



Nevada Commission on Peace Officer  
Standards and Training

POST COMMISSION MEETING  
WEDNESDAY, SEPTEMBER 5, 2018 – 1:30 PM

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
HEADQUARTERS, BLD "A" CLASSROOM 109,  
400 SOUTH MARTIN LUTHER KING BLVD  
LAS VEGAS, NEVADA





STATE OF NEVADA

**COMMISSION ON PEACE OFFICERS' 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 PUBLIC MEETING (NRS 241)**

NOTICE IS HEREBY GIVEN THAT STARTING AT 1:30 P.M. ON WEDNESDAY, SEPTEMBER 5, 2018, THE COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING WILL HOLD A REGULARLY SCHEDULED MEETING AT THE LAS VEGAS METROPOLITAN POLICE DEPARTMENT HEADQUARTERS, BUILDING "A" CLASSROOM 109, 400 SOUTH MARTIN LUTHER KING BLVD LAS VEGAS, 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.**  
Approval of minutes from the May 3, 2018 regularly scheduled POST Commission Meeting.
4. **INFORMATION.** Executive Director's report.
  - a. Training Division
  - b. Standards Division
  - c. Administration

5. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**  
NRS 289.530 authorizes the Executive Director, with the advice of the Commission, to appoint employees, agents, consultants and other staff of the Commission and prescribe their duties, and to execute contracts on behalf of the Commission. The Commission will consider whether to authorize the Executive Director to execute a contract, on behalf of the Commission, for the services of an Independent Contractor, Sheffield Public Services, LLC, as a Subject Matter Expert/Instructor at the Commission's Basic Training Academy. It is anticipated the independent contractor will be a non-state employee, retired or not employed by a law enforcement agency, to instruct specific blocks of curriculum at the Commission's Basic Training Academy.

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

The Commission to consider whether to approve a revision to the POST administrative manual (policy) mandating that a peace officer seeking certification under the reciprocity process, pursuant to NAC 289.200(2), perform the required POST Physical Fitness Testing (PPFT) that is administered by POST or its designee.

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

Request from Sheriff Ron Unger, Lander County Sheriff's Department, for discussion and possible action to provide more flexibility related to NAC 289.300, the mandatory academy entrance physical fitness standard and/or the Nevada Commission on POST basic training academy policy regarding the entrance physical fitness standard. (NAC 289.300 requires the standard be met for a person enrolled in any POST certified basic academy no later than 30 days prior to the start of an academy up to 14 days after the start of the basic training academy. Current POST policy requires the entrance standard be met at day one of the basic training academy held in Carson City).

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

Request from the West Wendover Police Department for a 6 month extension past the one year requirement in order to meet the requirements for certification for their employee Antonio Escareno.

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

Request from the Department of Public Safety for an Executive Certificate for their employee Lt. Colonel Daniel Solow.

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

Hearing pursuant to NAC 289.290(1)(g) on the revocation of George L. McMurry, formerly of the Nevada Department of Corrections, certification based on a conviction for two Category B felonies. The Commission will decide whether to revoke Mr. McMurry's Category III Basic Certificate.

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

Hearing pursuant to NAC 289.290(1)(g) on the revocation of Jacob V. Hardy, formerly of the Nye County Sheriff's Office, certification based on a conviction for a Category E felony. The Commission will decide whether to revoke Mr. Hardy's Category III Basic Certificate.

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

Hearing pursuant to NAC 289.290(1)(e) on the revocation of John A. Wilson, formerly of the Las Vegas Metropolitan Police Department, certification based on a conviction for a Gross Misdemeanor. The Commission will decide whether to revoke Mr. Wilson's Category I Basic Certificate.

13. **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.*

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

Schedule upcoming Commission Meeting.

15. **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**

Approval of minutes from the May 3, 2018 regularly scheduled POST Commission meeting

**In the Matter Of:**  
Commission on POST

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**Meeting**  
*May 03, 2018*

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3200 COBB GALLERIA PARKWAY  
SUITE 200  
ATLANTA, GA 30339

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

3  
4 Commission on Peace Officer Standards & Training  
5 Classroom 2, 5587 WA PAI Shone Avenue  
6 Carson City, Nevada

7  
8 Thursday, May 3, 2018  
9 8:30 a.m.

10 COMMISSIONERS:

11 RON PIERINI, Sheriff, Douglas County (Outgoing  
12 Chairman)

13 MICHELE FREEMAN, Chief, City of LV Detention &  
14 Enforcement Department

15 JOHN McGRATH, Deputy Chief, LV Metropolitan PD

16 RUSSELL PEDERSEN, Chief Deputy, Washoe Co. Sheriff's  
17 Department

18 BEN REED, Chief, Elko PD

19 TROY TANNER, Chief, Mesquite PD (Incoming Chairman)

20 JAMES WRIGHT, Director, Nevada DPS

21 OTHERS PRESENT:

22 MIKE JENSEN, Senior Deputy Attorney General, Attorney  
23 General's Office

24 MIKE SHERLOCK, Executive Director, POST

25 SCOTT JOHNSTON, Division Chief, POST

1	I N D E X	
2	ITEM	PAGE
3	I. Regularly Scheduled Meeting Agenda Items:	
4	1. Call to order.	4
5	2. Roll call.	6
6	3. Approval of minutes from the February 22,	7
7	2018, regularly scheduled POST Commission	
8	meeting	
9	4. Executive Director's report	9
10	5. The Commission to discuss and take possible	13
11	action pursuant to NRS 289.510(1)(a), to	
12	elect by a majority vote of the members, a	
13	new Chairperson for the Commission.	
14	6. Request from the Department of Public	17
15	Safety, for their employee Captain	
16	Natasha Koch, for an Executive Certificate.	19
17	7. Request from the Department of Public	
18	Safety, for their employee Captain Charles	19
19	Haycox, for an Executive Certificate.	
20	8. Request from the Carson City Sheriff's	20
21	Office for a 6-month extension past the 1-	
22	year requirement in order to meet the	
23	requirements for certification.	
24		
25		



## 1 I N D E X (Cont.)

## 2 ITEM PAGE

3 9. Request from the Department of Motor 22

4 Vehicles, Compliance Enforcement Division,

5 for a 6-month extension past the 1-year

6 requirement in order to meet the

7 requirements for certification.

8 10. Presentation of proclamation to outgoing 24

9 Chairman Pierini.

10 11. Schedule upcoming Commission Meeting for 29

11 07/26/18 at 1:30 PM in Ely at Prospector

12 Hotel and Casino.

13 12. Adjournment. 30

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1 P R O C E E D I N G S

2 (8:30 a.m.)

3 CHAIRMAN PIERINI: Good morning. It seems  
4 like we've got quite a number of people here. That's  
5 great.

6 Today is May 3rd, 2018. It's 8:30 in the  
7 morning. And of course we're here at the location  
8 here in Carson City dealing with Peace Officers  
9 matters of training, not only the classroom but also  
10 with the academy.

11 We'd like to first mention a few things if  
12 we could, please. Just remember, to the public here,  
13 if you haven't signed, to my right, make sure you've  
14 done that. I would appreciate that, especially if you  
15 want to make a comment.

16 Secondly, is that when you're up here  
17 talking, if you could sure what agency you're from or  
18 any kind of problem that you may have or want to talk  
19 about something.

20 As far as asking to the public and also the  
21 Commissioners, cell phones need to be off, or at least  
22 -- if it's on, that's fine, but make sure it doesn't  
23 make a lot of noise. Appreciate that.

24 (Noise)

25 And somehow we're going to have to worry

1 about that kind of stuff. No, I'm teasing you.

2 Okay. And then the other thing is, when  
3 you're speaking -- what about the phone in here, huh?

4 MR. SHERLOCK: I think that's coming from  
5 down there.

6 CHAIRMAN PIERINI: Okay. We've got a little  
7 bit of a situation here, but we'll get through it,  
8 right?

9 Okay. And then I'll -- reminding all the  
10 Commissioners here, be sure to say your name when  
11 you're making any kind of speaking, an agenda item or  
12 whatever it might be or any comments, we'd appreciate  
13 that. And only other thing, with the microphones,  
14 make sure -- it's sensitive and if you're talking to  
15 the other one next to you, it's also going to be on  
16 the record for that.

17 MR. JOHNSTON: You there?

18 COMMISSIONER FREEMAN: Hi. Can you hear me?

19 MR. JOHNSTON: Yes.

20 COMMISSIONER FREEMAN: Okay. Sorry. I lost  
21 connection with you and I couldn't hear you guys at  
22 all.

23 MR. JOHNSTON: Okay. We're live.

24 COMMISSIONER FREEMAN: Okay. Thank you.

25 CHAIRMAN PIERINI: Okay. We're going to do

1 the call to order, if we could, please. If we could  
2 start with you, Russ?

3 COMMISSIONER PEDERSEN: Russ Pedersen  
4 present.

5 COMMISSIONER REED: Ben Reed. I'm present.

6 COMMISSIONER WRIGHT: Jim Wright present.

7 COMMISSIONER TANNER: Troy Tanner.

8 CHAIRMAN PIERINI: Ron Pierini.

9 COMMISSIONER McGRATH: John McGrath.

10 MR. JENSEN: Mike Jensen.

11 MR. SHERLOCK: Mike Sherlock from POST.

12 MR. JOHNSTON: Scott Johnston from POST.

13 CHAIRMAN PIERINI: Okay, Scott, and also  
14 we're missing some, and we also have some on the  
15 phone.

16 MR. JOHNSTON: Michele Freeman, who's on the  
17 line.

18 CHAIRMAN PIERINI: We have Michele on there  
19 that's going to be on the phone with us. And we're  
20 also missing who else?

21 MR. JOHNSTON: Chief Ketsaa's not available  
22 and Kevin McKinney from Elko County is not available  
23 today.

24 CHAIRMAN PIERINI: Okay, good. But we  
25 certainly have the number for our Commission.

1 All right. What we'd like to do to start  
2 off now is a discussion -- well, let me, first of all,  
3 Scott, why don't you go ahead and list the things  
4 about where we posted this information so people could  
5 come here if they read that.

6 MR. JOHNSTON: Thank you. Scott Johnston  
7 for the record. This meeting was -- the agenda was  
8 posted at the POST administrative office here in  
9 Carson City; Nevada State Capitol in Carson City;  
10 Blasdel State Building in Carson City; Nevada State  
11 Library and Archives in Carson City; Grant Sawyer  
12 Building in Las Vegas; Carson City Sheriff's Office;  
13 the White Pine County Sheriff's Office, and it was  
14 posted electronically at the POST website at  
15 post.nv.gov, and at the state notice website at  
16 notice.nv.gov.

17 CHAIRMAN PIERINI: Okay. Once we've done  
18 the call of order and also the roll, we'd like to go  
19 ahead and discussion, public comment, and for possible  
20 action an approval of the minutes from the February  
21 22, 2018 scheduled POST meeting.

22 COMMISSIONER FREEMAN: I'm sorry. I  
23 couldn't hear you guys at all. I lost connection.

24 CHAIRMAN PIERINI: Can you hear us now?

25 COMMISSIONER FREEMAN: I can hear you, yes.

1           CHAIRMAN PIERINI: Okay. We're going to do  
2 the best we can and if you can't hear over there,  
3 Michele, please let us know, okay?

4           COMMISSIONER FREEMAN: Okay. I can hear you  
5 faintly. Sorry.

6           CHAIRMAN PIERINI: Okay. That's okay. No  
7 problem. All right.

8           So now what we're going to do is, we've got  
9 an agenda item dealing on the February 22nd, 2018, and  
10 that's a regularly scheduled POST Commission meeting.  
11 And that's -- one of the things I would like to see,  
12 anybody here have any questions as you look through  
13 that, to see if anything was changed or if anything  
14 was not correct or if you want to make a comment?

15          COMMISSIONER REED: Mr. Chairman, I'll make  
16 a request for one change. It's a technical error.  
17 It's on page 1 of the minutes. My name -- my employer  
18 is not the County of Elko, it's the city, Elko PD. So  
19 page 1, if we could get the -- reflect the minutes to  
20 reflect that change, that'd be great.

21          CHAIRMAN PIERINI: Thank you, Chief.

22          COMMISSIONER REED: I've read the rest of  
23 the minutes, to answer your question, and I didn't see  
24 any other issues.

25          CHAIRMAN PIERINI: Any other Commissioners

1 have anything they'd look at that or question?

2 If anybody out in the audience would like to  
3 make a comment on that, if you had the time to read  
4 that? Which I doubt if you did, but if you did,  
5 you're welcome to come up. All right. Seeing none,  
6 then what we're looking for is an agenda item if  
7 somebody else wants to make a motion?

8 MR. PEDERSON: I make a motion to approve  
9 the minutes with the one noted change.

10 CHAIRMAN PIERINI: Okay. Thank you. Do I  
11 have second?

12 COMMISSIONER WRIGHT: Jim Wright. I'll  
13 second.

14 CHAIRMAN PIERINI: Thank you, Jim. Any  
15 other comments or questions? Seeing none, all in  
16 favor?

17 ALL: Aye.

18 CHAIRMAN PIERINI: Is there any opposed?  
19 Okay. Thank you.

20 We're going to move on to number 4, and  
21 that's the Executive Director's report. Mike.

22 MR. SHERLOCK: Thank you, Mr. Chairman.  
23 Mike Sherlock for the record. Just -- I'm going to be  
24 really brief today so we can move on and get to the  
25 memorial this afternoon.

1           Real quick. In our Training Division, Class  
2   2018/01 is winding down. Graduation is Wednesday, May  
3   16th at 10 a.m. Our keynote speaker will be Sheriff  
4   Ron Pierini. Everyone is invited. We will graduate  
5   28 cadets in this particular class, and as always,  
6   it'll be here at our facility here at POST, our  
7   campus.

8           Our next basic training academy begins July  
9   23rd. We will accept 32 plus 4 alternates for day 1.  
10   Applications to attend that particular academy need to  
11   be to the Training Division by June 28th.

12           And professional development, we did offer  
13   an additional basic investigator course in the south.  
14   I really want to thank Matt Carroll (ph.), Mesquite  
15   PD, and the Clark County DA's office who all helped  
16   with teaching that particular class, and the Attorney  
17   General's office who provided some of the funding for  
18   that class, and we hope to continue that one.

19           We do have a basic instructor development  
20   course beginning here on June 4th, but it is full.  
21   One of the statutes that came through the last  
22   legislative session regarding dispatcher training, or  
23   mandating POST to provide that training, we have  
24   created a committee trying to put that together of  
25   people from across the state, and we are getting



1 closer on that training. It'll be online. We hope to  
2 have it done real soon.

3 On the standards side, we are pretty close  
4 to having all agencies in compliance and hopefully  
5 will not have to address any issues at the July  
6 Commission Meeting. I hope. The final step in  
7 recording the new dispatcher regulation is all  
8 completed. That should be adopted real soon by the  
9 legislative committee.

10 Also, I just wanted to bring up it is  
11 election season, as many know, and a majority of the  
12 counties have contested sheriff's races right now.  
13 POST sometimes gets caught in the middle of these. We  
14 try to provide as much information as we can for those  
15 that actually reach out to us. Unfortunately, many  
16 don't reach out to us until it's too late. There's a  
17 lot of confusion on what the requirements to run as  
18 sheriff and after you become sheriff.

19 So any help that the Commissioners or  
20 anybody in the audience can give us in imparting what  
21 the rule is, and I'll just -- I'll briefly state it  
22 for sheriffs because that's our usual, our most common  
23 question. So a sheriff candidate that is either in  
24 Washoe County or Clark County, that candidate must  
25 have 5 consecutive years as a peace officer and must

1 be certified as a Category 1 peace officer or eligible  
2 for reciprocity, so that works also, to be on the  
3 ballot. In all the other counties, the 15 other  
4 counties, you can be on the ballot without being POST  
5 certified, but once you are elected, you have 1 year  
6 to meet the POST requirements. And there's some  
7 confusion out there. And I'll leave it at this as far  
8 as those other counties. Sheriff's departments are  
9 Category 1 agencies by statute. So that should tell  
10 those candidates how POST perceives the requirement.  
11 All right?

12 So anyway, we get those questions a lot, and  
13 as the Commission knows, it's sometimes an issue,  
14 especially when we talk about PT -- PPFT and all that  
15 stuff. So we are prepared for that as much as we can  
16 be. And along those lines, I think we're planning a  
17 -- POST puts on a newly elected sheriffs and new  
18 chiefs training after elections, and we are putting  
19 that back together and hope to have that out sometime,  
20 you know, in January or after January of next year.

21 The only other thing I'd add, from the  
22 administrative side we are very close to full staff.  
23 We just hired a new administrative assistant, joined  
24 us last week, Claire Cerda, is not here today. And we  
25 are currently recruiting for a training officer over

1 in our Training Division.

2 That's all I have.

3 CHAIRMAN PIERINI: Good. Thank you.

4 Appreciate it, Mike.

5 Anybody else have a comment or question?

6 Okay. Moving on to number 5, if we could  
7 now. Discussion, public comment, and for possible  
8 action: The Commission to discuss and to take  
9 possible action pursuant to NRS 289.510(1)(a), to  
10 elect by vote of new members for the -- a chairperson  
11 for this Commission.

12 And probably, Mr. Jensen, if you could talk  
13 a little bit about the Chairman and how we move all  
14 this forward, at least, like myself, if I'm not going  
15 to be Chairman after a few seconds, then at that point  
16 how do we do this and how are we all looking to assist  
17 them.

18 MR. JENSEN: Well, thank you, Mr. Chairman.

19 The statute, the only thing it says about  
20 electing a chairperson for this Commission is that  
21 it's done by a majority vote of the Commission. It  
22 doesn't set out any specific procedure for you to  
23 follow, so I guess you guys are -- have some  
24 discretion on how you want to proceed with determining  
25 who would be nominated to be selected for that and

1 take a vote on that. And like I say, the person has  
2 to be selected by a majority vote of the members, not  
3 people that are here, but the actual majority number  
4 of the Commission, which is what for this Commission?  
5 Five, I guess. It would be five Commissioners have to  
6 vote for that individual.

7 CHAIRMAN PIERINI: Mr. Sherlock, who is --  
8 has anybody out of the Commissioners that we have here  
9 suggested that they would like to be the Chairman?

10 MR. SHERLOCK: Yes. Mike Sherlock for the  
11 record. And as we found last -- I think you mentioned  
12 it, Mr. Chairman, at the last Commission meeting that  
13 Troy Tanner has -- we'll call it volunteered, but has  
14 agreed that he is interested in the chairman position,  
15 and I have not heard of anyone else that -- on the  
16 Commission that wanted to take up that responsibility.

