

### NEVADA COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

#### POST COMMISSION MEETING 2:00 P.M., THURSDAY JULY 17, 2025

RENO POLICE DEPARTMENT PUBLIC SAFETY CENTER COMMUNITY ROOM 911 KUENZLI STREET RENO, NV 89502

#### AGENDA



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

JOE LOMBARDO Governor MICHAEL D. SHERLOCK Executive Director

#### NOTICE OF PUBLIC MEETING (NRS 241)

# NOTICE IS HEREBY GIVEN THAT STARTING AT 2:00 P.M. ON THURSDAY, JULY 17, 2025, THE COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING WILL HOLD A REGULARLY SCHEDULED MEETING AT THE RENO POLICE DEPARTMENT PUBLIC SAFETY CENTER COMMUNITY ROOM, 911 KUENZLI STREET, RENO, NV 89502.

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. <u>REGULARLY SCHEDULED MEETING</u>

- 1. Call to Order
- 2. Roll call of Commission Members

#### 3. <u>PUBLIC COMMENT</u>

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

- 4. <u>DISCUSSION AND FOR POSSIBLE ACTION.</u> Nomination and election of new Commission Chairman
- 5. <u>DISCUSSION AND FOR POSSIBLE ACTION.</u> Approval of minutes from the May 1, 2025, regularly scheduled meeting
- 6. **INFORMATION ONLY** Executive Director's report.
  - a. Training Division
  - b. Standards Division
  - c. Administration

#### 7. DISCUSSION AND FOR POSSIBLE ACTION.

Request from the Henderson Police Department for an Executive Certificate for their employee Deputy Chief Brandon Brooks, pursuant to NAC 289.270(1)(a). Possible action may include approval or denial of the requested Executive Certificate.

#### 8. DISCUSSION AND FOR POSSIBLE ACTION.

Request from the Nevada Gaming Control Board for an Executive Certificate for their employee Chief Kristi Torgerson, pursuant to NAC 289.270(1)(a). Possible action may include approval or denial of the requested Executive Certificate.

#### 9. DISCUSSION AND FOR POSSIBLE ACTION.

Hearing pursuant to NAC 289.230(4) and NAC 289.290(1)(f) on the suspension of the category II basic certificate held by Craig Dahlheimer, currently employed with Laughlin Township Constables Office, based on noncompliance with annual training requirements for 2024.

Possible action may include suspension of Mr. Dahlheimer's category II basic certificate.

#### 10. DISCUSSION AND FOR POSSIBLE ACTION.

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

COUNT I: CHILD ENDANGERMENT, a gross misdemeanor as defined in NRS 200.508(2)(b)(1).

Action may be revocation of the category III basic certificate.

#### 11. DISCUSSION AND FOR POSSIBLE ACTION.

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

COUNT 1: POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONTACT OF A CHILD (Category B Felony) in violation of NRS 200.700. NRS 200.730.

COUNT 2: PREPARING, ADVERTISING OR DISTRIBUTING MATERIALS DEPICTING PORNOGRAPHY INVOLVING A MINOR (Category B Felony) in violation of NRS 200.725. Action may be revocation of the category III basic certificate.

#### 12. DISCUSSION AND FOR POSSIBLE ACTION.

Hearing pursuant to NAC 289.290(1)(g) for the possible revocation of the category I and III basic certificates held by Joseph M. Ortega, former employee of the Las Vegas Metropolitan Police Department, based on the conviction of, entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a felony. The conviction(s) that have led to this action are:

COUNT 1: CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH USE OF A DEADLY WEAPON (Category B Felony), in violation of NRS 200.508, NRS 193.165.

COUNT 2-5: CHILD ABUSE, NEGLECT OR ENDANGERMENT (Category B Felony) in violation of NRS 200.508.

COUNT 7: COERCION CONSTITUTING DOMESTIC VIOLENCE (Category B Felony) in violation of NRS 207.190.

Action may be revocation of the category I and III basic certificates.

#### 13. DISCUSSION AND FOR POSSIBLE ACTION.

Hearing pursuant to NAC 289.290(1)(g) for the possible revocation of the category I, II and III basic certificates held by Harvey S. Velazquez, former employee of the Las Vegas Metropolitan Police Department, based on the conviction of, entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a felony. The conviction(s) that have led to this action are:

COUNT 1: SOLICITING A CHILD FOR PROSTITUTION (Category D Felony) in violation of NRS 201.354.

COUNT 2: LURING CHILDREN OR MENTALLY ILL PERSONS WITH THE INTENT TO ENGAGE IN SEXUAL CONDUCT (Category B Felony) in violation of NRS 201.560.

COUNT 3: STATUTORY SEXUAL SEDUCTION (Category B Felony) in violation of NRS 200.364, NRS 200.68.1.

## COUNT 4: ATTEMPT TO USE OR PERMIT MINOR, AGE 14 OR OLDER, TO BE SUBJECT OF SEXUAL PORTRAYAL IN A PERFORMANCE (Category B Felony) in violation of NRS 200.710.2, NRS 193.153.

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

#### 14. PUBLIC COMMENT

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

#### 15. DISCUSSION AND FOR POSSIBLE ACTION.

Schedule upcoming Workshop and Regularly scheduled meeting. Tentatively set for October 29, 2025 in Las Vegas.

#### 16. DISCUSSION AND FOR POSSIBLE ACTION.

Adjournment.

#### POSTED AT THE FOLLOWING LOCATIONS:

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

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

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 Kathy Floyd at (775) 687-7678, Ext. 3335, no later than 2 working days prior to the meeting.

#### I. REGULARLY SCHEDULED MEETING

#### 1. Call to Order

2. Roll call of Commission Members

#### 3. PUBLIC COMMENT

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

## 4. **DISCUSSION AND FOR POSSIBLE ACTION.** Nomination and election of new Commission Chairperson

5. **DISCUSSION AND FOR POSSIBLE ACTION.** Approval of minutes from the May 1, 2025 regularly scheduled meeting

1	STATE OF NEVADA
2	COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
3	
4	A Workshop and Regularly Scheduled Meeting of
5	the Commission on Peace Officer Standards and Training was held
6	on Thursday, May 1, 2025 commencing at 10:00 a.m. at 5587 Wa Pai
7	Shone Avenue, Carson City, Nevada.
8	
9	COMMISSIONERS:
10	Tyler Trouten, Chairman
11	Dan Coverley
12	Oliver Miller
13	Russ Niel
14	Jamie Prosser
15	Rob Straube
16	George Togliatti
17	
18	
19	STAFF:
20	Kathy Floyd, POST F
21	Geordan Goebel, Attorney General's Office
22	Mike Sherlock, POST F
23	
24	
25	TRANSCRIBED BY: Marsha Steverman-Meech

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1	PROCEEDINGS
2	TROUTEN: Good morning everyone. The POST
3	Commission meeting scheduled for May 1st, 2025 is called to
4	order. The time is 10:00 AM. I will ask Ms. Kathy Floyd for
5	information on the legal postings of the agenda packet and open
6	meeting compliance.
7	FLOYD: The agenda was physically posted at the
8	POST Administration Building in the Nevada State Library in
9	Carson City in compliance with NRS 241.020. It was also posted
10	electronically at post.nv.gov, State of Nevada website at
11	notice.nv.gov, and emailed to all single point of contacts and
12	agency administrators on the POST listserv.
13	TROUTEN: Thank you. We'll proceed to roll call
14	and then move to my left. I'm Ty Trouten from Elko Police
15	Department.
16	NIEL: Russ Niel, State Gaming Control Board.
17	PROSSER: Jamie Prosser, Las Vegas Metro.
18	STRAUBE: Rob Straube, City of Las Vegas
19	Department of Public Safety.
20	COVERLEY: Dan Coverley, Douglas County.
21	MILLER: Oliver Miller, Reno Police Department.
22	TOGLIATTI: George Togliatti, Nevada Department of
23	Public Safety.
24	FLOYD: Kathy Floyd with POST.
25	SHERLOCK: Mike Sherlock with POST.

1 GOEBEL: Geordan Goebel with the Attorney General's office. 2 All right, thank you. I have a couple 3 TROUTEN: absences this morning. We'll now go to public comments. 4 The 5 Commission may not take any action on any matter considered under this item until the matter is specifically included on an 6 7 agenda as an action item. We will have another opportunity for public comment at the end of the meeting. If you do wish to 8 9 make public comment, please speak into the microphone and please 10 state your name clearly for the record. Do we have any public 11 comment at this time? All right, hearing none, we'll move 12 forward to Item Number 4. This will be approval of the minutes from both the February 5th, 2025 meeting, as well as we have the 13 14 October 17th, 2024 meeting that were attached this time. So we 15 will address the October 17th, 2024 meeting first. Are there 16 any additions or corrections to the minutes as presented? Do I 17 have a motion to accept the minutes? 18 NIEL: Russ Niel. So moved. 19 TROUTEN: Is there a second? 20 PROSSER: Jamie Prosser. Second. 21 Motion and a second to accept the TROUTEN: minutes. All in favor, please say aye. 22 23 MEMBERS: Aye. 24 TROUTEN: Any opposed? I also vote aye. Now to 25 minutes on February 5th, 2025 regularly scheduled meeting. Are

1 there any additions or amendments to those minutes as presented? If not, motion to accept? 2 Russ Niel, motion to accept. 3 NIEL: 4 TROUTEN: Have a second. PROSSER: Jamie Prosser. Second. 5 Any further discussion? All in favor 6 TROUTEN: 7 say aye. 8 MEMBERS: Aye. 9 Any opposed? I also vote aye. Minutes TROUTEN: 10 have been accepted. Move on to Item Number 5. This is 11 informational only item. We'll go to Director Sherlock, let's 12 see here, for update on POST activity. 13 Thank you. Mike Sherlock for the SHERLOCK: 14 record. So again, it's that time of year or that time of the 15 biennium, budget and legislative bills. You know, just I'd like 16 to remind the Commission, my response in many cases to the legislature is that they should not do what the Commission is

17 18 tasked to do. When the legislature mandates training or other 19 standards, it really undermines the very mission and the purpose 20 of the Commission. I often tell the legislators that you, the 21 Commission, are the experts and make decisions on training and 22 standards based on the needs across the state and not in a 23 That usually works for a couple bills and it has a vacuum. 24 little bit this biennium. Overall though, they're going to do 25 what they do based on politics and not really what we say.

1 That's just the way it is. We are in sort of a weird world, actually, a better world as we're hopeful some of the bills that 2 concern POST may be vetoed, but again, it's a wait and see for 3 4 We did provide some feedback on bills dealing with us. mandatory training related to dementia and cognitive disorders 5 and some related areas in two separate bills. One bill, we 6 7 believe our input was accepted and the bill no longer has any real, you know, impact on POST. The other one is still out 8 9 there and it mandates some specific training that may or may not 10 impact us, depending on final language and so we'll wait and see 11 on that. You know, as has become the custom, we're tracking and 12 providing input related to hiring non-citizens as peace officers. The last language I saw removes, or demands, or 13 14 forces the removal of statute and directs the POST Commission to 15 remove regulations mandating that only US citizens can be peace 16 officers, and it adds permanent residents who are honorably 17 discharged from the military could become peace officers. So just from our perspective, most of those permanent resident 18 19 green card holders that are in the military, by the time they're 20 coming out, they're pretty close to being eligible for 21 citizenship anyway so there is some ability to do backgrounds 22 and vet them at least for that short period, but it's still not 23 the best in terms of background in vetting, just based on how far back you can go. But let's be honest, it's better than --24 25 you know, we went from DACA to any permanent resident to now

1 we're down to those honorably discharged so we're making some headway there and we can try to track that where we can. On our 2 budget, we're still a little bit in limbo. Our budget does 3 4 include a one shot for data management system. If that somehow gets cut, you know, there's no sugar coating it, we're in 5 trouble. The system forced on us by the state is not practical 6 7 and the cost for that system from the state is not known so we 8 can't even budget for it. We don't know what they're going to 9 charge us, and yet we'll be at the mercy of OCIO with the state 10 in terms of billing so it's just not acceptable. We are hopeful 11 at this point though, it is part of the Governor's budget for 12 us. We are such a small budget in the big scheme of things, to cut that from our budget wouldn't be a benefit for anybody else 13 14 so we're hopeful that it's going to remain in there and we'll 15 get through that. Last week we had another Supreme Court 16 decision. Actually, this was the third in a very short period 17 of time in our favor, really thanks to the work of the Attorney General's office. The elected sheriff of Esmeralda County was 18 ordered removed. Those of you that followed this, POST had 19 denied certification and notified Esmeralda based on a sealed 20 21 domestic violence conviction and also the fact that he would not 22 be able to meet certification requirements within the one year 23 timeframe. The county at that time refused to remove him, the 24 Attorney General's office filed a writ to have him removed, the 25 district court denied that writ, and it was appealed to the

1 Supreme Court. Once again, the court agreed that rules matter and the good-old-boy system, that's my interpretation, is not in 2 the best interest of anyone and in particular policing. 3 The 4 Supreme Court found we properly interpreted both the conviction 5 and the fact that he couldn't get certified and should have been removed by statute. So finally, as of April 26th, and so the 6 7 Supreme Court ordered the district court in Esmeralda County to issue a writ to remove him. The district court finally did that 8 9 on April 22nd, based on that directive from the Supreme Court, 10 and removed Mr. Dondero. I will say that the delay by the 11 county and the district court did have us concerned. They 12 initially had not issued the writ despite the Supreme Court decision and had stated they were looking at appealing the 13 14 decision in the federal system. I'm not really sure who they is 15 in terms of the county out there, but that was what we were 16 told. So we reached out to our DAG, Geordan, for advice as to 17 what recourse we as a regulatory agency have where an agency or individuals ignore, you know, substantial statutes and 18 regulations and they are significantly out of compliance as both 19 20 the sheriff and some of the people there were. So in a 21 nutshell, you know, going -- and I know here at the Commission 22 we've talked about what our recourse is on some of these audits 23 and where agencies are just not complying with the standard but 24 in this case, it was rather egregious so we really wanted to 25 look at it. But what we were prepared to do is to initiate some

administrative sanctions, remove sort of that agency from under 1 the POST umbrella, certificates would be moved to inactive. 2 We would no longer provide services such as continuing education or 3 4 academy-type access and other sanctions, which we believe going 5 forward would help to provide an incentive for compliance with those minimum standards. As it turns out, the judge did 6 7 eventually issue the writ and remove the elected sheriff and at 8 this point, we will work with that agency in helping them get 9 into compliance. So we were able to get through that but just 10 it did bring up some of the things we've talked about and what 11 could we do where when agencies, you know, they're just not 12 complying with the minimum standards, and that's what we came up 13 with. We also met with our DAG regarding sort of the procedure 14 and parameters of revocation hearings to bring them in focus and 15 I will talk about that at our first revocation hearing today. 16 So with that, I'll yield back to you. 17 TROUTEN: Thank you, Director. Any questions?

18PROSSER:Jamie Prosser for the record. I know19back in our October meeting we talked about Esmeralda County not20having four of their officers in compliance for backgrounds and21you advised us that two (inaudible) the department were. What's22the status of those two?

FLOYD: As far as I know, they're still there.
SHERLOCK: They're -- yeah, and they're certified
now, right? The one was reciprocity and --

05/01/2025 Commission on POST Meeting 1 FLOYD: Right. Yeah. So the remaining are certified 2 SHERLOCK: 3 now. Anything further? All right, we'll move 4 TROUTEN: 5 We're going to push Item 6 towards further in the agenda, on. so we'll move on to Item Number 7. This is a request from the 6 7 Douglas County Sheriff's Office for an executive certificate for their employee Captain Richard Koontz, pursuant to NAC 8 9 289.270(1)(a). Possible action may include approval or denial 10 of the request of executive certificate. Director Sherlock. Mike Sherlock for the record. So staff 11 SHERLOCK: 12 has reviewed the application from Captain Koontz for executive 13 certificate and staff findhe does meet the requirements for the 14 executive certificate and would recommend the Commission approve 15 that certificate. 16 TROUTEN: Thank you. Is Captain Koontz here? All 17 right, do we have any questions or discussion from the Commission? If not, I would entertain a motion. 18 19 MILLER: Oliver Miller, move to approve. TROUTEN: Is there a second? 20 21 TOGLIATTI: George Togliatti will second. 22 TROUTEN: Have a motion and second to approve 23 executive certificate. All in favor, please say aye. 24 MEMBERS: Aye.

1 TROUTEN: Any opposed? I also vote aye. Motion Item Number 8, request from the city of Las Vegas 2 carries. Department of Public Safety for an executive certificate for 3 their employee Assistant Chief Robert Straube pursuant to NAC 4 289.270(1)(a). Possible action may include approval or denial 5 of the request of the executive certificate. Before we get to 6 7 you, Mike, just a question. (Inaudible?) 8 SHERLOCK: Sure, why not. He might have to, we're 9 close to a quorum here. I don't know. 10 TROUTEN: All right. Please, sir. 11 SHERLOCK: Mike Sherlock for the record. So staff 12 has reviewed Deputy Chief Straube's application for an executive 13 certificate and find he meets or exceeds the requirements in no 14 small part because he's a Commissioner. Just kidding. Staff 15 find he exceeds all the requirements found under the executive certificate requirements and would recommend the Commission 16 17 approve the executive certificate. 18 TROUTEN: All right, thank you. Any questions or discussion? I'll entertain a motion. 19 20 COVERLEY: Dan Coverley, so moved. 21 TROUTEN: Do I have a second? 22 Jamie Prosser. Second. PROSSER: 23 TROUTEN: Motion, second for executive 24 certificate. All those in favor please say aye. 25 MEMBERS: Aye.

1 TROUTEN: Any opposed? I also vote aye. Moving on to Item 9, request from the city of Las Vegas Department of 2 Public Safety for an executive certificate for their employee 3 Deputy Chief Kyle Ward, pursuant to NAC 289.270(1)(a). Possible 4 5 action may include approval or denial of the requested executive certificate. Director Sherlock, back to you. 6 7 SHERLOCK: Mike Sherlock for the record. So staff has reviewed Deputy Chief Ward's application for an executive 8 9 certificate and find he does meet or exceed the requirements and 10 would recommend the Commission approve that certificate. 11 TROUTEN: Thank you. Questions or discussion from 12 the Board? And do we have Deputy Chief Ward here? I would 13 entertain a motion. 14 STRAUBE: Rob Straube, so moved. 15 TROUTEN: Second? Russ Niel. Second. 16 NIEL: 17 TROUTEN: Have a motion and second for approval of the executive certificate. All in favor please say aye. 18 19 MEMBERS: Aye. 20 TROUTEN: Any opposed? And I also vote aye. 21 Motion carries. Item Number 10, discussion, possible action 22 request from Washoe County Sheriff's Office for an executive 23 certificate for their employee Chief Deputy Sandra Barboza, 24 pursuant to NAC 289.270(1)(a). Possible action may include

1	approval or denial of the request of the executive certificate.
2	Director Sherlock, back to you, please.
3	SHERLOCK: Again Mike Sherlock for the record.
4	Staff again has reviewed the application for Chief Deputy Sandra
5	Barboza's executive certificate. Staff finds she meets the
6	requirements for the executive certificate and would recommend
7	the Commission approve that certificate.
8	TROUTEN: Thank you, sir. Questions or
9	discussion? Hearing none, is there a motion?
10	MILLER: Oliver Miller, so moved.
11	TROUTEN: Got a motion. Is there a second?
12	TOGLIATTI: George Togliatti. I'll second.
13	TROUTEN: Motion, second. All in favor please say
14	aye.
15	MEMBERS: Aye.
16	TROUTEN: Any opposed? And I also vote aye.
17	Motion carries. Very good. I like seeing those. All right.
18	We are now moving on to several hearings for possible revocation
19	or suspension. I think lead off with you, sir.
20	GOEBEL: Thanks, Commissioner. Geordan Goebel
21	for the record. We are on item 11. Just for all of the
22	revocation items, Agenda Items 11 through 17, I'm going to lay a
23	basis foundation for the admissibility and validity of the
24	materials I'm going to refer to and rely upon in making any
25	decisions here. I'm going to ask Chief Floyd some questions

about these documents to establish record for what they are, 1 their foundation, evidentiary validity for purposes of Agenda 2 Items 11 through 17. Chief Floyd, for the records and documents 3 4 that are contained in these meeting materials for the offenses 5 addressed in Agenda Items 11 through 17, did you obtain these documents or records directly from the courts and/or the 6 7 employing agencies? Yes, I did. 8 FLOYD: 9 GOEBEL: And have you maintained these documents 10 and records in the ordinary course of your record keeping since 11 you obtained them from the courts or agencies? 12 FLOYD: Yes, I have. 13 And are the versions of these documents GOEBEL: 14 that are contained in the meeting materials true and accurate 15 copies of the original documents? 16 FLOYD: Yes, they are. 17 GOEBEL: Thank you. Based on Chief Floyd's 18 testimony, I can advise the Commission that the materials provided for Agenda Items 11 through 17 constitute valid public 19 20 records of charges and convictions that uphold the regulatory 21 standard for revocation in these matters. These materials may 22 be admitted for your consideration as to these agenda items. 23 Having advised you to that, does anyone have any questions about 24 the admissibility or legal validity of any of these documents? 25 TROUTEN: Very good, thank you sir.

1	GOEBEL: Thank you.
2	TROUTEN: We are now specifically on Item Number
3	11, discussion and for possible action. This is a hearing
4	pursuant to NAC 289.290(1)(g) and NAC 289.290(1)(i) on the
5	revocation of Robert G, Cummins, formerly employed with Nevada
6	Lakes Crossing Center Category III basic certificate based on a
7	conviction of or entry of a plea of guilty, guilty but mentally
8	ill, or nolo contendere to a felony and conviction of a
9	misdemeanor crime of domestic violence as defined in 18 USC
10	921(a)(33). The convictions which have led to this action are:
11	Count I, coercion with physical force or immediate threat of
12	physical force, a violation of NRS 207.190 92(a), a category B
13	Felony; Count II, domestic battery first offense violation of
14	NRS 200.485(1)(a) and NRS 33.018, a misdemeanor. Action may be
15	the revocation of the Category III basic certificate. Go back
16	to you, to our Deputy AG for information. Oh, I guess we've
17	already handled all that. We've got nothing more on this at
18	all. Get in the habit of it.
19	GOEBEL: You don't want to hear from me all over
20	again, do you? All in favor?
21	TROUTEN: Unfortunately, we'll have to go to
22	Director Sherlock to get some background.
23	SHERLOCK: Yeah, it's worse with me, but it is what
24	it is. Okay, so Mike Sherlock for the record. So first in
25	general, we did meet with Mr. Goebel regarding revocations.

