3 of Senate Bill No. 380, chapter 389, Statutes of Nevada 2025, at page 2594.

A REGULATION relating to peace officers; requiring that a course of continuing education include training on interactions with persons with developmental disabilities; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing law, the Peace Officers’ Standards and Training Commission is required to adopt regulations requiring all peace officers annually to complete courses of continuing education on various topics. The 83rd Session of the Nevada Legislature enacted legislation to require an additional continuing education topic of interactions with persons with developmental disabilities. (NRS 289.510, as amended by section 2 of Senate Bill No. 380, chapter 389, Statutes of Nevada 2025 at page 2592, and NRS 289.605, as amended by section 3 of Senate Bill No. 380, chapter 389, Statutes of Nevada 2025, at page 2594) This regulation makes a corresponding change to the continuing education requirements of the Commission.

Section 1. NAC 289.230 is hereby amended to read as follows:

289.230 1. Except as otherwise provided in subsections 7 and 8, to maintain a basic certificate or reserve certificate, the officer must annually:

- (a) Satisfy the requirements of subsection 5; and
- (b) Complete not less than 12 hours of continuing education in courses that address:
 - (1) Racial profiling;
 - (2) Mental health, including, without limitation, crisis intervention;

- (3) The well-being of officers;
- (4) Implicit bias recognition;
- (5) De-escalation;
- (6) Human trafficking; ~~and~~
- (7) Firearms ~~and~~; and

(8) Interactions with persons with developmental disabilities which may include, without limitation, training on recognizing and responding to persons with an autism spectrum disorder.

2. The employing agency shall ensure that its officers comply with the requirements of subsection 1. The employing agency shall notify each officer of the requirements of this section and the penalties set forth in subsection 4 for failure to comply with this section. After an officer completes the requirements of subsection 1, the employing agency shall submit to the Executive Director by any means approved by the Executive Director verification that the officer has completed those requirements. Verification must be submitted on or before December 31 of the year in which the officer was required to complete the requirements of subsection 1.

3. If the Executive Director has not received verification that an officer has completed the requirements of subsection 1 on or before December 31 of the year in which the officer was required to complete those requirements, the Executive Director shall notify the administrator of the employing agency that he or she has not received the verification required by subsection 2 and that if the verification is not received on or before March 1 following the year in which the officer was required to complete the requirements, the Executive Director will place the administrator on the agenda for the next scheduled meeting of the Commission to explain the delay in the submission of the verification. If the Executive Director has not received verification

that an officer has completed the requirements of subsection 1 on or before March 1 following the year in which the officer was required to complete the requirements, the Executive Director shall place the administrator of the employing agency on the agenda for the next scheduled meeting of the Commission.

4. Upon the request of the Commission or its designee, the employing agency shall make available for inspection the records of all officers to verify that they have complied with the requirements of subsection 1. The Commission will notify each officer and his or her employing agency of any noncompliance. The Commission will suspend the certificate of any officer who does not complete the requirements of subsection 1 within 60 days after the date on which he or she received the notice of noncompliance. The Executive Director may temporarily reinstate the suspended certificate of an officer upon receiving documentation from the officer which demonstrates that he or she has complied with the requirements of subsection 1. The temporary reinstatement of the suspended certificate is effective upon the Executive Director's approval of the temporary reinstatement and expires on the date on which the Commission determines whether to reinstate the certificate. The Commission will reinstate the suspended certificate or temporarily reinstated certificate of an officer upon receiving documentation from the officer which demonstrates that he or she has complied with the requirements of subsection 1.

5. Except as otherwise provided in subsections 7 and 8, in addition to completing the continuing education required pursuant to subsection 1, an officer must:

(a) If the officer is authorized to use a firearm, at least biannually demonstrate a minimum level of proficiency in the use of each type of firearm he or she is authorized to use. An officer who does not demonstrate a minimum level of proficiency with the use of any type of firearm he or she is authorized to use may not carry or use that type of firearm until he or she participates in

a remedial course established by the employing agency to ensure that the officer achieves and maintains a satisfactory level of proficiency.

(b) If the officer is authorized to use an impact weapon, chemical weapon, electronic incapacitating device or other less than lethal weapon, at least annually demonstrate a minimum level of proficiency in the use of each such weapon or device he or she is authorized to use. An officer who does not demonstrate a minimum level of proficiency with the use of any such weapon may not carry or use that weapon until the officer participates in a remedial course established by the employing agency to ensure that the officer achieves and maintains a satisfactory level of proficiency.

(c) If the duties of an officer require him or her to use arrest and control tactics, demonstrate annually a minimum level of proficiency in the use of arrest and control tactics, including, without limitation, techniques related to applying handcuffs, taking down suspects, self-defense and retention of weapons.

(d) If the employing agency of the officer authorizes the use of a carotid restraint or lateral vascular neck restraint, demonstrate annually a minimum level of proficiency in those techniques.

(e) Review annually each policy of the employing agency which addresses the use of force in any situation in which the agency or the officer may become involved.

6. Each employing agency shall establish and provide the courses set forth in subsection 5 to its officers and establish the minimum level of proficiency that an officer must demonstrate in each course.

7. An officer:

(a) Who voluntarily leaves his or her employment as a peace officer for at least 4 consecutive months but not more than 60 consecutive months;

(b) Whose employment as a peace officer is terminated for any reason for at least 4 consecutive months but not more than 60 consecutive months;

(c) Who, during a period of continuous employment as a peace officer, is absent from his or her duties as a peace officer because of medical leave, military leave or other approved leave for at least 4 consecutive months; or

(d) Who is hired, rehired or reinstated on or after July 1 of a reporting year,
➔ must satisfy the requirements of paragraphs (b) to (e), inclusive, of subsection 5 and demonstrate a minimum level of proficiency in the use of each type of firearm he or she is authorized to use before commencing or resuming his or her duties as a peace officer.

8. An officer who instructs a course pursuant to subsection 5 is not required to comply with the requirements of subsection 5 to which the instruction applies if the officer:

(a) Instructs a course in the subject for which the officer is qualified and approved by the administrator of the officer's agency during each calendar year;

(b) Participates at least once every 3 years in a course of training for instructors that is approved by the Executive Director; and

(c) Demonstrates to the Commission or its designee at least once every 3 years proficiency in the subject that he or she instructs.

9. Each agency shall maintain documentation of the courses provided pursuant to subsection 5. Such documentation must include, without limitation, the qualifications of each instructor who provides training, a description of the training provided and a list on a form that has been approved by the Executive Director of each officer who completes the training.



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JOE LOMBARDO
Governor

MICHAEL D. SHERLOCK
Executive Director

NOTICE AND AGENDA OF PUBLIC HEARING AND PUBLIC MEETING

DATE AND TIME: THURSDAY, FEBRUARY 12, 2026, 1:00 P.M.

LOCATION: CASABLANCA HOTEL AND CASINO, STARDUST/FLAMINGO ROOM, 950 W. MESQUITE BLVD., MESQUITE, NV 89027

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. Call to Order

II. Roll Call of Commission Members

III. PUBLIC HEARING

THE PURPOSE OF THIS HEARING IS TO SOLICIT COMMENTS FROM INTERESTED PERSONS ON THE FOLLOWING TOPIC THAT MAY BE ADDRESSED IN PROPOSED REGULATIONS (THIS PUBLIC HEARING HAS BEEN PREVIOUSLY NOTICED PURSUANT TO THE REQUIREMENTS OF NRS CHAPTER 233B):

TOPIC: LCB File R081-25

1. 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.

2. DISCUSSION AND FOR POSSIBLE ACTION

The Commission to discuss and take possible action to adopt, amend or repeal their regulations as follows:

- a. LCB File R081-25** – Amend NAC 289.230(1)(b) to implement changes contained in Senate Bill 380 (SB380) of the 83rd (2025) Nevada Legislative Session which added “Interactions with persons with developmental disabilities which may include, without limitation, training on recognizing and responding to persons with an autism spectrum disorder”.

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.

IV. **REGULARLY SCHEDULED PUBLIC MEETING**

1. **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.

2. **DISCUSSION AND FOR POSSIBLE ACTION.**

Approval of minutes from the October 29, 2025, workshop and regularly scheduled meeting.

3. **INFORMATION ONLY** Executive Director's report.

- a. Training Division
- b. Standards Division – 2 voluntary surrenders
- c. Administration

4. **DISCUSSION AND FOR POSSIBLE ACTION.**

Discussion regarding the language and requirements to certify a basic academy (NAC 289.300). Proposal to update the hours and qualifications to present a basic academy. Possible action would include a motion to begin the rule making process for such changes.

5. **DISCUSSION AND FOR POSSIBLE ACTION.**

Hearing pursuant to NAC 289.290(1)(g) for the possible revocation of the category III basic certificate held by Tricia N. Beckles, former employee of the Nevada Department of Corrections, based on the conviction of, entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a felony. The conviction(s) that have led to this action are:

CHILD ABUSE, NEGLECT, OR ENDANGERMENT (Category B Felony – NRS 200.508.1)

Possible action may be revocation of the category III basic certificate.

6. **DISCUSSION AND FOR POSSIBLE ACTION.**

Hearing pursuant to NAC 289.290(1)(g) and 289.290(1)(i) for the possible revocation of the category I and III basic certificate held by Robert C. Bell, former employee of the Las Vegas Metropolitan Police Department, based on the conviction of, 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 as defined in 18 U.S.C. § 921(a)(33). The conviction(s) that have led to this action are:

COUNT 1-ASSAULT WITH A DEADLY WEAPON (Category B Felony in violation of NRS 200.471)

COUNT 2- BATTERY CONSTITUTING DOMESTIC VIOLENCE (Misdemeanor in violation of NRS 200.485(1)(A), 200.481(1)(A), 33.018)

Possible action may be revocation of the category I and III basic certificate.

7. **DISCUSSION AND FOR POSSIBLE ACTION.**

Hearing pursuant to NAC 289.290(1)(e) for the possible revocation of the category I, II and III basic certificates held by Taylor D. Dudley, former employee of the Las Vegas Metropolitan Police Department, based on the conviction of, 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:

DESTROYING EVIDENCE (Gross Misdemeanor in violation of NRS 199.220)

Possible action may be revocation of the category I, II and III basic certificates.

8. DISCUSSION AND FOR POSSIBLE ACTION.

Hearing pursuant to NAC 289.290 (1)(d) and NAC 289.290(1)(g) for the possible revocation of the category III basic certificate held by Lawayne J. Hardiman, former employee of the Nevada Department of Corrections, based on the conviction of, entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a felony. The conviction(s) and/or plea(s) of guilty that have led to this action are:

COUNT 1- FURNISHING A CONTROLLED SUBSTANCE TO A STATE PRISONER (Category B felony in violation of NRS 212.160(1)(a), 195.020)

Possible action may be revocation of the category III basic certificate.

9. DISCUSSION AND FOR POSSIBLE ACTION.

Hearing pursuant to NAC 289.290(1)(h) for the possible revocation of the category I, II, and III basic certificates held by Dennis E. Johnston, former employee of the Elko County Sheriff's Office, based on a conviction of a misdemeanor. The conviction(s) which have led to this action are:

COUNT 1- BATTERY, A MISDEMEANOR AS DEFINED BY ECC 7-1-9.

Possible action may be revocation of the category I, II and III basic certificates.

10. DISCUSSION AND FOR POSSIBLE ACTION.

Hearing pursuant to NAC 289.290(1)(g) for the possible revocation of the category I, II and III basic certificates held by Christopher M. Mitchell, former employee of the Las Vegas Metropolitan Police Department, based on the conviction of, 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-MISCONDUCT OF A PUBLIC OFFICER (Category E Felony in violation of NRS 197.110).

Possible action may be revocation of the category I, II and III basic certificates.

11. 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.

12. DISCUSSION AND FOR POSSIBLE ACTION.

Schedule upcoming Public Hearing and regularly scheduled meeting – May in Carson City

13. 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
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Pursuant to NRS 241.020(3)(c), a copy of supporting materials for the meeting may be obtained by contacting the Commission on Peace Officer Standards and Training, ATTN: Chief Kathy Floyd, 5587 Wa Pai Shone Ave., Carson City, NV 89701 or by going to the Nevada POST Website at https://post.nv.gov/Meetings/Commission_Meetings/.

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PUBLIC HEARING

I. Call to Order

II. Roll call of Commission members

III. PUBLIC HEARING

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TOPIC: LCB File R081-25

1. 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.

2. DISCUSSION AND FOR POSSIBLE ACTION

The Commission to discuss and take possible action to adopt, amend or repeal their regulations as follows:

- a. LCB File R081-25** – Amend NAC 289.230(1)(b) to implement changes contained in Senate Bill 380 (SB380) of the 83rd (2025) Nevada Legislative Session which added “Interactions with persons with developmental disabilities which may include, without limitation, training on recognizing and responding to persons with an autism spectrum disorder”.

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Posted: JANUARY 6, 2026

NOTICE OF INTENT TO ACT UPON A REGULATION

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DATE AND TIME: THURSDAY, FEBRUARY 12, 2026, 1:00 P.M.

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1. The need for and purpose of the proposed amendment.

Existing law requires the Peace Officer Standards and Training Commission to adopt regulations establishing minimum standards for the certification, decertification, recruitment, selection and training of peace officers. (NRS 289.510)

The 83rd session of the Nevada Legislature enacted legislation to add a new topic to the continuing education requirement listed under NRS 289.510. The additional topic is "Interactions with persons with developmental disabilities which may include, without limitation, training on recognizing and responding to persons with an autism spectrum disorder". (NRS 289.510, as amended by section 2 of Senate Bill No. 380).

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2. For a proposed temporary regulation, the terms, or the substance of the regulation to be adopted, amended or repealed, or a description of the subjects and issues involved.

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5. The methods used by the agency in determining the impact on a small business.

The Commission on POST has reviewed the text of the proposed regulations. Because the proposed regulation amends Nevada Administrative Code Chapter 289, dealing with certification of peace officers, the proposed amendments to NAC Chapter 289 will have no impact on small business.

6. The estimated cost to the agency for enforcement of the proposed regulation.

None

7. A description of and citation to any regulations of other states or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

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8. If the regulation is required pursuant to federal law, a citation and description of the federal law.

The proposed regulation is not required by federal law.

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Section 1. NAC 289.230 is hereby amended to read as follows:

289.230 1. Except as otherwise provided in subsections 7 and 8, to maintain a basic certificate or reserve certificate, the officer must annually:

- (a) Satisfy the requirements of subsection 5; and
- (b) Complete not less than 12 hours of continuing education in courses that address:
 - (1) Racial profiling;
 - (2) Mental health, including, without limitation, crisis intervention;

- (3) The well-being of officers;
- (4) Implicit bias recognition;
- (5) De-escalation;
- (6) Human trafficking; ~~and~~
- (7) Firearms ~~and~~; and

(8) Interactions with persons with developmental disabilities which may include, without limitation, training on recognizing and responding to persons with an autism spectrum disorder.

2. The employing agency shall ensure that its officers comply with the requirements of subsection 1. The employing agency shall notify each officer of the requirements of this section and the penalties set forth in subsection 4 for failure to comply with this section. After an officer completes the requirements of subsection 1, the employing agency shall submit to the Executive Director by any means approved by the Executive Director verification that the officer has completed those requirements. Verification must be submitted on or before December 31 of the year in which the officer was required to complete the requirements of subsection 1.

3. If the Executive Director has not received verification that an officer has completed the requirements of subsection 1 on or before December 31 of the year in which the officer was required to complete those requirements, the Executive Director shall notify the administrator of the employing agency that he or she has not received the verification required by subsection 2 and that if the verification is not received on or before March 1 following the year in which the officer was required to complete the requirements, the Executive Director will place the administrator on the agenda for the next scheduled meeting of the Commission to explain the delay in the submission of the verification. If the Executive Director has not received verification

that an officer has completed the requirements of subsection 1 on or before March 1 following the year in which the officer was required to complete the requirements, the Executive Director shall place the administrator of the employing agency on the agenda for the next scheduled meeting of the Commission.

4. Upon the request of the Commission or its designee, the employing agency shall make available for inspection the records of all officers to verify that they have complied with the requirements of subsection 1. The Commission will notify each officer and his or her employing agency of any noncompliance. The Commission will suspend the certificate of any officer who does not complete the requirements of subsection 1 within 60 days after the date on which he or she received the notice of noncompliance. The Executive Director may temporarily reinstate the suspended certificate of an officer upon receiving documentation from the officer which demonstrates that he or she has complied with the requirements of subsection 1. The temporary reinstatement of the suspended certificate is effective upon the Executive Director's approval of the temporary reinstatement and expires on the date on which the Commission determines whether to reinstate the certificate. The Commission will reinstate the suspended certificate or temporarily reinstated certificate of an officer upon receiving documentation from the officer which demonstrates that he or she has complied with the requirements of subsection 1.

5. Except as otherwise provided in subsections 7 and 8, in addition to completing the continuing education required pursuant to subsection 1, an officer must:

(a) If the officer is authorized to use a firearm, at least biannually demonstrate a minimum level of proficiency in the use of each type of firearm he or she is authorized to use. An officer who does not demonstrate a minimum level of proficiency with the use of any type of firearm he or she is authorized to use may not carry or use that type of firearm until he or she participates in

a remedial course established by the employing agency to ensure that the officer achieves and maintains a satisfactory level of proficiency.

(b) If the officer is authorized to use an impact weapon, chemical weapon, electronic incapacitating device or other less than lethal weapon, at least annually demonstrate a minimum level of proficiency in the use of each such weapon or device he or she is authorized to use. An officer who does not demonstrate a minimum level of proficiency with the use of any such weapon may not carry or use that weapon until the officer participates in a remedial course established by the employing agency to ensure that the officer achieves and maintains a satisfactory level of proficiency.

(c) If the duties of an officer require him or her to use arrest and control tactics, demonstrate annually a minimum level of proficiency in the use of arrest and control tactics, including, without limitation, techniques related to applying handcuffs, taking down suspects, self-defense and retention of weapons.

(d) If the employing agency of the officer authorizes the use of a carotid restraint or lateral vascular neck restraint, demonstrate annually a minimum level of proficiency in those techniques.

(e) Review annually each policy of the employing agency which addresses the use of force in any situation in which the agency or the officer may become involved.

6. Each employing agency shall establish and provide the courses set forth in subsection 5 to its officers and establish the minimum level of proficiency that an officer must demonstrate in each course.

7. An officer:

(a) Who voluntarily leaves his or her employment as a peace officer for at least 4 consecutive months but not more than 60 consecutive months;

(b) Whose employment as a peace officer is terminated for any reason for at least 4 consecutive months but not more than 60 consecutive months;

(c) Who, during a period of continuous employment as a peace officer, is absent from his or her duties as a peace officer because of medical leave, military leave or other approved leave for at least 4 consecutive months; or

(d) Who is hired, rehired or reinstated on or after July 1 of a reporting year,
➔ must satisfy the requirements of paragraphs (b) to (e), inclusive, of subsection 5 and demonstrate a minimum level of proficiency in the use of each type of firearm he or she is authorized to use before commencing or resuming his or her duties as a peace officer.

8. An officer who instructs a course pursuant to subsection 5 is not required to comply with the requirements of subsection 5 to which the instruction applies if the officer:

(a) Instructs a course in the subject for which the officer is qualified and approved by the administrator of the officer's agency during each calendar year;

(b) Participates at least once every 3 years in a course of training for instructors that is approved by the Executive Director; and

(c) Demonstrates to the Commission or its designee at least once every 3 years proficiency in the subject that he or she instructs.

9. Each agency shall maintain documentation of the courses provided pursuant to subsection 5. Such documentation must include, without limitation, the qualifications of each instructor who provides training, a description of the training provided and a list on a form that has been approved by the Executive Director of each officer who completes the training.

REGULARLY SCHEDULED MEETING

1. 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.

2. **DISCUSSION AND FOR POSSIBLE ACTION.**

Approval of minutes from the October 29, 2025, workshop and regularly scheduled meeting.

STATE OF NEVADA

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

PROCEEDINGS

MILLER: The POST workshop is called to order for October 29th, 2025. For the record, the time is 1 p.m. Let's go to Kathy Floyd for information on the legal questions and opening remarks.

FLOYD: The workshop notice and meeting agenda have been posted in compliance with NRS 241.020. These notices and agenda were physically posted at the POST administration building and the Nevada State Library in Carson City and electronically post.nv.gov, the legislative website at leg.state.nv.gov, state of Nevada website at notice.nv.gov, and emailed to all single point of contacts and agency administrators on the POST list serve.

MILLER: Thank you, Kathy. Moving on to item number two, roll call. Start with myself, Olive Miller, Reno Police Department.

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

SHEA: Tim Shea, Boulder City Police.

NEIL: Russ Niel, Gaming Control Board

YOUNG: Tiffany Young, community member.

TOGLIATTI: George Togliatti, Nevada Department of

1 Public Safety.

2 FLOYD: Kathy Floyd with POST.

3 SHERLOCK: Mike Sherlock with POST.

4 DE LUNA: Jesselyn De Luna with the Attorney General's
5 office. And on the phone I also have John Nolan, who's also a
6 Deputy Attorney General.

7 MCGILL: And Joe McGill County Sheriff's Office.

8 PROSSER: Jamie Prosser, Las Vegas Metro.

9 STRAUBE: Rob Straube, Las Vegas, DPS.

10 MCKINNEY: Kevin McKinney, Carlin Police.

11 MILLER: All right, thank you every one, good morning.

12 We'll move on to our workshop. Item 1 of the workshop, public
13 comment. The commission may not take action on any matter
14 considered under this item until the matter is specifically
15 included on an agenda as an action item. Do we have any public
16 comment? Seeing that there's none there will be further
17 opportunity to public comment later. The purpose of the
18 workshop is to solicit comments from interesting person on
19 following -- on following topic that may be addressed in
20 future proposed regulations. This workshop has been previously
21 noted pursuant to the requirements of NRS Chapter 233B. Topic,
22 discussion regarding revision to NAC 289.230 to comply with
23 SB380, which adds interactions with persons with developmental
24 disabilities, which may include without limitation training on
25 recognizing responding to persons with an autism spectrum

1 disorder to subsection (1) (b). NAC regulation 289. 230(1)(b).

2 And we'll go to Mike Sherlock for some background on this

3 subject once done.

4 SHERLOCK: Thank you, Mike Sherlock for the record. So

5 as most of you recall, SB380 is from the most recent

6 legislative session. It requires POST to include in the

7 continuing education regulation, a section mandating annual

8 training and interactions with persons with de --

9 developmental disabilities, which may include training on

10 recognizing persons with an autism spectrum disorder. So

11 again, as you know, this training, subject was often covered

12 previously in the mandated subject area of mental health and

13 our current regulation but given this legislation, we have

14 included the proposed language, which is word for word, the

15 language mandated by SB380, adding it to NAC 289.230. Just to

16 remind the commission that on the process, this workshop is to

17 provide input on language and any input from interested

18 parties. Once we get to the regular meeting, we'll have

19 another agenda item which will look to the commission for a

20 motion to continue the rule-making process of adding that

21 language or the language that's developed to the NAC. If

22 there's any questions at this point, I can ask -- I can answer

23 those.

24 MILLER: Thank you for that. Any comments or input from

25 the commissioners?

1 YOUNG: Commissioner Young. I have a question. Do you
2 know why specifically autism spectrum disorder was listed?

3 SHERLOCK: Mike Sherlock for the record. I can only
4 speak to some of the conversations I had with the legislature.
5 That was something that they felt was important to include and
6 I really can't speak to why that is in this context. But that
7 was their wording.

8 MILLER: Any other comments or input from our
9 commissioners? All right, we'll move on to public comment. The
10 commission may not take any action on matters considered under
11 this item until this matter is specifically included on an
12 agenda as an action item. Any further public comments? All
13 right, seeing that there are none, we'll close the workshop
14 and move to our regularly scheduled commission item number
15 four. All right. Regarding item number four. Item number one,
16 public comment. The commission may not take any action on
17 matters considered under this item until the matter is
18 specifically included on the agenda as an action item. We will
19 have another opportunity for public comment at the end of the
20 meeting. Do we have any public comment at this time on a
21 regularly scheduled meeting? Seeing that there's none, we will
22 move to item number two, discussion and for possible action,
23 approval of the minutes from July 17th, 2025 regular scheduled
24 POST commission meeting. Any comments from the commissioners?
25 Seeing that there's none, I'd like for a motion to approve the

1 minutes.

2 PROSSER: Jamie Prosser, so moved.

3 MCKINNEY: Kevin McKinney, I'll second.

4 MILLER: We have a first and a second. All those in
5 favor say aye.

6 ALL: Aye.

7 MILLER: Opposed? All right. The motion approved. Item
8 number three, Information Executive Director Mike Sherlock,
9 you're up.

10 SHERLOCK: Thank you. Mike Sherlock again for the
11 record. Let me first thank and welcome Sheriff McGill to the
12 commission. Sheriff McGill was appointed by the governor to re
13 -- replace replace Chief Trouten. This is one of three
14 positions that must be from a county that is not Washoe or
15 Clark, it must be a category one agency. So welcome, sheriff,
16 glad to have you on the commission. So first over in basic
17 training, we were just awarded a grant to develop standard --
18 standardized lesson plans for all mandated basic training
19 subjects. We'll begin work on that January, 1. The process
20 includes subject matter experts and experts in education and
21 training delivery. I won't go into -- to specifics, but we'll
22 just simply say, we're often asked for sample curriculums
23 based -- based on the mandated subjects, performance
24 objectives and this will help clarify most of those -- most of
25 that. For those who deliver basic training, the finished

1 product, again, as -- as the usual for POST, will not be a
2 mandated curriculum, but will provide a -- a -- a reference
3 for basic academies across the state to use should they wish.
4 Over in advanced training, we just currently just finished
5 delivering first line supervisor class out in Elko. We just
6 graduated class three of the POST Leadership Institute. In
7 admin, we, as you all know, we struggled through the most
8 recent or the -- the cyber-attack. We are almost completely
9 restored at this point, but I'm not gonna lie, it was a
10 difficult couple of months for us. We were unsure as to the
11 status of our officer records and other records for that
12 matter but it looks like at this point we're good and those
13 records have been restored without losing them. We are slowly
14 restoring our web-based processes and to be honest with you,
15 the fact that the state IT people were able to basically save
16 and restore those records says much I think about the IT
17 people over at the state. They did a good job in protecting,
18 interrupting the attack and then restoring our data. Although
19 it took two months, we know -- we know why that is. That said,
20 we're looking at what we can do better to protect our data but
21 you have to understand that the entire executive branch was
22 attacked in this cyber-attack and our, you know, security for
23 our data is with the state, obviously. Related to that, we are
24 working through the bureaucracy of getting our budget
25 approved, new data management and learning management system

1 project underway. We expect to go to BOE on December 5th and
2 get approve -- approval there and this will allow vector
3 solutions and acadis to begin our new data management program.
4 You know, this has been a long time coming, so we're pretty
5 excited about it. This system will allow better interaction
6 with agencies, better process reporting and retrieving officer
7 data, better agency training and training provider records
8 within our own buildings. So we're -- we're glad to see that
9 one go. You know, I'll mention that we have seen a large
10 increase lately of people calling to make complaints on either
11 agencies or individual officers. I hope everybody knows that's
12 not our function and just so those interested parties
13 understand is our process is to refer them back to the
14 employing agency when we get the complaints and we get quite a
15 few just -- just to keep on your radar. We are looking at
16 essentially creating perhaps a spot on our website that
17 includes links to all law enforcement, statutory law
18 enforcement agencies in the state to just to make it easier
19 for us. We're dealing with that so much. I think with that, I
20 would add one more thing. We are sort of caught in the middle
21 based on a new statute, and that statute requires an employing
22 agency to notify POST immediately when a certified officer is
23 charged with a revocable crime, but also, which we previously
24 had that's not necessarily new, but it -- it does make it
25 clear it has to be immediate where an officer resigns during

1 an IA, POST is to be notified and understand that we -- we
2 fought against this particular bill because it includes
3 information that we don't necessarily have the authority to
4 act on. But that is what the NRS says. And it also requires
5 agencies that report that someone resigned during the IA must
6 then follow up with a written statement as to the findings of
7 the IA. Again, this is not what we wanted in any way, but it
8 is imposed by the NRS. So we just want to get that word out.
9 We're getting inquiry -- inquiries about that and we just want
10 to make sure that agencies understand that that is a statute
11 and we're -- we're caught with the questions so.

12 SHEA: Mike, can I ask you a question? Is this an IA
13 where the person resigns in lieu of termination or it's any
14 IA, the guy decides, you know, I just don't want to do this
15 job anymore. He wasn't gonna be terminated, maybe getting a
16 written reprimand.

17 SHERLOCK: Yeah.

18 SHEA: But he leaves.

19 SHERLOCK: So yeah, unfortunately it doesn't -- it does
20 not say in lieu of is if they resign during an investigation,
21 you have to notify POST. Now --

22 PROSSER: Jamie Prosser, for the record. Any IA
23 investigations or IA investigations reference crimes that
24 would've been revocable.

25 SHERLOCK: So what it -- only if they, so you know,

1 we're trying to narrow it as clear as much as we can too
2 because we don't want all this information. It's only during,
3 if they resign during an IA. So --

4 PROSSER: So any IA like sick leave usage?

5 SHERLOCK: Yeah. If -- but I want to make sure it's not
6 any IA unless they resign. So if they resign during the IA,
7 yes, unfortunately. If -- if they don't resign, you don't have
8 to tell us about the IA. It's only if the subject officer re -
9 - resigns, you know what -- a lot of these are what you're
10 talking about chief. If you can conclude that before their
11 resignation date, you do not fall under the statute.

12 PROSSER: Okay. And just for clarification, even though
13 we're notifying POST of these incidents, they don't get
14 revoked until it comes before this board.

15 SHERLOCK: That's -- that's correct. And -- and -- and
16 the truth of the matter is, this is our issue with this
17 particular statute is it's essentially requires agencies to
18 report to POST those issues that aren't revocable. That's our
19 problem with it if you can imagine but --

20 MCKINNEY: Kevin McKinney for the record, but isn't
21 there language in 289 that says they're not eligible to be
22 certified if they've been -- if they have resigned in lieu of
23 termination.

24 FLOYD: 110?

25 SHERLOCK: Yeah.

1 FLOYD: It's a hiring standard, yeah.

2 SHERLOCK: My short for the raise. So yeah, under 110,
3 that's a -- but it has to be a revocable issue investigation,
4 right?

5 FLOYD: They have to have --

6 SHERLOCK: There is a separate --

7 FLOYD: exhausted all.

8 SHERLOCK: -- but that's a hiring issue rather than a
9 reporting issue but yeah.

10 MCKINNEY: Kevin McKinney, I believe it's part of the
11 certification, isn't it? They're not eligible to be certified.

12 SHERLOCK: No, it's part of the hiring standards. It
13 it's kind of semantics because they -- for -- for someone to
14 resign during an IA, they're already certified.

15 MILLER: I -- I -- I don't -- I understand. I'm just
16 trying to see, but maybe is that what they -- they're trying
17 to do is put that in line with -- with the previous?

18 FLOYD: No, they made it worse. Misconduct involving
19 dishonesty is a hiring...

20 SHERLOCK: That's the problem. So, no, I -- it's a
21 totally separate and distinct NRS for -- for this particular
22 issue. Now we do run into -- so there -- there's a separate
23 statute now that, as you all know, requires them to sign an
24 affidavit. And part of that requirement in the affidavit is a
25 statement that you did not resign during an IA. And this is

1 where we're getting caught up because they may go to another
2 agency and the agency reports us that it was during an IA, the
3 prospective new officer or new hire is signing the affidavit
4 that says they did not resign during an IA. And -- and it --
5 it -- it's a problem for us. I, you know, my point here though
6 is just to make sure everybody understands that and -- and
7 what that requirement is, just based on some of the inquiries
8 we're getting now and -- and -- in that area. So that's what
9 that particular 289.585 says in relation to reporting that.

10 COVERLEY: One question. Dan Coverley for the record.
11 And then what do you do with the information?

12 SHERLOCK: So at this point, we're -- you have it just
13 on a shared or --

14 FLOYD: It goes in a file. It is locked -- locked
15 cabinet.

16 SHERLOCK: Yeah. We are keeping hard copies and just
17 files and lock it up.

18 COVERLEY: And is that subject to a FOIA request? I'm -
19 - I assume someone --

20 SHERLOCK: For -- for us it's not because we can in
21 good faith say that it's not related to certification, which
22 is what we do. And so we would refer public records request
23 back to the employee agency.

24 TOGLIATTI: George Togliatti for the record. When did
25 that become effective?

1 SHERLOCK: Last January.

2 FLOYD: Last session.

3 SHERLOCK: Yeah. It was right after last session, but I
4 don't -- I think it --

5 TOGLIATTI: The date, I mean the date it kicks in.

6 SHERLOCK: Yeah, I think it was October 1st actually.
7 But I'd have to look at that. It's -- it -- it's active now. I
8 can tell you that. And if there's no -- no other questions,
9 Chairman, that's all I got on that one.

10 MILLER: Looking on commission for any final thoughts
11 or questions. All right, if there's none, we'll move on to
12 item number four, discussion for possible action, discussion
13 by the commission to continue rule making process regarding
14 the revision of NAC 289. 230 to comply with SB380, which adds
15 interactions with persons with developmental disabilities. I
16 already got that one. I think I already did. You ready to move
17 it forward? Okay. I did not. All right. Person with
18 disabilities, which may include without limitations training
19 on re -- recognizing and responding to persons with an autism
20 spectrum disorder to subsection (1)(b). possible action may
21 through approval of proposed language. And we'll go to Mike
22 Sherlock for more information.

23 SHERLOCK: Thank you Mike Sherlock for the record. So,
24 again, as was outlined in the workshop, SB380 requires the
25 commission to adopt language to include training and

1 developmental disabilities, recognition as part of the annual
2 requirement. Based on SB380, staff would recommend the
3 language, which includes adding subsection eight to section
4 one of NAC 289.230, which is the annual compliance NAC and add
5 the language that -- interactions with persons or mandated
6 annual training and interactions with persons with
7 developmental disabilities, which may include training on
8 recognizing persons with an autism spectrum disorder. By
9 adopting this language, you would -- the commission would
10 fully comply with the requirements of SB380.

11 MILLER: All right, thank you for that Mike. I'll open
12 it up for commissioner comments.

13 YOUNG: Commissioner Young for the record, and this may
14 not even be a valid point. I guess I -- I just have some
15 concerns about the -- not questioning the skill, but having
16 the skill to identify particularly autism. And why I asked
17 earlier is that's -- that is a very unique and rare skill that
18 I think people can obviously possess, but that's a -- I just
19 have a challenge with that language and that specifically
20 being around autism spectrum disorder.

21 SHERLOCK: Yeah. Mike Sherlock for the records. You
22 know, from our perspective, at least providing training, even
23 if that's what the training is --

24 YOUNG: Mm-hm.

25 SHERLOCK: -- would be in compliance with this mandate.

1 And -- and certainly I think to some extent be beneficial.

2 YOUNG: And I -- commissioner Young for the record. I
3 agree with the benefit of it. It's just concerning that it's -
4 - that particular piece of mental health.

5 PROSSER: Well, Jamie Prosser for the record. It is
6 worded well with, it says it may include without limitation.

7 YOUNG: Mm-hm.

8 PROSSER: So it sort of covers multiple mental health
9 concerns.

10 YOUNG: Yeah.

11 PROSSER: But I understand what you mean.

12 MCKINNEY: Kevin McKinney for the record. It seems a
13 little bit redundant with the -- the other requirements.

14 SHERLOCK: Yeah, Mike Sherlock --

15 MCKINNEY: How are you going to address that when --
16 when one training covers both topics, how are we gonna be able
17 to audit that and -- and make sure we're in compliance?

18 SHERLOCK: Mike Sherlock for the records. From -- from
19 an audit perspective, if that particular sort of subject
20 matter is contained in the other areas, particularly for us is
21 -- is the mental health section of the requirement, we would
22 see that in there and you would be in compliance. It -- the
23 reason we're separating it out as a separate requirement is
24 basically to be in compliance. So there's no question that in
25 your mental health training, it must include these subjects

1 and that's the only difference there. Understand that it did
2 not change the minimum number of hours that the legislature
3 requires, it's just part of that requirement.

4 MILLER: Any other comments or input from our
5 commission? I'll be looking for a motion to approve the
6 language regarding the inclusion of training on recognizing
7 and responding to persons with autism spectrum disorder, NAC
8 289.230.

9 SHEA: Tim Shea, I make the motion to adopt the
10 language.

11 PROSSER: Jamie Prosser, I'll second.

12 MILLER: We have a motion and second, all those in
13 favor say aye.

14 ALL: Aye.

15 MILLER: Any opposed? Motion approved. Item number
16 five, discussion of possible action, request from the Lyon
17 County Sheriff's Office for an executive certificate for their
18 employee Sheriff, Brad Pope, pursuant to NRS 289.270 (1)(b).
19 Possible action may include approval or denial of the
20 requested executive certificate. Let's go to Mike Sherlock.

21 SHERLOCK: Thank you. Mike Sherlock for the record. So
22 staff has reviewed the application for Lyon County Sheriff
23 Brad Pope and find he meets or exceeds the requirements for
24 the executive certificate and rec -- recommends issuing the
25 executive certificate. And I don't see Sheriff Pope in here.

1 We recommend issuing that certificate.

2 MILLER: Any input from our commissioners? Seeing
3 there's none, we'll be looking for a motion to approve the
4 executive certificate for Sheriff Brad Pope.

5 MCKINNEY: Kevin McKinney, I'll make the motion to
6 approve the executive certificate for Sheriff Brad Pope.

7 COVERLEY: Dan Coverley, second.

8 MILLER: I have a motion and a second. All those in
9 favor say aye.

10 ALL: Aye.

11 MILLER: Aye. Any opposed? Motion carries. Item number
12 six, discussion for possible action request from the Nye
13 County Sheriff's Department for executive certificate for
14 their employee, captain Harry Means pursuant to NAC
15 289.270(1)(a). Possible action may include approval or denial
16 the requested executive certificate. Let's go to Mike Sherlock
17 for more.

18 SHERLOCK: Mike Sherlock for the record. Staff -- staff
19 has reviewed the application for Captain Harry Means and finds
20 he meets or exceeds the requirements for the executive
21 certificate and staff recommends issuing that certificate. I
22 do see Mr. Chairman that he is in the room if you want him to
23 take a bow or anything. He is here.

24 MILLER: You want to stand and make yourself known? Do
25 we have any comments from our commission. All right, looking

1 for motion to approve the executive certificate for Captain
2 Harry Means.

3 MCGILL: Chief, I'd like to make that motion to approve
4 the certificate for Captain Means.

5 MILLER: We have a first.

6 NEIL: Russ Niel, I second.

7 MILLER: Second. All those in favor say aye.

8 ALL: Aye.

9 MILLER: Aye. Any opposed? Motion approved.
10 Congratulations.

11 MEANS: Thank you.

12 MILLER: Moving on to item number seven, discussions
13 with possible action request from the Las Vegas Metropolitan
14 Police Department for an executive certificate where their
15 employee sheriff Kevin McMahill, pursuant to an NAC
16 289.270(1)(a) possible action may include approval or denial
17 of the requested executive certificate. Let's give it to Mike
18 Sherlock for further information.

19 SHERLOCK: Mike Sherlock for the record. Staff once
20 again has reviewed the application for Sheriff McMahill and
21 finds he meets or exceeds the requirements for the executive
22 certificate and staff recommends issuing that certificate.

23 MILLER: All right, any commissioner comments? Looking
24 for a motion to approve the executive certificate for Sheriff
25 McMahill.

1 TOGLIATTI: George Togliatti, I motion to approve.

2 MCKINNEY: Kevin McKinney, I'll second.

3 MILLER: All right, we have a motion and a second. All
4 those in favor say aye.

5 ALL: Aye.

6 MILLER: Any opposed? Motion carries. Moving on to item
7 number eight, discussion and possible action request from the
8 Humboldt County Juvenile Services for a six month extension,
9 part one year requirements NRS 289.550 in order to meet the
10 requirements for certification for their employee Madison
11 Krause. Based on her hire date, the extension would go to
12 March 30th, 2026. Possible action may include approval or
13 denial of the request extension. I'm go to Mike Sherlock for
14 more information.