17 CHAIRMAN PIERINI: Okay. Thank you.

18 Is there anybody here who would like to be  
19 the chairman? Okay. So does anybody have -- from the  
20 public would like to make any comment on this?

21 Okay, seeing none, then we're looking for  
22 anybody -- again, any comments, whatever, anything  
23 else? Okay. So we need to have somebody make a  
24 motion.

25 COMMISSIONER PEDERSEN: Russ Pedersen. I

1 make a motion for Chief Tanner to -- for the chair of  
2 POST Commission if he's willing to accept it.

3 COMMISSIONER REED: Ben Reed. I'll second  
4 that.

5 CHAIRMAN PIERINI: Okay. Any other --

6 UNIDENTIFIED SPEAKER: That was quick.

7 CHAIRMAN PIERINI: Any questions or  
8 comments? And I'm going to do that also, is I'm going  
9 to make a comment if I could.

10 Troy, I think you're going to do a great  
11 job. I think without any doubt you're going to do a  
12 good job, and I'm glad that going to have that as an  
13 agenda item for you. I can tell you that I started as  
14 chairman in 2006. That's a long time. I actually  
15 started as a commissioner, I think, in 2001.

16 UNIDENTIFIED SPEAKER: '2.

17 CHAIRMAN PIERINI: '2, something like that.  
18 And because my retirement's now 6 months out there and  
19 I'm not being a commissioner after today. So I look  
20 forward to seeing Troy. I think you'll do a great  
21 job. All these people do a great job. I mean, I --  
22 you know, Mr. Jensen's done a great job for all those  
23 times, and I'll tell, Sherlock and, of course, you  
24 know, Scotty over there done a great job. And it's  
25 something that makes you do a lot better when you have

1     these great people talking -- when you have questions  
2     or whatever it is, good people to help you.

3             So with that, all right. All in favor?

4             ALL: Aye.

5             CHAIRMAN PIERINI: Anybody opposed?

6             All right. Good. You got this. There you  
7     go.

8             (Laughter.)

9             CHAIRMAN TANNER: I'll make a couple of  
10    comments. I think Ron was trying to scare me away  
11    from this right before the meeting talking about a  
12    couple things. But we really appreciate your  
13    commitment and your direction of this Commission.

14            Since I've been on it the last 3 to 4 years,  
15    it makes a difference to tow the line to make sure  
16    we're following 289 and also all the rules that are  
17    set forth in the standards. So it's very important to  
18    me that we've been consistent in our history since  
19    I've been on. So I appreciate Mr. Jensen, of course,  
20    giving us direction and you as our chair pushing us in  
21    the right direction. So that means a big deal to me.

22            Guys I talk to that want to be on the  
23    Commission, that talk about an interest in it, I tell  
24    them as long as you're not out for yourself and you're  
25    looking at POST as a whole. So I appreciate your

1 commitment to this Commission and what you've done  
2 over the years, several years, and many years in law  
3 enforcement. So we appreciate you. Thank you.

4 COMMISSIONER PIERINI: Thank you. So now  
5 it's all up to you.

6 CHAIRMAN TANNER: Oh, my.

7 All right. We're on number 6. Discussion,  
8 public comment, for possible action: Request of the  
9 Department of Public Safety for their employee Captain  
10 Natasha Koch for an Executive Certificate.

11 MR. SHERLOCK: Mr. Chairman, I can lead  
12 you --

13 CHAIRMAN TANNER: Okay. I appreciate that.

14 MR. SHERLOCK: -- in the right direction on  
15 this one.

16 CHAIRMAN TANNER: It's going to be rough.

17 MR. SHERLOCK: Here at POST we do have an  
18 Executive Certificate Committee. That committee  
19 reviews the applications, just for the Chief's  
20 knowledge here. And we did in fact review the  
21 application submitted for Captain Koch of the Nevada  
22 Department of Public Safety, and we do find Captain  
23 Koch meets all the requirements set forth in the NAC  
24 and is qualified for the Executive Certificate, and  
25 recommend that Captain Koch be awarded the certificate

1 by the Commissioners.

2 CHAIRMAN TANNER: Is Captain Koch here?

3 MR. SHERLOCK: I think she is.

4 CHAIRMAN TANNER: Would you like to say  
5 anything?

6 CAPT. KOCH: No thank you.

7 CHAIRMAN TANNER: No?

8 (Laughter.)

9 CAPT. KOCH: Thank you for reviewing it.

10 CHAIRMAN TANNER: Okay. That being said, I  
11 guess I'm looking for a motion.

12 COMMISSIONER WRIGHT: My pleasure to make a  
13 motion to award the Executive Certificate to Captain  
14 Koch.

15 CHAIRMAN TANNER: Second?

16 COMMISSIONER PEDERSEN: Hi. Russ Pedersen.  
17 Happy to second.

18 MR. PIERINI: You probably should ask if --

19 CHAIRMAN TANNER: Oh, I'm sorry. Is there  
20 any public comment? All right. Second?

21 COMMISSIONER PEDERSEN: Russ Pedersen.  
22 Second.

23 CHAIRMAN TANNER: All in favor?

24 ALL: Aye.

25 CHAIRMAN TANNER: Next item, number 7.



1 MR. SHERLOCK: Actually --

2 MR. PIERINI: It's okay, it's okay. Go  
3 ahead.

4 MR. SHERLOCK: Mike Sherlock for the record.  
5 Mr. Chairman, we do have that certificate if  
6 you'd like to present it. Sorry about that.

7 CHAIRMAN TANNER: No problem at all. Very  
8 good.

9 MR. SHERLOCK: That was my fault.

10 CHAIRMAN TANNER: No problem.

11 Thank you for attending today.

12 CAPT. KOCH: Thank you, sir.

13 CHAIRMAN TANNER: Congratulations.

14 (Applause.)

15 CAPT. KOCH: Thank you, sir.

16 UNIDENTIFIED SPEAKER: You're welcome.

17 CHAIRMAN TANNER: All right. Item number 7  
18 is discussion, public comment, possible action:  
19 Request from the Department of Public Safety for their  
20 employee Captain Charles Haycox for an Executive  
21 Certificate.

22 MR. SHERLOCK: Mr. Chairman -- Mike Sherlock  
23 for the record. Once again, the POST Executive  
24 Certificate Committee reviewed the application  
25 submitted for Captain Haycox of the Nevada Department

1 of Public Safety, and we do find Captain Haycox meets  
2 all the requirements set forth in the NAC and is  
3 qualified for the Executive Certificate, and staff  
4 does recommend that Captain Haycox be awarded that  
5 Executive Certificate by the Commission.

6 CHAIRMAN TANNER: Any public comment? Is  
7 Mr. Haycox here? No? Okay. Then I'll present this  
8 to you, you apparently. It's your department?

9 COMMISSIONER WRIGHT: Yes.

10 CHAIRMAN TANNER: Okay. All right. All in  
11 favor? I meant -- make a motion?

12 COMMISSIONER WRIGHT: My pleasure again.  
13 James Wright will make a motion to award an Executive  
14 Certificate to Charles Haycox.

15 CHAIRMAN TANNER: Looking for a second.

16 COMMISSIONER PEDERSEN: Russ Pedersen.  
17 Second.

18 CHAIRMAN TANNER: And all in favor?

19 ALL: Aye.

20 CHAIRMAN TANNER: Anyone opposed? Motion  
21 passes.

22 All right, next item, discussion, public  
23 comment, possible action: Request from the Carson  
24 City Sheriff's Office for a 6-month extension past the  
25 1-year requirement in order to meet the requirements

1 for certification for the following employees: Deputy  
2 Dylan Etchegaray and Deputy Maxwell Macedo.

3 I'm going to turn it over to Mr. Jensen, I  
4 think.

5 MR. JOHNSTON: I'll take that, Mr. Chairman.

6 CHAIRMAN TANNER: Or you'll take it, Scott?

7 MR. JOHNSTON: Scott Johnston for the  
8 record. Deputy Etchegaray -- I hope that's close --  
9 was hired on 6/9 of '17 with his 1 year to become  
10 certified lapsing on 6/9 of '18. A 6-month extension  
11 for this time to be certified would go out to 12/9 of  
12 '18. And Deputy Macedo was hired on 7/7 of '17 with  
13 his 1-year coming due on 7/7 of '18. A 6-month  
14 extension would take this out to 1/7 of '19.

15 The registration process for both of these  
16 deputies to start in our next academy here at POST on  
17 July 23rd has already started. So it looks like  
18 they're going to be accepted in. And the academy will  
19 end in mid-November. A 6-month extension on both  
20 deputies would allow them to complete the training and  
21 certification process within the time parameters  
22 required. It would be staff's recommendation to  
23 approve the extension.

24 CHAIRMAN TANNER: I was told the  
25 undersheriff's here. Would you like to make any

1 comment?

2                   UNDERSHERIFF SANDAGE: How you guys doing?  
3 Undersheriff Sandage, Carson City. Again, we have  
4 staffing issues, just as we're all facing. We're  
5 running two to three per academy, and I assure you  
6 that these folks will be in the next academy in July.  
7 And we have another one that will be present as well  
8 if somebody drops out or doesn't --

9                   CHAIRMAN TANNER: Any questions from the  
10 Commission?

11                   Okay. Thank you.

12                   Any other public comment? All right. I'm  
13 looking for a motion.

14                   COMMISSIONER PEDERSEN: Russ Pedersen. I'll  
15 go ahead and move to approve the 6-month extension for  
16 both deputies.

17                   COMMISSIONER REED: Second.

18                   CHAIRMAN TANNER: All in favor?

19                   ALL: Aye.

20                   CHAIRMAN TANNER: Any opposed?

21                   Okay. The next item, discussion, public  
22 comment, possible action: Request from the Department  
23 of Motor Vehicles, Compliance Enforcement Division for  
24 a 6-month extension past the 1-year requirement in  
25 order to meet the requirements for certification for

1 Deputy Administrator Karen Neill.

2 Is Karen Neill here? Okay.

3 MR. SHERLOCK: The director is.

4 CHAIRMAN TANNER: Okay.

5 MR. JOHNSTON: Yes. Scott Johnston for the  
6 record. I can discuss this case for you.

7 Deputy Administrator Karen Neill, she was  
8 hired on 8/14 of '17 and is going to -- her 1 year is  
9 coming around on 8/14 of '18. A 6-month extension  
10 date would extend that out to 2/14 of '19. She's  
11 scheduled to attend the DPS academy in August of 2018  
12 down in Las Vegas, and with a completion date of  
13 December of 2018. A 6-month extension would extend  
14 the time needed to become certified to February 14th  
15 of '19, which would allow Deputy Administrator Neill  
16 to continue working in the capacity as a peace officer  
17 through her training until she's met all the  
18 requirements. And it would be staff's recommendation  
19 to approve the extension.

20 CHAIRMAN TANNER: Any public comment?

21 MS. ALBERTSON: Good morning, Mr. Chairman  
22 and Members of the Commission. My name is Terry  
23 Albertson. I'm the director of the Department of  
24 Motor Vehicles. So again, I appreciate your  
25 consideration of this extension. It was unfortunate

1 circumstances that Ms. Neill could not attend the  
2 academy that she was scheduled for in January, so we  
3 respectfully request this extension in order to allow  
4 her the time she needs to complete it.

5 CHAIRMAN TANNER: Any questions by the  
6 Commission?

7 Okay. Thank you.

8 MS. ALBERTSON: Thank you.

9 CHAIRMAN TANNER: Thank you. All right.  
10 Looking for a motion.

11 COMMISSIONER WRIGHT: Jim Wright. I move to  
12 approve.

13 CHAIRMAN TANNER: Looking for a second.

14 COMMISSIONER McGRATH: I'll second. Chief  
15 McGrath.

16 CHAIRMAN TANNER: All in favor?

17 ALL: Aye.

18 CHAIRMAN TANNER: Any opposed?

19 All right. Next section, Public Comments.  
20 Does anyone in the public have any comment?

21 MR. SHERLOCK: Mr. Chairman, staff does have  
22 a presentation we could do at this time, if that's  
23 okay?

24 CHAIRMAN TANNER: Okay. Go ahead.

25 MR. SHERLOCK: And I'm going to stay seated

1     because -- to get this on the record, but as Sheriff  
2     Ron Perini has stated, he will be retiring at the end  
3     of the year. As a result of that, he has opted not to  
4     renew his commitment here on the POST Commission. As  
5     such, his appointment expires June 30th, which makes  
6     this his last Commission Meeting, obviously.

7             Sheriff Pierini has been a great supporter  
8     at POST, and personally his support and advice has  
9     been unwavering for me, and I for one will miss him.  
10    Additionally, Sheriff Pierini has been part of the  
11    Commission for some 16 years. His ability to put  
12    decisions and issues into a historical perspective  
13    will be sorely missed. I want to thank him for  
14    support of POST and our mission, and his support of  
15    moving the Nevada law enforcement community forward  
16    every year.

17            In appreciation, we have a plaque  
18    recognizing Sheriff Pierini. And let me grab that.  
19    If I can get it out of here without breaking it.

20            And this says: Sheriff Ron Pierini, in  
21    recognition and appreciation of your distinguished  
22    service to the POST Commission, February 17, 2002 to  
23    June 30, 2018. Thank you.

24            (Applause.)

25            MR. PIERINI: I appreciate it very much,

1 Mike. But I'm going to tell you what, one of the  
2 things that -- I have learned so learned so much over  
3 that period of time of 16 years. So we had Dick  
4 Clark, who was Executive Director for a lot of years,  
5 and then when Mike took over, that was the greatest  
6 thing that happened too. I liked Dick a lot. He did  
7 a good job, but he was ready to retire and go on  
8 somewhere else, and we were very, very blessed to have  
9 Mike Sherlock to be now the Executive Director.

10 He's moving the best he can. His assistant  
11 number two over here has been great. I think all the  
12 things that I'd like to say is that all of us need to  
13 move forward and help POST as much as you possibly  
14 can. Keep it going the way it is. Try to get more  
15 money to make this even better, and the way it's done,  
16 it's been very difficult. But we've done every time  
17 -- every year, every time the legislature, we try very  
18 hard to get more money for this POST. I hope someday  
19 that changes and it all gets better. Because we've  
20 got a lot of work to do and it continues with a little  
21 bit of money to do a lot that we have to do. And even  
22 so, they've done a great job.

23 So, I've learned a lot of from this, and I  
24 think as more -- everyone in here here with the  
25 Commissioners, pay attention to what they do so much,



1 it makes a big difference. And I thank you very much.

2 MR. SHERLOCK: Thank you, Sheriff. I do  
3 have one more item I'd like to get on the record. And  
4 on behalf of the Governor -- Governor Sandoval has  
5 issued a proclamation designating May 16, 2018 as  
6 Sheriff Ron Pierini Day. May 16th, Ron will be  
7 participating in the POST basic academy graduation,  
8 and we believe that will be your last official duty as  
9 a Commissioner. I'd like to read this proclamation  
10 real quick into the record, if I can. So --

11 Proclamation by the Governor:

12 Whereas, Sheriff Ron Pierini is a second  
13 generation Nevadan who has honorably and faithfully  
14 served the citizens and visitors of the Silver State  
15 for more than 45 years;

16 And whereas, he began his law enforcement  
17 career in Carson City in 1973 and was employed by the  
18 Nevada State Prison from 1975 to 1976, when he started  
19 with the Douglas County Sheriff's Office, where he  
20 rose through the ranks to be appointed to replace  
21 Sheriff Jerry Maple in 1997, and was elected to that  
22 position in 1998, and has served as the Douglas County  
23 Sheriff since that time;

24 And whereas, through his years of dedicated  
25 law enforcement, he has served the people of Nevada,

1 and in 2002, he was appointed to the Nevada Commission  
2 on Peace Officer Standards and Training, and in July  
3 2006 he was appointed Chairman of the Commission,  
4 where he as served the law enforcement community for  
5 more than 12 years;

6 And whereas, for his unwavering commitment  
7 to public safety and leadership, Sheriff Ron Pierini  
8 has helped to shape the training and standards of  
9 Nevada law enforcement officers today and into the  
10 future;

11 And whereas, Douglas County Sheriff Ron  
12 Pierini's hard work, loyalty, commitment to the law  
13 enforcement community and the safety of all citizens  
14 and visitors to Nevada, is to be recognized;

15 And whereas, the State of Nevada commends  
16 Sheriff Ron Pierini on his outstanding tenure and  
17 dedication, and joins his family, friends and  
18 colleagues in extending sincere appreciation to him  
19 for his years of service, with best wishes for a happy  
20 and fulfilling retirement.

21 Now, therefore, I, Brian Sandoval, Governor  
22 of the State of Nevada, do hereby proclaim May 16,  
23 2018 as a day in honor of Sheriff Ron Pierini.

24 And it's signed by the Governor, of course.

25 (Applause.)

1 MR. PIERINI: Thank you so much.

2 MR. SHERLOCK: That's all I have,  
3 Mr. Chairman.

4 CHAIRMAN TANNER: Discussion, public comment  
5 and possible action on schedule upcoming meeting, and  
6 I'll turn it back to Mr. Sherlock.

7 MR. SHERLOCK: Thank you. Mike Sherlock for  
8 the record. It looks like our next meeting will be  
9 scheduled July 26th out in Ely at 1:30 in the  
10 afternoon, at the -- Ponderosa?

11 CHAIRMAN TANNER: Prospector.

12 MR. SHERLOCK: Or Prospector Hotel -- I was  
13 close -- in Ely, in conjunction with the sheriffs and  
14 chiefs meeting out in Ely.

15 CHAIRMAN TANNER: Any public --

16 MR. SHERLOCK: With the Commission's  
17 approval.

18 CHAIRMAN TANNER: Yeah. Any public comment?  
19 Okay. I'm looking for a motion.

20 COMMISSIONER PEDERSEN: Russ Pedersen. Move  
21 to accept it.

22 CHAIRMAN TANNER: For a second?

23 COMMISSIONER REED: Ben Reed. I'll second  
24 that.

25 CHAIRMAN TANNER: All in favor?

1 ALL: Aye.

2 CHAIRMAN TANNER: Any opposed?

3 All right. Last one, number 12.

4 Discussion, public comment and possible action on  
5 adjournment. Any other public comment?

6 All right. Looking for a motion.

7 COMMISSIONER PEDERSEN: Russ Pedersen. Move  
8 to adjourn.

9 MR. PIERINI: Second.

10 CHAIRMAN TANNER: All in favor?

11 ALL: Aye.

12 CHAIRMAN TANNER: All right. Thank you.

13 (Whereupon, the meeting in the above-  
14 entitled matter was concluded.)

