



Nevada Commission on Peace Officer
Standards and Training

POST COMMISSION MEETING
TUESDAY FEBRUARY 5, 2019 – 10:00 AM

NEVADA COMMISSION ON POST
5587 WA PAI SHONE AVE,
CARSON CITY, NEVADA



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

STEVE SISOLAK
Governor

MICHAEL D. SHERLOCK
Executive Director

NOTICE OF PUBLIC MEETING (NRS 241)

NOTICE IS HEREBY GIVEN THAT STARTING AT 10:00 A.M. ON TUESDAY, FEBRUARY 5, 2019 THE COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING WILL HOLD A REGULARLY SCHEDULED MEETING AT THE COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING, CLASSROOM "2", 5587 WA PAI SHONE AVE. CARSON CITY, NEVADA.

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

I. REGULARLY SCHEDULED MEETING AGENDA ITEMS

1. Call to order
2. Roll call of Commission Members
3. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**
The Commission to discuss and take possible action pursuant to NRS 289.510 (1)(a), to elect by a majority vote of the members, a new Chairperson for the Commission.
4. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**
Approval of minutes from the November 15, 2018 regularly scheduled POST Commission Meeting.
5. **INFORMATION.** Executive Director's report.
 - a. Training Division
 - b. Standards Division
 - c. Administration

6. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

The Commission to consider starting the rule making process to change NAC 289.290 to provide for the revocation of POST certification for a conviction constituting a “misdemeanor crime of domestic violence” as defined by 18 U.S.C. § 922(g)(9). The change would allow the Commission to take action to suspend or revoke a peace officer’s POST certification based upon the misdemeanor conviction constituting a “misdemeanor crime of domestic violence” as defined by 18 U.S.C. § 922(g)(9) without a request from the agency.

7. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

Hearing pursuant to NAC 289.290 (1) (h) on the revocation of James R. Briggs, formerly of the Las Vegas Metropolitan Police Department, certification based on a conviction for a misdemeanor. The Commission will decide whether to revoke Mr. Briggs Category I Basic Certificate.

8. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

Hearing pursuant to NAC 289.290 (1) (h) on the revocation of Michael T. Richards, formerly of the Las Vegas Metropolitan Police Department, certification based on a conviction for two Misdemeanors. The Commission will decide whether to revoke Mr. Richard’s Category I Basic Certificate.

9. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

Hearing pursuant to NAC 289.290 (1) (g) on the revocation of Jeffrey G. Grasso, formerly of the Boulder City Police Department, suspended certification based on a conviction for a felony. The Commission previously suspended the Certificate based upon a criminal indictment or filing of a criminal complaint and now will decide whether to revoke Mr. Grasso’s Category I Basic Certificate.

10. **PUBLIC COMMENTS**

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.

11. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

Schedule upcoming Commission Meeting.

12. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

Adjournment.

POSTED AT THE FOLLOWING LOCATIONS:

POST Administrative Office, Carson City
Nevada State Capitol, Carson City
Blasdel State Building, Carson City
Nevada State Library and Archives, Carson City
Grant Sawyer Building, Las Vegas
Carson City Sheriff’s Office
White Pine County Sheriff’s Office
<http://post.nv.gov>
<http://notice.nv.gov>

Electronically Posted pursuant to NRS 241.020(4)

Pursuant to NRS 241.020(2)(c), a copy of supporting materials for the meeting may be obtained by contacting POST Standards, at (775) 687-3335, Commission on Peace Officer Standards and Training at 5587 Wa Pai Shone Avenue, Carson City, Nevada 89701.

NOTE: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Commission on Peace Officer Standards and Training at 5587 Wa Pai Shone Avenue, Carson City, Nevada 89701 or call Scott Johnston at (775) 687-7678, Ext. 3335, no later than 2 working days prior to the meeting.

I. REGULARLY SCHEDULED MEETING AGENDA ITEMS

1. Call to order
2. Roll call of Commission Members

3. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION**

The Commission to discuss and take possible action pursuant to NRS 289.510 (1)(a), to elect by a majority vote of the members, a new Chairperson for the Commission.

4. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION**

Approval of minutes from the November 15, 2018 regularly scheduled POST Commission Meeting

In the Matter Of:
Commission on POST

Meeting
November 15, 2018



3200 COBB GALLERIA PARKWAY
SUITE 265
ATLANTA, GA 30339

1 COMMISSION ON PEACE OFFICER STANDARDS
2 AND TRAINING REGULARLY SCHEDULED MEETING

3

4 STATE OF NEVADA COMMISSION ON
5 PEACE OFFICER STANDARDS AND TRAINING

6 5587 Wa Pai Shone Avenue

7 Carson City, Nevada

8

9 Thursday, November 15, 2018

10 8:38 a.m.

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1 Commissioners:

2 TROY TANNER, Mesquite PD (Chairman)

3 JAMES WRIGHT, DPS

4 KEVIN MCKINNEY, Lieutenant, Elko County SO

5 BEN REED, Elko PD

6 MICHAEL ALLEN, Humboldt County SO

7 JAMES SOTO, Chief, Reno PD

8

9 Staff Present:

10 SCOTT JOHNSTON, POST

11 MIKE JENSEN, AG OFFICE

12 MIKE SHERLOCK, POST

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1 PROCEEDINGS

2 (8:38 a.m.)

3 CHAIRMAN TANNER: All right, we'll
4 call the meeting to order, it's about 8:38.
5 Okay, a couple housekeeping things real quick,
6 checklist. The meeting today, if you can, if
7 you'd sign in, the public, we'd appreciate it,
8 there's an attendance roster going around. And
9 then, will you please state your name and
10 agency before speaking at the public comment
11 table, which is right in front of us.

12 We ask the public and commissioners,
13 that cellular phones and pagers be turned off
14 or put on vibrate during the meeting.

15 Commissioners will state their name
16 before speaking and the commissioners, the
17 microphones are very sensitive, pick up
18 anything you're saying if you're talking to
19 someone next to you. And also, if the
20 commission makes a motion, please clarify the
21 motion and who made the motion, we appreciate
22 it.

23 So I'm going to turn it over to Scott
24 Johnston for a minute to talk about the legal
25 notices and where we posted.

1 MR. JOHNSTON: Thank you
2 Mr. Chairman, Scott Johnston for the record.
3 This meeting notice was posted in the following
4 locations, the POST administrative office here
5 in Carson City, the Nevada State Capitol in
6 Carson City, the Blasdel State Building in
7 Carson City, Nevada State Library and Archives
8 in Carson City, Grant Sawyer Building in Las
9 Vegas, the Carson City Sheriff's Office, the
10 White Pine County Sheriff's Office, also at the
11 POST website at post.nv.gov and the state
12 notice website at notice.nv.gov, and it was
13 electronically posted pursuant to
14 NRS 241.020(4), and emails were sent out to
15 agencies with the notice on this agenda as
16 well.

17 CHAIRMAN TANNER: Thank you, Scott.
18 All right, so if we could move to roll call,
19 we'll start over here with Sheriff McKinney.

20 COMMISSIONER MCKINNEY: Kevin
21 McKinney, Elko County Sheriff's Office.

22 COMMISSIONER ALLEN: Mike Allen,
23 Humboldt County Sheriff.

24 COMMISSIONER SOTO: Jason Soto, Reno
25 Police Department.

1 COMMISSIONER WRIGHT: Jim Wright,
2 Department of Public Safety.

3 CHAIRMAN TANNER: Troy Tanner,
4 Mesquite Police Department.

5 COMMISSIONER REED: Ben Reed, Elko
6 Police Department.

7 MR. JENSEN: Mike Jensen with the
8 Office of the Attorney General.

9 MR. SHERLOCK: Mike Sherlock from
10 POST.

11 MR. JOHNSTON: Scott Johnston, POST.

12 CHAIRMAN TANNER: All right. We're
13 going to jump to agenda item three, discussion,
14 public comment and possible action, approval of
15 minutes from the September 5th, 2018 regularly
16 scheduled POST commission meeting.

17 Let me see if there are any comments
18 from any of the Commissioners, any
19 comments from the public? If everyone's had a
20 chance to read the minutes, I'm looking for a
21 motion.

22 COMMISSIONER REED: I move to approve
23 the minutes from September 5, 2018.

24 CHAIRMAN TANNER: Looking for a
25 second.

1 COMMISSIONER ALLEN: Second.

2 CHAIRMAN TANNER: All in favor?

3 (Chorus of ayes.)

4 COMMISSIONER REED: We should have put
5 our names on there. For the record, that was
6 Ben Reed and Mike Allen. There you go.

7 CHAIRMAN TANNER: All right. We're
8 going to jump to agenda item four, this is
9 discussion, public comment and possible action,
10 a request from the Lander County Sheriff's
11 Office for a six-month extension past the
12 one-year requirement in order to meet the
13 requirements for certification for employee
14 Deputy Jeremy Adams, and I'll ask is there
15 anyone in the audience, and I see you're up
16 here, Sheriff, so I guess we'll turn the time
17 over to you.

18 SHERIFF UNGER: Good morning. Sheriff
19 Ron Unger, Lander County Sheriff's Department,
20 and I am here this morning for agenda items
21 number four and five. We would ask for an
22 extension in item number four for a Deputy
23 Jeremy Adams. Mr. Adams was in the LAP, he was
24 in the academy and supposed to graduate today,
25 but he failed his physical fitness standards,

1 so I'm asking for a six month extension on him
2 so I can get him in the next academy.

3 MR. SHERLOCK: And Sheriff, he's
4 already enrolled in the January class?

5 SHERIFF UNGER: Yes, sir, he is.

6 MR. SHERLOCK: So he's getting up.

7 CHAIRMAN TANNER: Just out of
8 curiosity, Troy Tanner for the record. Sheriff
9 Unger, so when you guys test initially to come
10 into your agency, I'm just doing a little bit
11 of research on this, do you guys do a hundred
12 percent, 80 percent, as far as the POST exam?

13 SHERIFF UNGER: Yes, sir. Ron Unger
14 for the record. What we do is we use your exit
15 exam for our entry into our department. The
16 people that we have, have all passed those, but
17 in this particular case, there was, quite some
18 time went by and I have some issues on that,
19 but nevertheless, I've discussed this with
20 Director Sherlock, we've come to an
21 understanding, so we have been testing weekly,
22 so hopefully this won't happen again.

23 CHAIRMAN TANNER: Yeah, and the reason
24 I brought it up, Troy Tanner again, I started
25 the academy, the Desert Regional Academy. We

1 found out and we tested, and had this long
2 conversation with Metro now that they have new
3 leadership in the academy also. It seemed like
4 when we were testing at 80 percent back in the
5 day, it seemed like people only trained for 80
6 percent, so we moved to a hundred percent about
7 ten years ago in Mesquite, and it seems like
8 we've been really successful with not having an
9 issue with people attending, most of ours
10 attend Metro's academy right now because it's
11 more convenient, closer, but it's just been
12 easier for us, we haven't had a guy in ten
13 years fail a PT exam. I just find people train
14 for what they're trying to accomplish, not
15 anything more unfortunately, especially in this
16 day and time, so that's why I bring it up.
17 It's not that -- I was just curious, I talked
18 to a lot of people around the state and I'm
19 hoping that -- I talked to Sherlock a ton on
20 this. I hope everyone goes a hundred percent
21 entry just so that way we don't have to worry
22 about it as chiefs and sheriffs because we put
23 a lot of money into these guys coming to the
24 academy and we're all waiting to get someone
25 back, I get it, so that's why I bring it up.

1 SHERIFF UNGER: And I absolutely agree
2 with that, and we started this 16 years ago, a
3 hundred percent, and here we are.

4 CHAIRMAN TANNER: Okay, appreciate it.

5 MR. SHERLOCK: Mr. Chairman, Mike
6 Sherlock for the record. Just to put things in
7 context in terms of training, Sheriff Unger's
8 cadet was not dismissed for any disciplinary
9 action or anything like that, so it's not
10 unusual to recycle cadets in most academies,
11 and we would have no issue if it was an
12 academic issue or a PT issue, not disciplinary
13 or anything like that, so our academy has no
14 problem recycling and bringing them back
15 through.

16 CHAIRMAN TANNER: Okay. Any other
17 questions from the commissioners? All right.
18 I guess I'm looking for public comment.
19 Nothing from the public. Anyone else? All
20 right, I guess I'm looking for a motion.

21 SHERIFF MCKINNEY: Kevin McKinney. I
22 move that we grant a six-month extension to
23 Deputy Jeremy Adams.

24 CHAIRMAN TANNER: Thank you. Looking
25 for a second.

1 CHIEF SOTO: Jason Soto. I'll second
2 it.

3 CHAIRMAN TANNER: All in favor?
4 (Chorus of ayes.)

5 CHAIRMAN TANNER: Any opposed? All
6 right, motion passes.

7 SHERIFF UNGER: Thank you.

8 CHAIRMAN TANNER: All right. Move to
9 agenda number five, discussion, public comment
10 and possible action, request from the Lander
11 County Sheriff's Office for another six-month
12 extension past the one-year requirement in
13 order to meet the requirements for
14 certification for employee Deputy Nichole
15 Pettit. All righty. Again, you're already up
16 here, Sheriff, so go ahead.

17 SHERIFF UNGER: Once again, this is,
18 she's one of my jailers at this point in time,
19 I think she started in November a year ago, she
20 went to the last academy also, and my
21 understanding is she was doing quite well in
22 everything but she failed to meet her firearm
23 standards. She's kind of a, she's got very
24 small hands and she's using a Glock .22. I
25 couldn't understand when I received the call

1 how she failed this, she's also with the
2 guards, but what I found out is that my
3 instructors at the office, my firearms
4 instructors and range people knew that she had
5 an issue, they had been working with her, so
6 since she has failed her standards here, we are
7 in the process of possibly changing my
8 standards on firearms that we carry. We went
9 out to different manufacturers, they sent us
10 some smaller firearms as far as the grips are
11 concerned for the .40s and the .9s, so
12 hopefully if you will allow her a second
13 chance, we're going to get her through this.
14 She's a great employee. We do have another
15 qualification for her Monday of this following
16 week, so once again, I'm asking for a six-month
17 extension on her, and strongly recommend it.