1 Keeping in mind these are administrative and the purpose is related to the regulation of POST certificates, as you can see, 2 we provide relevant information related to that purpose, the 3 4 certificate. As you heard the AG will validate the process of 5 receiving that information. In general terms, revocations under our regulations require convictions in most -- a conviction in 6 7 most cases. The job of the Commission is to determine whether or not that conviction is consistent with the profession. So it 8 9 should be noted that felony convictions, frankly, are just 10 semantics in almost every case. There is no discretion. 11 Whether or not you revoke, they are prohibited period just by 12 the felony. In contrast, misdemeanors and gross misdemeanors are discretionary. Obviously there's some issues with 13 14 dishonesty and moral turpitude, but where that's an integral part of the conviction. We won't get into that. I know we've 15 16 discussed gross misdemeanors and misdemeanors in the past with 17 the Commission's desire that the employing agency provide input if we are going to submit those, which we would do obviously. 18 For today's purpose, none of the hearings involve anyone that's 19 20 employed, so there are no employing agencies for us to talk to. 21 They've all separated and so it's not an issue today in terms of 22 that, and we would provide that if we had to go forward, as the 23 Commission has instructed, with someone that they did not 24 separate and yet we still are going to move forward with the 25 revocation hearing, we would look to you or provide that

1 information on what the agency desires where we have that. With that, we often see because it requires a conviction in most 2 cases, we often see discussion and excuses made that essentially 3 4 try to discredit the conviction as being improper. We want to make sure the Commission is not here to re-litigate the 5 conviction mostly because regardless of what you do here today, 6 7 the conviction remains and so always the relevant question is 8 whether or not that conviction is consistent with our profession 9 or not. And as a reminder, the Supreme Court has agreed with us 10 in just one prior decision before last week. The question was 11 on an out-of-state revocation, was not whether the state was 12 proper in revoking the applicant, that out of state, but rather was he or was he not revoked out of state. Our rules require 13 14 that you don't allow out-of-state revocation to come into the state. So the same could be said for criminal convictions. 15 16 It's not whether they were properly convicted, it is whether 17 that conviction is consistent with the policing certifications. 18 I would go further to illustrate that in the most recent case 19 with Esmeralda, that conviction in question was sealed and yet 20 it was not a question of whether or not it was sealed, but 21 rather whether the applicant was convicted or not from the 22 Supreme Court's perspective. Further, there's no requirement 23 for the chairman to allow testimony or comments that are not relevant in the interest of time. Irrelevant evidence is not 24 25 required to be heard. It is not unusual for staff to have those

1 subject to revocation want to come in and argue that they were coerced into a plea bargain or they were railroaded. We've 2 heard it all. From the staff perspective, we generally attempt 3 4 to direct that person that's subject to revocation by saying any problem with the conviction is a question for the court, not for 5 the POST Commission. So we're looking to, in the interest of 6 7 time, get relevant information in for you to hear, but not irrelevant. You know, we often tell those involve that it's not 8 9 personal, it's business, this is a regulatory agency, and we're 10 just trying to uphold those regulations. In terms of the gross 11 misdemeanor and misdemeanor issues, we get caught in the middle 12 on serving people. We've heard some complaints. We don't really care who serves anyone. We get anybody who can serve a 13 14 person that's subject to a revocation to serve them for us and 15 we don't -- again, it's not personal for us, it's business. We 16 got to get 'em served, we find people, they serve 'em. And so 17 they're served and provided with an opportunity to let us know whether or not they intend on being present during the 18 19 revocation hearing, and that's the purpose of that service in 20 terms of due process. So with all that said, with the first 21 hearing today, Mr. Cummins was convicted of a felony and a 22 misdemeanor domestic violence. Staff would submit that both 23 convictions are inconsistent and incompatible with him being placed in a position as a peace officer, and it violates the 24 25 public trust that is placed in peace officers, and staff would

1	recommend revocation. We would be happy to elaborate on any of
2	that should the Commission have questions. You know, and with
3	that, will submit to you, Mr. Chairman.
4	TROUTEN: Thank you Director. Are there any
5	questions or discussion from the Board? Hearing none, I should
6	ask is Mr. Cummins here? Anybody on his behalf? Okay, so
7	hearing none of that, I guess we're at a point of I would
8	entertain a motion.
9	PROSSER: Jamie Prosser. So moved.
10	TROUTEN: So we have a motion to revoke. Is there
11	a second?
12	COVERLEY: Dan Coverley. Second.
13	TROUTEN: Motion and a second to revoke. All
14	those in favor, please say aye.
15	MEMBERS: Aye.
16	TROUTEN: Any opposed? And I also vote aye.
17	Motion carries. Item Number 12, discussion and for possible
18	action. This is a hearing pursuant to NAC 289.290(1)(h) and NAC
19	189.290(1)(i) on the revocation of Darriel K. Gaynor's, formerly
20	employed with the Clark County Department of Juvenile Justice
21	Services, Category II and III basic certificates based on a
22	conviction of a misdemeanor and a conviction of a misdemeanor
23	crime of domestic violence as defined in 18 USC 921(a)(33). The
24	convictions which have led to this action are: Count I, assault,
25	violation of NOC 50200, a misdemeanor; Count II, domestic

1 battery, 1st violation of NOC 50235, a misdemeanor. Possible action may be revocation of the Category II and III basic 2 certificates. Director Sherlock, some background please. 3 Mike Sherlock for the record. So in 4 SHERLOCK: 5 this case, Mr. Gaynor was convicted of both an assault and a domestic battery. Staff would submit that both convictions are 6 7 inconsistent and incompatible with being a peace officer and violates public trust, and staff would recommend revocation. 8 We 9 would also add that we realize that both convictions are a 10 misdemeanor but current standards prohibit the employment of a 11 peace officer with a documented history of physical violence. 12 In addition, those with a domestic battery conviction are 13 prohibited from possessing a firearm, which is often an integral 14 part of exercising peace officer powers. We did not receive any 15 notice that Mr. Gaynor would be present today. And with that, 16 we will turn it back to you. 17 TROUTEN: Thank you, Director. Mr. Gaynor here or anyone on his behalf? Discussion or comments from the Board? 18 19 SHERLOCK: Mr. Chair, my mistake, it's Ms. Gaynor, 20 not Mister. 21 TROUTEN: Oh, okay. Correct as well so. Hearing 22 no comments, I would entertain a motion. 23 Russ Niel. Motion to revoke. NIEL: 24 We have a motion to revoke. Is there a TROUTEN: 25 second?

1	MILLER: Oliver Miller. Second.
2	TROUTEN: Motion and second to revoke the
3	certificates. All those in favor, please say aye.
4	MEMBERS: Aye.
5	TROUTEN: Any opposed? I also vote aye. Motion
6	caries. Item 13. This is a hearing pursuant to NAC
7	289.290(1)(g) on the revocation of Jeremy P. Harvey's, formerly
8	employed with Washoe County Sheriff's Office, Category I, II,
9	and III basic certificates based on a conviction of, or entry of
10	a plea of guilty, guilty but mentally ill or nolo contendere to
11	a felony. The conviction which has led to this action is Count
12	I, coercion with physical force or immediate threat of physical
13	force constituting domestic violence in violation of NRS
14	207.190.2(a), NRS 33.018 and NRS 176.094, a Category B felony.
15	Action may be revocation of a Category I, II, and III basic
16	certificates. Director Sherlock.
17	SHERLOCK: Mike Sherlock for the record. Here Mr.
18	Harvey was convicted of a felony domestic violence crime. For
19	similar reason stated before, staff would submit that the
20	convictions are inconsistent with being a peace officer, it
21	violates public trust, and would recommend the revocation. It
22	was a felony and Mr. Harvey did not notify us of any intent of
23	being here.

1 Thank you. Is Mr. Harvey or anyone on TROUTEN: his behalf present? Seeing none, comments or discussion from 2 the Board? Hearing none, is there a motion from the Board? 3 4 COVERLEY: Dan Coverley, so moved. TROUTEN: A motion to revoke. Is there a second? 5 George Togliatti. I'll second. 6 TOGLIATTI: 7 TROUTEN: Motion and second to revoke. All those 8 in favor, please say aye. 9 MEMBERS: Aye. 10 Any opposed? I also vote aye. Motion TROUTEN: carries. We're on to item 14. This is a hearing pursuant to 11 NAC 289.290(1)(e) on the revocation of Mark A. Lawson's, 12 formerly employed with the University Police Department Northern 13 14 Command, for his Category I basic certificate based on a 15 conviction of, or entry of a plea of guilty, guilty but mentally 16 ill or nolo contendere to a gross misdemeanor. The conviction 17 that has led to this action is Count I, conspiracy to possess a

18 drug that may not be introduced into interstate commerce in 19 violation of NRS 454.351(1) and NRS 199.480(3)(g), a gross 20 misdemeanor. Possible action may be revocation of a Category I 21 basic certificate. Director Sherlock.

22 SHERLOCK: Mike Sherlock for the record. As the 23 Commission may remember at our last meeting we had continued 24 this revocation hearing to give Mr. Lawson the opportunity of 25 voluntary surrender should he desire. You can see by the letter

in your material that he chose not to do that and we believe he
is here today to speak to the Commission. Here Mr. Lawson was
convicted of a gross misdemeanor related to a controlled
substance transaction. Staff would submit that that conviction
is inconsistent with being in a peace officer position and
violates public trust, and staff would recommend that the
certificate be revoked.
TROUTEN: Thank you, Director Sherlock. Is Mr.
Lawson or anyone on his behalf here?
LAWSON: I am, sir.
TROUTEN: Okay. Please come forward (inaudible),
make a statement. And if you please, state your name clearly in
the microphone.
LAWSON: Yes, sir. Can you hear me?
TROUTEN: Yes.
LAWSON: Well, thank you for the opportunity to
be here, Mr. Chair, Members of the Board. My name is Mark
Lawson. I'm formerly employed by, actually most recently, the
City of Sparks as the fire chief. I was lucky enough to spend
half of my career actually (inaudible) being in the fire
service, was fortunate enough to be a peace officer for over 25
years, most of which was in California. I am still certified,
POST certified, in the state of California. Just (inaudible), I
didn't bring legal counsel or anything. Here to ask for
flexibility and compassion on behalf of the Board. Um, I have

1 honorably served the communities of Washoe County as a peace officer in the state of Nevada, most recently as a peace officer 2 for UNR, and the majority of my peace officer time was with the 3 state of California, with CalFire working in the Prevention 4 Bureau. I can tell you that as far as a reputation and career, 5 never been in any trouble my whole life. In fact, I'm so used 6 7 to sitting on the other side of the table as you folks and 8 sitting through hearings and listening to, you know, 9 disciplinary hearings and listening to facts and we're gathering 10 information and then processing an outcome and or a decision. I 11 just ask that you exercise some flexibility, like I said, 12 compassion, and I was always taught in peace Officer about, about flexing (inaudible) the spirit of the law. There's a lot 13 14 of folks that I interacted with that I was able to exercise 15 spirit of the law and I believe that the outcome was a very 16 positive outcome. So I would ask that this Board consider that 17 when you make this decision, I can tell you that might be 18 already let in, I'm not going to sit here and worry you all day with it but, you know, I do have a prescription for HRT. 19 I've 20 never done a drug in my life. I don't do marijuana. I've done 21 nothing. That's why I passed every background. In fact, I just 22 competed for the neighboring county, Douglas (inaudible), 23 Douglas County, East Fork Fire Protection District and made to 24 the finals, fire chief. I'm not here to do wrong. I've always 25 done what's right. We make mistakes in life and you learn from

1 those. I'm 56 years old. I'm not necessarily going to work again as a peace officer, but I want to leave that as an opening 2 to maybe do something to help the community as I've done for two 3 thirds of my life over three decades. I just ask, like I said, 4 5 for flexibility with this honorable Board and I appreciate the opportunity to speak today and just hope that you consider all 6 7 the facts. And I'm not sure how much you read into it but, you know, about suing the City of Sparks for like \$400,000, it 8 9 wasn't about the money, it was about my reputation and that's 10 why they ended up firing the city manager as well as paying 11 almost four hundred thousand dollars to me because of the 12 defamation, something that I've worked so hard to do for a full 13 career. Testosterone that you can buy on a line from a legal 14 website and I told them that even my attorney told the judge 15 that said maybe you need to look into the people that are 16 advertising this online because you don't need a prescription. 17 It says it online. I have a legal prescription for all of my stuff. I was simply trying to help somebody whose dad is 18 suffering from Stage 4 cancer. That's it. He asked me for 19 that. I told him where you'd find it. It's an out of state 20 21 thing online and it's a legal website. You can pull it up on 22 your phone as we speak. That's all I have to say. I appreciate 23 the opportunity again and it's an honor to be here before you 24 all today. Thank you very much.
1 TROUTEN: Thank you, sir. Any questions from the Board for Mr. Lawson? So while I appreciate it, what I'm trying 2 3 to impress upon you as well is we're a regulatory Board. Yes sir. 4 LAWSON: 5 TROUTEN: We operate off a couple basic facts and then, you know, we take the actions we take based on those. 6 What comes down the road, maybe other remedies there so. 7 8 LAWSON: Understand, sir. 9 TROUTEN: Any discussion or comments from the 10 Board? Hearing none, I would entertain a motion. 11 COVERLEY: Dan Coverley, I move to revoke. 12 TROUTEN: We have a motion to revoke. Is there a 13 second? Oliver Miller. Second. Have a motion 14 MILLER: and a second to revoke. All those in favor, please say aye. 15 16 MEMBERS: Aye. 17 TROUTEN: Any opposed? I also vote aye. Motion carries. 18 (Inaudible.) 19 UNIDENTIFIED: On this matter? 20 TROUTEN: 21 UNIDENTIFIED: Yes. 22 So there is a point for public comment TROUTEN: 23 at the back. 24 UNIDENTIFIED: Okay.

1 This matter has just been concluded by TROUTEN: action. 2 3 UNIDENTIFIED: Okay. 4 TROUTEN: So you're welcome --5 UNIDENTIFIED: You guys need to investigate the Attorney General's office when I have recording saying let's 6 7 frame this guy for all the drugs they're bringing to the prison. We will move on. Item Number 15. 8 TROUTEN: This 9 is a hearing pursuant to NAC 289.290(1)(e) on the revocation of 10 Sean W. Lucero's, formerly employed with Las Vegas Metropolitan 11 Police Department, Category I basic certificate based on a 12 conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to a gross misdemeanor. The conviction -13 14 - excuse me, convictions that have led to this action are: Count 15 I, attempt theft, Category F -- or excuse me, E Felony/Gross 16 Misdemeanor in violation of NRS 205.0832, NRS 205.0835, NRS 17 193.153, and NOC 61956/61957; and Count II, oppression under color of office, gross misdemeanor, in violation of NRS 18 197.200(2)(b), NOC 52314. Possible action may be the revocation 19 20 of the Category I basic certificate. Director Sherlock, some 21 background please. 22 Mike Sherlock for the record. So here, SHERLOCK:

22 SHERLOCK: MIKe Sherlock for the record. So here, 23 Mr. Lucero was convicted of a wobbler (phonetic) and a gross 24 misdemeanor of oppression under the color of office. I believe 25 in both cases he was sentenced under the gross misdemeanor parameters. Staff would simply submit that both convictions are clearly Brady issues and the convictions themselves are inconsistent with being in a peace officer position and violates public trust, and we would recommend revocation. Mr. Lucero did not notify us of any intent of being here.

6 TROUTEN: Is Mr. Lucero here or anyone on his 7 behalf? All right, is there comments or discussion from the 8 Board?

9 PROSSER: Jamie Prosser for the record. First and 10 foremost, I also would like to revoke his Commission status. 11 However, I would like to discuss the process in which we do 12 these revocations. I understand that they are not personal, but if we go back to the minutes in October of '24, I requested that 13 14 we start the rulemaking process to change so that we can have 15 more discussions on gross misdemeanor charges against officers. 16 Should my agency wish to keep Lucero employed, if he gets 17 through probation, his charges then get dropped down. Yet obviously we're not keeping him, but our agency wasn't even 18 19 consulted and furthermore, where our agency most of the time 20 receives revocation hearings to be served, we find out that he 21 received his revocation hearing to be served through Henderson 22 Police Department. Again, I understand it's not personal and 23 you guys get whoever you can to serve them, but at the next 24 meeting, I would like to know what that process is and how we go 25 about doing that because our agency didn't even know we were

1 moving to revoke his until Henderson Police Department called the Las Vegas Metropolitan Police Department to get his address. 2 And also for the record, he has no residence in Henderson, 3 4 nothing related to Henderson. So why went through Henderson 5 Police Department in first place is particularly question. So Mike Sherlock for the record. So 6 SHERLOCK: 7 when we're doing civil process, we use a constable's office, 8 we've used Metro's Las Vegas township constable function and, 9 you know, we're not funded so we've looked for help from where 10 wherever we can get it. Understand on the flip side of that, up 11 here in the north, we've had issues where agencies do not want 12 to serve their former employees so we get hit from both sides, you know: why, you know, are you making us serve our own people 13 14 or why is someone else serving our people? In this case, not sure why we ended up with Henderson, but they're ones that 15 16 agreed to serve for us. I don't know. In terms of the gross 17 misdemeanor, we understand what the direction of the Commission 18 was, right? In this case, we received a term par from Metro 19 that listed the crime, the criminal case, and that he's 20 terminated. So from a staff perspective, he doesn't have an 21 employer and I would even go further that Metro in this case is 22 telling us take a look at his crime, that's why he's terminated. 23 You know what I mean? So from our perspective, it wasn't an 24 issue of what does the agency want to do. They don't employ him 25 anymore and they wanted to terminate him, and so that's why we

put him on the agenda. As I said before, if an agency, another 1 Metro case where Metro decides not to terminate someone, that's 2 a different issue and we would follow what your directive is 3 4 that you want to know what the agency wants, but we don't have 5 the authority to revoke anybody and gross misdemeanors are brought to the Commission for you to decide if they need to be 6 7 revoked or if you want them revoked. Period. Misdemeanors 8 require the employing agency to request revocations. So there 9 is a difference between misdemeanors and gross misdemeanors. I 10 just want to make sure we're clear on that. But we don't want 11 to get involved in personnel issues. Please don't misunderstand 12 us.

PROSSER: So just so we're clear, this Board previously said that we wanted the agencies to have the opportunity to make a decision on whether or not someone's Commission status was revoked. This case, I understand we've already terminated him.

18

SHERLOCK: Correct.

PROSSER: We want him revoked. So I just think for this Board's sake, we need to make sure that that's very clear. If an agency has already terminated the employee, then they have charges go forward with the revocation hearing without asking the agency. If they're not terminated, make sure that the Board -- make sure that the agency has a say in whether or not it becomes a revocation hearing.

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1	SHERLOCK: Yeah	n, exactly.	That's how we interpret
2	2 it.		
3	B PROSSER: Okay	7.	
4	A SHERLOCK: No c	loubt about i	t.
5	5 PROSSER: I ju	ist want to ma	ake sure we're very
6	6 clear because I felt somewhat	at	
7	7 SHERLOCK: No,	we understood	d that and
8	PROSSER: c	contradicted :	in our previous meetings
9	and I asked for the rulemaki	ng process to	o go forward and change
10	) it, and now all of a sudden	another agend	cy's serving my employee
11	or my ex-employee. So I jus	st want to mal	ke sure we're clear
12	2 SHERLOCK: Yeah	1.	
13	B PROSSER: v	with what this	s Board wants.
14	A SHERLOCK: We d	lidn't underst	tand the whole civil
15	process side of it. For us,	that's just	due process. We have
16	5 to get 'em served and we cal	l anybody tha	at's willing to take
17	7 that paper and serve 'em, yo	ou know, and w	we have had issues in
18	3 the past where the agency th	nat used to en	mploy them doesn't want
19	) for reasons that you migh	nt understand	, doesn't want to serve
20	) them. So we didn't give a 1	ot of though	t to that. So that's
21	our fault.		
22	PROSSER: I th	nink it's ver	y clear that my agency
23	has never had a problem serv	ving when it's	s (inaudible).
24	SHERLOCK: And	you guys serv	ve a lot for us, don't
25	get me wrong.		

1	PROSSER: I think my Henderson counterpart back
2	there would say that we probably serve more than they do.
3	SHERLOCK: Yeah, yeah, no, I get that. Yeah, no,
4	but we are clear on that. Also understand that once they are
5	terminated, it's no longer about the employing agency, it's
6	about policing in Nevada and preventing that person that was
7	terminated to going to another agency, you know, jump around.
8	So that's how we kind of, you know
9	PROSSER: I understand.
10	SHERLOCK: look at it. But again, we've been
11	involved in employment issues and we don't want to be. We're
12	more often we are used as an excuse for personnel actions than
13	us wanting to interject in personnel actions and we don't want
14	to do that. So we're clear on that. We knew that all of these
15	were no longer employed.
16	PROSSER: Okay. Thank you.
17	TROUTEN: Any other questions or discussion from
18	the Board?
19	COVERLEY: Chairman, I have a comment or a
20	question. I guess would it be reasonable to ask that the
21	agency, whether they were the employee's currently employed
22	or they've been dismissed, has kind of the first right of
23	refusal as far as serving that employee irregardless of whether
24	they've been fired or if they're still

1 SHERLOCK: Yeah, we don't have a problem with that. Again, only because we get hit from both sides, right? Why 2 didn't we get to serve 'em or why are you making us serve 'em? 3 Yeah, and I understand that, but I also 4 COVERLEY: 5 understand Jamie's --Yeah, and we do. We get that. 6 SHERLOCK: 7 So if you ask them and they say we don't COVERLEY: 8 want, you know, then you got to do what you got to do kind of 9 thing. 10 Yeah. And to be honest, a fallback for SHERLOCK: 11 us is often in the constable's office because they're kind of 12 the neutral, that's all they do, and they do serve a lot for us, the constables, especially in the south but. 13 14 MILLER: Oliver Miller, just a quick comment in 15 that, I think about it, I'm kind of the opposite. In Reno 16 Police Department, we'd not want to serve one of our former or 17 current members. You want another agency to do that, but we still want to be in the know about that. So similar to Sheriff 18 Coverley, you know, either first right of refusal or some type 19 20 of notice because it will impact, you know, the former employee. 21 I'd want to know. So I think that's a good practice. 22 SHERLOCK: Yeah, certainly we can do that. Let me 23 just say that. You know, again, we worry about litigation stuff 24 sometimes, but in that case, that's not an issue. You've 25 already terminated them and often did the investigation.

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GOEBEL: So I will add one point for the Commission's 1 2 consideration, although it has not come up here, it was alluded to: we all understand what service is and how simple it is 3 4 handing something to somebody, but the actual service itself and 5 the proof of the service is part of the documentation that goes in your paperwork here, and I have personally been involved in 6 7 cases where there have been parties that have disputed service 8 where you've had to bring in the process server. Did you serve 9 'em? Yes, I did. It happens. So that's the reason why. So it 10 is -- we're trying to make sure we've got an above-the-board 11 piece of paper approved service. 12 TROUTEN: All right, back to matter at hand, 13 reference Mr. Lucero's certificates. Any further discussion? 14 Is there a motion? 15 Rob Straube, move to revoke. STRAUBE: 16 TROUTEN: We have a motion to revoke. Is there a 17 second? 18 NIEL: Russ Niel, I'll second. 19 TROUTEN: We have a motion and a second to revoke. 20 All in favor, please say aye. 21 MEMBERS: Ave. 22 TROUTEN: Any opposed? And I also vote aye. 23 Moving on to Item Number 16. This is a hearing. It's 24 discussion and possible action. a hearing pursuant to NAC 25 289.290(1)(g) on the revocation of Christopher Pena's, formerly

1 employed with Nevada Department of Corrections, Category III basic certificate based on a conviction of, or entry of a plea 2 of quilty, quilty but mentally ill or nolo contendere to a 3 felony. The conviction that led to this action is: Count I, 4 5 trafficking in a controlled substance, 100 grams or more, but less than 400 grams, which is a Category B Felony in violation 6 7 of NRS 453.3385(1)(a). Action would be the revocation of the Category III basic certificate. Director Sherlock, some 8 9 background please.

10 SHERLOCK: Mike Sherlock for the record. Here Mr. 11 Pena was convicted of a felony trafficking and a controlled 12 substance. Staff would submit that the conviction is 13 inconsistent with being in a peace officer position and violates 14 public trust and would recommend a revocation. Mr. Pena is in 15 custody -- is in custody and did not notify us of any intent of 16 being here today.

TROUTEN: Okay, we have anyone here on his behalf?
All right, discussion or comments from the Board? Hearing none,
I would entertain a motion.

25 in favor, please say aye.

1	MEMBERS: Aye.
2	TROUTEN: Any opposed? I also vote aye. Motion
3	carries. Onto Item Number seven (SIC) for discussion, possible
4	action. This is a hearing pursuant to NAC 289.290(1)(g) on the
5	revocation of Bryce K. Tokunaga's, formerly employed with the
6	8th Judicial District Court Marshals Division, Category II basic
7	certificate based on conviction of, or entry of a plea of
8	guilty, guilty but mentally ill or nolo contendere to a felony.
9	The conviction that led to this action is: Count I, attempted
10	pandering, Category D Felony/Gross Misdemeanor, in violation of
11	NRS 201.300, NRS 193.153, and NOC 62184/62185. Action can be
12	revocation of the Category II basic certificate. Director
13	Sherlock, background information please.
14	SHERLOCK: Mike Sherlock for the record here. Mr.
15	Tokunaga's you're better than I am, Chief, that's a tough
16	one, was convicted of a wobbler (phonetic), attempted pandering.
17	Staff would submit the conviction is for a crime of moral
18	turpitude, a Brady issue, and further, staff would submit that
19	the conviction itself is inconsistent with being in a peace
20	officer position and violates public trust, and staff would
21	recommend revocation. We were not notified of any intent for
22	him to appear.

23 TROUTEN: Okay. Is Mr. Tokunaga or any of his
24 representatives here? Comments, questions, discussion by the
25 Board? Hearing none, I would entertain a motion.

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1	PROSSER: Jamie Prosser. So moved.
2	TROUTEN: Okay. We have a motion to revoke
3	certificate. Is there a second?
4	STRAUBE: Rob Straube. Second.
5	TROUTEN: Motion and second to revoke. All in
6	favor, please say aye.
7	MEMBERS: Aye.
8	TROUTEN: Any opposed? And I also vote aye.
9	Motion carries. Item 18, discussion for possible action,
10	Commission to consider the development of language related to
11	the ability of staff to suspend the certificate of a certified
12	peace officer or suspend the privilege on one who has been
13	arrested or charged under certain limited circumstances.
14	Commission may decide to initiate the rulemaking, develop
15	language for such action. Director Sherlock.
16	SHERLOCK: Mike Sherlock the record. You know,
17	after I sit here and say we don't have any authority and we
18	don't want authority, but we seem to have this issue coming up
19	more and more and really these delays in the Commission's action
20	sort of undermines the very function and, you know, purpose of
21	the Commission so unfortunately, it's not unusual to have a
22	certified officer get arrested for a serious crime. We're
23	seeing it more and more, unfortunately. What happens then is
24	the media will get ahold of us and begin making inquiries as to
25	their certificate status. So we've actually had it where an

1 officer is arrested for murder, is in custody, and we have to tell the media that they have a valid and active POST 2 certificate and, you know, the perception there is bad enough. 3 We have to report that it's in good standing and to be honest 4 5 with both the media and the public have sort of a different expectation in someone who is accused of a heinous crime, 6 7 obviously. Another issue we do see is where we may have an officer that's accused of a crime, resigns, and then applies to 8 9 work at another agency. I'm not going to go into background 10 failures, but let me just tell you that it happens and when they 11 do that, we have to report that their certificate is in good 12 standing because either we don't have the information yet, there 13 hasn't been a Commission meeting, that kind of thing, and, you 14 know, which of course is a problem in itself. Again, this sort 15 of undermines the whole trust and mission of the POST 16 Commission. So we're interested or would like to see perhaps a 17 regulation change that would allow for suspension by staff or the director, however it's written, in limited circumstances to 18 prevent these things from happening. We of course are sensitive 19 20 to getting caught up in the employment issues and so right off 21 the top, I could tell you that our thought on any language, if 22 you would entertain it, would bring back some language for you 23 to look at that would limit suspensions to those that are 1, 24 accused of a crime, they actually have charges filed and who are 25 either terminated or on admin leave at the agency they're

1 employed at so we're not the ones causing that or part of that in any way until you guys are available to listen to it. 2 And then of course, those suspensions that occur would have to be 3 4 approved by the Commission at the next available meeting. We're 5 just looking to get that gap where someone gets arrested for murder, is in custody, and we have the media calling us and 6 7 we've done nothing on their certificate and we can't for four 8 months and they're calling us every day or we even get the 9 public calling us on those quite a bit, or those cases where 10 it's a heinous type crime and they get themselves out of custody 11 and somehow get hired at an agency in the interim before you 12 guys can take any action or even the court case is done. And so 13 we are simply asking if the Commission would entertain a motion 14 to begin the rulemaking, which would include a workshop for us 15 to provide language ideas for you to consider on a future Commission meeting. And I can take any questions. 16 17 PROSSER: Jamie Prosser for the record. T don't recall the time that you brought somebody before us to suspend 18 19 their certificate that's been arrested for murder. 20 SHERLOCK: Right. 21 PROSSER: I mean, I don't (inaudible) the record 22 of not being on POST staff being suspended certificates without 23 the Board being able to have a say in it. 24 Yeah, we haven't because we can't. SHERLOCK:

I understand.