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## 1 CERTIFICATION

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

8  
9  
10 

11 Kay Maurer

12 Transcriber

<hr/> <p><b>1</b></p> <hr/> <p>1 8:17,19 10:9 12:1, 5,9 21:9 23:8</p> <p>1-year 20:25 21:13 22:24</p> <p>1/7 21:14</p> <p>10 10:3</p> <p>12 28:5</p> <p>12/9 21:11</p> <p>14th 23:14</p> <p>15 12:3</p> <p>16 25:11 26:3 27:5 28:22</p> <p>16th 10:3 27:6</p> <p>17 21:9,12 23:8 25:22</p> <p>18 21:10,12,13 23:9</p> <p>19 21:14 23:10,15</p> <p>1973 27:17</p> <p>1975 27:18</p> <p>1976 27:18</p> <p>1997 27:21</p> <p>1998 27:22</p> <hr/> <p><b>2</b></p> <hr/> <p>2 15:16,17</p> <p>2/14 23:10</p> <p>2001 15:15</p> <p>2002 25:22 28:1</p> <p>2006 15:14 28:3</p> <p>2018 4:6 7:21 8:9</p>	<p>23:11,13 25:23 27:5 28:23</p> <p>2018/01 10:2</p> <p>22 7:21</p> <p>22nd 8:9</p> <p>23rd 10:9 21:17</p> <p>28 10:5</p> <p>289 16:16</p> <p>289.510(1)(a) 13:9</p> <p>28th 10:11</p> <hr/> <p><b>3</b></p> <hr/> <p>3 16:14</p> <p>30 25:23</p> <p>30th 25:5</p> <p>32 10:9</p> <p>3rd 4:6</p> <hr/> <p><b>4</b></p> <hr/> <p>4 9:20 10:9 16:14</p> <p>45 27:15</p> <p>4th 10:20</p> <hr/> <p><b>5</b></p> <hr/> <p>5 11:25 13:6</p> <hr/> <p><b>6</b></p> <hr/> <p>6 15:18 17:7</p> <p>6-month 20:24 21:10,13,19 22:15, 24 23:9,13</p> <p>6/9 21:9,10</p>	<hr/> <p><b>7</b></p> <hr/> <p>7 18:25 19:17</p> <p>7/7 21:12,13</p> <hr/> <p><b>8</b></p> <hr/> <p>8/14 23:8,9</p> <p>8:30 4:2,6</p> <hr/> <p><b>A</b></p> <hr/> <p>a.m. 4:2 10:3</p> <p>ability 25:11</p> <p>academy 4:10 10:8, 10 21:16,18 22:5,6 23:11 24:2 27:7</p> <p>accept 10:9 15:2</p> <p>accepted 21:18</p> <p>action 7:20 13:8,9 17:8 19:18 20:23 22:22</p> <p>actual 14:3</p> <p>add 12:21</p> <p>additional 10:13</p> <p>Additionally 25:10</p> <p>address 11:5</p> <p>administrative 7:8 12:22,23</p> <p>Administrator 23:1,7, 15</p> <p>adopted 11:8</p> <p>advice 25:8</p> <p>afternoon 9:25</p>	<p>agencies 11:4 12:9</p> <p>agency 4:17</p> <p>agenda 5:11 7:7 8:9 9:6 15:13</p> <p>agreed 14:14</p> <p>ahead 7:3,19 19:3 22:15 24:24</p> <p>Albertson 23:21,23 24:8</p> <p>alternates 10:9</p> <p>apparently 20:8</p> <p>Applause 19:14 25:24 28:25</p> <p>application 17:21 19:24</p> <p>applications 10:10 17:19</p> <p>appointed 27:20 28:1,3</p> <p>appointment 25:5</p> <p>appreciation 25:17, 21 28:18</p> <p>approval 7:20</p> <p>approve 9:8 21:23 22:15 23:19 24:12</p> <p>Archives 7:11</p> <p>assist 13:16</p> <p>assistant 12:23 26:10</p> <p>assure 22:5</p> <p>attend 10:10 23:11 24:1</p> <p>attending 19:11</p>
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4. **INFORMATION** Executive Directors Report

- a. Training Division
- b. Standards Division
- c. Administration





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

NRS 289.530 authorizes the Executive Director, with the advice of the Commission, to appoint employees, agents, consultants and other staff of the Commission and prescribe their duties, and to execute contracts on behalf of the Commission. The Commission will consider whether to authorize the Executive Director to execute a contract, on behalf of the Commission, for the services of an Independent Contractor, Sheffield Public Services, LLC, as a Subject Matter Expert/Instructor at the Commission's Basic Training Academy. It is anticipated the independent contractor will be a non-state employee, retired or not employed by a law enforcement agency, to instruct specific blocks of curriculum at the Commission's Basic Training Academy.



## **AGENDA ITEM 6**

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

The Commission to consider whether to approve a revision to the POST administrative manual (policy) mandating that a peace officer seeking certification under the reciprocity process, pursuant to NAC 289.200(2), perform the required POST Physical Fitness Testing (PPFT) that is administered by POST or its designee.

## CERTIFICATES

**NAC 289.200 Basic and reserve basic certificate: Requirements; extension of time to complete or waiver of certain requirements; request for certification; placement of basic certificate on inactive status. [Effective until the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.] (NRS 289.510, 289.550, 289.600)**

1. The Executive Director shall award a basic certificate to any peace officer who meets the minimum standards for appointment established pursuant to NAC 289.110 and has:

- (a) Satisfactorily completed the basic training course for basic certification;
- (b) Passed the state certification examination with a score of at least 70 percent; and
- (c) Passed the state physical fitness examination for the appropriate category of peace officer as described in NAC 289.205.

2. The Executive Director may award a basic certificate to any peace officer who has been certified by the certifying entity of another state or has successfully completed a Federal Law Enforcement Training Centers of the United States Department of Homeland Security training program approved by the Commission and who meets the minimum standards for appointment established pursuant to NAC 289.110 if:

(a) The Commission or its designee has determined that the course of training required for the certification was at least equivalent to the basic training course for basic certification;

(b) The certification of the peace officer in the other jurisdiction has not been revoked or suspended;

(c) Not more than 60 months have lapsed since the peace officer was employed in the other jurisdiction;

(d) The peace officer has satisfactorily completed a training course that is approved by the Executive Director which consists of a minimum of 80 hours of training that satisfies the requirements established by the Commission pursuant to subsection 1 of NAC 289.300 in:

- (1) Abuse of elderly persons;
- (2) Active assailants;
- (3) Child abuse and sexual abuse of a child;
- (4) Civil liability;
- (5) Constitutional law;
- (6) Counter-terrorism and weapons of mass destruction;
- (7) Crimes against persons;
- (8) Crimes against property;
- (9) Cultural awareness;
- (10) Domestic violence and stalking;
- (11) Ethics in law enforcement or for correctional officers;
- (12) Juvenile law;
- (13) Laws relating to arrest;
- (14) Laws relating to drugs, including, without limitation, current trends in drugs;
- (15) Miscellaneous crimes;
- (16) Probable cause;
- (17) Rights of victims;
- (18) Search and seizure;
- (19) Sexual harassment; and
- (20) Use of force;

(e) The peace officer passes the state certification examination with a score of at least 70 percent; and

(f) The peace officer passes the state physical fitness examination for the appropriate category of peace officer as described in NAC 289.205.

**NAC 289.205 State physical fitness examination: Requirements. (NRS 289.510)** To pass the state physical fitness examination, a person must:

1. For a basic certificate as a category I peace officer or as a reserve peace officer:
  - (a) Complete a vertical jump of not less than 14 inches.
  - (b) Complete not less than 30 sit-ups in 1 minute.
  - (c) Complete not less than 23 push-ups.
  - (d) Run 300 meters in not more than 1 minute and 8 seconds.
  - (e) Walk or run 1.5 miles in not more than 16 minutes and 57 seconds.
  - (f) Complete an agility run in not more than 19.5 seconds.
2. For a basic certificate as a category II peace officer:
  - (a) Complete a vertical jump of not less than 15 inches.
  - (b) Complete not less than 29 sit-ups in 1 minute.
  - (c) Complete not less than 15 push-ups.
  - (d) Run 300 meters in not more than 1 minute and 20 seconds.
  - (e) Walk or run 1.5 miles in not more than 20 minutes and 6 seconds.
  - (f) Complete an agility run in not more than 20.7 seconds.
3. For a basic certificate as a category III peace officer:
  - (a) Complete a vertical jump of not less than 15 inches.
  - (b) Complete not less than 20 push-ups.
  - (c) Run 300 meters in not more than 1 minute and 14 seconds.
  - (d) Walk or run 1.5 miles in not more than 17 minutes and 37 seconds.
  - (e) Complete an agility run in not more than 20.4 seconds.

(Added to NAC by Peace Officers' Standards & Training Comm'n by R118-09, eff. 1-28-2010)

**REVISER'S NOTE.**

The regulation of the Peace Officers' Standards and Training Commission filed with the Secretary of State on January 28, 2010 (LCB File No. R118-09), the source of this section, contains the following provision not included in NAC:

"1. The amendatory provisions of sections 3 and 7 of this regulation [NAC 289.200 and 289.205] apply only to a person who enrolls in any peace officer training course required pursuant to section 7 of this regulation [NAC 289.200] on or after January 28, 2010.

2. The amendatory provisions of section 9 of this regulation [NAC 289.300] apply only to a basic training course that begins on or after January 28, 2010."



## **AGENDA ITEM 7**

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

Request from Sheriff Ron Unger, Lander County Sheriff's Department, for discussion and possible action to provide more flexibility related to NAC 289.300, the mandatory academy entrance physical fitness standard and/or the Nevada Commission on POST basic training academy policy regarding the entrance physical fitness standard. (NAC 289.300 requires the standard be met for a person enrolled in any POST certified basic academy no later than 30 days prior to the start of an academy up to 14 days after the start of the basic training academy. Current POST policy requires the entrance standard be met at day one of the basic training academy held in Carson City).





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

Request from the West Wendover Police Department for a 6 month extension past the one year requirement in order to meet the requirements for certification for their employee Antonio Escareno.

*Serving With Pride*

**WEST WENDOVER**

**POLICE DEPARTMENT**

**PO Box 2469**

**1111 N. Gene L. Jones Way**

**West Wendover, NV 89883**

**Phone: 775-664-2930**

**Fax: 775-664-2928**

May 16, 2018

Mike Sherlock

Executive Director Nevada Peace Officer Standards and Training (POST)

5587 Wa Pai Shone Avenue

Carson City, NV 89701

And via email to: [msherlock@post.state.nv.us](mailto:msherlock@post.state.nv.us)

Re: Antonio ESCARENO Six Month Extension Request

Dear Director Sherlock:

I am contacting you to request a six-month extension for Antonio ESCARENO to become certified under NRS 289.550. ESCARENO was hired on December 26, 2017 and was scheduled to attend the NV POST academy beginning July 23, 2018. However, a staffing emergency will reach critical on that day.

Our department has 10 patrol officers, one detective, one lieutenant, and the chief of police. Of the 10 on patrol, we will have five vacancies during the academy time frame. We have one current vacancy, one sergeant on maternity leave until late August or mid-September, one officer resigning July 8<sup>th</sup>, one officer retiring July 23<sup>rd</sup>, and ESCARENO scheduled for the academy July 23, 2018.

If we defer ESCARENO to the next available academy class beginning January 21, 2019, this will allow us to field six patrol officers until we can get new staff on board. However, this is approximately 3½ weeks beyond ESCARENO's one-year time frame to certify under NRS 289.550.

We are moving to hire three officers as soon as possible, giving priority to fast track any experienced officers. We are also seeking assistance from other agencies. Testing for the first group is scheduled for May 23, 2018. This is the first step of the hiring process, after application. The position has been re-opened and extended until June 8, 2018 to gain some certified applicants. The detective, lieutenant, and I are also back-filling shifts to maintain manpower.

I am seeking assistance in obtaining this six-month extension from the NV POST Commission.

I am available to answer any questions at phone 775-664-2930 or via email at [bwelsh@westwendovercity.com](mailto:bwelsh@westwendovercity.com).

Sincerely,



Burdel Welsh,

Chief of Police, MBA, BS/BM

*Serving Our Community Through Dedication,  
Commitment, and Professionalism*

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

Request from the Department of Public Safety, for their employee Lt. Colonel Daniel Solow for an Executive Certificate.

# State of Nevada - POST

## Professional Certificate Application

POST ID#

20476

Officer's Name

Solow Daniel J

### Select the Professional Certificate and choose the applicant's qualifications for the certificate.

All officer's hours of POST training used to meet the requirements must be entered into the POST database before submitting this application. (use the *POST Professional Training OR Annual Compliance* Formatta form).

Meets the following requirements:

☐ Intermediate (NAC 289.240)

Has an Intermediate Certificate and meets the following requirements:

☐ Advanced (NAC 289.250)

Meets the following requirements:

☐ Supervisor (NAC 289.255)

Has Advanced and Supervisor Certificates and meets the following:

☐ Management (NAC 289.260)

Has a Management Certificate and meets the following:

☒ Executive (NAC 289.270)

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

### Click the Attachments button to submit Only the following documents as REQUIRED:

- > Intermediate & Advanced - copy of degree or proof of required credits (if no degree)
- > Management - a letter confirming job level, org. chart
- > Executive - a letter confirming job level, org. chart, and proof of 200 hrs. advanced management training

Additional Information or comments:

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

Submitters Name:

Tanya Drew

Submitters Phone:

(775) 687-2403

Submitters E-Mail:

tdrew@dps.state.nv.us

Submission number: 94703

\*\*\*\* This Section is for POST Approval ONLY \*\*\*\* Do NOT Enter in this Section \*\*\*\*

Education

Credit Hours

Date Achieved

Approved By:

Comments:

Certification Date:

Brian Sandoval  
Governor



James M. Wright  
Director

## Director's Office

555 Wright Way  
Carson City, Nevada 89711-0525  
Telephone (775) 684-4556 • Fax (775) 684-4809

April 24, 2018

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

Dear P.O.S.T. Commission Members,

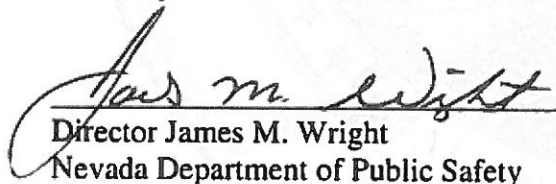
Please accept this letter as a recommendation for Department of Public Safety (DPS)/Highway Patrol Lt. Colonel Daniel Solow to acquire his Executive P.O.S.T. Certificate. Lt. Colonel Daniel Solow has been employed with DPS in a sworn capacity since his hire date in July of 1995. He has already received his Basic, Intermediate, Advanced, and Management certificates.

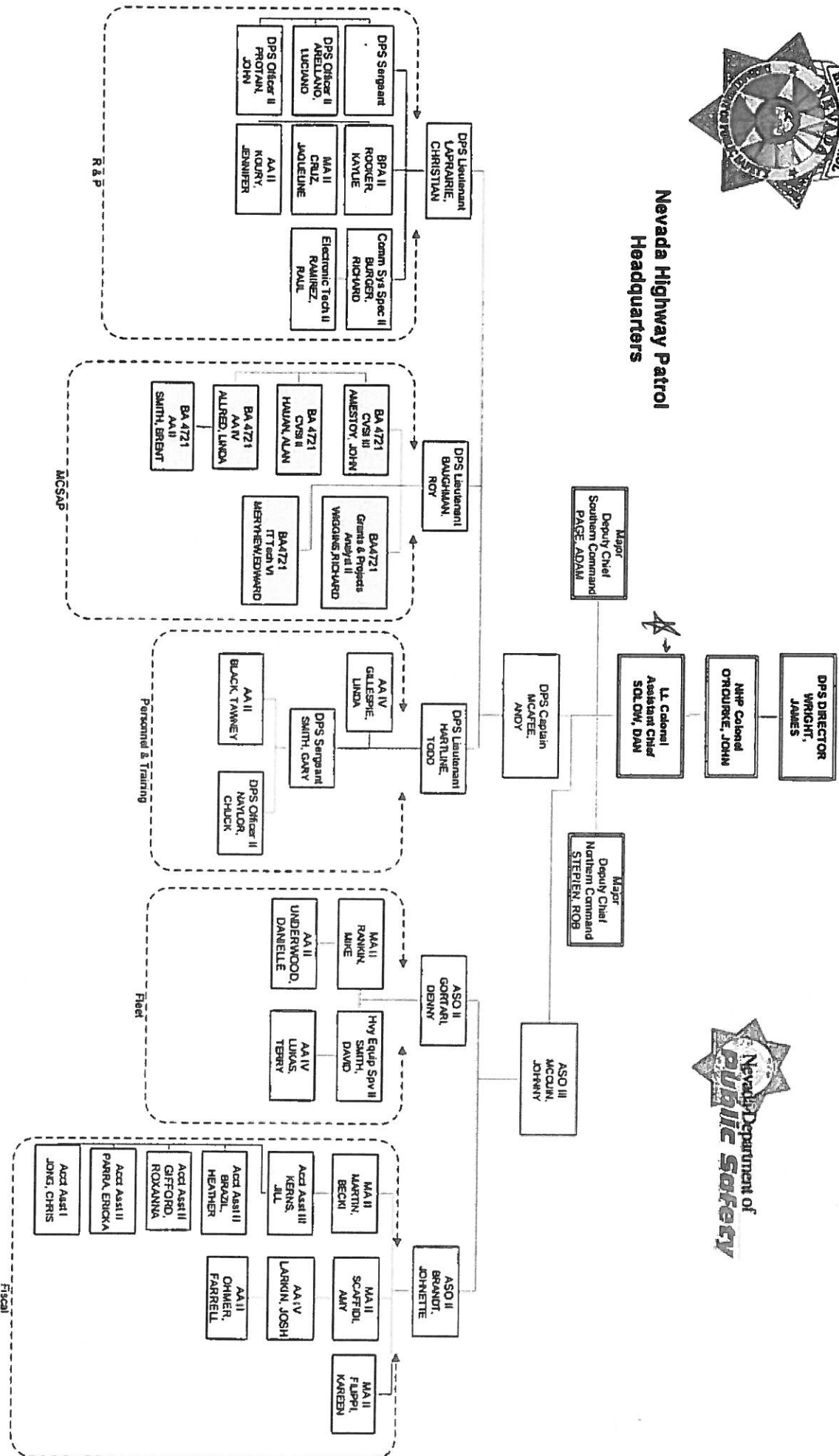
Attached you will find an organization chart showing Lt. Colonel Daniel Solow's area of command. He is currently is the Lt. Colonel of the Highway Patrol Division and directly supervises both Deputy Chiefs and oversees all Highway Patrol activities statewide.