15 SHERLOCK: Mike Sherlock for the record. Here, Cadet
16 Krause was unable to complete our most recent in-person
17 session of our category two academy for non-disciplinary
18 reasons. Our next available class is beyond her one year and
19 staff would reme -- recommend that Cadet Krause be given the
20 extension to complete the training. Again, the extension would
21 require that she completes that training by March 30th, 2026.

22 MILLER: All right, is there anyone here from the
23 Humboldt County Sheriff's Office who'd like to speak? Any
24 comments from our commission? All right, seeing that there's
25 none, I'd like to be looking for a motion to approve the

1 extension for Madison Krause.

2 PROSSER: Jamie Prosser, so moved.

3 COVERLEY: Dan Coverley, second.

4 MILLER: I have a first and a second. All those in
5 favor say aye.

6 ALL: Aye.

7 MILLER: Aye. Any opposed? Motion carries. Moving on to
8 item number nine, discussion of the possible action request
9 from Esmeralda County Sheriff's Department for six-month
10 extension part the one-year requirements, NRS 289.550 in order
11 to meet the requirements for certification of their employee,
12 Travis Smalley. Based on his hire date, the extension will go
13 through April 22nd, 2026. Possible action may include approval
14 or denial for the request to extension. Let's go to Mike
15 Sherlock.

16 SHERLOCK: Mike Sherlock for the record. Here, Deputy
17 Smalley had again, a non-disciplinary issue -- issues in his
18 ability to complete basic training. And we would recommend the
19 extension to allow him the opportunity to complete the basic
20 academy. The extension would allow him to enroll in a basic
21 training academy on or before April 26th, 2026 Or April 22nd,
22 2026.

23 MILLER: Right. Is there anyone here from the Esmeralda
24 County Sheriff's Office who'd like to speak?

25 MELENDEZ: Sheriff Julian Melendez, Esmeralda County

1 for the record. I'm here in case any commissioners have any
2 questions. It's pretty straightforward. He was unable to
3 complete the POST academy in Carson City and then the College
4 of Southern Nevada both times for non-disciplinary reasons. So
5 if you have any questions, I'm here to answer them.

6 MILLER: Thank you, sheriff. Any comment or questions
7 from our commission?

8 YOUNG: Commissioner Young for the record, why -- why
9 was he unable to complete?

10 MELENDEZ: For Carson City, he was unable to pass the
11 physical fitness requirement on the first day and then for the
12 College of Southern Nevada, passed the physical -- physical
13 fitness requirement and then was unable to complete the
14 training within a couple of days, but again, for non-
15 disciplinary reasons.

16 YOUNG: Thank you.

17 MILLER: Any further questions from our commission?

18 COVERLEY: Dan Coverley for the record. Mike, is there
19 a limit to how many extensions may be granted?

20 SHERLOCK: Yeah, Mike Sherlock for the record. So the
21 regulations allow one six-month extension and after that there
22 -- there is no extension available. That's it.

23 MCGILL: Joe McGill for the record. So Sheriff, correct
24 me if I'm wrong, he is currently working and not certified as
25 of yet?

1 MELENDEZ: Yeah, he's currently with us, but is
2 certification expired October 22nd. So he does not have peace
3 officer powers today.

4 MILLER: Any further questions for the commission?
5 Seeing that there's none, I'll be looking for a motion to
6 approve the extension for Travis Smalley.

7 COVERLEY: Dan Coverley for the record. I move.

8 NEIL: Russ Niel, second.

9 MILLER: A motion and a second. All those in favor say
10 aye.

11 ALL: Aye.

12 MILLER: Any opposed? All right. Motion carries. Moving
13 on to item number three, discussion for possible action
14 request pursuant to NAC 289.290(12). Request pursuant to NAC
15 289.290(12) from Stepan Bryan for reinstatement of eligibility
16 to be certified, which Brian category I basic certificate was
17 revoked on August 13th, 2020 pursuant to NAC 289.290(1)(h)
18 based on a conviction of a misdemeanor. Possible action may
19 include the approval or denial of the request of
20 reinstatement. Let's go to Mike Sherlock for some backgroun.

21 SHERLOCK: Mike Sherlock for the record. Just because
22 you don't see a lot of these, I'll give some background
23 related to this issue. The regulations do allow a person who
24 has had their certificate revoked to petition the commission
25 to allow reinstatement of that privilege after a five-year

1 period. So if you understand the regulatory process, a -- a --
2 a certificate holder who is inactive for more than 60 months
3 expires and must start over. So the regulations allow for the
4 reinstatement after five years, which triggers the 60 month
5 rule and would force them to return to a basic training
6 academy though the vote to reinstate would reinstate the
7 privilege and allow them to go back into a basic academy. It
8 is extremely rare for us to see petitions such as this, I
9 think primarily because our revocations are based on criminal
10 convictions. So from a practical standpoint, those convictions
11 are felonies, Brady related, domestic violence related or just
12 inconsistent with the policing profession. So we just don't
13 see many of these. I can only think of one such request and
14 just for your own knowledge, it was a revocation again for a
15 misdemeanor conviction of theft or -- or mis -- mis
16 appropriation of property and that request was denied by the
17 commission. In this case, Mr. Bryan was convicted of a
18 misdemeanor harassment as a result of a domestic incident
19 because it was a misdemeanor. His employing agency requested a
20 review for revocation based on the conviction he was revoked.
21 As I understand it the employing agency opposes the
22 reinstatement, staff would re -- recommend the request be
23 denied based on that conviction. Mr. Bryan was note -- noticed
24 of this hearing. Not sure if he is here or not, but I believe
25 the employing agency is here and would make comments. Thank

1 you.

2 DEPUTY CHIEF MURNANE: Deputy Chief Matt Murnane from
3 the Henderson Police Department. I agree with staff's
4 recommendation. This is not someone that we would ever want
5 employed with a police officer again. He did have his record
6 sealed so I cannot comment on his criminal case. However, I
7 can tell you his -- he had multiple internal affairs
8 investigations. His last one he was sustained on multiple
9 accounts and we did recommend termination, however he decided
10 to retire prior to that. But based on my knowledge of the
11 case, this is not someone that we want to be a police officer
12 and I'm happy to answer any question if anyone has any.

13 MILLER: Any questions from our commission? Thank you.
14 Is Mr. Bryan here? All right, Mr. Bryan is not here, I'll ask
15 for any other input from our commission.

16 MCKINNEY: Kevin McKinney for the record, I was
17 commissioner in 2020 when -- when that revocation occurred. I
18 -- I personally felt there were grounds for the revocation so
19 did the rest of the commission and I believe it was unanimous.
20 I don't see a need at this point to reinstate certification
21 eligibility for him.

22 MILLER: Any other comment?

23 SHEA: Tim Shea for the record, I went through all the
24 records, both. This was kind of unique in that we had a blind
25 hearing in February of the year, but we didn't know who the

1 person was and then in August had the hearing. And during the
2 time, the discussion centered around revocation only, there
3 was no other options. It was revocation based upon the
4 agency's request, based on the totality of the circumstances.
5 And I think one of the things the Attorney General at the time
6 said, when you consider revocation is if would this person
7 coming to an agency be hired with these actions in their
8 record? And our conclusion was they would not, therefore,
9 revocation was appropriate. And from my standpoint, just
10 asking for revocation -- a reversal of revocation without any
11 supporting documentations or reasoning leads me to believe,
12 what am I supposed to base this on? Just five years has gone
13 by and therefore you get back or should there not be some
14 argument as to why I'm worthy of having my privileges restored
15 to me. And I don't think we have anything other than it's been
16 five years.

17 MILLER: Ollie Miller for the record. (inaudible)
18 questions from this commission on behalf of why we should
19 consider the statement?

20 SHERLOCK: Mr. Chairman, just real -- real quick, in --
21 in your material, it include -- the book includes the letter
22 requesting just to your point on -- on why this particular
23 person wanted you to consider.

24 MILLER: All right. So any more comments or input from
25 our commission? I'm looking for a motion to approve the

1 extension for Travis Smalley.

2 PROSSER: Jamie Prosser opposes the reinstatement of
3 Mr. Smalley.

4 PROSSER: No, it's --

5 PROSSER: Oh, Bryan. Mr. Bryan. Sorry.

6 UNKNOWN: There's some confusion. You're going back to
7 the previous agenda item.

8 MILLER: No, I'm so, so sorry. You are --

9 UNKNOWN: That's okay.

10 MILLER: -- exactly right. Yeah.

11 MCKINNEY: I didn't -- I didn't hear you.

12 MILLER: So sorry. Got here. Be looking for a motion to
13 deny the -- or be looking for, deny -- a motion to deny or
14 approve the reinstatement request for Steven Bryan.

15 PROSSER: Jamie Prosser denies the reinstatement for
16 Steven Bryan.

17 YOUNG: Commissioner Young, I second.

18 MILLER: We have a motion and a second. All those in
19 favor say aye.

20 ALL: Aye.

21 MILLER: Any opposed? All right. Motion carries. Sorry
22 about that everyone. Okay. The next four items relate to the
23 revocation hearings. Let's go to the Deputy Attorney General
24 Jocelyn De Luna for some foundational information.

25 DE LUNA: Thank you, commissioner. Jesselyn De Luna for

1 the record. So just preliminarily for purposes of agenda items
2 11, 12, 13, and 14, I'm going to ask Chief Floyd, can you
3 verify that the materials that are contained in the meeting
4 materials for each of these items, which include things like
5 court documents, conviction documentation, that you obtained
6 them directly from the courts?

7 FLOYD: Yes, I did.

8 DE LUNA: And have you maintained those documents in
9 the ordinary court of your record keeping since you obtained
10 them from the courts?

11 FLOYD: Yes, I have.

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

15 FLOYD: Yes, they are.

16 DE LUNA: Okay. Based on that preliminarily, I advise
17 the members of the commission that the materials in your
18 meeting binder for material -- for agenda items 11, 12, 13,
19 and 14 constitute valid public records of charges and
20 convictions that uphold the regulatory standards for
21 revocation in these four items.

22 MILLER: Okay, moving on to item number 11, discussion
23 and for possible action, hearing pursuant to NAC 289.290(1)(e)
24 and NAC 289.290(1)(g) for the possible revocation of the
25 category I basics held by Louis F. Ashby, former employee of

1 White Pine County Sheriff's Department based on the conviction
2 of entry, plea of guilty -- guilty, but mentally ill or nolo
3 contendere to a gross misdemeanor and felony. The convictions
4 that have led to this action are count one, open and gross
5 lewdness, a gross misdemeanor in violation of NRS 201.210.
6 Count two, attempt sexual assault, a category B felony in
7 violation of NRS 200.366(2)(b) and NRS 193.153. Possible
8 action may include revocation of the category I basic
9 certificate. Let's go to Mike Sherlock for more information.

10 SHERLOCK: Thank you, Mike Sherlock, for the record. In
11 this case, as you see in your material, former Officer Ashby
12 has convictions of open and gross lewdness as a gross
13 misdemeanor and attempted sexual assault as a felony. These
14 convictions are both inconsistent with the policing profession
15 in the case of both the gross misdemeanor conviction for
16 lewdness and the felony conviction of attempted sexual
17 assault. In the case of the felony conviction, obviously it is
18 prohibitive. As such, staff recommends the commission revoke
19 the category one basic cert -- certificate of Mr. Ashby. Mr.
20 Ashby was noticed and -- of this.

21 MILLER: Is Mr. Ashby here or anyone on his behalf? Do
22 we have any commission comment? Go ahead. Be looking for a
23 motion to revoke the category three basic certificate for
24 Louis F. Ashby.

25 MCGILL: Joe McGill, motion for revocation as written

1 motion.

2 MILLER: We have a motion; do we have a second?

3 SHEA: Tim Shea, I'll second.

4 MILLER: Motion and a second. All those in favor say
5 aye.

6 ALL: Aye.

7 MILLER: Aye. Any opposed? Motion carries. Item number
8 12, discussion and possible -- possible action hearing
9 pursuant -- pursuant to NAC 289.290(1)(e) for the possible
10 revocation of the category three basic certificate held by
11 Joseph Billey, former employee of the Nevada Department of
12 Corrections, based on a conviction of entry of plea of guilty,
13 guilty but mentally ill or nolo contendere to a gross
14 misdemeanor. The convictions that have led to this action are
15 count one battery on a healthcare provider (gross misdemeanor)
16 violation of NRS 200.481(2)(d). Possible action may include
17 revocation of category three basic certificate. Let's go to
18 Mike Sherlock for more information.

19 SHERLOCK: Mike Sherlock for the record. In this case,
20 the employing agency provided information related to this cri
21 -- criminal conviction and staff believe a gross misdemeanor
22 criminal conviction of battery on a healthcare provider is
23 inconsistent with the law enforcement profession. As such,
24 staff would recommend revocation. I believe Mr. Billey who is
25 notice is here with his representative and I can answer any

1 questions that may be asked.

2 MILLER: Mr. Billey. Yeah, feel free to bring your
3 counsel.

4 HUNTLEY: Good afternoon, thank you. May I please
5 speak?

6 MILLER: Absolutely.

7 HUNTLEY: All right. Thank you, Mr. Chairman, and
8 board. My name is Brent Huntley. I'm legal counsel for Mr.
9 Billey who is here present with me. We're here today because
10 of the request for the revocation. This case being a
11 misdemeanor, it is discretionary. You may revoke it, but you
12 are not obligated to revoke it. I know in cases where it's
13 recommended that it's very rare for you to not follow that
14 recommendation, but I hope to be able to show you today
15 reasons why revocation would not be fair or just in this case.
16 As was mentioned, this request came from a notice from the
17 department. The department was Nevada Department of
18 Corrections, and I believe the timing and originally of that
19 request is noteworthy. This event happened back in 2024. There
20 was an internal investigation done, which led to no
21 discipline. Sub -- sub -- at the same time, requested made for
22 a criminal prosecution. Eventually a plea deal was reached,
23 and I'm gonna ask my client a minute to explain kind of why he
24 did that. But I'll represent to you that Mr. Billey has a 15-
25 year career with little to no issues within DOC. He engaged a

1 criminal attorney through his legal defense plan. That
2 criminal attorney recommended he accept a plea deal for
3 battery and I -- I've reviewed the emails and the -- the
4 attorney basically told him, accept this deal or your only
5 other offer is gonna be a plea for oppression. Notably, the
6 attorney did not tell him that the judge had already dismissed
7 the oppression charge for lacking probable cause. The attorney
8 then went on to tell him if he did not -- did not accept the
9 plea deal, that he was gonna face additional charges for
10 lewdness, which would require him to register as a sex
11 offender given that his administrative matter had already
12 cleared with no discipline and I'll let him explain, he didn't
13 understand the full consequences that this may happen for a
14 guilty plea and did not want to risk the potential --
15 potential threatening charges his attorney were representing
16 to him. Now with regard to actually proving what happened, we
17 don't have that in a criminal case because it was a guilty
18 plea, but there was also nothing proved in the administrative
19 case, which led to no discipline. On the record, the only
20 thing we have is we have four statements about what happened,
21 and I would like to review those four statements briefly. The
22 first is a statement from Lieutenant Kyle Groover who talked
23 to the nurse and he said, "Nurse Stacy said, Billey came up
24 behind her and began to put his hands on her shoulders, back
25 and waist area." So that's the limit of what she reported in

1 that situation. The second statement comes from the nurse's
2 actual report that she put in their internal system called
3 notice. And there's two quotes that she put in there. First
4 one is "he leaned on me and put both hands on my shoulders."
5 The other quote from that report is he "placed one hand on my
6 left shoulder and rested his body on my left hip." The third
7 statement from Ms. Perkins is to the investigator in the --
8 from the IGs office. And we never actually got a copy of that
9 interview because it never progressed to discipline. So we --
10 it never triggered our right to actually review the file. But
11 in his declaration, the investigator wrote "Nurse Perkins
12 stated that she was bent over a countertop. Billey walked up
13 behind her and placed his hands on her shoulders and pressed
14 his groin against her buttocks." The final statement I want to
15 read is the only witness that was interviewed was Officer
16 Jimenez. And his statement was "did observe Billey place his
17 hands on Nurse Perkins upper back area and began a rubbing
18 motion on her back and asked Nurse Perkins, who else do you
19 need" referring to, which inmate was next to receive their
20 medication? So this situation all occurred while a nurse is
21 handing out medication. Officer Billey is fulfilling his
22 duties of bringing the inmates in order to receive that
23 medication. He'll tell you today that he simply rested his
24 hands on her shoulder and asked her in a friend -- in a
25 friendly manner, who do you want that? You can see from the

1 statements. Initially it was he put his hands on my back and
2 shoulders, and then it progressed to he put his hands on my
3 shoulders and leaned against my hip. And then it progressed to
4 he put his hands on my shoulders and pressed his groin into my
5 buttocks. Notably, the only witness there does not corroborate
6 that statement other than putting hands on shoulders which Mr.
7 Billey will admit to. And so in this case, I believe the --
8 the allegations got blown out of proportion leading to a
9 criminal charge, leading the threats of being a sex offender,
10 which caused Mr. Billey to plead guilty thinking his job was
11 already safe because the internal investigation had already
12 concluded with no discipline. But in essence, what really
13 happened here is something that I would judge, probably
14 happens in each of your departments on a weekly basis, where
15 someone puts their hands on their shoulder in a friendly
16 manner and says, hey, how are you doing, whatever it may be. I
17 mean, I've been doing this job since 2011. Many of you here
18 know me. I've -- I've been in your departments. This kind of
19 stuff happens, it's not that surprising. I think it got
20 somehow -- and I -- I don't know where it happened, but it got
21 blown out of proportion between this initial court report and
22 the investigation and eventual criminal charges to the point
23 where I -- I don't think anything that Mr. Billey did. And
24 he'll -- he'll acknowledge that it wasn't the most appropriate
25 thing to do with the coworker. Should probably never touched a

1 coworker, wasn't sexually motivated at all, but even then, he
2 probably shouldn't do it. But it was not an action that should
3 lead to the ending of a 15-year career that he's put his whole
4 working life into. And the one other point I wanted to mention
5 or address is the restrictions based on his probation would
6 limit his ability to work in NDOC but that's been addressed
7 with NDOC, where if they're not willing to modify his duties
8 to -- to fit in those restrictions, that he's eligible to have
9 those restrictions removed in January, and that he would be
10 open to taking unpaid leave until that time when he can fully
11 function in his position. And with that, I wouldn't usually do
12 this, but I do want Mr. Billey to kind of give his own version
13 so you can hear from him what actually happened and why he
14 ended up pleading guilty in this case.

15 BILLEY: Members of the board. I worked at Southern
16 Nevada Correctional Center for a very long time, worked with
17 those nurses on a regular basis and considered them all
18 friends. When I went to the camp, I would only see those
19 nurses for maybe 15, 20 minutes a day of male, female didn't
20 matter. So when they come up to camp, I was of course happy to
21 see them. I was glad to do whatever they needed. I would go
22 get the inmates and unlock the doors, have them line up. It
23 was a very, sometimes chaotic if they were out of yard and all
24 of them were trying to come in at once. But we would usually
25 try to control it to one or two out of four pods at a time.

1 When the inmates were there on a regular basis, inmates don't
2 show up. When they didn't show up, I took it upon myself to
3 ask each and every nurse that was there, who they needed,
4 where they were, what pod they were in, and went and looked
5 for them. If I couldn't find them, I would ask an inmate,
6 "Hey, do you know so and so? Is he here?" When he wasn't here,
7 I would've to go back to the desk, tell one of the nurses,
8 hey, this inmate is not here. So me resting my hand on that
9 nurse's shoulder, if I touched her hip, it would probably
10 happen something a million times to any -- anyone, because I
11 would reach over and I would grab that, I would take that
12 medical pill, go over to the computer, look that inmate up,
13 tell the nurse he went back to Southern, he went to unit two.
14 As far as that day, when I was getting the inmates together, I
15 came up the desk, there was an octagon shape raised desk, and
16 the inmates had four pos around us. They would line up on this
17 side. I came up from this side, I did put my hands on both her
18 shoulders, I moved them and asked them who she needed.
19 Normally, I would regularly put a hand on a shoulder because
20 they were preoccupied just to get their attention. I would get
21 whoever they needed after that and whatever means I needed to
22 find, to get whoever they needed. I never did it in any manner
23 to any nurse in any sexual way at any point at any time. I did
24 it with both male and female nurses. For as long as I'd been
25 there, I'd never thought twice about officers hugging nurses

1 or me putting an arm around, hey, how you doing or anything
2 like that until after this period in time. I wasn't even told
3 what I did. I was removed from my post, it happened February
4 24th of '24. I was removed from my post from March 1st. I was
5 sent to High Desert State Prison where I conducted all the
6 duties of a regular officer, did pill call with the nurses,
7 did everything, still had no clue what I had done until the
8 date they came. They arrested me and told me I was guilty of
9 battery on a healthcare provider. I still had no idea what the
10 accusations were. My counsel told me, because I had a meeting
11 at Casa Grande that day, not to show up for my arraignment, go
12 to the Casa Grande meeting, went to the Casa Grande meeting.
13 He told me not to show up for several other of my hearings. So
14 by the time I went in for my first hearing, I was ready to
15 plead guilty because I had touched her. I had discussed with
16 my wife. I said, I put my hands on her shoulders. I said, I
17 admit that I did that. I've always admitted to what I have
18 done wrong. I've stepped forward to my lieutenants and said,
19 that was my fault, I did that. If I didn't do it, I said, I'll
20 fix it, I'll find out what happened. So I was ready to plead
21 guilty, and then I asked the -- it was my attorney's son who
22 was handling my case, what did I do? What am I pleading to
23 tomorrow? He goes, "oh, well you were given that at the
24 arraignment." I said, well, you guys told me not to show up
25 for the arraignment. So I literally got it that night. I had

1 12 hours to, oh, I'm being charged with this now, I'm not
2 pleading guilty. So then it was put off again. Then more stuff
3 came through, oh, you're gonna be charged or take two felony
4 counts and it'll be dropped to a misdemeanor if you plead
5 guilty in one year or something like that. And I still was not
6 gonna plead guilty. Yes, I had done it, but I did not think
7 that I -- it was cause for a gross misdemeanor. I mean, I
8 literally, "Hey, who do you need?" It was wrong of me to touch
9 both of her shoulders. Like I said, 15 years, I never thought
10 twice and until I found out what I had done. I eventually was
11 gonna be charged with other things and I had figured out I
12 touched her. I'm guilty of that misdemeanor. It was a gross
13 misdemeanor because it was a nurse. I accepted the plea. I did
14 not realize that it was gonna go further to where not only
15 could I not have the weapons in my house, it was later put on
16 that I could have no contact with inmates or no contact with
17 weapons at all inside or outside of my home. So therefore, I
18 have done my work for my parole. I have done my reporting
19 correctly. I should be getting the 20 days that I should be
20 eligible at any time to ask for that removal of my
21 probationary period and would just love to return to my job
22 that I put my time and work into. And I've thought twice about
23 every time I've seen somebody touch somebody, period since
24 that day. My wife had told me, oh, that's highly
25 inappropriate, my bad. Well, it was just something I'd seen

1 every day in mind. So I thought about what happened, I thought
2 about that and I have for just stopped saying hi to people in
3 that way, asking questions in that way, think twice about even
4 the contact on the street. It was something that changed my
5 whole point of view and (inaudible). Thank you for your time.

6 HUNTLEY: With that. We're happy to answer any
7 questions you may have or turn the time back over to you.

8 DE LUNA: Jocelyn De Luna for the Attorney General's
9 office. I -- I went back and I looked at the case that we have
10 a judgment of conviction for, for the record that's Clark
11 County District Court, C-25-389353-1. We have a judgment of
12 conviction that came down on March 28th, 2025, and then an
13 amended one a couple days later, March 31st, 2025. I see that
14 three months after that, in June of 2025, Mr. Billey went back
15 to the court to petition to modify the sentence. You weren't
16 his attorney.

17 HUNTLEY: I was not.

18 DE LUNA: Were you aware that they went back to
19 petition for it?

20 HUNTLEY: Yes, I was aware. And my understanding is
21 that he was petitioning to have certain of the restrictions
22 removed. And it was not entertained. But as -- as I stated
23 before, we -- we put out to the Nevada Department of
24 Corrections that if they aren't willing to adjust what he does
25 to work with those that he's open to staying on leave until

1 those are removed, which he could be eligible for in January.

2 DE LUNA: Were there ever any efforts to go back and
3 contest the judgment of conviction?

4 HUNTLEY: I do not believe so.

5 BILLEY: I didn't even know I had a timeframe after I
6 pled guilty to change my plea before the sentence. That was
7 never discussed or explained to me. He just said when he was
8 doing something later on, he called me up about some report he
9 had to write for the courts and he said, well, you're not
10 gonna like this, but you've already pled guilty. So would you
11 please answer these questions for me?

12 DE LUNA: Is there any plan to pursue any sort of post-
13 conviction remedies?

14 HUNTLEY: I'm not his criminal attorney, so I don't
15 know that.

16 MILLER: I'll open up the questions and or comments
17 from the commission.

18 COVERLEY: Dan Coverley for the record, did the
19 commission get the request for revocation? There seems to be a
20 time -- a timing issue from the Department of Corrections. Did
21 they do that prior to the conviction or after?

22 FLOYD: The IG's office notified me before.

23 COVERLEY: Before he was convicted?

24 FLOYD: Right. And then I just followed his case in the
25 court.

1 COVERLEY: Okay.

2 SHERLOCK: And -- and Mike Sherlock for the record.

3 Just understand that they're -- they're required to notify us
4 of anyone charged with a crime. So it's often that we get the
5 information before there's any disposition on that case that
6 that's not unusual. They -- they still ask us to track it and
7 -- and are required to report it.

8 PROSSER: Jamie Prosser for the record, this is one of
9 those weird ones. That's a gross misdemeanor. Has anyone from
10 the Department of Corrections reached out and requested for
11 revocation?

12 FLOYD: Not -- not in writing.

13 SHERLOCK: Yeah, Mike Sherlock for the record. Yeah, we
14 -- everything we have came from them in support of this
15 hearing.

16 PROSSER: So just for clarification --

17 SHERLOCK: Came from them.

18 PROSSER: They're required to notify you of his arrest.
19 So they did, but did we make sure that they want to move
20 forward with the revocation of his CAT three certificate?

21 FLOYD: I believe, and I don't have it in this packet,
22 but I believe that I have a document from the IG's office or
23 an email from the IG's office notifying them that we would
24 move forward with revocation.

25 PROSSER: Okay.

1 SHERLOCK: And -- and DOC's IG office or Department of
2 Correction.

3 COVERLEY: Dan Coverley for the record. You're still
4 employed by DOC?

5 BILLEY: No, sir.

6 COVERLEY: You've been terminated?

7 BILLEY: Yes, sir.

8 HUNTLEY: And -- and I -- I can explain we're at with
9 that.

10 COVERLEY: Okay.

11 HUNTLEY: Initially he was notified of an investigation
12 and then that was cleared out with no discipline back in 2024
13 when that happened. And then after the conviction, they
14 started a new investigation and recommended termination on
15 that in violation of the CBA, which clearly prohibits them
16 from doing that. They missed all the timelines, everything.
17 And so we're currently pending arbitration on that
18 termination.

19 SHEA: Tim Shea, I have a question about this State of
20 Nevada POST update personal action report that most of it's
21 blank, but it's signed by a Julia Sodana.

22 FLOYD: Right. That's from Department of Corrections
23 when they terminated.

24 SHEA: It says at 289.290 notification, does NAC apply?
25 Yes. If yes, provide details. There's nothing, just blank.

1 FLOYD: Right.

2 SHEA: It -- it just says status change separated. And
3 that's dated September 12th of this year.

4 FLOYD: So that -- that separation PAR is based on,
5 they couldn't submit the electronic form because we were
6 having the issues with the database. So we had to have them do
7 a handwritten copy, hence that form that we received. But all
8 the information that we received was pretty much from the IGs
9 office. It wasn't from Department of Corrections personnel or
10 HR or anything like that.

11 TOGLIATTI: George Togliatti for the record. Maybe I'm
12 a little confused here. So on 2024, the internal investigation
13 by the Department of Corrections just ended?

14 HUNTLEY: Correct. So in the CBA for Department of
15 Corrections, they have 120 days from the date they notify the
16 employee of the investigation to recommend disciplinary
17 action. So that time lapsed and his attorney at the time
18 contacted the IG's office and received an email confirmation
19 saying, we recognize the time is lapsed, we're closing the
20 case out. They then reopened a new case to do a new
21 investigation.

22 TOGLIATTI: And who was they?

23 HUNTLEY: The IG's office.

24 TOGLIATTI: The IG within the Department of
25 Corrections?

1 HUNTLEY: Correct. Which that new invest --

2 TOGLIATTI: So Department of Corrections, correct?

3 HUNTLEY: And that new investigation violates multiple
4 provisions where, you know, they -- they have to start the
5 investigation within 30 days after the appointing authority
6 becoming aware of it. They have 120 days again; from the date
7 they noticed. So if they already noticed him and started an
8 investigation of the underlying actions, close that out. So
9 that should be the end of it administratively. But then they
10 opened a new investigation and terminated based upon the same
11 allegation. So that's what's pending before arbitration right
12 now.

13 TOGLIATTI: So the same allegations are real?

14 HUNTLEY: Correct.

15 TOGLIATTI: After 120 days?

16 HUNTLEY: Correct.

17 TOGLIATTI: Thank you

18 DE LUNA: Jesselyn De Luna for the record. I'm looking
19 at the guilty plea agreement; that's Exhibit F on page one. It
20 -- at towards the bottom it says, that you agreed to have no
21 contact of any kind with blank or blank. What -- can you
22 explain why there are two names there? And I'm not asking to,
23 you know, unredacted the name or anything like that.

24 HUNTLEY: No, I'm -- I'm happy to explain that. And now
25 it's kind of a weird thing that happened. So one of those

1 obviously is this nurse. The other individual is a -- another
2 officer who made allegations back in 2022. So it's unclear how
3 she got wrapped up in this because that should have already
4 been appeared from his record. But what -- so you have all the
5 facts. What happened in that 2022 case was he received a
6 written counseling because he was on new medication that he
7 had a bad reaction to. And on duty around this female officer,
8 he started dancing inappropriately, shall we say, gyrating or
9 whatever, no actual physical contact with her. But she made a
10 complaint about it, thinking that he was drunk. They -- they
11 took him, tested him, no alcohol or anything but he did have
12 this new medication that he had a bad reaction to. So how she
13 got brought up now, you know, two and a half years later with
14 no incident between that time and included in the criminal
15 investigation, I have no idea how that happened again because
16 we didn't see any of the file.

17 BILLEY: The same IG investigated both cases.

18 PROSSER: Jamie Prosser for the record. For
19 clarification, so there -- you're going through arbitration to
20 get your job backed.

21 BILLEY: Yes, ma'am.

22 PROSSER: As a board, as a commission, are we able to
23 suspend his Cat three until that's completed, then bring it
24 back when there's a job for him to go to with that? Are you
25 planning to utilize your -- are you gonna work until you get

1 through arbitration?

2 BILLEY: Not in that field, ma'am.

3 UNKNOWN: Go ahead.

4 DE LUNA: Josselyn De Luna for the record. So
5 revocation was -- is being brought today -- the possibility of
6 revocation is being brought today under 289 -- NAC 289.
7 290(1)(e). So that one and revocation is not mandatory like it
8 is with felonies. So suspension may just be imposed, but I
9 will point out that legally the revocation is being brought
10 based off of the conviction, not based off of what's happening
11 with his employer or former employer.

12 MILLER: Any more comments from our commission? All
13 right. Right now I've got a motion to revoke category three,
14 basic certificate for Mr. Billey but I understand that we have
15 options for a suspension as well. So I'll ask for either one
16 of those motions.

17 SHEA: I'm sorry, Tim Shea for the record, I'm still
18 trying to unwrap, raffle all this around in mind. I've known
19 Mr. Huntley for quite a while. I know he is very
20 straightforward. If he tells me something, I've always found
21 it to be the truth, certainly as he knows it.

22 HUNTLEY: Appreciate that.

23 SHEA: And we've had a number of labor issues and
24 things you've been involved with. And so there's no doubt that
25 what you are telling us is, you know, what's been portrayed to

1 you and certainly would you be a hundred percent true. What
2 makes it difficult for me is we only have one side of the
3 story and basically being asked to basically do a trial and
4 make a decision on whether or not something happened or didn't
5 happen. And that's very difficult to do. And I only have -- we
6 only have one side of the story. I mean, if this was an
7 internal, I'd have both sides. If this was a court case, we'd
8 have both sides. And it's a very difficult thing to do. On the
9 other hand, if we have options other than a revocation because
10 there's still ongoing legal proceedings that may change all of
11 this -- all of this, then that makes sense to me to look at
12 another option that basically does what our revocation would
13 do for a period of time until these other things are decided.
14 And then you can move either way for restatement or for
15 revocation based upon those proceedings.

16 HUNTLEY: Understand that.

17 SHEA: The best thing I could -- I'm trying to decipher
18 all of this. This is a rather unique `case.

19 COVERLEY: Dan Coverley for the record. I think the
20 only thing that matters here is the conviction. All right, so
21 he's -- Mr. Billey's been convicted of the crime of battery,
22 which makes him, in my opinion, ineligible for hire as a peace
23 officer. So understanding that if in the future the conviction
24 is overturned, then there is an option or -- or a mechanism to
25 get your basic certificate reinstated and at that time we

1 would hear that. So based on that, I'm prepared to make a
2 motion if that's the ruling of the commission.

3 HUNTLEY: Would I be allowed to respond to that? I
4 would just point out per the statute, based upon what the
5 level of conviction is, it's discretionary, which would --
6 which would lead me to believe that you're supposed to look at
7 the underlying facts with the conviction and determine whether
8 what actually happened rises to the level that his career
9 should be ruined or not. Whether that post should be revoked
10 or not, based upon the underlying actions of that -- of that
11 conviction. We're not dealing with a felony where it's -- the
12 conviction is all that matters. And my argument here today is
13 the underlying actions of what happened are no different than
14 actions that happened probably in every one of your agencies
15 on a weekly or monthly basis, maybe even a daily basis. I know
16 when I used to work at a big law firm, it happened all the
17 time. Attorneys would go up to paralegals and secretaries put
18 their arm around them, how you doing? Have a good day, a
19 little squeeze. That was normal behavior. And so we're not
20 here arguing that it was appropriate or the right behavior,
21 but that the underlying behavior is not something that should
22 rise to the level of ending a 15-year career based upon the
23 conviction itself.

24 MCKINNEY: Kevin McKinney for the record. While I
25 understand what you're saying, Mr. Huntley, your client did

1 plead guilty to battery upon a healthcare provider. And in the
2 information, it says that, I'll quote it here, the elements of
3 the crime that defendant Joseph Billey did willfully and
4 unlawfully use force or violence upon the person of a provider
5 of healthcare who was performing duties as such. And he pled
6 guilty to that. I -- to me it seems fairly, I mean, it's in
7 black and white here, willfully unlawfully used force or
8 violence upon a person. That's what he pled to. And so that's
9 -- and -- and what you're describing contradicts that which is
10 -- is part of the issue.

11 HUNTLEY: No, if -- if the battery can rise from a -- a
12 simple unwanted touching, it doesn't have to be a violent
13 touching, the touching itself is a force. So he -- as he
14 stated, he recognized putting his hands on her shoulders could
15 be unwelcome. That could justify a battery charge. Now, I
16 don't think it should have, but it meets the statutory
17 elements based upon that. But even that charge is a
18 misdemeanor, it doesn't require revocation. Therefore, you
19 should look at the totality of the circumstances, the factors
20 that led to that guilty plea in that charge, and determine
21 whether those actions are inconsistent with the requirements
22 of a police officer, which I would argue they're not.

23 DE LUNA: Jesselyn De Luna the record. I just want to
24 state, like legally to Mr. Coverley's point, there is a
25 judgment of conviction here. As a separate matter, there's the

1 arbitration that's going on with the employer. Even if the
2 arbitration with the employer goes in Mr. Billey's favor, that
3 judgment of conviction will be there unless there's some sort
4 of contest -- contesting of that or post-conviction. So either
5 way, if the judgment of conviction is there, regulations allow
6 POST to revoke it, but also to Mr. Huntley's point, he's
7 correct in that since it's a gross misdemeanor, there is a
8 discretion there.

9 SHERLOCK: And Mike Sherlock for the record. We --
10 we've struggled with this over the years. I'm trying to
11 emphasize that what the regulations say. We bring these
12 convictions to you, not to retry the case. The question for
13 the commission is whether or not someone with a conviction of
14 battery on a healthcare worker is consistent with your
15 profession. That's the question. And you have discretion in
16 answering that question.

17 MILLER: Oliver Miller for the record. So if he is able
18 to have a remedy for his conviction and have it overturned
19 later, we do have a remedy on our side for that if we were to
20 revoke today?

21 SHERLOCK: Yes.

22 MILLER: Okay. So we'd be able to reverse our revoke
23 revocation, you know, based on any -- any legal remedies that
24 he's able to come up with.

25 SHERLOCK: Yes. So as we had earlier -- Mike Sherlock

1 for the record. There is a sort of automatic ability to
2 petition the commission for reinstatement after five years.
3 However, if there's -- there's nothing to prevent someone who
4 has a change in circumstances to come before you and get on
5 our agenda at any time, and you could consider it.

6 MILLER: Oliver Miller for the record. Under those
7 circumstances, I concur with commissioner Coverley (inaudible)
8 was convicted and I get remedy later if you are able to get
9 that reversed. So I would like to look for a motion to revoke
10 the category three basic certificates for Mr. Billey. There's
11 no more comment from our commission.

12 COVERLEY: Dan Coverley for the record. So I move to
13 revoke the category three basic certificate for Joseph Billey.

14 NIEL: Russ Niel, second

15 MILLER: Hearing a first and second, all those in favor
16 say aye.

17 ALL: Aye.

18 MILLER: Aye. Any opposed? Motion carries. Moving on to
19 item number 13, discussion and for possible action. Hearing
20 pursuant to NAC 289.290(1)(g) for possible revocation and a
21 category one basic certificate held by David E. Boruchowitz,
22 former city -- former employee of Nye County Sheriff's Office,
23 based on the conviction of entry of a plea of guilty, guilty
24 but mentally ill or nolo contendere to a felony conviction
25 that led to this action is count one, deprivation of rights

1 under color of law, aiding and abetting misdemeanor. Count
2 four, fraud by wire aiding and abetting felony. Possible
3 action may include revocation of category I, basic
4 certificate. Let's go to Mike Sherlock for more details.

5 SHERLOCK: Thank you, Mike Sherlock for the record. In
6 this case, Mr. Boruchowitz, was convicted of deprivation of
7 rights under the color of law, a misdemeanor and fraud by
8 wire, a felony. Staff would submit both convictions are
9 inconsistent with the policing profession with a felony being
10 prohibitive, staff would recommend that the category one basic
11 certificate of Mr. Boruchowitz, be revoked.

12 MILLER: Thank you, Mike. Is Mr. Boruchowitz, here or
13 anyone on his behalf? Do we have any comments from our
14 commission? Seeing that there's none after looking at the mo -
15 - after -- after looking at this, can we get a motion to
16 revoke the category I basic certificate from Mr. Boruchowitz?

17 MCKINEY: Kevin McKinney, I move that we revoke the
18 certification of Mr. Boruchowitz.

19 MCGILL: Joe McGill, I'll second.

20 MILLER: First and second. All those in favor say aye.

21 ALL: Aye.

22 MILLER: Any opposed? Motion carries. Item number 14
23 for discussion of possible action hearing pursuant to NAC
24 289.290(1)(e) and NAC 289.290(1)(g) for the possible
25 revocation of the category one certificate held by Kevin

1 Menon, former employee of the Las Vegas Metropolitan Police
2 Department based on the conviction of entry, plea of guilty,
3 guilty but mentally ill or no contendere to a gross
4 misdemeanor and felony. The convictions that have led to these
5 actions are case number C-24-386532-1 count one, oppression
6 under the color of office gross misdemeanor in violation of
7 NRS to 199.200(2)(B). Count two, subornation of perjury
8 category D felony violation of NRS 199.120. Count three,
9 battery on a protected person gross misdemeanor in violation
10 of NRS 200.481. And count four, oppression under color of
11 office with immediate threat or use of physical force
12 (Category D Felony) in violation of NRS 197.200. Case number
13 C-24-387164-1. Count 1, possession of visual presentation
14 depicting sexual conduct of a child category B, felony in
15 violation of NRS 200.700 and NRS 200.703. Count two,
16 possession of a visual presentation depicting sexual conduct
17 of a child category B, felony in violation of NRS 200.700 and
18 200.703. Sorry, 730. Count three, possession of a visual
19 presentation depicting sexual conduct of a child, a category B
20 felony in violation of NRS 200.700 and NRS 200.730. Count
21 four, capturing an image of the private area of another
22 person, gross misdemeanor in violation of NRS 200.604.
23 Possible action may include revocation of a category one basic
24 certificate and we'll go to Mike Sherlock for more details.