18 CHAIRMAN TANNER: Any comments by any
19 of the commissioners?

20 MR. SHERLOCK: Mr. Chairman, just real
21 quick, I would just say the same thing with
22 this particular cadet in this case speaking of
23 training, it is not a disciplinary release, and
24 again, it's not unusual for a recycle in this
25 circumstance.

1 CHAIRMAN TANNER: Anyone else? Any
2 public comment? Okay. None being seen,
3 looking for a motion.

4 SHERIFF ALLEN: Sheriff Mike Allen.
5 I'll make a motion to grant the six-month
6 extension to Lander County for Deputy Nichole
7 Pettit.

8 CHAIRMAN TANNER: Looking for a
9 second.

10 MR. WRIGHT: Jim Wright, second.

11 CHAIRMAN TANNER: All in favor?

12 (Chorus of ayes.)

13 CHAIRMAN TANNER: Anyone opposed? The
14 motion passes. Thank you, Sheriff.

15 SHERIFF UNGER: Thank you very much
16 for your time, I appreciate it very much.

17 CHAIRMAN TANNER: Thanks for coming
18 up.

19 All right, we're going to move to
20 agenda item number six, discussion, public
21 comment, possible action, request from the Las
22 Vegas Justice Court Marshals for a six-month
23 extension past the one-year requirement in
24 order to meet the requirements for
25 certification for employee Deputy Marshal

1 Jeffrey R. Parker. I guess you're up here to
2 speak on the matter?

3 MARSHAL WELLS: I am.

4 CHAIRMAN TANNER: Go ahead.

5 MARSHAL WELLS: Sean Wells with the
6 Las Vegas Justice Court Marshals, and I'm here
7 requesting the extension for Marshal Jeffrey
8 Parker. Jeffrey was hired October 21st last
9 year, did not initially pass the PT test within
10 the 16-week requirement. We requested and were
11 granted the extension until October of this
12 year. He still did not complete that. He has
13 shown improvement through the entire process,
14 he has had five tests, each test has been a
15 failure, but he has shown improvement, most
16 recently passing at a category two level. At
17 that time we contacted POST for potentially
18 testing, you know, having him tested as a
19 category two.

20 At that time we found out that
21 unfortunately he is a reciprocity, that the
22 training experience he has in New York does not
23 qualify as a category one or a category two.
24 We are sending him to the academy, he starts
25 January 23rd at the Southern Desert Regional

1 Police Academy, and we put him on a program to
2 try to pick up his pace as far as the PT goes.

3 Also, additionally, we missed this as
4 part of our hiring process, so our background
5 investigators are being sent to additional
6 training to try to resolve those issues in the
7 future. At this point we are requesting the
8 extension at least until Jeffrey can attend the
9 police academy in January.

10 CHAIRMAN TANNER: Sounds good. Any
11 comments or questions from any of the
12 commissioners?

13 COMMISSIONER REED: Ben Reed for the
14 record. There's a story here in your memo and
15 I'm trying to follow it. It sounds like you
16 didn't realize that the reciprocity, he didn't
17 qualify for the reciprocity process, and you
18 learned late in the game that he actually
19 needed to attend an academy, is that accurate?

20 MARSHAL WELLS: Right.

21 COMMISSIONER REED: Okay.

22 MARSHAL WELLS: And he was a peace
23 officer in the State of New York, he was a
24 court officer, we have all the training
25 records, so we made a mistake. It was, you

1 know, it was not intentional on our part,
2 because we know he was a law enforcement
3 officer, but he just doesn't meet our standards
4 in Nevada for a category one.

5 COMMISSIONER REED: And your standards
6 at your agency are that he has to be a cat one.

7 MARSHAL WELLS: He has to be a
8 category one officer because he's assigned and
9 works for a judge.

10 COMMISSIONER REED: Okay. And so he's
11 passing, currently he's passing at cat two
12 level of the PT test but he hasn't made it to
13 cat one.

14 MARSHAL WELLS: Not yet. He is
15 showing improvement each time.

16 MR. SHERLOCK: Mr. Chairman, this is
17 Mike Sherlock for the record. Just to try to
18 put it in context for everyone on this also,
19 it's not a hundred percent their fault. So,
20 there's a lot of people who do not understand
21 reciprocity. Reciprocity is not necessarily
22 about training, there is a training component
23 to reciprocity. The agency did contact POST
24 with an inquiry as to whether or not the New
25 York academy that this individual attended

1 qualified for reciprocity. From that
2 perspective it does.

3 Unfortunately, though, it's a
4 three-prong test, they have to have a
5 certificate from that other state, a basic
6 certificate equivalent to our category one, and
7 they had to have actually worked as a category,
8 what we would call category one officer in that
9 reciprocity state. In this case unfortunately,
10 they simply called and asked about the
11 training, but he did not actually work as a
12 category one officer, so he didn't qualify
13 under the reciprocity, so it truly was late in
14 the game for them.

15 And Clark County has, just so
16 everybody knows, has a unique statute requiring
17 their marshals, is that the term, that are
18 specifically assigned to a judge, to be
19 category one certified. That is not a POST
20 statute or regulation, but it is a Clark County
21 requirement, and so that's why they need a cat
22 one for this particular individual. Does that
23 help?

24 COMMISSIONER REED: It does help, Ben
25 Reed for the record.

1 CHAIRMAN TANNER: So, Mike, you're
2 good with the extension?

3 MR. SHERLOCK: Yeah, Mike Sherlock for
4 the record. Considering the circumstances and
5 their belief that it was reciprocity, that they
6 found out later it's not, late in the game,
7 that one year was impossible to get this
8 individual through an academy to meet that
9 one-year requirement.

10 CHAIRMAN TANNER: Would anyone else
11 like to speak on this matter, public, anyone
12 else? Any other questions from the
13 commissioners, or comments? None being seen, I
14 guess I'm looking for a motion.

15 COMMISSIONER SOTO: Jason Soto, a
16 motion for a six-month extension for Deputy
17 Marshal Parker.

18 CHAIRMAN TANNER: Thank you. Looking
19 for a second.

20 COMMISSIONER REED: Ben Reed, I'll
21 second the motion.

22 CHAIRMAN TANNER: Okay. All in favor?
23 (Chorus of ayes.)

24 CHAIRMAN TANNER: Anyone opposed? The
25 motion passes. Thank you for coming and thank

1 you for your time.

2 MARSHAL WELLS: Gentlemen, thank you
3 very much for your time.

4 CHAIRMAN TANNER: All right, we're
5 going to move to item number seven. Is there
6 anyone in the audience who would like to
7 address the commission? There's a few of you
8 left that haven't spoken yet, just very
9 few. I guess there's no motion required on
10 that one, okay.

11 All right, move to item number eight,
12 discussion, public comment, possible action, we
13 need to schedule an upcoming commission
14 meeting, and I'm going to turn it over to Mike
15 Sherlock.

16 MR. SHERLOCK: Mike Sherlock for the
17 record. So, I've been working with Eric
18 Spradley and we're trying to, our hope is to
19 have meeting dates for a year out, and solidify
20 that, so he's working on that. But in terms of
21 the next meeting, we will continue with
22 February, February 5th, we're tentatively
23 saying ten a.m. depending on the what
24 Sheriffs and Chiefs have going and they're
25 working on that right now, but it looks like it

1 will be ten a.m. on the fifth, here in Carson
2 City. I think everybody knows that's a
3 Sheriffs and Chiefs meeting day, legislative
4 meeting and all that stuff, so we'll plan on
5 that, February 5th at ten a.m. is what it's
6 looking like.

7 I just want to really quick mention
8 another thing, that there is the, we do plan on
9 what's called the new sheriffs and chiefs class
10 that's scheduled for December 10th and 11th.
11 You know, we have some new sheriffs around the
12 state, but also if there's any new command
13 staff, it's not a bad thing to send them to
14 that, it's a two-day class that we put on after
15 every election, so that will be December 10th
16 and 11th, if anybody wants to get the word out
17 on that, send some people, that will be good.

18 Other than that, I just want to thank
19 the commissioners for coming up on short notice
20 and taking care of this. As you can see, we
21 run into these one-year requirements on
22 occasion, and I think it's best that we don't
23 leave them hanging if we can at least address
24 it and make a decision, so thank you for coming
25 up, and that's all I've got.

1 CHIEF SPRADLEY: A quick comment too
2 on that. I appreciate you putting that
3 together, Mike, I didn't know about it when I
4 first got chief, and I'm a SACOP rep right now
5 in Nevada for the Sheriffs and Chiefs, and we
6 have meetings at IACP and I've actually learned
7 a lot from it. We have three or four meetings
8 a day and we have a document we put together,
9 and when I say we, I worked on it for a couple
10 years before I became a SACOP rep last year and
11 it's a really nice document. I sent it to Mike
12 to implement some of it and get some feedback
13 on it, asked Mike for some feedback.

14 Our group in Sheriffs and Chiefs and
15 SACOP, we basically put together a five-page
16 manual for new chiefs, things to look, not to
17 quickly change when you come on as a chief or
18 sheriff, because there's a lot of new people,
19 even in the south side. We have, I was looking
20 around, I think I'm one of the senior guys now,
21 it's like everyone has changed, you know, a
22 couple times. So in saying that, I mean, I
23 just have a document, I make my admin people
24 read it, and there's some great things in there
25 that actually would help you. I read it and I

1 thought this even helps me to this day, so
2 we're still working on that, finalizing that
3 document. Once we get it I will send it to
4 Mike to send out to all you guys, but I think
5 it's pretty helpful, I'd like to see that done.

6 I already knew you had one, but I
7 implemented also, like I said, across the
8 nation we worked on it, there's a lot of input
9 on it, and it took some time, and it's a pretty
10 good document, I think.

11 MR. SHERLOCK: Yeah, and -- Mike
12 Sherlock for the record. The training staff
13 has incorporated a lot of this into this class
14 that we do, so it was helpful.

15 CHAIRMAN TANNER: All right. I guess
16 I'm looking for a motion.

17 COMMISSIONER REED: Ben Reed for the
18 record. I'll motion to confirm that the
19 commission's next meeting be February 5,
20 ten a.m., in Carson City at POST.

21 CHAIRMAN TANNER: I apologize. Was
22 there any other comment about that date by any
23 of the commissioners? Okay. Looking for a
24 second then.

25 COMMISSIONER WRIGHT: Jim Wright,

1 second.

2 CHAIRMAN TANNER: All right. All in
3 favor?

4 (Chorus of ayes.)

5 CHAIRMAN TANNER: Anyone opposed? All
6 right.

7 The longest item, moving to item
8 number nine, discussion, public comment and
9 possible action. Is there any other public
10 comment? Last chance, you guys. Nothing? All
11 right. Looking for a motion to adjourn.

12 COMMISSIONER ALLEN: Mike Allen, I'll
13 make a motion to adjourn.

14 CHAIRMAN TANNER: All right, looking
15 for a second.

16 COMMISSIONER WRIGHT: Jim Wright,
17 second.

18 CHAIRMAN TANNER: All right, all in
19 favor?

20 (Chorus of ayes.)

21 CHAIRMAN TANNER: Thank you.
22 Appreciate it.

23 (Whereupon, the meeting in the
24 above-entitled matter was concluded at 8:59
25 a.m.)

1 CERTIFICATION

2 This is to certify that the attached
3 proceedings were held according to the record,
4 and that this is the complete, true, and
5 accurate transcript which has been compared to
6 the audio recording and transcribed to the best
7 of my skill and ability.

8

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11

PAUL A. GASPAROTTI II

12

Transcriber

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

6. DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION

The Commission to consider starting the rule making process to change NAC 289.290 to provide for the revocation of POST certification for a conviction constituting a “misdemeanor crime of domestic violence” as defined by 18 U.S.C. § 922(g)(9). The change would allow the Commission to take action to suspend or revoke a peace officer’s POST certification based upon the misdemeanor conviction constituting a “misdemeanor crime of domestic violence” as defined by 18 U.S.C. § 922(g)(9) without a request from the agency.

7. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION**

Hearing pursuant to NAC 289.290 (1) (h) on the revocation of James R Briggs, formerly of the Las Vegas Metropolitan Police Department, certification based on a conviction for a misdemeanor. The Commission will decide whether to revoke Mr. Briggs



EXHIBIT A

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

BRIAN SANDOVAL
Governor

MICHAEL D. SHERLOCK
Executive Director

NOTICE OF INTENT TO REVOKE

December 6, 2018

James Briggs POST PIN #: 24140



Dear Mr. Briggs:

Based upon documentation received by the Nevada Commission on Peace Officer Standards and Training (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 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 POST certification may be revoked pursuant to NAC 289.290(1)(h) based on a conviction for a misdemeanor. The conviction(s) which have led to this action are as follows:

Count I: Battery Constituting Domestic Violence, Misdemeanor – NRS 200.481(1) (a), 200.485(1) (a), 33.018, Henderson City Charter, Section 2.140

Case No: **18CR004380 (PCN 1)**

Jurisdiction: **Henderson Municipal Court, Nevada**

You are further advised that you have the right to appear before the Commission to contest the revocation of your Nevada POST certification. To exercise your rights, you must within fifteen (15) days from the date of the Certified Mail receipt or personal service receipt, provide written notice to the Commission of your intended action concerning these charges.