Lt. Colonel Daniel Solow completed Northwestern University's School of Police and Staff Command in May of 2013, and his class transcript is attached.

The requirements outlined in NAC 289.270 to receive the Executive Certificate have been met by Daniel Solow and I recommend that this certificate be awarded to him at this time.

Sincerely,

  
Director James M. Wright  
Nevada Department of Public Safety



*Northwestern University*  
*Department of Public Safety*  
*Administration, Illinois*  
*Chicago, Illinois*

This is to certify that

**Daniel J. Soloto**

has successfully completed the

School of

**Police Staff and Command**

Henderson, Nevada

January 7 - May 10, 2013



*Thomas F. Pickens*  
Dean of the School of Continuing Studies

*Daniel J. Soloto*  
Executive Director, Center for Public Safety

APR 26,2018  
01:25PM

**Nevada Commission on POST  
Employee Profile**

Page: 1

**Solow, Daniel J. (20476)**

**Certification**

<b>Date</b>	<b>Status</b>	<b>Certified</b>	<b>Expires</b>	<b>Probation</b>	<b>Cert #</b>
Professional: Management 7-29-2009	Active	7-29-2009			
Professional: Advanced 2-05-2007	Active	2-05-2007			
Professional: Intermediate 2-05-2007	Active	2-05-2007			
Basic: Category I 12-12-2000	Active	12-12-2000			



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

Hearing pursuant to NAC 289.290(1)(g) on the revocation of George L. McMurry, formerly of the Nevada Department of Corrections, certification based on a Guilty Plea to two Category B felonies. The Commission will decide whether to revoke Mr. McMurry's Category III 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*

## AMENDED NOTICE OF INTENT TO REVOKE

August 7, 2018

George L. McMurry NDOC#1195854  
Lovelock State Prison  
Lovelock, NV

Dear Mr. McMurry:  
POST PIN #: 32126

The Commission on POST was previously scheduled to have a hearing on July 26, 2018 at 1:30 pm in Ely Nevada regarding this notice. This meeting was postponed and rescheduled for September 5, 2018 at 1:30 pm in Las Vegas (see dates, time and location listed below).

Based upon documentation received by the Nevada Commission on Peace Officer Standards and Training 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)(g) based on a conviction for a felony. The conviction(s) which have led to this action are as follows:

**Count I:** Furnishing a Controlled Substance to a State Prisoner, a category "B" felony, in violation of NRS 212.160(1) and NRS 195.020; and

**Count II:** Transport of a Controlled Substance, a category "B" felony, in violation of NRS 453.321

Case No: **C-17-327976-1**

Dept No: **12**

Jurisdiction: **District Court of Clark County, Nevada**

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, 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: September 5, 2018

Time: 1:30 pm

Location: Las Vegas Metropolitan Police Department Headquarters, Building "A" Classroom 109, 400 S. Martin Luther King Blvd Las Vegas, 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)(g), Revocation of a certificate based upon 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,



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

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, LEETE STAMMERJON, 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: GEORGE L. McMURRY  
at LOVELACK CORRECTIONAL CENTER on this  
(location)  
8 day of AUGUST, 2018  
Day Month Year

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

Executed on this 8 day of AUGUST, 2018  
Day Month Year

[Signature]  
Signature of person serving the Notice

LEETE STAMMERJON, C52  
Printed name of person serving the Notice



# State of Nevada - POST

## UPDATE - Personnel Action Report (PAR)

### EXHIBIT C

Post ID Number: 32126

Last Name: McMurry

First Name: George

MI: L Suffix:

☐ Name Change?

Last Name: McMurry

First Name: George

MI: L 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:

Effective Date: 06/03/2016

Submitters Name: Jeanette Saia

Submitters Phone: (702) 486-9921

Submitters E-Mail:

jsaia@doc.nv.gov

# EXHIBIT D

## STATE OF NEVADA

COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING

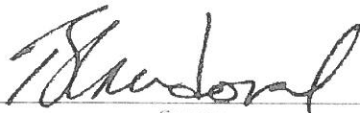
*Hereby Awards the*

### BASIC CERTIFICATE CATEGORY III

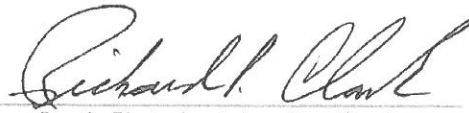
*To*

**George L. McMurry**

*For having fulfilled the requirements for Certification  
as prescribed by Nevada Administrative Codes.*



Governor

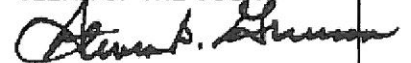


Executive Director, Commission on Peace Officers'  
Standards and Training

POST ID No. **32126** Presented this **25th** day of **April**, **2014**

# EXHIBIT E

Electronically Filed  
11/16/2017 5:16 PM  
Steven D. Grierson  
CLERK OF THE COURT



INFM  
ADAM PAUL LAXALT  
Attorney General  
Jason Gunnell (Bar No. 13997)  
Senior Deputy Attorney General  
Office of the Attorney General  
555 E. Washington Ave., Ste. 3900  
Las Vegas, Nevada 89101-1068  
P: (702) 486-3904  
F: (702) 486-0660  
jgunnell@ag.nv.gov  
Attorneys for the State of Nevada

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

STATE OF NEVADA,

Plaintiff,

v.

GEORGE MCMURRY, ID # 5493441

Defendant.

Case No.: C-17-327976-1

Dept. No.: 12

**INFORMATION**

ADAM PAUL LAXALT, Attorney General for the State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

GEORGE MCMURRY has committed the crime(s) of FURNISHING A CONTROLLED SUBSTANCE TO A STATE PRISONER (Category "B" Felony – NRS 212.160(1); NRS 195.020)) and TRANSPORT OF A CONTROLLED SUBSTANCE (Category B Felony – NRS 453.321); within the County of Clark, State of Nevada, as follows:

All of the acts alleged herein have been committed or completed between January 1, 2015 and February 25, 2016, by the above-named defendant, within the County of Clark, State of Nevada, in the following manner:

**COUNT ONE**  
**FURNISHING A CONTROLLED SUBSTANCE TO A STATE PRISONER**  
**(Category "B" Felony – NRS 212.160(1); NRS 195.020)**

That the defendant, GEORGE MCMURRY, in the County of Clark, State of Nevada, without

1 authorization by law, did knowingly, unlawfully, and feloniously furnish, attempt to furnish, to a prisoner  
2 confined in an institution of the Department of Corrections, a controlled substance, to wit: Between  
3 January 1, 2015 to on or about February 25, 2016, the Defendant furnished methamphetamine, to  
4 prisoner(s) confined at Southern Desert Correctional Center.

5 **COUNT TWO**  
6 **TRANSPORT OF A CONTROLLED SUBSTANCE**  
7 **(Category "B" Felony – NRS 453.321)**

8 That the Defendant, GEORGE MCMURRY, in the County of Clark, State of Nevada, did willfully,  
9 unlawfully, feloniously, transport within Clark County, Nevada, a controlled substance, to wit: Between  
10 January 1, 2015 to on or about February 25, 2016, the Defendant transported methamphetamine to  
11 Southern Desert Correctional Center, 20825 Cold Creek Rd, Indian Springs.

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

14 DATED this 16th of November, 2017.

15 SUBMITTED BY


16 ADAM PAUL LAXALT  
17 Attorney General

18 By: /s/ Jason Gunnell  
19 Jason Gunnell (NV Bar No. 13997)  
20 Senior Deputy Attorney General  
21  
22  
23  
24  
25  
26  
27  
28

WITNESS LIST

1. David Molnar  
c/o Nevada Attorney General
2. Steve LeMaire  
Criminal Investigator  
c/o Nevada Attorney General
3. Arthur Emling  
Criminal Investigator  
Office of the Inspector General
4. Bryan Shields  
Criminal Investigator  
Office of the Inspector General
5. Victor Daniel  
Criminal Investigator  
Office of the Inspector General

APR 23 2018

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

# EXHIBIT F

41

GPA  
ADAM PAUL LAXALT  
Attorney General  
Jason Gunnell Bar No. 13997  
Senior Deputy Attorney General  
Office of the Attorney General  
555 E. Washington Ave., Ste. 3900  
Las Vegas, Nevada 89101-1068  
P: (702) 486-3904  
F: (702) 486-0660  
jgunnell@ag.nv.gov  
*Attorneys for the State of Nevada*

ORIGINAL

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

NOV 20 2017

BY Kristen Brown  
KRISTEN BROWN, DEPUTY

## DISTRICT COURT CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff,

v.

GEORGE MCMURRY, ID# 5493441

Defendant.

Case No.: C-17-327976-1

Dept. No.: 12

C-17-327976-1  
GPA  
Guilty Plea Agreement  
4699603



### GUILTY PLEA AGREEMENT

I hereby agree to plead guilty to: FURNISHING A CONTROLLED SUBSTANCE TO A STATE PRISONER, a category "B" felony, in violation of NRS 212.160(1) and NRS 195.020 and TRANSPORT OF A CONTROLLED SUBSTANCE, a category "B" felony, in violation of NRS 453.321 as more fully alleged in the charging document attached hereto as Exhibit "1."

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

1. The State retains the right to argue but agrees not argue for more than 19 to 48 months in custody of the Nevada Department of Corrections.

2. The State will not oppose an own recognizance release after entry of plea in District Court.

Furthermore, I agree to waive any defects or infirmities as to the form of the charging document attached as Exhibit "1." I understand that, pursuant to NRS 176.015(3), victims so desiring will be allowed to make impact statements;

I understand and agree that if I fail to interview with the Department of Parole and Probation, fail

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

#### 10 CONSEQUENCES OF THE PLEA

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

13 **As to Count I:** I understand that as a consequence of my plea of guilty the Court must sentence me  
14 to imprisonment in the Nevada Department of Corrections for a minimum term of not less than one (1)  
15 year and a maximum term of not more than six (6) years. The minimum term of imprisonment may not  
16 exceed forty percent (40%) of the maximum term of imprisonment. I understand that I may also be fined  
17 up to \$5,000.

18 **As to Count II:** I understand that as a consequence of my plea of guilty the Court must sentence  
19 me to imprisonment in the Nevada Department of Corrections for a minimum term of not less than one (1)  
20 year and a maximum term of not more than six (6) years. The minimum term of imprisonment may not  
21 exceed forty percent (40%) of the maximum term of imprisonment. I understand that I may also be fined  
22 up to \$20,000.

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

28 I also understand that a conviction of any violation of NRS Chapter 453, the Uniform Controlled



1 Substance Act, requires that I pay a controlled substance analysis fee.

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

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

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

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

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

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

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

25 I understand that if I am not a United States citizen, this criminal conviction will likely result in  
26 serious negative immigration consequences including but not limited to: removal from the United States  
27 through deportation; an inability to reenter the United States; the inability to gain United States citizenship  
28 or legal residency; an inability to renew and/or retain any legal residency status; and/or an indeterminate



1 term of confinement with the United States Federal Government based on my conviction and immigration  
2 status. Regardless of what I have been told by an attorney, no one can promise me that this conviction will  
3 not result in negative immigration consequences and/or impact my ability to become a United States  
4 citizen and/or legal resident.

#### 5 WAIVER OF RIGHTS

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

8 1. The constitutional privilege against self-incrimination, including the right to refuse to  
9 testify at trial, in which event the prosecution would not be allowed to comment to the jury about my  
10 refusal to testify.

11 2. The constitutional right to a speedy and public trial by an impartial jury, free of excessive  
12 pretrial publicity prejudicial to the defense, at which trial I would be entitled to the assistance of an  
13 attorney, either appointed or retained. At trial the State would bear the burden of proving beyond a  
14 reasonable doubt each element of the offense charged.

15 3. The constitutional right to confront and cross-examine any witnesses who would testify  
16 against me.

17 4. The constitutional right to subpoena witnesses to testify on my behalf.

18 5. The constitutional right to testify in my own defense.

19 6. The right to appeal the conviction, with the assistance of an attorney, either appointed or  
20 retained, unless the appeal is based upon reasonable constitutional, jurisdictional or other grounds that  
21 challenge the legality of the proceedings and except as otherwise provided in subsection 3 of NRS  
22 174.035.

#### 23 VOLUNTARINESS OF PLEA

24 I have discussed the elements of all the original charges against me with my attorney and I  
25 understand the nature of the charges against me.

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

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

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

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

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

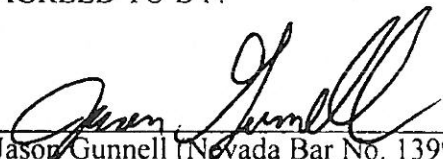
8 I am not now under the influence of any intoxicating liquor, a controlled substance or other drug  
9 which would in any manner impair my ability to comprehend or understand this agreement or the  
10 proceedings surrounding my entry of this plea.

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

13 DATED this 20<sup>th</sup> day of November, 2017

14   
15 \_\_\_\_\_  
GEORGE MCMURRY, Defendant

16 AGREED TO BY:

17   
18 \_\_\_\_\_  
19 Jason Gunnell (Nevada Bar No. 13997)  
Senior Deputy Attorney General

CERTIFICATE OF DEFENSE COUNSEL

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

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

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

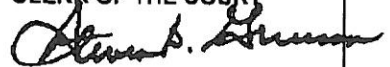
4. All pleas of guilty offered by Defendant pursuant to this agreement are consistent with all the facts known to me, and are made with my advice to Defendant and are in the best interest of Defendant:
5. To the best of my knowledge and belief Defendant:
  - a. Is competent and understands the charges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

DATED this 20<sup>th</sup> day of November, 2017

  
\_\_\_\_\_  
JACK BUCHANAN, ESQ.  
Attorney for GEORGE MCMURRY

EXHIBIT 1

EXHIBIT 1



INFM  
ADAM PAUL LAXALT  
Attorney General  
Jason Gunnell (Bar No. 13997)  
Senior Deputy Attorney General  
Office of the Attorney General  
555 E. Washington Ave., Ste. 3900  
Las Vegas, Nevada 89101-1068  
P: (702) 486-3904  
F: (702) 486-0660  
jgunnell@ag.nv.gov  
Attorneys for the State of Nevada

DISTRICT COURT  
CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff,

v.

GEORGE MCMURRY, ID # 5493441

Defendant.

Case No.: C-17-327976-1

Dept. No.: 12

INFORMATION

ADAM PAUL LAXALT, Attorney General for the State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

GEORGE MCMURRY has committed the crimes(s) of FURNISHING A CONTROLLED SUBSTANCE TO A STATE PRISONER (Category "B" Felony – NRS 212.160(1); NRS 195.020)) and TRANSPORT OF A CONTROLLED SUBSTANCE (Category B Felony – NRS 453.321); within the County of Clark, State of Nevada, as follows:

All of the acts alleged herein have been committed or completed between January 1, 2015 and February 25, 2016, by the above-named defendant, within the County of Clark, State of Nevada, in the following manner:

COUNT ONE  
FURNISHING A CONTROLLED SUBSTANCE TO A STATE PRISONER  
(Category "B" Felony – NRS 212.160(1); NRS 195.020)

That the defendant, GEORGE MCMURRY, in the County of Clark, State of Nevada, without

1 authorization by law, did knowingly, unlawfully, and feloniously furnish, attempt to furnish, to a prisoner  
2 confined in an institution of the Department of Corrections, a controlled substance, to wit: Between  
3 January 1, 2015 to on or about February 25, 2016, the Defendant furnished methamphetamine, to  
4 prisoner(s) confined at Southern Desert Correctional Center.

5 **COUNT TWO**  
6 **TRANSPORT OF A CONTROLLED SUBSTANCE**  
7 **(Category "B" Felony – NRS 453.321)**

8 That the Defendant, GEORGE MCMURRY, in the County of Clark, State of Nevada, did willfully,  
9 unlawfully, feloniously, transport within Clark County, Nevada, a controlled substance, to wit: Between  
10 January 1, 2015 to on or about February 25, 2016, the Defendant transported methamphetamine to  
11 Southern Desert Correctional Center, 20825 Cold Creek Rd, Indian Springs.

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

14 DATED this 16th of November, 2017.

15 SUBMITTED BY

16 ADAM PAUL LAXALT  
17 Attorney General

18 By: /s/ Jason Gunnell  
19 Jason Gunnell (NV Bar No. 13997)  
20 Senior Deputy Attorney General  
21  
22  
23  
24  
25  
26  
27  
28

WITNESS LIST

1. David Molnar  
c/o Nevada Attorney General
2. Steve LeMaire  
Criminal Investigator  
c/o Nevada Attorney General
3. Arthur Emling  
Criminal Investigator  
Office of the Inspector General
4. Bryan Shields  
Criminal Investigator  
Office of the Inspector General
5. Victor Daniel  
Criminal Investigator  
Office of the Inspector General

APR 23 2018

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

*[Signature]*  
CLERK OF THE COURT

*Steven D. Grierson*

JOCP

# EXHIBIT G

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

GEORGE MCMURRY  
#5493441

Defendant.