25 SHERLOCK: Thank you, Mike Sherlock, for the record. I

1 won't repeat all those. I would say in this case, staff would
2 submit each of these convictions are inconsistent with the
3 policing profession. The gross misdemeanors are crimes related
4 to moral to -- turpitude, brady. They're felonies which are
5 prohibitive. Considering all the staff recommends the category
6 I basic certificate of Mr. Menon be revoked.

7 MILLER: Thank you, Mike. Is Mr. Menon here today or
8 anyone on his behalf? Any comments from our commissioners?
9 I'll be looking for a motion to revoke the category one basic
10 certificate for Mr. Menon.

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

12 YOUNG: Commissioner Young, I second.

13 MILLER: I got a first and second. All those in favor
14 say aye.

15 ALL: Aye.

16 MILLER: Aye. Any opposed? Motion carries. Moving on to
17 item number 15, public comment. The commission may not take
18 any action on any matter considered under this item until the
19 matter is specifically included on agenda as an action item.
20 Do we have any other public comment? Moving on to item number
21 16. Discussion and possible action, schedule an upcoming
22 commission meeting in February (inaudible).

23 SHERLOCK: Mike Sherlock for the record. So our next
24 meeting is traditionally in the South and February, in
25 conjunction with the Sheriff's and Chief's Association. They

1 will accommodate us on or about February 11th, 2026 in
2 Mesquite, which we have done in the past. If everybody's
3 interested, we would recommend a motion to accept the Mesquite
4 location for February and we can update as we work with
5 Sheriffs and chiefs on exact date and times during that
6 meeting.

7 MILLER: Do we have a motion to accept?

8 COVERLEY: Dan Coverley, I move to accept Mesquite NV
9 location in February.

10 NIEL: Russ Niel, I second.

11 SHERLOCK: We have a motion and a second. All those in
12 favor say aye.

13 ALL: Aye.

14 MILLER: Any opposed? Motion carried. And before we
15 actually close out and adjourn today, someone's last meeting
16 and there's no way we're not going to close this meeting
17 without thanking Assistant Sheriff Jamie Prosser for her time
18 dedicated service to this commission and the state of Nevada.
19 You will be missed. We appreciate all your efforts and
20 everything you've done for law enforcement profession.

21 PROSSER: Thank you, thank you very much. See you in
22 Mesquite.

23 COVERLEY: You have to have a motion to adjourn, correct?

24 MCGILL: Motion to adjourn.

25 PROSSER: Second

1 MILLER: All those in favor say aye.

2 ALL: Aye.

3 MILLER: Opposed? Meeting is adjourned.

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3. **INFORMATION** Executive Director's report.
- a. Training Division
 - b. Standards Division – 2 voluntary surrenders
 - c. Administration



POST 4th Quarter Audit Report **(Oct-Dec)**

Number of Agencies: 20
Number of Academies: 2

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

AGENCIES:

Agency training deficiency and recommended corrective action:

1. **Agency Name/Date:** 4th District Court Department I 11/18/2025

Findings: Non-compliant

Recommendation: The 4th District Court, Department 1, was non-compliant with continuing education/training requirements for 2024 as noted above. Since Bailiff Garcia is no longer employed with this agency. **AUDIT CLOSED**

Agency background deficiency and recommended corrective action

1. **Agency Name/Date:** NV Department of Corrections 10/16/2025

Findings: I picked 5 random names of relatively recent new hires to review. The following is a synopsis of what I found:

- All five had no residence or employment verifications done.
- Three had no proof of Drug screen testing performed
- Four had no proof of Medical testing performed
- Two had no proof of psychological testing performed
- Two employees were re-hired after separating employment with DOC previously. (One employee was gone for 6 months and the other was gone for over 1.5 years).

In speaking with staff, it was learned that there is minimal training for HR personnel to learn the proper process to perform quality background investigations. This issue was discussed at the last audit in 2023 because the agency had multiple issues with their backgrounds discovered in the audit at that time

Recommendation: It is recommended the person(s) performing the background investigations attend a background investigator school so the agency can reduce their liability for potentially hiring personnel not meeting the requirements as outlined in NAC 289.110. **AUDIT CLOSED**

2. Agency Name/Date: Nevada Department of Agriculture Livestock Identification 12/2/2025

Findings: The Nevada Department of Agriculture Livestock personnel do not perform peace officer background investigations for the agency. They contract with Dave Ponte of Martin and Ross.

Three (3) background files were audited for content. We were unable to locate the proof of medical and drug screen testing in violation of NAC 289.110. Miller recalls doing the testing but has not been able to find someone able to locate the documents.

The company doing the BG's did their part but it appears the missing documents were a result of the agency not scheduling the required testing or misplacing documents

Recommendation: Conduct complete backgrounds. **AUDIT CLOSED**

Significant or repeated deficiencies found: NV Department of Corrections is consistently deficient in background checks

3. Agency Name/Date: Walker River Tribal PD 11/10/25

Findings: Non compliant

Recommendation: No proof of med/drug screening, missing entire background on file for a different officer. **AUDIT CLOSED**

ACADEMIES:

Academy training deficiency and recommended corrective action:0

| Date | Offense | Action |
|------------|--|--|
| | | |
| 12/31/2023 | 2 counts Depravation of rights under color of law | Possible Plea to GM |
| 10/12/2024 | 1. Felony DV by strangulation | Guilty Plea 01/20/2026 |
| 7/27/2025 | (M) Disorderly Conduct and (M) Trespass, not amounting to burglary | Pled Guilty - waiting on agency request |
| 3/18/2024 | 3 (F) counts Unlawful for prison employee/volunteer to commit sexual abuse of prisoner | Preliminary Hearing 01/14/2026 |
| 12/19/2025 | Domestic Battery, 1st | Status Check 2/23/2026 |
| 11/28/2023 | 11 (F) Counts -Assault w/deadly weapon, child abuse, discharging gun into occupied vehicle, oppression under color of office | Jury Trial 05/11/2026 |
| | Falsifying PPFT to obtain Reserve Certification | Agency requests revocation - NDI investigation |
| 12/10/2025 | 1. (F) Kidnapping, second degree 2. (F) Coercion constituting domestic violence w/threat or physical force 3. (F) Domestic violence by strangulation 4. (F) Kidnapping, second degree 5. (F) Assault constituting domestic violence w/use of deadly weapon 6. (F) Domestic Battery w/use of deadly weapon 7. (M) Domestic battery, first offense 8. (F) Coercion constituting domestic violence w/threat or use of physical force 9. (M) Domestic battery, first offense 10. (F) Coercion constituting domestic violence w/threat or use of physical force 11. (M) coercion constituting domestic violence | Jury Trial 05/04/2026 |
| | Charges pending | Waiting for update from agency |
| 10/7/2025 | 1. (F) Battery w/substantial bodily harm and 2.(GM) Challenging to fight | Awaiting trial |
| | Conspiracy to introduce toxicants into prison and bribery of public official? | Waiting for update from agency |
| 1/19/2025 | 1. (M) Torture/abandon/starve animal | Pled Guilty to misdemeanor -agency conducting administrative investigation - will advise |
| 3/10/2025 | (F) Shoot at Inhabited Dwelling/vehicle, etc. | Preliminary Hearing - 01/26/2026 |
| 12/1/2024 | 1. DUI Liquor 2. (M) Failure to drive in travel lane 3. Obstructing/False info to PO | PreTrial 12/15/2025 |

| | | |
|------------|--|---|
| 10/3/2020 | 1. (F) Attempt Theft - Guilty Plea | Pled Guilty/Felony - FTA |
| 5/6/2024 | 1. (F) Driving under the influence | Pled Guilty/Felony |
| | 1.(M) Possession of Drug not to be introduced into interstate commerce 2.(M) Possession or use of Drug paraphernalia | Convicted August 26, 2025 |
| 8/1/2022 | 1. (F) Furn or att, c/s to state prisoner 2. (F) Other pub off/emp ask for/rcv bribe 3. (F) Know/attempt furnish a portable telecom dev 4. (F) Misconduct of Public Official | BOUND OVER TO DC - to appear 01/21/2026 |
| 7/16/2025 | 1. DUI of alcohol and/or controlled or prohibited substance 2. (F) Disobeying a peace officer 3. (M) Basic speeding violation - 41 over 4. (M) Fail to properly maintain travel lane/improper lane change 5. (M) Operate expired unregistered vehicle 6. (M) Operator - proof of insurance required | Guilty plea/Sentenced - GM |
| | 1. (F) Battery of a Police Officer 2. (M) Resisting an Officer 3. Obedience to Police Officers | Case In Louisiana, attempt to contact |
| | agency | |
| 12/21/2025 | 2. (F) Prevent/dissuade rpt crime/cause pros/arrest | Status Check 12/24/25 |
| 4/6/2025 | 2 counts Felony sexual assault of inmate | Preliminary Hearing 01/29/2026 |
| 11/15/2023 | 1. (F) Oppression under color of office 2. (F) Misconduct of Public Officer 3. (F) Sexual Assault | Indicted - Suspend in May? |
| 12/5/2025 | 1. (F) Dom battery by strangulation 2. (F) Dom battery by strangulation 3. (F) Coercion constituting DV w/threat or use of physical force 4-9. (M) Domestic Battery | Preliminary hearing 02/03/2026 |
| | 1. (F) Obtain/use personal identity info of another to harm or for unlawful pupose 2.(F) Burglary of a business, first offense 3-5. (M) Practicing law w/o license | Negotiations 1/27/2026 |
| 10/15/2025 | 1. (F) Cust eng solicit child for prostitution, 1st 2. (F) Att child abuse or neglect, 1st | Preliminary Hearing 02/12/2026 |

[illegible]

4. **DISCUSSION AND FOR POSSIBLE ACTION.**

Discussion regarding the language and requirements to certify a basic academy (NAC 289.300). Proposal to update the hours and qualifications to present a basic academy. Possible action would include a motion to begin the rule making process for such changes.

**ADOPTED REGULATION OF THE PEACE OFFICERS’
STANDARDS AND TRAINING COMMISSION
LCB File No. R005-23**

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: § 1, NRS 289.510, as amended by section 7 of Senate Bill No. 225, chapter 422, Statutes of Nevada 2023, at page 2546, and section 1 of Senate Bill No. 323, chapter 158, Statutes of Nevada 2023, at page 839.

A REGULATION relating to peace officers; revising requirements relating to the certification of basic training courses for peace officers; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Peace Officers’ Standards and Training Commission to adopt regulations establishing minimum standards for the certification, decertification, recruitment, selection and training of peace officers. (NRS 289.510, as amended by section 7 of Senate Bill No. 225, chapter 422, Statutes of Nevada 2023, at page 2546, and section 1 of Senate Bill No. 323, chapter 158, Statutes of Nevada 2023, at page 839)

Existing regulations require the Executive Director of the Commission to certify basic training courses for peace officers which meet certain requirements, including that a person enrolling in such a course must pass a physical examination within a certain period. (NAC 289.300) This regulation instead requires the Executive Director to certify a basic training course if a person enrolling in the course may be required to pass a physical fitness examination.

Section 1. NAC 289.300 is hereby amended to read as follows:

289.300 1. The Executive Director shall certify basic training courses presented by agencies or approved by the Commission which meet the following requirements:

(a) The length of the course must meet the minimum standards for training established by the Commission.

(b) A person enrolling in the course ~~must~~ *may* be required to pass a physical fitness examination not sooner than 30 days before the commencement of the course and not later than 14 days after the commencement of the course. To pass such a physical fitness examination, the person must:

(1) For category I and reserve training:

- (I) Complete a vertical jump of not less than 11.5 inches.
- (II) Complete not less than 24 sit-ups in 1 minute.
- (III) Complete not less than 18 push-ups.
- (IV) Run 300 meters in not more than 1 minute and 22 seconds.
- (V) Walk or run 1.5 miles in not more than 20 minutes and 20 seconds.
- (VI) Complete an agility run in not more than 23.4 seconds.

(2) For category II training:

- (I) Complete a vertical jump of not less than 12 inches.
- (II) Complete not less than 23 sit-ups in 1 minute.
- (III) Complete not less than 12 push-ups.
- (IV) Run 300 meters in not more than 1 minute and 36 seconds.
- (V) Walk or run 1.5 miles in not more than 24 minutes and 10 seconds.
- (VI) Complete an agility run in not more than 24.9 seconds.

(3) For category III training:

- (I) Complete a vertical jump of not less than 12 inches.
- (II) Complete not less than 16 push-ups.
- (III) Run 300 meters in not more than 1 minute and 29 seconds.

(IV) Walk or run 1.5 miles in not more than 21 minutes and 10 seconds.

(V) Complete an agility run in not more than 24.5 seconds.

(c) Each course submitted to the Executive Director for certification must have a curriculum that contains the following elements:

(1) Each topic of instruction for which the Commission has not established standardized performance objectives must have specifically defined objectives for the performance of the students which are based upon known work requirements;

(2) Each topic of instruction for which the Commission has established standardized performance objectives must include, at a minimum, the standardized performance objectives established by the Commission;

(3) Each topic of instruction must have a detailed lesson plan that specifically describes what the student is taught; and

(4) Each topic of instruction must be assigned a specific amount of time.

(d) Each course must employ performance-oriented instructional methods that provide opportunities for each student to demonstrate achievement of the objectives.

(e) For each course, there must be a system of written or practical examinations, or both, that will measure on a pass or fail basis the success of each student in achieving the objectives, including an examination at the beginning and end of each course.

(f) Each agency submitting a course for certification shall provide an instructional facility that meets the following requirements:

(1) A classroom with adequate heating, cooling, ventilation, lighting and space and an environment conducive to learning;

- (2) Comfortable chairs with tables or arms for writing;
 - (3) Audiovisual equipment necessary to support the course;
 - (4) Instructional films and videotapes necessary to support the course; and
 - (5) A firing range adequate to train officers safely in the use of firearms.
- (g) If an agency authorizes the use of the carotid restraint or the lateral vascular neck restraint, the course must include at least 8 hours of instruction in that restraint and include presentations on the use of force, the rules of the agency relating to safety, medical implications, approved techniques, and instruction on care and control measures. The course provided by such an agency must also include a written test of at least 10 questions requiring a minimum score of 70 percent and a proficiency test requiring a minimum score of 85 percent. The agency shall maintain records of each student's performance in the course.
2. Certification of courses will be made and maintained on the basis of on-site inspections conducted by the Executive Director or the staff of the Executive Director. Inspections will be conducted at the discretion of the Executive Director. The agency shall notify the Executive Director of any proposed changes regarding courses, instructors and facilities.
3. The Executive Director shall deny, suspend or revoke the certification of any course for failure of the agency to maintain the minimum curriculum, qualified instructors or requirements for the facility established by the Commission. The Executive Director shall automatically suspend the certification of a course that ceases operation for 24 consecutive months.
4. An agency requesting certification of a course shall make the request in writing to the Executive Director at least 60 days before the course is scheduled to begin. The training course must be reviewed and the request signed by the administrator of the agency and the legal adviser.

The Executive Director shall acknowledge receipt of the request within 5 working days. The Executive Director shall respond with a detailed review of the course within 30 days and rule on the request within 45 days after receipt of the request.

5. DISCUSSION AND FOR POSSIBLE ACTION.

Hearing pursuant to NAC 289.290(1)(g) for the possible revocation of the category III basic certificate held by Tricia N. Beckles, former employee of the Nevada Department of Corrections, based on the conviction of, entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a felony. The conviction(s) that have led to this action are:

CHILD ABUSE, NEGLECT, OR ENDANGERMENT (Category B Felony – NRS 200.508.1)

Possible action may 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, 2026

Tricia N. Beckles

[REDACTED]
Las Vegas, NV 89108

POST PIN #: 41182

Dear Ms. Beckles,

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)(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:

CHILD ABUSE, NEGLECT, OR ENDANGERMENT (Category B Felony – NRS 200.508.1)

CASE NUMBER: C-25-391460-1

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 a number that is practicable at a hearing or designate an independent hearing officer to hear the matter. 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: Thursday, February 12, 2026

Time: 1:00 p.m.

Location: CasaBlanca Resort and Casino, 950 W. Mesquite Blvd., Mesquite, NV 89027

The hearing will cover the following: whether your P.O.S.T certificate(s) should 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.**

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,

A handwritten signature in dark ink, appearing to read 'Kathy Floyd', with a stylized, cursive script.

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

cc: Deputy Attorney General Jesselyn De Luna
Deputy Attorney General John M. Nolan
File

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 personal service or 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)

**OFFICE OF THE SHERIFF
CLARK COUNTY DETENTION
CIVIL PROCESS SECTION**

STATE OF NEVADA COMMISSION ON PEACE)
OFFICERS STANDARD AND TRAINING)

PLAINTIFF

Vs

TRICIA N BECKLES

DEFENDANT

CASE No. POST PIN# 41182

SHERIFF CIVIL NO.: 26000163

AFFIDAVIT OF SERVICE

STATE OF NEVADA }
 } ss:
COUNTY OF CLARK }

JAMIE OSBURN, being first duly sworn, deposes and says: That he/she is, and was at all times hereinafter mentioned, a duly appointed, qualified and acting Deputy Sheriff in and for the County of Clark, State of Nevada, a citizen of the United States, over the age of twenty-one years and not a party to, nor interested in, the above entitled action; that on **1/20/2026**, at the hour of **8:20 AM**. affiant as such Deputy Sheriff served a copy/copies of **NOTICE OF INTENT TO REVOKE** issued in the above entitled action upon the defendant **TRICIA N BECKLES** named therein, by delivering to and leaving with said defendant **TRICIA N BECKLES**, personally, at [REDACTED] **LAS VEGAS, NV 89108** within the County of Clark, State of Nevada, copy/copies of **NOTICE OF INTENT TO REVOKE**

I, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAW OF THE STATE OF NEVADA THAT THE FOREGOING IS TRUE AND CORRECT.

DATED: January 22, 2026.

Kevin McMahon, Sheriff

By: *Jamie Osburn* 18067
JAMIE OSBURN P# 18067
Deputy Sheriff

EXHIBIT B



State of Nevada – POST

Update – Personnel Action Report (PAR)

Agency Login

Agency Name *

NV Dept of Corrections

Employee Details

POST ID *

41182

First Name *

TRICIA

Last Name *

BECKLES

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 *

07/17/2024

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

Comments\Additional Information:

Dismissed due to being arrested for abuse. Under investigation.

| Submitter Details | | |
|-------------------------|-----------------------|----------------------------|
| Submitter's Full Name * | Submitter's Phone # * | Submitter's E-Mail Address |
| Amanda McLaughlin | 775-977-5685 | amclaughlin@doc.nv.gov |

txtFormType
Update PAR

STATE OF NEVADA

EXHIBIT D

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Hereby Awards the

Category III

Basic Certificate

To

Tricia N. Beckles

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


Commission Chairman

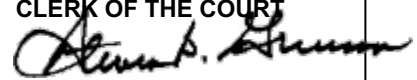
41182

POST ID #

12/15/2023

Date


Executive Director



INFM
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #1565
DENA RINETTI
Chief Deputy District Attorney
Nevada Bar #9897
200 Lewis Ave
Las Vegas, NV 89155
PH: (702) 671-2500
FAX: (702) 868-2412
DAInfo@clarkcountyanv.gov
Attorney for the Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

TRICIA NATOYA BECKLES,
#8765845

Defendant.

CASE NO: **C-25-391460-1**
DEPT NO: **XXIII**

I N F O R M A T I O N

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 **TRICIA NATOYA BECKLES**, as Defendant above named, within the County of Clark, State of Nevada, on or about the 16th day of June, 2024, committed the following crime:

CHILD ABUSE, NEGLECT, OR ENDANGERMENT (Category B Felony - NRS 200.508.1 - NOC 55226), to-wit:

TRICIA NATOYA BECKLES did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to wit: Z.B., being approximately 2 years of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: negligent treatment or maltreatment of a child, by placing Z.B. into a hot bathtub, and/or by failing to adequately supervise Z.B. and/or placing Z.B. on the tub, resulting in Z.B. being burned.


//

EXHIBIT E

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

3 STEVEN B. WOLFSON
4 Clark County District Attorney

5 BY

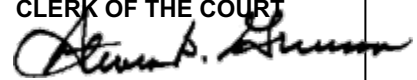
6 
7 DENA RINETTI
8 Chief Deputy District Attorney
9 Nevada Bar #9897

10
11
12 November 4, 2025



CERTIFIED COPY
ELECTRONIC SEAL (NRS 1.190(3))

24CR059798/hjc/SVU
MPD EV# LLV240600062026



AINF
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #1565
DENA RINETTI
Chief Deputy District Attorney
Nevada Bar #9897
200 Lewis Ave
Las Vegas, NV 89155
PH: (702) 671-2500
FAX: (702) 868-2412
DAInfo@clarkcountynv.gov
Attorney for the Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,

Plaintiff,

-vs-

TRICIA NATOYA BECKLES,
#8765845

Defendant.

CASE NO: **C-25-391460-1**

DEPT NO: **XXIII**

**AMENDED
INFORMATION**

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 **TRICIA NATOYA BECKLES**, as Defendant above named, within the County of Clark, State of Nevada, on or about the 16th day of June, 2024, committed the following crime:

CHILD ABUSE, NEGLECT, OR ENDANGERMENT (Category B Felony - NRS 200.508.1 - NOC 55226), to-wit:


TRICIA NATOYA BECKLES did willfully, unlawfully, and feloniously cause a child under the age of 18 years, Z.B., being approximately 2 years of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause Z.B. to be placed in a situation where Z.B. might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, to-wit: negligent treatment or maltreatment of a child, by placing Z.B. into a bathtub, and failing to adequately supervise Z.B. in the bathtub, resulting in Z.B. being burned.

EXHIBIT F

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

3 STEVEN B. WOLFSON
4 Clark County District Attorney

5 BY

6 
7 DENA RINETTI
8 Chief Deputy District Attorney
9 Nevada Bar #9897

10
11
12
13 November 4, 2025



28 CERTIFIED COPY
ELECTRONIC SEAL (NRS 1.190(3))

24CR059798/hjc/SVU
MPD EV# LLV240600062026

1 **GPA**
2 **STEVEN B. WOLFSON**
3 **Clark County District Attorney**
4 **Nevada Bar #1565**
5 **DENA RINETTI**
6 **Chief Deputy District Attorney**
7 **Nevada Bar #9897**
8 **200 Lewis Ave**
9 **Las Vegas, NV 89155**
10 **PH: (702) 671-2500**
11 **FAX: (702) 868-2412**
12 **DAInfo@clarkcountyanv.gov**
13 **Attorney for the Plaintiff**

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

MAY 28 2025

BY, 
ALICE JACOBSON, DEPUTY

DISTRICT COURT
CLARK COUNTY, NEVADA

10 **THE STATE OF NEVADA,**
11 **Plaintiff,**
12 **200 Lev**
13 **Las Ve**
14 **PH: (7**
15 **-vs-**
16 **TRICIA NATOYA BECKLES**
17 **#8765845**
18 **Defendant.**

CASE NO: C-25-391460-1

DEPT NO: XXIII

GUILTY PLEA AGREEMENT

17 **I hereby agree to plead guilty to the charge listed below, as more fully alleged in the**
18 **charging document attached hereto:**

19 **CHILD ABUSE, NEGLECT, OR ENDANGERMENT (Category B Felony - NRS**
20 **200.503.1 - NOC 55226)**

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

23 **Provided that I am not deemed a high risk to re-offend pursuant to the repeat offender**
24 **evaluation, the State will not oppose my being granted probation a the rendition of sentence**
25 **with the State retaining the right to argue terms and conditions.**

26 **I agree to the forfeiture of any and all property seized and/or impounded in connection**
27 **with the instant case and/or any other case negotiated in conjunction with this plea agreement**
28 **unless such property is specifically excluded from forfeiture by the language of this agreement.**

EXHIBIT G

C-25-391460-1
GPA
Guilty Plea Agreement
5136234



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 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 to which I now plead as set forth in the charging document attached hereto.

I understand that as a consequence of my plea of guilty as to CHILD ABUSE, NEGLECT, OR ENDANGERMENT, 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 the law requires me to pay an Administrative Assessment Fee.

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.

I understand that I am not eligible for probation pursuant to NRS 176A.110 unless a psychologist licensed to practice in this State who is trained to conduct psychosexual evaluations or a psychiatrist licensed to practice medicine in this State who is certified by the American Board of Psychiatry and Neurology, Inc., and is trained to conduct psychosexual evaluations certifies in a written report to the court that I do not represent a high risk to reoffend

based upon a currently accepted standard of assessment. I understand that, except as otherwise provided by statute, the question of whether I receive probation is in the discretion of the sentencing judge. I understand that my attorney is responsible for obtaining this psychological evaluation and providing it to the Court and the assigned Deputy District Attorney prior to my sentencing.

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 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 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.

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 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 or resulting sentence 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 prosecution, conviction, or any aspect of the resulting sentence, 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 against me with my attorney and I understand the nature of the charge against me.

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

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

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

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

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


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

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

6 DATED this 28th day of May, 2025.


TRICIA NATOYA BECKLES
Defendant

10 AGREED TO BY:

11 
12 DENA RINETTI
13 Chief Deputy District Attorney
14 Nevada State Bar No. 9897

17 AGREED

19 DENA
20 Chief
21 Nev:

23 AGREED

26 DENA
27 Chief
28 Nev:

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 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 with 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 28 day of May, 2025.

hjc/SVU



AINF
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #1565
DENA RINETTI
Chief Deputy District Attorney
Nevada Bar #9897
200 Lewis Ave
Las Vegas, NV 89155
PH: (702) 671-2500
FAX: (702) 868-2412
DAInfo@clarkcountyanv.gov
Attorney for the Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,
Plaintiff,

CASE NO: C-25-391460-1

DEPT NO: XXIII

-vs-
TRICIA NATOYA BECKLES,
#8765845
Defendant.

**AMENDED
INFORMATION**

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 TRICIA NATOYA BECKLES, as Defendant above named, within the County of Clark, State of Nevada, on or about the 16th day of June, 2024, committed the following crime:

CHILD ABUSE, NEGLECT, OR ENDANGERMENT (Category B Felony - NRS 200.508.1 - NOC 55226), to-wit:

TRICIA NATOYA BECKLES did willfully, unlawfully, and feloniously cause a child under the age of 18 years, Z.B., being approximately 2 years of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause Z.B. to be placed in a situation where Z.B. might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, to-wit: negligent treatment or maltreatment of a child, by placing Z.B. into a bathtub, and failing to adequately supervise Z.B. in the bathtub, resulting in Z.B. being burned.

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

3 STEVEN B. WOLFSON
4 Clark County District Attorney

5 BY

6 
7 DENA RINETTI
8 Chief Deputy District Attorney
9 Nevada Bar #9897

10 24CR059798/hjc/SVU
11 MPD EV# LLV240600062026
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1 **JOC**

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

4 THE STATE OF NEVADA,

5 Plaintiff,

6 -vs-

7 TRICIA NATOYA BECKLES,
8 #8765845

9 Defendant.

CASE NO: C-25-391460-1

DEPT NO: XXIII

10 **JUDGMENT OF CONVICTION**

11 **(PLEA OF GUILTY)**

12 The defendant previously appeared before the Court with counsel and entered a plea
13 of guilty to the crime(s) of CHILD ABUSE, NEGLECT, OR ENDANGERMENT (Category B
14 Felony), in violation of NRS 200.508.1; thereafter, on the 27th day of August, 2025, the
15 defendant was present in court for sentencing with counsel, LOUIS C. SCHNEIDER, Esq.,
16 and good cause appearing,

17 THE DEFENDANT WAS HEREBY ADJUDGED guilty of said offense(s) and, in
18 addition to the \$25.00 Administrative Assessment fee, \$150.00 DNA Analysis fee including
19 testing to determine genetic markers and \$3.00 DNA Collection fee, Deft. SENTENCED to a
20 MINIMUM of THIRTEEN (13) MONTHS and a MAXIMUM of THIRTY-FOUR (34) MONTHS
21 in the Nevada Department of Corrections (NDC), with FIVE (5) DAYS credit for time served,
22 SUSPENDED; placed on PROBATION for an indeterminate period not to exceed THREE (3)
23 YEARS.

24 **STANDARD CONDITIONS:**

25 1. Reporting: You are to report in person to the Division of Parole and Probation as instructed
26 by the Division or its agent. You are required to submit a written report each month on forms
27 supplied by the Division. This report shall be true and correct in all respects.

28 ///

EXHIBIT H

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 or possess 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 breath, blood or urine, to determine 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 firearm, explosive device or other dangerous weapon as defined by Federal, State or local law.

6. Search: You shall submit your person, property, place of residence, vehicle, or areas under your control to search at any time, with or without a search warrant or warrant of arrest, for evidence of a crime or violation of probation by the Division of Probation and Parole or its agent. You may be placed on electronic surveillance (i.e. electronic monitoring or house arrest). If placed on electronic surveillance, your location may be monitored at any time with or without a search warrant or warrant of arrest.

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.

9. Laws: You shall comply with all municipal, county, state and federal law 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 or from the court.

1 11. Employment/Program: You shall seek and maintain legal employment or maintain a
2 vocational or educational program. You shall inform the Division of Parole and Probation of
3 any employment changes or terminations.

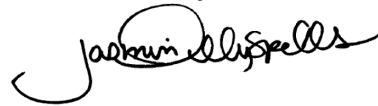
4 12. Financial Obligation: You shall pay fees, fines and restitution on a schedule to be
5 approved by the Division of Parole and Probation. Any excess monies paid will be applied to
6 any other outstanding fees, fines and/or restitution, even if it is discovered after your
7 discharge.

8 In addition, the Defendant is to abide by the following SPECIAL CONDITIONS:

- 9 1. Comply with all Family Court Orders.
10 2. Comply with the CPS case plan/parenting plan.
11 3. Report to P&P within 48 hours.
12 4. Defendant to be truthful with individuals assigned to case whether through P&P,
13 counseling agency, CPS.

14 BOND, if any, EXONERATED.

15 Dated this 16th day of October, 2025

16 

17 kjg

18 219 D61 A568 9048
19 Jasmin Lilly-Spells
20 District Court Judge

21 November 4, 2025



27 CERTIFIED COPY
28 ELECTRONIC SEAL (NRS 1.190(3))

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 State of Nevada

CASE NO: C-25-391460-1

7 vs

DEPT. NO. Department 23

8 TRICIA BECKLES
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

Hearing pursuant to NAC 289.290(1)(g) and 289.290(1)(i) for the possible revocation of the category I and III basic certificate held by Robert C. Bell, former employee of the Las Vegas Metropolitan Police Department, based on the conviction of, 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 as defined in 18 U.S.C. § 921(a)(33). The conviction(s) that have led to this action are:

COUNT 1-ASSAULT WITH A DEADLY WEAPON (Category B Felony in violation of NRS 200.471)

COUNT 2- BATTERY CONSTITUTING DOMESTIC VIOLENCE (Misdemeanor in violation of NRS 200.485(1)(A), 200.481(1)(A), 33.018)

Possible action may be revocation of the category I and 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, 2026

Robert C. Bell

[REDACTED]
Las Vegas, NV 89138

POST PIN #: 12440

Dear Mr. Bell,

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)(g) based on a Conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a felony and (i) 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 1-ASSAULT WITH A DEADLY WEAPON (Category B Felony in violation of NRS 200.471)

COUNT 2- BATTERY CONSTITUTING DOMESTIC VIOLENCE (Misdemeanor in violation of NRS 200.485(1)(A), 200.481(1)(A), 33.018)

CASE NUMBER: C-25-391071-1

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 a number that is practicable at a hearing or designate an independent hearing officer to hear the matter. You will be given the opportunity to present evidence and cross-examine witnesses as applicable. If you wish,

EXHIBIT A

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.**

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: Thursday, February 12, 2026

Time: 1:00 p.m.

Location: CasaBlanca Resort and Casino, 950 W. Mesquite Blvd., Mesquite, NV 89027

The hearing will cover the following: whether your P.O.S.T certificate(s) should 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 (i) 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,

A handwritten signature in black ink, appearing to read 'Kathy Floyd', with a stylized flourish at the end.

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

cc: Deputy Attorney General Jesselyn De Luna
Deputy Attorney General John M. Nolan
File

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 personal service or 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)

**OFFICE OF THE SHERIFF
CLARK COUNTY DETENTION
CIVIL PROCESS SECTION**

STATE OF NEVADA COMMISSION ON PEACE)
OFFICERS STANDARD AND TRAINING)

PLAINTIFF)

Vs)

ROBERT C BELL)

DEFENDANT)

CASE No. POST PIN# 12440

SHERIFF CIVIL NO.: 26000160

AFFIDAVIT OF SERVICE

STATE OF NEVADA }
 } ss:
COUNTY OF CLARK }

ALAN GHASSERANI, being first duly sworn, deposes and says: That he/she is, and was at all times hereinafter mentioned, a duly appointed, qualified and acting Deputy Sheriff in and for the County of Clark, State of Nevada, a citizen of the United States, over the age of twenty-one years and not a party to, nor interested in, the above entitled action; that on **1/15/2026**, at the hour of **2:10 PM.** affiant as such Deputy Sheriff served a copy/copies of **NOTICE OF INTENT TO REVOKE** issued in the above entitled action upon the defendant **ROBERT C BELL** named therein, by delivering to and leaving with said defendant **ROBERT C BELL**, personally, at [REDACTED] **HENDERSON, NV 89011** within the County of Clark, State of Nevada, copy/copies of **NOTICE OF INTENT TO REVOKE**

I, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAW OF THE STATE OF NEVADA THAT THE FOREGOING IS TRUE AND CORRECT.

DATED: January 20, 2026.

Kevin McMahon, Sheriff

By:  18064

ALAN GHASSERANI P#18064
Deputy Sheriff

EXHIBIT B



State of Nevada – POST

Update – Personnel Action Report (PAR)

Agency ID *

0076

Agency Name *

LV Metro PD

Employee Details

POST ID *

12440

First Name *

ROBERT

Last Name *

BELL

Middle Initial

C

Suffix

☐ Name Changed

☐ Address Changed

Level Change

Level Changed *

☒ Line ☐ Supervisor ☐ Management ☐ Executive

*

☐ Part Time ☒ Full Time

Status Changed

☐ Deceased ☒ Retired ☐ Separated

Effective Date *

01/17/2025

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

Comments\Additional Information:

25-CR-004567 from Justice Court. Allegations Include: Coercion with Force or Threat of Force, Kidnapping second degree with Deadly Weapon, Assault with the Use of Deadly Weapon (Felony Charges).

| Submitter Details | | |
|-------------------------|-----------------------|----------------------------|
| Submitter's Full Name * | Submitter's Phone # * | Submitter's E-Mail Address |
| Jessica Reynolds | 702-828-6944 | J16596R@LVMPD.com |

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STATE OF NEVADA

COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING

Hereby Awards the

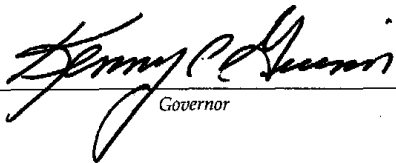
Basic Certificate

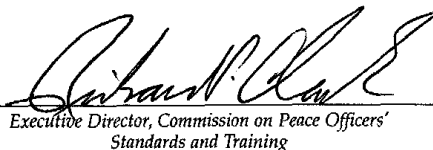
To

ROBERT C. BELL

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

CATEGORY I


Governor


Executive Director, Commission on Peace Officers'
Standards and Training

Presented this 2nd day of March, 2004

EXHIBIT D

STATE OF NEVADA

PEACE OFFICERS' STANDARDS AND TRAINING COMMITTEE

Hereby Awards the

Basic Certificate

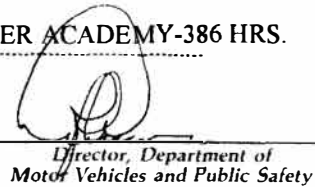
To

ROBERT C. BELL

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

CATEGORY III LVMPD CORRECTIONS OFFICER ACADEMY-386 HRS.


Governor


Director, Department of
Motor Vehicles and Public Safety

Presented this 30TH day of JUNE, 19 99



AINF
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #1565
LAURA ROSE
Chief Deputy District Attorney
Nevada Bar #13390
200 Lewis Avenue
Las Vegas, NV 89155
PH: (702) 671-2500
FAX: (702) 868-2412
DAInfo@clarkcountyanv.gov
Attorney for the Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

ROBERT CHARLES BELL
#1030252

Defendant.

CASE NO: C-25-391071-1

DEPT NO: XV

**AMENDED
INFORMATION**

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 the Defendant(s) above named, within the County of Clark, State of Nevada, on or about February 2, 2024, committed one or more of the following crime(s); **ASSAULT WITH A DEADLY WEAPON (Category B Felony - NRS 200.471 - NOC 50201)** and **BATTERY CONSTITUTING DOMESTIC VIOLENCE (Misdemeanor - NRS 200.485(1)(A), 200.481(1)(A), 33.018 - NOC 50235)**, as follows to wit:

COUNT 1 - ASSAULT WITH A DEADLY WEAPON

ROBERT CHARLES BELL did on or about February 2, 2024, willfully, unlawfully, feloniously and intentionally place another person in reasonable apprehension of immediate bodily harm and/or did willfully and unlawfully attempt to use physical force against another person, to wit: [REDACTED] and/or [REDACTED], with use of a deadly weapon, to

EXHIBIT E

1 wit: a firearm, by brandishing said firearm in a threatening manner towards the said [REDACTED]
2 [REDACTED] and/or [REDACTED]

3 BATTERY CONSTITUTING DOMESTIC VIOLENCE

4 ROBERT CHARLES BELL did on or about February 2, 2024, willfully and unlawfully
5 use force or violence against or upon the person of [REDACTED], who was the defendant's
6 spouse, former spouse, any other person to whom the defendant was related by blood or
7 marriage, a person with whom the defendant has had or was having a dating relationship, a
8 person with whom the defendant had a child in common, the minor child of any of those
9 persons or the defendant's minor child, by pointing a firearm at the said [REDACTED] in a
10 threatening manner.

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

13 STEVEN B. WOLFSON
14 Clark County District Attorney
Nevada Bar No. 1565

15
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17 BY



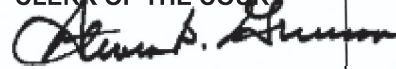
18 LAURA ROSE
19 Chief Deputy District Attorney
Nevada Bar #13390

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22 November 12, 2025



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28 lb/DVU
MPD EV# LLV240200008215

CERTIFIED COPY
ELECTRONIC SEAL (NRS 1.190(3))



1 **GPA**
STEVEN B. WOLFSON
2 Clark County District Attorney
Nevada Bar #1565
3 LAURA ROSE
Chief Deputy District Attorney
4 Nevada Bar #13390
200 Lewis Avenue
5 Las Vegas, NV 89155
PH: (702) 671-2500
6 FAX: (702) 868-2412
DAInfo@clarkcountydav.gov
7 Attorney for the Plaintiff

8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

10
11 THE STATE OF NEVADA,
12 Plaintiff,

13 -vs-

14 ROBERT CHARLES BELL
#1030252

15 Defendant.
16

CASE NO: C-25-391071-1

DEPT NO: XV

17 **GUILTY PLEA AGREEMENT**

18 I hereby agree to plead guilty, pursuant to North Carolina v. Alford, 400 U.S. 25
19 (1970), as more fully alleged in the charging document attached hereto:

20 **COUNT 1 - ASSAULT WITH A DEADLY WEAPON (Category B Felony - NRS**
21 **200.471 - NOC 50201).**

22 **COUNT 2 - BATTERY CONSTITUTING DOMESTIC VIOLENCE**
23 **(Misdemeanor - NRS 200.485(1)(A), 200.481(1)(A), 33.018 - NOC 50235).**

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

26 **As to COUNT 1**, the Parties agree to probation with a fixed term of five (5) years. The
27 State retains the right to argue all other terms and conditions. The Defendant agrees to have
28 no contact with [REDACTED] except in compliance with any family court order. The Defendant

EXHIBIT F

1 also agrees to have no contact with [REDACTED]. If Defendant successfully completes all
2 terms of probation without any Court-sustained violations and receives an honorable
3 discharge, the State will dismiss only CT1: Assault with Deadly Weapon.