Written requests can be made to:

Nevada Commission on Peace Officer Standards and Training
5587 Wa Pai Shone Avenue
Carson City, NV 89701

The Commission will determine whether your Nevada POST certification should be revoked at the meeting listed below:

Date: February 5, 2019

Time: 10:00 am

Location: Commission on POST, 5587 Wa Pa Shone Ave, Carson City, Nevada.

If you fail to respond, the Commission will proceed in accordance with Nevada Administrative Code Chapter 289.

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.

The hearing will cover the following: NAC 289.290 (1) (h), revocation of a certificate based upon a misdemeanor conviction.

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

If you need additional information concerning this matter, contact POST at (775) 687-7678.

Sincerely,



Michael D. Sherlock, Executive Director
Nevada Commission on Peace Officers Standards and Training

MS/dsj

Cc: Sr. Dep. Attorney General Michael Jensen
File

Sec. 2. NAC 289.290 is hereby amended to read as follows:

289.290 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) Conviction of a misdemeanor. If the employing agency recommends suspension or revocation following 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.

2. Denial, suspension or revocation procedures will not be considered by the Commission in cases where the employment of an officer is terminated for violations of the policies, general orders or

similar guidelines of operation of the employing agency which do not constitute any of the causes for denial, suspension or revocation specified in subsection 1.

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

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

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

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

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

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

➡ 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.

The Commission will determine whether your Nevada POST certification should be revoked at the meeting listed below:

Date: February 5, 2019

Time: 10:00 am

Location: Commission on POST, 5587 Wa Pa Shone Ave, Carson City, Nevada.

If you fail to respond, the Commission will proceed in accordance with Nevada Administrative Code Chapter 289.

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.

The hearing will cover the following: NAC 289.290 (1) (h), revocation of a certificate based upon a misdemeanor conviction.

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

If you need additional information concerning this matter, contact POST at (775) 687-7678.

Sincerely,



Michael D. Sherlock, Executive Director
Nevada Commission on Peace Officers Standards and Training

MS/dsj

Cc: Sr. Dep. Attorney General Michael Jensen
File

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- (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) Conviction of a misdemeanor. If the employing agency recommends suspension or revocation following 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.

2. Denial, suspension or revocation procedures will not be considered by the Commission in cases where the employment of an officer is terminated for violations of the policies, general orders or

similar guidelines of operation of the employing agency which do not constitute any of the causes for denial, suspension or revocation specified in subsection 1.

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

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

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

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

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

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

➔ 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.

EXHIBIT B



Sgt Terri VanDam

Guernsey Police Dept.

81 West Whalen or PO Box 667

Guernsey Wyoming, 82214

Phone # (307) 321-1355

Fax # (307) 836-2430

December 6, 2018

TO: State of Nevada-Commission on Peace Officer Standards and Training

ATTN: Scott Johnston

FROM: Terri VanDam, Sergeant

Pages: 2 (includes this cover page)

RE: James Briggs Service of "Notice of Intent to Revoke"

Mr. Johnston

Mr. Briggs was at the address that was provided and he was served at 1413 hours.

If you need anything else let me know.

T. VanDam, Sgt.

Thank you!!!



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

BRIAN SANDOVAL
Governor

MICHAEL D. SHERLOCK
Executive Director

DECLARATION OF SERVICE

I, Aleeri Vandam, served the foregoing **Notice of Intent to Revoke** the P.O.S.T. basic certificate, which was issued pursuant to NRS 241.033 and NAC 289.290 which may include matters related to character, alleged misconduct, professional competence, physical or mental health, by personally serving:

Individual's Name: JAMES BRIGGS

at [REDACTED] Guernsey, WY on this 6th day of December, 2018. 1413 hrs.
(location) 82214
Day Month Year

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

Executed on this 6th day of December, 2018.
Day Month Year

Aleeri Vandam, Sgt.
Signature of person serving the Notice Out #2
Aleeri Vandam, Sgt.
Printed name of person serving the Notice

State of Nevada - POST

UPDATE - Personnel Action Report (PAR)

Post ID Number: 24140

Last Name: Briggs

First Name: James

MI: R

Suffix:

☐ Name Change?

Last Name: Briggs

First Name: James

MI: R

Suffix:

☒ Address Change?

Street Address: [REDACTED]

[REDACTED]

City: [REDACTED]

State: [REDACTED]

Zip Code: [REDACTED]

County: [REDACTED]

E-Mail:

Level Change? ☐ Line ☐ Supervisor ☐ Management ☐ Executive
☐ Part Time ☐ Full Time

Status Change? ☐ Deceased ☒ Retired ☐ Separated

NAC289.290 Notification (Cause For Commission Action)

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

Does the above NAC apply? ☐ No ☒ Yes

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

Comments\Additional Information:

Voluntary Retirement - Standards of Conduct / Pending Battery Domestic Violence Case

Effective Date: 07/02/2018

Submitters E-Mail:

t16418c@lvmpd.com

Submitters Name: Theresa Chambers

Submitters Phone: (702) 828-3989

EXHIBIT C

EXHIBIT D

STATE OF NEVADA

Commission On Peace Officers' Standards And Training

Hereby Awards the
Basic Certificate

To
JAMES R. BRIGGS
CATEGORY I

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

Spencer C. Quinn
Governor

Richard P. Clark
Richard P. Clark, Executive Director

Presented this 11th day of August, 2005

STATE OF NEVADA

Commission On Peace Officers' Standards And Training

Hereby Awards the
Basic Certificate

To
JAMES R. BRIGGS
CATEGORY I

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

Spencer C. Quinn
Governor

Richard P. Clark
Richard P. Clark, Executive Director

Presented this 11th day of August, 2005

Nevada Commission on Peace Officers' Standards and Training
Peace Officer Basic Certification and Training Identification Card

Name: **JAMES R. BRIGGS** POST ID No.: **24140**

Your PIN number must be registered at each training session you attend to receive annual POST training credits.

It is your responsibility to receive a minimum of 24 hours of continuing education as outlined in NAC 289.230 in order to meet your mandatory annual POST training requirement. If you fail to meet the annual POST training requirement, the POST Commission may take action against your certification which could adversely effect your ability to legally carry out your duties as a peace officer.

If found, please mail or deliver to any law enforcement agency.

Nevada Commission on Peace Officers' Standards and Training
3476 Executive Pointe Way, Suite 100
Carson City, NV 89706
775-684-7678 (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.

ORIGINAL

EXHIBIT E

MUNICIPAL COURT OF THE CITY OF HENDERSON
IN THE COUNTY OF CLARK, STATE OF NEVADA

CITY OF HENDERSON, NEVADA,

Plaintiff,

vs.

JAMES RAYMOND BRIGGS,

Defendant.

CRIMINAL COMPLAINT

CASE NO.

18CR004380 (PCN 1)

Josh M. Reid, City Attorney

The defendant has committed the crime of:

BATTERY CONSTITUTING DOMESTIC VIOLENCE (Misdemeanor - NRS 200.481(1)(a), 200.485(1)(a), 33.018, Henderson City Charter, Section 2.140) within the City of Henderson, in the County of Clark, State of Nevada, in the manner following, that the said defendant, on or about April 7, 2018:

did willfully and unlawfully use force or violence against or upon the person of his spouse, former spouse, any other person to whom he is related by blood or marriage, a person with whom he has had or is having a dating relationship, a person with whom he has a child in common, the minor child of any of those persons or his minor child, to-wit: Did push [REDACTED] one or more time(s) and/or did grab and/or pull her hair and/or drag her across the floor and/or did step on her hand, all of which occurred in the area of [REDACTED]

All of which is contrary to the form, force and effect of statutes in such cases made and provided and against the peace and dignity of the City of Henderson, State of Nevada. Said Complainant makes this declaration on information and belief subject to the penalty of perjury.

Marc M. Schifalacqua, Esq.
Sr. Assistant City Attorney

Dated: April 19, 2018
CAO File #: 014305
PCN#: NVHP5114348C

I hereby certify that this report is a
true copy of the original on file at the
Henderson Municipal Court, Clark County, NV
Dated: 4/25/18
Court Clerk: [Signature]

EXHIBIT F

MUNICIPAL COURT, CITY OF HENDERSON, CLARK COUNTY, NEVADA

THE CITY OF HENDERSON, NEVADA

Plaintiff

18CR004380

Case No:

vs

BRIGGS, JAMES RAYMOND

Defendant

Dept. No:

1

BATTERY/DOMESTIC VIOLENCE ADMONISHMENT OF RIGHTS

I am the defendant in this case. 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, a person with whom I have had or am having a dating relationship, a person with whom I have a child in common, my minor child, or the minor child of one of those persons (as defined by NRS 33.018 and in violation of NRS 200.481 / NRS 200.485 / Henderson City Charter § 2.140)

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 (NO CONTEST):

1. The right to a speedy trial;
2. The right to require the City 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 (NO CONTEST) I AM ADMITTING THE CITY COULD FACTUALLY PROVE THE CHARGE(S) AGAINST ME. I AM ALSO AWARE THAT MY PLEA OF GUILTY OR NOLO CONTENDERE (NO CONTEST) MAY HAVE THE FOLLOWING CONSEQUENCES:

1. I understand the City will use this conviction, and any other prior conviction from this or any other state which prohibits the same or similar conduct, to enhance the penalty for any subsequent offense;
2. I understand that, as a consequence of my plea of guilty or nolo contendere, if I am not a citizen of the United States, I may, in addition to other consequences provided by law, be removed, deported or excluded from entry into the United States or denied naturalization;
3. I understand that if I am convicted of Battery/Domestic Violence [as defined in 18 U.S.C. § 921(a)(33)] in Nevada or any other state, that I shall not own or have in my possession or under my custody or control any firearm pursuant to NRS 202.360, and that I must permanently surrender, sell or transfer any firearm that I own or have in my possession or under my custody or control in the manner set forth in NRS Chapter 202. Failure to comply with these provisions constitutes a category B felony punishable by imprisonment in the state prison for a minimum term of not less than 1 year, but not more than 6 years, and by a fine of not more than \$5,000.00. Additionally, I understand that possession, shipment, transportation, or receipt of a firearm or ammunition may constitute a felony pursuant to NRS 202.362;
4. I understand that this conviction may affect child custody pursuant to NRS 125C.230; and
5. I understand that sentencing is entirely up to the Court and the following penalties for committing the offense described above will apply

DEFENDANT'S INITIALS

DEFENDANT'S ATTORNEY'S INITIALS (if applicable)

FIRST OFFENSE WITHIN 7 YEARS (MISDEMEANOR):

At least 2 days, but not more than 6 months in the Henderson Detention Center; at least 48 hours, but not more than 120 hours of community service; a fine of not less than \$200.00, but not more than \$1,000.00, in addition to certain fees and assessments that are required by statute; 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 my expense; at the Court's discretion, the Court may order me to participate in an alcohol or drug treatment program at my expense; and, at 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.

SECOND OFFENSE WITHIN 7 YEARS (MISDEMEANOR):

At least 10 days, but not more than 6 months in the Henderson Detention Center; at least 100 hours, but not more than 200 hours of community service; a fine of not less than \$500.00, but not more than \$1,000.00, in addition to certain fees and assessments that are required by statute; mandatory participation in weekly counseling sessions of not less than 1 1/2 hours per week for 12 months, at my expense; at the Court's discretion, the Court may order me to participate in an alcohol or drug treatment program at my expense; and, at 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.

THIRD OFFENSE WITHIN 7 YEARS (CATEGORY C FELONY):

A category C felony punishable by a sentence of imprisonment in the Nevada State Prison for at least 1 year, but not more than 5 years, a possible fine of not more than \$10,000, in addition to certain fees and assessments that are required by statute, at the Court's discretion, the Court may order me to participate in an alcohol or drug treatment program at my expense; and, at 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. A third offense is not probationable.

SPECIAL WARNING

Unless a greater penalty is provided pursuant to NRS 200.481, a person who has been previously convicted of a battery which constitutes domestic violence pursuant to NRS 33.018 that is punishable as a felony pursuant to NRS 200.485 paragraph (c) of subsection 1 or subsection 2, or a violation of the law of any other jurisdiction that prohibits the same or similar conduct set forth in paragraph (a) of NRS 200.485 and who commits a battery which constitutes domestic violence pursuant to NRS 33.018 is guilty of a category B felony and shall be punished by imprisonment in the Nevada State Prison for at least 2 years, but not more than 15 years, and shall be further punished by a fine of not less than \$2,000, but not more than \$5,000.

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

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

My attorney is JOHN WAINWATER, bar number: 809

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 him/herself 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 him/herself will not be allowed to complain on appeal about the competency or effectiveness of his or her representation;
- d) The city 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;
- f) The effectiveness of the defense may well be diminished by a defendant's dual role as attorney and accused; and
- g) 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.

James Briggs
DEFENDANT'S SIGNATURE

[REDACTED] DEFENDANT'S DATE OF BIRTH

07/31/2016 DATE

I HAVE REVIEWED THIS ADMONISHMENT WITH MY CLIENT AND AM SATISFIED THAT HE/SHE UNDERSTANDS THE RIGHTS HE/SHE IS WAIVING AND THE CONSEQUENCES OF HIS/HER PLEA OF GUILTY/NOLO CONTENDERE TO THIS DOMESTIC BATTERY CHARGE.

[Signature]
DEFENDANT'S ATTORNEY (if applicable)

809
BAR NUMBER

[Signature]
Judge, Henderson Municipal Court



HENDERSON MUNICIPAL COURT: SENTENCING ORDER

CITY OF HENDERSON,
Plaintiff

) Case #: 18CR004380
) DR #: 18-07147
) ☒ DOMESTIC BATTERY / ☐ DUI:
) ☒ 1ST Offense / ☐ 2ND Offense
) ☐ OTHER (List Below):

VS.