CASE NO. C-17-327976-1

DEPT. NO. XII

JUDGMENT OF CONVICTION

(PLEA OF GUILTY)

The Defendant appeared before the Court with counsel and entered a plea of guilty to the crimes of COUNT 1 – FURNISHING A CONTROLLED SUBSTANCE TO A STATE PRISONER (Category B Felony) in violation of NRS 212.160(1), 195.020; and COUNT 2 – TRANSPORT OF A CONTROLLED SUBSTANCE (Category B Felony) in violation of NRS 453.321; thereafter, on the 20<sup>th</sup> day of March, 2018, the Defendant was present in Court with counsel JACK BUCHANAN, ESQ., and good cause appearing,

THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in addition to the \$25.00 Administrative Assessment Fee, \$60.00 Drug Analysis Fee and \$150.00 DNA Analysis Fee including testing to determine genetic markers plus \$3.00 DNA Analysis Fee,

**RECEIVED**  
**MAR 26 2018**  
**DEPT. 12**




1 the Defendant is sentenced to the Nevada Department of Corrections (NDC) as follows:  
2 COUNT 1 - a MAXIMUM of FORTY-EIGHT (48) MONTHS with a MINIMUM parole  
3 eligibility of TWELVE (12) MONTHS; and COUNT 2 - a MAXIMUM of FORTY-EIGHT  
4 (48) MONTHS with a MINIMUM parole eligibility of TWELVE (12) MONTHS;  
5 CONCURRENT with COUNT 1; with SIXTEEN (16) DAYS credit for time served.  
6

7 DATED this 27 day of March, 2018.

8  
9  
10   
11 MICHELLE LEAVITT  
12 DISTRICT COURT JUDGE  
13  
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15  
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APR 23 2018

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

  
CLERK OF THE COURT



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

Hearing pursuant to NAC 289.290(1)(g) on the revocation of Jacob V. Hardy, formerly of the Nye County Sheriff's Office, certification based on a Guilty Plea to Category E felony. The Commission will decide whether to revoke Mr. Hardy's Category III 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*

## AMMENDED NOTICE OF INTENT TO REVOKE

August 7, 2018

Jacob Vernon Hardy  
[REDACTED]

Dear Mr. Hardy  
POST PIN #: 31775

The Commission on POST was previously scheduled to have a hearing on July 26, 2018 at 1:30 pm in Ely Nevada regarding this notice. This meeting was postponed and rescheduled for September 5, 2018 at 1:30pm in Las Vegas (see dates, time and location listed below).

Based upon documentation received by the Nevada Commission on Peace Officer Standards and Training 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)(g) based on a conviction for a felony. The conviction(s) which have led to this action are as follows:

Unlawful Use of a Controlled Substance, a category "E" felony, in violation of NRS 453.411

Case No: **CR8667**

Dept No: **1**

Jurisdiction: **Fifth Judicial District Court of Nye County, Nevada**

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, 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: September 5, 2018

Time: 1:30 pm

Location: Las Vegas Metropolitan Police Department Headquarters, Building A Classroom 109, 400 South Martin Luther King Blvd Las Vegas, 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)(g), Revocation of a certificate based upon 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,



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

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, JAMES AABY, 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: JACOB VERNON HARDY

at [REDACTED] on this  
(location)

14<sup>th</sup> day of AUGUST, 2018.  
Day Month Year

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

Executed on this 14<sup>th</sup> day of AUGUST, 2018.  
Day Month Year

[Signature]  
Signature of person serving the Notice

JAMES AABY  
Printed name of person serving the Notice

# State of Nevada - POST

## UPDATE - Personnel Action Report (PAR)

Post ID Number: 31775

Last Name: Hardy

First Name: Jacob

MI: V Suffix:

### ☐ Name Change?

Last Name: Hardy

First Name: Jacob

MI: V Suffix:

### ☐ Address Change?

Street Address:

City: State: Zip Code:

County: 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:

Jacob Hardy has been terminated. In the matter of 15NY-2511, Deputy DA Daniel Young has this file, but charges have not been formally filed as of yet. He is facing felony charges.

Effective Date: 10/16/2015

Submitters Name: James Scott

Submitters Phone: (775) 751-6361

Submitters E-Mail:

jscott@co.nye.nv.us

# EXHIBIT C

# EXHIBIT D

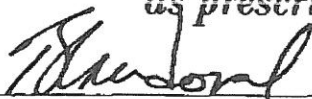
## STATE OF NEVADA

*Commission On Peace Officers' Standards And Training*

*Hereby Awards the*  
**Basic Certificate**  
*To*

**JACOB V. HARDY**  
**CATEGORY III**

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



Governor



Executive Director

**December 3, 2013**

**Issuance Date**

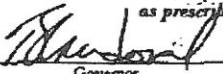
## STATE OF NEVADA

*Commission On Peace Officers' Standards And Training*

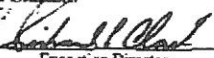
*Hereby Awards the*  
**Basic Certificate**  
*To*

**Jacob V. Hardy**  
**CATEGORY III**

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



Governor



Executive Director

**December 3, 2013**

**Issuance Date**

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

Name: **Jacob V. Hardy**

POST ID No.: **31775**

This is your POST Identification Number (PIN). In order to reduce the chance of identity theft, please use this number for all correspondence with POST and when you sign in on a POST course roster. The use of your SSN on POST course rosters is no longer mandatory.

It is your responsibility to receive the required annual continuing education as outlined in NAC 289.230. If you fail to meet the annual POST training requirement, the POST Commission may take action against your Basic Certificate. This could adversely affect your ability to carry out your duties as a peace officer.

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

Nevada Commission on Peace Officers' Standards and Training  
5587 Wai Pai Shone Avenue  
Carson City, NV 89701  
775-687-7678 (POST)

### INSTRUCTIONS

This is your POST Basic Certificate and Identification Card.

The large certificate is for the officer and suitable for framing.

The smaller certificate is for the agency to place in the officer's file for record.

The identification card is for the officer to carry at all times. The POST ID number assigned to this officer is for POST identification and identity security purposes. This number will be used when signing in on the POST roster at any POST certified training. The use of SSN are now optional on training rosters. This number can also be used by the agency for correspondence to POST regarding the officer's POST file.

# EXHIBIT E

FILED  
FIFTH JUDICIAL DISTRICT COURT

DEC 09 2016

NYE COUNTY DEPUTY CLERK  
DEPUTY

Case No. CR8667

Department 1

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

IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF NYE

THE STATE OF NEVADA,

Plaintiff,

vs.

## INFORMATION

JACOB VERNON HARDY,

Defendant.

ANGELA A. BELLO, District Attorney within and for the County of Nye, State of Nevada, informs the Court that JACOB VERNON HARDY, before the filing of this Information, did then and there, in Nye County, Nevada, commit the following offense, to wit:

**UNLAWFUL USE OF A CONTROLLED SUBSTANCE**, in violation of NRS 453.411, A CATEGORY 'E' FELONY, committed in the following manner, to wit: That ON OR ABOUT OCTOBER 16, 2015, in Pahrump Township, Nye County, Nevada, said Defendant did willfully, unlawfully, and knowingly use or was under the influence of a Schedule I controlled substance, to wit: METHAMPHETAMINE and/or AMPHETAMINE;

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

Witnesses and their addresses known to the District Attorney of Nye County, State of Nevada, at the time of the filing of this Information:

1 DETECTIVE ALEX J. COX  
2 NYE COUNTY SHERIFF'S OFFICE  
PAHRUMP, NEVADA

DEPUTY ELIAS ARMENDARIZ  
NYE COUNTY SHERIFF'S OFFICE  
PAHRUMP, NEVADA

3 DEPUTY BRITTON MICHAEL  
4 HOFFMANN  
5 NYE COUNTY SHERIFF'S OFFICE  
PAHRUMP, NEVADA

6 JENNIFER RATTANAPRASIT  
7 LVMPD, FORENSIC LABRATORY  
5605 WEST BADURA AVENUE  
LAS VEGAS, NEVADA

8  
9 DATED this 24th day of October, 2016.

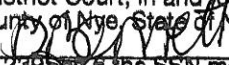
10 ANGELA A. BELLO  
11 NYE COUNTY DISTRICT ATTORNEY

12 By   
13 DANIEL T. YOUNG  
14 Deputy District Attorney

15  
16  
17 The document to which this certificate is attached  
18 is a full, true and correct copy of the original  
on file and of record in my office.

19 Date 4-26-18

20 Sandra L. Merlino, clerk of the Fifth Judicial  
21 District Court, in and for the  
County of Nye, State of Nevada

22 By  Deputy

23 Per NRS 239.016 the SSN may be redacted,  
24 but in no way affects the legality of the document

**CERTIFICATE OF SERVICE**

I, Nichole McPherson, Executive Legal Secretary, Office of the Nye County District Attorney, P.O. Box 39, Pahrump, Nevada 89041, do hereby certify that I have served the following:

**INFORMATION in  
5<sup>TH</sup> JDC Case No(s). CR8667  
STATE v. JACOB VERNON HARDY**

upon said Defendant(s) herein by delivering a true and correct copy thereof on

11-1-14 to the following:

**HARRY GENSLER  
AT THE NYE COUNTY DISTRICT ATTORNEY'S OFFICE  
IN PAHRUMP, NEVADA 89060**

  
Nichole McPherson

# EXHIBIT F

Case No.: CR8667

Department: 1

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

FILED  
FIFTH JUDICIAL DISTRICT COURT

DEC 16 2016

NYE COUNTY DEPUTY CLERK  
DEPUTY 

IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF NYE

THE STATE OF NEVADA,

Plaintiff,

vs.

**GUILTY PLEA AGREEMENT**

JACOB VERNON HARDY,

Defendant.

COMES NOW THE STATE OF NEVADA ("Plaintiff"), by and through ANGELA A. BELLO, Nye County District Attorney, by Daniel T. Young, Deputy District Attorney, and JACOB VERNON HARDY ("Defendant"), and file this Guilty Plea Agreement in the above-entitled case.

I, JACOB VERNON HARDY, hereby agree to plead **GUILTY** to **UNLAWFUL USE OF A CONTROLLED SUBSTANCE**, a Category "E" Felony, in violation of NRS 453.411, as more fully alleged in the charging document. My decision to plead guilty is based upon the plea agreement in this case, which is as follows:

1. The Defendant will enter a plea of **GUILTY** to **UNLAWFUL USE OF A CONTROLLED SUBSTANCE**, a Category "E" Felony, in violation of NRS 453.336.

2. At time of sentencing, the State will recommend probation with drug court as a condition.



1           3.     In exchange for the Defendant's guilty plea and other conditions set forth  
2 herein, the State agrees to forego prosecution of any additional charges arising from  
3 Nye County Sheriff's Office LEA case number 15NY-2511, 16NY-0669, 16NY-1315  
4 and 16NY-0917, against this Defendant. In addition, the State will dismiss Pahrump  
5 Justice Court case numbers 16CR01267, 15CR04826 and 16CR01964, against this  
6 Defendant.

7           4.     The Defendant understands and agrees that the State's agreement to  
8 recommend or stipulate to a particular sentence, to not present argument regarding  
9 the sentence, to not oppose a particular sentence or to not seek punishment as a  
10 habitual criminal is contingent upon the Defendant's conduct between now and  
11 sentencing: If the Defendant fails to interview with the Department of Parole and  
12 Probation; fails to appear at any subsequent hearings in this case; tests positive for a  
13 controlled substance at any subsequent hearing in this case without a valid  
14 prescription; or an independent magistrate, by declaration review, confirms probable  
15 cause against me for new criminal charges; or an independent magistrate finds  
16 probable cause against me for new criminal charges at a preliminary hearing; or the  
17 Defendant is found guilty at trial for new criminal charges; the State will regain the right  
18 to argue for any lawful sentence and term of confinement allowable for the crime(s) to  
19 which the Defendant is now pleading, including the use of any prior convictions the  
20 Defendant may have to increase his sentence as a habitual criminal to 5 to 20 years,  
21 life without the possibility of parole, life with the possibility of parole after 10 years, or a  
22 definite 25 year term with the possibility of parole after 10 years.

23 ///

24 ///



## CONSEQUENCES OF THE PLEA

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

I understand that as a consequence of my plea of guilty I may be imprisoned for a period of not less than one (1) year and not more than four (4) years and/or fined up to Five Thousand Dollars (\$5,000.00). I also understand that the law requires me to pay an administrative assessment fee.

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

I understand that I am eligible for probation for the offense to which I am pleading guilty, and I understand that, except as otherwise provided by statute, the decision to grant or deny probation is in the sole discretion of the sentencing judge.

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

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

I have not been promised or guaranteed any particular sentence by anyone. I know that my sentence will be determined by the Court within the limits prescribed by statute. I understand that if my attorney or the State of Nevada or both recommend

1 any specific punishment to the court, the court is not obligated to accept the  
2 recommendation.

3 I understand that if I am not a United States citizen, any criminal conviction will  
4 likely result in serious negative immigration consequences including but not limited to:  
5 my removal from the United States through deportation; an inability to reenter the  
6 United States; the inability to gain United States citizenship or legal residency; an  
7 inability to renew and/or retain any leant residency status; and/or an indeterminate  
8 term of confinement, with the United States Federal Government based on my  
9 conviction and immigration status. I also understand, regardless of what I have been  
10 told by any attorney, no one can promise me that this conviction will not result in  
11 negative immigration consequences and/or impact my ability to become a United  
12 States citizen and/or a legal resident.

13 I understand that the Division of Parole and Probation of the Department of  
14 Public Safety may prepare a written report for the sentencing judge before sentencing.  
15 This report will include matters relevant to the issue of sentencing, including my  
16 criminal history. I understand that this report may contain hearsay information  
17 regarding my background and criminal history. My attorney and I will each have the  
18 opportunity to comment on the information contained in the report, if any, at the time of  
19 sentencing.

#### 20 **WAIVER OF RIGHTS**

21 By entering my plea of guilty, I understand that I have waived the following  
22 rights and privileges:  
23  
24

1           1.     The constitutional privilege against self-incrimination, including the right  
2 to refuse to testify at trial, in which event the State would not be allowed to comment to  
3 the jury about my refusal to testify.

4           2.     The constitutional right to a speedy and public trial by an impartial jury,  
5 free of excessive pretrial publicity prejudicial to the defense, at which trial I would be  
6 entitled to the assistance of an attorney, either appointed or retained. At trial, the  
7 State would bear the burden of proving beyond a reasonable doubt each element of  
8 each offense charged.

9           3.     The constitutional right to confront and cross-examine any witnesses  
10 who would testify against me.

11          4.     The constitutional right to subpoena witnesses to testify on my behalf.

12          5.     The constitutional right to testify in my own defense.

13          6.     The right to appeal the conviction, with the assistance of an attorney,  
14 either appointed or retained, unless the appeal is based upon reasonable  
15 constitutional, jurisdictional or other grounds that challenge the legality of the  
16 proceedings and except as otherwise provided by subsection 3 of NRS 174.035.

17                               **VOLUNTARINESS OF PLEA**

18           I have discussed the elements of all the original charges against me with my  
19 attorney and I understand the nature of these charges.

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

22           I have discussed with my attorney any possible defenses and circumstances  
23 that might be in my favor.

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

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

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

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

11 My attorney has answered to my satisfaction all of my questions regarding this  
12 Guilty Plea Agreement and its consequences, and I am satisfied with the services  
13 provided by my attorney.

14 Dated this 16 day of December, 2016.

15  
16   
17 **JACOB VERNON HARDY**  
18 Defendant

19 Agreed to on this 16<sup>th</sup> day of December, 2016.

20  
21   
22 **DANIEL T. YOUNG**  
23 Deputy District Attorney  
24

## CERTIFICATE OF COUNSEL

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

1. I have fully explained to the defendant the allegations contained in the charge(s) to which the guilty plea(s) is/are being entered.

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

3. I have inquired of Defendant facts concerning Defendant's immigration status and explained to Defendant that if Defendant is not a United States citizen any criminal conviction will most likely result in serious negative immigration consequences including but not limited to: removal from the United States through deportation; an inability to reenter the United States; the inability to gain United States citizenship or legal residency; an inability to renew and/or retain any leant residency status; and/or an indeterminate term of confinement, with the United States Federal Government based on my conviction and immigration status. Moreover, I have explained that regardless of what Defendant may have been told by any attorney, no one can promise Defendant that this conviction will not result in negative immigration consequences and/or impact Defendant's ability to become a United States citizen and/or legal resident.

3. All pleas of guilty offered by the defendant pursuant to this agreement are consistent with all the facts known to me and are made with my advice to the defendant and are in the best interest of the defendant.

4. To the best of my knowledge and belief, the defendant:

1 (a) Is competent and understands the charge(s) and the consequences of  
2 pleading guilty as provided in this agreement;

3 (b) Executed this agreement and will enter all guilty pleas pursuant hereto  
4 voluntarily; and

5 (c) Was not under the influence of intoxicating liquor, a controlled substance  
6 or other drug at the time of the execution of this agreement.

7 DATED this 18 day of December, 2016.

8 

9 HARRY GENSLER, ESQ.  
10 Nevada Bar No.: 1480

11  
12  
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16 The document to which this certificate is attached  
is a full, true and correct copy of the original  
on file and of record in my office.

Date 4-26-18

17 Sandra L. Merlino, clerk of the Fifth Judicial  
District Court, in and for the  
County of Nye, State of Nevada

18 By [Signature] Deputy

19 Per NRS 239B Sec. 8 the SSN may be redacted,  
20 but in no way affects the legality of the document  
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JUN 19 2017

Nye County Clerk  
Deputy



# EXHIBIT G

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT  
OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF NYE

THE STATE OF NEVADA,

Plaintiff,

vs.

## JUDGMENT OF CONVICTION

JACOB VERNON HARDY,

Defendant.

On the 16<sup>th</sup> of December 2016, the Defendant above named, appeared before the Court with his counsel, Harry Gensler, Esq., and entered a plea of guilty to the crime of *Unlawful Use of a Controlled Substance*, a violation of NRS 453.411, a Category "E" Felony.

On the 16<sup>th</sup> day of June 2017, the Defendant appeared personally and with his attorney, Harry Gensler, Esq., for entry of Judgment. No sufficient legal cause was shown by the Defendant as to why judgment should not be pronounced against him. The Court adjudged the Defendant guilty of the crime of *Unlawful Use of a Controlled Substance*, a violation of NRS 453.411, a Category "E" Felony.







1 The Court then sentenced the Defendant to the Nevada Department of Corrections  
2 for a minimum term of nineteen (19) months and a maximum term of forty eight (48)  
3 months.

4 Said sentence was suspended and Defendant was placed on probation for five (5)  
5 years with the following special conditions:

6 The Defendant shall successfully complete the Lion's Gate Recovery Program.

7 Upon successful completion of said program, the Defendant shall, at his own  
8 expense, enter and successfully complete the Fifth Judicial District Adult Drug Court  
9 Program.

10 The Defendant shall attend a minimum of 2 meetings per week of Narcotics  
11 Anonymous/Alcoholics Anonymous or its secular equivalent, throughout the term of his  
12 probation.

13 The Defendant shall not use, consume, possess or purchase any alcohol or illicit  
14 drug whatsoever throughout the entire term of his probation.

15 The Defendant shall not use, consume, possess or purchase any prescription drug  
16 unless first prescribed by a licensed medical professional. You shall immediately notify the  
17 Division of Parole and Probation of any prescription received.