4 The Defendant agrees and understands that he is ineligible for the dismissal, regardless
5 of whether or not he receives an honorable discharge, if one or more of the following events
6 occur: (1) Defendant fails to interview for the presentence investigation report; (2) Defendant
7 fails to appear at any subsequent court date; (3) An independent magistrate, by affidavit review,
8 confirms probable cause against him/her for new criminal charges including reckless driving
9 or DUI, but excluding minor traffic violations; (4) Defendant violates no contact order; or (5)
10 Defendant has been found by the Court to be in violation of his probation, regardless of
11 whether the Defendant is revoked or not. Defendant agrees not to seek dismissal pursuant to
12 NRS 453.3363 or any other statute.

13 **As to COUNT 2**, Defendant is to be sentenced to credit for time served. In addition,
14 Defendant agrees not to seek dismissal pursuant to NRS 453.3363 or any other statute.

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

17 I agree to the forfeiture of any and all property seized and/or impounded in connection
18 with the instant case and/or any other case negotiated in conjunction with this plea agreement
19 unless such property is specifically excluded from forfeiture by the language of this agreement.

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

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

3 CONSEQUENCES OF THE PLEA

4 By pleading guilty pursuant to the Alford decision, it is my desire to avoid the
5 possibility of being convicted of more offenses or of a greater offense if I were to proceed to
6 trial on the original charge(s) and of also receiving a greater penalty. I understand that my
7 decision to plead guilty by way of the Alford decision does not require me to admit guilt, but
8 is based upon my belief that the State may present sufficient evidence at trial that a jury may
9 return a verdict of guilty of a greater offense or of more offenses than that to which I am
10 pleading guilty.

11 I understand that in pleading guilty by way of the Alford decision, I am not contesting
12 the facts alleged by the State that support all the elements of the offenses to which I now plead
13 as set forth in the charging document attached hereto.

14 As to **COUNT 1**, I understand that as a consequence of my plea of guilty as to
15 ASSAULT WITH DEADLY WEAPON, the Court may sentence me to imprisonment in the
16 Nevada Department of Corrections for a minimum term of not less than one (1) year(s) and a
17 maximum term of not more than six (6) year(s). The minimum term of imprisonment may not
18 exceed forty percent (40%) of the maximum term of imprisonment. I understand that I may
19 also be fined up to \$5,000.00.

20 As to **COUNT 2**, I understand that as a consequence of my plea of guilty as to
21 BATTERY CONSTITUTING DOMESTIC VIOLENCE, that I may be sentenced to a period
22 not to exceed SIX (6) months in the Clark County Detention Center. I also understand that
23 the Court may assess a fine of up to \$1000, that I may be required to complete up to one (1)
24 year of domestic violence counseling, and that I may be required to complete up to 100 hours
25 of community service.

26 I understand that the law requires me to pay an Administrative Assessment Fee(s).

27 I understand that, if appropriate, I will be ordered to make restitution to the victim of
28 the offense(s) to which I am pleading guilty and to the victim of any related offense which is

1 being dismissed or not prosecuted pursuant to this agreement. I will also be ordered to
2 reimburse the State of Nevada for any expenses related to my extradition, if any.

3 As to **COUNT 1**, I understand that I am eligible for probation for the offense(s) to
4 which I am pleading guilty. I understand that, except as otherwise provided by statute, the
5 question of whether I receive probation is in the discretion of the sentencing judge.

6 As to **COUNT 2**, I understand that I am eligible for probation for the offense(s) to
7 which I am pleading guilty. I understand that, except as otherwise provided by statute, the
8 question of whether I receive probation is in the discretion of the sentencing judge.

9 I understand that the State will use this conviction, and any other conviction from this
10 or any other State which prohibits the same or similar conduct, to enhance the penalty for
11 any similar subsequent offense, as detailed in the Battery/Domestic Violence:
12 Admonishment of Rights, which I have reviewed with my attorney, and is attached to this
13 agreement.

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

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

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

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

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

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

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

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

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

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

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

22 WAIVER OF RIGHTS

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

- 25 1. The constitutional privilege against self-incrimination, including the right
26 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.
- 27 2. The constitutional right to a speedy and public trial by an impartial jury,
28 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 or resulting sentence 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 prosecution, conviction, or any aspect of the resulting sentence, 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.

//

1 //

2 //

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

5 DATED this 11 day of July, 2025.

7 
8 ROBERT CHARLES BELL
Defendant

9 AGREED TO BY:

10 
11

12 _____
13 Laura Rose
14 Chief Deputy District Attorney
Nevada State Bar No. 13390

CERTIFICATE OF COUNSEL:

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

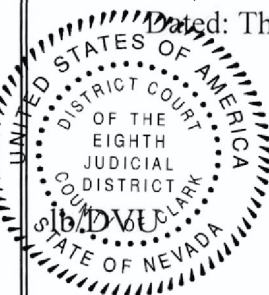
1. I have fully explained to the Defendant the allegations contained in the charge(s) to which guilty pleas are being entered.
2. I have advised the Defendant of the penalties for each charge and the restitution that the Defendant may be ordered to pay.
3. I have inquired of Defendant facts concerning 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 with 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.

November 12, 2025

Dated: This 11th day of July, 2025.




WARREN GELLER, ESQ.

CERTIFIED COPY

ELECTRONIC SEAL (NRS 1.190(3))

1 **AINF**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #1565
5 LAURA ROSE
6 Chief Deputy District Attorney
7 Nevada Bar #13390
200 Lewis Avenue
Las Vegas, NV 89155
PH: (702) 671-2500
FAX: (702) 868-2412
DAInfo@clarkcountydav.gov
Attorney for the Plaintiff

8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

10 THE STATE OF NEVADA,
11 Plaintiff,

12 -vs-

13 ROBERT CHARLES BELL
14 #1030252

15 Defendant.

CASE NO: C-25-391071-1

DEPT NO: XV

**AMENDED
INFORMATION**

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

18 That the Defendant(s) above named, within the County of Clark, State of Nevada, on
19 or about February 2, 2024, committed one or more of the following crime(s); **ASSAULT**
20 **WITH A DEADLY WEAPON (Category B Felony - NRS 200.471 - NOC 50201)** and
21 **BATTERY CONSTITUTING DOMESTIC VIOLENCE (Misdemeanor - NRS**
22 **200.485(1)(A), 200.481(1)(A), 33.018 - NOC 50235)**, as follows to wit:

23 COUNT 1 - ASSAULT WITH A DEADLY WEAPON

24 ROBERT CHARLES BELL did on or about February 2, 2024, willfully, unlawfully,
25 feloniously and intentionally place another person in reasonable apprehension of immediate
26 bodily harm and/or did willfully and unlawfully attempt to use physical force against another
27 person, to wit: [REDACTED] and/or [REDACTED], with use of a deadly weapon, to
28

1 wit: a firearm, by brandishing said firearm in a threatening manner towards the said [REDACTED]
2 [REDACTED] and/or [REDACTED]


3 BATTERY CONSTITUTING DOMESTIC VIOLENCE

4 ROBERT CHARLES BELL did on or about February 2, 2024, willfully and unlawfully
5 use force or violence against or upon the person of [REDACTED], who was the defendant's
6 spouse, former spouse, any other person to whom the defendant was related by blood or
7 marriage, a person with whom the defendant has had or was having a dating relationship, a
8 person with whom the defendant had a child in common, the minor child of any of those
9 persons or the defendant's minor child, by pointing a firearm at the said [REDACTED] in a
10 threatening manner.

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

13 STEVEN B. WOLFSON
14 Clark County District Attorney
15 Nevada Bar No. 1565

16
17 BY


18 LAURA ROSE
19 Chief Deputy District Attorney
20 Nevada Bar #13390

21
22
23
24
25
26
27 lb/DVU
28 MPD EV# LLV240200008215

District Court, Clark County
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

- vs. -

ROBERT CHARLES BELL
Defendant.

CASE NO.: C-25-391071-1

DEPT. NO.: XV

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: RCB

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

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

- ECB 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 Warran Gelle.
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.

| | | |
|-----------------------|-----------------|----------------|
| <u>Ruth C. Bell</u> | <u>11.10.69</u> | <u>7.11.25</u> |
| DEFENDANT'S SIGNATURE | DATE OF BIRTH | DATE |

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

Warran Gelle
DEFENDANT'S ATTORNEY (if applicable)

100 FT

BAR NUMBER

JOC

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

ROBERT CHARLES BELL,
#1030252

Defendant.

CASE NO: C-25-391071-1

DEPT NO: XV

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

The defendant previously appeared before the Court with counsel and entered a plea of guilty to the crime(s) of COUNT 1- ASSAULT WITH A DEADLY WEAPON (Category B Felony), in violation of NRS 200.471 and COUNT 2- BATTERY CONSTITUTING DOMESTIC VIOLENCE (Misdemeanor), in violation of NRS 200.485(1)(A), 200.481(1)(A), 33.018; thereafter, on the 6th day of November, 2025, the defendant was present in court for sentencing with counsel, Warren J. Geller, Esq., and good cause appearing,

THE DEFENDANT WAS HEREBY ADJUDGED guilty of said offense(s) and, in addition to the \$25.00 Administrative Assessment Fee, a \$150.00 DNA Analysis Fee including testing to determine genetic markers, \$3.00 DNA Collection Fee, and \$35.00 Domestic Violence Fee, Defendant SENTENCED as to COUNT 1- a MINIMUM of TWENTY-EIGHT (28) MONTHS and a MAXIMUM of SEVENTY-TWO (72) MONTHS in the Nevada Department of Corrections (NDC) with TWO (2) DAYS credit for time served, SUSPENDED; placed on PROBATION for a fixed period of FIVE (5) YEARS and as to COUNT 2- TWO (2) DAYS in the Clark County Detention Center (CCDC) with TWO (2) DAYS credit for time served.

STANDARD CONDITIONS OF PROBATION:

EXHIBIT G

- 1 1. Reporting: You are to report in person to the Division of Parole and Probation as instructed
2 by the Division or its agent. You are required to submit a written report each month on forms
3 supplied by the Division. This report shall be true and correct in all respects.
- 4 2. Residence: You shall not change your place of residence without first obtaining permission
5 from the Division of Parole and Probation, in each instance.
- 6 3. Intoxicants: You shall not consume alcoholic beverages WHATSOEVER. Upon order of
7 the Division of Parole and Probation or its agent, you shall submit to a medically recognized
8 test for breath, blood or urine, to determine alcohol content.
- 9 4. Controlled substances: You shall not use, purchase or possess any illegal drugs, or any
10 prescription drugs, unless first prescribed by a licensed medical professional. You shall
11 immediately notify the Division of Parole and Probation of any prescription received. You
12 shall submit to drug testing as required by the Division or its agent.
- 13 5. Weapons: You shall not possess, have access to, or have under your control, any firearm,
14 explosive device or other dangerous weapon as defined by Federal, State or local law.
- 15 6. Search: You shall submit your person, property, place of residence, vehicle, or areas under
16 your control to search at any time, with or without a search warrant or warrant of arrest, for
17 evidence of a crime or violation of probation by the Division of Probation and Parole or its
18 agent. You may be placed on electronic surveillance (i.e. electronic monitoring or house
19 arrest). If placed on electronic surveillance, your location may be monitored at any time with
20 or without a search warrant or warrant of arrest.
- 21 7. Associates: You must have prior approval by the Division of Parole and Probation to
22 associate with any person convicted of a felony, or any person on probation or parole
23 supervision. You shall not have any contact with persons confined in a correctional institution
24 unless specific written permission has been granted by the Division and the correctional
25 institution.
- 26 8. Directives and Conduct: You shall follow the directives of the Division of Parole and
27 Probation and your conduct shall justify the opportunity granted to you by this community
28 supervision.

1 9. Laws: You shall comply with all municipal, county, state and federal law and ordinances.

2 10. Out of State Travel: You shall not leave the state without first obtaining written person
3 from the Division of Parole and Probation or from the court.

4 11. Employment/Program: You shall seek and maintain legal employment or maintain a
5 vocational or educational program. You shall immediately inform the Division of Parole and
6 Probation of any employment changes or terminations.

7 12. Financial Obligation: You shall pay fees, fines and restitution on a schedule to be
8 approved by the Division of Parole and Probation. Any excess monies paid will be applied to
9 any other outstanding fees, fines and/or restitution, even if it is discovered after your
10 discharge.

11
12 SPECIAL CONDITIONS:

13 1. You may only take medication prescribed to you.

14 2. No contact whatsoever with either named victim, [REDACTED] and [REDACTED] Contact
15 regarding Family Court is permissible.

16 3. Complete TWENTY-SIX (26) WEEKS of Domestic Violence counseling classes.

17 4. Within THIRTY (30) DAYS submit to a substance abuse evaluation and complete any
18 recommended care plan, treatment or counseling program by Parole and Probation.

19 5. Within THIRTY (30) DAYS submit to a mental health evaluation and complete any
20 recommended care plan, treatment or counseling program by Parole and Probation.

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

27 7. Abide by any curfew imposed by probation officer.

28 ///

1 Court directed Defendant to report to Parole and Probation by close of business tomorrow.
2 BOND, if any, EXONERATED.

3
4
5 November 12, 2025

Dated this 12th day of November, 2025



Joe Hardy

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C46 B19 4744 2B4A
Joe Hardy
District Court Judge

CERTIFIED COPY
ELECTRONIC SEAL (NRS 1.190(3))

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 State of Nevada

CASE NO: C-25-391071-1

7 vs

DEPT. NO. Department 15

8 Robert Bell
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 11/12/2025

15 Laura Rose

Laura.Rose@clarkcountyanv.gov

7. **DISCUSSION AND FOR POSSIBLE ACTION.**

Hearing pursuant to NAC 289.290(1)(e) for the possible revocation of the category I, II and III basic certificates held by Taylor D. Dudley, former employee of the Las Vegas Metropolitan Police Department, based on the conviction of, 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:

DESTROYING EVIDENCE (Gross Misdemeanor in violation of NRS 199.220)

Possible action may be revocation of the category I, II and III basic certificates.



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, 2026

Taylor D. Dudley



Las Vegas, NV 89148

POST PIN #: 36077

Dear Mr. Dudley,

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) 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:

DESTROYING EVIDENCE (Gross Misdemeanor in violation of NRS 199.220)

CASE NUMBER: C-25-393895-1

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 a number that is practicable at a hearing or designate an independent hearing officer to hear the matter. 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: Thursday, February 12, 2026

Time: 1:00 p.m.

Location: CasaBlanca Resort and Casino, 950 W. Mesquite Blvd., Mesquite, NV 89027

The hearing will cover the following: whether your P.O.S.T certificate(s) should be revoked pursuant to **NAC 289.290 (1) (e) 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,

A handwritten signature in black ink, appearing to read 'Kathy Floyd', written in a cursive style.

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

cc: Deputy Attorney General Jesselyn De Luna
Deputy Attorney General John M. Nolan
File

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 personal service or 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)

STATE OF NEVADA COMMISSION ON PEACE)
OFFICERS STANDARD AND TRAINING)
PLAINTIFF)
)
VS)
TAYLOR D DUDLEY)
)
DEFENDANT)

NOT FOUND AFFIDAVIT

NOT FOUND AFFIDAVIT

Date: 1/14/2026 @ 1:11 PM - [REDACTED] LAS VEGAS, NV 89178

Attempted By: BRIAN THOMAS

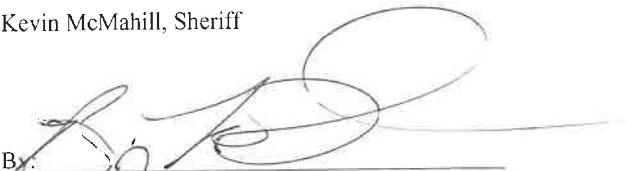
Service Type: DEFENDANT DOES NOT RESIDE HERE

Notes: PER RESIDENT, TAYLOR DUDLEY DOES NOT LIVE HERE.

I, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAW OF THE STATE ON NEVADA THAT THE FOREGOING IS TRUE AND CORRECT.

Dated: January 20, 2026

Kevin McMahon, Sheriff

By: 
BRIAN THOMAS P#18063
Deputy Sheriff



State of Nevada – POST

Update – Personnel Action Report (PAR)

Agency Login

Agency Name *

LV Metro PD

Employee Details

POST ID *

36077

First Name *

TAYLOR

Last Name *

DUDLEY

Middle Initial

D

Suffix

☐ Name Changed

☐ Address Changed

Level Change

Level Changed *

☒ Line ☐ Supervisor ☐ Management ☐ Executive

*

☐ Part Time ☒ Full Time

Status Changed

☐ Deceased ☐ Retired ☒ Separated

Effective Date *

07/25/2025

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:

Resending the Update PAR to include request for revocation. Voluntary Resignation: Justice Court 25-CR-060607
Charged with Gross Misdemeanor- Destroy/Conceal Evidence

| Submitter Details | | |
|-------------------------|-----------------------|----------------------------|
| Submitter's Full Name * | Submitter's Phone # * | Submitter's E-Mail Address |
| Jessica Reynolds | 702-828-6944 | J16596R@LVMPD.com |

txtFormType
Update PAR

STATE OF NEVADA

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Hereby Awards the

Category I Basic Certificate

To
Taylor D. Dudley

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


Governor


Executive Director

36077
POST ID No.

July 25, 2018
Date

EXHIBIT D

STATE OF NEVADA

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

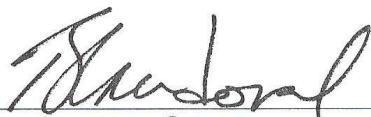
Hereby Awards the

Category II Basic Certificate

To

Taylor D. Dudley

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



Governor



Executive Director

36077
POST ID No.

July 25, 2018
Date

STATE OF NEVADA

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Hereby Awards the

Category III Basic Certificate

To
Taylor D. Dudley

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

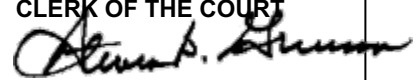


Governor

Executive Director

36077
POST ID No.

July 25, 2018
Date



1 **INFM**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #1565
5 GAVIN DEAN
6 Deputy District Attorney
7 Nevada Bar #16518
200 Lewis Avenue
Las Vegas, NV 89155
PH: (702) 671-2500
FAX: (702) 868-2412
DAInfo@clarkcountynv.gov
Attorney for the Plaintiff

8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

10 THE STATE OF NEVADA,
11 Plaintiff,
12 -vs-
13 TAYLOR DUDLEY #6079625
14 Defendant.

CASE NO: C-25-393895-1
DEPT NO: XIX

15 **I N F O R M A T I O N**

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

18 That the Defendant(s) above named, within the County of Clark, State of Nevada, on
19 or about May 16, 2025, committed one or more of the following crime(s), **DESTROYING**
20 **EVIDENCE (Gross Misdemeanor - NRS 199.220 - NOC 52980)** as follows to wit:

21 TAYLOR DUDLEY did willfully and unlawfully, with intent to conceal the
22 commission of a felony or to protect or conceal the identity of any person committing the
23 same, or with intent to delay or hinder the administration of the law or to prevent the production
24 thereof at any time, in any court or before any officer, tribunal, judge or magistrate willfully
25 destroy, alter, erase, obliterate or conceal any book, paper, record, writing, instrument, or
26 thing, by deleting the "Tagged" application from his cell phone that contained specific
27 photographs and messages, that held evidentiary value in a pending investigation against the
28 defendant, after he was notified that law enforcement was conducting an investigation into his

EXHIBIT E

1 use and distribution of certain images associated with and distributed or published through this
2 application.

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

5 STEVEN B. WOLFSON
6 Clark County District Attorney
7 Nevada Bar #1565

8
9 BY



10 GAVIN DEAN
11 Deputy District Attorney
12 Nevada Bar #16518

13
14
15 November 4, 2025



16
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20
21 CERTIFIED COPY
22 ELECTRONIC SEAL (NRS 1.190(3))
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28 im
MPD EV# LLV250500058392

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

SEP 11 2025

BY: 
APRIL M. CLINE, DEPUTY

1 **GPA**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #1565
5 GAVIN DEAN
6 Deputy District Attorney
7 Nevada Bar #16518
8 200 Lewis Avenue
9 Las Vegas, Nevada 89101
10 PH: (702) 671-2500
11 FAX: (702) 868-2412
12 DAInfo@clarkcountyanv.gov
13 Attorney for the Plaintiff

8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

C-25-393895-1
GPA
Guilty Plea Agreement
5151123



11 THE STATE OF NEVADA,
12 Plaintiff,

13 -VS-

14 TAYLOR DUDLEY
15 #6079625

16 Defendant.

CASE NO: C-25-393895-1

DEPT NO: 19

17 **GUILTY PLEA AGREEMENT**

18 I hereby agree to plead guilty to the charge(s) listed below, as more fully alleged in the
19 charging document attached hereto: **DESTROYING EVIDENCE (Gross Misdemeanor -**
20 **NRS 199.220 - NOC 52980)**

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

23 The State recommends a sentence of credit for time served after entry of plea in District
24 Court.

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

27 I agree to the forfeiture of any and all property seized and/or impounded in connection
28 with the instant case and/or any other case negotiated in conjunction with this plea agreement

EXHIBIT F

1 unless such property is specifically excluded from forfeiture by the language of this agreement.

2 My cell phone is specifically excluded from forfeiture.

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

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

14 CONSEQUENCES OF THE PLEA

15 I understand that by pleading guilty I admit the facts which support all the elements of
16 the offense(s) to which I now plead as set forth in the charging document attached hereto.

17 I understand that as a consequence of my plea of guilty as to DESTROYING
18 EVIDENCE, I may be imprisoned in the Clark County Detention Center for a period of not
19 more than three hundred sixty-four (364) days and that I may be fined up to \$2,000.00.

20 I understand that the law requires me to pay an Administrative Assessment Fee(s).

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

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

28 I understand that I must submit to blood and/or saliva tests under the Direction of the

1 Division of Parole and Probation to determine genetic markers and/or secretor status.

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

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

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

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

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

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

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

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

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

1 //

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

9 WAIVER OF RIGHTS

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

- 12 1. The constitutional privilege against self-incrimination, including the right
13 to refuse to testify at trial, in which event the prosecution would not be
14 allowed to comment to the jury about my refusal to testify.
- 15 2. The constitutional right to a speedy and public trial by an impartial jury,
16 free of excessive pretrial publicity prejudicial to the defense, at which
17 trial I would be entitled to the assistance of an attorney, either appointed
18 or retained. At trial the State would bear the burden of proving beyond
19 a reasonable doubt each element of the offense(s) charged.
- 20 3. The constitutional right to confront and cross-examine any witnesses who
21 would testify against me.
- 22 4. The constitutional right to subpoena witnesses to testify on my behalf.
- 23 5. The constitutional right to testify in my own defense.
- 24 6. The right to appeal the conviction or resulting sentence with the
25 assistance of an attorney, either appointed or retained, unless specifically
26 reserved in writing and agreed upon as provided in NRS 174.035(3). I
27 understand this means I am unconditionally waiving my right to a direct
28 appeal of this prosecution, conviction, or any aspect of the resulting
sentence, 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.

26 VOLUNTARINESS OF PLEA

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

1 //

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

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

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

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

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

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

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

18 DATED this 17 day of September, 2025.

19
20
21 
TAYLOR DUDLEY
Defendant

22 AGREED TO BY:

23 /s/ Gavin Dean

24 GAVIN DEAN

25 Nevada State Bar No. 16518
26
27
28

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 with 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 11th day of September, 2025.

November 4, 2025

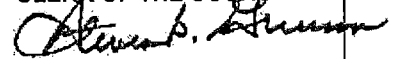
David Roger

Public Defender JC 13

DAVID ROGER



gd/CLERKS



1 INFM
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #1565
5 GAVIN DEAN
6 Deputy District Attorney
7 Nevada Bar #16518
200 Lewis Avenue
Las Vegas, NV 89155
PH: (702) 671-2500
FAX: (702) 868-2412
DAInfo@clarkcountydav.gov
Attorney for the Plaintiff

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,
11 Plaintiff,

CASE NO: C-25-393895-1

12 -vs-

DEPT NO: XIX

13 TAYLOR DUDLEY #6079625
14 Defendant.

15 INFORMATION

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

18 That the Defendant(s) above named, within the County of Clark, State of Nevada, on
19 or about May 16, 2025, committed one or more of the following crime(s), **DESTROYING**
20 **EVIDENCE (Gross Misdemeanor - NRS 199.220 - NOC 52980)** as follows to wit:

21 TAYLOR DUDLEY did willfully and unlawfully, with intent to conceal the
22 commission of a felony or to protect or conceal the identity of any person committing the
23 same, or with intent to delay or hinder the administration of the law or to prevent the production
24 thereof at any time, in any court or before any officer, tribunal, judge or magistrate willfully
25 destroy, alter, erase, obliterate or conceal any book, paper, record, writing, instrument, or
26 thing, by deleting the "Tagged" application from his cell phone that contained specific
27 photographs and messages, that held evidentiary value in a pending investigation against the
28 defendant, after he was notified that law enforcement was conducting an investigation into his

1 use and distribution of certain images associated with and distributed or published through this
2 application.

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

5 STEVEN B. WOLFSON
6 Clark County District Attorney
7 Nevada Bar #1565

8
9 BY



10 GAVIN DEAN
11 Deputy District Attorney
12 Nevada Bar #16518
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MPD EV# LLV250500058392

JOC

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

TAYLOR DUDLEY,
#6079625

Defendant.

CASE NO: C-25-393895-1

DEPT NO: XIX

JUDGMENT OF CONVICTION
(PLEA OF GUILTY)

On the 11th day of September, 2025 the defendant appeared before the Court herein with counsel, DAVID J.J. ROGER, Esq., and entered a plea of guilty to the crime of DESTROYING EVIDENCE (Gross Misdemeanor), in violation of NRS 199.220; thereupon, without a presentence report to the Court;

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 (WAIVED if previously collected), and a \$3.00 DNA Collection fee, Defendant SENTENCED to TWO (2) DAYS in the Clark County Detention Center, with TWO (2) DAYS credit for time served. BOND, if any, EXONERATED.

November 4, 2025

Dated this 15th day of September, 2025



Crystal Eller

ac

ADD 461 4D5F 374A
Crystal Eller
District Court Judge

CERTIFIED COPY
ELECTRONIC SEAL (NRS 1.190(3))

EXHIBIT G

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 State of Nevada

CASE NO: C-25-393895-1

7 vs

DEPT. NO. Department 19

8 Taylor Dudley
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

Hearing pursuant to NAC 289.290 (1)(d) and NAC 289.290(1)(g) for the possible revocation of the category III basic certificate held by Lawayne J. Hardiman, former employee of the Nevada Department of Corrections, based on the conviction of, entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a felony. The conviction(s) and/or plea(s) of guilty that have led to this action are:

**COUNT 1- FURNISHING A CONTROLLED SUBSTANCE TO A STATE PRISONER
(Category B felony in violation of NRS 212.160(1)(a), 195.020)**

Possible action may 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, 2026

Lawayne J. Hardiman

[REDACTED]
Las Vegas, NV 89178

POST PIN #: 38920

Dear Mr. Hardiman,

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)(d) Addiction to or the unlawful use or possession of narcotics or other drugs *and* NAC 289.290(1)(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.

The conviction(s) and/or plea(s) of guilty which have led to this action are as follows:

COUNT 1: FURNISHING A CONTROLLED SUBSTANCE TO A STATE PRISONER (Category B felony in violation of NRS 212.160(1)(a), 195.020)

CASE NUMBER: C-25-389518-1

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 a number that is practicable at a hearing or designate an independent hearing officer to hear the matter. You

EXHIBIT A

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.**

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: Thursday, February 12, 2026

Time: 1:00 p.m.

Location: CasaBlanca Resort and Casino, 950 W. Mesquite Blvd., Mesquite, NV 89027

The hearing will cover the following: whether your P.O.S.T certificate(s) should be revoked pursuant to **NAC 289.290(1)(d) Addiction to or the unlawful use or possession of narcotics or other drugs *and* NAC 289.290(1)(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.**

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,

A handwritten signature in black ink, appearing to read 'Kathy Floyd', with a stylized, flowing script.

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

cc: Deputy Attorney General Jesselyn De Luna
Deputy Attorney General John M. Nolan
File

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 personal service or 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)

330 S 3RD STREET, SUITE 100 Las Vegas, NV 89101 (702) 455-5400



State of Nevada – POST

Update – Personnel Action Report (PAR)

Agency Login

Agency Name *

NV Dept of Corrections

Employee Details

POST ID *

38920

First Name *

LAWAYNE

Last Name *

HARDIMAN

Middle Initial

J

Suffix

☐ Name Changed

☐ Address Changed

Level Change

Level Changed *

☒ Line ☐ Supervisor ☐ Management ☐ Executive

*

☐ Part Time ☒ Full Time

Status Changed

☐ Deceased ☐ Retired ☒ Separated

Effective Date *

06/11/2024

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

Comments\Additional Information:

According to the IG's office, charges have been filed against him.

| Submitter Details | | |
|-------------------------|-----------------------|----------------------------|
| Submitter's Full Name * | Submitter's Phone # * | Submitter's E-Mail Address |
| Chad Venters | 775-977-5546 | cventers@doc.nv.gov |

txtFormType
Update PAR

STATE OF NEVADA

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Hereby Awards the

Category III Basic Certificate

To

Lawayne J. Hardiman

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



Commission Chairman

38920

POST ID #

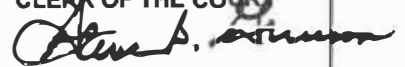


Executive Director

April 15, 2021

Date

EXHIBIT D



1 **INFM**
2 AARON D. FORD
3 Attorney General
4 ERICA M. GOLD (Bar No. 8574)
5 Senior Deputy Attorney General
6 State of Nevada
7 Office of the Attorney General
8 1 State of Nevada Way, Suite 100
9 Las Vegas, Nevada 89119
10 P: (702) 486-3420
11 F: (702) 486-3768
12 Egold@ag.nv.gov
13 Attorney for the State of Nevada

8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

10 THE STATE OF NEVADA,

Case No.: C-25-389518-1

11 Plaintiff,

Dept. No.: I

12 vs.

13 LAWAYNE HARDIMAN, ID# 2746392,
14 a/k/a LAWAYNE JIMMY HARDIMAN,
15 a/k/a LAWAYNE J HARBIMAN,
16 a/k/a LAWAYNE JIMMY HARBIMAN,

17 Defendant.

18 **INFORMATION**

19 AARON D. FORD, Attorney General for the State of Nevada, by and through ERICA M. GOLD,
20 Senior Deputy Attorney General, in the name and by the authority of the State of Nevada, informs the
21 Court that the above-named Defendant, LAWAYNE HARDIMAN, committed the crime of one (1) count
22 of FURNISHING A CONTROLLED SUBSTANCE TO A STATE PRISONER, a category "B" felony,
23 in violation of NRS 212.160(1)(a), 195.020 [NOC 53435].

24 All of the acts alleged herein were committed or completed on one or more dates between
25 approximately October 1, 2023 and May 14, 2024, by the above-named defendant within the County of
26 Clark, State of Nevada, in the following manner:

27 ///

28 ///

EXHIBIT E

COUNT I
FURNISHING A CONTROLLED SUBSTANCE TO A STATE PRISONER
Category "B" Felony
NRS 212.160(1)(a), NRS 195.020

Defendant LAWAYNE HARDIMAN, without authorization of law, did knowingly furnish, attempt to furnish, aid, or assist in furnishing or attempting to furnish to a prisoner confined in an institution of the Nevada Department of Corrections ("NDOC"), a controlled substance, to wit: the Defendant furnished, aided in furnishing, attempted to furnish, and/or attempted to aid in furnishing to one or more prisoner(s) confined at Southern Desert Correctional Center the controlled substance(s) of Methamphetamine; synthetic cannabinoid; and/or Marijuana, the Defendant being criminally liable under one or more of the following principles of criminal liability, to wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other(s) to commit the crime, to wit: by having direct and/or indirect contact with one or more other inmate(s) and/or codefendant(s) that involved planning, providing a controlled substance, providing payment or promise of payment for a controlled substance, facilitating relationships to aid in the smuggling-into an NDOC facility of the controlled substance(s), participating in meet-ups to obtain controlled substance(s), and/or participating in information exchange; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be committed.

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 24th day of April, 2025.

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

CERTIFIED COPY
ELECTRONIC SEAL (NRS 1.190(3))

3

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

MAY 13 2025

a. newell
ALEXIS NEWELL, Deputy

GPA
AARON D. FORD
Attorney General
State of Nevada
ERICA M. GOLD, Bar No. 8574
Senior Deputy Attorney General
Office of the Attorney General
1 State of Nevada Way, Suite 100
Las Vegas, NV 89119-4339
P: (702) 486-3420
F: (702) 486-0660
Egold@ag.nv.gov
Attorneys for the State of Nevada

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

LAWAYNE HARDIMAN, ID# 2746392,
a/k/a LAWAYNE JIMMY HARDIMAN,
a/k/a LAWAYNE J HARBIMAN,
a/k/a LAWAYNE JIMMY HARBIMAN,

Defendant.

Case No.: C-25-389518-1

Dept. No.: I

GUILTY PLEA AGREEMENT

I hereby agree to plead guilty to one (1) count of FURNISHING A CONTROLLED SUBSTANCE TO A STATE PRISONER, a category "B" felony, in violation of NRS 212.160(1)(a), 195.020 [NOC 53435], 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:

1. At the time of sentencing, the parties will jointly recommend that I serve a sentence in the Nevada Department of Corrections ("NDOC") of forty-eight (48) months, with parole eligibility after a minimum of nineteen (19) months has been served; and

2. I agree to forfeit any property seized in connection with this matter, as outlined in the forfeiture agreement attached as "Exhibit 2."

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."

EXHIBIT F

Page 1 of 7

C-25-389518-1
GPA
Guilty Plea Agreement
6133301



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

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

15 CONSEQUENCES OF THE PLEA

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

18 I understand that as a consequence of my plea of guilty to the charge of one (1) count of
19 FURNISHING A CONTROLLED SUBSTANCE TO A STATE PRISONER, a category "B" felony, the
20 Court must sentence me to imprisonment in the state prison for a minimum term of not less than one (1)
21 year and a maximum term of not more than six (6) years. In addition to any other penalty, the court may
22 impose a fine of not more than \$5,000. I also understand that the law requires me to pay Administrative
23 Assessment Fees.

24 I understand that pursuant to NRS 193.130(1), "[e]xcept when a person is convicted of a category
25 A felony, and except as otherwise provided by specific statute, a person convicted of a felony shall be
26 sentenced to a minimum term and a maximum term of imprisonment which must be within the limits
27 prescribed by the applicable statute, unless the statute in force at the time of commission of the felony
28 prescribed a different penalty. The minimum term of imprisonment that may be imposed must not exceed

1 40 percent of the maximum term imposed.”

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

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

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

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

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

18 I understand that pursuant to NRS 176.045 if I am convicted of a public offense in this State and
19 under a sentence of imprisonment pronounced by another jurisdiction, federal or state, whether or not the
20 prior sentence is for the same offense, the court in imposing any sentence for the offense committed in this
21 State may, in its discretion, provide that such sentence shall run either concurrently or consecutively with
22 the prior sentence, and that if the court provides that the sentence shall run concurrently, and I am released
23 by the other jurisdiction prior to the expiration of the sentence imposed in this State, I shall be returned to
24 the State of Nevada to serve out the balance of such sentence, unless the I am eligible for parole under the
25 provisions of chapter 213 of NRS, and the Board of Parole Commissioners directs that I be released on
26 parole as provided in that chapter. I further understand that if the court makes an order pursuant to this
27 section, the clerk of the court shall provide the Director of the Department of Corrections with a certified
28 copy of judgment and notification of the place of out-of-state confinement, but if the court makes no order

1 pursuant to this section, the sentence imposed in this State shall not begin until the expiration of all prior
2 sentences imposed by other jurisdictions.

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

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

9 I understand that the parties have the opportunity to review a report prior to sentencing. This report
10 will include matters relevant to the issue of sentencing, including my criminal history. This report may
11 contain hearsay information regarding my background and criminal history. My attorney and I will each
12 have the opportunity to comment on the information contained in the report at the time of sentencing.
13 Unless the Attorney General has specifically agreed otherwise, the Attorney General may also comment
14 on this report.

15 I understand if the offense to which I am pleading guilty was committed while I was incarcerated
16 on another charge or while I was on probation or parole that I am not eligible for credit for time served
17 toward the instant offense, pursuant to NRS 176.055.

18 I understand that if I am not a United States citizen, this criminal conviction will likely result in
19 serious negative immigration consequences including but not limited to: removal from the United States
20 through deportation; an inability to reenter the United States; the inability to gain United States citizenship
21 or legal residency; an inability to renew and/or retain any legal residency status; and/or an indeterminate
22 term of confinement, with the United States Federal Government based on my conviction and immigration
23 status. Regardless of what I have been told by an attorney, no one can promise me that this conviction will
24 not result in negative immigration consequences and/or impact my ability to become a United States
25 citizen and/or legal resident.

26 WAIVER OF RIGHTS

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

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

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

6 DATED this 13 day of May, 2025.

7
8 
9 LAWAYNE HARDIMAN, Defendant

10 AGREED TO BY:

11 /s/ Erica M. Gold
12 Erica M. Gold
13 Senior Deputy Attorney General

14 **CERTIFICATE OF DEFENSE COUNSEL**

15 I, the undersigned, as the attorney for LAWAYNE HARDIMAN named herein and as an officer of
16 the court hereby certify that:

17 1. I have fully explained to LAWAYNE HARDIMAN the allegations contained in the charge
18 to which guilty pleas are being entered;

19 2. I have advised LAWAYNE HARDIMAN of the penalties for the charge and the
20 restitution/costs/fines that LAWAYNE HARDIMAN may be ordered to pay;

21 3. I have inquired of LAWAYNE HARDIMAN facts concerning LAWAYNE
22 HARDIMAN'S immigration status and explained to LAWAYNE HARDIMAN that if LAWAYNE
23 HARDIMAN is not a United States citizen, any criminal conviction will most likely result in serious
24 negative immigration consequences including but not limited to:

- 25 a. The removal from the United States through deportation;
26 b. An inability to reenter the United States;
27 c. The inability to gain United States citizenship or legal residency;
28 d. An inability to renew and/or retain any legal residency status; and/or

29 ///

1 e. An indeterminate term of confinement with the United States Federal Government
2 based on his/her conviction and immigration status.

3 Moreover, I have explained that regardless of what LAWAYNE HARDIMAN may have been told
4 by any attorney, no one can promise LAWAYNE HARDIMAN that this conviction will not result in
5 negative immigration consequences and/or impact LAWAYNE HARDIMAN'S ability to become a
6 United States citizen and/or legal resident;

7 4. All pleas of guilty offered by LAWAYNE HARDIMAN pursuant to this agreement are
8 consistent with all the facts known to me, and are made with my advice to LAWAYNE HARDIMAN and
9 are in the best interest of LAWAYNE HARDIMAN; and

10 5. To the best of my knowledge and belief LAWAYNE HARDIMAN:

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

13 b. Executed this agreement and will enter all guilty pleas pursuant hereto voluntarily; and

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

16 DATED this 13 day of May, 2025.

17
18  #15634
19 NICHOLAS SCOTTI, ESQ.
Attorney for LAWAYNE HARDIMAN

20
21
22
23
24 December 30, 2025



CERTIFIED COPY
ELECTRONIC SEAL (NRS 1.190(3))

EXHIBIT 1

EXHIBIT 1



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, Nevada 89119
P: (702) 486-3420
F: (702) 486-3768
Egold@ag.nv.gov
Attorney for the State of Nevada

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

LAWAYNE HARDIMAN, ID# 2746392,
a/k/a LAWAYNE JIMMY HARDIMAN,
a/k/a LAWAYNE J HARBIMAN,
a/k/a LAWAYNE JIMMY HARBIMAN,

Defendant.