Briggs, James R. Defendant)

☐ Guilty, ☒ Nolo; ☐ Adjudication Stayed ☐ Submitted on the Record,

Pending: ☐ Dismissal; ☐ Amendment to

Total Fines/AA Fees Imposed: \$ 1140 Fines/Fees Suspended if compliant: \$ 835

☒ \$35 DB Assessment Fee ☐ \$60 Blood/Breath Test ☒ \$50 Time Payment Setup Fee; ☐ \$100 DUI Specialty Courts' Fee PM 124

Total Fines/Fees Due: \$ 390 Payments: \$ 100 per month or fine due in full by beginning 8/28/18

Mail to: Henderson Municipal Court, PO Box 95050 - MS621, 243 Water Street, Henderson, NV 89009 On-line: www.cityofhenderson.com/municipal_court/

THE ABOVE REFERENCED DEFENDANT IS HEREBY SENTENCED TO THE FOLLOWING:

SENTENCING CONDITIONS

☐ PROBATION / DIRECT SUPERVISION (See Agreement & Rules Form)

You must appear in person to Special Programs and Services (SPS), located at 243 Water Street, Lower Level, Henderson, NV immediately following court or upon the first business day following your release from custody, unless your intake was completed prior to your release. Failing to appear at the Special Programs and Services office, failing to comply with the court's order or receipt of a non-compliant report from any agency may result in immediate arrest for Probation Violation or a Bench Warrant issued for your arrest. You must report to Special Programs and Services as directed throughout the term of Supervision. You must provide correct contact information to Special Programs and Services and report any changes of that information immediately.

Probation / Supervision Expiration Date: 7/29/19

☒ PROBATION / INDIRECT SUPERVISION

- ☐ DUI School
- ☐ Victim's Impact Panel
- ☐ Coroner's DUI Program
- ☐ Breath Ignition Interlock Device **
- ☐ Suspension of Registered Vehicles **
- ** Separate order required
- ☐ SCRAM Program _____ weeks/months
- ☐ Install Prior to Release from Custody
- ☐ Report out-of-custody to SPS upon release for installation
- ☐ AA / NA / GA (or Acceptable Alternative)
- ☐ Sponsor required _____ x/wk for _____ wks
- ☐ DART Program
- ☐ _____ weeks/month ☐ Duration
- ☐ Controlled Subst. including Marijuana
- ☐ Alcohol
- ☐ CAT Program _____ weeks/months
- ☐ Coroner's Visitation Program (CVP)
- ☐ Restitution of \$ _____

Payable to City of Henderson on behalf of:

☐ Via Monthly Payments \$ _____
☐ In Full by/beginning _____ / _____ / _____
(Submit payment to SPS)

- ☒ Domestic Battery Counseling
(26 sessions, 1x/week)
- ☐ Long-Term Domestic Battery Counseling
(52 sessions, 1x/week)
- ☒ Surrender, Sell or Transfer Firearms
** Separate order required
- ☐ Anger Control Counseling
- ☐ Substance Abuse Counseling (SAC)
- ☐ Outpatient SAC ☐ Inpatient SAC
- ☐ Intensive outpatient SAC
- ☐ Group / ☐ Individual
_____ times/week for _____ weeks
- ☐ 1st Offender Program / 8 Hour Drug Class
- ☐ High School Equivalency/College Classes
- ☒ Trespassed From: _____ - 304 days
- ☒ No Contact With: _____
☐ for case duration 304 months - Days

- ☐ 1st Offender Program / 8 Hour Drug Class
- ☐ High School Equivalency/College Classes
- ☒ Trespassed From: _____ - 304 days
- ☒ No Contact With: _____
☐ for case duration 304 months - Days

exceptions as family court orders

- ☐ Compliance with Conditions on Case(s)

- ☒ Jail sentence imposed: 00 days
- Suspended/Pending: 58 days
- Jail Time Served: 2 days
- Balance of Jail Due: 0 days
- Converted to: ☐ House Arrest ☐ Com. Svc
- ☐ House Arrest _____ days
- ☒ Community Service 48 hours;
(To be completed at a min. rate of 4 hrs/week)
- ☒ No Further Arrests or Criminal Cites
- ☐ Same/ Similar ☒ Any Criminal
- ☐ Duration 304 months/years/Days
- ☐ One year or duration-whichever is longer
- ☐ **No Possession / Use of Alcohol
- ☐ **No Possession / Use of Controlled Substances including Marijuana, unless a medical marijuana card is obtained

- **Submit to testing as deemed necessary by SPS**
- ☐ No Weapons ☐ Submit to search of person, residence, vehicle, or property under your control, as instructed by SPS
- ☐ Other: *conditions to be completed in Wyoming

☐ UNSUPERVISED / COURT ORDERED STATUS CHECKS

UNSUPERVISED PARTICIPANTS: You must provide the Court completion certificates/documentation for court ordered programs on or before your return court date. For a list of approved classes/programs please refer to <http://cityofhenderson.com/alternative-sentencing>

COURT DATES: ☒ None at this time ☐ Return Court Date: _____ / _____ / _____ @ _____ : _____ AM / PM

Department 1 / 2 / 3 ☐ Appearance Required ☐ Appearance Not Required if compliant with ALL orders

It is hereby ordered this 3rd day of JULY, 20 18.

Original-Court / Yellow= SPS/ Pink=Defendant (1/22/18)

Presiding Judge of the Henderson Municipal Court

EXHIBIT G

I hereby certify that this report is a true copy of the original on file at the Henderson Municipal Court, Clark County, NV
Dated: 09/26/18 Rly
Court Clerk:

MUNICIPAL COURT OF THE CITY OF HENDERSON, NEVADA
IN THE COUNTY OF CLARK, STATE OF NEVADA

CITY OF HENDERSON, NEVADA,

Plaintiff,

vs.

Briggs, James Raymond

Defendant

COURT CASE #: 18CR00438 FILED

HPD DR #: 18-07147 2018 JUL 31 A 11:05

ORDER TO PERMANENTLY SURRENDER,
SELL OR TRANSFER FIREARM(S)

BMLM

CLERK

ORDER

Pursuant to NRS Chapter 202 it is hereby ordered that the above-named defendant shall, not later than 24 hours after service of this order:

☐ Surrender any firearm(s) that he/she owns or that is in his/her possession or under his/her custody or control to the Henderson Police Department or the following law enforcement agency:

☒ Surrender any firearm(s) that he/she owns or that is in his/her possession or under his/her custody or control to the following designated person: JOHN C. WAWERNA

☐ Sell or transfer any firearm(s) that he/she owns or that is in his/her possession or under his/her custody or control to a licensed firearm dealer; or

☐ Submit an affidavit informing the court that he/she currently does not own or have any firearm(s) in his/her possession or under his/her custody or control and acknowledge that failure to surrender, sell or transfer any such firearm(s) is a violation of this order and state law.

It is further ordered that the defendant shall provide proof of surrender/sell/transfer of such firearm(s) to the Special Programs and Services Bureau of the Henderson Police Department in accordance with NRS Chapter 202 not later than 72 hours or 1 business day, whichever is later.

FAILURE TO COMPLY WITH THIS ORDER CONSTITUTES A CATEGORY B FELONY.

IT IS SO ORDERED.

Dated this 31st day of July, 2018



Municipal Judge

EXHIBIT H

I hereby certify that this report is a true copy of the original on file at the
Original-Court / SPS: Yellow to Defendant's Court, Clark County, NV
Dated: 08/25/18
Court Clerk: 124



HENDERSON MUNICIPAL COURT
DOCKET SHEET

EXHIBIT I

D1 STEVENS

BRIGGS, JAMES RAYMOND
18CR004380

DR# 18-07147

Offense Date: 4/7/18

ASSESSED PAID CREDIT BALANCE
ENFORCEMENT
\$490.00

ATTY: WAWERNA, JOHN C.

1 DOMESTIC BATTERY, 1ST [50235]

SENTENCED

Date / Time / Dept	Event	Event Result	Event Notes
7/31/18 10:00 am D1	CTR	SENTENCED	
7/26/18 1:30 pm D1	INC	BAIL HEARING HELD	
7/25/18 1:30 pm D1	INC	CONTINUED	
7/9/18 10:00 am D1	CTR	MOTION HEARING HELD	
6/26/18 3:00 pm D1	INC	CONTINUED	
5/22/18 9:00 am D1	ARR	NOT GUILTY PLEA / TRIAL SET	
5/10/18 9:00 am D1	ARR	MOTION CONTINUED	

4/7/18	CHARGE INITIATED AT THE HENDERSON DETENTION CENTER	crtvram2		
4/9/18	CONDITIONS OF RELEASE: *MODIFIED AS OF 07/26/18* - NO CONTACT WITH: LAUREN BRIGGS - VACATED 07/09/18 - NO FURTHER ARRESTS OR CRIMINAL CITATIONS - DART (BOTH) INCLUDING MARIJUANA - ADDED 06/26/18 - VACATED 07/26/18 - ABSTAIN FROM ALCOHOL AND CONTROLLED SUBSTANCES INCLUDING MARIJUANA - ADDED 06/26/18 - SCRAM - ADDED 07/26/18	BML4		
4/9/18	BAIL RECEIVED - PENDING PROCESSING	DLY		
4/11/18	Time spent in custody: 12 HRS Arrest Date/Time: 04/07/2018 09:59:00 Release Date/Time: 04/07/2018 22:03:00	RWH2		
4/11/18	SURETY BOND POSTED BY: ALL STAR BONDING INC BOND AMOUNT: \$3000 BOND NUMBER: WC7-01290333 VIA: JAIL BAIL #48516 BOND FILING FEE PAID Charge #1: DOMESTIC BATTERY, 1ST Receipt: 764645 Date: 04/11/2018	SDC2	50.00	50.00
4/11/18	COURT DATE SET: Event: CRIMINAL ARRAIGNMENT Date: 05/22/2018 Time: 9:00 am Judge: STEVENS, MARK J Location: DEPARTMENT 1 Result: NOT GUILTY PLEA / TRIAL SET	BML4		
5/1/18	COMPLAINT FILED WITH COURT	HNL		
5/2/18	MOTION FILED TO DISSOLVE NO CONTACT ORDER FILED BY JOHN C. WAWERNA (Attorney) on behalf of JAMES RAYMOND BRIGGS (DEFENDANT)	HNL		

I HEREBY CERTIFY THAT THIS REPORT IS A TRUE COPY OF THE ORIGINAL ON FILE AT THE HENDERSON MUNICIPAL COURT.

Date Printed: 9/25/18 10:31 am

Page 1 of 7

DATE: 09/25/18
COURT CLERK: [Signature]



HENDERSON MUNICIPAL COURT
DOCKET SHEET

D1 STEVENS

BRIGGS, JAMES RAYMOND
18CR004380

DR# 18-07147

		ASSESSED	PAID	CREDIT	BALANCE
5/2/18	COURT DATE SET: Event: CRIMINAL ARRAIGNMENT Date: 05/10/2018 Time: 9:00 am Judge: STEVENS, MARK J Location: DEPARTMENT 1 Result: MOTION CONTINUED	BML4			
5/10/18	MOTION HEARING CONTINUED TO ORIGINAL ARR FOR CAO TO CONTACT VICTIM (CONTINUED TO INITIAL ARR DATE 05/22/18) BOND: STANDS **JUDGE ALLOWS DEFENDANT TO ACCESS PROPERTY ONE MORE TIME WITH POLICE ESCORT**	BML4			
5/10/18	COUNTER: 9.03.00	BML4			
5/10/18	EVENT PARTICIPANTS: Court Location: DEPARTMENT 1 Check In: Judge: STEVENS, MARK J Location: DEPARTMENT 1 Staff: BML4 - CLERK: Present KJ - CLERK: Present MATHER, ELAINE - DEPUTY CITY ATTORNEY: Present Prosecutors: Parties: BRIGGS, JAMES RAYMOND - DEFENDANT: Present WAWERNA, JOHN C. - Attorney for DEFENDANT: Present	BML4			
5/22/18	MOTION HEARING HELD. MOTION TO DISSOLVE NO CONTACT ORDER DENIED.	BML4			
5/22/18	NOT GUILTY PLEA ENTERED. TRIAL SET - SPEEDY TRIAL WAIVED BOND: STANDS APPEARANCE REQUIRED Charge #1: DOMESTIC BATTERY, 1ST	BML4			
5/22/18	COUNTER: 9.02.40	BML4			
5/22/18	COURT DATE SET: Event: TRIAL Date: 07/31/2018 Time: 10:00 am Judge: STEVENS, MARK J Location: DEPARTMENT 1	BML4			

I HEREBY CERTIFY THAT THIS REPORT IS A TRUE COPY OF THE
ORIGINAL ON FILE AT THE HENDERSON MUNICIPAL COURT.