PROSSER:

25

We have revoked people for murder, but 1 SHERLOCK: it's long time after, you know. 2 so I quess my question would be is under 3 TROUTEN: 4 the current regulations we're allowed to suspend on, like, a 5 gross misdemeanor, but it's always upon a conviction. We require the conviction for the felony, for the misdemeanor 6 7 requested by the agency, whatever it is. So this would actually be the gap between arrest, discovery of the crime, I guess, and 8 9 conviction? 10 SHERLOCK: Yeah. And again, only where -- you 11 know, for us they have to be terminated or on admin leave 12 because again, we're not going to get into any personnel. We don't want to be the reason they're on admin leave or terminated 13 14 so we wouldn't have that authority unless they were on admin leave or terminated. 15 Jamie Prosser for the record. 16 PROSSER: This 17 Board has the authority to suspend people's certificates, 18 correct? 19 SHERLOCK: Yes. 20 PROSSER: So if someone gets arrested --21 SHERLOCK: Well --22 PROSSER: -- and they're not convicted yet, we 23 could still have a hearing to suspend their certificate in the 24 interim, which would fill that gap and have this Commission have 25 a say in what gets suspended.

1 Yes, that's true. SHERLOCK: George Togliatti for the record. I, 2 TOGLIATTI: having a fair amount of experience with the media, I think 3 that's kind of a weak argument as far as your ability to answer 4 5 the meeting and say all of our decisions on somebody's POST certificate is pending review by the Commission, call it a day, 6 7 and --8 SHERLOCK: Which is what we say. 9 TOGLIATTI: -- (inaudible) away the media twists it, 10 it's going to be the way twists it. Having through an 11 experience here really recently on a retirement situation really 12 turned really bizarre. I also would be concerned about the 13 administrative leave claim. I think that there's too many ifs, 14 buts, and it's a little bit too gray to just move on that but, 15 you know, a conviction, somebody's in jail, murder, (inaudible), 16 they've been in there forever, I mean, I can see that kind of 17 argument, but it's rather broad right now what you're proposing 18 in my opinion. 19 SHERLOCK: Sure. Again, we're just trying to cover 20 that gap. I totally get. 21 Is your concern, which I think it is, COVERLEY: 22 and I'm trying to understand the time lapse between the incident 23 and when we meet to review, right, that's the one of the issues? Yeah, that is definitely the issue and 24 SHERLOCK: I'd go even a step further. A lot of times we're looking at 25

1 these cases that we are going to revoke them and so we may not have anything more than the fact that they're arrested and so 2 we're a little reluctant to bring that for suspension knowing 3 that we're going to also have to then bring it for revocation. 4 And so we could look at that closer and maybe do it more often, 5 I understand that, but you still have that gap of the day 6 7 they're arrested is today and we don't have another meeting 8 until July. And that's the only thing we are trying to address 9 but I understand. 10 NIEL: Russ Niel for the record, I got this 11 same interpretation that Dan, Sheriff Coverley had, that this 12 was just a, you know about the arrests, you're going to suspend him, you're going to put him on the agenda as soon as we can to 13 14 go for revocation. This gets him out of the field, the industry 15 basically. For those four months. 16 SHERLOCK:

17 COVERLEY: They can't bounce around. But there has 18 to be a mechanism, right? Whether I'm thinking technology, 19 right, of Zoom and the district, you know, the DA's the Attorney 20 General, I'm going to mess up your title.

21 SHERLOCK: (Inaudible.)
22 COVERLEY: Attorney General. Yes, we can do this
23 virtually at a moment's notice, correct? Does it have to be in
24 person as we are doing it today?

1	GOEBEL: The reason that's not an easy question
2	to answer is the agenda that we have here flows under the Open
3	Meeting Law rules.
4	COVERLEY: Okay.
5	GOEBEL: So it would not getting too much into
6	it, I suppose it's possible we could discuss setting up a quasi-
7	emergency type scenario where we could do a virtual and bring
8	the Commission together if it's pressing enough and because
9	there are some exceptions when you have something semi-emergency
10	to OML, but that's the biggest problem for that.
11	COVERLEY: And I guess my second question, which I
12	understand is I lost my train of thought. All right, I'll
13	have to circle back if I (inaudible).
14	NIEL: Russ Niel for the record. So Mike,
15	you're looking for a vote from us to let you guys start making
16	the rules, what this procedure
17	SHERLOCK: That's all we're asking is whether or
18	not the Commission would entertain us bringing back some sample
19	language to cover that four months. That's it. If not, not. I
20	mean, you don't want us to do it, we don't do it.
21	COVERLEY: Dan Coverley for the record. I just
22	remembered what I want to ask. So if you suspend someone's
23	certificate and then the case is dismissed or adjudicated or
24	whatever and reinstated, is there any lasting impact of that

1 going forward? What is the downside of doing that to that individual? Or is there one? That's the question I'm asking. 2 Not a downside that I can think of, and 3 SHERLOCK: 4 we have done it in the past with the Commission itself where the person was arrested and ultimately found not guilty. Under our 5 current regs, they were reinstated upon the not quilty and it 6 was -- and so this wouldn't change any of that, right? It's 7 8 just giving you that extra four months but it is what is. 9 TROUTEN: So Ty Trouten for the record. Just 10 reading through NAC 289.290, even for the pretrial ones, for us 11 to do a suspension, there would have to already be a termination 12 by the agency, or there would have to be, like, a chronic drunkenness or whatever. So it may need to be appended anyway, 13 14 just to allow us to have an emergency meeting to consider that

16 by the crimes or a few set specific circumstances.

because right now it's still relying heavily upon the conviction

17 SHERLOCK: And again, Mike Sherlock for the record. 18 So, you know, for us, you know, if you had -- the Commission 19 meets at the call of the Chair and, but we are still bound by 20 open meeting rules, so we have to notice it, we have to post it, 21 we have to have an agenda, and we have to have the ability for 22 people to attend. And so, you know, might as well just wait for 23 the next scheduled meeting at that point, you know, and if you're good with it, you know, hey, we're just staff. We're 24 25 just throwing it out.

15

1 TOGLIATTI: George Togliatti for the record. In that case, could you have the meeting here? And if you don't 2 have a quorum, you could still have it virtually and get a 3 quorum virtually? Is that --4 5 SHERLOCK: Yes. So we have in the past. TOGLIATTI: -- legal? 6 7 PROSSER: Jamie Prosser. 8 TOGLIATTI: It's still open to the public, but we'll 9 send some people that are on the Commission here who may not 10 come all the way up or travel for this. 11 SHERLOCK: Oh, certainly. Yeah. And we've done 12 that in the past. 13 So we can still do it. TOGLIATTI: 14 SHERLOCK: Yeah. 15 It's not that big a deal, right, to call TOGLIATTI: 16 the Commission if we have those types of situations? 17 SHERLOCK: Yeah, keep in mind we're not the 18 legislature though, so seven days minimum, we have to note --19 well, three days minimum to notice with an agenda, post it and all that stuff. So we could do it. 20 21 PROSSER: Jamie Prosser for the record. We are 22 struggling as a Board, as a Commission to even figure out how 23 we're going to revoke people's certificates where an agency 24 doesn't want it revoked. The last thing I want is someone not 25 in my agency to have a say on suspending my cops' POST

1	certificates. I mean, it just takes one person to say oh,
2	(inaudible) for dv, let's suspend them until we find out that
3	they're convicted. I mean, a week or two goes by, my cop's back
4	to work, ultimately gets misdemeanor battery or even gets thrown
5	out, and yet he's working with a suspended certificate because
6	we didn't have a say in it. That's a problem.
7	STRAUBE: Rob Straube for the record. One of my
8	concerns is too, especially in my department's kind of the admin
9	leave language, what that would look like. I hear the
10	conviction part, that makes me feel a little bit better but, and
11	maybe I'm not so understanding what you meant by the admin
12	leave, who's got the onus to notify of that? I would imagine
13	all of our departments, at least the bigger ones have 3, 4, 5 on
14	admin leave any time. And what is it based on, a crime or what
15	(inaudible).
16	SHERLOCK: Right. And then, so our only we
17	agree with what Chief Prosser says is, look, we don't want to be
18	that, right, but if they're not exercising peace officer powers,
19	there's no issue with suspension. If you bring 'em back and
20	again, it's all language, but I don't want to beat a dead horse.
21	That's not what the Commission wants, then we just threw it out
22	there. We want you to know that we do deal with this. We have
23	the public calls constantly. This is not about individual
24	agencies, it's about the state and it is uncomfortable. That's
25	our job, it's fine with us that you got a guy that's arrested

1 for a serious crime and we're not suspended him. And yes, we do tell the media hey, this is our procedure, here's what 289 says, 2 the Commission will take action when appropriate. We do that 3 but you understand from a perspective standpoint, it's sometimes 4 5 an issue and we are concerned about officers that commit crimes are not convicted, there is no revocation, and they move to 6 7 another agency before we can catch up to 'em, and so that's the 8 only reason we brought it out here, brought it today. And the 9 language can say whatever you want or there could be no 10 language. We're good. It's up to the Commission. 11 STRAUBE: Rob Straube for the record. So for 12 clarity on the comment you just said, you have people convicted of a -- or facing serious crime and they're able to jump to 13 14 another agency. So that gets into the agency's background. 15 Absolutely. SHERLOCK: 16 STRAUBE: You're saying that happens, it's 17 interesting. 18 SHERLOCK: Yeah. Yeah. Believe us, it happens. Which of course is a different issue in terms of background. 19 Jamie Prosser for the record. I think 20 PROSSER: 21 everyone knows my stance not to move forward with the rule 22 making process or have a workshop. 23 I would just say I think it would be TROUTEN: 24 useful to be more responsive in some situations prior to the 25 convictions, but that would take a workshop to create some sort

1 of language of, you know, a person who's arrested for a felony. You know, maybe that's the category focus on, but I think you 2 need to have a workshop. You need to look at this. 3 So if that's the way you want to go, I 4 PROSSER: would say a workshop, but it has to be that this Board regulates 5 the suspensions, period. It's not based on --6 7 No, I'm talking about this Board being TROUTEN: 8 able to convene. We pump out, like, an agenda, two weeks later 9 we have an impromptu meeting to consider this issue. I agree 10 with you wholehearted than it's at the Board's discretion. But 11 right now, under the NAC, you can hold the meeting, but you 12 still have to have that conviction or, you know, the drunkenness, chronic physical impairment. It doesn't talk about 13 14 it right before something serious. 15 George Togliatti for the record. I TOGLIATTI: 16 still have a bit of an issue over the frequency of these 17 occurrences. For one, I've already spoke to the media issue. The agency's going to hear it loud and clear from the media. 18 But long before POST will know, and I just have a little bit of 19 20 concern of basically what could go wrong. I would think if 21 there's some -- that there's some exigent circumstances, we 22 really have to address a particular issue, that you call a 23 meeting, have it here, it's a three-day deal virtually, get 24 enough for a quorum, call it a day. I don't know if we would 25 need to go through the whole workshop thing were we not -- I

mean, if you can give us an idea of how many occurrences there 1 are in the state where we have people who have been moved to 2 other -- hired by other agencies. I know our background 3 4 investigations take forever. I'm just -- and then what kind of 5 crime would it be that we wouldn't -- everyone here in the state wouldn't know about it? 6 7 Well, I think the same thing. TROUTEN: 8 TOGLIATTI: Now we're operating on a three month 9 between means for ones that are convicted and they're still out 10 there with their certificate even after conviction, and I don't 11 know how much problem that is. I just want to clear -- Mike Sherlock 12 SHERLOCK: for the record. So you do currently have the authority where 13 14 for suspension upon criminal indictment or filing of a criminal 15 complaint, suspension may be imposed. So that is the other, so 16 just to clarify that, that we could in those cases have a 17 meeting and you would have currently the authority to suspend based on the criminal complaint. So that may be the way to go 18 19 too. George Togliatti --20 TOGLIATTI: 21 SHERLOCK: And then we don't need a workshop or, 22 you know, what have you. 23 Me again for the record. Without TOGLIATTI: 24 getting specific, I just handed you some paper on an issue with 25 somebody, correct?

1	SHERLOCK: Yes.
2	TOGLIATTI: I would think that as an agency, if we
3	require people to say hey, here's somebody to in this situation
4	and we notify you, I don't know whether do we have to suspend.
5	I think it's just a matter of communication more than anything
6	else. I think I'm more concerned about what could go wrong to
7	your point about an administrative leave thing that lasts
8	another month or two and all of a sudden it comes back and hey,
9	were you ever suspended? Well, yeah, but we're revoked, blah,
10	blah, blah, blah, and we're wrong. I'd just like to make sure
11	we ensure we have due process for every person is I guess that's
12	my concern. Maybe we almost feel like we're trying to, you
13	know, kind of make our process more efficient but it could be at
14	the cost to make a mistake on some person.
15	MILLER: Oliver Miller for the record. I can
16	recall into that are we aware, and I think it was said, I don't
17	necessarily like it, another agency, especially this premature
18	into a criminal investigation, having the ability to make
19	decisions on behalf of my personnel. You know, so if we were
20	going to head down this path that want to go to a workshop to
21	ensure that, you know, the agency where the officer's coming
22	from, you know, has the ability to make the request or have a
23	say, you know, in whether suspension is going to occur, and
24	maybe that looks like, you know, I'm just using my own agency as
25	the example, Reno Police Department's got to make the request to

the Board to, you know, get the virtual meeting off the ground 1 or the suspension because we may have details that the Board's 2 not privy to or the Commission's not privy to, or that POST 3 4 staff is not privy to. You know, I'd want there to be some 5 discretion for the impacted agency and I think that comes out rule making if we're to go down this path. 6 7 SHERLOCK: Yeah. Mike Sherlock for the record. So again, what I'm hearing, and I think we already have the 8 9 authority, the Commission already has the authority so meetings 10 are at the call of the Chair, and looking at our current regs, 11 which we did add not too long ago, was the suspension now that I 12 -- for the Commission. You as a Commission do have an 13 authority, I just want to make sure then if that's the 14 preference here we're hearing, understand that there may be more 15 meetings if these things come up and again, you know, we have to 16 have three-day notice and all those things, but we could deal 17 with it in that manner, and it sounds like that's what the 18 Commission is thinking right now. So, and we're good with that. I mean, it is what it is. 19 20 TROUTEN: So if we take no action, that 21 automatically comes back next agenda, so this needs to be a 22 tabled item, I believe? 23 No, as long as there's no motion, we're SHERLOCK: 24 done with this agenda item and --25 TROUTEN: Okay.

1 SHERLOCK: -- and we've got the input from our 2 perspective. We just want to make sure the issue's known by the 3 Commission, that these things do happen, and there's ways to 4 address it and we can go from there.

5 TROUTEN: So everybody good with that? Done? All 6 right. Let's move on to Item Number 20 real quick. Discussion, 7 possible action, schedule upcoming Commission meeting in July, 8 which will be in -- the Sheriff's and Chief's meeting will be in 9 Fallon but potential for it to maybe have a meeting in Reno. 10 (Inaudible) Director Sherlock.

11 SHERLOCK: So Mike Sherlock for the record. The 12 Sheriff's and Chiefs is in Fallon the 16th and 17th, correct? 13 Yeah, we, we would leave it to the Commission on what your 14 preference is. We were thinking that -- I know Chief Miller has offered up Reno PD if they're available. We could on the 17th 15 16 have the meeting in Reno and not Fallon in the afternoon to 17 allow those of you that are flying home to be closer to the airport. At the same time, we do have room at the Fallon 18 location for the afternoon, so it's up to what's most convenient 19 for the Commissioners. We're not opposed to going to Reno or 20 21 Fallon. It doesn't matter to us.

22MILLER:Pleasure of the Board.23SHERLOCK:It'd be in the afternoon on the 17th24either way because sheriffs and Chief's business meeting is in

1 the morning and so we wouldn't be able to do it until after that 2 anyway. PROSSER: Pardon my ignorance, but how far is 3 Fallon? 4 5 COVERLEY: Probably 80 miles. PROSSER: Thank you. 6 7 We're just saying that Reno is a little SHERLOCK: more convenient. You could leave, have lunch and get to Reno, 8 9 do the meeting and jump on your plane. It doesn't matter. 10 MILLER: I might even schedule you guys on a 11 morning tour. 12 COVERLEY: Dan Coverley for the record. I think it 13 would be more convenient for those from the south that are 14 flying out to have a meeting in Reno then, you know what I mean? I'm good. I just didn't know how far it 15 PROSSER: is. 16 17 COVERLEY: I mean, it's an easy drive. Yeah. It's not --18 SHERLOCK: 19 COVERLEY: 80 to Fernley and then over, but I mean, yeah, it's still about 45 minutes to an hour. 20 21 PROSSER: So moved. Reno, it is. I move for Reno 22 in the afternoon. 23 Russ Niel. Second. NIEL: 24 Motion, Second for Reno. All in favor? TROUTEN: 25 All in favor of Reno, aye please.

1 Ave. MEMBERS: 2 TROUTEN: Any opposed? I'm going to abstain on that one. 3 4 SHERLOCK: Well, we'll lock down times and we'll 5 get it out to you. Well, I'm going to move on now to Item 6 TROUTEN: 7 6, if you'll indulge here for a moment. So my appointment 8 expires in July and I'm also retiring in July. So that's why 9 I'm abstaining. I have no dog in fight on the next meeting. 10 I'd just like to take a few moments to say thanks. First, 11 Kathy, you do a lot of work for us, thank you so much, you and 12 your staff. Very much appreciate it. Director Sherlock, our 13 AGs, sound wise advice, appreciate that as well. I also very 14 much appreciate the Board members. I think it was you, Jamie, 15 that pointed out somewhere along the line that we don't just 16 always agree with anyone like it has always been, it seems like 17 that everything was unanimous. I think that's the best way to 18 have it. It should be a healthy discussion, should be debate, we shouldn't all see everything the same way every time. To me 19 that's a weakness and then we just become, you know, a rubber 20 21 stamp. So I thank you very much for, you know, pushing ideas 22 and points and concerns, all these things. I think it makes it 23 It makes us stronger. I've enjoyed my time here and I better. 24 also want to thank the folks that show up that don't have to. 25 It's nice to see people here to just find out what's going on

Meeting

Commission on POST

1 and be aware and be involved. So it's been a great experience.
2 I'm grateful to the previous governor and this governor for the
3 appointment. And with that, I'm also kind of happy not to be
4 doing these anymore. I got to be honest.

5 SHERLOCK: Mike Sherlock for the record. So staff would like to thank Chief Trouten for his leadership and 6 7 commitment both to the Commission and to our operations here. 8 You've been a pretty integral part of our academies and sending 9 people and helping us get those done. We really do hate to see 10 you go, but we're envious of your retirement. We do have a 11 little symbol of our gratitude that we'd like to present. If we 12 can get it out of here.

FLOYD: Just don't drop it.

SHERLOCK: Yeah, I probably will drop it. So this
says Chief Tyler Trouten, January 29th, 2020 to May 1st, 2025,
in recognition of your dedication to raising professional
standards for Nevada law enforcement and your unwavering
commitment to the POST Commission.

19TROUTEN:Thank you, sir. Thank you all. It's20been enjoyable and it's a lot of times we've been all21(inaudible) for some good discussions. Wish you all the best22and please keep at it.

23 SHERLOCK: So, you know, you're gone now, so 24 thanks. Thanks, dude. Yeah. Just so everyone knows, so the 25 first agenda item at the next meeting will be the Chairman or

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1	Chairperson. It is by statute a simple majority vote. I'm not
2	going to say diddly about it. So hopefully somebody will have
3	interest in doing that for us and we'll determine that at the
4	next meeting, first agenda item.
5	TROUTEN: All right.
6	SHERLOCK: Thanks, Chief.
7	TROUTEN: Believe that covers our agenda except
8	for the final item, which is public comment. We have any
9	comments from the public? Outstanding. Hearing none, is there
10	a motion to adjourn?
11	COVERLEY: Dan Coverley, so moved.
12	TROUTEN: Second?
13	PROSSER: Jamie Prosser.
14	TROUTEN: All in favor?
15	MEMBERS: Aye.
16	TROUTEN: And I also vote aye. Thank you all.
17	SHERLOCK: Thank you, Chief.
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# 6. <u>INFORMATION</u> Executive Director's report. a. Training Division b. Standards Division

- c. Administration



# POST 2nd Quarterly Audit Report (April - June)

Number of Agencies: 12 Number of Academies: 9 Number of Agencies with Deficiencies: 1 Number of Academies with Deficiencies:0

# AGENCIES:

## Agency training deficiency and recommended corrective action:

1. Agency Name/Date: Lovelock PD

**Findings:** Minor Finding - The documentation being utilized for proof of attendance at trainings is not sufficient.

**Recommendation:** Sgt. Gonzalez was given a suggestion to use a POST sign-in sheet that is available on our POST website. He told me such sheets would be used for future **AUDIT CLOSED** 

## Agency background deficiency and recommended corrective action

1. Agency Name/Date: Lovelock PD

**Findings:** Critical Finding - Three (3) background files were audited for content, resulting in multiple deficiencies in one of the backgrounds. The BG in question did not have proof of a psychological exam, medical exam, drug screen or polygraph/CVSA. NAC 289.110 requires a complete and documented investigation into his/her background **Recommendation:** Complete thorough backgrounds **AUDIT CLOSED** 

# ACADEMIES:

Academy training deficiency and recommended corrective action: 0

1/19/2025 1.0	5/14/2024 pri	9/20/2024	11 dis 11/28/2023 col	9/19/2024 3 (	3/18/2024 coi	4/2/2024 (M	10/12/2024 1.	1. ] 2-5 8/18/2023 6. ]	2/24/2024 1.	1.( 2.) 3.( we 1/15/2025 do	6/16/2024 (F)	12/31/2023 2 c	8/31/2023 1 c	Se	Date Of	CURRENT REVOCATION LIST
1. (M) Torture/abandon/starve animal	prisoner	1. (M) DUI	11 (F) Counts -Assault w/deadly weapon, child abuse, discharging gun into occupied vehicle, oppression under color of office	3 (M) count Theft	3 (F)counts -Unlawful for Prision employee/volunteer to commit sexual abuse of prisoner	(M) DUI	1. Felony DV by strangulation	<ol> <li>Deprivation of Rights Under Color of Law</li> <li>Fraud by Wire</li> <li>Perjury</li> </ol>	1. (GM)Battery on a health care provider	<ul> <li>1.(F) Coercion w/force or threat of force</li> <li>2. (F) Assault w/deadly weapon</li> <li>3.(F) Second Degree Kidnapping w/use of deadly weapon 4. (F) Assault w/deadly weapon constit.</li> <li>domestic violence 5. (F) coercion constituting domestic violence w/use of deadly weapon</li> </ul>	(F) Child Abuse/neglect, w/SBMH	2 counts Depravation of rights under color of law	ct. attempted sex assault ct. sex assault w/minor under 16	Sexual assault	Offense	ATION LIST
Negotiations 07/23/2025	Sentencing 08/12/2025	Status Check on Filing 07/14/2025	Status Check 10/13/2025	Trial 07/31/2025	Negotiations 07/10/2025	Trial 07/17/2025	Jury Trial 09/02/2025	Sentencing 07/15/2025	Sentenced 03/27/2025 Agency has to finish investigation before terminating employment	Settlement Conference 07/11/25	Sentencing 07/30/2025	Trial rescheduled 11/04/2025	Sentenced 06/23/2025		Action	

FTA	3. (F) Sexual Assault	11/15/2023											
	<ol> <li>(F) Oppression under color of office</li> <li>(F) Misconduct of Public Officer</li> </ol>												
Preliminary Hearing 06/17/25	2 counts Felony sexual assault of inmate	4/6/2025											
PreTrial 06/30/2025	3 counts (F) Embezzlement												
Court Appearance 07/22/2025	5. (M) False report of crime	3/4/2025											
	4. (GM) False report by public officer												
	3. (F) Misconduct of Public Official												
	2. (F) Att Theft												
	1. (F)Insurance Fraud												
Waiting on update from agency	DV related charges?												
2nd case - sentencing 08/04/2025	sexual conduct	8/30/2024											
1st case - sentencing 08/04/2025	1-4 (F) Possession of visual presentation depicting												
	2nd case - 387164-1												
	12-13. (GM) Oppression under color of office												
	11.(GM) Battery on protected person												
	10. (F) Perjury												
	5-9 (GM) Oppression under color of office												
	4. (F) Perjury												
	3. (GM) Oppression under color of office												
	threat or use of physical force												
	2. (F) Oppression under color of office w/immediate												
	1. (GM) Oppression under color of office												
	1st case - 386532												
AGENCY WILL ADVISE	Pending Investigation - Oppression under color of law	5/5/2025											
Hearing 07/01/2025	1. DV	10/23/2024											
<b>FTA - Warrant Issued</b>	1. (F) Attempt Theft - Guilty Plea	10/3/2020											
Pretrial 09/16/2025	3. Obstructing/False info to PO	12/1/2024											
	2. (M) Failure to drive in travel lane												
	1. DUI Liquor												
3/11/2022 1. (F) Sext	5/5/2025 Pending In	5/5/2025 Pending In	5/11/2025 2. (F) Duty	sub resulting in death	1. (F) DUI	8/10/2024 1. (M) Doi	3/3/2025 over 21	4. (F) Atter	3. (F) Att c	subject of	2. (F) Att u	computer	1. (F) Lure
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1. (F) Sexual Assault against a child	Pending Investigation - Oppression under color of law	Pending Investigation - Oppression under color of law	2. (F) Duty to stop at scene of accident	ng in death	1. (F) DUI of alcohol and/or controlled or prohibited	1. (M) Domestic Battery (1st)		4. (F) Attempted statutory sexual seduction by person	3. (F) Att child abuse or neglect, 1st		2. (F) Att use or permit minor, age 14 or older, to be		1. (F) Lure/att to lure child/mentally ill person w/use of
Jury Trial 09/08/2025	AGENCY WILL ADVISE	AGENCY WILL ADVISE	Preliminary Hearing 07/24/2025			Pretrial Hearing 07/07/25	07/17/2025	Mandatory Status Conference					

INVESTIGATIONS		
Date	Offense	Action
2/18/2025	Resigned in lieu while under investigation for misconduct	
3/3/2025	possible charges regarding "over familiarity with inmate"	Termed
3/3/2025	Dismissed due to DUI arrest	Termed
3/3/2025	He won his appeal and got his job back but was recently arrested for use of force on the same case.	Termed
3/5/2025	Pending Investigation	
2/27/2025	IA is at the AG's office for review for termination.	
2/27/2025	In discussions with the AG's office on this case	
3/20/2025	Road Rage Incident in San Bernardino, CA	
2/18/2025	Pending investigation	Resigned
2/14/2025	Pending notice of Sustained findings for truthfulness required at all times and Standards of Conduct	Termed
6/16/2025	Resigned while conducting investigation concerning alleged misconduct	Resigned

 DISCUSSION AND FOR POSSIBLE ACTION. Request from the Henderson Police Department for an Executive Certificate for their employee Deputy Chief Brandon Brooks, pursuant to NAC 289.270(1)(a). Possible action may include approval or denial of the requested Executive Certificate.