18 The Defendant shall not misuse any prescription drug, *including, without*  
19 *limitation, any protocol concerning the use of psychotropic medication*, during the entire  
20 term of his probation grant. Defendant shall disclose to his supervising probation officer  
21 any medications prescribed by any health care professional.

22 The Defendant shall not use, consume, possess, or purchase medical or recreational  
23 marijuana throughout the entire term of his probation grant.

24 The Defendant shall not use recreational marijuana in states where the same is legal  
25 throughout the entire term of his probation grant.

26 The Defendant shall surrender his medical marijuana card, if he has the same and  
27  
28





1 shall not apply for or obtain a medical marijuana card throughout the entire term of  
2 probation.

3 The Defendant shall completely abstain from the use, possession or consumption of  
4 any alcoholic beverage. Further, that the Defendant shall completely abstain from being  
5 present in any cocktail lounge, bar or similar establishment for which the primary purpose  
6 is serving alcoholic beverages, unless required to be so present during actual employment.  
7

8 The Defendant shall not own or possess an animal without the Court's permission  
9 during the term of his probation grant.

10 The Defendant shall submit to random drug and/or alcohol testing by Nevada  
11 Parole and Probation, or its agent, throughout the entire term of his probation.

12 The Defendant shall obtain and maintain steady, gainful and verifiable full time  
13 employment as approved by Nevada Parole and Probation during the entire time of the  
14 probation grant, and if not employed full time, participating in employment and vocational  
15 training.

16 All terminations of employment or programs shall be immediately reported to your  
17 supervising Parole & Probation officer.

18 The Defendant shall submit to a search of person, property, vehicle, residence or  
19 any area and/or thing under his control, including, but not limited to, the contents of  
20 Defendant's electronic devices, including cell phones, tablets, computers, or any other  
21 electronic devices, and any social media accounts of Defendant, including but not limited  
22 to Facebook, Twitter, Instagram, Snap Chat or any other forms of social media, at any time  
23 of the day or night, without a warrant, for evidence of any crime or violation of probation  
24 by any Parole or Probation Officer or Peace Officer acting under their direction during the  
25 entire term of probation. Defendant shall provide, at the request of any Parole or Probation  
26 Officer or Peace Officer acting under their direction, any passwords, logins, or other  
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1 information to allow a search on any pass protected or encrypted devices.

2 The Defendant shall, at his own expense, enter and successfully complete any  
3 counseling or life skills program deemed necessary by Nevada Parole and Probation.

4 The Defendant shall completely abstain from gambling, or from being present in a  
5 gambling establishment except for employment purposes.

6 The Defendant shall comply with any imposed curfew deemed necessary by Parole  
7 and Probation.

8 The Defendant shall have no adverse contact with law enforcement during the term  
9 of his probation.

10 The Defendant must have prior approval from the Division of Parole and Probation  
11 to associate with any person convicted of a felony, or any person on probation or parole  
12 supervision. You are prohibited from having any contact with persons confine in a  
13 correctional institution unless specific written permission has been granted by Parole and  
14 Probation and the correctional institution.

15 The Defendant is not to operate any motor vehicle unless he can provide proof of a  
16 valid driver's license and current valid insurance.

17 The Defendant shall be returned to the Court for revocation proceedings upon the  
18 first violation of any term of his probation.

19 The Defendant shall submit to a full and complete financial disclosure.

20 The Defendant shall pay all court fees within the first year of his probation grant.

21 The Defendant is ordered to comply fully with the Division of Parole and  
22 Probation's Standard Probation Agreement and the Rules and Conditions described therein  
23 and shall pay 'supervision fees' as required by NRS 231.1076 and NAC 213.230.

24 The Defendant shall pay to the clerk of the court an administrative assessment fee  
25 of \$25.00, a DNA fee of \$150.00, a chemical analysis fee of \$60.00, and a \$3.00 DNA  
26 administrative fee.



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The Defendant shall receive credit for 21 days presentence incarceration.

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

IT IS FURTHER ORDERED that any bond in this matter be exonerated, unless previously ordered by this court for forfeiture or any other purpose.

DATED this 19<sup>th</sup> day of June 2017.

  
KIMBERLY A. WANKER,  
DISTRICT JUDGE

The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in my office.  
Date 4-26-18  
Sandra L. Merlino, clerk of the Fifth Judicial District Court, in and for the County of Nye, State of Nevada  
By D. Bennett Deputy  
Per NRS 239B.030, the SSN may be redacted, but in no way affects the legality of the document



**CERTIFICATION OF SERVICE**

The undersigned hereby certifies that on the 19th day of June 2017, she mailed (or hand delivered) copies of the foregoing **JUDGMENT OF CONVICTION** to the following:

NYE CO. DISTRICT ATTORNEY  
PAHRUMP, NV  
(DELIVERED BY FLEET)

NEVADA DIVISION OF PAROLE AND PROBATION  
PAHRUMP, NV  
(DELIVERED BY FLEET)

HARRY GENSLER, ESQ.  
PAHRUMP, NV 89048  
(HAND DELIVERED)

NYE CO. DETENTION CENTER  
PAHRUMP, NEVADA 89060  
(HAND DELIVERED)

Melissa Mevis  
MELISSA MEVIS, Secretary to  
DISTRICT JUDGE

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

File #: **P17-0151**

**EXHIBIT H**

**FILED**

**PROBATION AGREEMENT AND RULES**

2017 JUL 26 P 3:58

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

Criminal Case No. CR8667

THE STATE OF NEVADA

Plaintiff,

vs.

JACOB HARDY

Defendant

DEFENDANT is guilty of the crime of UNLAWFUL USE OF A CONTROLLED SUBSTANCE, a felony. DEFENDANT is sentenced to a term of imprisonment in the NEVADA DEPARTMENT OF CORRECTIONS for 19 TO 48 MONTHS. Execution of that sentence is suspended and the DEFENDANT is hereby admitted to probation for FIVE (5) YEARS under the following conditions:

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



### 13. SPECIAL CONDITIONS OF PROBATION:

1. That the Defendant shall successfully complete the Lion's Gate Recovery Program;
2. Upon successful completion of said program, the Defendant shall, at his own expense, enter and successfully complete the Fifth Judicial District Adult Drug Court Program;
3. That the Defendant shall attend a minimum of 2 meetings per week of Narcotics Anonymous/Alcoholics Anonymous or its secular equivalent, throughout the term of his probation;
4. That the Defendant shall not use, consume, possess or purchase any alcohol or illicit drug, whatsoever throughout the entire term of his probation;
5. That the Defendant shall not use, consume, possess or purchase any prescription drug unless first prescribed by a licensed medical professional. You shall immediately notify the Division of Parole and Probation of any prescription received;
6. That the Defendant shall not misuse any prescription drug, including, without limitation, any protocol concerning the use of psychotropic medication, during the entire term of his probation grant. Defendant shall disclose to his supervising probation officer any medications prescribed by any health care professional;
7. That the Defendant shall not consume, possess, or purchase medical or recreational marijuana throughout the entire term of his probation grant. Defendant shall not use recreational marijuana in states where the same is legal marijuana throughout the entire term of his probation grant. Defendant shall not apply for or obtain a medical marijuana card throughout the entire term of probation;
8. That the Defendant shall completely abstain from the use, possession or consumption of any alcoholic beverage. Further, that the Defendant shall completely abstain from being present in any cocktail lounge, bar or similar establishment for which the primary purpose is serving alcoholic beverages, unless required to be so present during actual employment;
9. That the Defendant shall not own or possess an animal without the Court's permission during the term of his probation grant;
10. That the Defendant shall obtain and maintain steady, gainful and verifiable full time employment as approved by Nevada Parole and Probation during the entire time of the probation grant, and if not employed full time, participating in employment and vocational training. All terminations of employment or programs shall be immediately reported to your supervising Parole and Probation officer;
11. That the Defendant shall, at her own expense, enter and successfully complete any counseling or life skills program deemed necessary by Nevada Parole and Probation;
12. That the Defendant shall completely abstain from gambling, or from being present in a gambling establishment except for employment purposes;
13. That the Defendant shall comply with an imposed curfew by Parole and Probation as deemed necessary;
14. That the Defendant shall have no adverse contact with law enforcement during the term of her probation;
15. That the Defendant must have prior approval from the Division of Parole and Probation to associate with any person convicted of a felony, or any person on probation or parole supervision. You are prohibited from having any contact with persons confined in a correctional institution unless specific written permission has been granted by Parole and Probation and the correctional institution;
16. That the Defendant is not to operate a motor vehicle unless she can provide proof of a valid driver's license and current valid insurance;
17. That the Defendant shall be returned to the Court for revocation proceedings upon the first violation of her probation;
18. That the Defendant shall submit to a full and complete financial disclosure;
19. That the Defendant shall pay the Nye County Clerk at \$25 Administrative Assessment fee, a \$60 Chemical Analysis fee, a \$3 DNA Administrative Assessment fee, and a \$150 DNA fee; fees are payable within the first year of probation;
20. That the Defendant shall comply with all terms and conditions of the Nevada Division of Parole and Probation's Standard Probation Agreement and the Rules and Conditions prescribed therein, and shall pay "supervision fees" as required by NRS 213.1076 and NAC 176.145

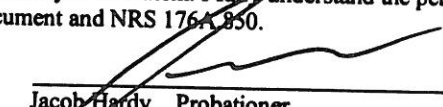
The Court reserves the right to modify these terms of Probation at any time and as permitted by law.

DATED July 26 2017, in the Fifth Judicial District Court of the State of Nevada, in and for the County of Nye.

  
KIMBERLY WANKER, District Judge

#### AGREEMENT BY PROBATIONER

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

  
Jacob Hardy, Probationer

Date 07/07/2017

Pursuant to NRS 339B.030, the undersigned hereby affirms this document does not contain the social security number of any person.

APPROVED   
Probation Officer

7-7-17  
Date

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

Date 4-26-18

Sandra L. Merlino, clerk of the Fifth Judicial District Court, in and for the County of Nye, State of Nevada

By  Deputy

Per NRS 209.060 the SSN may be redacted, but in no way affects the legality of the document

# EXHIBIT I

FILED  
FIFTH JUDICIAL DISTRICT

OCT 12 2017

Nye County Clerk  
Deputy

CASE NO. CR8667  
DEPT. 1P

IN THE FIFTH JUDICIAL DISTRICT COURT  
OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF NYE

THE STATE OF NEVADA,

Plaintiff,

-v-

ORDER OF COMMITMENT

JACOB HARDY,


Defendant.

Defendant, JACOB HARDY, was found in violation of the provisions of the Fifth Judicial District Adult Drug Court Program on the 25<sup>th</sup> of September 2017 for testing positive for codeine on September 18<sup>th</sup>, 2017. Good cause appearing thereto;


IT WAS HEREBY ORDERED that the Defendant is to report to the custody of the Nye County Detention Center for forty eight (48) hours on Sunday, October 15<sup>th</sup>, 2017 at 6:00a.m., and is to be released from custody on Tuesday, October 17<sup>th</sup>, 2017 at 6:00a.m.

DATED this 12<sup>th</sup> day of October, 2017.

  
DISTRICT JUDGE

  
FIFTH JUDICIAL DISTRICT COURT

APR 26 2018

NYE COUNTY DEPUTY CLERK  
DEPUTY 

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

Date 4-26-18

Sandra L. Merlino, clerk of the Fifth Judicial District Court, in and for the County of Nye, State of Nevada

By 

Deputy

Per NRS 239 Sec. 6 the SSN may be redacted, but in no way affects the legality of the document



**CERTIFICATION OF SERVICE**

The undersigned hereby certifies that on the 12th day of October 2017, she mailed  
(or hand delivered) copies of the foregoing **ORDER OF COMMITMENT** to the following:

NYE COUNTY DISTRICT ATTORNEY  
PAHRUMP, NV  
(HAND DELIVERED)

HARRY GENSLER, ESQ,  
PAHRUMP, NEVADA  
(HAND DELIVERED)

DEPARTMENT OF PAROLE AND PROBATION  
PAHRUMP, NV  
(HAND DELIVERED)

NYE COUNTY SHERIFF  
PAHRUMP, NV  
(HAND DELIVERED)

FIFTH JUDICIAL DISTRICT ADULT DRUG COURT  
1520 EAST BASIN AVENUE  
(HAND DELIVERED)

Melissa Mevis  
MELISSA MEVIS, Secretary to  
DISTRICT JUDGE



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

Hearing pursuant to NAC 289.290(1)(e) on the revocation of John A. Wilson, formerly of the Las Vegas Metropolitan Police Department, certification based on a Guilty Plea to Gross Misdemeanor. The Commission will decide whether to revoke Mr. Wilson'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*

## AMENDED NOTICE OF INTENT TO REVOKE

August 7, 2018

John A. Wilson POST PIN #: 22276  
[REDACTED]  
[REDACTED]

Dear Mr. Wilson:

The Commission on POST was previously scheduled to have a hearing on July 26, 2018 at 1:30 pm in Ely Nevada regarding this notice. This meeting was postponed and rescheduled for September 5, 2018 at 1:30 pm in Las Vegas (see dates, time and location listed below).

Based upon documentation received by the Nevada Commission on Peace Officer Standards and Training 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)(e) based on a conviction for a gross misdemeanor. The conviction(s) which have led to this action are as follows:

**Count I:** Conspiracy to Commit Prohibited Act under Chapter 616D a Gross Misdemeanor – NRS 616D.620.

Case No: **C-12-286959-1**

Dept No: **III**

Jurisdiction: **District Court of Clark County, Nevada**

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, 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: September 5, 2018

Time: 1:30 pm

Location: Las Vegas Metropolitan Police Department Headquarters, Building "A" Classroom 109,  
400 South Martin Luther King Blvd., Las Vegas, 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)(e), Revocation of a certificate based upon a gross 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 P.O.S.T. 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 )

vs )

JOHN A WILSON )

DEFENDANT )

CASE No. C-12-286959-1

SHERIFF CIVIL NO: 18005868

NOT FOUND AFFIDAVIT

STATE OF NEVADA }  
COUNTY OF CLARK } ss:

JEFFREY BERGSTROM, being duly sworn, deposes and says:

That he/she is a regularly appointed, qualified Deputy Sheriff of the said County of Clark, in the State of Nevada and over the age of twenty-one years, not a party to the action or related to either party, nor an attorney for a party, nor in any way interested in the within named action, and authorized to serve civil process by the laws of the State of Nevada, and competent to be a witness therein; that he/she and now is a citizen of the United States of America and of the State of Nevada and that he/she received the within stated civil process: NOTICE OF INTENT TO REVOKE on 8/7/2018 at the hour of 11:30 AM.

That after due search and diligent inquiry throughout Clark County, State of Nevada, I was unable to effect service upon the said **JOHN A WILSON** Defendant within Clark County, Nevada.

### ATTEMPTS TO LOCATE:

Date: 8/8/2018 @ 7:35 AM - [REDACTED]

Attempted By: JEFFREY BERGSTROM

Service Type: DEFENDANT DOES NOT RESIDE HERE.

Notes: LEFT RED CARD WITH DEFENDANTS FATHER WHO STATED HE WOULD GIVE IT TO HIS SON BUT NO GUARANTEE THAT HIS SON WOULD RETURN PHONE CALL, I DID INFORM THE FATHER OF THE REASON FOR THE CONTACT

Date: 8/15/2018 @ 12:35 PM - [REDACTED]

Attempted By: JEFFREY BERGSTROM


Service Type: INFORMATION

Notes: SPOKE WITH FAHTER WHO STATED HE HAS NOT SEEN OR BEEN IN CONTACT WITH HIS SON JOHN WILSON JR SINCE MY LAST CONTACT WITH HIM ON 08-08-18.

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

Dated: August 16, 2018

Joseph M. Lombardo, Sheriff

By:  9556  
JEFFREY BERGSTROM  
Deputy Sheriff

# State of Nevada - POST

## UPDATE - Personnel Action Report (PAR)

EXHIBIT C

Post ID Number: 22276

Last Name: Wilson

First Name: John

MI: A Suffix:

☐ Name Change?

Last Name: Wilson

First Name: John

MI: A Suffix:

☐ Address Change?

Street Address:

City: State: Zip Code:

County:

E-Mail:

Position: ☐ Line ☐ Supervisor ☐ Management ☐ Executive  
☐ Part Time ☐ Full Time

Status: ☐ Deceased ☐ Retired ☒ Separated

### Unfavorable Conduct?

☐ Should suspension or revocation of the Basic Certificate be considered pursuant to NAC 289.290?

Select your recommendation for suspension or revocation of the Basic Certificate that should be considered pursuant to NAC 289.290: ☐ No Action ☐ Suspension ☐ Revocation

If "Suspension" or "Revocation" is recommended, supporting documentation MUST be submitted to POST substantiating any criminal charges, to include the jurisdiction in which criminal charges were initiated.

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."

### Comments\Additional Information:

Voluntary Separation

Effective Date: 01/17/2013

Submitters Name: Robbin A Losey

Submitters Phone: 7028280216

Submitters E-Mail:

r8067l@lvmpd.com



# STATE OF NEVADA

PEACE OFFICER STANDARDS AND TRAINING COMMITTEE

*Hereby Awards the*

## Basic Certificate

*To*

### JOHN A. WILSON

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

CATEGORY I LAS VEGAS METRO POLICE ACADEMY



Governor



Director, Department of  
Motor Vehicles and Public Safety

Presented this 12th day of JULY, 19 97.