Date Printed: 9/25/18 10:31 am

Page 2 of 7

D ATE: 09/25/18
COURT CLERK: [Signature]



HENDERSON MUNICIPAL COURT
DOCKET SHEET

D1 STEVENS

BRIGGS, JAMES RAYMOND
18CR004380

DR# 18-07147

		ASSESSED	PAID	CREDIT	BALANCE
5/22/18	EVENT PARTICIPANTS: Court Location: DEPARTMENT 1 Check In: Judge: STEVENS, MARK J Location: DEPARTMENT 1 Staff: BML4 - CLERK: Present KJ - CLERK: Present MATHER, ELAINE - DEPUTY CITY ATTORNEY: Present Prosecutors: Parties: BRIGGS, JAMES RAYMOND - DEFENDANT: Present WAWERNA, JOHN C. - Attorney for DEFENDANT: Present	BML4			
6/26/18	CASE CALENDARED TO ADDRESS 211A CHARGE (CONDITIONS OF RELEASE). REF CASE #: 18CR008445	CMC8			
6/26/18	COURT DATE SET: Event: INCUSTODY ARRAIGNMENT Date: 06/26/2018 Time: 3:00 pm Judge: STEVENS, MARK J Location: DEPARTMENT 1 Result: CONTINUED	CMC8			
6/26/18	DEFENDANT PRESENT IN CUSTODY	CMC8			
6/26/18	BAIL REVOCATION HEARING HELD. JUDGE FOUND DEFENDANT NON COMPLIANT WITH NCWV. (ADMONISHED DEFENDANT RE: NO CONTACT ORDER)	CMC8			
6/26/18	CONTINUED TO TRIAL DATE 07/31/18 10AM D1 BOND: STANDS	CMC8			
6/26/18	COUNTER: 03.14.50	CMC8			
6/26/18	EVENT PARTICIPANTS: Court Location: DEPARTMENT 1 Check In: Judge: STEVENS, MARK J Location: DEPARTMENT 1 Staff: CMC8 - CLERK: Present KJ - CLERK: Present ROBERTS, COREY J - DEPUTY CITY ATTORNEY: Present Prosecutors: Parties: BRIGGS, JAMES RAYMOND - DEFENDANT: Present WAWERNA, JOHN C. - Attorney for DEFENDANT: Present	CMC8			

I HEREBY CERTIFY THAT THIS REPORT IS A TRUE COPY OF THE
ORIGINAL ON FILE AT THE HENDERSON MUNICIPAL COURT.

DATE: 09/25/18
COURT CLERK: [Signature]



HENDERSON MUNICIPAL COURT
DOCKET SHEET

D1 STEVENS

BRIGGS, JAMES RAYMOND
18CR004380

DR# 18-07147

ASSESSED PAID CREDIT BALANCE

6/28/18 MOTION FILED "TO LIFT THE NO CONTACT ORDER ASAP FILED BY:
LAUREN BRIGGS DIW

6/28/18 COURT DATE SET:
Event: TRIAL KM
Date: 07/09/2018 Time: 10:00 am
Judge: STEVENS, MARK J Location: DEPARTMENT 1
Result: MOTION HEARING HELD

7/9/18 MOTION HEARING HELD. MOTION GRANTED.
NO CONTACT WITH LAUREN BRIGGS IS DISSOLVED AS CONDITION OF
RELEASE KM

7/9/18 CONTINUED TO TRIAL - 7/31/18
VICTIM ORDERED BACK @ TRIAL
BOND: STANDS KM

7/9/18 COUNTER: 10.02.10 KM

7/9/18 EVENT PARTICIPANTS: KM
Court Location: DEPARTMENT 1
Check In:
Judge: STEVENS, MARK J
Location: DEPARTMENT 1
Staff:
BML4 - CLERK: Present
KJ - CLERK: Present
MATHER, ELAINE - DEPUTY CITY ATTORNEY: Present
Prosecutors:
Parties:
BRIGGS, JAMES RAYMOND - DEFENDANT: Not Present
WAWERNA, JOHN C. - Attorney for DEFENDANT: Not Present
BRIGGS, LAUREN - VICTIM: PRESENT

7/25/18 CASE CALENDARED TO ADDRESS 211A CHARGE (ARREST OF
PROBATIONER). CMC8
REF CASE #: 18CR010128

7/25/18 COURT DATE SET:
Event: INCUSTODY ARRAIGNMENT AMM2
Date: 07/25/2018 Time: 1:30 pm
Judge: STEVENS, MARK J Location: DEPARTMENT 1
Result: CONTINUED

7/25/18 DEFENDANT PRESENT IN CUSTODY AMM2

I HEREBY CERTIFY THAT THIS REPORT IS A TRUE COPY OF THE
ORIGINAL ON FILE AT THE HENDERSON MUNICIPAL COURT.

DATE: 09/25/18
COURT CLERK: [Signature]



HENDERSON MUNICIPAL COURT
DOCKET SHEET

D1 STEVENS

BRIGGS, JAMES RAYMOND
18CR004380

DR# 18-07147

		ASSESSED	PAID	CREDIT	BALANCE
7/25/18	CONTINUED WITH 18CR010128				AMM2
7/25/18	COUNTER: 1.56.20				AMM2
7/25/18	COURT DATE SET: Event: INCUSTODY ARRAIGNMENT Date: 07/26/2018 Time: 1:30 pm Judge: STEVENS, MARK J Location: DEPARTMENT 1				AMM2
7/25/18	EVENT PARTICIPANTS: Court Location: DEPARTMENT 1 Check In: Judge: STEVENS, MARK J Location: DEPARTMENT 1 Staff: CMC8 - CLERK: Present KJ - CLERK: Present REARDON, BRIAN - DEPUTY CITY ATTORNEY: Present Prosecutors: Parties: BRIGGS, JAMES RAYMOND - DEFENDANT: Present WAWERNA, JOHN C. - Attorney for DEFENDANT: Not Present				AMM2
7/26/18	DEFENDANT PRESENT IN CUSTODY				BML4
7/26/18	BAIL REVOCATION HEARING HELD: JUDGE FOUND NON-COMPLIANT WITH: - DART - ABSTAIN ORIGINAL BOND STANDS PER JUDGE				KM
7/26/18	CONTINUED TO TRIAL - 07/31/18 10AM D1 BOND: STANDS APPEARANCE REQUIRED				BML4
7/26/18	COUNTER: 1.54.27 / 2.05.21				BML4

I HEREBY CERTIFY THAT THIS REPORT IS A TRUE COPY OF THE
ORIGINAL ON FILE AT THE HENDERSON MUNICIPAL COURT.

DATE: 09/25/18
COURT CLERK: [Signature]



HENDERSON MUNICIPAL COURT
DOCKET SHEET

D1 STEVENS

BRIGGS, JAMES RAYMOND
18CR004380

DR# 18-07147

			ASSESSED	PAID	CREDIT	BALANCE
7/26/18	EVENT PARTICIPANTS:	BML4				
	Court Location: HEARD IN DEPT 3 FOR THIS EVENT ONLY (DEPT 1)					
	Check In:					
	Judge: STEVENS, MARK J					
	Location: HEARD IN DEPT 3 FOR THIS EVENT ONLY (DEPT 1)					
	Staff:					
	BML4 - CLERK: Present					
	BURR, RODNEY T - PRO TEM: Present					
	HUBERT, THOMAS M. - DEPUTY CITY ATTORNEY: Present					
	JMS17 - CLERK: Present					
	MLH3 - CLERK: Present					
	Prosecutors:					
	Parties:					
	BRIGGS, JAMES RAYMOND - DEFENDANT: Present					
	WAWERNA, JOHN C. - Attorney for DEFENDANT: Present					
7/31/18	CONDITIONS OF RELEASE DISSOLVED	BML4				
7/31/18	PLEA: CHANGED PLEA TO NOLO CONTENDERE/FOUND GUILTY Charge #1: DOMESTIC BATTERY, 1ST	SDC2				
7/31/18	STIPULATE TO FACTUAL BASIS	SDC2				
7/31/18	SENTENCED: - DOMESTIC BATTERY COUNSELING - 48 HOURS COMMUNITY SERVICE - NO CONTACT WITH LAUREN BRIGGS (EXCEPT AS ALLOWED BY FAMILY COURT) FOR 364 DAYS - STAY AWAY FROM 1567 RUSTY RIDGE LANE FOR 364 DAYS - PERMANENTLY SURRENDER, SELL OR TRANSFER FIREARM(S): SURRENDER FIREARMS TO JOHN C WAWERNA - FINE \$1000+140 ADMIN FEE + 35 DOMESTIC BATTERY ASSESSMENT FEE - 60 DAYS JAIL (2 DAY JTS) - NO FURTHER ARRESTS/ CITATIONS (ANY CRIMINAL CHARGE) FOR 364 DAYS SUSPEND 58 DAYS JAIL AND \$835 IF COMPLIANT VICTIM'S RELATIONSHIP TO DEFENDANT: SPOUSE TIME PAYMENTS OF \$100/MO BEGINNING: 08/28/18 ADMONISHED/SIGNED/WAIVED SUPERVISION EXPIRATION DATE: 07/29/19 *CONDITIONS MAY BE COMPLETE IN WYOMING Charge #1: DOMESTIC BATTERY, 1ST	SDC2				
7/31/18	FINE/FORFEITURE: \$200 + 105 ADMINISTRATIVE ASSESSMENT Charge #1: DOMESTIC BATTERY, 1ST	SDC2	305.00			305.00
7/31/18	DOMESTIC BATTERY ASSESSMENT FEE Charge #1: DOMESTIC BATTERY, 1ST	SDC2	35.00			35.00
7/31/18	TIME PAYMENT SETUP FEE: \$50 Charge #1: DOMESTIC BATTERY, 1ST	SDC2	50.00			50.00

I HEREBY CERTIFY THAT THIS REPORT IS A TRUE COPY OF THE
ORIGINAL ON FILE AT THE HENDERSON MUNICIPAL COURT.

DATE: 09/25/18
COURT CLERK: R4



HENDERSON MUNICIPAL COURT
DOCKET SHEET

D1 STEVENS

BRIGGS, JAMES RAYMOND
18CR004380

DR# 18-07147

		ASSESSED	PAID	CREDIT	BALANCE
7/31/18	SURETY BOND EXONERATED Charge #1: DOMESTIC BATTERY, 1ST	SDC2			
7/31/18	INDIRECT SUPERVISION ORDERED	SDC2			
7/31/18	COUNTER: 10.59.10	SDC2			
7/31/18	EVENT PARTICIPANTS: Court Location: DEPARTMENT 1 Check In: Judge: STEVENS, MARK J Location: DEPARTMENT 1 Staff: BML4 - CLERK: Present ROBERTS, COREY J - DEPUTY CITY ATTORNEY: Present SDS - CLERK: Present Prosecutors: Parties: BRIGGS, JAMES RAYMOND - DEFENDANT: Present WAWERNA, JOHN C. - Attorney for DEFENDANT: Present	SDC2			
9/18/18	FILE AUDIT - PAYMENT WAS DUE: 08/28/18 ENFORCEMENT FEE ASSESSED. ENFORCEMENT NOTICE MAILED Sent on: 09/18/2018 12:54:55.87 Charge #1: DOMESTIC BATTERY, 1ST	DDM2	100.00		100.00
			540.00	50.00	0.00
					490.00

I HEREBY CERTIFY THAT THIS REPORT IS A TRUE COPY OF THE
ORIGINAL ON FILE AT THE HENDERSON MUNICIPAL COURT.

DATE: 09/25/18
COURT CLERK: [Signature]

8. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION**

Hearing pursuant to NAC 289.290 (1) (h) on the revocation of Michael T. Richards, formerly of the Las Vegas Metropolitan Police Department, certificate based on a conviction for two Misdemeanors. The Commission will decide whether to revoke Mr. Richard's Category I Basic Certificate.



EXHIBIT A

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

BRIAN SANDOVAL
Governor

MICHAEL D. SHERLOCK
Executive Director

NOTICE OF INTENT TO REVOKE

December 6, 2018

Michael T. Richards
[REDACTED]

Dear Mr. Richards
POST PIN #: 18351

Based upon documentation received by the Nevada Commission on Peace Officer Standards and Training (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 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 POST certification may be revoked pursuant to NAC 289.290(1) (h) based on convictions for misdemeanors. The conviction(s) which have led to this action are as follows:

Count I: Misdemeanor Domestic Battery, a Misdemeanor, in violation of NRS 200.485 (1) (a); and

Count II: Misdemeanor Domestic Battery, a Misdemeanor, in violation of NRS 200.485 (1) (a);

Case No: 17M27353X

Court No: 128

Jurisdiction: Justice Court, Las Vegas Township, Clark County Regional Justice Center

You are further advised that you have the right to appear before the Commission to contest the revocation of your Nevada POST certification. To exercise your rights, you must within fifteen (15) days from the date of the Certified Mail receipt or personal service receipt, provide written notice to the Commission of your intended action concerning these charges.

Written requests can be made to:

NEVADA COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

5587 Wa Pai Shone Avenue
Carson City, NV 89701

The Commission will determine whether your Nevada POST certification should be revoked at the meeting listed below:

Date: February 5, 2019

Time: 10:00 am

Location: POST, 5587 Wa Pai Shone Ave, Carson City, Nevada.

If you fail to respond, the Commission will proceed in accordance with Nevada Administrative Code Chapter 289.

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.

The hearing will cover the following: NAC 289.290 (1) (h), revocation of a certificate based upon two misdemeanor convictions.

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

If you need additional information concerning this matter, contact POST at (775) 687-7678.

Sincerely,



Michael D. Sherlock, Executive Director
Nevada Commission on Peace Officers Standards and Training

MS/dsj

Cc: Sr. Dep. - Attorney General Michael Jensen
File

Sec. 2. NAC 289.290 is hereby amended to read as follows:

289.290 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) Conviction of a misdemeanor. If the employing agency recommends suspension or revocation following 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.

2. Denial, suspension or revocation procedures will not be considered by the Commission in cases where the employment of an officer is terminated for violations of the policies, general orders or

similar guidelines of operation of the employing agency which do not constitute any of the causes for denial, suspension or revocation specified in subsection 1.

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

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

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

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

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

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

⇒ 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.

EXHIBIT B

OFFICE OF THE SHERIFF CLARK COUNTY DETENTION CIVIL PROCESS SECTION

STATE OF NEVADA P.O.S.T.)	
)	
PLAINTIFF)	CASE No. 17M27353X
)	SHERIFF CIVIL NO.: 18008691
Vs)	
MICHAEL T RICHARDS)	
)	
DEFENDANT)	<u>AFFIDAVIT OF SERVICE</u>

STATE OF NEVADA }
 } ss:
COUNTY OF CLARK }

ENRIQUE STIEGELMEYER, 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 **12/7/2018**, at the hour of **8:28 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 **MICHAEL T RICHARDS** named therein, by delivering to and leaving with said defendant **MICHAEL T RICHARDS**, personally, at [REDACTED] within the County of Clark, State of Nevada, copy/copies of **NOTICE OF INTENT TO REVOKE**.