# State of Nevada - POST Professional Certificate Application

# Agency Details

Agency Name \*

Henderson PD

Officer's Details	
POST ID * 11550	
Officer's Name* Brandon M Brooks	
All officer's hours of POST training u	nd choose the applicant's qualifications for the certificate. used to meet the requirements must be entered into the POST database before submitting <i>ssional Training</i> or <i>Annual Compliance</i> forms for this.
*	*
<ul> <li>Intermediate (NAC 289.240)</li> <li>Advanced (NAC 289.250)</li> <li>Supervisor (NAC 289.255)</li> <li>Management (NAC 289.260)</li> <li>Executive (NAC 289.270)</li> </ul>	6 yrs (1 Exec) exp., supervise 2 mgrs, head of agency/div/bureau, 200 hrs adv mgmt trng
Click the Attach button to su	bmit Only the following documents as REQUIRED:
> Executive - see NAC289.270(1)	for documentation required
Attachments (3)	
POST - PROFESSIONAL CERTIFICA	TE APPLICATION – – Brandon M Brooks – 5/6/2025 TE APPLICATION – – Brandon M Brooks – 5/6/2025 TE APPLICATION – – Brandon M Brooks – 5/6/2025
Additional information or commen	ts

ubmitter Details		
		applicant meets the requirements for the certificate next to the certificate level selected.
Submitter's Full Name* Felicia Benjamins	Submitter's Phone #* 702–267–4597	Submitter's E-Mail * Felicia.Benjamins@cityofhenderson.co m
This section is for POST approva		
Education Approved By	Credit Hours Certification Date	Date Achieved Document Type PROFESSIONAL CERTIFICATE APPLICATION
Comments		



May 6, 2025

To Whom it May Concern:

It is with great pleasure to provide Brandon Brooks POST#11550 with this letter of recommendation to earn his Nevada POST Executive Certificate. I acknowledge and affirm that he serves in an executive level position with the Henderson Police Department, as defined in Nevada Administrative Code 289.047.

Brandon was hired as a member of the Henderson Police Department in July of 1997. He spent several years committed to the patrol functions and support functions of the Police Department and promoted himself through the ranks of Sergeant, Lieutenant and Captain in his career, to his current position of Deputy Chief.

Brandon graduated from the highly coveted FBI Academy and is currently earning his master's degree from the University of Virginia. Brandon earned his Nevada POST INTERMEDIATE certificate in 2000, his Nevada POST ADVANCED Certificate in 2002, his Nevada POST Management Certificate in 2008 and his Nevada POST SUPERVISOR Certificate in 2011.

Deputy Chief Brandon Brooks is currently assigned to the Administration Bureau of the Henderson Police Department, commanding five Divisions of the Police Department to include the Animal Control Division, the Communications Division, the Corrections Division, the Crime and Intelligence Division and the Criminalistics Division. In addition, He is authorized to serve as the Acting Chief of Police in my absence.

A Henderson Police Department Organization Chart has been included per request.

Respectfully,

Itzhak Henn

Acting Chief of Police



Henderson Police Department 223 Lead St, Henderson, NV 89015 T 702-267-5000 W cityofhenderson.com





# UNIVERSITY OF VIRGINIA SCHOOL OF CONTINUING AND PROFESSIONAL STUDIES

Awards this

# Brandon Matthew Brooks Certificate of Achievement

For the successful completion of the Graduate Certificate in

# Criminal Justice Education

September 12<sup>th</sup>, 2024

Herria U. Lubin

Dean, School of Continuing and Professional Studies

Matelan Somofarmer

Registrar, School of Continuing and Professional Studies

Docusign Envelope ID: 1C61D4DB-0EAA-4766-A430-AA037A21976C

UNITED STATES DEPARTMENT OF JUSTICE FEDERAL BUREAU OF INVESTIGATION





Issues this award thereby certifying that

# **Brandon Matthew Brooks**

Henderson Police Department, Henderson, NV

has completed a general course of instruction afforded by the

FBI National Academy

ending the twelfth day of September in the year of two thousand and twenty four. at Quantico in the state of Virginia for a period of ten weeks

Federal Bureau of Investigation Christopher A. Wray Director

Jacqueline Maguire Training Division Assistant Director



# **FBI National Academy Student Transcript**

# **Brandon Matthew Brooks**

FBI Academy, Quantico, Virginia Session: NA291 - 07/07/2024 - 09/12/2024

This is to certify the student listed above attended the following courses of the FBI National Academy.

Course Number	Course Title	Classroom Hours	Semester Hours
CJ-3450	Wellness and Fitness in Law Enforcement	45	3
CJ-5300	Navigating Internal Leadership Crises	45	3
CJ-5490	Critical Incident Leadership for Executives: Crisis Negotiations	45	3
CJ-5660	Leading Well: Authentic Leadership Through Wellness	45	3
CJ-5710	Conflict Resolution for Law Enforcement Executives	45	3
CJ-5930	Leading At-Risk Employees for Executive	45	3
		Total C	redits: 18.00

In addition to the above identified course of study, all students participated in several plenary sessions dealing with selected National Law Enforcement issues, additional time was allocated for staff consultation, study and research and voluntary participation in the National Academy enrichment and physical fitness challenge programs.

# 5/19/2025 Nevada Commission on POST Employee Profile

Brooks, Brandon M (11550)

Certifications								
Level	Status Date	<u>Status</u>	Cert Date	Exp Date				
Supervisor	4/25/2011	Active	4/25/2011					
Management	5/12/2008	Active	5/12/2008					
Advanced	11/22/2002	Active	11/22/2002					
Intermediate	1/31/2000	Active	1/31/2000					
Category I	1/3/1998	Active	1/3/1998					

# 8. DISCUSSION AND FOR POSSIBLE ACTION.

Request from the Nevada Gaming Control Board for an Executive Certificate for their employee Chief Kristi Torgerson, pursuant to NAC 289.270(1)(a). Possible action may include approval or denial of the requested Executive Certificate.



# State of Nevada – POST Professional Certificate Application

Agency Details	
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Agency Name\* NV Gaming Control Board

**Officer's Details** 

POST ID\* 13711

Officer's Name\* Kristi S Torgerson

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

•	•
O Intermediate (NAC 289.240)	6 yrs (1 Exec) exp., supervise 2 mgrs, head of agency/div/bureau, 200
O Advanced (NAC 289.250)	hrs adv mgmt trng
O Supervisor (NAC 289.255)	5 5

O Management (NAC 289.260)

• Executive (NAC 289.270)

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

> Executive - see NAC289.270(1) for documentation required

Attachments (1)

POST - PROFESSIONAL CERTIFICATE APPLICATION - - Kristi S Torgerson - 6/16/2025

# Additional information or comments

Chief Kristi Torgerson's Executive Cert docs attached. She graduated FBI Nat. Academy and letter signed by NGCB Chairman. Also already applied for MGT. Cert on 6/16/25.

Submitter Details		
		e applicant meets the requirements for the that is referenced next to the certificate
Submitter's Full Name* Michael Noworyta	Submitter's Phone #* 702–486–2164	Submitter's E-Mail * mnoworyta@gcb.nv.gov
This section is for POST approval or	ly	
Education	Credit Hours	Date Achieved
Approved By	Certification Date	Document Type PROFESSIONAL CERTIFICATE APPLICATION
Comments		



JOE LOMBARDO Governor

June 11, 2025

# NEVADA GAMING CONTROL BOARD

1919 College Parkway, P.O. Box 8003, Carson City, Nevada 89702
7 State of Nevada Way, Las Vegas, Nevada 89119
3650 S. Pointe Circle, Suite 203, P.O. Box 31109, Laughlin, Nevada 89028
557 W. Silver Street, Suite 207, Elko, Nevada 89801
9790 Gateway Drive, Suite 100, Reno, Nevada 89521

KIRK D. HENDRICK, Chairman HON. GEORGE ASSAD (RET.), Member CHANDENI K. SENDALL, Member

Las Vegas (702) 486-2020 Fax: (702) 486-2230

Mr. Mike Sherlock Executive Director Nevada Commission on Peace Officer Standards and Training 5587 Wa Pai Shone Avenue Carson City, Nevada 89701

Re: Executive Certificate Request

Dear Executive Director Mike Sherlock:

As Chairman of the Nevada Gaming Control Board (NGCB), I am respectfully requesting an Executive Certificate for Enforcement Division Chief Kristi Torgerson. She has successfully met all necessary standards for this certification and holds basic, intermediate, advanced, and supervisor POST certificates.

Chief Torgerson has over 28 years of experience as a sworn police officer, with over 18 years in a supervisory role, including 10 years in a command-level position. She supervises the NGCB Enforcement Division, which includes the Investigative and Support Services Bureaus and three satellite offices. Chief Torgerson has three Deputy Chiefs who directly report to her.

Additionally, Chief Torgerson has completed over 270 hours of training in a management program at the FBI's National Academy.

I have included an organizational chart that illustrates Chief Torgerson's position within the agency. This chart confirms that she meets the criteria for an executive-level position as outlined in NAC 289.047.

Thank you for considering this request.

Sincerely,

Kirk D. Hendrick Chairman

KDH:cr

# **MEMORANDUM**

TO:	Executive Director M. Sherlock
FROM:	Mike Hayhurst, Training Division Chief
DATE:	June 24, 2025
SUBJECT:	Chief Kristi Torgerson, Nevada Gaming Control Board

Chief Kristi Torgerson, from the Nevada Gaming Control Board, has requested an evaluation of her transcripts from the University of San Diego (USD) and the University of Virginia (UV) for the purpose of determining if she has met the training requirements for the POST Management Certificate and the POST Executive Certificate. Chief Torgerson provided her unofficial transcripts. I retrieved course descriptions from the appropriate course catalogs from both schools.

Based on the evidence presented, Chief Torgerson holds a master's degree in Law Enforcement and Public Safety Leadership, which she earned from a regionally accredited university, and she has completed the FBI National Academy.

She earned 17 credits at the FBI National Academy, which equates to 765 hours of managementlevel training, thereby exceeding the 200-hour training requirement for a POST Management certificate.

Chief Torgerson earned 22 credits in her master's program at the University of San Diego, which equates to 990 hours of executive-level training, thereby exceeding the 200-hour "advanced management" training requirement for a POST Executive certificate.

Note: The general rule provided by the U.S. Department of Education and regional accreditors is that one academic semester credit hour is composed of 15 hours of direct instruction (50–60-minute hours) and 30 hours of out-of-class student work (60-minute hours) for a total of 45 hours per credit.

# **Conclusion:**

Chief Kristi Torgerson has met the training requirements for the POST Management certificate and the POST Executive certificate.









# SCHOOL OF CONTINUING AND PROFESSIONAL STUDIES UNIVERSITY OF VIRGINIA

Awards this

# Certificate of Achievement

to

# Kristi S. Marusich

For the successful completion of the Graduate Certificate in

# Criminal Justice Education

December 20, 2019



Matulan Somo farmer

Registrar, School of Continuing and Professional Studies

Dean, School of Continuing and Professional Studies



# FBI Official Transcript

# Kristi S. Marusich Gaming Control Board



	17.00	270.00		Total:	
12/20/2019	3.00	45.00	Version 1	5290 Emotional Intelligence: Context and Communication	CJ-5290
12/20/2019	3.00	45.00	٧1	5270 Interpersonal Communication for Law Enforcement Executives	CJ-5270
12/20/2019	3.00	45.00	٧1	5200 Psychology of Leadership	CJ-5200
12/20/2019	3.00	45.00	۲۷	5070 Managing Organizational Change and Development	CJ-5070
12/20/2019	2.00	45.00	Version 1.45.00	3400 Fitness in Law Enforcement	CJ-3400
12/20/2019	3.00	45.00	۷1	3210 Contemporary Issues in Law Enforcement Seminar	CJ-3210
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# University of San Diego

5998 Alcala Park San Diego, CA 92110

# OFFICE OF RECORDS TRANSCRIPT OF ACADEMIC RECORD Page: 1

Current Name: Kristi Suzanne Marusich

# Date Issued: 18-JUN-2025

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LEPS 530	Public Safety Law	3.00 A	12.00	1					
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Active	6/24/2025
Active	11/24/2015
Active	1/21/2014
Active	12/23/2013
Active	5/16/1998
	Active Active Active Active

# 9. DISCUSSION AND FOR POSSIBLE ACTION.

Hearing pursuant to NAC 289.230(4) and NAC 289.290(1)(f) on the suspension of the category II basic certificate held by Craig Dahlheimer, currently employed with Laughlin Township Constables Office, based on noncompliance with annual training requirements for 2024. Possible action may include suspension of Mr. Dahlheimer's category II basic certificate.



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

JOE LOMBARDO Governor MICHAEL D. SHERLOCK Executive Director

# NOTICE OF INTENT TO SUSPEND

June 4, 2025

Craig Dahlheimer

POST ID# 30482

Dear Mr. Dahlheimer,

Pursuant to NAC 289.230(4), your Nevada peace officer certification is subject to suspension for Non-Compliance with the mandatory training and proficiency requirements. You received notice on **March 20, 2025,** that you had not met the mandatory training requirements for **2024** and you had 60 days from receipt of the Notice of Non-Compliance to remedy this.

Sixty (60) days or more have lapsed since you received the Notice of Non-Compliance, and the Commission has not received information showing you have remedied the deficiency. The Commission's regulations provide that a person's Nevada peace officer certificate(s) will be suspended pursuant to NAC289.230(4) and NAC289.290(1)(f) for failure to comply with the standards established in this chapter.

As a result, the Commission intends to take action to suspend your Nevada peace officer certification(s) at the POST Commission meeting being held:

Date: July 17, 2025 Time: 2:00 p.m. Location: Reno Police Department Public Safety Center Community Room, 911 Kuenzli Street, Reno, NV 89502

If the Commission receives documentation of compliance prior to the date of this action, the matter will be closed, and no action will be taken.

You have the right to appear before the Commission to contest the suspension of your Nevada peace officer certificate(s) by providing written notice to the Executive Director of the Commission within fifteen (15) days of the date of the hearing. Your request must be directed to:



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

If you have any questions regarding this notice, please contact me at (775)687-3335.

Thank you,

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

cc: Senior Deputy Attorney General Geordan Goebel File NAC 289.230 Basic or reserve certificate: Requirements for maintaining certificate and resuming duties; effect of failure to comply. (NRS 289.510, 289.590)

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

(a) Satisfy the requirements of subsection 5; and

(b) Complete not less than 12 hours of continuing education in courses that address:

- (1) Racial profiling;
- (2) Mental health;
- (3) The well-being of officers;
- (4) Implicit bias recognition;
- (5) De-escalation;
- (6) Human trafficking; and
- (7) Firearms.

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

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

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

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

(a) If the officer is authorized to use a firearm, at least biannually demonstrate a minimum level of proficiency in the use of each type of firearm he or she is authorized to use. An officer who does not demonstrate a minimum level of proficiency with the use of any type of firearm he or she is authorized to use may not carry or use that type of firearm until he or she participates in a remedial course established by the employing agency to ensure that the officer achieves and maintains a satisfactory level of proficiency.

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

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

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

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

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

7. An officer:

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

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

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

(d) Who is hired, rehired or reinstated on or after July 1 of a reporting year,

 $\hat{E}$  must satisfy the requirements of paragraphs (b) to (e), inclusive, of subsection 5 and demonstrate a minimum level of proficiency in the use of each type of firearm he or she is authorized to use before commencing or resuming his or her duties as a peace officer.

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

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

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

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

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

(Added to NAC by Peace Officers' Standards & Training Com., eff. 12-17-87; A 8-24-90; 4-28-94; R171-97, 1-30-98; A by Peace Officers' Standards & Training Comm'n by R102-99, 11-2-99; R127-04, 11-8-2004; R003-07, 4-17-2008; R118-09, 1-28-2010; R188-12, 12-23-2013; R121-13, 3-28-2014; R012-17, 12-19-2017; R025-20, 11-2-2020)

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

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

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

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

(c) Chronic drinking or drunkenness on duty.

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

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

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

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

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

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

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

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

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

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

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

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

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

 $\hat{E}$  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 is reinstated, the Commission may establish a probationary period during which any misconduct by the officer would result in revocation.

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



# STATE OF NEVADA

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

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

JOE LOMBARDO Governor MICHAEL D. SHERLOCK Executive Director

# **DECLARATION OF SERVICE**

I, Thomas Jewes, served the foregoing Notice of Intent to Suspend Print name of the person serving this document

to Individual's Name: CRAIG T. DAHLHEIMER

at		Hend , N	V 89052 on this
(location	ı)	1	
<u> </u> day of	Two	, 2025.	
Day	Month	Year	

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

Executed on this  $A = \frac{18}{Day}$  day of  $A = \frac{1002}{Month}$ ,  $\frac{1025}{Year}$ .

THOMAS JEEVES LAUGHLIN CONSTABLE'S OFFICE PERSONNEL # 1641

Signature of person serving the Notice

Printed name of person serving the Notice

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

# 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

JOE LOMBARDO Governor MICHAEL D. SHERLOCK Executive Director

# NOTICE OF NON-COMPLIANCE

March 10, 2024

# OFFICER NAME/POST ID # Craig Dahlheimer 30482 EMPLOYING AGENCY Laughlin Township Constable

Let this serve as notification from the Commission on Peace Officer Standards and Training that you have been reported by your employing agency as not meeting the mandatory continuing education requirements pursuant to NAC 289.230(1) for the calendar year **2024**.

Pursuant to NAC 289.230(4) your Nevada peace officer certification is subject to suspension for noncompliance with NAC 289.230(1). NAC 289.230(4) allows you sixty (60) days from the date of receipt of this notice of non-compliance to remedy all reported training deficiencies. Failure to remedy your training deficiencies will result in the suspension of your Nevada peace officer certificate. If your Nevada peace officer certificate is suspended, you will be prohibited from exercising the powers of a peace officer pursuant to NRS 289.550.

When you remedy your deficiencies for 2024, this does not relieve you of the continuing education requirements for the calendar year 2025. Please ensure that your employing agency notifies the Commission on Peace Officer Standards and Training that your training deficiencies have been remedied. It is recommended you retain this letter for your files.

If you have any questions or concerns over this notification and how to remedy your reported training deficiency, please contact your employing agency.

Sincerely,

Kathy Floyd Chief, Standards Division





COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING 5587 Wa Pai Shone Avenue CARSON CITY, NEVADA 89701 (775) 687-7678 FAX (775) 687-4911

JOE LOMBARDO Governor

.....

MICHAEL D. SHERLOCK **Executive** Director

EXHIBIT D

# **DECLARATION OF SERVICE**

I, Thomas Jepves	, served the f	oregoing	Notice of Non-Compliance
to Individual's Name: Create Debla	eimer		
at	Hend	NV	801052 on this
Day day of March 25	)25. Year		

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

Day day of \_\_\_\_\_ mark Executed on this \_\_\_\_\_ Month

Signature of person serving the Notice

Momer Jeans S Printed name of person serving the Notice

# **\*\*RETURN THIS FORM TO POST WITHIN 15 DAYS\*\*\***

# STATE OF NEVADA



as prescribed by Nevada Revised Statutes

Governor

Executive Director

March 22, 2012 Issuance Date

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

> > POST 1D No.: 30482

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

Name: Craig T. Dahlheimer

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.

# STATE OF NEVADA



EXHIBIT E

					Firearms	Firearms	ArrestControl	LessLethal	UseofForce	AgencyContinuing
Agency	Post ID	Last Name	First Name	Year	Proficiency 1	Proficiency2	Post ID Last Name   First Name   Year   Proficiency 1   Proficiency2   DefensiveTactics	WeaponProficiency	PolicyReview	EducationTraining
Laughlin Township										
Constable's Office		30482 Dahlheimer Craig	Craig	2024 X	×	×	×	×	×	X

# EXHIBIT F
## 10. DISCUSSION AND FOR POSSIBLE ACTION.

Hearing pursuant to NAC 289.290(1)(e) for the possible revocation of the category III basic certificate held by Elliot J. Burleigh, former employee of the Nevada Department of Corrections, based on the conviction of, entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a gross misdemeanor. The conviction(s) that have led to this action are: COUNT I: CHILD ENDANGERMENT, a gross misdemeanor as defined in NRS 200.508(2)(b)(1).

Action may be revocation of the category III basic certificate.



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

JOE LOMBARDO Governor MICHAEL D. SHERLOCK Executive Director

## NOTICE OF INTENT TO REVOKE

June 4, 2025

Elliot J. Burleigh



Dear Mr. Burleigh,

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

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

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

Count I: CHILD ENDANGERMENT, a gross misdemeanor as defined in NRS 200.508(2)(b)(1) Case#: CR-24-12131 Dept No: 1 Jurisdiction: Seventh Judicial District Court, County of White Pine, State of Nevada

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

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



Written requests can be made to:

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

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

Date: July 17, 2025 Time: 2:00 p.m. Location: Reno Police Department Public Safety Center Community Room, 911 Kuenzli Street, Reno, NV 89502

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

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

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

Sincerely,

Kathy Floyd

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

cc: Senior Deputy Attorney General Geordan Goebel File NAC 289.290 Denial, revocation or suspension of certificate; reinstatement of revoked certificate. (NRS 289.510)

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

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

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

(c) Chronic drinking or drunkenness on duty.

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

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

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

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

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

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

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

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

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

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

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

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

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

 $\hat{E}$  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 is reinstated, the Commission may establish a probationary period during which any misconduct by the officer would result in revocation.