Case No.: C-25-389518-1

Dept. No.: I

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, LAWAYNE HARDIMAN, committed the crime of one (1) count of FURNISHING A CONTROLLED SUBSTANCE TO A STATE PRISONER, a category "B" felony, in violation of NRS 212.160(1)(a), 195.020 [NOC 53435].

All of the acts alleged herein were committed or completed on one or more dates between approximately October 1, 2023 and May 14, 2024, by the above-named defendant within the County of Clark, State of Nevada, in the following manner:

///

///

COUNT I
FURNISHING A CONTROLLED SUBSTANCE TO A STATE PRISONER
Category "B" Felony
NRS 212.160(1)(a), NRS 195.020

Defendant LAWAYNE HARDIMAN, without authorization of law, did knowingly furnish, attempt to furnish, aid, or assist in furnishing or attempting to furnish to a prisoner confined in an institution of the Nevada Department of Corrections ("NDOC"), a controlled substance, to wit: the Defendant furnished, aided in furnishing, attempted to furnish, and/or attempted to aid in furnishing to one or more prisoner(s) confined at Southern Desert Correctional Center the controlled substance(s) of Methamphetamine; synthetic cannabinoid; and/or Marijuana, the Defendant being criminally liable under one or more of the following principles of criminal liability, to wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other(s) to commit the crime, to wit: by having direct and/or indirect contact with one or more other inmate(s) and/or codefendant(s) that involved planning, providing a controlled substance, providing payment or promise of payment for a controlled substance, facilitating relationships to aid in the smuggling-into an NDOC facility of the controlled substance(s), participating in meet-ups to obtain controlled substance(s), and/or participating in information exchange; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be committed.

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 24th day of April, 2025.

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

EXHIBIT 2

EXHIBIT 2

STIPULATION FOR COMPROMISE OF SEIZED PROPERTY

Criminal Case# C-25-389518-1

Defendant:

LAWAYNE HARDIMAN, ID# 2746392

Seizing Law Enforcement Agency:

State of Nevada Department of Corrections, Office of the Inspector General

Seizure Event Number:

IN-2024-0211


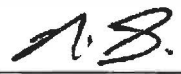
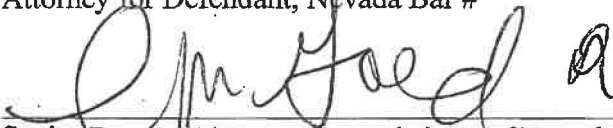
IT IS HEREBY STIPULATED and AGREED by and between AARON D. FORD, Nevada Attorney General through his undersigned Deputy, and the Defendant that a stipulation for compromise be entered into and resolved as part of the negotiations in the aforementioned criminal case(s) pertaining to property impounded or seized by the aforementioned law enforcement agency under the aforementioned event number(s), as follows:

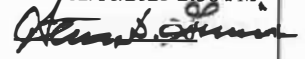
1. TOTAL FORFEITURE: The Defendant agrees to release and waive any and all rights, title, and/or interest in said property as being forfeited to the seizing law enforcement agency and subject to disposition pursuant to Nevada Revised Statutes 179.1175, 179.118 and 179.1185.
 - a. Property to be forfeited:
All property impounded/seized under NDOC IG incident number IN-2024-0211.
2. The Defendant authorizes the Attorney General's Office and the seizing law enforcement agency to take such action as is necessary, including, but not limited to, using this agreement to secure a judgment or an ex-parte order in any contemplated or pending companion forfeiture proceeding in order to give full force and effect to this agreement.
3. The parties agree that this forfeiture, or any subsequent action taken to secure full force and effect of this agreement, does not and will not be considered as putting the Defendant in jeopardy of life, limb, or property for the same offense under the Fifth Amendment of the United States Constitution and under Section Eight of Article One of the Nevada Constitution; and, that this forfeiture, or any subsequent action taken to secure full force and effect of this agreement, does not or will not constitute an excessive fine under the Eighth Amendment of the United States Constitution and under Section Six of Article One of the Nevada Constitution.
4. The parties agree that any breach, withdrawal, repeal, rejection, or any other abrogation of the negotiations in the aforementioned criminal case(s) shall not have an effect upon the finality of this stipulation; and, that any breach, withdrawal, repeal, rejection, or any other abrogation of this stipulation shall not have any effect upon the finality of the negotiations in the aforementioned criminal case(s).

STIPULATION FOR COMPROMISE OF SEIZED PROPERTY

5. This Stipulation for Compromise shall incorporate all of the protections attendant to such stipulations as contemplated under the provisions of NRS 48.105 as to all parties named herein; and this Stipulation for Compromise shall not be construed in any fashion as an admission pertaining to any criminal charges, and shall not and does not constitute an admission of civil liability or fault on the part of any of the undersigned parties, or their present or former agents, servants, employees, or others.
6. The parties agree to accept these terms in full settlement and satisfaction of any and all civil claims and demands which each party or assignees may have against each other, agents, and employees on account of the seizure or impoundment of said property.
7. This Stipulation for Compromise shall forever, and completely bar any action, claim in any tribunal in any matter whatsoever, whether State, Federal, or otherwise by the Defendant herein concerning the forfeiture of said property, and
8. The respective parties bear their own civil costs and attorney's fees which may have been occasioned and occurred as a result of the seizure and forfeiture of said property.

IT IS SO STIPULATED and AGREED

| | |
|--|----------------|
|  | <u>5/13/25</u> |
| Defendant | Date |
|  #15634 | <u>5/13/25</u> |
| Attorney for Defendant, Nevada Bar # | Date |
|  | <u>5/13/25</u> |
| Senior Deputy Attorney General, State of Nevada Bar # 8574 | Date |


CLERK OF THE COURT

BNCH

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

Attorneys for the State of Nevada

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

v.

LAWAYNE HARDIMAN, ID# 2746392,
a/k/a LAWAYNE JIMMY HARDIMAN,
a/k/a LAWAYNE J HARBIMAN,
a/k/a LAWAYNE JIMMY HARBIMAN

Defendant.

Case No.: C-25-389518-1

Dept. No.: I

BENCH WARRANT

(NO BAIL)

TO: Any Sheriff, Constable, Marshal, Policeman, or Peace Officer in this State:

A Criminal Information having been filed in this Court on April 28, 2025, charging defendant

LAWAYNE HARDIMAN with the crime of FURNISHING A CONTROLLED SUBSTANCE TO A

STATE PRISONER, a category "B" felony, in violation of NRS 212.160(1)(a), 195.020; and the

defendant having failed to appear in court for his third hearing for Sentencing on December 16, 2025,

THIS COURT HEREBY ORDERS THE ISSUANCE OF A NO BAIL BENCH WARRANT.

///

///

///

1 YOU ARE THEREFORE COMMANDED forthwith to arrest the above-named LAWAYNE
2 HARDIMAN and bring him before the Court for judgment; or if the Court is not in session, that you
3 deliver him into the custody of the Sheriff of Clark County. This warrant may be served at any hour of
4 the day or night.

5 BY ORDER OF THE COURT.

6 Given under my hand this _____ day of December, 2025.

Dated this 16th day of December, 2025

Bita Yeager

HONORABLE JUDGE BITA YEAGER

District Court Judge
348-786-494 7D4D
Bita Yeager
District Court Judge

11 Respectfully submitted,

12 AARON FORD
13 Attorney General

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

December 30, 2025



17 DOB: [REDACTED]; RACE: B SEX: M SSN: [REDACTED]

CERTIFIED COPY
ELECTRONIC SEAL (NRS 1.190(3))

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 State of Nevada

CASE NO: C-25-389518-1

7 vs

DEPT. NO. Department 1

8 Lawayne Hardiman

9
10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 12/16/2025

15 R Holm

rholm@ag.nv.gov

16 C Ross

CRoss@ag.nv.gov

17 E File

efile@sgroandroger.com

18 Nick Scotti

nscotti@sgroandroger.com

19 Marcie Burris

mburris@ag.nv.gov

20 Erica Gold

egold@ag.nv.gov

21 Tiffany DiBari

tdibari@ag.nv.gov

22 Julia Calderon

juliacalderon@sgroandroger.com

23 Camila Reingruber

creingruber@ag.nv.gov

25

26

27

28

C-25-389518-1

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 13, 2025

C-25-389518-1 State of Nevada
 vs
 Lawayne Hardiman

Department 1

May 13, 2025 09:00 AM Initial Arraignment

HEARD BY: Yeager, Bitu **COURTROOM:** RJC Courtroom 14C

COURT CLERK: Newell, Alexis

RECORDER: Lizotte, Lisa

REPORTER:

PARTIES PRESENT:

| | |
|-------------------|------------------------|
| Erica Gold | Attorney for Plaintiff |
| Lawayne Hardiman | Defendant |
| Nicholas V Scotti | Attorney for Defendant |
| State of Nevada | Plaintiff |

JOURNAL ENTRIES

Guilty Plea Agreement FILED IN OPEN COURT.

NEGOTIATIONS are as contained in the Guilty Plea Agreement. Deft. Hardiman ARRAIGNED AND PLED GUILTY TO FURNISHING A CONTROLLED SUBSTANCE TO A STATE PRISONER (F). Court ACCEPTED plea, and, ORDERED, matter REFERRED to the Division of Parole and Probation (P & P) and SET for sentencing. Court directed, Deft. to report to Parole and Probation within 48 hours.

BOND

08/12/2025 9:00 AM SENTENCING

December 30, 2025



CERTIFIED COPY
ELECTRONIC SEAL (NRS 1.190(3))

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 07, 2025

C-25-389518-1 State of Nevada
 vs
 Lawayne Hardiman

August 07, 2025 3:00 AM Minute Order

HEARD BY: Yeager, Bitu **COURTROOM:** Chambers

COURT CLERK: Alexis Newell

JOURNAL ENTRIES

- The Court corrects the year that the new hearing is set from October 2, 2026 to October 2, 2025.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Alexis Newell, to all registered parties for Odyssey File & Serve. / AN//8.7.25

December 30, 2025



**CERTIFIED COPY
ELECTRONIC SEAL (NRS 1.190(3))**

C-25-389518-1

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 02, 2025

C-25-389518-1 State of Nevada
 vs
 Lawayne Hardiman

Department 1

October 02, 2025 09:00 AM Sentencing

HEARD BY: Yeager, Bitu

COURTROOM: RJC Courtroom 14C

COURT CLERK: Newell, Alexis

RECORDER: Lizotte, Lisa

REPORTER:

PARTIES PRESENT:

Erica Gold

Attorney for Plaintiff

Nicholas V Scotti

Attorney for Defendant

State of Nevada

Plaintiff

JOURNAL ENTRIES

Defendant not present. Upon Court's inquiry, Mr. Scotti advised Defendant would be coming he was trying to drop off his last load, however his truck broke down. COURT noted it was a short calendar and it would not be waiting for Defendant and ORDERED matter CONTINUED.

BOND

CONTINUED TO: 10/14/2025 9:00 AM

December 30, 2025



CERTIFIED COPY
ELECTRONIC SEAL (NRS 1.190(3))

C-25-389518-1

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 14, 2025

C-25-389518-1 State of Nevada
 vs
 Lawayne Hardiman

Department 1

October 14, 2025 09:00 AM Sentencing

HEARD BY: Yeager, Bitia **COURTROOM:** RJC Courtroom 14C

COURT CLERK: Newell, Alexis

RECORDER: Lizotte, Lisa

REPORTER:

PARTIES PRESENT:

Erica Gold Attorney for Plaintiff

Lawayne Hardiman Defendant

Nicholas V Scotti Attorney for Defendant

State of Nevada Plaintiff

JOURNAL ENTRIES

Defendant not present. Upon Court's inquiry, Mr. Scotti advised Defendant was not present and he has not had any communication with Defendant since previous court date. Ms. Lin requested a Bench Warrant. COURT ORDERED, No Bail Bench Warrant to issue. MATTER TRAILED.

MATTER RECALLED. Defendant present. All other parties present as before. COURT RECALLED the No Bail Bench Warrant. CONFERENCE AT BENCH. Pursuant to conference at bench COURT ORDERED matter CONTINUED.

BOND

CONTINUED TO: 12/16/2025 9:00 AM

December 30, 2025



**CERTIFIED COPY
ELECTRONIC SEAL (NRS 1.190(3))**

C-25-389518-1

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 16, 2025

C-25-389518-1 State of Nevada
 vs
 Lawayne Hardiman

Department 1

December 16, 2025 09:00 AM Sentencing

HEARD BY: Yeager, Bitu **COURTROOM:** RJC Courtroom 14C

COURT CLERK: Newell, Alexis

RECORDER: Lizotte, Lisa

REPORTER:

PARTIES PRESENT:

| | |
|-------------------|------------------------|
| Erica Gold | Attorney for Plaintiff |
| Nicholas V Scotti | Attorney for Defendant |
| State of Nevada | Plaintiff |

JOURNAL ENTRIES

Mr. Scotti stated that he understood the Court had previously continued the matter and explained that the Defendant miscalendared today s hearing, believing it was scheduled for December 17, 2025. As a result, he accepted another work assignment to earn income for January s rent. Ms. Lin requested that a no-bail bench warrant be issued. COURT ORDERED, No Bail Bench Warrant to issue. Court noted counsel can put the matter back on calendar to quash the Bench Warrant.

B.W (BOND)

December 30, 2025



CERTIFIED COPY
ELECTRONIC SEAL (NRS 1.190(3))

9. DISCUSSION AND FOR POSSIBLE ACTION.

Hearing pursuant to NAC 289.290(1)(h) for the possible revocation of the category I, II, and III basic certificates held by Dennis E. Johnston, former employee of the Elko County Sheriff's Office, based on a conviction of a misdemeanor. The conviction(s) which have led to this action are:

COUNT 1- BATTERY, A MISDEMEANOR AS DEFINED BY ECC 7-1-9.

Possible action may be revocation of the category I, II and III basic certificates.



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, 2026

Dennis E. Johnston



Elko, NV 89801

POST PIN #: 28981

Dear Mr. Johnston,

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)(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.**

The conviction(s) and/or plea(s) of guilty which have led to this action are as follows:

COUNT 1: BATTERY, A MISDEMEANOR AS DEFINED BY ECC 7-1-9 (NOC 58819)

CASE NUMBER: JCM-24-6207

Jurisdiction: ELKO JUSTICE COURT, IN AND FOR THE COUNTY OF ELKO, 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 a number that is practicable at a hearing or designate an independent hearing officer to hear the matter. You

EXHIBIT A

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.**

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: Thursday, February 12, 2026

Time: 1:00 p.m.

Location: CasaBlanca Resort and Casino, 950 W. Mesquite Blvd., Mesquite, NV 89027

The hearing will cover the following: whether your P.O.S.T certificate(s) should be revoked pursuant to NAC 289.290(1)(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.**

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,

A handwritten signature in black ink, appearing to read 'Kathy Floyd', with a stylized flourish at the end.

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

cc: Deputy Attorney General Jesselyn De Luna
Deputy Attorney General John M. Nolan
File

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 personal service or 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)



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, SHANE DAZ, served the foregoing Notice of Intent to Revoke
Print name of the person serving this document

To Individual's Name: **DENNIS E. JOHNSTON**

at ELKO POLICE DEPT on this
(location)

8TH day of JAN, 2026.
Day Month Year

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

Executed on this 8TH day of JAN, 2026.
Day Month Year

[Signature]
Signature of person serving the Notice

SHANE DAZ
Printed name of person serving the Notice

****RETURN THE SIGNED ORIGINAL OF THIS FORM TO POST WITHIN 10 DAYS****

EXHIBIT B



State of Nevada – POST

Update – Personnel Action Report (PAR)

Agency Login

Agency Name *

Elko Co SO

Employee Details

POST ID *

28981

First Name *

DENNIS

Last Name *

JOHNSTON

Middle Initial

E

Suffix

☐ Name Changed

☐ Address Changed

Level Change

Level Changed *

☒ Line ☐ Supervisor ☐ Management ☐ Executive

*

☐ Part Time ☒ Full Time

Status Changed

☐ Deceased ☐ Retired ☒ Separated

Effective Date *

12/29/2025

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:

Johnston was terminated due to becoming of a prohibited person at the conclusion of a criminal investigation for domestic violence.

| Submitter Details | | |
|-------------------------|-----------------------|-----------------------------------|
| Submitter's Full Name * | Submitter's Phone # * | Submitter's E-Mail Address |
| Armida Marin | 775-777-2525 | ecsotrainingdocs@elkocountynv.net |

txtFormType
Update PAR

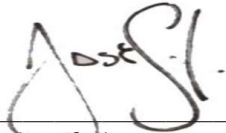
STATE OF NEVADA

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Hereby Awards the

Category I Basic Certificate To Dennis E. Johnston


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



Commission Chairman

28981

POST ID #



Executive Director

11/14/2019

Date

EXHIBIT D

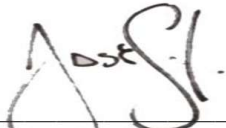
STATE OF NEVADA

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Hereby Awards the

Category II Basic Certificate To Dennis E. Johnston

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



Commission Chairman

28981

POST ID #



Executive Director

11/14/2019

Date

STATE OF NEVADA

Commission On Peace Officers' Standards And Training

Hereby Awards the Basic Certificate To

DENNIS E. JOHNSTON

CATEGORY III

For having fulfilled all the requirements for Basic Certification

as prescribed by Nevada Revised Statutes

Jim Gibbons
Governor

August 13, 2009

Richard Clark
Executive Director

Issuance Date

STATE OF NEVADA

Commission On Peace Officers' Standards And Training

Hereby Awards the Basic Certificate To

DENNIS E. JOHNSTON
CATEGORY III

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

Jim Gibbons
Governor

Richard Clark
Executive Director

August 13, 2009

Issuance Date

Nevada Commission on Peace Officers' Standards and Training
Peace Officer Basic Certification and Training Identification Card

Name **DENNIS E. JOHNSTON** POST ID No.: **28981**

This is your POST Identification Number (PIN). In order to reduce the chance of identity theft, please use this number for all correspondence with POST and when you sign in on a POST course roster. The use of your SSN on POST course rosters is no longer mandatory.

It is your responsibility to receive the required annual continuing education as outlined in NAC 289.230. If you fail to meet the annual POST training requirement, the POST Commission may take action against your Basic Certificate. This could adversely affect your ability to carry out your duties as a peace officer.

If found, please deliver to any law enforcement agency or mail to:

Nevada Commission on Peace Officers' Standards and Training
5587 Wai Pai Shone Avenue
Carson City, NV 89701
775-687-7678 (POST)

INSTRUCTIONS

This is your POST Basic Certificate and Identification Card.

The large certificate is for the officer and suitable for framing.

The smaller certificate is for the agency to place in the officer's file for record.

The identification card is for the officer to carry at all times. The POST ID number assigned to this officer is for POST identification and identity security purposes. This number will be used when signing in on the POST roster at any POST certified training. The use of SSN are now optional on training rosters. This number can also be used by the agency for correspondence to POST regarding the officer's POST file.



ELKO COUNTY SHERIFF'S OFFICE

SHERIFF

SHERIFF AITOR NARVAIZA

TEL 775.738.3421 • FAX 775.753.9845
775 W. Silver St. • Elko, NV 89801

To: Nevada POST Commission,

Please consider this letter as my formal request to revoke the POST certificate for Dennis Johnston who worked at the Elko County Sheriff's Office until December 29, 2025.

Mr. Johnston was arrested on October 23, 2024, for domestic violence after a warrant was issued for his arrest based on an investigation that was conducted by the Elko Police Department.

On September 30, 2025, Mr. Johnston pleaded no contest in court to battery in the court case that was prosecuted by the Elko County District Attorney's Office. As a result of that plea, he was ordered to 26 sessions of domestic battery counseling and 12 hours of jail time.

The Elko County Sheriff's Office conducted an internal affairs investigation into this case and founded all allegations against Mr. Johnston. During the investigation it was the opinion of legal council that he is now a prohibited person and no longer eligible to be a peace officer in the State of Nevada.

The Gun Control Act (GCA), codified in 18 U.S.C. § 922(g)(9), makes it unlawful for certain categories of persons to ship, transport, receive, or possess firearms or ammunition, to include any person:

Qualifying Offenses:

For the purposes of GCA, a "misdemeanor crime of domestic violence" (MCDV) is defined as any state or federal misdemeanor that:

"has, as an element, 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."

This definition includes *all* misdemeanors that involve the use or attempted use of physical force (e.g., simple assault, assault and battery), if the offense is committed by one of the defined parties. This is true whether or not the statute specifically defines the offense as a domestic violence misdemeanor".

"There is no law enforcement exception: One of the provisions of this new statute removed the exemption that 18 U.S.C. § 925(a)(1) provided to police and military. Thus, as of the effective date, any member of the military or any police officer who has a qualifying misdemeanor conviction is no longer able to possess a firearm, even while on duty".

EXHIBIT E

A peace officer who is prohibited under federal law from possessing a firearm cannot perform the essential functions required by the position and is therefore disqualified from continued employment in a sworn capacity.


I also believe that he should be revoked Pursuant to Nevada Administrative Code 289.110 4 (c), a person is not eligible for appointment as a peace officer if they have "a documented history of physical violence" The fact that he was arrested for a physically violent act, and plead no contest in court meets the criteria in my opinion.

Mr. Johnston was terminated as he no longer meets the requirement to work in my office as a peace officer.

Please let me know if you need any further details or clarification on this issue.

Respectfully,

Sheriff Aitor Narvaiza


12/30/25

1 CASE NO. JCM-24-6207
2
3

4 IN THE ELKO JUSTICE COURT

5 IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA

6 STATE OF NEVADA,

7 Plaintiff;

CRIMINAL

8 vs.

COMPLAINT

9 DENNIS EDWARD JOHNSTON,

10 Defendant.
11

12 COMES NOW, THE STATE OF NEVADA, the Plaintiff in the above-entitled cause, by
13 and through its Counsel of Record, the Elko County District Attorney's Office, and based
14 upon the Declaration Of Probable Cause and/or the narrative report and the Officer
15 Declaration executed by the submitting officer in connection with said narrative report,
16 complains and alleges that the Defendant above-named, on or about the 8th day of
17 December, 2023, at or near the location of the City of Elko and/or otherwise, within the
18 County of Elko, and the State of Nevada, committed the following described criminal
19 offense(s):

20 COUNT 1

21 **BATTERY CONSTITUTING DOMESTIC VIOLENCE, A MISDEMEANOR AS**
22 **DEFINED BY NRS 33.018 AND NRS 200.485. (NOC 50235)**

23 That the Defendant willfully and unlawfully used force or violence upon [REDACTED]
24 [REDACTED] in the following manner: by pushing her and/or by otherwise
25 striking her
26

27 The Defendant's relationship to the Victim above-named is one of the following:
28 a spouse, former spouse, a relative by blood or marriage, a person with whom

EXHIBIT F

1 the Defendant has had or is having a dating relationship, a person with whom
2 the Defendant has a child in common, and/or the minor child of any of the above
3 indicated victims or the Defendant's minor child.
4

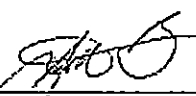
5 All of which is contrary to the form of the statute in such cases made and provided,
6 and against the peace and dignity of the State of Nevada. Said Complainant, therefore,
7 prays that the Defendant be dealt with according to law.
8

9 **The Complainant further prays for the issuance of a Warrant of Arrest.**
10

11 The undersigned hereby declares under penalty of perjury that the foregoing
12 Complaint is true to the best of his/her knowledge, information, and belief.
13

14 Dated: October 21, 2024.
15

16 TYLER J. INGRAM
17 ELKO COUNTY DISTRICT ATTORNEY

18 
19 JUSTIN M. BARAINCA
20 Deputy District Attorney
21 State Bar No.: 14163

22 **Estimation Of Time Needed**

23 **The State estimates that 2 days will be needed to conduct the trial in this matter.**

24 {XXXX} Check if prosecutor wishes to be present at misdemeanor sentencing.
25
26
27
28

1 **The Issue Of Obtaining The Discovery**

2 **Available In This Matter**

3 **To: The Defendant's Counsel or The Defendant Representing Himself/Herself**

4 The Elko County District Attorney's Office has an open file discovery policy. This
5 means you will be provided with a complete copy of all reports, photos and compact discs
6 received by the DA's Office from the submitting Officer and agency in connection with this
7 case. Private Counsel and/or Defendants appearing without Counsel will be charged a
8 reasonable copying and duplication fee. If this is a misdemeanor case the State believes and
9 avers that by providing a copy of the discovery containing the names and addresses of the
10 witnesses the State may call in its case-in-chief, the State is fulfilling its discovery obligations
11 pursuant to NRS 174.234.(1)(b)(2) which provides that:
12

13
14 (2) The prosecuting attorney shall file and serve upon the
15 defendant a written notice containing the name and last known
16 address or place of employment of any witness the prosecuting
17 attorney intends to call during the case in chief of the State whose
18 name and last known address or place of employment have not
19 otherwise been provided to the defendant pursuant to NRS
20 171.1965 or 174.235.

21 Extradition Scope: Nevada Only

22 DA #M-24-01940/ REPORT #: 24EP15502/ AGENCY: ELKO POLICE DEPARTMENT
23
24
25
26
27
28

ELKO
JUSTICE/MUNICIPAL
COURT

SEP 30 2025

FILED
IN OPEN COURT

1 CASE NO. JCM-24-6207
2
3

4 IN THE ELKO JUSTICE COURT
5 IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA

6 STATE OF NEVADA,

7 Plaintiff,

AMENDED

8 vs.

CRIMINAL COMPLAINT

9 DENNIS EDWARD JOHNSTON,

(filed pursuant to plea agreement)

10 Defendant.
11

12 COMES NOW, THE STATE OF NEVADA, the Plaintiff in the above-entitled cause, by
13 and through its Counsel of Record, the Elko County District Attorney's Office, and based
14 upon the Declaration Of Probable Cause and/or the narrative report and the Officer
15 Declaration executed by the submitting officer in connection with said narrative report,
16 complains and alleges that the Defendant above-named, on or about the 8th day of
17 December, 2023, at or near the location of the City of Elko, within the County of Elko, and the
18 State of Nevada, committed the following described criminal offense(s):
19

20 COUNT 1

21 **BATTERY, A MISDEMEANOR AS DEFINED BY ECC 7-1-9. (NOC 58819)**

22 That the Defendant did willfully and unlawfully use force and/or violence upon
23 the person of [REDACTED] in the following manner: by pushing and/or
24 otherwise striking her.
25

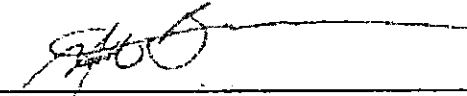
26 All of which is contrary to the form of the statute in such cases made and provided,
27 and against the peace and dignity of the State of Nevada. Said Complainant, therefore,
28 prays that the Defendant(s) be dealt with according to law.

EXHIBIT G

1. The undersigned hereby declares under penalty of perjury that the foregoing
2. Complaint is true to the best of his/her knowledge, information, and belief.

3. Dated: September 30, 2025.

4.
5. TYLER J. INGRAM
6. ELKO COUNTY DISTRICT ATTORNEY

7. 
8. JUSTIN M. BARAINCA
9. Deputy District Attorney
10. State Bar No.: 14163

11. Extradition Scope: Nevada Only

12.
13. DA #M-24-01940/ REPORT #: 24EP15502/ AGENCY: ELKO POLICE DEPARTMENT
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And by: ☐ delivery ☐ mailing ☐ facsimile transmission:

AMANDA WAUGH
CASEWORKER

Elko Justice/Municipal Court Sentencing Memorandum

Defendant Name: DENNIS JOHNSTON

Case No.: JCM-24-6207

Sentencing Date: SEPTEMBER 30, 2025

These are your misdemeanor sentence requirements. If you do not follow and/or complete the conditions set by the court, a bench warrant will be issued for your arrest without notice to you.

Fines, Assessments and Fees - Where/How to Make Payments

Payments must be made to: Elko Justice/Municipal Court.

Cash, money order, cashier's check and/or all major credit cards accepted.

Pay online by visiting elkopayments.com

Debit and credit card payments may be made over the telephone by calling (855) 579-6454 Available 24 hours a day, 7 days a week, or made directly to the court, in person or by phone at (775) 738-8403, from 8:00 A.M. – 5:00 P.M. Monday through Friday, excluding weekends and legal holidays.

If mailing a payment, please send money order, or cashier's check, with case number or citation number on the check.

Mail Payments: Elko Justice/Muni Court
571 Idaho Street
Elko, NV 89801

If a payment date falls on a weekend or legal holiday, Defendant shall have until the next judicial business day to make his/her payment.

What if Defendant Can't Make a Payment as Ordered?

If Defendant is unable to make a payment as ordered, he/she must come to the court office by 4:00 PM on the payment due date to explain under oath why that payment cannot be made timely and in full. Failure to follow this order will result in a bench warrant being issued for Defendant's arrest without notice, and may result in the imposition of contempt penalties or any suspended jail, house arrest and/or community service time and/or fine/assessments/fees.

EXHIBIT H

Jail Time

Count 1 10 Days 12 Hrs Serve concurrently with Count(s) _____

or
Contempt / Suspended Sentence Violation _____

☒ Jail time not suspended. Defendant has credit for 0 days, 12 hours served. Defendant has 0 days, 0 hours left to serve on this charge.

☒ Suspended for a period of 1 year(s) on the condition defendant serve _____ days in jail with credit for _____ days, _____ hours served, and other conditions set forth in this order. Defendant has _____ days, _____ hours unsuspended jail time left to serve on this charge. Balance of 10 days remains suspended.

Count _____ Days _____ Hrs Serve concurrently with Count(s) _____

Or
Contempt / Suspended Sentence Violation _____

_____ Jail time not suspended. Defendant has credit for _____ days, _____ hours served. Defendant has _____ days, _____ hours left to serve on this charge.

_____ Suspended for a period of _____ year(s) on the condition defendant serve _____ days in jail with credit for _____ days, _____ hours served, and other conditions set forth in this order. Defendant has _____ days, _____ hours unsuspended jail time left to serve on this charge. Balance of _____ days remains suspended.

Count _____ Days _____ Hrs Serve concurrently with Count(s) _____

Or
Contempt / Suspended Sentence Violation _____

_____ Jail time not suspended. Defendant has credit for _____ days, _____ hours served. Defendant has _____ days, _____ hours left to serve on this charge.

_____ Suspended for a period of _____ year(s) on the condition defendant serve _____ days in jail with credit for _____ days, _____ hours served, and other conditions set forth in this order. Defendant has _____ days, _____ hours unsuspended jail time left to serve on this charge. Balance of _____ days remains suspended.

_____ Defendant must serve unsuspended jail time of _____ days, _____ hours in full starting _____ (month) _____ (date) 20____ at _____ (time). A total of _____ days, _____ hours of jail time remains suspended.*

*Defendant must arrive on time and drug/alcohol free for jail commitments as a condition of any suspended sentence. If Defendant is not subject to a suspended sentence, the failure to arrive on time and drug/alcohol free for jail commitments may result in contempt penalties being imposed.

Domestic Battery Cases – Other Sentence Terms

Domestic Battery Counseling

- ☒ Defendant shall attend and pay for a complete 1 ½ hour counseling session per week for the 10 month period beginning immediately, for a total of:
☒ 26 Sessions ☐ 52 Sessions.
- ☒ Defendant shall provide proof that he/she has completed the counseling sessions in full by JUNE (month) 15 (date) 2021
- ☒ Defendant shall provide proof to the court that he/she has enrolled in Domestic Violence Counseling by Nov. (month) 5 (date) 2025

Community Service

- ☐ Defendant must provide proof at the court office that he/she has completed _____ hours of community service by 4:00 PM on _____ (month) _____ (date) 20____.
- ☐ Defendant shall provide proof that he/she has completed _____ hrs of community service for the previous month at the court office by 4:00 PM on the _____th of each month during this period, beginning _____ (month) _____ (date) 20____.

Surrender/ Sell/ Transfer Firearm

- ☐ Defendant is further ordered to surrender any firearms in his possession, custody, or control.
- ☐ Defendant shall provide to this Court and to the Elko County Sheriff's Office, the name and address of the person to whom each firearm was surrendered, along with a description and serial number of each firearm surrendered, on or before _____ (month) _____ (date) 20____.

*Also a condition of any suspended sentence imposed. If Defendant is not subject to a suspended sentence, the failure to follow the community service order may result in contempt penalties being imposed. If proof date falls on a weekend or legal holiday, Defendant shall have until the next judicial business day to provide the proof. Proof may be provided early.

Other Sentence Terms

✓ During the next 1 year(s) month(s) Defendant shall maintain good conduct in the community, including but not limited to, obeying all the laws and ordinances of the city, county, state and nation and be arrest free.*

During the next _____ year(s), _____ month(s) Defendant shall have no new charges resulting in conviction in Elko County for any crimes other than minor traffic violations.*

____ During the next ____ year(s), ____ month(s) Defendant shall not be present in any bar/saloon, or similar establishment, wherein its primary purpose is serving alcohol; unless required by employment.*

____ During the next ____ year(s), ____ month(s) Defendant shall not consume alcoholic beverages.*

____ During the next ____ year(s), ____ month(s) Defendant shall not consume drugs, other than prescription medication as prescribed by his/her qualified medical care provider or over the counter medication as directed on the label.*

____ During the next ____ year(s), ____ month(s) Defendant shall have no contact with the following persons.*

_____ (first name) _____ (last name)

_____ (first name) _____ (last name)

_____ (first name) _____ (last name)

_____ (first name) _____ (last name)

____ During the next ____ year(s), ____ month(s) Defendant shall not be present at the following locations.*

[illegible]

*Failure to follow these terms will result in a bench warrant being issued for Defendant's arrest without notice, and may result in the imposition of contempt penalties or any suspended jail, house arrest and/or community service time and/or fine/assessments/fees.

CASE SUMMARY
CRIMINAL
CASE NO. JCM-24-6207

THE STATE OF NEVADA Vs. DENNIS EDWARD
JOHNSTON

§
§
§
§
§
§
§

Location: Justice
Judicial Officer: Soderquist, Randall
Filed on: 10/23/2024
Elko County District: M-24-01940
Attorney's Office:
Elko Justice Court: 24-6207
Elko Police Department: 24EP15502

CASE INFORMATION

| Offense | Statute | Deg | Date | Case Type: | Misdemeanor |
|------------------------------|------------|-----|------------|------------|-----------------------------|
| 1. BATTERY | 7-1-9 | M | 12/08/2023 | | |
| PCN: NVELSO4015426C | | | | Case | |
| Filed As: DOM BATTERY, (1ST) | 200.485.1a | M | 10/23/2024 | Status: | 09/30/2025 Post Disposition |

Warrants

Cash or Bondable - JOHNSTON, DENNIS EDWARD (Judicial Officer: Soderquist, Randall)

10/23/2024 2:06 PM Returned to Court
10/23/2024 2:05 PM Booked
10/23/2024 9:55 AM Issued
Fine: \$0
Bond Set: \$3,140.00

Any

Bonds

Surety Bond #FCS10-2832439 \$3,140.00
10/29/2024 Surety Bond Posted
09/30/2025 Exonerated
Counts: 1

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number JCM-24-6207
Court Justice
Date Assigned 10/23/2024 7:23 AM
Judicial Officer Soderquist, Randall

PARTY INFORMATION

Plaintiff THE STATE OF NEVADA

BARAINCA, JUSTIN M.
Retained

Defendant JOHNSTON, DENNIS EDWARD
[REDACTED]
ELKO, NV 89801

BECKER, MICHAEL L, ESQ
Retained
702-378-2125(W)

DATE

EVENTS & ORDERS OF THE COURT

EVENTS

10/23/2024 In Custody - Arrested
10/23/2024 In Custody - Released
POSTED \$3,140.00 BB - T/S: 12 HRS

10/23/2024  Criminal Complaint Filed



10/23/2024  Arrest Warrant Issued
24-6207 WARRANT ISSUED FOR \$3,140.00 CASH OR BONDABLE; NV ONLY; SENT TO

EXHIBIT I

CASE SUMMARY
CRIMINAL
CASE No. JCM-24-6207


EPD

10/23/2024


 Warrant Return Sheet

GEORGINE FROM ECSO STATED THAT WARRANT HAS BEEN SERVED-

10/23/2024

 Original Warrant Returned

10/24/2024

 Booking Sheet


10/24/2024

 Declaration of Arrest

10/29/2024

 Schedule Court Appearance Notification

10/29/2024

 Receipt for Bond Received

10/29/2024

 Surety Bond Sheet

12/11/2024

Arraignment Hearing

COURT CONVENED AT 9:48 A.M.

THE HONORABLE DAVID LOCKIE, PRO TEM, PRESIDED.

DEFENDANT WAS PRESENT, WITHOUT COUNSEL.

*THE DEFENDANT ADVISED OF ALL CONSTITUTIONAL RIGHTS AND WAIVED
FORMAL READING OF THE CRIMINAL COMPLAINT.*


DEFENSE REQUESTED ADDITIONAL TIME TO RETAIN COUNSEL.

*THE COURT SCHEDULED AN ATTORNEY STATUS HEARING FOR January 22, 2025 AT
8:30 A.M.*

*DEFENDANT CONTINUED RELEASED ON THE HERETOFORE POSTED BAIL BOND IN
THE AMOUNT OF \$3,140.00.*

COURT ADJOURNED AT 9:51 A.M.

12/11/2024

 Calendaring Slip

A.S. 1-22-2025 AT 8:30 A.M. / GIVEN TO DEFENDANT IN COURT

01/13/2025

 Notice


NOTICE OF REPRESENTATION

01/15/2025

 Calendaring Slip

PT 3/11/25 @ 2 PM

01/16/2025

 Request for Disclosure

03/11/2025

Pre-Trial Hearing

COURT CONVENED AT 2:02 P.M.

THE HONORABLE DAVID LOCKIE, PRO TEM JUSTICE OF THE PEACE, PRESIDED.

*PLAINTIFF, THE STATE OF NEVADA, WAS PRESENT, REPRESENTED BY DANIEL
ROCHE, DEPUTY DISTRICT ATTORNEY.*

*DEFENDANT, DENNIS EDWARD JOHNSTON WAS PRESENT, REPRESENTED BY
ATTORNEY, MICHAEL L BECKER.*

*THE DEFENSE ADVISED AN OFFER WAS RELAYED LATE THIS MORNING AND
REQUESTED FOR A CONTINUANCE AT WHICH TIME THE CASE WOULD BE
RESOLVED OR A TRIAL WOULD BE SET.*

THE COURT SCHEDULED A PRE-TRIAL HEARING FOR APRIL 15, 2025 AT 10:00 A.M.

*DEFENDANT CONTINUED RELEASED ON THE HERETOFORE POSTED BAIL BOND IN
THE AMOUNT OF \$3,140.00.*

COURT ADJOURNED AT 2:05 P.M.


04/14/2025

 Stipulation

TO CONTINUE PRE TRIAL CONFERENCE

CASE SUMMARY
CRIMINAL
CASE No. JCM-24-6207

04/22/2025

 Calendaring Slip
PH 7/1 @ 2 PM

06/30/2025

 Email

JUDGE S APPROVED ZOOM APPEARANCE FOR DEFENDANT

07/01/2025

Pre-Trial Hearing

COURT CONVENED AT 2:43 P.M.
THE HONORABLE RANDALL SODERQUIST, JUSTICE OF THE PEACE, PRESIDED.
PLAINTIFF, THE STATE OF NEVADA, WAS PRESENT, REPRESENTED BY JUSTIN
BARAINCA, DEPUTY DISTRICT ATTORNEY.
DEFENDANT, DENNIS EDWARD JOHNSTON WAS PRESENT, REPRESENTED BY
ATTORNEY, MICHAEL BECKER, VIA VIDEO CONFERENCE.

THE DEFENSE REQUESTED FOR A CONTINUANCE TO FURTHER NEGOTIATIONS.

THE STATE HAD NO OBJECTION.

THE COURT SCHEDULED A PRE-TRIAL HEARING FOR AUGUST 26, 2025 AT 10:00 A.M.

DEFENDANT CONTINUED RELEASED ON THE HERETOFORE POSTED BAIL BOND IN
THE AMOUNT OF \$3,140.00.

COURT ADJOURNED AT 2:44 P.M.