NOTES:

ATTEMPTS TO LOCATE:

Date: 12/6/2018 @ 1:45 PM - [REDACTED]

Attempted By: ALAN GHASSERANI

Service Type: NO RESPONSE. LEFT NOTICE CARD.

Notes: N/C NOTICE LEFT ON FRONT SECURITY DOOR.

Date: 12/6/2018 @ 2:30 PM - NO ADDRESS LAS VEGAS, NV

Attempted By: ALAN GHASSERANI

Service Type: INFORMATION

Notes: MICHAEL CALLED AND SAID HE WOULD BE AVAILABLE AFTER 1100 HRS ON FRIDAY 12-7-18.

Date: 12/7/2018 @ 8:28 AM - [REDACTED]

Attempted By: ENRIQUE STIEGELMEYER

Service Type: SERVED - PLACE OF RESIDENCE

Notes: SERVED TO THE DEF. IN FRONT OF THE DOORWAY.

DATED: December 11, 2018.

SERVICE FEES - N/C - FEES WAIVED

Joseph M. Lombardo, Sheriff

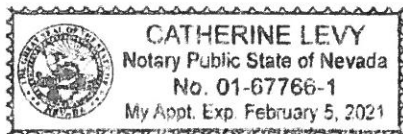
SUBSCRIBED AND SWORN to me before me this
11th day of December
2018.

[Signature]

NOTARY PUBLIC in and for said County & State

By: *[Signature]* 98594
ENRIQUE STIEGELMEYER
Deputy Sheriff

By: *[Signature]* 9570
ALAN GHASSERANI
Deputy Sheriff



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

EXHIBIT C

Post ID Number: 18351

Last Name: Richards

First Name: Michael

MI: T

Suffix:

☐ **Name Change?**

Last Name: Richards

First Name: Michael

M I: T

Suffix:

☒ **Address Change?**

Street Address:

City:

State:

Zip Code:

County: Clark

E-Mail:

Level Change? ☐ Line ☐ Supervisor ☐ Management ☐ Executive
 ☐ Part Time ☐ Full Time

Status Change? ☐ Deceased ☒ Retired ☐ Separated

NAC289.290 Notification (Cause For Commission Action)

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

Does the above NAC apply? ☐ No ☒ Yes

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

Comments\Additional Information:

Voluntary Retirement - Standards of Conduct / Pending Battery Domestic Violence Case

Effective Date: 04/05/2018

Submitters Name: Theresa Chambers

Submitters Phone: (702) 828-3989

Submitters E-Mail:

t16418c@lvmpd.com

STATE OF NEVADA

PEACE OFFICER'S STANDARDS AND TRAINING COMMITTEE

Hereby Awards the

Basic Certificate

To

MICHAEL T. RICHARDS

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

TRAINING CATEGORY I LYPMPD ACADEMY 2/91 648 HRS

B. H. Miller
Governor

John P. Wellen
Director, Department of
Motor Vehicles and Public Safety

Presented this 17 day of January, 19 93

EXHIBIT E

JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA

FILED

THE STATE OF NEVADA,

Plaintiff,

-vs-

MICHAEL T. RICHARDS, aka,
Michael Terry Richards #1017345,

Defendant.

2017 DEC -8 A 9:55

JUSTICE COURT
LAS VEGAS NEVADA

BY

DEPUTY

CASE NO: 17M27353X

DEPT NO: 10

CRIMINAL COMPLAINT

The Defendant above named having committed the crimes of BATTERY
CONSTITUTING DOMESTIC VIOLENCE (Misdemeanor - NRS 200.485(1)(A),
200.481(1)(A), 33.018 - NOC 50235), in the manner following, to-wit: That the said
Defendant, on or about the 15th day of October, 2017, at and within the County of Clark, State
of Nevada,

COUNT 1

did willfully and unlawfully use force or violence against or upon the person of his
spouse, former spouse, any other person to whom he is related by blood or marriage, a person
with whom he is or was actually residing, a person with whom he has had or is having a dating
relationship, a person whom he has a child in common, the minor child of any of those persons
or his minor child, to wit: [REDACTED] by grabbing the said [REDACTED] by
the neck and/or slamming and/or throwing her to the ground.

COUNT 2

did willfully and unlawfully use force or violence against or upon the person of his
spouse, former spouse, any other person to whom he is related by blood or marriage, a person
with whom he is or was actually residing, a person with whom he has had or is having a dating
relationship, a person whom he has a child in common, the minor child of any of those persons
or his minor child, to wit: [REDACTED] by grabbing the said [REDACTED]
by the neck.

///

17M27353X
CRM
Criminal Complaint
8822474



W:\2017\2017M27353\17M27353-COMP-001.DOCX

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. Said Complainant makes
3 this declaration subject to the penalty of perjury.
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24 CERTIFIED COPY

25 The document to which this certificate is
26 attached is a full, true and correct copy of the
original on file and of record in Justice Court of
Las Vegas Township, in and for the County of
Clark, State of Nevada.

27 By: [Signature] Deputy

28 Date: 7/4/2018

17M27353X/ew
LVMPD EV# 1710161618
(TK1)

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Justice Court, Las Vegas Township
Clark County, Nevada

Department: 10

Court Minutes



L008836039

17M27353X **State of Nevada vs. RICHARDS, MICHAEL T**

12/12/2017 7:30:00 AM **Arrest Warrant Request**

Result: Arrest Warrant Issued

**PARTIES
PRESENT:**

Judge: Tobiasson, Melanie A.

Court Clerk: Carrera, Socorro

PROCEEDINGS

Events: **Probable Cause Found**

Request for Arrest Warrant Filed

Review Date: 12/14/2017

Granted.

Arrest Warrant Ordered to be Issued

\$6,000/ \$6,000 Total Bail

Justice Court, Las Vegas Township
Clark County, Nevada

Department: 10

Court Minutes



L008857478

17M27353X State of Nevada vs. RICHARDS, MICHAEL T

Lead Atty: Roger Bailey

12/18/2017 8:30:00 AM Arraignment (Cash
Bond)

Result: Matter Heard

PARTIES
PRESENT: State Of Nevada Lutzach, Lisa
Attorney Bailey, Roger

Judge: Tobiasson, Melanie A.
Court Reporter: McCord, Donna
Court Clerk: Carrera, Socorro
DA Clerk: Mendoza, Carey

PROCEEDINGS

Attorneys:	Bailey, Roger	RICHARDS, MICHAEL TERRY	Added
Hearings:	2/15/2018 10:00:00 AM Bench Trial		Added
Events:	Arraignment Completed <i>Defense Advised of Charges on Criminal Complaint. Waives Reading of Criminal Complaint.</i> Counsel Confirms as Attorney of Record <i>R. Bailey, Esq.</i> Comment <i>Trial date set at State's request.</i>		

Justice Court, Las Vegas Township
Clark County, Nevada

Department: 10

Court Minutes



L009074512

17M27353X **State of Nevada vs. RICHARDS, MICHAEL T**

Lead Atty: Roger Bailey

2/15/2018 10:00:00 AM Bench Trial (Cash Bail)

Result: Matter Heard

PARTIES	State Of Nevada	Sudano, Michelle
PRESENT:	Attorney	Bailey, Roger
	Defendant	RICHARDS, MICHAEL T

Judge: Tobiasson, Melanie A.

Court Reporter: Grime, Joanie

Court Clerk: Carrera, Socorro

PROCEEDINGS

Hearings: 4/19/2018 10:00:00 AM: Bench Trial Added

3/29/2018 8:30:00 AM: Order to Show Cause Added

Events: **Motion to Continue - State**

No opposition by Defense - Motion Granted.

Order to Show Cause

Filed in open court as to Torie Dressler.

Justice Court, Las Vegas Township
Clark County, Nevada

Department: 10

Court Minutes



L009237790

17M27353X State of Nevada vs. RICHARDS, MICHAEL T

Lead Atty: Roger Bailey

3/29/2018 8:30:00 AM Order to Show Cause
(Cash Bond)

Result: Matter Continued

PARTIES PRESENT: State Of Nevada Sudano, Michelle

Judge: Tobiasson, Melanie A.

Court Reporter: Grime, Joanie

Court Clerk: Veloz, Edward

DA Clerk: Mendoza, Carey

PROCEEDINGS

Hearings: 4/5/2018 8:30:00 AM: Order to Show Cause Added

Events: Order to Show Cause

Order to Show Cause hearing continued to 4/5/2018.

Subsequent Order to Show Cause signed and filed in open court as to Torie Dressus.

Future Court Date Stands

4/19/2018 at 10 AM.

Justice Court, Las Vegas Township
Clark County, Nevada

Department: 10

Court Minutes



L009259350

17M27353X **State of Nevada vs. RICHARDS, MICHAEL T**

Lead Atty: Roger Bailey

**4/5/2018 8:30:00 AM Order to Show Cause (Cash
Bond)**

Result: Matter Heard

PARTIES State Of Nevada Sudano, Michelle
PRESENT:

Judge: Tobiasson, Melanie A.

Court Reporter: McCord, Donna

Court Clerk: Carrera, Socorro

DA Clerk: Mendoza, Carey

PROCEEDINGS

Events: **Order to Show Cause**

Torie Dressus present in the courtroom- Admonished to appear for trial.

Future Court Date Stands

4/19/2018 at 10am (Trial)

**Justice Court, Las Vegas Township
Clark County, Nevada**

Department: 10

Court Minutes



L009325560

17M27353X State of Nevada vs. RICHARDS, MICHAEL T

Lead Atty: Roger Bailey

4/19/2018 10:00:00 AM Bench Trial (Cash Bond)

Result: Matter Continued

PARTIES State Of Nevada Luzaich, Lisa
PRESENT: Attorney Bailey, Roger

Judge: Tobiasson, Melanie A.

Court Reporter: Tavaglione, Dana

Court Clerk: Carrera, Socorro

PROCEEDINGS

Hearings: 5/31/2018 10:00:00 AM: Bench Trial

Added

Events: Continued by Stipulation of Counsel

Bench Trial Date Reset

Justice Court, Las Vegas Township
Clark County, Nevada

EXHIBIT F

Department: 08

Court Minutes



L009499446

17M27353X State of Nevada vs. RICHARDS, MICHAEL T

Lead Atty: Roger Bailey

5/31/2018 9:30:00 AM Bench Trial (Cash Bond)

Result: Matter Heard

PARTIES PRESENT:
State Of Nevada
Attorney
Defendant
Schwartz, Bryan
Bailey, Roger
RICHARDS, MICHAEL T

Judge: Zimmerman, Ann E.

Court Reporter: Broka, Christa

Court Clerk: Montrone, Lauren

PROCEEDINGS

Exhibits: Document, Photograph, Etc. (ID: 1) Admitted

Hearings: 6/28/2018 8:00:00 AM: Status Check Added

Events: Oral Motion by State to Amend Complaint by Interlineation

page 1, line 26 to reflect correct spelling of "Brycen Dressler" - Granted

Bench Trial Held

Motion to Exclude Witnesses by Defense - Motion Granted

States Witnesses:

1. Brycen Dressler - Witness Identified Defendant

2. Torie Dressler - Witness Identified Defendant

3. Ronald Dressler - Witness Identified Defendant

State Rests.

Defendant Advised of His Statutory Right to Make a Statement Defendant Waives the Right to a Sworn or Unsworn Statement

Defense Rests

Motion to Dismiss and Argument In Favor of Said Motion by Defense - Argument Against Said Motion by State - Denied

Thereupon the Court Found the Defendant Guilty

Judgment Entered

Cash Bond Ordered Exonerated

Amount: \$6,000.00

Review Date: 6/11/2018

Justice Court Community Service Program Referral

Provided to defendant in open Court.

Status Check

4 counseling classes to be completed by the next court date

Plea/Disp: 001: Dom battery, (1st) [50235]

Disposition: Guilty as Charged

Sentence: Misdemeanor Sentence

Suspended Jail Sentence 5/31/2018 -
30 days per count concurrent

Active (5/31/2018)

Stay Out of Trouble 5/31/2018 -

Active (5/31/2018)

Domestic Violence Counseling (6 Months) 5/31/2018 -

Active (5/31/2018)

Las Vegas Justice Court: Department 08

LVJC_RW_Criminal_MinuteOrderByEventCode

6/1/2018 6:52 AM

**Justice Court, Las Vegas Township
Clark County, Nevada**

Community Service Mandatory Hours 5/31/2018 - Active (5/31/2018)
DV1

48 hours

Community Service - DV1 5/31/2018 - Active (5/31/2018)

Defendant may do 35 hours of community service in lieu of \$345 fine

Defendant Sentenced to 2 Days Jail 5/31/2018 - Satisfied (6/1/2018)

with 2 Days Credit for Time Served

Comment: Requirements to run concurrent per count

Imposed Fees

AA Fees \$105.00

County Fine-Criminal \$205.00

Domestic Violence AA Fee \$35.00

Fee Totals: \$345.00

002: Dom battery, (1st) [50235]

Disposition: Guilty as Charged

Sentence: Misdemeanor Sentence

Suspended Jail Sentence 5/31/2018 - Active (5/31/2018)

30 days per count concurrent

Stay Out of Trouble 5/31/2018 - Active (5/31/2018)

Domestic Violence Counseling (6 5/31/2018 - Active (5/31/2018)
Months)

or family counseling between Defendant and wife

Community Service Mandatory Hours 5/31/2018 - Active (5/31/2018)
DV1

48 hours

Community Service - DV1 5/31/2018 - Active (5/31/2018)

Defendant may do 35 hours of community service in lieu of \$345 fine

Defendant Sentenced to 2 Days Jail 5/31/2018 - Active (5/31/2018)

with 2 Days Credit for Time Served

Imposed Fees

AA Fees \$105.00

County Fine-Criminal \$205.00

Domestic Violence AA Fee \$35.00

Fee Totals: \$345.00

Justice Court, Las Vegas Township
Clark County, Nevada

Department: 08

Court Minutes



L009617826

17M27353X State of Nevada vs. RICHARDS, MICHAEL T

Lead Atty: Roger Bailey

6/28/2018 8:00:00 AM Status Check (No bail posted)

Result: Matter Heard

PARTIES PRESENT: State Of Nevada Attorney Trippiedi, Hagar Bailey, Roger

Judge: Zimmerman, Ann E.