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



COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

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

JOE LOMBARDO Governor

MICHAEL D. SHERLOCK **Executive** Director

### **DECLARATION OF SERVICE**

I,

, served the foregoing Notice of Intent to Revoke

Print name of the person serving this document

To Individual's Name: ELLIOT J. BURLEIGH

at	ation)	MCGill	on this
gt day	of June	2025	
Day Day	Month	Year	

I declare under pe	nalty of p	erjury that	the forgoing is tr	ue and correct.
Executed on this	g	day of	JUNC	. 2025
	Day		Month	Year

Enth & UIS Signature of person serving the Notice Debuty Sherift Koludar II 415

Printed name of person serving the Notice

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

# EXHIBIT B



# State of Nevada – POST Update – Personnel Action Report (PAR)

Agency Login			
Agency Name * NV Dept of Corrections			
Employee Details			
<b>POST ID *</b> 23556			
First Name* ELLIOT	Last Name * BURLEIGH		
Middle Initial J	Suffix		
Name Changed			
Address Changed			
Level Change			
Level Changed * <ul> <li>Line O Supervisor O Management O Executive</li> </ul>			
* 🔿 Part Time 💿 Full Time			
Status Changed O Deceased O Retired Separated			
Effective Date* 12/06/2024			
NAC 289.290 Notification (Cause for Co	mmission Action)		
EXHIBIT C			

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

Does the above NAC apply?

Is your agency requesting revocation? ● Yes ○ No

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

Comments Additional Information: Awaiting court date for a charge of Domestic Violence.

Submitter Details				
Submitter's Full Name* boyd, mark	Submitter's Phone #* 775–977–5279	Submitter's E-Mail Address mjboyd@doc.nv.gov		
txtFormType Update PAR				

STATE O	F NEVADA		
STATE U			
on Offi	cers' Sta		
peace II	In Standard		
n <sup>Ou</sup> II JP.C	STI I A		
Sion Hereby	funds the by		
AT BAKE	Difficato S.		
	cers' Standards And The And Training Printigenerate Taining		
	ARX IN ER		
For having fulfille			
	ritements for Basic Certification		
as prescribed by Ye	Anda Revised Statutes		
- Elmy Chung STAND Kinhall Clark			
Governor Richard P. Clark, Executive Director			
Presented this <u>25<sup>th</sup></u> day	of <u>January</u> , 20 <u>05</u>		
······································			
	Nevada Commission on React Officers' Standards and Training Peace Officer Basic Certification and Training Identification Card		
	Name: ELLIOT J. BURLEICH DOST DONO: 23556 Your PIN number must be registered and a set manual sessing on attend to receive annual		
	POST training credits.		
	It is your responsibility interceive a diminium of 24 hours of continuing education as outlined in NAC 289,230 months to meet your mandricry annual POST training requirement. If you fail to meet the annual POST training requirement, the POST		
	Commission may take action in an your perifying the which in the POST ability to legally carry our your during the processing of the second se		
STATE OF NEVADA	If found, please mail of deliver round low enforcement agency		
Deace Officers' Stand	Nevada Commission on Care Officers Standards and Manfing 3476 Executive Pointe Way; Suite 2A STAND Carson City, NV 89706		
An Horable Aside the	775-684-7678 (POST)		
dissie Baste Certificate	INSTRUCTIONS		
contribution on Peace Officers' Standards Hereby Andrids the Baste Certificate	This is your POST Basic Certificate and Identification Card.		
	The large certificate is for the officer and suitable for framing.		
For having fulfilled all the contribution of Basic Certification as preactioned on Presente Berised Shottards	The smaller certificate is for the agency to place in the officer's file for record.		
Bovernor Bichard P. Clark, Executive Director	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 roter at any POST cartified maining		

Presented this 25<sup>th</sup> day of January , 20\_05

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 D

FILED

2024 DEC 20 A 8:45

HICHOLE STEFAE / WHITE PINE COUNTY CLERK DEPUTY

AMENDED

CRIMINAL INFORMATION

# ORIGINAL

## IN THE SEVENTH JUDICIAL DISTRICT COURT

COUNTY OF WHITE PINE, STATE OF NEVADA

The State of Nevada.

CASE NO .: (R-24/2/3)

DEPT. NO.: 1

Plaintiff,

vs.

Elliot John Burleigh,

Defendant.

SS.

STATE OF NEVADA

COUNTY OF WHITE PINE

In the Seventh Judicial District Court of the the State of Nevada, against ELLIOT JOHN BURLEIGH, Defendant, Deputy District Attorney/Special Prosecutor, APRIL R. BRADSHAW, ESQ., within and for White Pine County, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court that on or about September 29, 2024, in White Pinc County, State of Nevada, said Defendant did commit the following, to-wit:

COUNT I: On or about September 29, 2024, the Defendant committed the criminal offense of CHILD ENDANGERMENT, by willfully and unlawfully and while being a person who is responsible for the safety or welfare of a child(ren) under 18 years of age, to wit: C.B. the Defendant's daughter and/or G.B. the Defendant's son, permitting or allowing the child(ren) to suffer unjustifiable physical pain or mental suffering as the result of abuse or neglect or to be placed in a situation where the child(ren) may suffer physical pain or mental suffering as the result of

1

# EXHIBIT E

[786 Great Basin Boulevard, Suite 4 • Ely, Nevada 8930, TEL: 775-293-6565 • FAX: 775-289-1559 WHITE PINE COUNTY DISTRICT ATTORNEY 10 DAOffice@WhitePineCountvNV.gov 11 12 13 14 15 16

RECEIVED/LODGED

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1 abuse or neglect, to-wit: by the Defendant yelling at and/or slamming a board onto the ground in a 2 threatening manner toward C.B. and G.B.'s mother, in C.B. and/or G.B.'s presence; 3 and/or by the Defendant making threats to shoot law enforcement and/or the Division of Child and Family 4 Services personnel should they arrive on scene to the residence to render aid while C.B. and/or G.B. were 5 aware of the presence of firearms in the residence; all of which occurred at or near 6 County of White Pine, State of Nevada; all of which is a Gross Misdemeanor in violation of NRS 7 200.508(2)(b)(1); and 8 All of which is contrary to the form, force and effect of the statutes provided in such cases, and 9 against the peace and dignity of the State of Nevada. WHITE PINE COUNTY DISTRICT ATTORNEY 1786 Great Basin Boulevard, Suite 4 • Ely, Nevada 89301 TEL: 775-293-6565 • FAX: 775-289-1559 DAOIfice@WhitePineCountvNV.gov 10 The undersigned hereby affirms pursuant to NRS 239B.030, that this Information does not 11 contain the social security number of any person. 12 DATED this 1914 day of December, 2024. 13 MELISSA A. BROWN, ESQ. WHITE PINE COUNTY DISTRICT ATTORNEY 14 15 16 Deputy District Attorney/Special Prosecutor Nevada Bar No. 11963 17 18 The witnesses known to the State at the time of the filing of this Information are as follows: 19 Deputy Shane Brown, White Pine County Sheriff's Office, 1785 Great Basin Blvd., Ely, Nevada 89301 20 Sergeant Steve Saunders, White Pine County Sheriff's Office, 1785 Great Basin Blvd., Ely, 21 Nevada89301 22 Dispatcher Felicia Haslem, White Pine County Sheriff's Office, 1785 Great Basin Blvd., Ely, 23 Nevada 89301 24 25 26 27 2

		1					
RECEIVED/LODGED	UEC Z 5 2024	WHITE FINE COUNTY CLERK	Case No: CR-2412131 Dept. No.:1	ORIO	GINAL	FILED 2024 DEC 25 A 11:33 WHITE PINE COUNTY CLERK BY: 14 DEPUTY	
		6	IN THE SEV	ENTH JUDIO	CIAL DISTRICT C	OURT	
		7	IN AND FOR THE CO	UNTY OF W	HITE PINE, STAT	re of nevada	
		8		* * *	* *		
۲ 101		9	THE STATE OF NEVADA,				
ATTORNEY Nevada 89301	9661- V	10	PLAINTIFF,				
NE COUNTY DISTRICT ATTORNEY Basin Blvd. Suite 4 • Ely, Nevada 8930 75-293-6565 • FAX: 775-289-1559 Office@WhitePineCountyNV.gov	11	VS. GUILTY		GUILTY	Y PLEA AGREEMENT		
IRICI By By	VE COUNTY DISTRICT A1 tasin Blvd. Suite 4 • Ely, No 5-293-6565 • FAX: 775-2i ffice@WhitePineCountyNV	12	ELLIOT JOHN BURLEIGH,				
/ DIS7 uite 4	• FA ePineC	13	DEFENDANT.				
NE COUNTY DIS Basin Blvd. Suite 4	-6565 @White	14	COME NOW, THE STATE OF NEVADA, by and through its counsel of record, APRIL R.				
VE CO Basin E	75-293 office@	15	BRADSHAW, ESQ., White Pine County Deputy District Attorney/Special Prosecutor, and Defendant,				
TE PD Breat E	5L: 77 DAO	16	ELLIOT JOHN BURLEIGH, by and through his counsel of record, JANE M. EBERHARDY, ESQ.,				
WHITE PIN 1786 Great B		17	and hereby agree to enter the following Guilty Plea Agreement:				
		18	I, ELLIOT JOHN BURLEIGH, hereby agree to plead GUILTY to COUNT I: ABUSE,				
		19	NEGLECT, OR ENDANGERMENT OF A CHILD, a violation of NRS 200.508 (2)(b)(1), a Gross				
		20	Misdemeanor, as more fully alleged ir	the Criminal	Information filed be	fore this Court.	
		21	My decision to plead guility is b	ased upon the	oon the plea agreement in this case, which is as follows:		
		22	In consideration for my ple	a of GUIL'	FY to COUNT I	: ABUSE, NEGLECT, OR	
		23	ENDANGERMENT OF A CHILD, or				
		24	to dismiss all other charges against me		-	-	
		25	now pending against me in Case No. 2				
		26 27	District Attorney also agrees not to pu	rsue any new	charges arising out o	f the facts that are related to the	
27							

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EXHIBIT F

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1 incidents that occurred on or about September 29, 2024 and/or October 26, 2024, that are now known to 2 the District Attorney's Office.

3 At sentencing, the Parties will jointly recommend that the sentencing judge impose a Three 4 Hundred Sixty Four (364) day term of imprisonment in the White Pine County Jail.

5 I understand and agree that, if I fail to interview with the Division of Parole and Probation, 6 fail to appear at any subsequent hearings in this case, or an independent magistrate, by affidavit review, confirms probable cause against me for new criminal charges including reckless driving or 8 DUI, but excluding minor traffic violations, the State will have the unqualified right to argue for any 9 legal sentence and term of confinement allowable for the crime(s) to which I am pleading guilty.

### **CONSEQUENCES OF THE PLEA**

I understand that by pleading guility to COUNT I: ABUSE, NEGLECT, OR ENDANGERMENT OF A CHILD, I admit the facts which support all the elements of the offense to which I now plead as set forth below:

- White Pine County, 1. On or about September 29, 2024, while at or near Nevada, and
- 2. While being responsible for the safety or welfare of C.G. ( and/or G.B. children under eighteen (18) years of age, I did;
- 3. Willfully and unlawfully;
- 4. Permit or allow C.G. and/or G.B. to suffer unjustifiable mental suffering as a result of abuse or neglect, or I did;
- 5. Permit or allow C.G. and/or G.B. to be placed in a situation where either may have suffered unjustifiable mental suffering as a result of abuse or neglect by;
- 6. Yelling at and/or slamming a board onto the ground in a threatening manner toward C.G. and G.B.'s mother in C.G. and/or G.B.'s presence; and/or
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786 Great Basin Blvd. Suite 4 • Ely, Nevada 89301 WHITE PINE COUNTY DISTRICT ATTORNEY

TEL: 775-293-6565 • FAX: 775-289-1559

DAOffice@WhitePineCountyNV.gov

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9 786 Great Basin Blvd. Suite 4 • Ely, Nevada 89301 WHITE PINE COUNTY DISTRICT A TTORNEY TEL: 775-293-6565 • FAX: 775-289-1559 10 DAOffice@WhitePineCountyNV.gov 11 12 13 14 15 16

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7. Making threats to shoot law enforcement and/or the Division of Child and Family Services personnel should they arrive on scene to the residence to render aid while C.G. and/or G.B. were aware of the presence of firearms in the residence.

I understand that as a consequence of my plea of guilty to COUNT I: ABUSE, NEGLECT, OR ENDANGERMENT OF A CHILD, a Gross Misdemenor, I may be punished by imprisonment in the White Pine County Jail for a period of not more than Three Hundred Sixty Four (364) days, and I may be fined not more than Two Thousand Dollars (\$2,000.00), or that I may be punished by both a fine and imprisonment.

I understand that the law requires me to pay an administrative assessment fee in the amount of \$25.00, and a genetic marker analysis fee in the amount of Three Dollars (\$3.00).

If I was appointed an attorney by the Court, I understand that I may be required to reimburse White Pine County the amount of Three Hundred Dollars (\$300.00) towards the services of the Public Defender. Further, I understand that I may be required to reimburse White Pine County the amount of Three Hundred Fifty Dollars (\$350.00) towards the cost of the Presentence Investigation Report.

I understand that, if appropriate, I may be ordered to make restitution to the victims of the offense to which I am pleading guilty and to the victims of any related offense that is 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.

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

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

25 I understand that if I am not a citizen of the United States, a criminal conviction may carry a 26 risk of adverse immigration consequences including but not limited to deportation, revocation of

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resident alien status, revocation of visa or work visa permit, denial of readmission to the United States,
 or denial of naturalization, should I apply.

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

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

### WAIVER OF RIGHTS

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

- The constitutional privileges 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 Court 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 offenses charged.
- 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.
  - <sup>4</sup> 5. The constitutional right to testify in my own defense.

WHITE PINE COUNTY DISTRICT ATTORNEY 1786 Great Basin Blvd. Suite 4 • Ely, Nevada 89301 TEL: 775-293-6565 • FAX: 775-289-1559 DAOffice@WhitePineCountyNV.gov L 9 5 7 15 10 6

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	1	6. The right to appeal the conviction, with the assistance of an attorney, either appointed or
	2	retained, unless the appeal is based upon reasonable constitutional, jurisdictional or other
	3	grounds that challenge the legality of the proceedings and except as otherwise provided in
	4	subsection 3 of N.R.S. 174.035.
	5	VOLUNTARINESS OF PLEA
	6	I have discussed the elements of all the original charges against me with my attorney and I
	7	understand the nature of these charges against me.
	8	I understand that the State would have to prove each element of the charges against me at trial.
EY 301	9	I have discussed with my attorney any possible defenses and circumstances which might be
COUNTY DISTRICT ATTORNEY in Blvd. Suite 4 • Ely, Nevada 89301 293-6565 • FAX: 775-289-1559 ce@WhitePineCountyNV.gov	10	in my favor.
E PINE COUNTY DISTRICT A TTOI eat Basin Blvd. Suite 4 • Ely, Nevad .: 775-293-6565 • FAX: 775-289-1! DAOffice@WhitePineCountyNV.gov	11	All of the foregoing elements, consequences, rights and waiver of rights have been thoroughly
TRIC • Ely X: 75 County	12	explained to me by my attorney.
Y DIS suite 4 • FA ePine(	13	I believe that pleading guilty and accepting this plea bargain is in my best interest and that a
E COUNT asin Blvd. S 5-293-6565 ffice@Whit	14	trial would be contrary to my best interest.
NE CC Basin E 75-293	15	I am signing this agreement voluntarily, after consultation with my attorney and I am not
	16	acting under duress or coercion or by virtue of any promises of leniency, except for those set forth in
WHIT 1786 Gi TEI	17	this agreement.
	18	I am not now under the influence of intoxicating liquor, a controlled substance or other drug
	19	that would in any manner impair my ability to comprehend or understand this agreement or the
	20	proceedings surrounding my entry of this plea.
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My attorney has answered all of my questions regarding this Guilty Plea Agreement and its consequences to my satisfaction and I am satisfied with the services provided by my attorney. DATED this 2C day of December, 2024. DEFENDAN IOT JOHN BURLEIGH EI AGRED this <u>4</u> day of December, 2024. MELISSA A. BROWN, ESQ. WHITE PINE COUNTY DISTRICT ATTORNEY WHITE PINE COUNTY DISTRICT ATTORNEY 1786 Great Basin Blvd. Suite 4 • Ely, Nevada 89301 TEL: 775-293-6565 • FAX: 775-289-1559 DAOffice@WhitePineCountyNV.gov Deputy District Attorney/Special Prosecutor 

	1	CERTIFICATE OF COUNSEL
	2	I, the undersigned, JANE M. EBERHARDY, ESQ., as the attorney for the DEFENDANT,
	3	ELLIOT JOHN BURLEIGH, and as an officer of the COURT hereby certify that:
	4	1. I have fully explained to the DEFENDANT the allegations contained in the charges to
	5	which GUILTY pleas are being entered.
	6	2. I have advised the DEFENDANT of the penalties for each charge and the restitution that
	7	the DEFENDANT may be ordered to pay.
	8	3. All pleas of GUILTY offered by the DEFENDANT pursuant to this AGREEMENT are
EY 3301	9	consistent with all the facts known to me and are made with my advice to the
ATTORNEY Nevada 89301 289-1559 IV.gov	0	DEFENDANT and are in the best interest of the DEFENDANT.
E PINE COUNTY DISTRICT ATTORNEY cat Basin Blvd. Suite 4 • Ely, Nevada 8930 J: 775-293-6565 • FAX: 775-289-1559 DAOffice@WhitePineCountyNV.gov	1	4. I have conveyed all offers of settlement made by the WHITE PINE COUNTY DISTRICT
	2	ATTORNEY'S OFFICE to the DEFENDANT.
TY DIS Suite 4 5 • FA itePine	3	5. To the best of my knowledge and belief, the DEFENDANT:
COUNT n Blvd. ( 293-6565 263-6565 293-6565 293-6565 293-6565 293-6565 293-6565 293-6565 293-6565 293-6565 203-65655 203-6565 203-6565 203-6565 203-65655 203-6565 203-65555 203-65555 203-65555 203-655555 203-655555 203-655555 203-65555555 203-6555555555555555555555555555555555555	.4	a. Is competent and understands the charges and the consequences of pleading
NE CC 3asin J 75-293 )ffice((	.5	GUILTY as provided in this AGREEMENT.
TE PINE Great Basi EL: 775-2 DAOffic	.6	b. Executed this AGREEMENT and will enter all GUILTY pleas pursuant hereto
WHITI WHITI 1786 Gr	7	voluntarily.
1	18	c. Was not under the influence of intoxicating liquor, controlled substances or other
1	9	substance at the time of the execution of this AGREEMENT.
2	20	DATED this <u>26</u> day of December, 2024.
2	21	James Ples Roads
2	22	JANE M. EBERHARDY, ESQ. Counsel for Defendant
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	1	Case No.: CR-24-12131	2025 APR - 1 A 10: 58			
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API	WHITE TH 900	SEVENTH JUDICIA	L DISTRICT COURT			
	<u></u> 6	COUNTY OF WHITE PI	NE, STATE OF NEVADA			
	7	***	k ★ ★			
	8	THE STATE OF NEVADA,				
301	9	Plaintiff,	JUDGMENT AND SENTENCE,			
ATTORNEY Jy, Nevada 89 -289-1559 IV.zov	10	-vs-	ORDER SUSPENDING SENTENCE, AND PLACING DEFENDANT ON TERM OF			
CT ATTORNEY • Ely, Nevada 89301 775-289-1559 atvNV.zov	11	ELLIOT JOHN BURLEIGH,	PROBATION			
CX: 7 • Count 7	12	Defendant,				
ITY DIS and, Suit 55 • F/ hitePine	13					
COUN Boulevi 293-651 ce@Wi	14	On December 30, 2024, the above-named I	he above-named Defendant, John Elliot Burleigh, further described			
WHITE PINE COUNTY 5 Great Basin Boulevard, TEL: 775-293-6565 DAOffice@White	Birth: entered a plea(s) of					
WHITE PINE COUNT 1786 Great Basin Boulevard TEL: 775-293-6565 DAOffice@White	E 16 GUILTY pursuant to a written plea agreement to the crime described below and as					
178	17	forth in the Amended Criminal Information filed I				
	18	arraignment were defense counsel, JANE M. EB				
	19	White Pine County Deputy District Attorney/Spec				
	20	representing the State, and MELANIE BOYNTON	of the Nevada Division of Parole and Probation			
	21	was also present.				
	22	On March 31, 2025, Defendant appeared w	vith counsel, JANE M. EBERHARDY, ESQ. for			
	23		strict Attorney/Special Prosecutor APRIL R.			
	24	BRADSHAW, ESQ., was present representing the State, and MELANIE BOYNTON of the Nevada				
	25	Division of Parole and Probation was also present.				
	26	///				
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# EXHIBIT G

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### ENTRY OF JUDGMENT

After hearing from all parties and allowing the Defendant an opportunity to personally address the Court, the Court adjudged Defendant GUILTY thereof by virtue of said GUILTY plea to the crime of COUNT I: CHILD ENDANGERMENT, a Gross Misdemeanor, as defined by NRS 200.508(2)(b)(1).

IT IS HEREBY ADJUDGED that for COUNT I: CHILD ENDANGERMENT, Defendant is sentenced to a term of 364 days in the White Pine County Jail; and that it is appropriate for the Court to suspend this sentence and place Defendant under the supervision of the Nevada Division of Parole and Probation for a period not to exceed 18 months on the following standard and special conditions.

### STANDARD CONDITIONS OF SUPERVISION

- 1. REPORTING: Defendant shall report in person to the Division of Parole and Probation as instructed by the Division or its agent. Defendant is 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: Defendant shall not change his place of residence without first obtaining permission from the Division of Parole and Probation, in each instance.
- 3. INTOXICANTS: Defendant shall not consume any alcoholic beverages whatsoever. Upon order of the Division of Parole and Probation or its agent, Defendant shall submit to a medically recognized test for blood/breath alcohol content.

4. CONTROLLED SUBSTANCES: Defendant shall not use, purchase or possess any illegal drugs, or any prescription drugs, unless first prescribed by a licensed medical professional. Defendant shall immediately notify the Division of Parole and Probation of any prescription received. Defendant shall submit to drug testing as required by the Division or its agent.

5. WEAPONS: Defendant shall not possess, have access to, or have under his control, any type of weapon.

6. SEARCH: Defendant shall submit his person, property, place of residence, vehicle or areas under his control to search, including monitoring of his location, with or without the use of

WHITE FINE COUNTY DISTRICT ATTORNEY 1786 Great Basin Boulevard, Suite 4 • Ely, Nevada 89301 TEL: 775-293-6565 • FAX: 775-289-1559 DAOffice@WhitePineCountvNV.gov 10 11 12 13 14 15 16

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electronic surveillance (which may include the use of Global Positioning System) at any time, with or without cause, 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.

- Defendant must have prior approval by the Division of Parole and 7. ASSOCIATES: Probation to associate with any person convicted of a felony, or any person on probation or parole supervision. The Defendant 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: Defendant shall follow the directives of the Division of Parole and Probation and Defendant's conduct shall justify the opportunity granted to him by this community supervision.
- Defendant shall comply with all municipal, county, state and federal laws and 9. LAWS: ordinances.
- 10. OUT-OF-STATE TRAVEL: Defendant shall not leave the state without first obtaining written permission from the Division of Parole and Probation.
- 11. EMPLOYMENT/PROGRAM: Defendant 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. Any and all terminations of employment or programs shall be immediately reported to the Division.

12. FINANCIAL OBLIGATION: Defendant shall pay fees, fines, and restitution on a schedule approved by the Division of Parole and Probation. Any excess monies paid will be applied to any other outstanding fees, fines and/or restitution, even if it is discovered after Defendant's discharge.

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SPECIAL CONDITIONS OF SUPERVISION

WHITE PINE COUNTY DISTRICT ATTORNEY 1786 Great Basin Boulevard, Suite 4 • Ely, Nevada 89301 TEL: 775-293-6565 • FAX: 775-289-1559 DAOffice@WhitePineCountyNV.gov 10 11 12 13 14 15 16

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 That Defendant shall abstain from the use, possession or control of alcohol or controlled substances, including marijuana, throughout the entire term of probation, and submit to random drug testing to determine use.

 That the Defendant shall not be assigned to a Bank or Maintenance Caseload for the term of supervision.

3. That Defendant shall not enter any establishment where alcohol is the major source of business.

4. That Defendant shall not gamble or enter into any gaming establishment unless employed therein.

5. That Defendant shall comply with an imposed curfew by Parole and Probation as deemed necessary.

6. That Defendant shall submit Defendant's digital storage media or any digital storage media that Defendant has control over or uses, including computers, handheld communication devices and any network application associated with those devices, including social media, and remote storage services, to a search and shall provide all passwords, unlock codes, and account information associated with those items.

7. That Defendant shall present to substance abuse treatment provider, Amy Adams, with the Risk Assessment performed by Lia Roley, Psy.D., for evaluation and level of treatment program recommendation and recommendation/evaluation for Medication Assisted Treatment.

8. That Defendant shall enroll in an alcohol abuse treatment program and medically assisted treatment consistent with Amy Adams's recommendations.

 That Defendant shall attend in-person Alcoholics Anonymous meetings at least two times weekly.

10. That Defendant shall present to Ely Mental Health with the Risk Assessment performed by Lia Roley, Psy.D., for mental health treatment consistent with Dr. Roley's recommendations.