# EXHIBIT E

Electronically Filed  
01/25/2013 12:44:32 PM

  
CLERK OF THE COURT

1 **IND**  
2 CATHERINE CORTEZ MASTO  
3 Attorney General  
4 BRIAN WILLIAMS  
5 Senior Deputy Attorney General  
6 Nevada Bar No. 010469  
7 Office of the Attorney General  
8 Workers' Compensation Fraud Unit  
9 555 E. Washington Ave., Suite 3900  
10 Las Vegas, Nevada 89101-1068  
11 P: (702) 486-3126  
12 F: (702) 486-2377  
13 [BWilliams@ag.nv.gov](mailto:BWilliams@ag.nv.gov)  
14 Attorney for the Plaintiff, THE STATE OF NEVADA

9 **DISTRICT COURT**  
10 **CLARK COUNTY, STATE OF NEVADA**

12 STATE OF NEVADA, )  
13 Plaintiff, )  
14 v. )  
15 JOHN WILSON, ID#1287963, )  
16 Defendant. )

CASE NO.: C-13-286959-1  
DEPT. NO.: III

17 **INDICTMENT**

18  
19 The Defendant above named, JOHN WILSON, is accused by the Grand Jury of the  
20 County of Clark, of the crimes of FALSE STATEMENTS OR REPRESENTATIONS TO OBTAIN  
21 BENEFITS, Category D Felony in violation of NRS 616D.300(2); THEFT, a Category B Felony in  
22 violation of NRS 205.0832(1)(c), 205.0833, 205.0835(4); and ATTEMPT THEFT, a Category C  
23 Felony in violation of NRS 205.0832(1)(c), 205.0833, 205.0835(4), and 193.330(1)(a)(3), within  
24 the Clark County, State of Nevada as follows:

25 **COUNT ONE**  
26 **FALSE STATEMENTS OR REPRESENTATIONS TO OBTAIN BENEFITS**  
27 **(A Category D Felony in violation of NRS 616D.300(2))**

28 Defendant, JOHN WILSON, on or between August 2, 2012, and November 21, 2012,  
within the County of Clark, in the State of Nevada, did knowingly make a false statement or

1 representation, or conceal a material fact to obtain or attempt to obtain any benefit or payment  
2 of Industrial Insurance for himself or for any other person, and the amount of the benefit or  
3 payment obtained or attempted to be obtained was TWO HUNDRED FIFTY DOLLARS  
4 (\$250.00) or more, to wit: Defendant did misrepresent to and/or conceal from his medical  
5 treating professionals and/or his claim administrators his actual physical condition and/or his  
6 level of recovery from an Industrial Injury he was alleged to have suffered on June 27, 2012, in  
7 an effort to continue to obtain industrial benefits and/or be fit only for "light duty" assignments  
8 and/or obtain surgery on the affected body part and obtain further payment of benefits as a  
9 result of the surgery.

10 **COUNT TWO**  
11 **THEFT**

12 **(A Category B Felony in violation of NRS 205.0832(1)(c), NRS 205.0833,  
and NRS 205.0835(4))**

13 Defendant, JOHN WILSON, on or between August 2, 2012, and November 21, 2012,  
14 within the County of Clark, in the State of Nevada, did knowingly obtain real, personal or  
15 intangible property or the services of another person, valued at more than THIRTY-FIVE  
16 HUNDRED DOLLARS (\$3,500.00), by a material misrepresentation with intent to deprive that  
17 person of the property or services to wit: As a result of misrepresentations by Defendant  
18 concerning his physical condition and/or his level of recovery to his medical treating  
19 professionals and Cannon Cochrane Management Services, Defendant did collect FOUR  
20 THOUSAND SEVEN HUNDRED THIRTY-EIGHT DOLLARS AND FORTY-FOUR CENTS  
21 (\$4,738.44) in temporary total disability benefits and had EIGHT HUNDRED THIRTY DOLLARS  
22 AN FIFTY-SEVEN CENTS (\$830.57) in medical treatment paid on his behalf, for a total of  
23 FIVE THOUSAND FIVE HUNDRED SIXTY-NINE DOLLARS AND ONE CENT (\$5,569.01).

24 **COUNT THREE**  
25 **ATTEMPT THEFT**

26 **(A Category C Felony in violation of NRS 205.0832(1)(c), NRS 205.0833,  
NRS 205.0835(4), and NRS 193.330(1)(a)(3))**


27 Defendant, JOHN WILSON, on or between August 2, 2012, and November 21, 2012,  
28 within the County of Clark, in the State of Nevada, did knowingly attempt to obtain real, personal

1 or intangible property or the services of another person, valued at more than THIRTY-FIVE  
2 HUNDRED DOLLARS (\$3,500.00), by a material misrepresentation with intent to deprive that  
3 person of the property or services to wit: As a result of misrepresentations by Defendant  
4 concerning his physical condition and/or his level of recovery to his medical treating  
5 professionals and Cannon Cochrane Management Services in an attempt to obtain surgery on  
6 his body part affected in an alleged industrial injury, with accompanying Temporary Total  
7 Disability payments during recovery and a possible monetary award of Permanent Partial  
8 Disability as a result of the surgery; Defendant did attempt to collect or have paid on his behalf  
9 around SIXTY-FIVE THOUSAND THIRTY-TWO DOLLARS AND TWENTY-TWO CENTS  
10 (\$65,032.22) in total compensation.

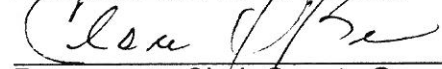
11 All of which is contrary to the form, force, and effect of the statutes in such cases made  
12 and provided, and against the peace and dignity of the State of Nevada.

13 DATED this 24<sup>th</sup> day of January, 2013.

14 CATHERINE CORTEZ MASTO  
15 Attorney General

16 By:   
17 BRIAN WILLIAMS  
18 Senior Deputy Attorney General  
19 Nevada Bar No. 010469

20 ENDORSEMENT: A True Bill

21 By:   
22 Foreperson, Clark County Grand Jury  
23  
24  
25  
26  
27  
28

Names of witnesses testifying before the Grand Jury:

1. DR. DANIEL LEE, M. D.  
NEVADA ORTHOPEDIC & SPINE  
2650 NORTH TENAYA WAY #301  
LAS VEGAS NV 89128
2. JONATHAN GIRARD, INVESTIGATOR  
ELITE INVESTIGATIONS  
7535 SOUTH EASTERN SUITE 5-284  
LAS VEGAS, NV 89123
3. DUSTY MARSHALL  
CCMSI CLAIM HANDLER  
400 SOUTH MARTIN LUTHER KING BOULEVARD  
BUILDING B  
LAS VEGAS, NV 89106
4. OFFICER MISTY PENCE (P #4950)  
LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
400 SOUTH MARTIN LUTHER KING BOULEVARD  
LAS VEGAS, NV 89106

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

5. OFFICER ROBERT WHITELEY  
LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
400 SOUTH MARTIN LUTHER KING BOULEVARD  
LAS VEGAS, NV 89106
6. DR. GARY M. FLANGAS, M.D.  
10001 SOUTH EASTERN, SUITE #408  
HENDERSON, NV 89052
7. CUSTODIAN OF RECORDS  
LAS VEGAS ATHLETIC CLUB  
2655 SOUTH MARYLAND PARKWAY #201  
LAS VEGAS, NV 89109-1666
8. CUSTODIAN OF RECORDS  
PRESCRIPTION CONTROLLED SUBSTANCE ABUSE PREVENTION TASKFORCE  
C/O NEVADA STATE BOARD OF PHARMACY  
431WEST PLUMB LANE  
RENO, NV 89509  
TELEPHONE: 775-687-5694  
FACSIMILE: 775-687-5161
9. DANIELLE HOWARD  
CCMSI CLAIM HANDLER  
400 SOUTH MARTIN LUTHER KING BOULEVARD  
BUILDING B  
LAS VEGAS, NV 89106

1 10. DR. SCOTT HALL, M. D.  
2 SPECIALTY HEALTH  
3 330 EAST LIBERTY, SUITE 200  
4 RENO, NV 89501-2221

5 11. DR. E. JAMES GREENWALD, M. D.  
6 SPECIALTY HEALTH  
7 330 EAST LIBERTY, SUITE 200  
8 RENO, NV 89501-2221  
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27 12BGJ047X/12F19615X  
28 LVMPD EV# UNKNOWN  
(TK 11)

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

  
CLERK OF THE COURT

APR 30 2018

# EXHIBIT F

Electronically Filed  
05/13/2015 03:50:00 PM

  
CLERK OF THE COURT

**AMD IND**  
ADAM PAUL LAXALT  
Attorney General  
ROBERT GIUNTA  
Senior Deputy Attorney General  
Nevada Bar No. 01229  
Office of the Attorney General  
Workers' Compensation Fraud Unit  
555 E. Washington Ave., Suite 3900  
Las Vegas, Nevada 89101-1068  
P: (702) 486-3455  
F: (702) 486-2377  
rgiunta@ag.nv.gov  
Attorney for the Plaintiff,

## DISTRICT COURT

## CLARK COUNTY, STATE OF NEVADA

STATE OF NEVADA,	)	CASE NO.: C-13-286959-1
	)	
Plaintiff,	)	DEPT. NO.: III
	)	
v.	)	
	)	
JOHN WILSON, ID#1287963,	)	
	)	
Defendant.	)	

## AMENDED INDICTMENT

The Defendant above named, JOHN WILSON, is accused by the Grand Jury of the County of Clark, of the crime of FALSE STATEMENTS OR REPRESENTATIONS TO OBTAIN BENEFITS, Category D Felony in violation of NRS 616D.300(2) within the Clark County, State of Nevada as follows:

### COUNT ONE FALSE STATEMENTS OR REPRESENTATIONS TO OBTAIN BENEFITS (A Category D Felony in violation of NRS 616D.300(2))

Defendant, JOHN WILSON, on or between August 2, 2012, and November 21, 2012, within the County of Clark, in the State of Nevada, did knowingly make a false statement or representation, or conceal a material fact to obtain or attempt to obtain any benefit or payment of Industrial Insurance for himself or for any other person, and the amount of the benefit or

1 payment obtained or attempted to be obtained was TWO HUNDRED FIFTY DOLLARS  
2 (\$250.00) or more, to wit: Defendant did misrepresent to and/or conceal from his medical  
3 treating professionals and/or his claim administrators his actual physical condition and/or his  
4 level of recovery from an Industrial Injury he was alleged to have suffered on June 27, 2012, in  
5 an effort to continue to obtain industrial benefits and/or be fit only for "light duty" assignments  
6 and/or obtain surgery on the affected body part and obtain further payment of benefits as a  
7 result of the surgery. All of which constitutes the crime of FALSE STATEMENTS OR  
8 REPRESENTATIONS TO OBTAIN BENEFITS, a category D felony.

9  
10 All of which is contrary to the form, force, and effect of the statutes in such cases made  
11 and provided, and against the peace and dignity of the State of Nevada.

12 DATED this 13th day of May, 2015.

13 ADAM PAUL LAXALT  
14 Attorney General

15 By: /s/ROBERT GIUNTA  
16 ROBERT GIUNTA  
17 Senior Deputy Attorney General  
18 Nevada Bar No. 01229  
19  
20  
21  
22  
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24  
25  
26  
27  
28




WITNESS LIST

1. OFFICER MISTY PENCE (P #4950)  
LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
400 SOUTH MARTIN LUTHER KING BOULEVARD  
LAS VEGAS, NV 89106
2. OFFICER ROBERT WHITELEY  
LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
400 SOUTH MARTIN LUTHER KING BOULEVARD  
LAS VEGAS, NV 89106
3. DR. DANIEL LEE, M. D.  
NEVADA ORTHOPEDIC & SPINE  
2650 NORTH TENAYA WAY #301  
LAS VEGAS NV 89128
4. DR. GARY M. FLANGAS, M.D.  
10001 SOUTH EASTERN, SUITE #408  
HENDERSON, NV 89052
5. CUSTODIAN OF RECORDS  
LAS VEGAS ATHLETIC CLUB  
2655 SOUTH MARYLAND PARKWAY #201  
LAS VEGAS, NV 89109-1666
6. CUSTODIAN OF RECORDS  
PRESCRIPTION CONTROLLED SUBSTANCE ABUSE PREVENTION TASKFORCE  
C/O NEVADA STATE BOARD OF PHARMACY  
431WEST PLUMB LANE  
RENO, NV 89509  
TELEPHONE: 775-687-5694  
FACSIMILE: 775-687-5161
7. JONATHAN GIRARD, INVESTIGATOR  
ELITE INVESTIGATIONS  
7535 SOUTH EASTERN SUITE 5-284  
LAS VEGAS, NV 89123
8. DUSTY MARSHALL  
CCMSI CLAIM HANDLER  
400 SOUTH MARTIN LUTHER KING BOULEVARD  
BUILDING B  
LAS VEGAS, NV 89106
9. DANIELLE HOWARD  
CCMSI CLAIM HANDLER  
400 SOUTH MARTIN LUTHER KING BOULEVARD  
BUILDING B  
LAS VEGAS, NV 89106
10. DR. SCOTT HALL, M. D.  
SPECIALTY HEALTH  
330 EAST LIBERTY, SUITE 200  
RENO, NV 89501-2221

11. DR. E. JAMES GREENWALD, M. D.  
SPECIALTY HEALTH  
330 EAST LIBERTY, SUITE 200  
RENO, NV 89501-2221

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

  
CLERK OF THE COURT

APR 30 2018

LVJC 12F19615X  
Dept. 11

ORIGINAL

EXHIBIT G

1 GPA

2 ADAM PAUL LAXALT

3 Attorney General

4 ROBERT GIUNTA

5 Senior Deputy Attorney General

6 Nevada Bar Number 01229

7 Workers' Compensation Fraud Unit

8 555 E Washington Avenue, Suite 3900

9 Las Vegas, Nevada 89101

10 P: (702) 486-3455

11 F: (702) 486-2377

12 rgiunta@ag.nv.gov

13 Attorney for the State of Nevada

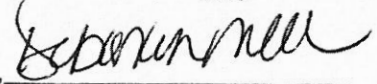
FILED IN OPEN COURT

STEVEN D. GRIERSON

CLERK OF THE COURT

MAY 14 2015

BY,



DEBORAH MILLER, DEPUTY

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

JOHN WILSON, ID#1287963,

Defendant.

CASE NO.: C-13-286959-1

DEPT. NO.: III

**NOLO CONTENDRE PLEA AGREEMENT PURSUANT TO ALFORD v. NORTH CAROLINA**

I, JOHN WILSON, hereby agree to plead NOLO CONTENDRE, PURSUANT TO ALFORD v. NORTH CAROLINA to MAKING A FALSE STATEMENT OR REPRESENTATION TO OBTAIN BENEFITS, a category D felony, in violation of NRS 616D.300(2), as more fully alleged in the charging document attached hereto as Exhibit "1".

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

1. I, JOHN WILSON, will enter a plea of NOLO CONTENDRE to MAKING A FALSE STATEMENT OR MISREPRESENTATION TO OBTAIN BENEFITS, a category D felony, in violation of NRS 616D.300(2);

///

///

///

2. I agree to close out my pending worker's compensation claim # 12D34C232616 filed with the Las Vegas Metropolitan Police Department arising out of an industrial accident dated June 27, 2012 and agree not to reopen this claim.

3. I agree to pay restitution in the amount of THIRTY THOUSAND DOLLARS (\$30,000.00) to the Las Vegas Metropolitan Police Department;

4. The parties agree to a sentence of Twelve (12) to Thirty (30) months, said sentence to be suspended and the State will not oppose a period of probation of Sixty (60) months.

5. IF I pay FIVE HUNDRED DOLLARS (\$500.00) per month toward the restitution amount and assuming the balance is paid, if I am granted an Honorable Discharge from probation, I will be allowed to withdraw my plea of Nolo Contendre to the Felony charge and will be allowed to enter a plea to Gross Misdemeanor with no additional sentencing requirements.

Furthermore, I understand that if I fail to appear at any subsequent hearings in this case or if an independent magistrate, by affidavit review, confirms probable cause against me for new criminal charges including but not limited to reckless driving or DUI, but excluding any minor traffic offense, the State will regain the full right to argue for any particular punishment available under the law for the crime(s) I have committed, including the use of any prior convictions I may have to increase my sentence as a habitual criminal.

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

#### **CONSEQUENCES OF THE PLEA**

I understand that by pleading nolo contender, that the State can prove the facts which support all the elements of the offense(s) to which I now plead as set forth in Exhibit "1".

I understand that as a consequence of my plea of nolo contendere to MAKING A FALSE STATEMENT OR MISREPRESENTATION TO OBTAIN BENEFITS, a category D felony, in violation of NRS 616D.300(2),

///

1 I may be punished by imprisonment in the state prison for a minimum term of not less  
2 than one year and a maximum term of not more than four years, and/or be ordered to pay a  
3 fine of not more than \$5,000.00, unless a greater fine is authorized or required by statute. I  
4 understand that the law requires me to pay an Administrative Assessment Fee.

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

9 I understand that pursuant to NRS 686A.292, if I have not already agreed to do so, I  
10 will be required to pay court costs, the costs reasonably incurred by the insurer and the  
11 Attorney General's Office to investigate my crime, and the costs of the prosecution of the  
12 Insurance Fraud for which I am pleading guilty or nolo contendere.

13 I understand that if I fail to pay my court ordered fines and fees, my restitution, the  
14 Attorney General's investigation and prosecution costs and/or my extradition fees before I am  
15 discharged from probation, the Nevada Attorney General's Office may institute collection  
16 procedures against me pursuant to the laws of the State of Nevada after my probation has  
17 ended. These efforts may include filing a lien against me for the outstanding amount(s).

18 I understand that I am eligible for probation for the offense(s) to which I am pleading  
19 guilty. I further understand that, except as otherwise provided by statute, the question of  
20 whether I receive probation is in the discretion of the sentencing judge.

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

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

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

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

5 I understand if the offense to which I am pleading nolo contendere was committed while  
6 I was incarcerated on another charge or while I was on probation or parole that I am not  
7 eligible for credit for time served toward the instant offenses.

8 I understand that the Division of Parole and Probation may prepare a report for the  
9 sentencing judge prior to sentencing. This report will include matters relevant to the issue of  
10 sentencing, including my criminal history. This report may contain hearsay information  
11 regarding my background and criminal history. My attorney and I will each have the  
12 opportunity to comment on the information contained in the report at the time of sentencing.  
13 Unless the Attorney General has specifically agreed otherwise, the Attorney General may also  
14 comment on this report. I understand that if the offense to which I am entering a nolo  
15 contender plea is a Gross Misdemeanor, the parties may agree to have a Gross Misdemeanor  
16 worksheet prepared in lieu of the pre-sentence report. A Gross Misdemeanor worksheet  
17 would contain matters relevant to sentencing but would be less detailed than the report  
18 prepared by the Division of Parole and Probation.

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

27 ///

28 ///



**WAIVER OF RIGHTS**

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

1. The constitutional privilege against self-incrimination, including the right to refuse to testify at trial, in which event the prosecution would not be allowed to comment to the jury about my refusal to testify.

2. The constitutional right to a speedy and public trial by an impartial jury, free of excessive pretrial publicity prejudicial to the defense, at which trial I would be entitled to the assistance of an attorney, either appointed or retained. At trial the State would bear the burden of proving beyond a reasonable doubt each element of the offense charged.