Court Reporter: Broka, Christa

Court Clerk: Montrone, Lauren

PROCEEDINGS

Hearings: 7/12/2018 8:00:00 AM: Status Check

Added

Events: Counseling Report

from Kayenta Therapy Centers

Status Check on Requirements

Letter from Kayenta therapy Center stating how many session Defendant has attended

Justice Court, Las Vegas Township
Clark County, Nevada

Department: 08

Court Minutes



L009670396

17M27353X **State of Nevada vs. RICHARDS, MICHAEL T**

Lead Atty: Roger Bailey

7/12/2018 8:00:00 AM Status Check (No bail posted)

Result: Matter Heard

PARTIES PRESENT: State Of Nevada Luzaich, Lisa
 Attorney Bailey, Roger

Judge: Zimmerman, Ann E.

Court Reporter: Broka, Christa

Court Clerk: Montrone, Lauren

PROCEEDINGS

Hearings: 9/13/2018 8:00:00 AM: Status Check

Added

Events: **Status Check on Requirements**

Defendant to attend counseling every week and have a good amount of community service hours completed by the next court date

Justice Court Community Service Program Referral

Provided to defendant in open Court.

CERTIFIED COPY

The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in Justice Court of Las Vegas Township, in and for the County of Clark, State of Nevada.

By: [Signature] Deputy
Date: 7/17/2018

EXHIBIT G

C5082421
J5082421-REPORT 2A

PAGE: 69
06/04/2018

JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY REGIONAL JUSTICE CENTER
200 LEWIS AVENUE
LAS VEGAS, NEVADA 89101
COURT 128
DISPOSITION NOTICE AND JUDGMENT

CASE NUMBER - 17M27353X

STATE VS: RICHARDS, MICHAEL TERRY

ID #: 01017345

AKA: RICHARDS, MICHAEL T

DR NUMBER: 1700190249

WARRANT DATE: 11/02/2017

ARRESTED BY: NO ARRESTING OFFICER

ARREST DATE: 12/14/2017

SUBMITTED BY: JOHNSON, JOHN M

SUBMIT DATE: 11/02/2017

PROSECUTOR: BRYAN SCHWARTZ

DISPO DATE: 05/31/2018

001 CHARGE: 200.485.1A M DOM BATTERY, (1ST)
DISPOSITION: ---GUILTY--- M DOM BATTERY, (1ST)

SENTENCED: 05/31/2018

FINED: \$ 345 EXCUSED: \$ 0
JAIL TIME: MOS DAYS 2 HRS CONS/CONC: NOT APPLIC
CTS : MOS DAYS 002 HRS
COMM SERV: DAYS HRS 48 MIN
RESTITUTION: \$ 0 CONTRIBUTION: \$ 0 DRUG FEE: \$ 0
EDUCATION: DOMESTIC VIOLENCE COUNSELING

NONE

STAY OUT OF TROUBLE; DOMESTIC VIOLENCE COUNSELING,
6 MONTHS; 35 HOURS COMM/SERV IN LIEU OF \$345
FINE; REQUIREMENTS TO RUN CONCURRENT PER COUNT

CITATION: 171016001618 PCN: 0030329932 SEQ: 001

002 CHARGE: 200.485.1A M DOM BATTERY, (1ST)
DISPOSITION: ---GUILTY--- M DOM BATTERY, (1ST)

SENTENCED: 05/31/2018

FINED: \$ 345 EXCUSED: \$ 0
JAIL TIME: MOS DAYS 2 HRS CONS/CONC: NOT APPLIC
CTS : MOS DAYS 002 HRS
COMM SERV: DAYS HRS 48 MIN
RESTITUTION: \$ 0 CONTRIBUTION: \$ 0 DRUG FEE: \$ 0
EDUCATION: DOMESTIC VIOLENCE COUNSELING

NONE

STAY OUT OF TROUBLE; DOMESTIC VIOLENCE COUNSELING,
6 MONTHS; 35 HOURS COMM/SERV IN LIEU OF \$345 FINE

CITATION: 17710161618 PCN: 0030329932 SEQ: 002

C5082421
J5082421-REPORT 2A

PAGE: 70
06/04/2018

JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY REGIONAL JUSTICE CENTER
200 LEWIS AVENUE
LAS VEGAS, NEVADA 89101
COURT 128
DISPOSITION NOTICE AND JUDGMENT

CASE NUMBER - 17M27353X

STATE VS: RICHARDS, MICHAEL TERRY

ID #: 01017345

AKA: RICHARDS, MICHAEL T

DR NUMBER: 1700190249

WARRANT DATE: 11/02/2017

ARRESTED BY: NO ARRESTING OFFICER

ARREST DATE: 12/14/2017

SUBMITTED BY: JOHNSON, JOHN M

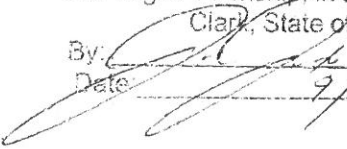
SUBMIT DATE: 11/02/2017

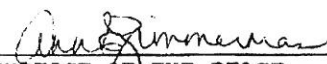
PROSECUTOR: BRYAN SCHWARTZ

DISPO DATE: 05/31/2018

CERTIFIED COPY

The document to which this certificate is
attached is a full, true and correct copy of the
original on file and of record in Justice Court of
Las Vegas Township, in and for the County of
Clark, State of Nevada.

By:  Deputy
Date: 7/7/2018


JUSTICE OF THE PEACE - DEPT. 08

9. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION**

Hearing pursuant to NAC 289.290 (1) (g) on the revocation of Jeffery G. Grasso, formerly of the Boulder City Police Department, suspended certification based on a conviction for a felony. The Commission previously suspended the Certificate based upon a criminal indictment for filing of a criminal complaint and now will decide whether to revoke Mr. Grasso's Category I Basic Certificate.

EXHIBIT A



STATE OF NEVADA
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

5587 WA Pay Shone Avenue
Carson City, Nevada 89701
(775) 687-7678 FAX (775) 687-4911

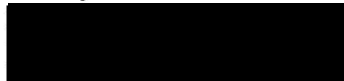
BRIAN SANDOVAL
Governor

MICHAEL D. SHERLOCK
Executive Director

NOTICE OF INTENT TO REVOKE

December 12, 2018

Jeffrey Grasso



Dear Mr. Grasso:
PIN #: 19672

Based upon documentation received by the Nevada Commission on Peace Officer Standards 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's Certificate 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 POST certification may be suspended pursuant to NAC 289.290(1) (g) upon criminal indictment or filing of a criminal complaint. Your Basic Certificate was suspended pursuant to this regulation on February 22, 2018. The Commission's regulations also provide that upon conviction for a felony the certification will be revoked. The criminal conviction(s) which have led to this action are as follows:

Case No.: **C18-329127-1**

Dept No. **28**

Jurisdiction: **Eighth Judicial District Court, Clark County, Las Vegas, Nevada**

Count 1: EXPLOITATION OF A VULNERABLE PERSON, NRS 200.5092, NRS 200.5099, a FELONY

You are further advised that you have the right to appear before the POST Commission to contest the revocation of your Nevada POST certification. To exercise your rights, you must within fifteen (15) days from the date of the Certified Mail receipt or personal delivery, provide written notice to the POST Commission of your intended action concerning these charges.

Written requests can be made to:

NEVADA COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

**5587 Wa Pai Shone Avenue
Carson City, NV 89701**

The POST Commission will determine whether your Nevada POST certification should be revoked at the meeting listed below:

Date: February 5, 2019

Time: 10:00 am

Location: Nevada Commission on Peace Officer Standards and Training, 5587 Wa Pai Shone Avenue, Carson City, Nevada.

If you fail to respond, the Commission will proceed in accordance with Nevada Administrative Code Chapter 289.

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.

The hearing will cover the following: Whether your Nevada POST Basic Certification(s) should be revoked, pursuant to NAC 289.290(1)(g), for a felony conviction.

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

If you need additional information concerning this matter, contact P.O.S.T. at (775) 687-7678.

Sincerely,



Donald S. Johnston, Division Chief
Peace Officer Standards and Training

DJ/dsj

Cc: Sr. Dep. Attorney General Michael Jensen
File
Troy Tannner – Commission Chairman

Sec. 2. NAC 289.290 is hereby amended to read as follows:

289.290 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) Conviction of a misdemeanor. If the employing agency recommends suspension or revocation following 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.

2. Denial, suspension or revocation procedures will not be considered by the Commission in cases where the employment of an officer is terminated for violations of the policies, general orders or

similar guidelines of operation of the employing agency which do not constitute any of the causes for denial, suspension or revocation specified in subsection 1.

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

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

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

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

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

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

➔ 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.



EXHIBIT B

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

BRIAN SANDOVAL
Governor

MICHAEL D. SHERLOCK
Executive Director

DECLARATION OF SERVICE

I, STEVE KILBORE, served the foregoing **Notice of Intent to Revoke** the POST basic certificate, which was issued pursuant to NRS 241.033 and NAC 289.290 which may include matters related to character, alleged misconduct, professional competence, physical or mental health, by personally serving:

BRIDGET ROMERO (SECT.)

Individual's Name: JEFFERY GRASSO / ATTY BRIAN SMITH

at 520 S. 4TH ST. #340, LAS VEGAS, NV 89101 on this
(location)

12 day of DECEMBER, 2018 (w 12:45 PM)
Day Month Year

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

Executed on this 12 day of DEC, 2018.
Day Month Year

Signature of person serving the Notice

STEVE KILBORE, DEPUTY CHIEF
Printed name of person serving the Notice

BOULDER
CONSTABLE

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

Post ID Number: 19672

Last Name: Grasso

First Name: Jeffrey

MI: G Suffix:

☐ **Name Change?**

Last Name: Grasso

First Name: Jeffrey

MI: G Suffix:

☐ **Address Change?**

Street Address:

City: State: Zip Code:

County: Clark E-Mail:

Level Change? ☐ Line ☐ Supervisor ☐ Management ☐ Executive
 ☐ Part Time ☐ Full Time

Status Change? ☐ Deceased ☒ Retired ☐ Separated

NAC289.290 Notification (Cause For Commission Action)

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

Does the above NAC apply? ☐ No ☒ Yes

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

Comments\Additional Information:

Mr. Grasso was granted a medical retirement on March 15, 2018. He submitted his resignation effective March 19, 2018. With regards to the NAC289.290, the Commission has all of the related relevant paperwork.

Effective Date: 03/19/2018

Submitters E-Mail: tshea@bcnv.org

Submitters Name: Timothy J. Shea

Submitters Phone: (702) 293-9267

STATE OF NEVADA

COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING

Hereby Awards the

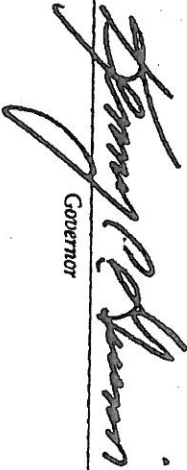
Basic Certificate

TO
JEFFREY G. GRASSO

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

CATEGORY I IN-LIEU EQUIVALENCY - FLORIDA

Governor



Presented this 21st day of

April

2004

Executive Director Commission on Peace Officers'
Standards and Training



EXHIBIT E

Commission on Peace Officer Standards and Training
5587 Wa Pai Shone Avenue
Carson City, NV 89701

In the matter of the P.O.S.T. certificate of:

JEFFREY G. GRASSO

ORDER OF SUSPENSION

On February 22, 2018, the Commission on Peace Officer Standards and Training (hereafter "P.O.S.T.") held a hearing to review the evidence in the matter of the suspension of Petitioner Jeffrey G. Grasso's P.O.S.T. Category I Basic Certificate.

On or about January 31, 2018, Jeffrey G. Grasso was personally served with notice that the P.O.S.T. Commission intended to suspend his P.O.S.T. basic certificate(s) based on the filing of a Criminal Indictment charging him with the following:

Two counts of Exploitation of a Vulnerable Person, in violation of NRS 200.5092 and NRS 200.5099, a Category B Felony;

One count of Theft, in violation of NRS 205.0832, NRS 205.0835.3, a Category C Felony;

One count of Theft, in violation of NRS 205.0832, NRS 205.0835.4, a Category B Felony;

Five counts of Forgery, in violation of NRS 205.090, a Category D Felony;

Four counts of Burglary, in violation of NRS 205.060, a Category C Felony;

One count of offering False Instrument For Filing or Record, in violation of NRS 239.330, a Category C Felony.

The notice informed Mr. Grasso he had a right to appear before the P.O.S.T. Commission to answer the charges through presentation of evidence and cross-examination of any witnesses presented against him. Additionally, Mr. Grasso was informed that he would have to request a hearing within fifteen (15) days of receipt of the notice. Mr. Grasso failed to request a hearing,

1 and he did not appear at the P.O.S.T. Commission Meeting held on February 22, 2018 in
2 Mesquite, Nevada.