08/26/2025

Pre-Trial Hearing

COURT CONVENED AT 10:08 A.M.
THE HONORABLE RANDALL SODERQUIST, JUSTICE OF THE PEACE, PRESIDED.
PLAINTIFF, THE STATE OF NEVADA, WAS PRESENT, REPRESENTED BY JUSTIN
BARAINCA, DEPUTY DISTRICT ATTORNEY.
DEFENDANT WAS PRESENT, REPRESENTED BY ATTORNEY, KEVIN COBURN.

DEFENSE ADVISED THE STATE MADE AN OFFER AND REQUESTED A CONTINUANCE
TO ALLOW THEM ADDITIONAL TIME TO DISCUSS THE OFFER.


THE STATE WAS OPPOSED TO A CONTINUANCE AND PROVIDED THEIR ARGUMENT.

THE COURT SCHEDULED AN CHANGE OF PLEA AND SENTENCING HEARING FOR
September 30, 2025 AT 8:30 A.M.

DEFENDANT CONTINUED RELEASED ON THE HERETOFORE POSTED BAIL BOND IN
THE AMOUNT OF \$3,140.00.

COURT ADJOURNED AT 10:14 A.M.

08/26/2025

 Calendaring Slip

C.O.P + SN 9-30-2025 AT 8:30 A.M. / EMAILED TO D.A. AND BECKER

09/30/2025

Change of Plea Hearing

COURT CONVENED AT 8:44 A.M.
THE HONORABLE RANDALL SODERQUIST, JUSTICE OF THE PEACE, PRESIDED.
PLAINTIFF, THE STATE OF NEVADA, WAS PRESENT, REPRESENTED BY JUSTIN
BARAINCA, DEPUTY DISTRICT ATTORNEY.
DEFENDANT, DENNIS JOHNSTON, WAS PRESENT, REPRESENTED BY ATTORNEYS,
MICHAEL BECKER AND KEVIN COBURN.

THE STATE ADVISED A PLEA AGREEMENT HAD BEEN REACHED AND DEFENDANT
WILL BE PLEADING TO COUNT 1 OF THE AMENDED CRIMINAL COMPLAINT. THE
STATE FURTHER ADVISED THE PARTIES RECOMMEND A 10 TO 15 DAY SUSPENDED
SENTENCE FOR 1 YEAR AND COMPLETION OF THE STANDARD DOMESTIC
VIOLENCE COUNSELING SESSIONS AT THE TIME OF SENTENCING.

THE DEFENSE CONCURRED.

THE STATE PROVIDED AN AMENDED CRIMINAL COMPLAINT TO THE COURT. THE
COURT FILED THE DOCUMENT IN OPEN COURT.

THE DEFENDANT ENTERED A PLEA OF NO CONTEST TO COUNT 1. THE COURT
CANVASSED THE DEFENDANT AND ACCEPTED DEFENDANT'S PLEA.
THE STATE AND DEFENSE GAVE THEIR SENTENCING RECOMMENDATIONS. AFTER
HEARING FROM THE PARTIES, THE COURT SENTENCED DEFENDANT TO THE

CASE SUMMARY
CRIMINAL
CASE No. JCM-24-6207

FOLLOWING:




IMPOSED JAIL TIME: DEFENDANT ORDERED TO SERVE 12 HOURS IN THE ELKO COUNTY JAIL WITH CREDIT FOR 12 HOURS PREVIOUSLY SERVED.

DOMESTIC VIOLENCE COUNSELING: DEFENDANT FURTHER ORDERED TO COMPLETE 26 SESSION(S) OF COUNSELING. EACH WEEKLY COUNSELING SESSION ATTENDED MUST LAST NO LESS THAN 1.5 HOURS AT A RATE OF 1 SESSION PER WEEK FOR 6 MONTHS. DEFENDANT MUST PROVIDE PROOF OF ENROLLMENT TO THE COURT BY November 5, 2025. DEFENDANT MUST PROVIDE PROOF OF COMPLETION TO THE COURT BY June 5, 2026.

SUSPENDED JAIL TIME: DEFENDANT FURTHER ORDERED TO SERVE 10 DAY(S) IN THE ELKO COUNTY JAIL, WITH SAID SENTENCE SUSPENDED UPON THE FOLLOWING CONDITIONS: DEFENDANT SHALL MAINTAIN GOOD CONDUCT IN THE COMMUNITY, INCLUDING BUT NOT LIMITED TO, OBEYING ALL THE LAWS AND ORDINANCES OF THE CITY, COUNTY, STATE AND NATION AND BE ARREST FREE.

DEFENDANT'S HERETOFORE POSTED BAIL BOND ORDERED EXONERATED.

COURT ADJOURNED AT 8:48 A.M.

| | |
|------------|--|
| 09/30/2025 |  Amended Criminal Complaint Filed |
| 09/30/2025 | Jail Time Ordered 12 HOURS WITH CREDIT FOR 12 HOURS PREVIOUSLY SERVED. |
| 09/30/2025 | Suspended Jail Time Ordered 10 DAYS |
| 09/30/2025 | Domestic Violence Counseling Ordered 26 SESSIONS |
| 09/30/2025 | Domestic Violence Counseling Ordered PROOF OF ENROLLMENT |
| 09/30/2025 | Good Conduct |
| 09/30/2025 |  Sentencing Memorandum |
| 09/30/2025 | Defendant Sentenced |
| 09/30/2025 |  Certificate of Discharge |

DISPOSITIONS

| | |
|------------|---|
| 09/30/2025 | Plea (Judicial Officer: Soderquist, Randall) 1. BATTERY No Contest PCN: NVELSO4015426C Sequence: |
| 09/30/2025 | Disposition (Judicial Officer: Soderquist, Randall) 1. BATTERY Guilty Plea with Sentence (before trial) PCN: NVELSO4015426C Sequence: |
| 09/30/2025 | Sentenced (Judicial Officer: Soderquist, Randall) 1. BATTERY 12/08/2023 (M) 7-1-9 (58819) PCN: NVELSO4015426C Sequence: |

HEARINGS

| | |
|------------|--|
| 12/11/2024 | Arraignment Hearing (8:30 AM) (Judicial Officer: Soderquist, Randall) Hearing Held |
| 01/22/2025 | CANCELED Attorney Status Hearing (8:30 AM) (Judicial Officer: Soderquist, Randall ;Location: Courtroom A) |

CASE SUMMARY
CRIMINAL
CASE NO. JCM-24-6207

Vacated

03/11/2025

Pre-Trial Hearing (2:00 PM) (Judicial Officer: Soderquist, Randall)

MINUTES

Continued- Defense Attorney Request;

Continued- Defense Attorney Request

SCHEDULED HEARINGS

CANCELED Pre-Trial Hearing (04/15/2025 at 10:00 AM) (Judicial Officer: Soderquist, Randall ;Location: Courtroom A)

Continued

DEF COUNSEL VIA ZOOM

04/15/2025

CANCELED Pre-Trial Hearing (10:00 AM) (Judicial Officer: Soderquist, Randall ;Location: Courtroom A)

Continued

DEF COUNSEL VIA ZOOM

07/01/2025

Pre-Trial Hearing (2:00 PM) (Judicial Officer: Soderquist, Randall)

DEF COUNSEL VIA ZOOM / DEF VIA ZOOM

MINUTES

Continued- Defense Attorney Request;

Continued- Defense Attorney Request

SCHEDULED HEARINGS

Pre-Trial Hearing (08/26/2025 at 10:00 AM) (Judicial Officer: Soderquist, Randall)

DEF COUNSEL VIA ZOOM

Hearing Held

08/26/2025

Pre-Trial Hearing (10:00 AM) (Judicial Officer: Soderquist, Randall)

DEF COUNSEL VIA ZOOM

Hearing Held

09/30/2025

Change Of Plea Hearing (8:30 AM) (Judicial Officer: Soderquist, Randall)

PLUS SN / DEF COUNSEL VIA ZOOM

MINUTES

Plea (Judicial Officer: Soderquist, Randall)

1. BATTERY

No Contest

PCN: NVELSO4015426C Sequence:

Disposition (Judicial Officer: Soderquist, Randall)

1. BATTERY

Guilty Plea with Sentence (before trial)

PCN: NVELSO4015426C Sequence:

Sentenced (Judicial Officer: Soderquist, Randall)

1. BATTERY

12/08/2023 (M) 7-1-9 (58819)

PCN: NVELSO4015426C Sequence:

Sentencing Hearing Held;

Sentencing Hearing Held

BOND SETTINGS

10/23/2024

Bond Setting

Cash Or Bondable

\$3,140.00

Any

DATE

12/11/2024

Public

OTHER DOCUMENTS

Calendaring Slip NEW Ready to Use

1 Pages

CASE SUMMARY
CRIMINAL
CASE No. JCM-24-6207



03/12/2025
07/02/2025

Public
Public

Calendaring Slip NEW Ready to Use
Calendaring Slip NEW Ready to Use

1 Pages
1 Pages

DATE

FINANCIAL INFORMATION

| | | | |
|------------|--|-----------------------------------|---------|
| | Defendant JOHNSTON, DENNIS EDWARD | | |
| | Total Charges | | 50.00 |
| | Total Payments and Credits | | 50.00 |
| | Balance Due as of 10/21/2025 | | 0.00 |
| 10/29/2024 | Charge | Defendant JOHNSTON, DENNIS EDWARD | 50.00 |
| 10/29/2024 | Counter Payment Receipt # JC-05738-2024 | Defendant JOHNSTON, DENNIS EDWARD | (50.00) |

DOCUMENTATION FROM DENNIS JOHNSTON AND/OR
REPRESENTATIVE



NEVADA ASSOCIATION OF PUBLIC SAFETY OFFICERS

January 26, 2026

VIA ELECTRONIC MAIL

Chief Kathy Floyd
State of Nevada
Commission on Peace Officer Standards and Training
5587 Wa Pai Shone Avenue
Carson City, NV 89701

RE: Deputy Dennis Johnston, Post Pin #28981

Dear Chief Floyd,

I am the Executive Director of the Nevada Association of Public Safety Officers. Our Association represents Deputy Johnston relative to the Notice of Intent to Revoke he received on January 7, 2026.

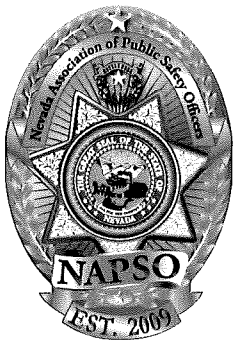
Please accept this letter as Deputy Johnston's written notice that he intends to appear before the Commission to contest the revocation of his peace officer certificate. Deputy Johnston will appear at the hearing in Mesquite on February 12, 2026 1:00 p.m. and will be accompanied by a representative. Additionally, any written materials we wish to have considered will be submitted to the Commission by February 2, 2026.

Thank you for your attention to this matter. If you have any questions, please feel free to contact the undersigned. A business card is attached.

Sincerely,

Andrew Regenbaum
Executive Director

CC: Jordan Grebenc, ECDSA President
Dennis Johnston



NEVADA ASSOCIATION OF PUBLIC SAFETY OFFICERS

February 2, 2026

VIA ELECTRONIC MAIL

Chief Kathy Floyd
State of Nevada
Commission on Peace Officer Standards and Training
5587 Wa Pai Shone Avenue
Carson City, NV 89701

RE: Deputy Dennis Johnston, Post Pin #28981

Dear Chief Floyd,

As you may recall, I am serving as Deputy Johnston's representative relative to the Notice of Intent to Revoke he received on January 7, 2026. Please accept this letter as Deputy Johnston's written arguments that he wishes the Commission to consider in addition to his in-person presentation.

As stated in Deputy Johnston's notice, NAC 289.290(1)(h) indicates that the Commission may revoke or suspend Deputy Johnston's POST certification if the employing agency makes such a recommendation. In determining whether to suspend or revoke the certification, the Commission will consider the type of conviction as well as any other information of unprofessional conduct or similar undesirable activity by the officer that resulted in discipline.

To that end, the Commission should be aware that Deputy Johnston took a "nolo contendere" plea to simple battery, a misdemeanor. As a result of this plea, Deputy Johnston maintains his right to carry a firearm without limitation. This was confirmed by the Elko County Court which advised Deputy Johnston that his right to possess a firearm was not altered in any fashion by his plea. Had Deputy Johnston been convicted of a crime implicating *NRS 200.485*, the Court would have had to advise him otherwise. Deputy Johnston would not have taken the plea to simple battery under *NRS 200.481* if it carried the same potential prohibitions on gun possession. It was clearly understood by all parties involved, that the amended complaint did not involve any aspect of domestic violence and Deputy Johnston's plea to the lesser ("petty") charge did not implicate collateral consequences imposed by federal law because Nevada legislature separately addressed that issue within its statutes. See, *Henderson City Atty. v. Cerrone*, 2024 Nev. Unpub. LEXIS 456*; 549 P.3d 487; 2024 WL 2873559 (June 6, 2024) (Exhibit A).

Deputy Johnston's employer, the Elko County Sheriff Department, DID NOT conduct a proper or complete internal affairs investigation into this matter. The Department did not interview Deputy Johnston nor did it interview the other individual involved in the matter. Instead, the Department presumably relied solely on the criminal investigation to recommend termination as Deputy Johnston's discipline for this off-duty conduct. That decision was made based upon an alleged federal prohibition against Deputy Johnston being able to carry a firearm due to a misdemeanor conviction. The Elko Sheriff Department's determination in that regard is wrong.

Specifically, the Nevada Supreme Court has held¹ that a misdemeanor conviction does not result in a prohibition on possessing a firearm. The Court cited *NRS 202.360(1)(a-c)* as listing offenses for which a conviction bars an individual from possessing a firearm. Simple Battery is not included among that list. The original criminal complaint² charged Battery Constituting Domestic Violence as defined by *NRS 33.018 and NRS 200.485*. However, Elko County charged an Amended Criminal Complaint³ to a simple Battery as defined by ECC 7-1-9. The amended charge is not a "serious crime" according to *NRS 193.150(1)* and therefore does not implicate 18 U.S.C. section 992(g)(9) per the Nevada Supreme Court. Given that this was the only basis for the Department's termination of Deputy Johnston⁴, it is respectfully submitted to the Commission that it is highly likely that an Arbitrator will vacate the Department's termination of Deputy Johnston based upon its incorrect reliance on the federal statute as well as the Department's violations of NRS 289. Additionally, the Commission should be aware that the same result was reached by the Court of Appeal of California, Second Appellate District in the matter of *Shirley v. Los Angeles County Civil Service Commission (Los Angeles County Sheriff's Department, Real Party in Interest)*⁵.

The significance of these cases is that they form the basis for Deputy Johnston's contention that the Sheriff Department's termination will be overturned during arbitration⁶ based upon the Department's misapplication of the law. The Commission should note that Deputy Johnston has not contested that his off-duty conduct warrants some form of discipline under the Department's disciplinary matrix. To that end, he has suggested that a suspension without pay was appropriate discipline. However, the Sheriff Department, rather than acknowledging its overreach and altering Deputy Johnston's discipline, is now attempting to preempt the arbitration process by submitting Johnston's conviction to POST as a backdoor way of seeking support for its disciplinary decision or as additional discipline for the same conduct. In either instance, the Department is inappropriately using POST to investigate and punish Deputy Johnston for a matter that it [the Sheriff's Internal Affairs Department] failed to properly investigate and adjudicate itself. This should not be countenanced by the Commission.

¹ *Henderson City Atty. v. Cerrone*, 2024 Nev. Unpub. LEXIS 456*; 549 P.3d 487; 2024 WL 2873559 (June 6, 2024) – Attached as Exhibit A

² Exhibit B

³ Exhibit C

⁴ See Notice of Termination – Attached as Exhibit D

⁵ Decision attached as Exhibit E

⁶ Deputy Johnston's discipline is being challenged at arbitration pursuant to the grievance procedure set forth in the Collective Bargaining Agreement

The question before the Commission is whether Deputy Johnston's conviction for an off-duty simple battery should warrant the revocation of his POST certificate. We respectfully submit that revocation is disproportionately harsh. Deputy Johnston's conduct did not occur on-duty and had no nexus to the workplace. Furthermore, Deputy Johnston has never had any other conviction, not even an arrest, for any type of criminal conduct. This was a singular event for which Deputy Johnston has expressed remorse and resolve to never allow to occur again. At work, Deputy Johnston has been an exemplary employee with no prior discipline and above average evaluations. Thus, under the criteria set forth in NAC 289.290(1)(h), this Commission should determine that revocation is not warranted.

It is further recommended that the Commission consider the disciplinary matrix of the Elko County Sheriff Department as well as other Nevada agencies disciplinary matrixes relative to whether revocation is warranted for a conviction of a simple misdemeanor. The Commission's attention is directed to the Las Vegas Metropolitan Police Department Discipline Matrix⁷, Category F. Category F indicates that "criminal conduct classified as something less than a felony (other than traffic and not otherwise defined herein) is punishable with a presumptive forty (40) hour suspension but can be mitigated downward or upward. This category clearly encompasses a simple misdemeanor. If a simple misdemeanor conviction was intended to result in POST revocation, the discipline matrix would not be legitimate. On the contrary, the matrix's validity has not been challenged, and numerous officers have been disciplined using this matrix without effect on their POST certifications. Indeed, the same can be seen in the Elko County Sheriff Department's discipline matrix. Therefore, it is respectfully submitted that revocation of Deputy Johnston's POST certification would be a disproportionate punishment as compared to others who have dealt with the same or similar issues.

Deputy Johnston and I will be at the hearing in Mesquite on February 12, 2026, at 1:00 p.m. and we look forward to the opportunity to discuss the case further as well as answer any questions that the Commission may have.

Thank you for your attention to this matter. If you have any questions, please feel free to contact the undersigned.

Sincerely,



Andrew Regenbaum
Executive Director

CC: Jordan Grebenc, ECDSA President
Dennis Johnston

Enclosures

⁷ See Exhibit F

EXHIBIT A



Neutral

As of: January 28, 2026 10:15 PM Z

Henderson City Atty. v. Cerrone

Supreme Court of Nevada

June 6, 2024, Filed

No. 86637

Reporter

2024 Nev. Unpub. LEXIS 456 *; 549 P.3d 487; 2024 WL 2873559

HENDERSON CITY ATTORNEY, Appellant, vs. CHRISTOPHER CERRONE, Respondent.

Notice: NOT DESIGNATED FOR PUBLICATION. PLEASE CONSULT THE NEVADA RULES OF APPELLATE PROCEDURE FOR CITATION OF UNPUBLISHED OPINIONS.

PUBLISHED IN TABLE FORMAT IN THE PACIFIC REPORTER.

Subsequent History: Decision reached on appeal by Henderson City Atty. v. Cerrone, 2024 Nev. LEXIS 57 (Oct. 24, 2024)

Core Terms

district court, battery, jury trial, domestic, mandamus, misdemeanor battery, municipal court, manifestly, firearm

Judges: [*1] Stiglich, J., Pickering, J., Parraguirre, J.

Opinion

ORDER OF REVERSAL

This is an appeal from a district court order granting a petition for a writ of mandamus in a criminal matter. Eighth Judicial District Court, Clark County; Erika D. Ballou, Judge.

The City of Henderson charged respondent Christopher Cerrone with one count of misdemeanor battery constituting **domestic violence**. Cerrone filed a demand for jury trial. Approximately one month before trial, the City amended the complaint to charge Cerrone instead with one count of misdemeanor battery. Cerrone moved to strike the amended complaint. The municipal court judge denied Cerrone's motion, vacated the jury trial, and scheduled a bench trial. Arguing that the amendment improperly denied his right to a jury trial, Cerrone petitioned the district court for mandamus relief, which the district court granted. The district court concluded that (1) Cerrone had no adequate remedy at law from the municipal court's denial of the motion to strike, (2) a conviction would result in Cerrone's losing the right to possess a firearm such that the charge was serious and merited a jury trial, and (3) the City

erred in amending the charging instrument. The City [*2] appeals, and we agree that the district court abused its discretion.

The City first argues that the district court should not have entertained Cerrone's petition because Cerrone had an adequate remedy in the form of a direct appeal from a judgment of conviction. The district court ruled that Cerrone had no adequate remedy for a purportedly erroneous denial of a jury trial right. Generally, we review a district court's grant of a petition for a writ of mandamus for an abuse of discretion. Berrum v. Otto, 127 Nev. 372, 377, 255 P.3d 1269, 1272 (2011). Where a petition raises a question of statutory interpretation, we review de novo. Reno Newspapers, Inc. v. Haley, 126 Nev. 211, 214, 234 P.3d 922, 924 (2010).

Mandamus will lie only where a petitioner lacks a "plain, speedy and adequate remedy in the ordinary course of law." NRS 34.170. Where a defendant asserts an improper deprivation of a right to a jury trial in municipal court proceedings, the claim may be raised on direct appeal to the district court from a conviction—such a remedy is plain, speedy, and adequate. Amezcuva v. Eighth Jud. Dist. Ct., 130 Nev. 45, 47, 319 P.3d 602, 603 (2014), *superseded by statute on other grounds as stated in Andersen v. Eighth Jud. Dist. Ct.*, 135 Nev. 321, 448 P.3d 1120 (2019). Given that Cerrone had an adequate remedy in the form of a direct appeal should he be convicted, we conclude that the district court abused its discretion in entertaining Cerrone's mandamus petition.¹

The City [*3] next argues that the municipal court did not manifestly abuse its discretion in permitting the amendment to the complaint. The district court stated that the municipal court's ruling was erroneous without analyzing whether the purported error was a manifest abuse of discretion. The trial court has discretion in determining whether to permit an amendment. NRS 173.095(1) ("The court may permit an indictment or information to be amended" (emphasis added)); cf. WPH Architecture, Inc. v. Vegas VP, LP, 131 Nev. 884, 890, 360 P.3d 1145, 1149 (2015) (reading "may" as conferring discretion). Where a court has discretion, traditional mandamus against it will only lie where it "has *manifestly* abused that discretion or acted arbitrarily or capriciously," that is "only where the law is overridden or misapplied, or when the judgment exercised is manifestly unreasonable or the result of partiality, prejudice, bias or ill will." Walker v. Second Jud. Dist. Ct., 136 Nev. 678, 680-81, 476 P.3d 1194, 1196-97 (2020) (internal quotation marks omitted). Treating the district court's assignment of error as ruling that the municipal court manifestly abused its discretion, we conclude the district court in turn abused its discretion for two reasons.

First, the municipal court acted within its discretion in allowing the City to amend the complaint and scheduling a bench trial. As [*4] stated, NRS 173.095(1) sets forth the standard governing when a court may permit amendment to a charging instrument. The amendment may not prejudice the defendant's substantial rights or charge an additional or different offense. Viray v. State, 121 Nev. 159, 162, 111 P.3d 1079, 1081 (2005). The substantial right at issue is the

¹ Cerrone nevertheless argues that the petition could be entertained because it presented an important issue of law requiring clarification as to whether the municipal court could permit the complaint to be amended "on the eve of trial" to deny a defendant's right to a jury trial. Cerrone, however, did not raise this argument in the mandamus petition, and it is therefore waived. See Old Aztec Mine, Inc. v. Brown, 97 Nev. 49, 52, 623 P.2d 981, 983 (1981) (holding that a point not raised in the trial court will generally be deemed waived).

defendant's right to be clearly informed of the nature of the charges in order to adequately prepare a defense. *Id.* Cerrone did not allege that the amendment left him uninformed about the nature of the charges or impeded him in preparing a defense. Cerrone therefore did not show prejudice to his substantial rights. As to the second concern with amending a charging instrument, a lesser-included offense is not a new or different offense under NRS 173.095. Benitez v. State, 111 Nev. 1363, 1364, 904 P.2d 1036, 1037 (1995). Misdemeanor battery is a lesser-included offense of misdemeanor battery constituting **domestic violence**. See NRS 33.018(1)(a) (providing that domestic battery is battery where one element is commission against a person in an enumerated category); NRS 200.481(1)(a) (defining battery); see also Estes v. State, 122 Nev. 1123, 1143, 146 P.3d 1114, 1127 (2006) ("To determine the existence of a lesser-included offense, this court looks to whether the offense in question cannot be committed without committing the lesser offense." (internal quotation marks omitted)), *overruled in part on other [*5] grounds by* Pundyk v. State, 136 Nev. 373, 467 P.3d 605 (2020). The amendment thus did not charge an additional or different offense. In concluding that the prosecutors lacked authority to dismiss the charge of battery constituting **domestic violence**, the district court relied on a version of NRS 200.485(10) that had been superseded, and the current statute does not limit the City in that fashion. Compare NRS 200.485(10) (2019) (barring prosecutors from moving to dismiss a domestic battery unless the charge is not supported by probable cause), with NRS 200.485(10) (2021) (removing that restriction); 2021 Nev. Stat., ch. 253, § 17(2), at 1324 (providing that the 2021 version applies to judicial proceedings—such as this one—that are unresolved as of January 1, 2022). Accordingly, the municipal court acted within its discretion in allowing the City to amend the charging instrument.

Second, the district court erred in finding that Cerrone was entitled to a jury trial because the charge was for a serious offense on the basis that a conviction would deprive Cerrone of the right to possess a firearm. The right to a jury trial attaches to **crimes** that are considered "serious," but not those categorized as "petty." Andersen, 135 Nev. at 322, 448 P.3d at 1122. An offense with a maximum sentence of six months' incarceration is presumptively petty but is deemed a serious [*6] offense if it carries an additional penalty of the loss of the right to possess a firearm. *Id.* at 323-24, 448 P.3d at 1123-24. **Simple battery** is subject to a maximum term of six months' imprisonment. NRS 193.150(1) (stating default punishment for misdemeanors); NRS 200.481(2)(a) (stating that an unaggravated battery is a misdemeanor). Cerrone was charged with **simple battery** and thus faced a possible sentence of six months' incarceration if convicted but did not face the risk of the loss of the right to possess a firearm. See NRS 202.360(1)(a)-(c) (listing offenses for which a conviction bars an individual from possessing a firearm without including **simple battery** among them). Insofar as the district court concluded that Cerrone's conduct, if proved, would implicate NRS 202.360 because the facts alleged involved a domestic component, the district court is mistaken. Misdemeanor battery constituting **domestic violence** implicates NRS 202.360 if that offense is specifically charged pursuant to NRS 200.485; the substance of a conviction is relevant only where the conviction was obtained in another jurisdiction. NRS 202.360(1)(a). And, to the extent the district court considered consequences potentially imposed by a federal statute, it was mistaken, since collateral consequences imposed by federal law do not reflect a determination [*7] by the Nevada Legislature that the offense is serious. Amezcu, 130 Nev. at 50, 319 P.3d at 605. NRS 202.360(1)(a) has been amended such that it no longer relies on federal law to define a **domestic-violence** offense. 2021 Nev. Stat., ch. 253, § 13, at 1320. The operation of a federal

statute thus does not entitle a defendant to a jury trial where Nevada statutes do not establish the offense as serious.

We therefore conclude that the district court abused its discretion in ruling that the municipal court erred and that mandamus relief was appropriate. Accordingly, we

ORDER the judgment of the district court REVERSED.

/s/ Stiglich, J.

Stiglich

/s/ Pickering, J.

Pickering

/s/ Parraguirre, J.

Parraguirre

EXHIBIT B

1 CASE NO. JCM-24-6207

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4 IN THE ELKO JUSTICE COURT

5 IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA

6 STATE OF NEVADA,

7 Plaintiff,

CRIMINAL

8 vs.

COMPLAINT

9 DENNIS EDWARD JOHNSTON,

10 Defendant.

11
12 COMES NOW, THE STATE OF NEVADA, the Plaintiff in the above-entitled cause, by
13 and through its Counsel of Record, the Elko County District Attorney's Office, and based
14 upon the Declaration Of Probable Cause and/or the narrative report and the Officer
15 Declaration executed by the submitting officer in connection with said narrative report,
16 complains and alleges that the Defendant above-named, on or about the 8th day of
17 December, 2023, at or near the location of the City of Elko and/or otherwise, within the
18 County of Elko, and the State of Nevada, committed the following described criminal
19 offense(s):

20 COUNT 1

21 BATTERY CONSTITUTING DOMESTIC VIOLENCE, A MISDEMEANOR AS
22 DEFINED BY NRS 33.018 AND NRS 200.485. (NOC 50235)

23 That the Defendant willfully and unlawfully used force or violence upon Erika
24 Huitron-Gonzalez in the following manner: by pushing her and/or by otherwise
25 striking her

26
27 The Defendant's relationship to the Victim above-named is one of the following:
28 a spouse, former spouse, a relative by blood or marriage, a person with whom

 **COPY**

1 the Defendant has had or is having a dating relationship, a person with whom
2 the Defendant has a child in common, and/or the minor child of any of the above
3 indicated victims or the Defendant's minor child.
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5 All of which is contrary to the form of the statute in such cases made and provided,
6 and against the peace and dignity of the State of Nevada. Said Complainant, therefore,
7 prays that the Defendant be dealt with according to law.
8

9 **The Complainant further prays for the issuance of a Warrant of Arrest.**
10

11 The undersigned hereby declares under penalty of perjury that the foregoing
12 Complaint is true to the best of his/her knowledge, information, and belief.
13

14 Dated: October 21, 2024.
15

16 TYLER J. INGRAM
17 ELKO COUNTY DISTRICT ATTORNEY

18 
19 JUSTIN M. BARAINCA
20 Deputy District Attorney
21 State Bar No.: 14163

22 **Estimation Of Time Needed**

23 The State estimates that 2 days will be needed to conduct the trial in this matter.
24 {XXXX} Check if prosecutor wishes to be present at misdemeanor sentencing.
25
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1 **The Issue Of Obtaining The Discovery**
2 **Available In This Matter**

3 **To: The Defendant's Counsel or The Defendant Representing Himself/Herself**

4 The Elko County District Attorney's Office has an open file discovery policy. This
5 means you will be provided with a complete copy of all reports, photos and compact discs
6 received by the DA's Office from the submitting Officer and agency in connection with this
7 case. Private Counsel and/or Defendants appearing without Counsel will be charged a
8 reasonable copying and duplication fee. If this is a misdemeanor case the State believes and
9 avers that by providing a copy of the discovery containing the names and addresses of the
10 witnesses the State may call in its case-in-chief, the State is fulfilling its discovery obligations
11 pursuant to NRS 174.234.(1)(b)(2) which provides that:
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14 (2) The prosecuting attorney shall file and serve upon the
15 defendant a written notice containing the name and last known
16 address or place of employment of any witness the prosecuting
17 attorney intends to call during the case in chief of the State whose
18 name and last known address or place of employment have not
otherwise been provided to the defendant pursuant to NRS
171.1965 or 174.235.

19 Extradition Scope: Nevada Only
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21 DA #M-24-01940/ REPORT #: 24EP15502/ AGENCY: ELKO POLICE DEPARTMENT
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EXHIBIT C

SEP 30 2024

FILED
JUDICIAL DISTRICT COURT

1 CASE NO. JCM-24-6207

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IN THE ELKO JUSTICE COURT

IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA

STATE OF NEVADA,

Plaintiff,

AMENDED

vs.

CRIMINAL COMPLAINT

DENNIS EDWARD JOHNSTON,

(filed pursuant to plea agreement)

Defendant.

COMES NOW, THE STATE OF NEVADA, the Plaintiff in the above-entitled cause, by and through its Counsel of Record, the Elko County District Attorney's Office, and based upon the Declaration Of Probable Cause and/or the narrative report and the Officer Declaration executed by the submitting officer in connection with said narrative report, complains and alleges that the Defendant above-named, on or about the 8th day of December, 2023, at or near the location of the City of Elko, within the County of Elko, and the State of Nevada, committed the following described criminal offense(s):

COUNT 1

BATTERY, A MISDEMEANOR AS DEFINED BY ECC 7-1-9. (NOC 58819)

That the Defendant did willfully and unlawfully use force and/or violence upon the person of Erika Huitron-Gonzalez, in the following manner: by pushing and/or otherwise striking her

All of which is contrary to the form of the statute in such cases made and provided, and against the peace and dignity of the State of Nevada. Said Complainant, therefore, prays that the Defendant(s) be dealt with according to law.

The undersigned hereby declares under penalty of perjury that the foregoing
plaint is true to the best of his/her knowledge, information, and belief.

Dated: September 30, 2025.

TYLER J. INGRAM
ELKO COUNTY DISTRICT ATTORNEY

JUSTIN M. BARAINCA
Deputy District Attorney
State Bar No.: 14163

Extradition Scope: Nevada Only

DA #M-24-01940/ REPORT #. 24EP15502/ AGENCY: ELKO POLICE DEPARTMENT

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CERTIFICATE OF SERVICE

I hereby certify, pursuant to the provisions of NRCP 5(b), that I am an employee of the Elko County District Attorney's Office, and that on the ____ day of September, 2025, I served the foregoing Criminal Complaint, by hand delivering, mailing or by facsimile transmission or causing to be hand delivered, mailed or transmitted by facsimile transmission, a copy of said document to the following:

And by: delivery mailing facsimile transmission:

MICHAEL L BECKER
ATTORNEY AT LAW
2970 W. Sahara Avenue
Las Vegas, NV89102

AMANDA WAUGH
CASEWORKER

EXHIBIT D

ELKO COUNTY SHERIFF'S OFFICE

MEMORANDUM



Date: December 29, 2025

To: Dennis Johnston

From: Sheriff Aitor Narvaiza

RE: Notice of Termination

This letter serves as formal notification that your employment as a Deputy Sheriff with the Elko County Sheriff's Office is terminated effective December 29, 2025.

This decision follows the pre-disciplinary hearing held on December 17, 2025, for which you were provided notice of the proposed action and an opportunity to respond.

Throughout the review process, this matter was addressed using the pre-disciplinary procedures solely to provide you with notice of the issues under review and an opportunity to respond. Upon completion of that process and consideration of all information presented, the Sheriff's Office determined that the matter does not involve disciplinary action, but instead concerns your present eligibility to meet the essential and mandatory qualifications of a sworn law enforcement officer.

The use of pre-disciplinary procedures in this matter was intended to ensure due process and does not convert this qualification-based separation into disciplinary action.

Accordingly, this final action is based on qualification and eligibility requirements, not as a form of corrective or progressive discipline.

BASIS FOR TERMINATION

Your termination is based on your present inability to meet the essential and non-delegable qualifications of a sworn law enforcement position, specifically the requirement that a Deputy Sheriff be legally eligible to carry, use, and possess a firearm.

The ability to lawfully possess and use a firearm is an essential function of the Deputy Sheriff position. At this time, you do not meet this requirement and therefore are unable to perform the essential functions of your position.

INTERNAL AFFAIRS INVESTIGATION AND FINDINGS

Internal Affairs Investigation SIU 2024-01 established the factual record relevant to your continued eligibility to serve as a peace officer. During the review process, your representatives

did not dispute the material facts established by the investigation and did not present any new information regarding the allegations.

The following allegations were reviewed during the hearing process and were sustained:

- Allegation #1 – Policy 314.2.2(6) Failure of any employee to promptly and fully report activities on their own part or the part of any other employee where such activities may result in criminal prosecution under this policy.
- Allegation #2 – Policy 314.2.2(11) Discourteous or disrespectful treatment of a member of the public, this Department, the County, another law enforcement agency, or other organization.
- Allegation #3 – Policy 314.2.2(19) Violating any misdemeanor or felony statute.
- Allegation #4 – Policy 314.2.2(20) Any other on-duty or off-duty conduct which any employee knows or reasonably should know is unbecoming a member of this department or which is contrary to the good order, efficiency or morale or which tends to reflect unfavorably up on the Department or its members.
- Allegation #5 – Policy 314.2.4(13) Any knowing or negligent violation of the provisions of the Department manual, operating procedures or other written directive of an authorize Supervisor.
- Allegation #6 – Policy 314.2.5(1) Criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/employer relationship, whether on-duty or off-duty.

These sustained findings are not the basis for discipline, but establish the facts relevant to statutory and legal disqualification from sworn service.

RESPONSE TO ISSUES RAISED AT THE PRE-DISCIPLINARY HEARING

Just Cause

The Association asserted there was no just cause for termination. The Sheriff's Office does not agree.

As an initial matter, this action is not disciplinary and is not based on corrective or punitive considerations. It is a qualification-based termination resulting from statutory and legal inability to perform the essential functions of a sworn law enforcement position. Where an employee is no longer legally qualified to hold a position, continued employment is not permissible regardless of disciplinary considerations.

Even assuming, solely for purposes of analysis, that a just cause standard were applicable, just cause exists. The sustained Internal Affairs findings, the resulting conviction, and the applicable provisions of NAC 289.110 and 18 U.S.C § 992(g)(9) establish that you are prohibited person from possessing a firearm and otherwise disqualified from sworn service. An employee who cannot legally perform the essential job functions cannot be retained in the position.

Discipline Matrix

The discipline matrix was not applied in this matter because this action is not disciplinary in nature and is not based on misconduct subject to progressive discipline.

The discipline matrix governs corrective action for employee misconduct. It does not apply where an employee is no longer legally or operationally qualified to occupy the position. This action is administrative and qualification-based, arising from your present inability to meet essential job requirements.

Nevada District Court Cases

The Association asserted that certain Nevada District Court decisions involving similar factual circumstances support the position that termination as a disciplinary action is not warranted. The Sheriff's Office does not agree.

The cited decisions are non-binding, and none address the circumstances presented here - specifically, a situation in which, at the conclusion of a criminal case, an employee is rendered a prohibited person under federal law and therefore legally ineligible to possess a firearm.

Because this action is qualification-based rather than disciplinary and rests on statutory and legal ineligibility for continued sworn service, the authorities relied upon by the Association are not applicable.

Nexus to Employment

The Association asserted that there was no nexus between the conduct at issue and your duties as a Deputy Sheriff. The Sheriff's Office does not agree.

Regardless of where the conduct occurred, the resulting conviction renders you legally ineligible to possess a firearm, an essential and non-delegable function of a Deputy Sheriff. That legal disqualification establishes a direct nexus to your position as a Deputy Sheriff and independently precludes continued employment in a sworn position.

Nevada POST Certification

POST action is not a pre-requisite to employment action by the Sheriff's Office.

The Sheriff's Office has an independent obligation to ensure that all sworn personnel meet statutory, legal and operational requirements at all times. This decision does not rely on anticipated or speculative action by POST and is based solely on your current inability to meet the minimum qualifications required for sworn service.

POST certification alone does not override legal or operational disqualifications, nor does it obligate the Sheriff's Office to maintain sworn employment where essential qualifications are not met.

Consideration of Alternative Assignments

The Sheriff's Office considered whether any alternative assignment within the organization would permit continued employment in a sworn capacity. After review, it was determined that no such alternative exists.

All sworn Deputy Sheriffs, regardless of division or assignment, must remain legally eligible to carry and possess a firearm.

Deputies assigned to the Jail Division may be required to respond to emergencies, transport inmates, assist outside secure areas, or otherwise perform duties requiring firearm eligibility.

The Sheriff's Office cannot ensure that a deputy assigned to the jail would never be required to carry or possess a firearm.

Permanent placement in a non-armed role would eliminate essential functions of the Deputy Sheriff position and would constitute the creation of a modified position. Such accommodation would compromise operational readiness.

Accordingly, no reassignment or alternative placement would remedy the legal disqualification that prevents sworn service.

LEGAL AND QUALIFICATION DETERMINATIONS

Peace officers in the State of Nevada are required to meet ongoing statutory and legal standards throughout employment.

Nevada Administrative Code (NAC) 289.110 establishes minimum qualifications for peace officers that apply both at appointment and during continued service. The conduct and conviction underlying Internal Affairs Investigation SIU 2024-01 would have disqualified you from initial appointment and therefore disqualify you from continued service.

Pursuant to NAC 289.110(4)(c), an individual is ineligible for appointment as a peace officer if they have a documented history of physical violence. The sustained findings and conviction in this matter meet this disqualifying criterion.

In addition, the Gun Control Act, 18 U.S.C § 992(g)(9), prohibits individuals convicted of a misdemeanor crime of domestic violence from possessing firearms or ammunition.

For the purposes of GCA, a "misdemeanor crime of domestic violence" (MCDV) is defined as any state or federal misdemeanor that:

"has, as an element, 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."

This definition includes *all* misdemeanors that involve the use or attempted use of physical force (e.g., simple assault, assault and battery), if the offense is committed by one of the defined parties. This is true whether or not the statute specifically defines the offense as a domestic violence misdemeanor".