3. The constitutional right to confront and cross-examine any witnesses who would testify against me.

4. The constitutional right to subpoena witnesses to testify on my behalf.

5. The constitutional right to testify in my own defense.

6. The right to appeal the conviction, with the assistance of an attorney, either appointed or retained, unless the appeal is based upon reasonable constitutional jurisdictional or other grounds that challenge the legality of the proceedings and except as otherwise provided in NRS 174.035(3). I understand this means I am unconditionally waiving my right to a direct appeal of this conviction, including any challenge based upon reasonable constitutional; jurisdictional; or other grounds that challenge the legality of the proceedings as stated in NRS 177.015(4). However, I remain free to challenge my conviction through other post-conviction remedies, including a habeas corpus petition pursuant to NRS Chapter 34.

**VOLUNTARINESS OF PLEA**

I have discussed the elements of all of the original charges against me with my attorney and I understand the nature of the charges against me.

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

///

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

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

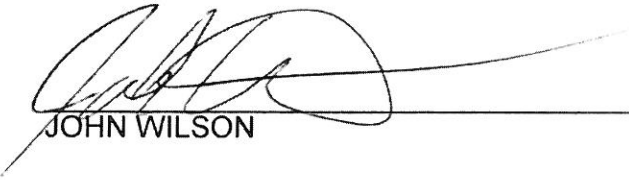
5 I believe that pleading nolo contendere and accepting this plea bargain is in my best  
6 interest, and that a trial would be contrary to my best interest.

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

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

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

15 DATED this 14 day of May, 2015.

16  
17   
18 JOHN WILSON

19 AGREED TO BY: 

20 DATED this 13 day of May, 2015.

21  
22   
23 ROBERT GIUNTA  
24 Senior Deputy Attorney General  
25  
26  
27  
28



CERTIFICATE OF COUNSEL

I, the undersigned, as counsel for Defendant, JOHN WILSON, and as an officer of the Court hereby certify that:

1. I have fully explained to Defendant the allegations contained in the charge to which the nolo contendere plea is being entered;

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

3. All pleas of nolo contendere offered by Defendant pursuant to this Agreement are consistent with all the facts known to me and are made with my advice to Defendant and are in the best interest of Defendant; and


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

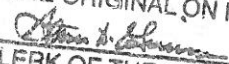
a. Is competent and understands the charge and the consequences of pleading nolo contendere as provided in this Agreement;

b. Executed this Agreement, and will enter a nolo contendere plea pursuant hereto, voluntarily; and

c. Was not under the influence of intoxicating liquor, a controlled substance, or other drug(s) at the time of the execution of this Agreement.

DATED this 14 day of May, 2015.

  
MICHAEL SCHWARZ, Esq.  
State Bar of Nevada #5126  
Attorney for Defendant,  
JOHN WILSON

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

APR 30 2018

# EXHIBIT 1

  
CLERK OF THE COURT

1 **AMD IND**  
2 ADAM PAUL LAXALT  
3 Attorney General  
4 ROBERT GIUNTA  
5 Senior Deputy Attorney General  
6 Nevada Bar No. 01229  
7 Office of the Attorney General  
8 Workers' Compensation Fraud Unit  
9 555 E. Washington Ave., Suite 3900  
10 Las Vegas, Nevada 89101-1068  
11 P: (702) 486-3455  
12 F: (702) 486-2377  
13 rgiunta@ag.nv.gov  
14 Attorney for the Plaintiff,  
15  
16

9 **DISTRICT COURT**  
10 **CLARK COUNTY, STATE OF NEVADA**  
11

12 STATE OF NEVADA, )  
13 Plaintiff, )  
14 v. )  
15 JOHN WILSON, ID#1287963, )  
16 Defendant. )

CASE NO.: C-13-286959-1  
DEPT. NO.: III

17  
18 **AMENDED INDICTMENT**

19 The Defendant above named, JOHN WILSON, is accused by the Grand Jury of the  
20 County of Clark, of the crime of FALSE STATEMENTS OR REPRESENTATIONS TO OBTAIN  
21 BENEFITS, Category D Felony in violation of NRS 616D.300(2) within the Clark County, State of  
22 Nevada as follows:

23 **COUNT ONE**  
24 **FALSE STATEMENTS OR REPRESENTATIONS TO OBTAIN BENEFITS**  
25 **(A Category D Felony in violation of NRS 616D.300(2))**

26 Defendant, JOHN WILSON, on or between August 2, 2012, and November 21, 2012,  
27 within the County of Clark, in the State of Nevada, did knowingly make a false statement or  
28 representation, or conceal a material fact to obtain or attempt to obtain any benefit or payment  
of Industrial Insurance for himself or for any other person, and the amount of the benefit or

1 payment obtained or attempted to be obtained was TWO HUNDRED FIFTY DOLLARS  
2 (\$250.00) or more, to wit: Defendant did misrepresent to and/or conceal from his medical  
3 treating professionals and/or his claim administrators his actual physical condition and/or his  
4 level of recovery from an Industrial Injury he was alleged to have suffered on June 27, 2012, in  
5 an effort to continue to obtain industrial benefits and/or be fit only for "light duty" assignments  
6 and/or obtain surgery on the affected body part and obtain further payment of benefits as a  
7 result of the surgery. All of which constitutes the crime of FALSE STATEMENTS OR  
8 REPRESENTATIONS TO OBTAIN BENEFITS, a category D felony.

9  
10 All of which is contrary to the form, force, and effect of the statutes in such cases made  
11 and provided, and against the peace and dignity of the State of Nevada.

12 DATED this 13th day of May, 2015.

13 ADAM PAUL LAXALT  
14 Attorney General

15 By: /s/ROBERT GIUNTA  
16 ROBERT GIUNTA  
17 Senior Deputy Attorney General  
18 Nevada Bar No. 01229  
19  
20  
21  
22  
23  
24  
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26  
27  
28

WITNESS LIST

1. OFFICER MISTY PENCE (P #4950)  
LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
400 SOUTH MARTIN LUTHER KING BOULEVARD  
LAS VEGAS, NV 89106
2. OFFICER ROBERT WHITELEY  
LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
400 SOUTH MARTIN LUTHER KING BOULEVARD  
LAS VEGAS, NV 89106
3. DR. DANIEL LEE, M. D.  
NEVADA ORTHOPEDIC & SPINE  
2650 NORTH TENAYA WAY #301  
LAS VEGAS NV 89128
4. DR. GARY M. FLANGAS, M.D.  
10001 SOUTH EASTERN, SUITE #408  
HENDERSON, NV 89052
5. CUSTODIAN OF RECORDS  
LAS VEGAS ATHLETIC CLUB  
2655 SOUTH MARYLAND PARKWAY #201  
LAS VEGAS, NV 89109-1666
6. CUSTODIAN OF RECORDS  
PRESCRIPTION CONTROLLED SUBSTANCE ABUSE PREVENTION TASKFORCE  
C/O NEVADA STATE BOARD OF PHARMACY  
431 WEST PLUMB LANE  
RENO, NV 89509  
TELEPHONE: 775-687-5694  
FACSIMILE: 775-687-5161
7. JONATHAN GIRARD, INVESTIGATOR  
ELITE INVESTIGATIONS  
7535 SOUTH EASTERN SUITE 5-284  
LAS VEGAS, NV 89123
8. DUSTY MARSHALL  
CCMSI CLAIM HANDLER  
400 SOUTH MARTIN LUTHER KING BOULEVARD  
BUILDING B  
LAS VEGAS, NV 89106
9. DANIELLE HOWARD  
CCMSI CLAIM HANDLER  
400 SOUTH MARTIN LUTHER KING BOULEVARD  
BUILDING B  
LAS VEGAS, NV 89106
10. DR. SCOTT HALL, M. D.  
SPECIALTY HEALTH  
330 EAST LIBERTY, SUITE 200  
RENO, NV 89501-2221

Attorney General's Office  
555 E. Washington, Suite 3900  
Las Vegas, NV 89101

1 11. DR. E. JAMES GREENWALD, M. D.  
2 SPECIALTY HEALTH  
3 330 EAST LIBERTY, SUITE 200  
4 RENO, NV 89501-2221  
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26 LVJC 12F19615X  
27 Dept. 11  
28

ORIGINAL

EXHIBIT H

GPA

ADAM PAUL LAXALT

Attorney General

ROBERT GIUNTA

Senior Deputy Attorney General, Bar No. 1229

Office of the Attorney General

555 E. Washington Ave., Ste. 3900

Las Vegas, Nevada 89101-1068

P: (702) 486-3455

F: (702) 382-2377

rgiunta@ag.nv.gov

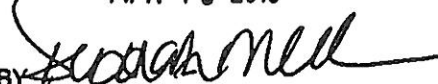
Attorneys for the State of Nevada

FILED IN OPEN COURT

STEVEN D. GRIERSON

CLERK OF THE COURT

APR 19 2018

BY:   
DEBORAH MILLER, DEPUTY

DISTRICT COURT

CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff,

v.

JOHN WILSON, ID#1287963

Defendant.

Case No.: C-12-286959-1

Dept. No.: III

C-13-286969-1

GPA

Guilty Plea Agreement

4739683



GUILTY PLEA AGREEMENT

I hereby agree to plead guilty to CONSPIRACY TO COMMIT PROHIBITED ACT a gross misdemeanor, in violation of NRS 616D.410(2), as more fully alleged in the charging document attached hereto as Exhibit "1."

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

1. The State will not oppose probation, but retains the right to argue for any lawful terms and conditions of probation, including, without limitation, a period of incarceration not to exceed one year;

2. I will pay restitution to the Las Vegas Metropolitan Police Department in the total amount of Sixteen Thousand Three Hundred Fifty-Eight Dollars and Ninety Cents (\$16,358.90).

3. I agree that pursuant to the provisions of NRS 616D.620, I am forfeiting any further benefits under my workers compensation claim #12D34C232616, with the Las Vegas Metropolitan Police Department which occurred on June 27, 2012;

///

1 4) I agree to waive any defects or infirmities as to the form of the charging document attached  
2 as Exhibit "1." I understand that, pursuant to NRS 176.015(3), victims so desiring will be allowed to make  
3 impact statements;

4 I understand and agree that, if I fail to interview with the Department of Parole and Probation, fail  
5 to appear at any subsequent hearings in this case, or an independent judge or magistrate, by affidavit  
6 review or other satisfactory proof, 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 unqualified right to  
8 argue for any legal sentence and term of confinement allowable for the crime(s) to which I am pleading  
9 guilty, including the use of any prior convictions I may have to increase my sentence as a habitual criminal  
10 to five (5) to twenty (20) years, life without the possibility of parole, life with the possibility of parole after  
11 ten (10) years, or a definite twenty-five (25) year term with the possibility of parole after ten (10) years.  
12 Otherwise, I am entitled to receive the benefits of these negotiations as stated in the plea agreement.

13 **CONSEQUENCES OF THE PLEA**

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

16 I understand that as a consequence of my plea of guilty the Court must sentence me to  
17 imprisonment in the Clark County Detention Center for a maximum term of not more than Three Hundred  
18 and Sixty Four (364) days. I understand that I may also be fined up to Two Thousand (\$2,000.00). I  
19 understand the law requires me to pay an Administrative Assessment Fee. I also understand that I am  
20 forfeiting all benefits under my workers compensation claim #12D34C232616, with the Las Vegas  
21 Metropolitan Police Department which occurred on June 27, 2012.

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

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



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

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

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

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

12 I understand the Division of Parole and Probation may prepare a report for the sentencing judge  
13 prior to sentencing or the Court may order the parties to prepare a Gross Misdemeanor Sentencing  
14 Worksheet. This report or worksheet will include matters relevant to the issue of sentencing, including my  
15 criminal history. This report may contain hearsay information regarding my background and criminal  
16 history. My attorney and I will each have the opportunity to comment on the information contained in the  
17 report at the time of sentencing. Unless the Attorney General has specifically agreed otherwise, the  
18 Attorney General may also comment on this report.

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

22 I understand that if I am not a United States citizen, this criminal conviction will likely result in  
23 serious negative immigration consequences including but not limited to: removal from the United States  
24 through deportation; an inability to reenter the United States; the inability to gain United States citizenship  
25 or legal residency; an inability to renew and/or retain any legal residency status; and/or an indeterminate  
26 term of confinement, with the United States Federal Government based on my conviction and immigration

27 ///

28 ///

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

4 **WAIVER OF RIGHTS**

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

7 1. The constitutional privilege against self-incrimination, including the right to refuse to  
8 testify at trial, in which event the prosecution would not be allowed to comment to the jury about my  
9 refusal to testify.

10 2. The constitutional right to a speedy and public trial by an impartial jury, free of excessive  
11 pretrial publicity prejudicial to the defense, at which trial I would be entitled to the assistance of an  
12 attorney, either appointed or retained. At trial, the State would bear the burden of proving beyond a  
13 reasonable doubt each element of the offense charged.

14 3. The constitutional right to confront and cross-examine any witnesses who would testify  
15 against me.

16 4. The constitutional right to subpoena witnesses to testify on my behalf.

17 5. The constitutional right to testify in my own defense.

18 6. The right to appeal the conviction, with the assistance of an attorney, either appointed or  
19 retained, unless the appeal is based upon reasonable constitutional, jurisdictional or other grounds that  
20 challenge the legality of the proceedings and except as otherwise provided in subsection 3 of NRS  
21 174.035.

22 **VOLUNTARINESS OF PLEA**

23 I have discussed the elements of all the original charges against me with my attorney and I  
24 understand the nature of the charges against me.

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

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

28 ///

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

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

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

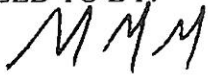
8 I am not now under the influence of any intoxicating liquor, a controlled substance or other drug  
9 which would in any manner impair my ability to comprehend or understand this agreement or the  
10 proceedings surrounding my entry of this plea.

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

13 DATED this 19 day of April, 2018.

14   
15 JOHN WILSON, Defendant

16 AGREED TO BY:

17   
18 ROBERT GIUNTA  
19 Senior Deputy Attorney General  
20  
21  
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**CERTIFICATE OF DEFENSE COUNSEL**

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

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

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

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

DATED this 19 day of April, 2018

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

*[Signature]*  
CLERK OF THE COURT

*[Signature]*  
MICHAEL SCHWARZ  
Attorney for JOHN WILSON

APR 30 2018

# *EXHIBIT 1*

1 AIND  
ADAM PAUL LAXALT  
2 Attorney General  
ROBERT GIUNTA  
3 Senior Deputy Attorney General, Bar No. 1229  
Office of the Attorney General  
4 555 E. Washington Ave., Ste. 3900  
Las Vegas, Nevada 89101-1068  
5 P: (702) 486-3455  
F: (702) 382-2377  
6 rgiunta@ag.nv.gov  
*Attorneys for the State of Nevada*

7  
8 DISTRICT COURT  
9 CLARK COUNTY, NEVADA

10 STATE OF NEVADA,  
11 Plaintiff,  
12 v.  
13 JOHN WILSON, ID#1287963  
14 Defendant.

Case No.: C-12-286959-1  
Dept. No.: III

15  
16 AMENDED CRIMINAL INDICTMENT

17 ADAM PAUL LAXALT, Attorney General for the State of Nevada, complains and charges that:

18 The above named defendant, JOHN WILSON, has committed the crimes of one (1) count of  
19 CONSPIRACY TO COMMIT PROHIBITED ACT UNDER NRS 616D.620, a Gross Misdemeanor.

20 All of the acts alleged herein have been committed or completed on or between about June 27,  
21 2012, and December 11, 2013, by the above-named Defendant, within the County of Clark, State of  
22 Nevada, in the following Manner:

23 COUNT 1  
24 CONSPIRACY TO COMMIT PROHIBITED ACT UNDER CHAPTER 616D a Gross  
Misdemeanor – NRS 616D.620

25 The Defendant, JOHN WILSON, in the County of Clark, State of Nevada, did without lawful  
26 authority, conspire with another individual to knowingly make a false statement or representation or  
27 knowingly conceal a material fact to obtain any benefit or payment under Chapters 616A-D for himself or  
28 any other person, to wit, on or between June 27, 2012, and January 17, 2013, Defendant did willfully

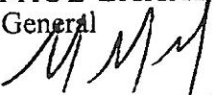
1 conspire with an unknown person to make false representations regarding his ability to work in order to  
2 obtain benefits under his workers compensation claim #12D34C232616' against the Las Vegas  
3 Metropolitan Police Department in order to obtain Temporary Total Disability benefits to which he was  
4 not entitled in violation of NRS 616D. 300.

5 All of which constitutes the crime of CONSPIRACY TO COMMIT A PROHIBITED ACT  
6 UNDER NRS 6116D.300, a gross misdemeanor, in violation of NRS 616D.410.

7  
8 DATED this 18<sup>th</sup> day April, 2018.

9 SUBMITTED BY

10 ADAM PAUL LAXALT  
11 Attorney General

12 By:   
13 Robert Giunta (Bar. No. 1229)  
14 Senior Deputy Attorney General  
15 Attorneys for the State of Nevada  
16  
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# EXHIBIT I

Electronically Filed  
4/26/2018 9:54 AM  
Steven D. Grierson  
CLERK OF THE COURT

*Steven D. Grierson*

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

JOHN WILSON, #1287963

Defendant.

CASE NO. C-12-286959-1

DEPT. NO. III

## JUDGMENT OF CONVICTION

(PLEA OF GUILTY)

On the 19<sup>th</sup> day of April, 2018, the Defendant appeared before the Court with counsel MICHAEL H. SCHWARZ, Esq., and entered a plea of guilty to the crime of CONSPIRACY TO COMMIT PROHIBITED ACT (Gross Misdemeanor) in violation of NRS 616D.410(2); thereafter, and good cause appearing, pre-sentence report waived,

THE DEFENDANT IS HEREBY ADJUDGED guilty of said **Gross Misdemeanor** offense and, in addition to the \$25.00 Administrative Assessment fee, \$150.00 DNA Analysis fee, including testing to determine genetic markers, \$3.00 DNA Collection Fee, and a \$250.00 Fine, ALL FEES AND FINES WAIVED, \$16,358.90 restitution payable to Las Vegas Metropolitan Police Department (already paid), Defendant is sentenced to ONE (1) DAY in the Clark County Detention Center (CCDC) with ONE (1) DAY credit for time served.

DATED this 23<sup>rd</sup> day of April, 2018.

*[Signature]*  
DOUGLAS W. HERNDON  
DISTRICT JUDGE

msf

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



# EXHIBIT I PG 2

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

  
CLERK OF THE COURT

APR 30 2018



**13. 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.*



14. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**  
Schedule upcoming Commission Meeting.

15. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**  
Adjournment.