3 FINDINGS OF FACT

4 On or about January 11, 2018, a Criminal Indictment was filed in District Court, Dept
5 XXIII, in Clark County, Nevada Case No. C-18-329127-1, charging Jeffrey G. Grasso with
6 Two counts of Exploitation of a Vulnerable Person, in violation of NRS 200.5092 and NRS
7 200.5099, a Category B Felony; One count of Theft, in violation of NRS 205.0832, NRS
8 205.0835.3, a Category C Felony; One count of Theft, in violation of NRS 205.0832, NRS
9 205.0835.4, a Category B Felony; Five counts of Forgery, in violation of NRS 205.090, a
10 Category D Felony; Four counts of Burglary, in violation of NRS 205.060, a Category C Felony;
11 One count of Offering False Instrument for Filing or Record, in violation of NRS 239.330, A
12 Category C Felony.

13 The indictment alleges that Mr. Grasso did commit the offense(s) which are felonies
14 under the NRS.

15 During the relevant time period, Mr. Grasso was employed as a peace officer by the
16 Boulder City Police Department. Mr. Grasso was placed on Administrative Leave and ordered
17 to surrender all department issued uniform, identification, badges from employment and directed
18 not engage or attempt to engage in any law enforcement actions. On January 11, 2018. Mr.
19 Grasso held a P.O.S.T. Category I Basic Certificate during the relevant time period.

20 CONCLUSIONS OF LAW

21 NRS 289.150 provides that the P.O.S.T. Commission shall adopt regulations establishing
22 the minimum standards for the certification and de-certification, recruitment, selection and
23 training of peace officers. Pursuant to that statute, the P.O.S.T. Commission adopted regulations
24 providing for the revocation of a peace Officer certification under certain circumstances. Nevada
25 Administrative Code (NAC) 289.290(1) reads in relevant part as follows:

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

28 ...

(e) Conviction of a gross misdemeanor. Upon criminal indictment or filing of a
criminal complaint, suspension may be imposed.

-
- (g) Conviction of a felony. Upon criminal indictment or filing of a criminal complaint, suspension may be imposed. Upon conviction, the certificate will be revoked.
-

Additionally, NAC 289.290(4) and (5) read as follows:

4. The Commission will notify the officer by certified mail at the Officer last known address of any pending revocation or suspension action and of the nature of the charges and the Officer right to appear and answer the charges. The officer shall, within 15 days after the date of the certified mail receipt, respond in writing, notifying the Commission of his intended action with reference to the charges.
5. If the officer fails to notify the Commission within the specified time of his 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. The Commission's decision will be determined by the majority vote of the members of the Commission present.

The substantial evidence presented to the Commission proves on or about January 11, 2018, a Criminal Indictment was filed in the District Court, Dept XXIII, in Clark County, Nevada Case No. C-18-329127-1, charging Jeffrey G. Grasso with two counts of Exploitation of a Vulnerable Person, in violation of NRS 200.5092 and NRS 200.5099, a Category B Felony; one count of Theft, in violation of NRS 205.0832, NRS 205.0835.3, a Category C Felony; one count of Theft, in violation of NRS 205.0832, NRS 205.0835.4, a Category B Felony; five counts of Forgery, in violation of NRS 205.090, a Category D Felony; four counts of Burglary, in violation of NRS 205.060, a Category C Felony and one count of Offering False Instrument for Filing or Record, in violation of NRS 239.330, A Category C Felony.

During the relevant time period, Mr. Grasso was employed as a peace officer with the Boulder City Police Department. Mr. Grasso held a P.O.S.T. Category I Basic Certificate during the relevant time period. Mr. Grasso was properly noticed of the Commission's intent to suspend his P.O.S.T. certificate based on the filing of the above-referenced Criminal Indictment.

1 Mr. Grasso failed to respond to the notice within fifteen (15) days, and he failed to appear at the
2 Commission's meeting on February 22, 2018.

3 **DECISION**

4 At the hearing held on February 22, 2018, the P.O.S.T. Commission received evidence
5 supporting the suspension of Mr. Grasso's P.O.S.T. Category I Basic Certificate. At the hearing,
6 the P.O.S.T. Commission voted to suspend Jeffrey G. Grassos' Category I Basic Certificate
7 pending the conclusion of his criminal case. Accordingly, based upon the substantial evidence
8 presented at the hearing, the P.O.S.T. Commission hereby suspends Jeffrey G. Grassos' Category
9 I Basic Certificate as of the date of this Order pending the conclusion of his criminal case. At
10 that time, the P.O.S.T. Commission will determine what, if any, action should be taken with
11 regard to Mr. Grasso's P.O.S.T. Certificate(s).

12 This Order of Suspension is entered pursuant to NRS 233B.121, NRS 233B.125, NRS
13 289.510, and NAC 289.290, and may be appealed within thirty (30) days of service on the
14 adverse party as provided in NRS 233B.130.

15 Dated this 22nd day of February, 2018.


16 
17 RON PIERINI, CHAIRPERSON
18 NEVADA POST COMMISSION
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EXHIBIT F

1 IND
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 KAREN MISHLER
6 Deputy District Attorney
7 Nevada Bar #13730
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

CASE NO: C-18-329127-1

11 -vs-

DEPT NO: XXVIII

12 JEFFREY GRASSO,
13 #7053903

14 Defendant.

AMENDED INDICTMENT

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


17 The Defendant above named, JEFFREY GRASSO, accused by the Clark County Grand
18 Jury of the crime(s) of EXPLOITATION OF A VULNERABLE PERSON (Category B
19 Felony - NRS 200.5092, 200.5099 - NOC 55984), committed at and within the County of
20 Clark, State of Nevada, on or between January 2, 2014 to February 16, 2016, as follows: did
21 willfully, unlawfully and feloniously exploit a vulnerable person, to wit: [REDACTED]
22 who is wheelchair bound and suffers from traumatic brain injury, by defendant, having the
23 trust or confidence of [REDACTED] or by use of a power of attorney or guardianship,
24 obtain control, through deception, intimidation or undue influence, over [REDACTED]
25 [REDACTED] money, assets or property and/or by converting [REDACTED] money,
26 assets or property, defendant intending to permanently deprive [REDACTED] of the
27 ownership, use, benefit or possession of his money, assets or property having a value of more
28 than ~~\$5,000.00~~ ^{650.00} by taking money that was donated to [REDACTED] for his medical

1 needs and related costs, through deception and/or conversion by withdrawing money totaling
2 \$1,491.00 by submitting forged invoices alleged to be from the Hyperbaric Institute of Nevada
3 representing that [REDACTED] received four (4) hyperbaric treatments costing
4 \$1,491.00 and withdrawing \$1,491.00 from the [REDACTED] CHOICE FOUNDATION
5 account at Boulder Dam Credit Union ending in #008 when the account was supposed to
6 reimburse for actual expenses and/or submitting a forged letter from the Hyperbaric Institute
7 of Nevada representing [REDACTED] received 23 hyperbaric treatments costing
8 \$8,745.00 to the court for reimbursement from a fund established from the proceeds of a
9 lawsuit for [REDACTED] for expenses paid, when the true expenses had already been
10 reimbursed by withdrawals from Boulder Dam Credit Union Account ending in #008 titled
11 [REDACTED] CHOICE FOUNDATION.

12 DATED this 3rd day of July, 2018.

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

15
16 BY


17 KAREN MISHLER
18 Deputy District Attorney
19 Nevada Bar #13730
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OCT -3 2018

CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE DOCUMENT ON FILE

Names of Witnesses and testifying before the Grand Jury:

DEMBO, JON – C/O CCDA, 200 LEWIS AVE, LV NV

FENTON, LYNEL – BOULDER DAM CREDIT UNION EMPLOYEE

[REDACTED] LV NV

[REDACTED], LV NV

HAER, MARK – GUARDIANSHIP ATTORNEY FOR GIULIAN GRASSO

LELLES, CAROL – WELLS FARGO

ROCKWELL, GLEN – HPD

Additional Witnesses known to the District Attorney at time of filing the Indictment:

17BGJ041X/zm-EAU

ORIGINAL

EXHIBIT G

1 GPA
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 KAREN MISHLER
6 Deputy District Attorney
7 Nevada Bar #13730
8 200 Lewis Avenue
9 Las Vegas, NV 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

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

JUL 18 2018

BY *April Watkins*
APRIL WATKINS, DEPUTY

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

12 JEFFREY GRASSO,
13 #7053903

14 Defendant.

CASE NO: C-18-329127-1

DEPT NO: XXVIII

15 GUILTY PLEA AGREEMENT

16 I hereby agree to plead guilty to: **EXPLOITATION OF A VULNERABLE PERSON**
17 **(Category B Felony - NRS 200.5092, 200.5099 - NOC 55984)**, as more fully alleged in the
18 charging document attached hereto as Exhibit "1".

19 I further agree to plead guilty to **INTIMIDATING PUBLIC OFFICER (Gross**
20 **Misdemeanor - NRS 199.300 - NOC 52995)** in case C333123.

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

23 The State retains the right to argue at Rendition of Sentence. The Defendant agrees to
24 pay full restitution of \$29,421.42 to Giulian Grasso; if restitution is paid in full by Rendition
25 of Sentence, the parties will stipulate to jointly recommend probation with mental health court
26 as a condition. The Defendant agrees not to seek custody or guardianship of Giulian Grasso.
27 The State agrees not to file additional charges against defendant for theft-related offenses
28 against Giulian Grasso, for the time period of April 20, 2012 to May 31, 2016.

C-18-329127-1
GPA
Guilty Plea Agreement
4764066



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

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

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

15 CONSEQUENCES OF THE PLEA

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

18 I understand that as a consequence of my plea of guilty the Court must sentence me to
19 imprisonment in the Nevada Department of Corrections for a minimum term of not less than
20 two (2) years and a maximum term of not more than ten (10) years. The minimum term of
21 imprisonment may not exceed forty percent (40%) of the maximum term of imprisonment. I
22 understand that I may also be fined up to \$10,000.00. I understand that the law requires me to
23 pay an Administrative Assessment Fee.

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

28 I understand that I am eligible for probation for the offense to which I am pleading

1 guilty. I understand that, except as otherwise provided by statute, the question of whether I
2 receive probation is in the discretion of the sentencing judge.

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

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

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

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

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

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

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

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

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

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

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

11 WAIVER OF RIGHTS

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

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

28 VOLUNTARINESS OF PLEA

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

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

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

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

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

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

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

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

19 DATED this 18 day of July, 2018.

20
21 
22 JEFFREY GRASSO
Defendant

23 AGREED TO BY:

24
25 
26 KAREN MISHLER
27 Deputy District Attorney
28 Nevada Bar #13730

1 CERTIFICATE OF COUNSEL:

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

- 4 1. I have fully explained to the Defendant the allegations contained in the
5 charge(s) to which guilty pleas are being entered.
6 2. I have advised the Defendant of the penalties for each charge and the restitution
7 that the Defendant may be ordered to pay.
8 3. I have inquired of Defendant facts concerning Defendant's immigration status
9 and explained to Defendant that if Defendant is not a United States citizen any
10 criminal conviction will most likely result in serious negative immigration
11 consequences including but not limited to:
12 a. The removal from the United States through deportation;
13 b. An inability to reenter the United States;
14 c. The inability to gain United States citizenship or legal residency;
15 d. An inability to renew and/or retain any legal residency status; and/or
16 e. An indeterminate term of confinement, by with United States Federal
17 Government based on the conviction and immigration status.

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

- 22 4. All pleas of guilty offered by the Defendant pursuant to this agreement are
23 consistent with the facts known to me and are made with my advice to the
24 Defendant.
25 5. To the best of my knowledge and belief, the Defendant:
26 a. Is competent and understands the charges and the consequences of
27 pleading guilty as provided in this agreement,
28 b. Executed this agreement and will enter all guilty pleas pursuant hereto
voluntarily, and
c. Was not under the influence of intoxicating liquor, a controlled
substance or other drug at the time I consulted with the Defendant as
certified in paragraphs 1 and 2 above.

29 Dated: This 18 day of July, 2018.

30 
31 ATTORNEY FOR DEFENDANT

32 zm/EAU

EXHIBIT H

Electronically Filed
10/23/2018 3:05 PM
Steven D. Grierson
CLERK OF THE COURT



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

DISTRICT COURT CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

JEFFREY GRASSO,
#7053903

Defendant.

CASE NO: C-18-329127-1

DEPT NO: XXVIII

AMENDED 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 **EXPLOITATION OF A VULNERABLE PERSON (Category B Felony - NRS 200.5092, 200.5099)**; thereafter, on the 5th day of September, 2018, the defendant was present in court for sentencing with his counsel, BRIAN J. SMITH, 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, and \$3.00 DNA Collection fee, Defendant SENTENCED to a MINIMUM of TWENTY-EIGHT (28) MONTHS and a MAXIMUM of SEVENTY-TWO (72) MONTHS in the Nevada Department of Corrections (NDC), with 130 DAYS credit for time served; SUSPENDED; placed on PROBATION for an indeterminate period not to exceed 5 YEARS. In addition to the Standard Conditions of the Division of Parole and Probation (P & P), which are IMPOSED. Defendant Must comply with the following SPECIAL CONDITIONS:

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1 1. Defendant to continue Private Psychiatric, Mental Health Counseling, twice a
2 month for an indefinite period.

3 2. Defendant to follow any conditions imposed by Parole and Probation (P & P).

4 3. Defendant Not to seek custody or guardianship of Giulian Grasso.

5 BOND, if any, EXONERATED.

6 DATED this 22nd day of October, 2018.

7
8 RONALD J. ISRAEL
9 DISTRICT JUDGE
10 by: DAVID BAKER Ct. Judge
11 Senior District Ct. Judge
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23 Sharon A. Spina

24 DEC 06 2018

25 17BGJ041X/mc/EAU

26 CERTIFIED COPY
27 DOCUMENT ATTACHED IS A
28 TRUE AND CORRECT COPY
OF THE DOCUMENT ON FILE

10. **PUBLIC COMMENTS**

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.

11. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION**

Schedule upcoming Commission Meeting.

12. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION**

Adjournment