"There is no law enforcement exception: One of the provisions of this new statute removed the exemption that 18 U.S.C. § 925(a)(1) provided to police and military. Thus, as of the effective date, any member of the military or any police officer who has a qualifying misdemeanor conviction is no longer able to possess a firearm, even while on duty".

A peace officer who is prohibited under federal law from possessing a firearm cannot perform the essential and non-delegable functions of the Deputy Sheriff position; because lawful firearm eligibility is a mandatory requirement of the position, and an individual subject to such a prohibition is not legally or operationally qualified to continue employment in a sworn capacity.

CONCLUSION

Based on the sustained findings, the resulting conviction, and the applicable statutory and federal requirements, the Sheriff's Office has determined that you do not presently meet the minimum qualifications required to serve as a peace officer in the State of Nevada.

Accordingly, your employment is terminated effective December 29, 2025, due to ineligibility for sworn service.

BENEFITS

You will be provided information regarding your benefits from Elko County Human Resources at the same time this notice is served.

REHIRE

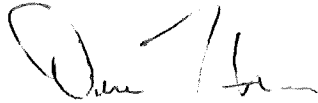
You are not eligible for rehire with Elko County Sheriff's Office.

APPEAL

You may appeal the termination pursuant to Elko County Sheriff's Office Policy 323.6 and the Elko County Deputy Sheriff's Association collective bargaining agreement, if applicable.

ACKNOWLEDGMENT

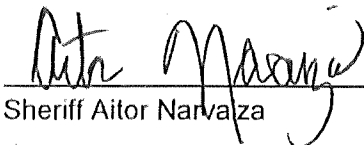
I acknowledge receipt of this Notice of Termination on the date indicated below. I understand that my signature acknowledges receipt only and does not signify agreement with the contents of this notice or waive any rights I may have under applicable policy, collective bargaining agreement, or law.



Dennis Johnston

12.29.25

Date



Sheriff Aitor Narvaiza

12/29/25

Date

If the employee refuses to sign or acknowledge receipt, the undersigned serving official certifies this notice was presented to the employee on the date shown below. Such refusal does not affect the validity or effective date of this notice.

Serving Officer Signature

Date

Enclosures

- Notice of Conclusion of Internal Affairs Investigation SIU 2024-1 and Notice of Proposed Disciplinary Action
- Receipt of Final Pay Check and Benefits Information
- Unemployment Notice to Employees
- COBRA Continuation of Coverage General Notice
- Benefits Contacts

EXHIBIT E

5/6/13

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

MARK SHIREY,

Plaintiff and Appellant,

v.

LOS ANGELES COUNTY CIVIL
SERVICE COMMISSION,

Defendant;

LOS ANGELES COUNTY SHERIFF'S
DEPARTMENT,

Real Party in Interest and
Respondent.

B238355

(Los Angeles County
Super. Ct. No. BS130036)

APPEAL from a judgment of the Superior Court of Los Angeles County.
James C. Chalfant, Judge. Reversed and remanded with directions.

Ronald Talmo and Scott D. Hughes for Plaintiff and Appellant.

Hausman & Sosa, Jeffrey M. Hausman, Larry D. Stratton, and Vincent C.
McGowan for Real Party in Interest and Respondent.

* * * * *

Plaintiff and appellant Mark Shirey, a former deputy sheriff, was discharged in 2009 by his employer, real party in interest and respondent Los Angeles County Sheriff's Department (Department). Plaintiff appealed his discharge to defendant Civil Service Commission of the County of Los Angeles (Commission). The Commission upheld the Department's decision to discharge plaintiff. Plaintiff sought a peremptory writ of mandate in the superior court for reinstatement and backpay. The court denied plaintiff's writ petition.

Plaintiff appeals, contending the Commission abused its discretion, and the trial court's decision is contrary to the law. At the heart of this appeal is a dispute over whether the federal Gun Control Act of 1968, as amended in 1996 (18 U.S.C. § 921 et seq.) prohibited plaintiff from possessing a firearm because of his conviction of misdemeanor battery upon a domestic partner. There is no dispute on appeal that, if plaintiff is prohibited from possessing a firearm under the federal statute, he was properly discharged.

We reverse, finding the trial court incorrectly concluded the United States Supreme Court opinion in *United States v. Hayes* (2009) 555 U.S. 415 (*Hayes*) established plaintiff's battery conviction qualifies as a "misdemeanor crime of domestic violence" under the Gun Control Act, and thus, the Commission abused its discretion in determining the federal gun possession ban applied to plaintiff.

FACTUAL AND PROCEDURAL BACKGROUND

Plaintiff began his career as a deputy sheriff with the Department in November 1982. In December 1993, plaintiff was arrested and charged, pursuant to Penal Code section 273.5, with a misdemeanor violation of inflicting corporal injury on his girlfriend with whom he shared a residence. Plaintiff pled not guilty, waived jury and the case proceeded to a bench trial. In June 1994, the court found plaintiff not guilty of violating section 273.5, but guilty of the lesser included offense of simple battery in violation of section 242, a misdemeanor.

Plaintiff was placed on probation for three years. Plaintiff filed a posttrial motion requesting an order granting him relief from the prohibition against possessing and

owning firearms under Penal Code section 12021 based on his battery conviction. On June 28, 1994, the court granted plaintiff's motion.

After successfully completing probation, plaintiff petitioned to have his battery conviction set aside pursuant to Penal Code section 1203.4. On March 11, 1997, the court granted plaintiff's petition, ordering as follows: "It appearing to the court from the records on file in this case, and from the foregoing petition, that the defendant herein is eligible for the relief requested. [¶] It is hereby ordered that the plea, verdict, or finding of guilty in the above-entitled action be set aside and vacated and a plea of not guilty be entered, and that the complaint be, and is hereby dismissed. Further, if this order is granted pursuant to [section] 1203.4, the defendant is required to disclose the above conviction in response to any direct question contained in any questionnaire or application for public office or for licensure by any state or local agency, or for contracting with the California State Lottery."

As a result of these events, the Department suspended plaintiff for 15 days. However, other than this discipline, plaintiff continued to work as a deputy sheriff for the Department and, by all accounts, was an exemplary employee. In 2009, plaintiff was working in Communications and Fleet Management, performing primarily office and administrative-related work. In his May 2009 performance evaluation, plaintiff was described as "a definite asset" to the Department and rated "outstanding," the highest rating level.

That same month, however, the Department sent plaintiff a letter notifying him of the Department's intent to discharge him, on the ground that federal law prohibited him from carrying a firearm because of his 1994 battery conviction, thereby disqualifying him from continued employment as a deputy sheriff. The notice cited title 18 of the United States Code section 922(g)(9) (hereafter section 922(g)(9)) of the federal Gun Control Act and the then recent United States Supreme Court opinion in *Hayes*.

Plaintiff responded to the Department's notice, and participated in a hearing pursuant to *Skelly v. State Personnel Board* (1975) 15 Cal.3d 194. During this process, plaintiff advised the Department he had submitted a personal firearms eligibility application to the California Department of Justice, Bureau of Firearms. On June 24,

2009, the Department issued its formal notice to plaintiff discharging him from employment with the Department, stating the same grounds identified in the notice of intent to discharge. Shortly thereafter, plaintiff received notice in the mail from the California Department of Justice that he was eligible under California law to possess and purchase firearms.

Plaintiff appealed to the Commission. Plaintiff and the Department stipulated to the material facts underlying the discharge decision. At the hearing, Chief David Betkey testified. He stated the “single reason” for plaintiff’s discharge was the Department’s determination, based on advice from County Counsel, that plaintiff was prohibited from carrying a firearm under federal law and therefore was disqualified from being a deputy sheriff as the possession of a firearm is a prerequisite to holding that position. According to Chief Betkey, other than the 1994 battery conviction, there was nothing in plaintiff’s personnel history with the Department “that would discredit him or the . . . Department, and [plaintiff] had a pretty stellar career.”

The hearing officer issued a decision recommending the Commission reinstate plaintiff as a deputy sheriff and award backpay. The Department filed objections. The Commission voted to sustain the Department’s objections and rejected the hearing officer’s recommendation for plaintiff to be reinstated. In its final decision of October 20, 2010, the Commission affirmed the Department’s decision to discharge plaintiff. The decision stated “[section] 922(g)(9) applies to [plaintiff] and makes it unlawful for him to possess any firearm or ammunition. That by itself, and not any misconduct by [plaintiff,] disqualifies him from employment as a peace officer and as a Deputy Sheriff in the County of Los Angeles.”

Plaintiff filed a petition in the superior court seeking a peremptory writ of mandate directing the Commission to vacate its decision and order the reinstatement of plaintiff as a deputy sheriff, with backpay. Before the hearing on the petition, the trial court issued a tentative ruling denying the petition on the grounds that plaintiff was prohibited from possessing a firearm under the Gun Control Act and his conviction of misdemeanor battery was not expunged. After argument, the trial court changed its ruling and granted plaintiff’s petition on the ground that his conviction had been expunged. However, the

court subsequently entertained the Department's motion for a new trial, denied the petition and entered judgment in favor of the Commission and the Department. This timely appeal followed.

DISCUSSION

Plaintiff filed his petition in the superior court pursuant to Code of Civil Procedure section 1094.5, contending the Commission's decision to uphold the Department's decision to discharge him was an abuse of discretion, being both unsupported by the evidence and contrary to law. Plaintiff contends on appeal the trial court erroneously interpreted federal law in denying his petition and upholding his discharge.

The Commission's October 20, 2010 order affirming plaintiff's discharge affected a fundamental vested right. Therefore, the trial court was required to, and did, exercise its independent judgment in reviewing the administrative record. (*Davis v. Los Angeles Unified School Dist. Personnel Com.* (2007) 152 Cal.App.4th 1122, 1130 [agency decision impacting employee's fundamental vested right in his or her job requires exercise of trial court's independent review]; accord, *Richardson v. Board of Supervisors* (1988) 203 Cal.App.3d 486, 493.) Ordinarily, our task as the reviewing court is to determine whether the trial court's findings (not the administrative agency findings) are supported by substantial evidence. (*Bixby v. Pierno* (1971) 4 Cal.3d 130, 143, fn. 10; accord, *Davis, supra*, at pp. 1130-1131.)

However, where, as here, the question presented is a question of law, or of statutory interpretation on undisputed facts, our review of the trial court's decision is de novo. (See *Bostean v. Los Angeles Unified School Dist.* (1998) 63 Cal.App.4th 95, 107-108 [interpretation of statutes and rules dealing with employment of public employees, presented on undisputed facts, calls for exercise of independent judgment]; see also *Riveros v. City of Los Angeles* (1996) 41 Cal.App.4th 1342, 1349-1350 & *Roe v. State Personnel Bd.* (2004) 120 Cal.App.4th 1029, 1036.) The material facts underlying plaintiff's discharge are undisputed and the resolution of the propriety of plaintiff's discharge hinges on the interpretation of applicable state and federal statutes. We therefore reject the Department's argument the substantial evidence test applies, and we exercise our independent judgment.

It is undisputed the sole reason for plaintiff's discharge was the Department's interpretation of federal law, specifically the *Hayes* opinion and title 18 of the United States Code section 922(g)(9) of the federal Gun Control Act, which the Department concluded prohibited plaintiff from possessing a firearm, thereby disqualifying him from being a deputy sheriff. The Department asserted the Supreme Court's 2009 opinion in *Hayes* established plaintiff's 1994 misdemeanor battery conviction under Penal Code section 242 qualified as a "misdemeanor conviction of domestic violence" under title 18 of the United States Code section 922(g)(9). The Department further contended the order plaintiff obtained in 1997 pursuant to Penal Code section 1203.4 did not qualify as an expungement under federal law and therefore, plaintiff could not possess a firearm.

Plaintiff does not dispute that if title 18 of the United States Code section 922(g)(9) applies to him, he could not lawfully carry a firearm, which would disqualify him from serving as a deputy sheriff. However, plaintiff contends the Department, the Commission and the trial court erroneously interpreted the federal statute as applying to him. Plaintiff asserts: (1) a simple battery conviction under Penal Code section 242 does not constitute a misdemeanor crime of domestic violence because a conviction under section 242 does not require the use of "physical force" within the meaning of the federal statute; and (2) plaintiff obtained a qualifying expungement under federal law by virtue of the state court order setting aside his conviction, the separate state court order relieving him of the prohibition against possession of a firearm, and the notice from the California Department of Justice Bureau of Firearms affirming plaintiff's eligibility to possess and purchase firearms.

As we explain, we agree that plaintiff's conviction for battery under Penal Code section 242 does not qualify as a predicate misdemeanor crime of domestic violence within the meaning of the federal statute, and therefore reverse.

1. The Gun Control Act of 1968

Since its passage, the Gun Control Act of 1968, section 921 et seq., has prohibited possession of firearms by any person convicted of a felony. (*Hayes, supra*, 555 U.S. at p. 418.) Specifically, section 922(g) sets forth various bases upon which the status of an individual renders it unlawful for that individual to own and possess firearms, such as

being convicted of a felony (§ 922(g)(1)); being adjudicated a “mental defective” (§ 922(g)(4)); being unlawfully in the United States (§ 922(g)(5)); and, being dishonorably discharged from the armed forces (§ 922(g)(6)). “In 1996, Congress extended the prohibition to include persons convicted of ‘a misdemeanor crime of domestic violence.’ [Citation.]” (*Hayes*, at p. 418.) The 1996 amendment is referred to as the Lautenberg Amendment.

The Lautenberg Amendment added, in pertinent part, section 922(g)(9) which provides: “It shall be unlawful for any person – [¶] . . . [¶] . . . who has been convicted in any court of a misdemeanor crime of domestic violence, [¶] to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.” The parties do not dispute that the federal statute embraces all firearms.

The Gun Control Act defines “misdemeanor crime of domestic violence” as any conviction which “(i) is a misdemeanor under Federal, State, or Tribal law; and [¶] (ii) has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by . . . a person with whom the victim shares a child in common, [or] by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian.” (18 U.S.C. § 921(a)(33)(A).)

The federal statute also expressly enumerates certain conditions that negate a conviction from qualifying as a predicate conviction of domestic violence. As relevant here, the statute provides: “A person shall not be considered to have been convicted of such an offense for purposes of this chapter if the conviction has been expunged or set aside, or is an offense for which the person has been pardoned or has had civil rights restored (if the law of the applicable jurisdiction provides for the loss of civil rights under such an offense) unless the pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.” (18 U.S.C. § 921(a)(33)(B)(ii).)

2. Penal Code Section 242 and the Use of Physical Force

To qualify as a predicate misdemeanor conviction for domestic violence under federal law, the criminal statute under which the individual was convicted must contain as an element “the *use or attempted use of physical force*, or the threatened use of a deadly weapon.” (18 U.S.C. § 921(a)(33)(A)(ii), italics added.)¹ Penal Code section 242 provides that “[a] battery is any willful and unlawful *use of force or violence* upon the person of another.” (Italics added.) The question germane to this appeal is whether the California simple battery statute under which plaintiff was convicted contains the element of “use or attempted use of physical force” as required by the federal statute. Put another way, is the “use of force” different than the “use or attempted use of physical force”?

Despite the Department’s suggestion to the contrary, *Hayes* did not resolve this issue. The issue before the Supreme Court in *Hayes* was whether the federal definition of “misdemeanor crime of domestic violence” requires the domestic relationship to be an element of the underlying criminal statute upon which the predicate conviction is based. The Supreme Court held that while it had to be proven, it need not be an element of the underlying statute. Therefore, conviction under a general battery statute may satisfy to establish the predicate misdemeanor crime of domestic violence, so long as it otherwise meets the federal definition set forth at section 921(a)(33)(A).²

Plaintiff argues that, not only did *Hayes* not resolve the issue, but California’s battery statute is over inclusive and may be violated by a mere touching, an act that is qualitatively different than the use of “physical force” within the meaning of the federal statute. Plaintiff therefore contends his misdemeanor battery conviction does not qualify as a predicate conviction for which the federal firearms disability attaches.

¹ There is no dispute here plaintiff’s underlying conduct did not involve the use of a deadly weapon.

² It is undisputed that plaintiff’s 1994 battery conviction, under Penal Code section 242, involved his then-girlfriend with whom he shared a residence, thus constituting a qualifying domestic relationship.

The United States Supreme Court has yet to construe the phrase “use or attempted use of physical force” in defining a misdemeanor crime of domestic violence. However, it has construed the same phrase, contained in related federal statutes, to require a quantum of force greater than a de minimus use of force or offensive touching. (See *Leocal v. Ashcroft* (2004) 543 U.S. 1 (*Leocal*) & *Johnson v. United States* (2010) 559 U.S. 133 [130 S.Ct. 1265] (*Johnson*).) Furthermore, numerous federal circuits, including the Ninth Circuit, have analyzed statutes similar to Penal Code section 242 and have found that convictions under such penal statutes do not qualify as predicate misdemeanor crimes of domestic violence within the meaning of title 18 of the United States Code section 921(a)(33)(A). As we explain, we therefore conclude that plaintiff’s conviction for simple battery under Penal Code section 242 does not qualify as a conviction for a misdemeanor crime of domestic violence within the meaning of the federal statute.

A. The Decisions in *Leocal*, *Hayes*, and *Johnson*

Several years before *Hayes*, the United States Supreme Court in *Leocal* construed the phrase “use of physical force” within the context of a related federal statute. There, the Immigration and Naturalization Service (INS) claimed Leocal’s 2000 Florida conviction for driving under the influence (DUI) and causing serious bodily injury was a “crime of violence” under title 18 of the United States Code section 16, thereby subjecting him to deportation. (*Leocal, supra*, 543 U.S. 1.) A “crime of violence” under this statute includes “an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another” (§ 16(a).)

The United States Supreme Court disagreed with the INS, and found that the phrase “the ‘use . . . of physical force against the person or property of another’ – most naturally suggests a higher degree of intent than negligent or merely accidental conduct.” (*Leocal, supra*, 543 U.S. at p. 9.) The Supreme Court thus concluded that Leocal’s DUI

offense was not a “crime of violence” within the meaning of under title 18 of the United States Code section 16.³

Then, in *Hayes*, the United States Supreme Court was presented with the issue of whether a predicate misdemeanor crime of domestic violence under section 922(g)(9) requires the domestic relationship be an element of the underlying penal statute on which the defendant was convicted. The defendant in *Hayes* was prosecuted for violating section 922(g)(9) based on his possession of multiple firearms despite having been previously convicted of a misdemeanor under a West Virginia battery statute. The United States Supreme Court held that while a domestic relationship must be proved beyond a reasonable doubt in a prosecution under section 922(g)(9), the domestic relationship need not be an express element of the criminal statute on which the predicate conviction is based. (*Hayes, supra*, 555 U.S. at pp. 418, 426.) This interpretation of the federal statute had already been the law in the Ninth Circuit since 2003 under *U.S. v. Belless* (9th Cir. 2003) 338 F.3d 1063, 1068 (*Belless*), as well as in eight other federal circuits that had considered the question. *Hayes* was decided to resolve the conflict created by a contrary decision out of the Fourth Circuit. (*Hayes, supra*, at p. 420.)

Hayes, however, did not construe the phrase “use or attempted use of physical force” in the context of defining a misdemeanor crime of domestic violence. Although the underlying predicate conviction in *Hayes* arose from a battery statute similar to Penal Code section 242, and the indictment alleged that it “has, as an element, the use or attempted use of physical force,” whether an offensive touching constituted “the use or attempted use of physical force . . .” within the meaning of title 18 of the United States Code section 921(a)(33)(A)(ii) was not raised or resolved in *Hayes*.⁴

³ The United States Supreme Court also found revealing that in the 1990 Immigration and Naturalization Act, Congress separately listed DUI-causing-injury from the definition of “crime of violence.” (8 U.S.C. § 1101 et seq.)

⁴ Given the procedural posture of the case, it is not surprising the United States Supreme Court did not address the issue. *Hayes* was an appeal of a denial of the defendant’s motion to dismiss the indictment. The indictment pled the defendant had been previously convicted of battery, and that West Virginia’s battery statute contained, as an element, the use or attempted use of physical force. (*Hayes, supra*, 555 U.S. at p.

Subsequent to *Hayes*, the United States Supreme Court in *Johnson* once again addressed the construction of the phrase “use of physical force” in the context of another related federal statute, the Armed Career Criminal Act. The defendant in *Johnson* was prosecuted under title 18 of the United States Code section 924(e)(1), which provides that a person who violates section 922(g) and “who ‘has three previous convictions’ for ‘a violent felony’ ‘committed on occasions different from one another’ shall be imprisoned for a minimum of 15 years and a maximum of life.” (*Johnson, supra*, 130 S.Ct. at p. 1268.) “Violent felony” under section 924(e)(2)(B) is defined, in relevant part, as “any crime punishable by imprisonment for a term exceeding one year . . . that – [¶] (i) has as an element the use, attempted use, or threatened use of physical force against the person of another.”

The issue decided in *Johnson*, was “whether the Florida felony offense of battery by ‘[a]ctually and intentionally touch[ing]’ another person, [citation], ‘has as an element the use . . . of physical force against the person of another,’ [under title 18 of the United States Code section 924(e)(2)(B)(i)], and thus constitutes a ‘violent felony’ under the Armed Career Criminal Act [section 924(e)(1)].” (*Johnson, supra*, 130 S.Ct. at p. 1268.)

419, fn. 2.) The defendant’s motion to dismiss argued the indictment was defective because it did not, and could not, plead that a domestic relationship was also an element given the plain language of the West Virginia battery statute. The appeal addressed that purported deficiency in the *allegations* of the indictment. The substantive legal issue of whether the West Virginia battery statute actually required, as had been pled, the “use or attempted use of physical force” in order to sustain a battery conviction was simply not before the *Hayes* court.

The consideration of issues and decision by the United States Supreme Court in any given case is limited to questions formally presented by the petition for review. (See *General Pictures Co. v. Electric Co.* (1938) 304 U.S. 175, 179; accord, *Izumi Seimitsu Kogyo Kabushiki Kaisha v. U.S. Philips Corp.* (1993) 510 U.S. 27, 31-32 [“A question which is merely ‘complimentary’ or ‘related’ to the question presented in the petition for certiorari is not “‘fairly included therein.’”]; see also U.S. Supreme Ct. Rules, rule 14.1(a) [“Only the questions set out in the petition, or fairly included therein, will be considered by the Court.”].) Again, nothing in *Hayes* reflects the court had before it, or considered, the definition of the phrase “use of physical force” as an issue fairly reflected in the issues presented by the petition and upon which review was granted.

The United States Supreme Court held “in the context of a statutory definition of ‘violent felony,’ the phrase ‘physical force’ means *violent* force--that is, force capable of causing physical pain or injury to another person.” (*Johnson*, at p. 1271.)

As such, the Florida felony battery statute, which could be violated merely by someone who “[a]ctually and intentionally touch[ed]” another person, was not a violent felony within the meaning of title 18 of the United States Code section 924(e)(2)(B)(i), and thus, was not a predicate offence under section 924(e)(1).⁵ (*Johnson*, *supra*, 130 S.Ct. at p. 1268.) The United States Supreme Court in *Johnson*, however, did not interpret the phrase “physical force” in the context of defining a *misdemeanor* crime of domestic violence; the Supreme Court explicitly stated, “[t]he issue is not before us, so we do not decide it.” (*Id.* at p. 1273.) Nor does the opinion reference *Hayes* as having already addressed the issue.

B. Federal Circuit Decisions

The Ninth Circuit, analyzing a Wyoming battery statute similar to Penal Code section 242, concluded the phrase “physical force” in title 18 of the United States Code section 921(a)(33)(A)(ii) requires conduct of a more serious degree than a mere offensive touching. (*Belless*, *supra*, 338 F.3d 1063.) The Wyoming statute defined the crime of battery as “‘unlawfully touch[ing] another in a rude, insolent or angry manner or intentionally, knowingly or recklessly caus[ing] bodily injury to another.’” (*Belless*, at p. 1067.) The Ninth Circuit concluded that the statute embraced conduct which did not amount to the “use of physical force.” (*Ibid.*)

In concluding that a conviction under the Wyoming statute did not amount to a “misdemeanor crime of domestic violence” within the meaning of the federal statute, the Ninth Circuit explained the federal statute requires more than a de minimus use of force,

⁵ A violation of the Florida felony battery statute at issue “occurs when a person either ‘1. [a]ctually and intentionally touches or strikes another person against the will of the other,’ or ‘2. [i]ntentionally causes bodily harm to another person.’ Because the elements of the offense are disjunctive, the prosecution can prove a battery in one of three ways. [Citation.] It can prove that the defendant ‘[i]ntentionally caus[ed] bodily harm,’ that he [i]ntentionally str[uck]’ the victim, or that he merely ‘[a]ctually and intentionally touche[d]’ the victim.” (*Johnson*, *supra*, 130 S.Ct. at p. 1269.)

something beyond a rude or impolite touching. (*Belless, supra*, 338 F.3d at p. 1068.) “More inclusive battery statutes such as Wyoming’s may be drafted to embrace conduct that too often leads to the more serious violence necessary as a predicate for the federal statute, but they are not limited to it, so cannot supply the necessary predicate.” (*Ibid.*)

The rationale of *Belless* has been followed in several other federal circuits. (See *United States v. Castleman* (6th Cir. 2012) 695 F.3d 582, 586 (*Castleman*) [affirming dismissal of indictment under 18 U.S.C. § 922(g)(9) where underlying state assault conviction did not require degree of force necessary to meet “physical force” requirement of federal statute]; *United States v. White* (4th Cir. 2010) 606 F.3d 144, 153 (*White*) [reversing conviction under 18 U.S.C. § 922(g)(9) where Virginia battery statute could be violated by mere touching and therefore did not qualify as use of physical force within meaning of federal statute]; *U.S. v. Howell* (8th Cir. 2008) 531 F.3d 621, 623-624 [reversing denial of defendant’s motion to dismiss where Missouri statute did not require “use of physical force” within meaning of federal statute]; *U.S. v. Hays* (10th Cir. 2008) 526 F.3d 674, 679 [same, discussing Wyoming battery statute].) The Ninth Circuit also recently reaffirmed the rationale of *Belless* in *Ortega-Mendez v. Gonzales* (9th Cir. 2006) 450 F.3d 1010, 1018-1020 (*Ortega-Mendez*), which found that a battery conviction under Penal Code section 242 did not constitute a “crime of domestic violence” within the meaning of title 8 of the United States Code section 1227 identifying grounds for deporting aliens from the United States.⁶

White and *Castleman* persuasively rely upon the United States Supreme Court decision in *Johnson*. The Fourth Circuit explained: “We see little, if any, distinction between the ‘physical force’ element in a ‘crime of violence’ in § 16 under *Leocal*, a ‘violent felony’ under § 924(e) in *Johnson* and a ‘misdemeanor crime of domestic violence’ in § 922(g)(9) in the case at bar. All these statutes describe an act of ‘violence’ and require the identical element of that violent act to include ‘physical force.’ A ‘crime

⁶ Other circuits have held the opposite, discussing similar statutes. (See, e.g., *U.S. v. Griffith* (11th Cir. 2006) 455 F.3d 1339; *U.S. v. Kavoukian* (2d Cir. 2002) 315 F.3d 139; *U.S. v. Nason* (1st Cir. 2001) 269 F.3d 10 & *U.S. v. Smith* (8th Cir. 1999) 171 F.3d 617.)

of violence’ is a ‘violent, active crime’ and a ‘violent felony’ requires ‘violent force.’ We see no principled basis upon which to say a ‘crime of domestic *violence*’ would include *nonviolent* force such as offensive touching in a common law battery.” (*White, supra*, 606 F.3d at p. 153.)

Castleman states: “Congress adopted §§ 921(a)(33)(A)(ii) and 922(g)(9) over a decade after it codified the ‘use of physical force’ provisions in §§ 16(a) and 924(e)(2)(B)(i), and, as we explained above, Congress used nearly identical language. *See* Pub. L. No. 104-208, § 101(f), 110 Stat. 3009-369, 3009-372 (1996); Pub. L. No. 99-308, § 102, 100 Stat. 451 (1986); Pub. L. No. 98-473, § 1001(a), 98 Stat. 2136 (1984). We consider a statute with language modeled on that of an earlier statute to function as a legislative interpretation of the statute in question, and give the earlier statute ‘great weight in resolving any ambiguities and doubts’ in the later one.” (*Castleman, supra*, 695 F.3d at p. 586.)

Johnson explains that the definition of “use of physical force” in a federal statute is a question of federal law, but federal courts are bound by state law concerning the meaning and scope of the elements of state criminal statutes. (See *Johnson, supra*, 130 S.Ct. at p. 1269.) Under California law, the definition of battery requires the use of “force or violence,” a disjunctive, indicating nonviolent force suffices. The statute has been described as having “the special legal meaning of a harmful or offensive touching. [Citation.] ““It has long been established, both in tort and criminal law, that “the least touching” may constitute battery.”” [Citations.]” (*People v. Page* (2004) 123 Cal.App.4th 1466, 1474, fn. 1; see also *People v. Pinholster* (1992) 1 Cal.4th 865, 961; *People v. Martinez* (1970) 3 Cal.App.3d 886, 889 [“Any harmful or offensive touching constitutes an unlawful use of force or violence.”]; CALCRIM No. 960.)

Johnson was also faced with an “over inclusive” statute, similar to Penal Code section 242, that could be violated in more than one way such that the court could only conclude the conviction rested upon the “least” of violative acts. (*Johnson, supra*, 130 S.Ct. at p. 1269.) The same logic requires a finding here that plaintiff’s battery

conviction was based only on a mere touching, which would not amount to a use of “physical force” within the meaning of the federal firearms statute.⁷

Finally, the fact the federal statutory language includes the “attempted use” of physical force does not dictate a different construction; the degree of force necessary to constitute “physical force” remains the same, whether or not contact is made with the victim. Therefore, for an *attempt* to fall within the federal definition, the force must be something more than an offensive touching or de minimus force. The federal statute is not properly read to include a conviction for conduct where de minimus or no force at all was used or attempted.⁸

3. Postconviction Relief Granted to Plaintiff

It is undisputed that, under California law, plaintiff’s battery conviction has been set aside and the criminal complaint against plaintiff dismissed pursuant to Penal Code section 1203.4. It is also undisputed that plaintiff obtained an order granting him relief from the state firearms disability related to his battery conviction under former

⁷ The concern raised in *Hayes* that a significant number of states either do not have or fail to utilize domestic violence statutes does not apply to California. In fact, here, plaintiff was prosecuted under Penal Code section 273.5, one of California’s domestic violence statutes. Plaintiff was acquitted of this charge, as well as the lesser included offense of battery on an individual in a dating relationship (§ 243, subd. (e)). We can thus conclude the victim in the underlying battery did not sustain a traumatic condition as defined in section 273.5.

Regardless, we need not, and do not address whether a conviction under Penal Code section 242 may qualify, in appropriate circumstances, as a predicate misdemeanor crime of domestic violence where, under the modified categorical approach discussed in *Johnson*, the record of conviction establishes that the requisite degree of physical force formed the basis for the conviction. (See *Johnson, supra*, 130 S.Ct. at p. 1273; *Ortega-Mendez, supra*, 450 F.3d at pp. 1020-1021.) Nothing in the record here supports a finding that plaintiff’s conviction under section 242 was based on conduct greater than a mere offensive touching.

⁸ Given our holding, we do not address the anomaly that would result if a defendant, tried and acquitted of a misdemeanor crime of domestic violence but convicted of a lesser, nondomestic violence offense, were nevertheless subject to the Gun Control Act as a person convicted of “a misdemeanor crime of domestic violence.”

section 12021 (now § 29805). Moreover, even without this 1994 court order, the state firearm disability expired by operation of law as of June 2004, since the state firearms disability for an individual convicted of a misdemeanor battery is of a limited 10-year duration from the date of conviction. Finally, it is undisputed that the California Department of Justice Bureau of Firearms provided plaintiff, in June 2009, with notice of his eligibility to possess and purchase firearms.

Plaintiff argues these orders satisfy the expungement requirement defined in title 18 of the United States Code section 921(a)(33)(B)(ii) such that the federal firearm disability does not apply to him. The Department contends none of these state law orders qualify under federal law as a true expungement and therefore, the lifetime federal firearm disability applies.

Our research disclosed no case addressing whether a Penal Code section 1203.4 expungement, coupled with a Penal Code section 12021 (now Pen. Code, § 29805) order restoring a defendant's right to possess a firearm, together satisfy the expungement requirement defined in title 18 of the United States Code section 921(a)(33)(B)(ii). Nonetheless, in light of our disposition above, we need not reach plaintiff's additional argument that he obtained a qualifying expungement of his conviction under state law.

DISPOSITION

The judgment is reversed and remanded to the trial court. The trial court is directed to vacate its order denying plaintiff's petition, and to enter a new order granting his petition for a writ of mandate, and issuing a writ of administrative mandate returning the matter to the Commission to vacate its decision of October 20, 2010, and to conduct further proceedings consistent with this opinion. Plaintiff shall recover his costs on appeal.

KARLAN, J.*

I concur:

FLIER, Acting P. J.

* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

GRIMES, J. – Dissenting

The context in which we are called upon to independently review whether plaintiff may seek reinstatement as a deputy sheriff after the United States Supreme Court issued its opinion in *United States v. Hayes* (2009) 555 U.S. 415 (*Hayes*) necessarily informs my analysis. This court does not bring our independent judgment to bear on the interpretation of *Hayes* in a contextual bell jar or in the intellectual ether. The issue before us arose in the real world context of county counsel having to analyze the effect of *Hayes* on county employees whose duties require them to bear arms, and to advise whether *Hayes* required the Los Angeles County Sheriff's Department (Department) to discharge any deputy who has been convicted of an assault or battery upon a domestic victim.¹

In analyzing the effect of *Hayes*, county counsel must have known that if they concluded *Hayes* required discharge, the county might suffer the loss of one or more valuable deputies (and perhaps other county employees), and might incur the costs of defending the discharge in civil service commission proceedings or in court. On the other hand, could county counsel prudently advise that, based on questions raised in conflicting federal circuit court opinions about the reach of the Gun Control Act of 1968, title 18 United States Code section 921 et seq.,² or based on subtle distinctions between California's battery law and other states' battery laws, the county had no realistic risk of liability in a civil rights or other lawsuit, an audit, or other state or federal governmental

¹ "[T]he test of the quality of an opinion is the light it casts, outside the four corners of the particular lawsuit, in guiding the judgment of the hundreds of thousands of lawyers and government officials who have to deal at first hand with the problems of everyday life and of the thousands of judges who have to handle the great mass of the litigation which ultimately develops." (Hart, *Foreward: The Time Chart of the Justices* (1959) 73 Harv. L.Rev. 84, 96.)

² All further undesignated section references are to title 18 United States Code unless specified otherwise.

or citizens' oversight action if the county were to ignore the lifetime firearms ban on law enforcement officers convicted of misdemeanor battery on a domestic victim?

After considering all the issues discussed in the majority opinion, I am not persuaded that *Hayes* permits the Department to lawfully employ Deputy Shirey. I find nothing in the letter or spirit of *Hayes* to suggest a person convicted of misdemeanor battery on a domestic victim may continue to possess guns, on the basis of the distinctions drawn by the majority. In my exercise of independent judgment, I would affirm, finding the trial court correctly concluded the United States Supreme Court opinion in *Hayes* established that plaintiff's battery conviction qualifies as a "misdemeanor crime of domestic violence" under the Gun Control Act, plaintiff failed to obtain an expungement of the conviction within the meaning of federal law, and the Department did not abuse its discretion in determining the federal gun possession ban applied to plaintiff.

Plaintiff seeks reinstatement on two bases: (1) a battery conviction under Penal Code section 242 does not constitute a misdemeanor crime of domestic violence under the Gun Control Act because a conviction under Penal Code section 242 does not require the use of "physical force" within the meaning of the federal statute; and (2) plaintiff obtained a qualifying expungement under federal law. The majority agrees with plaintiff that a conviction under Penal Code section 242 does not qualify as a predicate misdemeanor crime of domestic violence under the federal Gun Control Act. The majority concludes therefore the federal firearms prohibition does not apply to plaintiff, and the Department's discharge decision, based solely on that premise, must be set aside.

The Gun Control Act prohibits certain individuals, including those who have been convicted of a felony, from possessing firearms on several enumerated bases. (*Hayes*, *supra*, 555 U.S. at p. 418.) The Lautenberg Amendment (Pub.L. No. 104-208 (Sept. 30, 1996) 110 Stat. 3009) extended the federal firearms prohibition to include individuals convicted of "a misdemeanor crime of domestic violence." (*Hayes*, at p. 418; see also § 922(g)(9).)

The federal statute, in relevant part, defines “misdemeanor crime of domestic violence” as any conviction which “(i) is a misdemeanor under Federal, State, or Tribal law; and [¶] (ii) has, as an element, *the use or attempted use of physical force*, or the threatened use of a deadly weapon[.]” (§ 921(a)(33)(A), italics added.) Penal Code section 242 contains language substantially similar to the federal definition: “A battery is any willful and unlawful *use of force or violence* upon the person of another.” (Pen. Code, § 242, italics added.)

While the *Hayes* court was not squarely presented with the question of defining the phrase “use of physical force” in the Gun Control Act, nothing in the *Hayes* opinion suggests the court was of the view that a “misdemeanor crime of domestic violence” was intended to cover only convictions based on violent acts. Indeed, the opinion reads to the contrary.

The defendant in *Hayes* was prosecuted for violating the federal firearms prohibition at section 922(g)(9). (*Hayes, supra*, 555 U.S. at pp. 418-419.) He had been convicted of battering his then-wife under a generic West Virginia battery statute with a broad scope similar to that of Penal Code section 242. The West Virginia statute provided: “[A]ny person [who] unlawfully and intentionally makes physical contact of an insulting or provoking nature with the person of another or unlawfully and intentionally causes physical harm to another person, . . . shall be guilty of a misdemeanor.” (*Hayes*, at p. 419, fn. 1.)

The specific question before the *Hayes* court was whether the domestic relationship had to be an element of the underlying penal statute on which the predicate conviction was based. *Hayes* held that while a domestic relationship must be proved beyond a reasonable doubt in a prosecution under section 922(g)(9), the domestic relationship need not be an express element of the underlying statute. (*Hayes, supra*, 555 U.S. at pp. 418, 426.) None of the language of the *Hayes* opinion remotely hints that a conviction under the broad West Virginia statute, one which could be violated without the use of violent force, did not satisfy the federal definition of a “misdemeanor crime of domestic violence.”

Elucidating on its rationale that a conviction under a generic battery statute suffices to establish a predicate “misdemeanor crime of domestic violence,” the *Hayes* court stated: “[I]t seems to us ‘most natural’—to read § 921(a)(33)(A) to convey that a person convicted of battering a spouse or other domestic victim has committed a ‘crime of domestic violence[.]’” (*Hayes, supra*, 555 U.S. at p. 426, fn. 7.) And, although the definition of the phrase “use of physical force” in section 921(a)(33)(A) was not the issue to be resolved by the *Hayes* court, I do not conclude as a consequence that it may have escaped the attention of the Justices that a person could be convicted of battering a domestic victim in West Virginia without the use of violent force.

Hayes also relied on the legislative history behind the Lautenberg Amendment. (*Hayes, supra*, 555 U.S. at pp. 426-428.) Specifically, *Hayes* noted the statutory definition of a “misdemeanor crime of domestic violence” was amended to *delete* the phrase “crime of violence” and replaced with the definition requiring only the use or attempted use of physical force. (*Id.* at p. 428.) *Hayes* explained the “manifest purpose” behind the Lautenberg Amendment was to “‘close [a] dangerous loophole’” (*Hayes*, at pp. 426-427) allowing domestic abusers convicted under generic statutes or convicted only of misdemeanors from falling outside of the federal firearms prohibition. The legislative history and purpose behind the amendment do not support the majority’s conclusion that a misdemeanor crime of domestic violence must involve violent conduct to fall within the firearms ban of the Gun Control Act. (See, e.g., *U.S. v. Daas* (1999) 198 F.3d 1167, 1174 [where statute is ambiguous “courts may look to its legislative history for evidence of congressional intent”].)

Further, the federal definition includes the language “attempted use of physical force.” Since a conviction for a mere *attempted* use of physical force qualifies as a misdemeanor crime of domestic violence under the federal statute, whereas plaintiff here was convicted under a statute requiring an actual use of force, I disagree that a “misdemeanor crime of domestic violence” is properly construed as requiring violent conduct.