11. That Defendant shall sign releases for all substance abuse and mental health treatment providers in favor of the Nevada Division of Parole and Probation, Seventh Judicial District Court, Defendant's attorney and the White Pine County District Attorney's Office.

- 12. That Defendant shall sign a release for Defendant's prescribing physician in favor of the Nevada Division of Parole and Probation, Seventh Judicial District Court, Defendant's attorney and the White Pine County District Attorney's Office.
- 13. That Defendant shall remove all firearms from Defendant's residence for the entire term of probation.
- 14. That Defendant shall serve 141 days in the White Pine County Jail, with credit for 141 days served.

IT IS HEREBY ORDERED that the Clerk of this court enter this Judgment of Conviction and Order Suspending Sentence as part of the record in the above-entitled matter.

IT IS FURTHER ORDERED that the Defendant shall pay a \$25.00 Administrative Assessment fee.

IT IS HEREBY FURTHER ORDERED that the Defendant shall pay a \$3.00 Genetic Marker Analysis Administrative Assessment fee.

IT IS HEREBY FURTHER ORDERED that the fees assessed shall be paid to the White Pine County Clerk's Office, 1786 Great Basin Boulevard, Ely, Nevada 89301.

IT IS FURTHER ORDERED that any Bond in this matter shall be exonerated.

17 IT IS HEREBY FURTHER ORDERED AND THE COURT ADVISES DEFENDANT
18 that pursuant to NRS 176.063, all administrative assessment fees, all other fees, and all fines constitute
19 a lien pursuant to NRS 176.275; and should the Defendant fail to satisfy said lien(s), collection efforts
20 may be undertaken against the Defendant pursuant to the laws of this State.

IT IS FURTHER ORDERED that Defendant shall appear before this Court for a STATUS
 HEARING on Monday, May 12, 2025, at the hour of 9:15 a.m.

DATED this 31 day of March, 2025.

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WHITE PINE @OUNTY DISTRICT ATTORNEY 1786 Great Basin Boulevard, Suite 4 • Ely, Nevada 89301 TEL: 775-293-6565 • FAX: 775-289-1559 DAOffice@WhitePineCountyNV.gov

DISTRICT COURT JUDGE

### 11. DISCUSSION AND FOR POSSIBLE ACTION.

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

COUNT 1: POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONTACT OF A CHILD (Category B Felony) in violation of NRS 200.700. NRS 200.730.

COUNT 2: PREPARING, ADVERTISING OR DISTRIBUTING MATERIALS DEPICTING PORNOGRAPHY INVOLVING A MINOR (Category B Felony) in violation of NRS 200.725.

Action may be revocation of the category III basic certificate.



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

JOE LOMBARDO Governor MICHAEL D. SHERLOCK Executive Director

## NOTICE OF INTENT TO REVOKE

June 4, 2025

Mario Caballeros

POST PIN #: 37416

Dear Mr. Caballeros,

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

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

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

Count 1: POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD (Category B Felony) in violation of NRS 200.700, NRS 200.730. Count 2: PREPARING, ADVERTISING OR DISTRIBUTING MATERIALS DEPICTING PORNOGRAPHY INVOLVING A MINOR (Category B Felony) in violation of NRS 200.725. Case#: C-24-386456-1 Dept No: VIII Jurisdiction: District Court, Clark County, Nevada

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

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



Written requests can be made to:

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

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

Date: July 17, 2025 Time: 2:00 p.m. Location: Reno Police Department Public Safety Center Community Room, 911 Kuenzli Street, Reno, NV 89502

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

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

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

Sincerely,

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

cc: Senior Deputy Attorney General Geordan Goebel File NAC 289.290 Denial, revocation or suspension of certificate; reinstatement of revoked certificate. (NRS 289.510)

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

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

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

(c) Chronic drinking or drunkenness on duty.

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

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

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

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

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

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

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

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

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

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

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

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

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

 $\hat{E}$  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 is reinstated, the Commission may establish a probationary period during which any misconduct by the officer would result in revocation.

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

	HNTC 6871						
	CONSTABLE'S OFFICE of HENDERSON TOWNSHIP Kenny Taylor, Constable 243 Water Street Henderson, NV 89015 Phone 702-455-7940 Fax 702-455-7942						
	CIVIL PROCESS FORM						
	PLEASE COMPLETE THE FOLLOWING INFORMATION         Type: NOTICE OF INTENT TO REVOKE         ABOUT THE PERSON OR COMPANY WE ARE SERVING:         Image: Colspan="2">Image: Colspan="2">Type: NOTICE OF INTENT TO REVOKE						
	NAME & TITLE OF PERSON TO BE SERVED: If a company or corporation please provide the name of the owner, corporate officer, or resident agent.       Case # 624-386456-1         Fee Total:       0.00         Court Date:       02430005						
	NAME OR BUSINESS TO BE SERVED MARIO CABALLEROS						
	HOME or BUSINESS ADDRESS (Apt #, Suite #, Zip Code):						
rved)	EMPLOYER & EMPLOYER ADDRESS:						
Defendant Info (person to be served)	BEST TIME TO SERVE @ HOME: A.M. P.M. @WORK A.M. P.M.						
(person	PHONE NUMBER OF PERSON TO BE SERVED: HOME WORK DESCRIPTION RACE SEXHEIGHT WEIGHTHAIR COLOR EYESAGE						
t Info	VEHICLE						
efendant	YEARMAKEBODY STYLECOLORPLATE #STATE						
ă	OTHER INFORMATION TO HELP US SERVE THE DEFENDANT:						
	PLAINTIFF'S DAY PH#:CELL PH#:775-687-4911						
Plaintiff Info	PLAINTIFF'S NAMESTATE OF NEVADA COMMISSION ON PEACE OFFICER STANDARDS & TRAINING						
Plain	ADDRESS5587 W PAI SHONE AVE CARSON CITY, NV 89701						
	(DO NOT WRITE BELOW THIS LINE)						
	DEPUTY ASSIGNED: NAKAGAWA DATE: JUN 0 4,2025						
eet	1. DATE: JUN 0 5 2025 ME: 0712 LOCATION: K/A-DOORSELL - NO RESP. R/L. 2. DATE: JUN 0 9 2025 ME: 0515 LOCATION:						
orksh	3. DATE: TIME: LOCATION: REASON FOR NON-SERVICE: SERVED						
Deputy Worksheet	REASON FOR NON-SERVICE:						
De	NEW ADDRESS INFO:						
	NEW ADDRESS INFO: PERSON ACCEPTING PRINT and SIGN Mavia Consolled 235						
	VILVIA LADALES						

# EXHIBIT B



## COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

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

JOE LOMBARDO Governor MICHAEL D. SHERLOCK Executive Director

ê e

## **DECLARATION OF SERVICE**

I, \_\_\_\_\_\_, served the foregoing Notice of Intent to Revoke

To Individual's Name: MARIO CABALLEROS

at				HENDE	BOD, MV	8-1014 on this
	(location)					
		<b>JUN 0</b> 9	2025			
	day of					
Day		Month	,	Year		

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

Executed on this \_\_\_\_\_\_ day of \_\_\_\_\_\_  $\frac{JUN \ 0 \ 9 \ 2025}{Month}$  Year.

D. hujan 45

Signature of person serving the Notice

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

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





# State of Nevada – POST Update – Personnel Action Report (PAR)

Agency Login			
Agency Name * NV Dept of Corrections			
Employee Details			
<b>POST ID *</b> 37416			
First Name * MARIO	Last Name * CABALLEROS		
Middle Initial N	Suffix		
Name Changed			
Address Changed			
Level Change			
Level Changed * <ul> <li>Line O Supervisor Management Executive</li> <li>*</li> <li>Part Time Full Time</li> </ul>			
Status Changed O Deceased O Retired  Separated			
Effective Date* 11/23/2023			
NAC 289.290 Notification (Cause for Co	mmission Action)		

# EXHIBIT D

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

Does the above NAC apply? No O Yes

Comments\Additional Information: Arrested for child porn. Under investigation.

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

txtFormType Update PAR

STATE OF NEVADA Commission on PEACE OFFICER STANDARDS AND TRANS Hereby Awards the Category III **Basic Certificate** To Mario Caballeros For having fulfilled all the requirements for basic certification As prescribed by Nevada Administrative Code. mShill Commission Chairman Executive Director 07/26/2019 37416 Date

POST ID #

EXHIBIT E

1	INFM	Electronically Filed 10/7/2024 12:55 PM Steven D. Grierson CLERK OF THE COURT			
1 2	STEVEN B. WOLFSON Clark County District Attorney	Collina			
3	Nevada Bar #1565 JACOB VILLANI				
4	Chief Deputy District Attorney Nevada Bar #11732				
5	200 Lewis Avenue Las Vegas, NV 89155				
6	PH: (702) 671-2500 FAX: (702) 868-2412 DA Infe @elerk.county.domy.gov				
7	DAInfo@clarkcountydanv.gov Attorney for the Plaintiff				
8	DISTRICT COURT CLARK COUNTY, NEVADA				
9	THE STATE OF NEVADA,				
10	Plaintiff,	CASE NO: C-24-386456-1			
11	-VS-	DEPT NO: VIII			
12 13	MARIO CABALLEROS, #6044568				
14	Defendant.	ΙΝΓΟΚΜΑΤΙΟΝ			
15	STATE OF NEVADA )				
16	COUNTY OF CLARK ) ss.				
17	STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State				
18	of Nevada, in the name and by the authority of the State of Nevada, informs the Court:				
19	That MARIO CABALLEROS, as Defendant above named, within the County of				
20	Clark, State of Nevada, on or about November 21, 2023, committed one or more of the				
21	following crimes:				
22	<u>COUNT 1</u> - POSSESSION OF VISU	VAL PRESENTATION DEPICTING			
23	SEXUAL CONDUCT OF A CHILD (Category B Felony - NRS 200.700, 200.730 - NOC				
24	50374),				
25	<b><u>COUNT 2</u> - PREPARING, ADVERTISING OR DISTRIBUTING MATERIALS</b>				
26	DEPICTING PORNOGRAPHY INVOLVING A MINOR, (Category B Felony - NRS				
27	200.725 - NOC 50373),				
28	WHEREAS:	EXHIBIT F			

1	COUNT 1 - POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL			
2	CONDUCT OF A CHILD			
3	MARIO CABALLEROS did willfully, unlawfully, feloniously, and knowingly have in			
4	his possession any film, photograph, or other visual presentation depicting a child under the			
5	age of 16 years of age as the subject of a sexual portrayal and/or engaging in, simulating, or			
6	assisting others to engage in or simulate sexual conduct on a device, to-wit:			
7	<u>@yahoo.com</u> .			
8	COUNT 2 - PREPARING, ADVERTISING OR DISTRIBUTING MATERIALS			
9	DEPICTING PORNOGRAPHY INVOLVING A MINOR			
10	MARIO CABALLEROS did willfully, unlawfully, feloniously, and knowingly			
11	prepare, advertise or distribute any item or material that depicts a minor engaging in or			
12	simulating or assisting others to engage in or simulate sexual conduct, to wit: by sending file(s)			
13	containing child sexual abuse material from <u>@yahoo.com</u> to			
14	<u>@yahoo.com.</u>			
15	All of which is contrary to the form, force and effect of statutes in such cases made and			
16	provided, and against the peace and dignity of the State of Nevada.			
17	STEVEN B. WOLFSON Clark County District Attorney			
18	Nevada Bar #1565			
19				
20	BY			
21	JACOB VILLANI Chief Deputy District Attorney			
22	Nevada Bar #11732			
23	May 19, 2025			
24	TATES OF			
25	G OF THE P. H			
26	JUDICIAL S SDISTRICT &			
27	The an intervention			
28	23CRH001701/hjc/SVU MPD EV# LLV231000104766			
	CERTIFIED COPY ELECTRONIC SEAL (NRS 1.190(3))			
	2			

۰.	م ۱	Electronically Filed 11/4/2024 2:12 PM Steven D. Grierson	
4		CLERK OF THE COURT	
1	GPA STEVEN B. WOLFSON		
2	Clark County District Attorney Nevada Bar #1565		
3	JACOB VILLANI Chief Deputy District Attorney Nevada Bar #11732		
4 5	200 Lewis Avenue		
6	Las Vegas, NV 89155 PH: (702) 671-2500 FAX: (702) 868-2412		
7	DAInfo@clarkcountydanv.gov Attorney for the Plaintiff		
8	DISTRIC	CT COURT	
9	CLARK COU	INTY, NEVADA	
10	THE STATE OF NEVADA,		
11	Plaintiff,		
12	~VS-	CASE NO: C-24-386456-1	
13	MARIO CABALLEROS	DEPT NO: VIII	
14	#6044568		
15	Defendant.		
16	·		
17	GUILTY PLE	A AGREEMENT	
18	I hereby agree to plead guilty to the cl	harges listed below, as more fully alleged in the	
19	charging document attached hereto:		
20	<u>COUNT 1</u> - POSSESSION OF	VISUAL PRESENTATION DEPICTING	
21	SEXUAL CONDUCT OF A CHILD, (Category B FELONY - NRS 200.700, 200.730 -		
22	NOC 50374),		
23	<u>COUNT 2</u> - PREPARING, ADVERTISING OR DISTRIBUTING MATERIALS		
24	DEPICTING PORNOGRAPHY INVOLVING A MINOR, (Category B FELONY - NRS		
25	200.725 - NOC 50373)		
26	My decision to plead guilty is based upon the plea agreement in this case which is as		
27	follows:		
28	//	EXHIBIT G	
	Case Number: C-24-386456-1		
Provided that I am not deemed a high risk to reoffend pursuant to the psychosexual evaluation, the State will not oppose my being granted probation at the rendition of sentence. Should I receive and successfully complete probation with an honorable discharge, I may withdraw the instant plea and enter a plea of guilty to a single count of CHILD ABUSE, NEGLECT, OR ENDANGERMENT (Category B Felony - NRS 200.508.1 - NOC 55226) with Credit for time served.

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

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

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

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

I understand that by pleading guilty I admit the facts which support all the elements of the offenses to which I now plead as set forth in the charging document attached hereto.

I understand that as a consequence of my plea of guilty as to

<u>COUNT 1</u> - POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD, the Court must sentence me to imprisonment in the Nevada Department of Corrections for a minimum term of not less than ONE (1) year and a maximum term of not more than SIX (6) years. The minimum term of imprisonment may not exceed forty percent (40%) of the maximum term of imprisonment. I understand that I may also be fined up to \$5,000.00; and as to

<u>COUNT 2</u> - PREPARING, ADVERTISING OR DISTRIBUTING MATERIALS DEPICTING PORNOGRAPHY INVOLVING A MINOR, I understand that the Court must sentence me to imprisonment in the Nevada Department of Corrections for a minimum term of not less than ONE (1) year and a maximum term of not more than FIFTEEN (15) years. The minimum term of imprisonment may not exceed forty percent (40%) of the maximum term of imprisonment. I understand that I may also be fined up to \$15,000.00.

I understand that the law requires me to pay an Administrative Assessment Fee.

I understand that pursuant to NRS 176.139 and my plea of guilty to a sexual offense for which the suspension of sentence or the granting of probation is permitted, P&P shall arrange for a psychosexual evaluation as part of the Division's presentence investigation and report (PSI) to the court.

I understand that I am not eligible for probation pursuant to NRS 176A.110 unless the psychosexual evaluation certifies that I do not represent a high risk to reoffend based upon a currently accepted standard of assessment. I understand that, except as otherwise provided by statute, the question of whether I receive probation is in the discretion of the sentencing judge.

I understand that, <u>before I am eligible for parole</u> a panel consisting of the Administrator of the Mental Health and Developmental Services of the Department of Human Resources or his designee; the Director of the Department of Corrections or his designee; and a psychologist licensed to practice in this state or a psychiatrist licensed to practice medicine in this state certifies that I was under observation while confined in an institution of the department of corrections and that I do not represent a high risk to reoffend based upon a currently accepted standard of assessment.

I understand that, pursuant to NRS 176.0931, the Court must include as part of my sentence, in addition to any other penalties provided by law, a special sentence of lifetime supervision commencing after any period of probation or any term of imprisonment and period of release upon parole.

I understand that the Court will include as part of my sentence, in addition to any other penalties provided by law, pursuant to NRS 179D.441 to 179D.550, inclusive, I must register as a sex offender within forty-eight (48) hours of release from custody onto probation or parole.

I understand that I must submit to blood and/or saliva tests under the direction of P&P to determine genetic markers and/or secretor status.

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

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

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

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

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

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

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

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

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

#### WAIVER OF RIGHTS

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

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

#### **VOLUNTARINESS OF PLEA**

I have discussed the elements of all of the original 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.

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

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

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

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

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

My attorney has answered all my questions regarding this guilty plea agreement and its consequences to my satisfaction and I am satisfied with the services provided by my attorney. DATED this <u>26</u> day of October, 2024.

MARIO CABALLEROS Defendant

AGREED TO BY:

JACOB VILLANI Chief Deputy District Attorney Nevada State Bar No. 11732

### **CERTIFICATE OF COUNSEL:**

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

3	the court hereby cos	
4	1.	I have fully explained to the Defendant the allegations contained in the charges to which guilty pleas are being entered.
5	2.	I have advised the Defendant of the penalties for each charge and the restitution that the Defendant may be ordered to pay.
6	3.	I have inquired of Defendant facts concerning Defendant's immigration
7	5.	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:
9		a. The removal from the United States through deportation;
10		b. An inability to reenter the United States;
11		c. The inability to gain United States citizenship or legal residency;
12		d. An inability to renew and/or retain any legal residency status; and/or
13		
14		e. An indeterminate term of confinement, by with United States Federal Government based on the conviction and immigration status.
15		
16		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
17		impact Defendant's ability to become a United States citizen and/or legal resident.
18	A	All along of subles offered by the Defendent assumed to the concernent
19	4.	All pleas of guilty offered by the Defendant pursuant to this agreement are consistent with the facts known to me and are made with my advice to the Defendant.
20	_	
21	5.	To the best of my knowledge and belief, the Defendant:
22		a. Is competent and understands the charges and the consequences of pleading guilty as provided in this agreement,
23		b. Executed this agreement and will enter all guilty pleas pursuant hereto voluntarily, and
24 May 19 ,25″	2025	c. Was not under the influence of intoxicating liquor, a controlled substance or other drug at the time I consulted with the Defendant
N'STA!	S OF	as certified in paragraphs 1 and 2 above.
L S OF	THE Dated: This	day of October, 2024.
O DIS	RICT	ATTORNEY FOR DEFENDANT
5 4 07Y	FULCE VIO	
-1, E O	NEVIN	
CERTIF	ED COPY	7
ELECTRONIC S	EAL (NRS 1.190(3))	

1 2 3 4 5 6	INFM STEVEN B. WOLFSON Clark County District Attorney Nevada Bar #1565 JACOB VILLANI Chief Deputy District Attorney Nevada Bar #11732 200 Lewis Avenue Las Vegas, NV 89155 PH: (702) 671-2500 FAX: (702) 868-2412	Electronically Filed 10/7/2024 12:55 PM Steven D. Grierson CLERK OF THE COURT
7	DAInfo@clarkcountydanv.gov Attorney for the Plaintiff	
8	DISTRICT C CLARK COUNTY	
9	THE STATE OF NEVADA,	
10	Plaintiff,	CASE NO: <b>C-24-386456-1</b>
11	-VS-	DEPT NO: <b>VIII</b>
12	MARIO CABALLEROS,	
13	#6044568	INFORMATION
14	Defendant.	
15	STATE OF NEVADA ) ss.	
16	COUNTY OF CLARK )	
17	STEVEN B. WOLFSON, District Attorney	•
18	of Nevada, in the name and by the authority of the S	1
19	That MARIO CABALLEROS, as Defend	
20	Clark, State of Nevada, on or about November 2	1, 2023, committed one or more of the
21	following crimes:	
22	<u>COUNT 1</u> - POSSESSION OF VISU	
23	SEXUAL CONDUCT OF A CHILD (Category B	3 Felony - NRS 200.700, 200.730 - NOC
24	50374),	
25	<u>COUNT 2</u> - PREPARING, ADVERTISIN	
26	DEPICTING PORNOGRAPHY INVOLVING A	A MINOK, (Category B Felony - NRS
27	200.725 - NOC 50373),	
28	WHEREAS:	
	1	

• ; •	
1	COUNT 1 - POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL
2	CONDUCT OF A CHILD
3	MARIO CABALLEROS did willfully, unlawfully, feloniously, and knowingly have in
4	his possession any film, photograph, or other visual presentation depicting a child under the
5	age of 16 years of age as the subject of a sexual portrayal and/or engaging in, simulating, or
6	assisting others to engage in or simulate sexual conduct on a device, to-wit:
7	@yahoo.com.
8	COUNT 2 - PREPARING, ADVERTISING OR DISTRIBUTING MATERIALS
9	DEPICTING PORNOGRAPHY INVOLVING A MINOR
10	MARIO CABALLEROS did willfully, unlawfully, feloniously, and knowingly
11	prepare, advertise or distribute any item or material that depicts a minor engaging in or
12	simulating or assisting others to engage in or simulate sexual conduct, to wit: by sending file(s)
13	containing child sexual abuse material from <u>@yahoo.com</u> to
14	@yahoo.com.
15	All of which is contrary to the form, force and effect of statutes in such cases made and
16	provided, and against the peace and dignity of the State of Nevada.
17	STEVEN B. WOLFSON Clark County District Attorney
18	Nevada Bar #1565
19	11:
20	BY JACOB VILLANI
21	Chief Deputy District Attorney Nevada Bar #11732
22	
23	
24	
25	
26	
27	23CRH001701/hjc/SVU
28	MPD EV# LLV231000104766

			04/07/2025 6:19 PM
			CLERK OF THE COURT
1	JOC		
2	DISTRI	CT COURT	
3	CLARK COU	JNTY, NEVADA	
4	THE STATE OF NEVADA,		
5	Plaintiff,		
6	-VS-	CASE NO:	C-24-386456-1
7	MARIO CABALLEROS, #6044568	DEPT NO:	VIII
8	#6044368		
9	Defendant.		
10	JUDGMENT C	OF CONVICTION	
11	(PLEA O	F GUILTY)	

The defendant previously appeared before the Court with counsel and entered a plea of guilty to the crime(s) of COUNT 1- POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD (Category B Felony) in violation of NRS PREPARING 200.700, 200.730, COUNT 2- PREPARTING, ADVERTISING OR DISTRIBUTING MATERIALS DEPICTING PORNOGRAPHY INVOLVING A MINOR (Category B Felony) in violation of NRS 200.725. Thereafter, on the 31<sup>st</sup> day of March, 2025, the defendant appeared in Court with their attorney, Michael Miceli, Esq, for sentencing. The Court having listened to the arguments of counsel and good cause appearing,

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THE DEFENDANT WAS HEREBY ADJUDGED guilty of COUNT 1- POSSESSION OF VISUAL PRESENTATION OF PREPARTING SEXUAL CONDUCT OF A CHILD (Category B Felony), COUNT 2- PREPARTING, ADVERTISING OR DISTRIBUTING MATERIALS DEPICTING PORNOGRAPHY INVOLVING A MINOR (Category B Felony). COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA Analysis fee including testing to determine genetic markers, \$1676.70 Psychosexual Evaluation Fee WAIVED as paid privately to the Doctor, and \$3.00 DNA Collection fee, Deft. SENTENCED as to COUNT 1- to a MINIMUM of TWELVE (12) MONTHS and a MAXIMUM

### EXHIBIT H

Electronically Filed

of THIRTY (30) MONTHS in the Nevada Department of Corrections (NDC), SUSPENDED; placed on PROBATION for an indeterminate period not to exceed THIRTY-SIX (36) MONTHS, CONCURRENT WITH COUNT 2. As to COUNT 2- to a MINIMUM of SIXTEEN (16) MONTHS and a MAXIMUM of FORTY (40) MONTHS in the Nevada Department of Corrections (NDC), SUSPENDED; placed on PROBATION for an indeterminate period not to exceed THIRTY-SIX (36) MONTHS with TWO (2) DAYS credit for time served. CONDITIONS:

STANDARD CONDITIONS OF PROBATION:

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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.

14 2. Residence: You shall not change your place of residence without first obtaining permission15 from the Division of Parole and Probation, in each instance.

16 3. Intoxicants: You shall not consume any alcoholic beverages IN EXCESS. Upon order of
17 the Division of Parole and Probation or its agent, you shall submit to a medically recognized
18 test for blood/breath alcohol content. Test results of .08 blood alcohol content or higher shall
19 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 the Division and the correctional institution have granted specific written permission.

8. Directives and Conduct: You shall follow the directives of the Division of Parole and Probation and your conduct shall justify the opportunity granted to you by this community supervision.

9. Laws: You shall comply with all municipal, county, state, and federal laws and ordinances.
 10. Out-of-State Travel: You shall not leave the state without first obtaining written permission
 from the Division of Parole and Probation.

11. Employment/Program: You shall seek and maintain legal employment, or maintain a program approved by the Division of Parole and Probation and not change such employment or program without first obtaining permission. All terminations of employment or program shall be immediately reported to the Division.