The majority relies heavily on *Johnson v. United States* (2010) 559 U.S. 133 [130 S.Ct. 1265] (*Johnson*). But *Johnson* concerned the interpretation of the phrase “use or attempted use of physical force” as used in a separate federal statute: the Armed Career Criminal Act. (See § 924(e).) More specifically, the *Johnson* court stressed that it was construing Congress’s use of that phrase *within the context* of defining a “violent felony.” (130 S.Ct. at pp. 1271-1272.)

The *Johnson* court expressly declined to state the same construction should be imparted to the phrase used in other federal statutes such as the Gun Control Act. “We have interpreted the phrase ‘physical force’ only in the context of a statutory definition of ‘violent felony.’ We do not decide that the phrase has the same meaning in the context of defining a *misdemeanor* crime of domestic violence. The issue is not before us, so we do not decide it.” (*Johnson, supra*, 130 S.Ct. at p. 1273.) This language in *Johnson* makes clear the Supreme Court finds it is more important to discern the congressional intent of each particular federal statute than to establish a uniform federal definition of the phrase “physical force.” And, recall, the *Hayes* court rested its holding in part on the congressional intent to extend the gun possession ban to all those convicted of assault or battery on a domestic victim because of the “potentially deadly combination” of guns and domestic strife. (*Hayes, supra*, 555 U.S. at pp. 426-428.)

Simply because Congress used the phrase “physical force” in a number of related federal statutes does not evince a clear intent to imbue the phrase with the same meaning in each of those separate statutory schemes. The phrase must be read in the context of the overall statutory scheme of which it is a part so as to not lead to absurd results. In construing a federal statute, “‘we look first to the plain language of the statute, construing the provisions of the entire law, including its object and policy, to ascertain the intent of Congress.’ [Citation.]” (*U.S. v. Mohrbacher* (9th Cir. 1999) 182 F.3d 1041, 1048; accord, *U.S. v. Daas, supra*, 198 F.3d at p. 1174 [“To determine the plain meaning of a particular statutory provision, and thus congressional intent, the court looks to the entire statutory scheme.”].)

In the Gun Control Act, the phrase “use or attempted use of physical force” is used in the context of defining a *misdemeanor*. (§ 921(a)(33)(A).) In the context of a misdemeanor crime of domestic violence, construing “physical force” as requiring a heightened or violent level of physical force, and thus precluding conviction for battery of a domestic victim under a general battery statute like Penal Code section 242 from qualifying as a predicate conviction, is an absurd result. “We interpret a statute ‘to avoid untenable distinctions and unreasonable results whenever possible.’ [Citations.]” (*Mester Mfg. Co. v. INS* (9th Cir. 1989) 879 F.2d 561, 567; see also *U.S. v. Daas, supra*, 198 F.3d at p. 1174.)

As *Hayes* explained, domestic abusers are often prosecuted under general assault or battery statutes, and Congress could not have intended to preclude individuals who suffer convictions under those types of statutes from being brought within the ambit of the federal firearms prohibition. (*Hayes, supra*, 555 U.S. at pp. 426-428.) Plaintiff’s battery conviction under Penal Code section 242 qualifies as a predicate “misdemeanor conviction of domestic violence” within the meaning of section 922(g)(9). (See also *People v. Delacy* (2011) 192 Cal.App.4th 1481, 1492 [disagreeing with characterization of a Pen. Code, § 242 battery as a nonviolent offense, in rejecting constitutional challenge to imposition of state firearms ban based on a § 242 conviction].)

Moreover, plaintiff has failed to show he obtained a qualifying expungement within the meaning of the federal statute. Because the majority agreed with plaintiff’s first contention, they did not reach this second argument. The Gun Control Act expressly provides that a person shall not be considered to have suffered a conviction for a misdemeanor crime of domestic violence “if the conviction has been expunged or set aside, or is an offense for which the person has been pardoned or has had civil rights restored (if the law of the applicable jurisdiction provides for the loss of civil rights under such an offense) unless the pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.” (§ 921(a)(33)(B)(ii).)

It is undisputed that, under California law, plaintiff's battery conviction has been set aside and the criminal complaint against plaintiff dismissed pursuant to Penal Code section 1203.4; that the court granted plaintiff relief from the state firearms prohibition related to his battery conviction under former section 12021 (now § 29805); and that the California Department of Justice, Bureau of Firearms issued plaintiff a firearms eligibility notification. However, plaintiff has not shown that this relief, obtained under state law, satisfies the Gun Control Act's requirement for a qualifying expungement under federal law.

From the plain language of the statute, Penal Code section 1203.4 is not an expungement statute, as it does not render the prior conviction a legal nullity for all purposes. (See *People v. Frawley* (2000) 82 Cal.App.4th 784, 791.) It contains "numerous and substantial" limitations on the nature of relief afforded, including that any conviction set aside may be used in a subsequent prosecution of the individual. (*Ibid.*)

In relevant part, Penal Code section 1203.4, subdivision (a)(1) provides: "In any case in which a defendant has fulfilled the conditions of probation for the entire period of probation, . . . the defendant shall, at any time after the termination of the period of probation, if he or she is not then serving a sentence for any offense, on probation for any offense, or charged with the commission of any offense, be permitted by the court to withdraw his or her plea of guilty or plea of nolo contendere and enter a plea of not guilty; or, if he or she has been convicted after a plea of not guilty, the court shall set aside the verdict of guilty; and, in either case, the court shall thereupon dismiss the accusations or information against the defendant and except as noted below, he or she shall thereafter be released from all penalties and disabilities resulting from the offense of which he or she has been convicted[.] . . . However, in any subsequent prosecution of the defendant for any other offense, the prior conviction may be pleaded and proved and shall have the same effect as if probation had not been granted or the accusation or information dismissed. The order shall state, and the probationer shall be informed, that the order does not relieve him or her of the obligation to disclose the conviction in response to any direct question contained in any questionnaire or application for public

office, for licensure by any state or local agency, or for contracting with the California State Lottery Commission.”

The statute was amended to include express language stating that relief granted pursuant thereto did not permit firearm possession. “Dismissal of an accusation or information pursuant to this section does not permit a person to own, possess, or have in his or her custody or control any firearm or prevent his or her conviction under Chapter 2 (commencing with Section 29800)³ of Division 9 of Title 4 of Part 6.” (Pen. Code, § 1203.4, subd. (a)(2).) Thus, Penal Code section 1203.4 does not obliterate or annul a conviction. (See Black’s Law Dict. (9th ed. 2009) p. 662, col. 2 [“expunge” means “[t]o erase or destroy”]; see also *People v. Field* (1995) 31 Cal.App.4th 1778, 1786 [expungement results in the “““eradication of a record of conviction It is not simply the lifting of disabilities It is rather a redefinition of status, a process of erasing the legal event of conviction or adjudication and thereby restoring to the regenerative offender his *status quo ante*”””].)

Because of these unequivocal limitations on the relief afforded by Penal Code section 1203.4, federal courts have held that a set aside order and dismissal of a complaint pursuant to section 1203.4, like the relief obtained by plaintiff, does *not* completely obliterate or remove the effects of the conviction for purposes of the federal firearm prohibition. (See *United States v. Andrino* (9th Cir. 1974) 497 F.2d 1103; *Jennings v. Mukasey* (9th Cir. 2007) 511 F.3d 894.)

With regard to a convicted individual’s right to possess firearms, “the Federal Government has an interest in a single, national, protective policy, broader than required by state law.” (*Caron v. United States* (1998) 524 U.S. 308, 316.) By enacting section 922(g)(9), Congress acted within its authority to impose a lifetime firearms ban for individuals convicted of misdemeanor crimes of domestic violence, except in the event of a pardon, expungement or qualifying restoration of civil rights. Plaintiff has not

³ Penal Code former section 12021.

demonstrated that the state law relief he obtained falls within any of the limited exceptions to the federal ban on possessing a firearm. That plaintiff is permitted to possess a firearm under California law does not supersede the prohibition under federal law.

Because plaintiff has failed to show he is not subject to the federal firearms prohibition, I would affirm the trial court's denial of his writ petition. One may debate whether the rule we must follow is fair as applied to Deputy Shirey. However, I do not perceive a trend in federal law to construe *Hayes* so as to relax restrictions on gun possession; quite the opposite. The majority opinion has the potential to misguide the judgment of the many lawyers and government officials who have to deal first hand with the Gun Control Act, and the judges who have to handle the litigation which may ultimately develop.

GRIMES, J.

EXHIBIT F

PPA/PPACE

Aggravated/Mitigated Disciplinary Decision Guide

| Category | Conduct Dates added to reflect last revision. | Offense | Mitigated | Presumptive | Aggravated |
|----------|--|-----------------|-----------|-------------|------------|
| A | ➤ Any minor conduct or performance issues not listed below, where the employee has received at least two prior counselings for a similar problem <u>or</u> the supervisor believes a written record of discipline is necessary to correct the behavior with only one prior counseling or no prior counseling. (2017) | 1 st | SI | WR | Minor |
| | | 2 nd | WR | Minor | Minor |
| | | 3 rd | Minor | Minor | Major |
| | | 4 th | Major | Major | Term |
| | | 5 th | Major | Term | |
| | | 6 th | Term | | |
| B | ➤ All conduct or performance problems where an employee has received prior discipline for a similar or dissimilar offense (except for traffic accidents, unless there is a clear connection to the conduct). (2017) | 1 st | SI | WR | Minor |
| | | 2 nd | WR | Minor | Major |
| | | 3 rd | Minor | Major | Term |
| | | 4 th | Major | Term | |
| | | 5 th | Term | | |
| C | ➤ Insubordination – Direct refusal to comply with a lawful order and employee continues to disobey after a warning of discipline is given; or employee directs abusive language or comments toward a superior; or exhibits manifest disrespect. (2017) | 1 st | WR | Minor | Major |
| | | 2 nd | Minor | Minor | Major |
| | | 3 rd | Minor | Major | Term |
| | | 4 th | Major | Term | |
| | | 5 th | Term | | |
| C | ➤ The accessing of any information system(s) which contains or may contain criminal history or personal information for reasons not related to official purposes. (2002) | 1 st | WR | Minor | Major |
| | | 2 nd | Minor | Minor | Major |
| C | | 3 rd | Minor | Major | Term |
| | | 4 th | Major | Term | |
| | | 5 th | Term | | |

| Category | Conduct Dates added to reflect last revision. | Offense | Mitigated | Presumptive | Aggravated |
|----------|--|---|-----------|-------------|------------|
| D | <ul style="list-style-type: none"> ➤ Association with persons of ill repute, as defined by policy. (2017) ➤ 4/103.22 Unauthorized Weapons and Ammunition. (2002) ➤ 5/207.00 Use of Department Vehicle for Travel Outside of Nevada (relating only to taking vehicle out-of-state without permission). (2017) ➤ Failure to report a Department Vehicle Accident and/or Incident to Supervisor. (2017) ➤ 4/105.09 Police Business Confidential. (2002) ➤ Aiding, supporting, and protecting fellow officers, as defined by policy. (2017) ➤ 4/109.08 Misappropriation of property. (2002) ➤ 4/110.05 Release of 911 Telephone Number and Address Information. (2002) ➤ Civilian firearms and aerosol defensive spray (applies if you carry a weapon that is contrary to this policy). (2017) ➤ The dissemination of information obtained by accessing any information system which contains or may contain criminal history or personal information to an unauthorized person for reasons not related to official purposes within the Department. (2017) | 1 st | WR | Minor | Major |
| | | 2 nd | Minor | Major | Term |
| | | 3 rd | Major | Term | |
| | | 4 th | Term | | |
| | | | | | |
| E | <ul style="list-style-type: none"> ➤ The dissemination of information obtained by accessing any information system which contains or may contain criminal history or personal information to an unauthorized person for reasons not related to official purposes outside the Department. (2017) ➤ 4/101.19 Truthfulness required at all times (see row 30 for other considerations). (2002) | 1 st | Minor | Major | Term |
| | | 2 nd | Minor | Major | Term |
| | | 3 rd | Major | Term | |
| | | 4 th | Term | | |
| | | | | | |
| F | <ul style="list-style-type: none"> ➤ Criminal conduct classified as something less than a felony (other than traffic and not otherwise defined herein). (2002) ➤ Impaired, as defined by 5/110.01, while on duty (from either alcohol or a legally prescribed prescription). (2017) | 1 st | Minor | Major | Term |
| | | 2 nd | Major | Term | |
| | | 3 rd | Term | | |
| | | | | | |
| | | | | | |
| | | Issuance of a check or draft without sufficient money or credit can be considered a civil matter if the employee, upon notification that the bank refused the check, pays the holder of the check the full amount due plus any fees, within five days of such notice, regardless of the method of notification. If the employee fails to make this timely restitution, the conduct will be considered a criminal act. | | | |

| Category | Conduct Dates added to reflect last revision. | Offense | Mitigated | Presumptive | Aggravated |
|----------|--|--|-----------|-------------|------------|
| G | <ul style="list-style-type: none"> ➤ Any act or omission of such an egregious nature that the employee is rendered ineffective in his position and/or the act or omission would tend to bring the Department into public discredit. (2002) ➤ DUI violations by employees. (2012) ➤ 4/101.03 Fraternization prohibited. (2012) ➤ 4/108.10 Use of position in civil cases where personally involved. (2002) ➤ Domestic Abuse Violations by Employees. (2002) | 1 st | N/A | Major | Term |
| | | 2 nd | Term | | |
| | | <p>Foundational evidence for DUI violations by employees will be determined through Field Sobriety Tests, Preliminary Breath Tests, Blood Tests, Breathalyzer Test, or admission of impairment by the employee.</p> <p>Termination will be automatic if a member associates socially with or fraternizes with the spouse of any person in the custody of the department, as it applies to a sexual encounter and the member has knowledge of the custody status.</p> | | | |
| H | <ul style="list-style-type: none"> ➤ 4/101.19 Truthfulness requires at all times – employees formally noticed of official investigations conducted by the department who are found to be untruthful during the investigations or who are found to be untruthful in completing official department documents. (2002) ➤ Criminal conduct classified as a felony in Nevada, other state, or by federal statute. (2002) ➤ Gross Insubordination – Battery on a superior, refusal to obey order where such refusal puts the public or fellow employees at risk. Also, where appropriate warning is given, the employee will be terminated if he does not comply with a lawful order. (2002) ➤ Any act of violence by an employee against another employee in the workplace. (2012) ➤ Gross Inappropriate use of force. (2002) ➤ Theft. (2002) ➤ 4/101.14 Refusal to testify. (2002) ➤ 4/101.18 Cheating on employment/ promotional exams. (2002) ➤ 4/102.06 Giving assistance to suspects. (2002) ➤ 4/106.07 Protection of identity of undercover operatives. (2002) ➤ Use, possession, or sale of illicit drugs as defined by NRS 453 and/or policy. (2017) | 1 st | N/A | Term | |
| | | <p>Issuance of a check or draft without sufficient money or credit can be considered a civil matter if the employee, upon notification that the bank refused the check, pays the holder of the check the full amount due plus any fees, within five days of such notice, regardless of the method of notification. If the employee fails to make this timely restitution, the conduct will be considered a criminal act.</p> <p>Violence, as it relates to the workplace, is defined as an act of aggression that occurs in a work setting and causes physical harm to another employee.</p> | | | |
| | | | | | |

10. DISCUSSION AND FOR POSSIBLE ACTION

Hearing pursuant to NAC 289.290(1)(g) for the possible revocation of the category I, II and III basic certificates held by Christopher M. Mitchell, former employee of the Las Vegas Metropolitan Police Department, based on the conviction of, 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-MISCONDUCT OF A PUBLIC OFFICER (Category E Felony in violation of NRS 197.110).

Possible action may be revocation of the category I, II and III basic certificates.



STATE OF NEVADA
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

5587 Wa Pai Shone Avenue
Carson City, Nevada 89701
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JOE LOMBARDO
Governor

MICHAEL D. SHERLOCK
Executive Director

NOTICE OF INTENT TO REVOKE

January 7, 2026

Christopher M. Mitchell

[REDACTED]

Las Vegas, NV 89178

POST PIN #: 36822

Dear Mr. Mitchell,

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)(g) 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 1: MISCONDUCT OF A PUBLIC OFFICER (Category E Felony in violation of NRS 197.110)

CASE NUMBER: C-25-392976-1

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 a number that is practicable at a hearing or designate an independent hearing officer to hear the matter. 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: Thursday, February 12, 2026

Time: 1:00 p.m.

Location: CasaBlanca Resort and Casino, 950 W. Mesquite Blvd., Mesquite, NV 89027

The hearing will cover the following: whether your P.O.S.T certificate(s) should be revoked pursuant to **NAC 289.290(1)(g) 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,

A handwritten signature in dark ink, appearing to read 'Kathy Floyd', with a stylized, cursive script.

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

cc: Deputy Attorney General Jesselyn De Luna
Deputy Attorney General John M. Nolan
File

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 personal service or 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)

**OFFICE OF THE SHERIFF
CLARK COUNTY DETENTION
CIVIL PROCESS SECTION**

STATE OF NEVADA COMMISSION ON PEACE)
OFFICERS STANDARD AND TRAINING)
PLAINTIFF)
vs)
CHRISTOPHER M MITCHELL)
DEFENDANT)

CASE No. POST PIN# 36822
SHERIFF CIVIL NO: 26000227

NOT FOUND AFFIDAVIT

STATE OF NEVADA }
} ss:
COUNTY OF CLARK }

DAVID AMANI, being duly sworn, deposes and says:

That he/she is a regularly appointed, qualified Deputy Sheriff of the said County of Clark, in the State of Nevada and over the age of twenty-one years, not a party to the action or related to either party, nor an attorney for a party, nor in any way interested in the within named action, and authorized to serve civil process by the laws of the State of Nevada, and competent to be a witness therein; that he/she and now is a citizen of the United States of America and of the State of Nevada and that he/she received the within stated civil process: NOTICE OF INTENT TO REVOKE on 1/9/2026 at the hour of 3:20 PM.

That after due search and diligent inquiry throughout Clark County, State of Nevada, I was unable to effect service upon the said **CHRISTOPHER M MITCHELL** Defendant within Clark County, Nevada.

ATTEMPTS TO LOCATE:

Date: 1/20/2026 @ 8:51 AM - [REDACTED] LAS VEGAS, NV 89178

Attempted By: DAVID AMANI

Service Type: NO CONTACT

Notes: NO CONTACT SPOKE TO NASIR (RESIDENT) SAID ADVERSE PARTY DOES NOT LIVE THERE,
NO NEW INFORMATION 79821 BWC

Date: 1/20/2026 @ 8:51 AM - [REDACTED] LAS VEGAS, NV 89178

Attempted By: DAVID AMANI

Service Type: UNABLE TO LOCATE

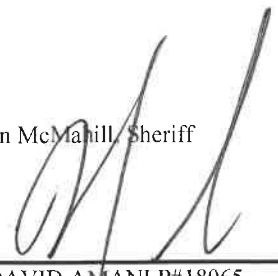
Notes: UNABLE TO LOCATE

*I, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAW OF THE STATE ON NEVADA THAT THE
FOREGOING IS TRUE AND CORRECT.*

Dated: January 22, 2026

Kevin McMahonill, Sheriff

By:


DAVID AMANI P#18065
Deputy Sheriff

18065

EXHIBIT B

330 S 3RD STREET, SUITE 100 Las Vegas, NV 89101 (702) 455-5400



State of Nevada – POST

Update – Personnel Action Report (PAR)

Agency ID *

0076

Agency Name *

LV Metro PD

Employee Details

POST ID *

36822

First Name *

CHRISTOPHER

Last Name *

MITCHELL

Middle Initial

M

Suffix

☐ Name Changed

☐ Address Changed

Level Change

Level Changed *

☒ Line ☐ Supervisor ☐ Management ☐ Executive

*

☐ Part Time ☒ Full Time

Status Changed

☐ Deceased ☐ Retired ☒ Separated

Effective Date *

07/31/2025

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

Comments\Additional Information:

Resigned in lieu of Pre-Termination Hearing. Court Case: District Court C-25-392976-1 Felony Misconduct of Public Officer. Plead Guilty

| Submitter Details | | |
|-------------------------|-----------------------|----------------------------|
| Submitter's Full Name * | Submitter's Phone # * | Submitter's E-Mail Address |
| Jessica Reynolds | 702-828-6944 | J16596R@LVMPD.com |

txtFormType

Update PAR

STATE OF NEVADA

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Hereby Awards the

Category I Basic Certificate

To

Christopher M. Mitchell

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


Governor

36822

POST ID #


Executive Director

02/21/2019

Date

EXHIBIT D

STATE OF NEVADA

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Hereby Awards the

Category II Basic Certificate

To

Christopher M. Mitchell

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


Governor

36822

POST ID #


Executive Director

02/21/2019

Date

STATE OF NEVADA

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Hereby Awards the

Category III Basic Certificate

To

Christopher M. Mitchell

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


Governor

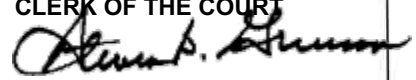
36822

POST ID #


Executive Director

02/21/2019

Date



INFM
AARON D. FORD
Attorney General
SIMBA M. MUZOREWA (Bar No. 14097)
Senior Deputy Attorney General
State of Nevada
Office of the Attorney General
1 State of Nevada Way, Ste.100
Las Vegas, Nevada 89119
(702) 486-3267 (phone)
(702) 486-2377 (fax)
E-mail: smuzorewa@ag.nv.gov
Attorneys for the State of Nevada

DISTRICT COURT
CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

CHRISTOPHER MICHAEL MITCHELL,
(ID #6099502),

Defendant(s).

Case No.: C-25-392976-1

Dept No.: XIV

INFORMATION

AARON D. FORD, Attorney General for the State of Nevada, complains and charges that:

Defendant, CHRISTOPHER MICHAEL MITCHELL, has committed the crime of: one (1) Count
of MISCONDUCT OF PUBLIC OFFICER (Category E Felony – NRS 197.110) [NOC 52303];

All of the acts alleged herein were committed on or between about May 4, 2024, through May 12,
2024, by the above-named defendant, within the county of Clark, State of Nevada, in the following
manner:

COUNT I
MISCONDUCT OF PUBLIC OFFICER
(Category E Felony – NRS 197.110)

Defendant, CHRISTOPHER MITCHELL, in the county of Clark, State of Nevada, a public officer,
employed or used a person, money or property under his official control or direction, or in his official
custody, for the private benefit or gain of himself or another, to wit:

1 On or between May 4, 2024, through May 12, 2024, in the course of his employment with the Las
2 Vegas Metropolitan Police Department, Defendant Mitchell knowingly, personally or through an agent
3 acting in his direction asked a fellow officer, [REDACTED], to create and file a false stolen vehicle report for
4 the benefit of himself to file an insurance claim.


5 All of which constitutes the crime of MISCONDUCT OF PUBLIC OFFICER, a category E felony
6 in violation of NRS 197.110.

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

9 DATED this 22nd day of July, 2025.

10 SUBMITTED BY:
11 AARON D. FORD
12 Attorney General

13 By:


14 SIMBA M. MUZOREWA (Bar No. 14097)
15 Senior Deputy Attorney General
16 State of Nevada
17 Office of the Attorney General
18 1 State of Nevada Way, Ste.100
19 Las Vegas, Nevada 89119
20 (702) 486-3267 (phone)
21 (702) 486-3773 (fax)
22 E-mail: smuzorewa@ag.nv.gov
23 Attorneys for the State of Nevada
24
25
26
27
28

November 13, 2025



ORIGINAL

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

JUL 30 2025

BY, SSg
STEPHANIE SQUIRES, DEPUTY

1 GPA
2 AARON D. FORD
3 Attorney General
4 SIMBA M. MUZOREWA (Bar No. 14097)
5 Senior Deputy Attorney General
6 State of Nevada
7 Office of the Attorney General
8 1 State of Nevada Way, Ste.100
9 Las Vegas, Nevada 89119
10 (702) 486-3267 (phone)
11 (702) 486-2377 (fax)
12 E-mail: smuzorewa@ag.nv.gov
13 Attorneys for the State of Nevada

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

10 STATE OF NEVADA,

11 Plaintiff,

12 vs.

13 CHRISTOPHER MICHAEL MITCHELL,
14 (ID #6099502),

15 Defendant(s).

Case No.: C-25-392976-1

Dept No.: XIV

C-25-392976-1
GPA
Guilty Plea Agreement
5144981



16
17 GUILTY PLEA AGREEMENT

18 I, CHRISTOPHER MICHAEL MITCHELL, hereby agree to plead guilty to: One (1) Count of
19 MISCONDUCT OF PUBLIC OFFICER, a category E felony in violation of NRS 197.110, as more fully
20 alleged in the charging document attached hereto as Exhibit 1.

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

22 1. The defendant agrees to waive any and all defects in the pleadings;

23 2. The parties stipulate to recommend a sentence of imprisonment in the Nevada Department of
24 Corrections for a minimum term of not less than Twelve (12) Months and a maximum term of not more
25 than Forty-Eight (48) Months, with said sentence to be suspended.

26 3. The defendant agrees to pay investigation cost in the amount of (One Thousand Dollars)
27 \$1,000.00 to the Office of the Nevada Attorney General;

28 ///

EXHIBIT F

1 4. The defendant agrees to take and successfully complete a 13-week LRS Anger Management
2 Course.

3 5. The parties will recommend a term of probation not to exceed 2 years;

4 6. Pursuant to a global resolution, Henderson City Attorney's Office agrees to dismiss Henderson
5 Municipal Court case 25CR001116, under the condition the defendant complies with the conditions of this
6 underlying GPA and is discharged from probation.

7 As part of this Guilty Plea Agreement, the State has no objection to the defendant's entry and/or
8 admission into any specialty court including but not limited to: Veteran's Court. However, defendant
9 understands denial or entry into a specialty court including Veteran's Court is not a condition of the instant
10 plea.

11 I understand that if I fail to interview with the Nevada Department of Public Safety, Division of
12 Parole and Probation, I fail to appear at any subsequent hearing in this case, or if an independent
13 magistrate, by affidavit review, confirms probable cause against me for a new criminal charge, including,
14 but not limited to, reckless driving or DUI, but excluding minor traffic offenses, the State of Nevada will
15 have the unqualified right to argue for any legal sentence and term of confinement allowable for the
16 criminal offense(s) to which I am pleading guilty, including, but not limited to, the use of any prior
17 convictions I may have to increase my sentence as a habitual criminal to Five (5) to Twenty (20) Years,
18 life without the possibility of parole, life with the possibility of parole after Ten (10) Years, or a definite
19 Twenty-Five (25) Year term with the possibility of parole after Ten (10) Years. Otherwise, I am entitled to
20 receive the benefits of these negotiations as stated in this agreement.

21 CONSEQUENCES OF THE PLEA

22 I understand that by pleading guilty, I admit the facts which support all the elements of the criminal
23 offense(s) alleged in the charging document attached hereto as Exhibit 1.

24 I understand that as a consequence of my plea of guilty to: One (1) Count of MISCONDUCT OF
25 PUBLIC OFFICER, a category E felony in violation of NRS 197.110, inclusive, except as otherwise
26 provided by specific statute, I shall be punished by imprisonment in the Nevada Department of Corrections
27 for a minimum term of not less Twelve (12) Months and a maximum term of not more than Forty-Eight
28 (48) Months. In addition to any other penalty, the court may impose a fine of not more than Five Thousand

1 Dollars (\$5,000) as to each count, unless a greater fine is authorized or required by statute. The minimum
2 term of imprisonment that may be imposed must not exceed Forty Percent (40%) of the maximum term
3 imposed.

4 ///

5 I understand that Nevada law requires me to pay Twenty-Five Dollars (\$25) and Three Dollars (\$3)
6 as administrative assessments.

7 I understand that I may be ordered by the sentencing judge to submit to blood and/or saliva tests
8 under the direction of the Nevada Department of Public Safety, Division of Parole and Probation to
9 determine genetic markers and/or secretor status. I further understand that Nevada law requires me to pay
10 One Hundred Fifty Dollars (\$150) as a fee for obtaining a biological specimen and its analysis.

11 I understand that I may be ordered by the sentencing judge to pay all or any part of the expenses
12 incurred by the county, city or state in providing me with an attorney.

13 I understand that if the sentencing judge imposes a fine, administrative assessment or fee upon me,
14 any judgment against me constitutes a lien pursuant to NRS 176.275. I further understand that if I do not
15 satisfy the lien, collection efforts may be undertaken against me pursuant to Nevada law.

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

20 I understand that I am eligible for probation for the criminal offense(s) to which I am pleading
21 guilty. I further understand that, except as otherwise provided by statute, the question of whether I receive
22 probation is in the discretion of the sentencing judge.

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

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

28

1 I have not been promised or guaranteed any particular sentence by anyone. I understand that my
2 sentence is to be determined by the sentencing judge within the limits prescribed by statute. I further
3 understand that if my attorney or the State of Nevada or both recommend any specific punishment to the
4 sentencing judge, the sentencing judge is not obligated to accept the recommendation.

5 ///

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

9 I understand that the Nevada Department of Public Safety, Division of Parole and Probation may
10 be ordered to prepare a report for the sentencing judge prior to sentencing. I further understand that this
11 report will include matters relevant to the issue of sentencing, including my criminal history, and may
12 contain hearsay information regarding my background and criminal history. My attorney and I will each
13 have the opportunity to comment on the information contained in the report at the time of sentencing.
14 Unless the State of Nevada has specifically agreed otherwise, the State of Nevada may also comment on
15 this report.

16 I understand that victims so desiring will be given the opportunity to make impact statements
17 pursuant to NRS 176.015(3).

18 I understand that if I am not a United States citizen, any criminal conviction will likely result in
19 serious negative immigration consequences, including, but not limited to: removal from the United States
20 through deportation; inability to reenter the United States; inability to gain United States citizenship or
21 legal residency status; inability to renew or retain legal residency status; and/or an indeterminate term of
22 confinement with the United States Federal Government based on my conviction and immigration status.
23 Regardless of what I have been told by any attorney, no one can promise me that this conviction will not
24 result in negative immigration consequences and/or impact my ability to become a United States citizen or
25 a legal resident.

26 WAIVER OF RIGHTS

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

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

4 ///

5 ///

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

8 DATED this 26TH day of July, 2025.

9

10


CHRISTOPHER MICHAEL MITCHELL

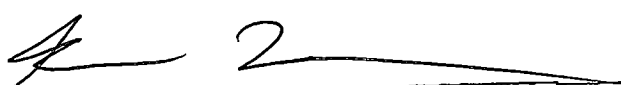
11

AGREED TO BY:
AARON D. FORD
ATTORNEY GENERAL

12

13

14


SIMBA M. MUZOREWA (NV Bar No. 14097)
Senior Deputy Attorney General
Attorneys for State of Nevada

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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 criminal offense(s) to which guilty pleas are being entered.

2. I have advised the defendant of the penalties for each criminal offense and the restitution that the defendant may be ordered to pay.

3. 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 and are in the best interest of the defendant.

4. I have spoken with the defendant about his immigration status and the defendant understands that if he is not a United States citizen, any criminal conviction will likely result in serious negative immigration consequences, including, but not limited to: removal from the United States through deportation; inability to reenter the United States; inability to gain United States citizenship or legal residency status; inability to renew or retain legal residency status; and/or an indeterminate term of confinement with the United States Federal Government based on the conviction and immigration status. Moreover, I have explained that regardless of what he has been told by any attorney, no one can promise him that this conviction will not result in negative immigration consequences and/or impact his ability to become a United States citizen or a legal resident.

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

a. Is competent and understands the charge(s) and the consequences of pleading guilty as provided in this agreement;

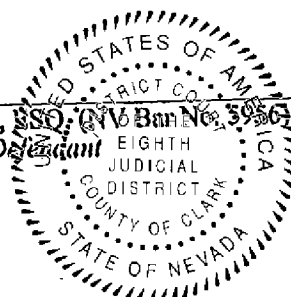
b. Executed this agreement and will enter all guilty pleas pursuant hereto voluntarily; and

c. Was not under the influence of intoxicating liquor, a controlled substance or other drug at the time I consulted with the defendant on the matters set forth in the above paragraphs and at the time of the execution of this agreement.

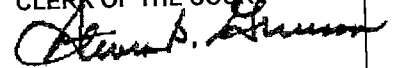
DATED this 24 day of July 2025.


Osvaldo E. Fumo, SSQ, NV Bar No. 59561
Attorney for the Defendant

Page 7 of 7



CERTIFIED COPY
ELECTRONIC SEAL (NRS 1.190(3))



1 INFM

2 AARON D. FORD

3 Attorney General

4 SIMBA M. MUZOREWA (Bar No. 14097)

5 Senior Deputy Attorney General

6 State of Nevada

7 Office of the Attorney General

8 1 State of Nevada Way, Ste.100

9 Las Vegas, Nevada 89119

10 (702) 486-3267 (phone)

11 (702) 486-2377 (fax)

12 E-mail: smuzorewa@ag.nv.gov

13 Attorneys for the State of Nevada

14 DISTRICT COURT

15 CLARK COUNTY, NEVADA

16 STATE OF NEVADA,

17 Plaintiff,

18 vs.

19 CHRISTOPHER MICHAEL MITCHELL,
20 (ID #6099502),

21 Defendant(s).

Case No.: C-25-392976-1

Dept No.: XIV

22 INFORMATION

23 AARON D. FORD, Attorney General for the State of Nevada, complains and charges that:

24 Defendant, CHRISTOPHER MICHAEL MITCHELL, has committed the crime of: one (1) Count
25 of MISCONDUCT OF PUBLIC OFFICER (Category E Felony – NRS 197.110) [NOC 52303];

26 All of the acts alleged herein were committed on or between about May 4, 2024, through May 12,
27 2024, by the above-named defendant, within the county of Clark, State of Nevada, in the following
28 manner:

29 **COUNT I**
30 **MISCONDUCT OF PUBLIC OFFICER**
31 **(Category E Felony – NRS 197.110)**

32 Defendant, CHRISTOPHER MITCHELL, in the county of Clark, State of Nevada, a public officer,
33 employed or used a person, money or property under his official control or direction, or in his official
34 custody, for the private benefit or gain of himself or another, to wit:

1 On or between May 4, 2024, through May 12, 2024, in the course of his employment with the Las
2 Vegas Metropolitan Police Department, Defendant Mitchell knowingly, personally or through an agent
3 acting in his direction asked a fellow officer, [REDACTED] to create and file a false stolen vehicle report for
4 the benefit of himself to file an insurance claim.

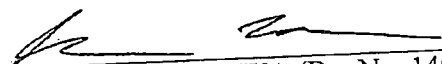
5 All of which constitutes the crime of MISCONDUCT OF PUBLIC OFFICER, a category E felony
6 in violation of NRS 197.110.

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

9 DATED this 22nd day of July, 2025.

10 SUBMITTED BY:
11 AARON D. FORD
12 Attorney General

13 By:

14 
15 SIMBA M. MUZOREWA (Bar No. 14097)
16 Senior Deputy Attorney General
17 State of Nevada
18 Office of the Attorney General
19 1 State of Nevada Way, Ste.100
20 Las Vegas, Nevada 89119
21 (702) 486-3267 (phone)
22 (702) 486-3773 (fax)
23 E-mail: smuzorewa@ag.nv.gov
24 Attorneys for the State of Nevada
25
26
27
28

1 **JOC**

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

4 THE STATE OF NEVADA,

5 Plaintiff,

6 -vs-

7 CHRISTOPHER MICHAEL MITCHELL,
8 #6099502

9 Defendant.

CASE NO: C-25-392976-1

DEPT NO: XIV

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

12 The defendant previously appeared before the Court with counsel and entered a plea
13 of guilty to the crime(s) of MISCONDUCT OF PUBLIC OFFICER (Category E Felony), in
14 violation of NRS 197.110; thereafter, on the 5th day of October, 2025, the defendant was
15 present in court for sentencing with counsel, THOMAS PITARO, Esq., and good cause
16 appearing,

17 THE DEFENDANT WAS HEREBY ADJUDGED guilty of said offense(s) and, in
18 addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA Analysis fee including
19 testing to determine genetic markers, \$3.00 DNA Collection fee, and \$1,000.00 in
20 investigation costs to the Office of the Nevada Attorney General, Deft. SENTENCED to a
21 MINIMUM of TWELVE (12) MONTHS and a MAXIMUM of FORTY-EIGHT (48) MONTHS in
22 the Nevada Department of Corrections (NDC), with ZERO (0) DAYS credit for time served,
23 SUSPENDED; placed on PROBATION for an indeterminate period not to exceed EIGHTEEN
24 (18) MONTHS.

25
26 STANDARD PROBATION CONDITIONS IMPOSED as follows:
27
28

EXHIBIT G

1 1. Reporting: You are to report in person to the Division of Parole and Probation as instructed
2 by the Division or its agent. You are required to submit a written report each month on forms
3 supplied by the Division. This report shall be true and correct in all respects.

4 2. Residence: You shall not change your place of residence without first obtaining permission
5 from the Division of Parole and Probation, in each instance.

6 3. Intoxicants: You shall not consume any alcoholic beverages to excess. Upon order of the
7 Division of Parole and Probation or its agent, you shall submit to a medically recognized test
8 for blood / breath alcohol content. Test results of .08 blood alcohol content or higher shall
9 be sufficient proof of excess.

10 4. Controlled Substances: You shall not use, purchase, or possess any illegal drugs, or any
11 prescription drugs, unless first prescribed by a licensed medical professional. You shall
12 immediately notify the Division of Parole and Probation of any prescription received. You
13 shall submit to drug testing as required by the Division or its agent.

14 5. Weapons: You shall not possess, have access to, or have under your control any type of
15 weapon.

16 6. Search: You shall submit your person, property, place of residence, vehicle, or areas under
17 your control to search including electronic surveillance or monitoring of your location, at any
18 time, with or without a search warrant or warrant of arrest, for evidence of a crime or violation
19 of probation by the Division of Parole and Probation or its agent.

20 7. Associates: You must have prior approval by the Division of Parole and Probation to
21 associate with any person convicted of a felony, or any person on probation or parole
22 supervision. You shall not have any contact with persons confined to a correctional institution
23 unless specific written permission has been granted by the Division and the correctional
24 institution.

25 8. Directives and Conduct: You shall follow the directives of the Division of Parole and
26 Probation and your conduct shall justify the opportunity granted to you by this community
27 supervision.

28 9. Laws: You shall comply with all municipal, county, state, and federal laws and ordinances.

1 10. Out of State Travel: You shall not leave the state without first obtaining written permission
2 from the Division of Parole and Probation.

3 11. Employment/Program: You shall seek and maintain legal employment, or maintain a
4 program approved by the Division of Parole and Probation and not change such employment
5 or program without first obtaining permission. All terminations of employment or program
6 shall be immediately reported to the Division.

7 12. Financial Obligation: You shall pay fees, fines, and restitution on a schedule approved
8 by the Division of Parole and Probation. Any excess monies paid will be applied to any other
9 outstanding fees, fines, and / or restitution, even if it is discovered after your discharge.
10

11 In addition to the Standard Conditions of the Division of Parole and Probation (P&P),
12 Deft. Must comply with the following SPECIAL CONDITIONS:

- 13
- 14 1. Participate in and successfully complete the Veteran's Specialty Court Program.
 - 15 2. Pay \$1,000.00 in investigation costs to the Office of the Nevada Attorney General.
 - 16 3. Take and successfully complete 13-week LRS Anger Management Course.
- 17

18 BOND, if any, EXONERATED.
19
20

21 Dated this 6th day of November, 2025

22 November 13, 2025



23
24 699 950 D35A FF4D
Tina Talim
District Court Judge
25
26

449

27 CERTIFIED COPY
28 ELECTRONIC SEAL (NRS 1.190(3))

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 State of Nevada

CASE NO: C-25-392976-1

7 vs

DEPT. NO. Department 14

8 Christopher Mitchell
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 11/6/2025

15 J Andrus

jandrus@ag.nv.gov

16 Tashia-Lynn Puana

TPuana@ag.nv.gov

17 Simba Muzorewa

smuzorewa@ag.nv.gov

18 Osvaldo Fumo

ozzie@fumolaw.com

11. 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.

12. DISCUSSION AND FOR POSSIBLE ACTION.

Schedule upcoming Public Hearing and regularly scheduled meeting – May in Carson City

13. DISCUSSION AND FOR POSSIBLE ACTION.

Adjournment