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

ADDITIONAL SPECIAL CONDITIONS OF PROBATION

1. Defendant shall also abide by the Special Conditions of NRS 176A.410:

1. Except as otherwise provided in subsection 6, if a defendant is convicted of a sexual offense and the court grants probation or suspends the sentence, the court shall, in addition to any other condition ordered pursuant to NRS 176A.400, order as a condition of probation or suspension of sentence that the defendant:

2 property under the defendant s control, at any time of the day or night, without a warrant, by 3 any parole and probation officer or any peace officer, for the purpose of determining whether 4 the defendant has violated any condition of probation or suspension of sentence or 5 committed any crime. 6 (b) Reside at a location only if: 7 (1) The residence has been approved by the parole and probation officer assigned to the 8 defendant. 9 (2) If the residence is a facility that houses more than three persons who have been released 10 from prison, the facility is a facility for transitional living for released offenders that is licensed 11 pursuant to chapter 449 of NRS. 12 (3) The defendant keeps the parole and probation officer assigned to the defendant informed 13 of the defendant s current address. 14 (c) Accept a position of employment or a position as a volunteer only if the parole and 15 probation officer have approved it assigned to the defendant and keep the parole and 16 probation officer informed of the location of the defendant's position of employment or 17 position as a volunteer. 18 (d) Abide by any curfew imposed by the parole and probation officer assigned to the 19 defendant. 20 (e) Participate in and complete a program of professional counseling approved by the 21 Division. 22 (f) Submit to periodic tests, as requested by the parole and probation officer assigned to the 23 defendant, to determine whether the defendant is using a controlled substance.

(a) Submit to a search and seizure of the defendant s person, residence or vehicle or any

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(g) Submit to periodic polygraph examinations, as requested by the parole and probation
officer assigned to the defendant.

(h) Abstain from consuming, possessing or having under the defendant s control any alcohol.
(i) Not have contact or communicate with a victim of the sexual offense or a witness who
testified against the defendant or solicit another person to engage in such contact or

communication on behalf of the defendant, unless approved by the Chief Parole and
 Probation Officer or the Chief Parole and Probation Officer s designee and a written
 agreement is entered into and signed in the manner set forth in subsection 5.

4 (j) Not use aliases or fictitious names.

6 (k) Not obtain a post office box unless the defendant receives permission from the paroleand probation officer assigned to the defendant.

(I) Not have contact with a person less than 18 years of age in a secluded environment unless
another adult who has never been convicted of a sexual offense is present and permission
has been obtained from the parole and probation officer assigned to the defendant in
advance of each such contact.

11 (m) Unless approved by the parole and probation officer assigned to the defendant and by a 12 psychiatrist, psychologist or counselor treating the defendant, if any, not knowingly be within 13 500 feet of any place, or if the place is a structure, within 500 feet of the actual structure, that 14 is designed primarily for use by or for children, including, without limitation, a public or private 15 school, a school bus stop, a center or facility that provides day care services, a video arcade, 16 an amusement park, a playground, a park, an athletic field or a facility for youth sports, or a 17 motion picture theater. The provisions of this paragraph apply only to a defendant who is a 18 Tier III offender.

(n) Comply with any protocol concerning the use of prescription medication prescribed by a
 treating physician, including, without limitation, any protocol concerning the use of
 psychotropic medication.

(o) Not possess any sexually explicit material that is deemed inappropriate by the parole and
probation officer assigned to the defendant.

(p) Not patronize a business which offers a sexually related form of entertainment and which
is deemed inappropriate by the parole and probation officer assigned to the defendant.

26 (q) Not possess any electronic device capable of accessing the Internet and not access the
27 Internet through any such device or any other means, unless possession of such a device

or such access is approved by the parole and probation officer assigned to the defendant.
 IMPOSED.

(r) Inform the parole and probation officer assigned to the defendant if the defendant expects to be, becomes enrolled as a student at an institution of higher education, or changes the date of commencement or termination of the defendant s enrollment at an institution of higher education. As used in this paragraph, institution of higher education has the meaning ascribed to it in NRS 179D.045.

2. Except as otherwise provided in subsection 6, if a defendant is convicted of an offense listed in subsection 6 of NRS 213.1255 against a child under the age of 14 years, the defendant is a Tier III offender and the court grants probation or suspends the sentence of the defendant, the court shall, in addition to any other condition ordered pursuant to subsection 1, order as a condition of probation or suspension of sentence that the defendant: (a) Reside at a location only if the residence is not located within 1,000 feet of any place, or if the place is a structure, within 1,000 feet of the actual structure, that is designed primarily for use by or for children, including, without limitation, a public or private school, a school bus stop, a center or facility that provides day care services, a video arcade, an amusement park, a playground, a park, an athletic field or a facility for youth sports, or a motion picture theater. (b) As deemed appropriate by the Chief Parole and Probation Officer, be placed under a system of active electronic monitoring that is capable of identifying the defendant s location and producing, upon request, reports or records of the defendant s presence near or within a crime scene or prohibited area or the defendant s departure from a specified geographic location.

(c) Pay any costs associated with the defendant s participation under the system of active
electronic monitoring, to the extent of the defendant s ability to pay.

3. A defendant placed under the system of active electronic monitoring pursuant to subsection 2 shall:

(a) Follow the instructions provided by the Division to maintain the electronic monitoringdevice in working order.

(b) Report any incidental damage or defacement of the electronic monitoring device to the
 Division within 2 hours after the occurrence of the damage or defacement.

3 (c) Abide by any other conditions set forth by the Division with regard to the defendant's
4 participation under the system of active electronic monitoring.

4. Except as otherwise provided in this subsection, a person who intentionally removes,
disables, or attempts to remove or disable an electronic monitoring device placed on a
defendant pursuant to this section is guilty of a gross misdemeanor. The provisions of this
subsection do not prohibit a person authorized by the Division from performing maintenance

or

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10 repairs to an electronic monitoring device.

5. A written agreement entered into pursuant to paragraph (i) of subsection 1 must state that the contact or communication is in the best interest of the victim or witness, and specify the type of contact or communication authorized. The written agreement must be signed and agreed to by:

(a) The victim or the witness;

(b) The defendant;

(c) The parole and probation officer assigned to the defendant;

(d) The psychiatrist, psychologist or counselor treating the defendant, victim or witness, if any;

(e) If the victim or witness is a child under 18 years of age, each parent, guardian or custodianof the child; and

(f) The Chief Parole and Probation Officer or the Chief Parole and Probation Officer'sdesignee.

6. The court is not required to impose a condition of probation or suspension of sentence
listed in subsections 1 and 2 if the court finds that extraordinary circumstances are present
and the court enters those extraordinary circumstances in the record.

7. As used in this section, sexual offense has the meaning ascribed to it in NRS 179D.097.
(Added to NRS by 1997, 1667; A 2001, 2051; 2003, 566; 2005, 2862; 2007, 1916, 2749, 3246; 2009, 1293)

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SPECIAL CONDITIONS OF PROBATION:

1. Deft. is allowed to access the internet for work related issues ONLY.

2. Parole and Probation is to inspect devices at any time.

3. Deft. is to have no unsupervised contact with minors except his own biological children.

4. Deft. is not allowed to have a smart phone.

5. Undergo an impulse control evaluation and complete any counseling that Parole and Probation deems appropriate based upon such evaluation.

- 12 6. Participate in a corrective thinking course.
- 13 7. Provide employment search to Parole and Probation.

14 COURT FURTHER ORDERED, Defendant is ORDERED to REGISTER as a sex offender in 15 accordance with NRS 179D.460 within FORTY-EIGHT (48) HOURS after any release from 16 custody. COURT ADDITIONALLY ORDERED, Defendant to report to P&P within 48 hours 17 upon leaving court or upon release from custody. Upon receiving an Honorable Discharge 18 from Probation and not violating any of the conditions as listed in the Guilty Plea Agreement, 19 Defendant can withdraw his plea to POSSESSION OF VISUAL PRESENTATION 20 DEPICTING SEXUAL CONDUCT OF A CHILD (F) charge and plea to CHILD ABUSE, 21 NEGLECT, OR ENDANGERMENT (F). Counsel is authorized to enter plea on Defendants 22 behalf. BOND, if any, EXONERATED.



Dated this 7th day of April, 2025

issia K Poterso /kr

CERTIFIED COPY ELECTRONIC SEAL (NRS 1.190(3)) 3F5 5A3 2FF0 E647 Jessica K. Peterson District Court Judge

1	CSERV		
2		ISTRICT COURT	
3	CLARK COUNTY, NEVADA		
4			
5			
6	State of Nevada	CASE NO: C-24-386456-1	
7	vs	DEPT. NO. Department 8	
8	Mario Caballeros		
9			
10	AUTOMATED	CERTIFICATE OF SERVICE	
11	Electronic service was attempte	ed through the Eighth Judicial District Court's	
12	electronic filing system, but there were notified to serve all parties by tradition	no registered users on the case. The filer has been	
13	notified to serve an parties by tradition		
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#### 12. DISCUSSION AND FOR POSSIBLE ACTION.

Hearing pursuant to NAC 289.290(1)(g) for the possible revocation of the category I and III basic certificates held by Joseph M. Ortega, former employee of the Las Vegas Metropolitan Police Department, based on the conviction of, entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a felony. The conviction(s) that have led to this action are:

COUNT 1: CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH USE OF A DEADLY WEAPON (Category B Felony), in violation of NRS 200.508, NRS 193.165. COUNT 2-5: CHILD ABUSE, NEGLECT OR ENDANGERMENT (Category B Felony) in violation of NRS 200.508.

COUNT 7: COERCION CONSTITUTING DOMESTIC VIOLENCE (Category B Felony) in violation of NRS 207.190.

Action may be revocation of the category I and III basic certificates.



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

JOE LOMBARDO Governor MICHAEL D. SHERLOCK Executive Director

#### NOTICE OF INTENT TO REVOKE

June 4, 2025

Joseph M. Ortega

POST PIN #: 33386

Dear Mr. Ortega,

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

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

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

Count 1: CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH USE OF A DEADLY WEAPON (Category B Felony), in violation of NRS 200.508, NRS 193.165. Count 2-5: CHILD ABUSE, NEGLECT OR ENDANGERMENT (Category B Felony) in violation of NRS 200. 508 and Count 7: COERCION CONSTITUTING DOMESTIC VIOLENCE (Category B Felony), in violation of NRS 207.190. Case#: C-24-380322-1 Dept No: XXV Jurisdiction: District Court, Clark County, Nevada

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

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



Written requests can be made to:

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

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

Date: July 17, 2025 Time: 2:00 p.m. Location: Reno Police Department Public Safety Center Community Room, 911 Kuenzli Street, Reno, NV 89502

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

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

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

Sincerely.

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

cc: Senior Deputy Attorney General Geordan Goebel File NAC 289.290 Denial, revocation or suspension of certificate; reinstatement of revoked certificate. (NRS 289.510)

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

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

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

(c) Chronic drinking or drunkenness on duty.

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

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

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

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

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

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

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

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

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

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

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

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

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

È 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 is reinstated, the Commission may establish a probationary period during which any misconduct by the officer would result in revocation.

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

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

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NEVADA COMMISSION OF PEACE OFFICERS

PLAINTIFF
Vs
JOSEPH MANUEL ORTEGA
DEFENDANT

ss:

CASE No. POST PIN 33386 SHERIFF CIVIL NO.: 25003188

AFFIDAVIT OF SERVICE

STATE OF NEVADA }
COUNTY OF CLARK }

BRIAN THOMAS, being first duly sworn, deposes and says: That he/she is, and was at all times hereinafter mentioned, a duly appointed, qualified and acting Deputy Sheriff in and for the County of Clark, State of Nevada, a citizen of the United States, over the age of twenty-one years and not a party to, nor interested in, the above entitled action; that on 6/20/2025, at the hour of 9:41 AM. affiant as such Deputy Sheriff served a copy/copies of NOTICE OF INTENT TO REVOKE issued in the above entitled action upon the defendant JOSEPH MANUEL ORTEGA named therein, by delivering to and leaving with said defendant MS PATRICIA MAISTO, ADULT FAMILY MEMBER on behalf of JOSEPH MANUEL ORTEGA, personally, at COMPARISON ADULT FAMILY NEGAS, NV 89131 within the County of Clark, State of Nevada, copy/copies of NOTICE OF INTENT TO REVOKE

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

DATED: June 25, 2025.

Kevin McMahill, Sheriff

BRIAN THOMAS P#18063 Deputy Sheriff

EXHIBIT B

301 E. Clark Ave. #100 Las Vegas, NV 89101 (702) 455-5400



### State of Nevada – POST Update – Personnel Action Report (PAR)

Agency ID* 0076	<b>Agency Name*</b> LV Metro PD	
Employee Details		
<b>POST ID*</b> 33386		
First Name * JOSEPH		Last Name* ORTEGA
Middle Initial		Suffix
🗌 Name Changed		
Address Changed		
Level Change		
Level Changed * <ul> <li>Line O Superviso</li> <li>*</li> <li>Part Time Full</li> </ul>	r () Management () Executive Time	
Status Changed		
○ Deceased ○ Retired	d 💿 Separated	
Effective Date *		

10/16/2024

### NAC 289.290 Notification (Cause for Commission Action)

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



your agency requesting revoca	ition?	
) Yes () No		
Comments\Additional Information	on:	
-	as Active District Court Case: C-24-38	30322-1
-	as Active District Court Case: C-24-38	30322-1
-	as Active District Court Case: C-24-38	30322-1
nvoluntary Termination- Also h	as Active District Court Case: C-24-38 Submitter's Phone #*	30322-1 Submitter's E-Mail Address

### いまたいまたいまたいまたいまたいまたいまたいまたいまたいまたい **STATE OF NEVADA** ONNIESION ON PEACE OFFICER STANDARDS AND Hereby Awards the Basic Certificate Category I Basic Certificate Category I To Joseph Ortega For having fulfilled the requirements for Certification as prescribed by Nevada Administrative Codes. Executive Director, Commission on Peace Officer Standards and Training POST ID No. 33386 23rd Presented this day of 2015 December (O) 5114A

## EXHIBIT D

### べきいやきいきい いきい いきい いきい いきい いきい いきい いまい いまい ノン **STATE OF NEVADA** ONNISSION ON PEACE OFFICER STANDARDS AND Hereby Awards the Basic Certificate Category III **Basic Certificate Category III** To Joseph Ortega For having fulfilled the requirements for Certification as prescribed by Nevada Administrative Codes. Executive Director, Commission on Peace Officer Standards and Training POST ID No. Presented this 23rd 33386 day of December , 2015 (U) 5114A



Electronically Filed 2/6/2024 12:43 PM Steven D. Grierson CLERK OF THE COURT

1	INFM		Burns, Atrum
2	STEVEN B. WOLFSON Clark County District Attorney		
3	Nevada Bar #001565 TAYLOR REEVES		
4	Deputy District Attorney Nevada Bar #015987		
5	200 Lewis Avenue Las Vegas, Nevada 89155-2212		
6	(702) 671-2500		
7	Attorney for Plaintiff	CT COURT	
8		CT COURT INTY, NEVADA	
9	THE STATE OF NEVADA,		
10	Plaintiff,	CASE NO:	C-24-380322-1
11	-vs-	DEPT NO:	XXV
12	JOSEPH MANUEL ORTEGA, aka,		
13	Joseph Ortega, #6077520	INFO	RMATION
14	Defendant.		<b>NMATION</b>
15	STATE OF NEVADA )		
16	COUNTY OF CLARK		
17	STEVEN B. WOLFSON, District Att	torney within and for	r the County of Clark, State
18	of Nevada, in the name and by the authority of	of the State of Nevad	la, informs the Court:
19	That JOSEPH MANUEL ORTEGA	, aka, Joseph Orteg	ga, the Defendant(s) above
20	named, having committed the crimes of 6 C	COUNTS of CHILD	ABUSE, NEGLECT, OR
21	ENDANGERMENT WITH USE OF A DE	EADLY WEAPON	(Category B Felony - NRS
22	200.508, 193.165 - NOC 55228) and COE	RCION (Category	B Felony - NRS 207.190 -
23	NOC 53159), on or about the 26th day of M	larch 2023, within th	he County of Clark, State of
24	Nevada, contrary to the form, force and effe	ect of statutes in such	h cases made and provided,
25	and against the peace and dignity of the State	e of Nevada,	
26	//		
27	//		
28	//	E	EXHIBIT F
	V:\;	2023\509\66\202350966C-INFM-	(JOSEPH MAN UEL ORTEGA)-001.DOCX
	1		

### <u>COUNT 1</u> - CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH USE OF A DEADLY WEAPON

did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to wit: I.O., being approximately 7 year(s) of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: mental injury, and/or cause I.O. to be placed in a situation where he or she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: mental injury, with use of a deadly weapon, to wit: a firearm, by brandishing said firearm towards the said I.O.

<u>COUNT 2</u> - CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH USE OF A DEADLY WEAPON

did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to wit: I.O., being approximately 7 year(s) of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: mental injury, and/or cause I.O. to be placed in a situation where he or she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: mental injury, with use of a deadly weapon, to wit: a firearm, by leaving a loaded firearm in the back yard where children could find it and/or possess it.

## <u>COUNT 3</u> - CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH USE OF A DEADLY WEAPON

did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to wit: J.O., being approximately 2 year(s) of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: mental injury, and/or cause I.O. to be placed in a situation where he or she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: mental injury, with use of a deadly weapon, to wit: a firearm, by leaving a loaded firearm in the back yard where children could find it and/or possess it.

### <u>COUNT 4</u> - CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH USE OF A DEADLY WEAPON

did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to wit: C.V., being approximately 8 year(s) of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: mental injury, and/or cause I.O. to be placed in a situation where he or she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: mental injury, with use of a deadly weapon, to wit: a firearm, by leaving a loaded firearm in the back yard where children could find it and/or possess it.

#### <u>COUNT 5</u> - CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH USE OF A DEADLY WEAPON

did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to wit: L.V., being approximately 5 - 6 year(s) of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: mental injury, and/or cause I.O. to be placed in a situation where he or she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: mental injury, with use of a deadly weapon, to wit: a firearm, by leaving a loaded firearm in the back yard where children could find it and/or possess it.

## <u>COUNT 6</u> - CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH USE OF A DEADLY WEAPON

did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to wit: J.O., being approximately 2 year(s) of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: physical injury of a nonaccidental nature, by slapping the said J.O. so hard leaving a mark because he urinated himself.

#### <u>COUNT 7</u> – COERCION

did willfully, unlawfully, and feloniously use physical force, or the immediate threat of such force, against **such**, with intent to compel her to do, or abstain from doing,

1	an act which she had a right to do,	or abstain from doing, by taking the said	
2	phone and refusing to give it back	before throwing it at a television screen causing it to break.	
3		STEVEN B. WOLFSON	
4		Clark County District Attorney Nevada Bar #001565	
5		BY /s/ Taylor Reeves	
6		TAYLOR REEVES	
7		Deputy District Attorney Nevada Bar #015987	
8	Names of witnesses known to the District Attorney's Office at the time of filing this		
9	Information are as follows:		
10	COPE, ADAM	DA Investigator and/or Designee (C/O DA's Office)	
11	CUSTODIAN OF RECORDS OR DESIGNEE	Clark County Detention Center, 330 S. Casino Center Blvd., Las Vegas, NV	
12	ORDESIGNEE	550 S. Casillo Cellier Divu., Las Vegas, IVV	
13	CUSTODIAN OF RECORDS OR DESIGNEE	LVMPD Communications, 400 S. Martin Luther King Blvd., Las Vegas, NV	
14	OR DESIGNEE	400 S. Martin Luner King Divu., Las Vegas, IVV	
15	CUSTODIAN OF RECORDS OR DESIGNEE	LVMPD Dispatch, 400 S. Martin Luther King Blvd., Las Vegas, NV	
16	ORDESIGNEE	400 S. Martin Euner King Dive., Eas Vegas, IVV	
17	CUSTODIAN OF RECORDS OR DESIGNEE	LVMPD Records, 400 S. Martin Luther King Blvd., Las Vegas, NV	
18		100 D. Martin Lanor Ring Dival, Lus Vegas, IVV	
19	HERNANDEZ, ENRIQUE	LVMPD P# 7567	
20	JENNINGS, JASON A	LVMPD P# 6178	
21		C/O District Attorney's Office	
22		C/O District Attorney's Office	
23		C/O District Attorney's Office April 1, 2025	
24	ROGERS, JESSICA L	LVMPD P# 13525	
25		S OF THE P. H	
26			
27	23CR087123/clh/DVU LVMPD EV#LLV23100035970	TYTE OF NEVADE IN	
28	(TK7)	CERTIFIED COPY	
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Electronically Filed 3/26/2024 4:00 PM Steven D. Grierson CLERK OF THE COURT

			CLERK OF THE COURT
1	AINF STEVEN B. WOLFSON		Column. Main
2	Clark County District Attorney Nevada Bar #001565		
3	TAYLOR REEVES		
4	Deputy District Attorney Nevada Bar #015987		
5	200 Lewis Avenue Las Vegas, Nevada 89155-2212		
	(702) 671-2500		
6	Attorney for Plaintiff		
7		CT COURT NTY, NEVADA	
8			
9	THE STATE OF NEVADA,	CASE NO:	C-24-380322-1
10	Plaintiff,	CASE NO.	C-24-380322-1
11	-VS-	DEPT NO:	XXV
12	JOSEPH MANUEL ORTEGA, aka,	A M	ENDED
13	Joseph Ortega, #6077520	INFO	RMATION
14	Defendant.		
15	STATE OF NEVADA		
16	COUNTY OF CLARK ) ss.		
17	STEVEN B. WOLFSON, District Atte	orney within and fo	r the County of Clark, State
18	of Nevada, in the name and by the authority of	of the State of Nevac	la, informs the Court:
19	That JOSEPH MANUEL ORTEGA,	, aka, Joseph Orteg	ga, the Defendant(s) above
20	named, having committed the crimes of 6 C	OUNTS of CHILD	ABUSE, NEGLECT, OR
21	ENDANGERMENT WITH USE OF A DE	CADLY WEAPON	(Category B Felony - NRS
22	200.508, 193.165 - NOC 55228) and C	OERCION CONS	STITUTING DOMESTIC
23	VIOLENCE (Category B Felony - NRS 20	07.190; 33.018 - NG	DC 61752), on or about the
24	26th day of March 2023, within the County of	of Clark, State of No	evada, contrary to the form,
25	force and effect of statutes in such cases made	e and provided, and a	against the peace and dignity
26	of the State of Nevada,		
27	//		
28	11	ł	EXHIBIT G
	\\CLARKCOUNTYDA.NET\CRMCASE2\2	2023\509\66\202350966C-AIN F-	-(JOSEPH MANUEL ORTEGA)-001.DOCX

### <u>COUNT 1</u> - CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH USE OF A DEADLY WEAPON

did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to wit: I.O., being approximately 7 year(s) of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: mental injury, and/or cause I.O. to be placed in a situation where he or she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: mental injury, with use of a deadly weapon, to wit: a firearm, by brandishing said firearm towards the said I.O.

COUNT 2 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH USE OF A DEADLY WEAPON

did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to wit: I.O., being approximately 7 year(s) of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: mental injury, and/or cause I.O. to be placed in a situation where he or she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: mental injury, with use of a deadly weapon, to wit: a firearm, by leaving a loaded firearm in the back yard where children could find it and/or possess it.

## <u>COUNT 3</u> - CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH USE OF A DEADLY WEAPON

did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to wit: J.O., being approximately 2 year(s) of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: mental injury, and/or cause I.O. to be placed in a situation where he or she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: mental injury, with use of a deadly weapon, to wit: a firearm, by leaving a loaded firearm in the back yard where children could find it and/or possess it.

## <u>COUNT 4</u> - CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH USE OF A DEADLY WEAPON

did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to wit: C.V., being approximately 8 year(s) of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: mental injury, and/or cause I.O. to be placed in a situation where he or she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: mental injury, with use of a deadly weapon, to wit: a firearm, by leaving a loaded firearm in the back yard where children could find it and/or possess it.

## <u>COUNT 5</u> - CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH USE OF A DEADLY WEAPON

did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to wit: L.V., being approximately 5 - 6 year(s) of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: mental injury, and/or cause I.O. to be placed in a situation where he or she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: mental injury, with use of a deadly weapon, to wit: a firearm, by leaving a loaded firearm in the back yard where children could find it and/or possess it.

#### <u>COUNT 6</u> - CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH USE OF A DEADLY WEAPON

did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to wit: J.O., being approximately 2 year(s) of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: physical injury of a nonaccidental nature, by slapping the said J.O. so hard leaving a mark because he urinated himself.

COUNT 7 – COERCION CONSTITUTING DOMESTIC VIOLENCE

did willfully, unlawfully, and feloniously use physical force, or the immediate threat of such force, against **sector**, who was Defendant's spouse, former spouse, any other person to whom Defendant is related by blood or marriage, a person with whom Defendant

1	has had or is having a dating re	elationship, a person with whom Defendant has a child in	
2	common, the minor child of any	of those persons or Defendant minor child, with intent to	
3	compel to do, o	or abstain from doing, an act which had a	
4	right to do, or abstain from doing	, by taking the said phone and refusing	
5	to give it back before throwing it	at a television screen causing it to break.	
6		STEVEN B. WOLFSON	
7		Clark County District Attorney Nevada Bar #001565	
8		DV /s/ Taylor Pagyas	
9	BY <u>/s/ Taylor Reeves</u> TAYLOR REEVES Deputy District Attorney		
10		Deputy District Attorney Nevada Bar #015987	
11	Names of witnesses know	n to the District Attorney's Office at the time of filing this	
12	Information are as follows:		
13	COPE, ADAM	DA Investigator and/or Designee (C/O DA's Office)	
14	CUSTODIAN OF RECORDS OR DESIGNEE	Clark County Detention Center, 330 S. Casino Center Blvd., Las Vegas, NV	
15	CUSTODIAN OF RECORDS	LVMPD Communications,	
16	OR DESIGNEE	400 S. Martin Luther King Blvd., Las Vegas, NV	
17 18	CUSTODIAN OF RECORDS OR DESIGNEE	LVMPD Dispatch, 400 S. Martin Luther King Blvd., Las Vegas, NV	
19	CUSTODIAN OF RECORDS OR DESIGNEE	LVMPD Records, 400 S. Martin Luther King Blvd., Las Vegas, NV	
20	HERNANDEZ, ENRIQUE	LVMPD P# 7567	
21	JENNINGS, JASON A	LVMPD P# 6178	
22		C/O District Attorney's Office	
23		C/O District Attorney's Office April 1, 2025	
24		C/O District Attorney's Office	
25	ROGERS, JESSICA L	LVMPD P# 13525	
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AINF STEVEN B. WOLFSON Clark County District Attorney Nevada Bar #001565 TAYLOR REEVES Deputy District Attorney Nevada Bar #015987 200 Lewis Avenue Las Vegas, Nevada 89155-2212 (702) 671-2500 Attorney for Plaintiff	Electronically Filed 12/6/2024 3:31 PM Steven D. Grierson CLERK OF THE COURT
DISTRICT COURT CLARK COUNTY, NEVADA	
THE STATE OF NEVADA, Plaintiff,	CASE NO: C-24-380322-1
-vs- JOSEPH MANUEL ORTEGA, aka, Joseph Ortega, #6077520	DEPT NO: XXV SECOND AMENDED
Defendant.	INFORMATION
STATE OF NEVADA COUNTY OF CLARK STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:	
That JOSEPH MANUEL ORTEGA, aka, Joseph Ortega, the Defendant(s) above	
named, having committed the crimes of CHILD ABUSE, NEGLECT, OR	
ENDANGERMENT WITH USE OF A DEADLY WEAPON (Category B Felony - NRS	
200.508, 193.165 - NOC 55228); 5 COUNTS CHILD ABUSE, NEGLECT OR	
ENDANGERMENT (Category B Felony - NRS 200.508 - NOC 55226); and COERCION	
CONSTITUTING DOMESTIC VIOLENCE (Category B Felony - NRS 207.190; 33.018	
- NOC 61752), on or between the 26th day of March 2023 and the 28th day of May 2023,	
within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes	
in such cases made and provided, and against the peace and dignity of the State of Nevada,	
" EXHIBIT H	

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# <u>COUNT 1</u> - CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH USE OF A DEADLY WEAPON

Defendant on or about March 26, 2023, did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to wit: I.O, being approximately 7 year(s) of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: negligent treatment or maltreatment of a child, and/or cause I.O. to be placed in a situation where he might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: negligent treatment or maltreatment of a child with use of a deadly weapon, to wit: a firearm, by brandishing and/or pointing the said firearm towards the said I.O.

COUNT 2 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

Defendant on or about March 27, 2023, did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to wit: I.O, being approximately 7 year(s) of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: negligent treatment or maltreatment of a child, and/or cause I.O. to be placed in a situation where he might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: negligent treatment or maltreatment of a child by leaving a firearm in the backyard where I.O. had access to it.

# COUNT 3 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

Defendant on or about March 27, 2023, did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to wit: J.O., being approximately 2 year(s) of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: negligent treatment or maltreatment of a child, and/or cause J.O. to be placed in a situation where he might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: negligent treatment or maltreatment of a child by leaving a firearm in the backyard where J.O. had access to it

# COUNT 4 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

Defendant on or about March 27, 2023, did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to wit: C.V., being approximately 8 year(s) of age, to suffer

unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: negligent treatment or maltreatment of a child, and/or cause C.V. to be placed in a situation where he might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: negligent treatment or maltreatment of a child by leaving a firearm in the backyard where C.V. had access to it.

## COUNT 5 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

Defendant on or about March 27, 2023, did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to wit: L.V., being approximately 5 to 6 year(s) of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: negligent treatment or maltreatment of a child, and/or cause L.V. to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: negligent treatment or maltreatment of a child by leaving a firearm in the backyard where L.V. had access to it.

## COUNT 6 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

Defendant on or about May 28, 2023, did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to wit: J.O., being approximately 2 year(s) of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: negligent treatment or maltreatment of a child, and/or cause J.O. to be placed in a situation where he might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: negligent treatment or maltreatment of a child by slapping the said J.O.

# <u>COUNT 7</u> – COERCION CONSTITUTING DOMESTIC VIOLENCE

Defendant on or about March 26, 2023, did willfully, unlawfully, and feloniously use physical force, or the immediate threat of such force, against **sectors**, who was Defendant's spouse, former spouse, any other person to whom Defendant is related by blood or marriage, a person with whom Defendant has had or is having a dating relationship, a person with whom Defendant has a child in common, the minor child of any of those persons or Defendant minor child, with intent to compel **sectors** to do, or abstain from doing, an act which **sectors** had a right to do, or abstain from doing, by taking the said

1	phone and refusing to give it back before throwing it at a television screen		
2	causing it to break.		
3 4			STEVEN B. WOLFSON Clark County District Attorney Nevada Bar #001565
5		DU	
6		BY	/s/ Taylor Reeves TAYLOR REEVES
7			Deputy District Attorney Nevada Bar #015987
8	Names of witnesses know	n to the Distri	ct Attorney's Office at the time of filing this
9	Information are as follows:		
10	COPE, ADAM	DA Investiga	tor and/or Designee (C/O DA's Office)
11 12	CUSTODIAN OF RECORDS OR DESIGNEE	Clark County 330 S. Casine	v Detention Center, o Center Blvd., Las Vegas, NV
12	CUSTODIAN OF RECORDS OR DESIGNEE		nmunications, 1 Luther King Blvd., Las Vegas, NV
14 15	CUSTODIAN OF RECORDS OR DESIGNEE	LVMPD Dis 400 S. Martin	patch, 1 Luther King Blvd., Las Vegas, NV
16	CUSTODIAN OF RECORDS OR DESIGNEE	LVMPD Rec 400 S. Martin	ords, 1 Luther King Blvd., Las Vegas, NV
17	HERNANDEZ, ENRIQUE	LVMPD P# '	7567
18	JENNINGS, JASON A	LVMPD P#	5178
19		C/O District	Attorney's Office
20		C/O District	Attorney's Office
21		C/O District	Attorney's Office
22	ROGERS, JESSICA L	LVMPD P#	
23			April 1, 2025
24	23CR087123/clh/DVU		STATES OF
25	LVMPD EV#LLV23100035970 (TK7)		COF THE ST RICE
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	Electronically Filed 03/21/2025 9:58 AM CLERK OF THE COURT
1	JOC
2	DISTRICT COURT
3	CLARK COUNTY, NEVADA
4	THE STATE OF NEVADA,
5	Plaintiff,
6	-vs- CASE NO: C-24-380322-1
7 8	JOSEPH MANUEL ORTEGA, aka, DEPT NO: XXV Joseph Ortega #6077520
9	Defendant.
10	JUDGMENT OF CONVICTION
11	(JURY TRIAL)
<ol> <li>12</li> <li>13</li> <li>14</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> </ol>	The defendant previously appeared before the Court with counsel and entered a plea of not guilty to the crime(s) of COUNT 1 – CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH USE OF A DEADLY WEAPON (Category B Felony), in violation of NRS 200.508, 193.165, COUNTS 2 – 5 CHILD ABUSE, NEGLECT, OR ENDANGERMENT (Category B Felony) in violation of NRS 200.508 and COUNT 7 COERCION CONSTITUTING DOMESTIC VIOLENCE (Category B Felony) in violation of NRS 207.190, 33.018; and the matter having been tried before a jury and the Defendant having been found guilty of the crime of COUNT 1 – CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH USE OF A DEADLY WEAPON (Category B Felony), in violation of NRS 200.508, 193.165, COUNTS 2 – 5 CHILD ABUSE, NEGLECT, OR ENDANGERMENT (Category B Felony) in violation of NRS 200.508 and COUNT 7 COERCION CONSTITUTING DOMESTIC VIOLENCE
24 25	(Category B Felony); thereafter, on the 19th day of March, 2025, the defendant was present in court for sentencing with counsel, FRANK KOCKA, Esq., and good cause appearing,

THE DEFENDANT WAS HEREBY ADJUDGED guilty of said offense(s) and, in addition to the \$25.00 Administrative Assessment fee, \$150.00 DNA Analysis fee including testing to determine genetic markers and \$3.00 DNA Collection fee, Deft. SENTENCED as

# EXHIBIT I

1 to COUNT 1 to a MINIMUM of TWENTY-EIGHT (28) MONTHS and a MAXIMUM of 2 SEVENTY-TWO (72) MONTHS in the Nevada Department of Corrections (NDC) plus a 3 CONSECUTIVE term of a of MINIMUM TWENTY-EIGHT (28) MONTHS and a MAXIMUM 4 of SEVENTY-TWO (72) MONTHS for use of a deadly weapon, as to COUNT 2 to a 5 MINIMUM of TWENTY-EIGHT (28) MONTHS and a MAXIMUM of SEVENTY-TWO (72) 6 MONTHS in the Nevada Department of Corrections (NDC), CONCURRENT with COUNT 1. 7 as to COUNT 3 to a MINIMUM of TWENTY-EIGHT (28) MONTHS and a MAXIMUM of 8 SEVENTY-TWO (72) MONTHS in the Nevada Department of Corrections (NDC), 9 CONCURRENT with COUNTS 1 & 2, as to COUNT 4 to a MINIMUM of TWENTY-EIGHT 10 (28) MONTHS and a MAXIMUM of SEVENTY-TWO (72) MONTHS in the Nevada 11 Department of Corrections (NDC), CONCURRENT with COUNTS 1, 2, & 3, as to COUNT 5 12 to a MINIMUM of TWENTY-EIGHT (28) MONTHS and a MAXIMUM of SEVENTY-TWO (72) 13 MONTHS in the Nevada Department of Corrections (NDC), CONCURRENT with COUNTS 14 1, 2, 3 & 4, as to COUNT 6 to a MINIMUM of TWENTY-EIGHT (28) MONTHS and a 15 MAXIMUM of SEVENTY-TWO (72) MONTHS in the Nevada Department of Corrections 16 (NDC), CONCURRENT with COUNTS 1, 2, 3, 4, & 5, and as to COUNT 7 to a MINIMUM of 17 TWENTY-EIGHT (28) MONTHS and a MAXIMUM of SEVENTY-TWO (72) MONTHS in the 18 Nevada Department of Corrections (NDC), CONCURRENT with COUNTS 1, 2, 3, 4, 5 & 6; 19 SUSPENDED; placed on PROBATION for an indeterminate period not to exceed SIXTY (60) 20 MONTHS as to COUNTS 1, 2, 3, 4, 5 & 6, PROBATION for an indeterminate period not to 21 exceed THIRTY-SIX (36) MONTHS as to COUNT 7. In addition to the Standard Conditions 22 of the Division of Parole and Probation (P & P) which are imposed, Deft. must comply with 23 the following SPECIAL CONDITIONS:

 No contact whatsoever directly or indirectly with the victims other than approved by Family Court or Child Protective Services (CPS). NO video on interactions with the children during visitation.

27 2. NO posting on internet related to this trial, messages including family, children or
28 this case.

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1	3. Complete ONE (1) YEAR anger management counseling either online or in person.
2	4. Complete SIX (6) MONTHS parenting classes either online or in person.
3	5. Complete mental health evaluation and complete any recommended case plan and
4	any medication regiment.
5	6. No use, possession or control of alcohol or drugs including marijuana during the
6	term of probation.
7	7. Maintain full-time employment or schooling.
8	9. Report to P & P within 48 hours.
9	10. You shall submit your digital storage media or any digital storage media that you
10	have access or use, including computers, handheld communication devices and any network
11	applications associated with those devices, including social media and remote storage
12	services to a search and shall provide all passwords, unlock codes and account information
13	associated with those items, with or without a search warrant, by the Division of Parole and
14	Probation or its agent.
15	FURTHER ORDERED, Deft. removed from High Level Electronic Monitoring.
16	BOND, if any, EXONERATED.
17	Dated this 21st day of March, 2025
18	USE CD D
19	Kothler & Letin
20	
21	2F6 581 FEF0 6341 Kathleen E. Delaney
22	District Court Judge April 1, 2025
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	U/UDGMENTS OF CONVICTION/DEPARTMENT 25/2025 IOC FOI DER/C-24-380322-1 ORTEGA IOC 3 19 25 DOCX

1	CSERV		
2	DISTRICT COURT		
3	CLARK COUNTY, NEVADA		
4			
5			
6	State of Nevada	CASE NO: C-24-380322-1	
7	VS	DEPT. NO. Department 25	
8	Joseph Ortega		
9			
10	AUTOMATED	CERTIFICATE OF SERVICE	
11		rvice was generated by the Eighth Judicial District	
12		viction was served via the court's electronic eFile -Service on the above entitled case as listed below:	
13	Service Date: 3/21/2025		
14			
15	Joseph Gersten	joe@thegerstenlawfirm.com	
16	Dept 25 Law Clerk	dept251c@clarkcountycourts.us	
17	Frank Kocka, Esq.	fkocka@yahoo.com	
18	Info The Gersten Law Firm PLLC	info@thegerstenlawfirm.com	
19	Jessica Salazar	jessica@gerstenlegal.com	
20	Joseph Gersten, Esq.	info@thegerstenlawfirm.com	
21	Joseph Ortega	joeymanuelortega3@gmail.com	
22	Frank Kocka		
23		fkocka@yahoo.com	
24	Skyler Sullivan	skyler.sullivan@clarkcountynv.gov	
25	Law Clerk	lawclerk@gerstenlegal.com	
26			
27			
28			

### 13. DISCUSSION AND FOR POSSIBLE ACTION.

Hearing pursuant to NAC 289.290(1)(g) for the possible revocation of the category I, II and III basic certificates held by Harvey S. Velazquez, former employee of the Las Vegas Metropolitan Police Department, based on the conviction of, entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a felony. The conviction(s) that have led to this action are:

COUNT 1: SOLICITING A CHILD FOR PROSTITUTION (Category D Felony) in violation of NRS 201.354.

COUNT 2: LURING CHILDREN OR MENTALLY ILL PERSONS WITH THE INTENT TO ENGAGE IN SEXUAL CONDUCT (Category B Felony) in violation of NRS 201.560.

COUNT 3: STATUTORY SEXUAL SEDUCTION (Category B Felony) in violation of NRS 200.364, NRS 200.68.1.

COUNT 4: ATTEMPT TO USE OR PERMIT MINOR, AGE 14 OR OLDER, TO BE SUBJECT OF SEXUAL PORTRAYAL IN A PERFORMANCE (Category B Felony) in violation of NRS 200.710.2, NRS 193.153.

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



STATE OF NEVADA COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING 3587 Wa Pai Shone Avenue Carson City, Nevada 89701 (775) 687-7678 FAX (775) 687-4911

JOE LOMBARDO Geverner MICHAEL D. SHERLOCK Executive Director

## NOTICE OF INTENT TO REVOKE

June 4, 2025

Harvey S. Velazquez

POST PIN #: 40842

Dear Mr. Velazquez,

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

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

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

Count 1: SOLICITING A CHILD FOR PROSTITUTION (Category D Felony) in violation of NRS 201.354 Count 2: LURING CHILDREN OR MENTALLY ILL PERSONS WITH THE INTENT TO ENGAGE IN SEXUAL CONDUCT (Category B Felony) in violation of NRS 201.560 Count 3: STATUTORY SEXAUL SEDUCTION (Category B Felony) in violation of NRS 200.364, NRS 200.68.1 Count 4: ATTEMPT TO USE OR PERMIT MINOR, AGE 14 OR OLDER, TO BE SUBJECT OF SEXUAL PORTRAYAL IN A PERFORMANCE (Category B Felony) in violation of NRS 200.710.2, NRS 193.153 Case#: C-24-387319-1 Dept No: XII Jurisdiction: District Court, Clark County, Nevada

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

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



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

Written requests can be made to:

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

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

Date: July 17, 2025 Time: 2:00 p.m. Location: Reno Police Department Public Safety Center Community Room, 911 Kuenzli Street, Reno, NV 89502

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

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

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

Sincerely. Kathy Floyd

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

cc: Senior Deputy Attorney General Geordan Goebel File NAC 289.290 Denial, revocation or suspension of certificate; reinstatement of revoked certificate. (NRS 289.510)

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

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

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

(c) Chronic drinking or drunkenness on duty.

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

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

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

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

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

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

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

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

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

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

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

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

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

È 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 is reinstated, the Commission may establish a probationary period during which any misconduct by the officer would result in revocation.

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



COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

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

JOE LOMBARDO Governor

MICHAEL D. SHERLOCK Executive Director

#### **DECLARATION OF SERVICE**

I, <u>*Zuchera Caulolos*</u>, served the foregoing Notice of Intent to Revoke Print name of the person serving this document

To Individual's Name: HARVEY S. VELAZQUEZ

at High Desert State Prison, on this

<u>C</u> day of <u>Sune</u>, <u>ZORS</u>. Day Month Year

I declare under penalty of perjury that the forgoing is true and correct. Executed on this day of <u>JUNE</u>, <u>2025</u>.

Signature of person serving the Notice

Printed name of person serving the Notice

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





# State of Nevada – POST Update – Personnel Action Report (PAR)

Agency ID* 0076	Agency Name* LV Metro PD	
Employee Details		
POST ID * 40842		
First Name* HARVEY		Last Name* VELAZQUEZ
Middle Initial S		Suffix
Name Changed		
Address Changed		
Level Change		
	r () Management () Executive	
* O Part Time () Full	Time	
Status Changed O Deceased O Retired	d 🔘 Separated	
Effective Date* 04/23/2024		
NAC 289.290 N	otification (Cause for Cor	nmission Action)



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

Does the above NAC apply? 🔿 No 🔘 Yes

Is your agency requesting revocation? ○ Yes ○ No

Comments \Additional Information: Non-Confirmation of Employment. Justice Court Cl2024-022

**Submitter Details** 

Submitter's Full Name\* Jessica Reynolds

Submitter's Phone #\* 702-828-6944

Submitter's E-Mail Address J16596R@LVMPD.com

#### txtFormType Update PAR



COMMINISSION ON PEACE OFFICER STANDARDS AND Hereby Awards the Category II Category II **Commission** Chairman STATE OF NEVADA 40842 Harvey S. Velazquez **Basic** Certificate POSTID # For having fulfilled all the requirements for basic certification As prescribed by Nevada Administrative Code. To 10/24/2023 Date Executive Director mShile



			Electronically Filed 11/18/2024 2:01 PM Steven D. Grierson
1	INFM		CLERK OF THE COURT
2	STEVEN B. WOLFSON Clark County District Attorney		Cum
3	Nevada Bar #001565 PETER THUNELL		
4	Chief Deputy District Attorney Nevada Bar #010779		
5	200 Lewis Avenue Las Vegas, Nevada 89155-2212		
6	(702) 671-2500 Attorney for Plaintiff		
7		CT COURT	
8		NTY, NEVADA	
9	THE STATE OF NEVADA,	I	
10	Plaintiff,	CASE NO:	C-24-387319-1
11	-VS-	DEPT NO:	XII
12	HARVEY STEVEN VELAZQUEZ,		
13	#6080746		RMATION
14	Defendant.		K M A I I O N
15	STATE OF NEVADA )		
16	COUNTY OF CLARK		
17	STEVEN B. WOLFSON, District Att	torney within and fo	r the County of Clark, State
18	of Nevada, in the name and by the authority	of the State of Nevad	la, informs the Court:
19	That HARVEY STEVEN VELAZQ	UEZ, the Defendation	nt(s) above named, having
20	committed the crimes of LURING CHILDRE	EN OR MENTALLY	ILL PERSONS WITH THE
21	INTENT TO ENGAGE IN SEXUAL COND	OUCT (Category B F	elony - NRS 201.560 - NOC
22	51081); SOLICITING A CHILD FOR PROS	STITUTION (Catego	ory D Felony - NRS 201.354
23	- NOC 61729); CHILD ABUSE, NEGLECT	, OR ENDANGERN	MENT (Category B Felony -
24	NRS 200.508.1 - NOC 55226); UNLAW	WFUL CONTACT	WITH A CHILD (Gross
25	Misdemeanor - NRS 207.260 - NOC 531	74) and USE OF	MINOR IN PRODUCING
26	PORNOGRAPHY (Category A Felony - NR	S 200.700, 200.710.	1, 200.750 - NOC 50367), in
27	the manner following, to wit:	-	
28	//	E	EXHIBIT E
		\\CCDA\CRM\USERS\ROD	RIGS\USERDATA\DESKTOP\INFM.DOCX

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That the said Defendant, on or between February 11, 2024 and February 19, 2024, at and within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada.

# COUNT 1 - LURING CHILDREN OR MENTALLY ILL PERSONS WITH THE INTENT TO ENGAGE IN SEXUAL CONDUCT

did on or about February 11, 2024, willfully and feloniously and knowingly contact or communicate with, or attempt to contact or communicate with K.M., who is less than 16 years of age and who is at least 5 years younger than the defendant, or a person who the defendant believed to be a child less than 16 years of age and at least 5 years younger than the defendant, regardless of the actual age of the person, with the intent to persuade, lure or transport the said child away from her home or from any location known to her parent or guardian or other person legally responsible for the child without the express consent of the parent or guardian or other person legally responsible for the child and with the intent to avoid the consent of the parent or guardian or other person legally responsible for the child, the Defendant committing the crime in the following manner, to wit: by trying to get the said K.M. to meet up with the Defendant to engage in sexual acts, Defendant possessing the intent to engage in sexual conduct with the child or mentally ill person or to cause the child or mentally ill person to engage in sexual conduct.

# COUNT 2 - SOLICITING A CHILD FOR PROSTITUTION

did on or about February 11, 2024, willfully and unlawfully solicit K.M., a minor, in Clark County, Nevada, by word, gesture or any other means to engage in sexual conduct, to wit: sexual intercourse and/or fellatio and/or cunnilingus and/or fondling of genitalia, for a fee, to wit: an undeterminable about of money.

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#### COUNT 3 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

did on or about February 11, 2024, willfully, unlawfully, and feloniously cause a child under the age of 18 years, to wit: K.M., being approximately 15 year(s) of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: negligent treatment or maltreatment of a child, and/or cause K.M. to be placed in a situation where he or she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: negligent treatment or maltreatment of a child, by sending inappropriate text messages to the said K.M. and/or requesting sexual favors and/or pornographic photos from K.M.

#### COUNT 4 - UNLAWFUL CONTACT WITH A CHILD

did on or about February 16, 2024, willfully and maliciously, and without lawful authority, engage in a course of conduct with E.S., a child under 16 years of age and being at least 5 years younger than the said Defendant, which acts would cause a reasonable child of like age to feel terrorized, frightened, intimidated or harassed, and which actually caused E.S. to feel terrorized, frightened, intimidated or harassed, by texting inappropriate text messages to the said E.S.

#### 

#### COUNT 5 - UNLAWFUL CONTACT WITH A CHILD

did on or about February 16, 2024, willfully and maliciously, and without lawful authority, engage in a course of conduct with D.S., a child under 16 years of age and being at least 5 years younger than the said Defendant, which acts would cause a reasonable child of like age to feel terrorized, frightened, intimidated or harassed, and which actually caused D.S. to feel terrorized, frightened, intimidated or harassed, by texting inappropriate text messages to the said D.S.

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### COUNT 6 - UNLAWFUL CONTACT WITH A CHILD

did on or about February 16, 2024, willfully and maliciously, and without lawful authority, engage in a course of conduct with K.M., a child under 16 years of age and being at least 5 years younger than the said Defendant, which acts would cause a reasonable child of like age to feel terrorized, frightened, intimidated or harassed, and which actually caused K.M. to feel terrorized, frightened, intimidated or harassed, by texting inappropriate text messages to the said K.M.

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# COUNT 7 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

did on or about February 16, 2024, willfully, unlawfully, and feloniously cause a child under the age of 18 years, to wit: E.S., being approximately 14 year(s) of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: negligent treatment or maltreatment of a child, and/or cause E.S. to be placed in a situation where he or she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: negligent treatment or maltreatment of a child, by sending inappropriate text messages to the said E.S. and/or requesting sexual favors and/or pornographic photos from E.S.

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## COUNT 8 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

did on or about February 16, 2024, willfully, unlawfully, and feloniously cause a child under the age of 18 years, to wit: D.S., being approximately 13 year(s) of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: negligent treatment or maltreatment of a child, and/or cause D.S. to be placed in a situation where he or she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: negligent treatment or maltreatment of a child, by sending inappropriate text messages to the said D.S. and/or requesting sexual favors and/or pornographic photos from D.S.

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1	COUNT 9 - USE OF MINOR IN PRODUCING PORNOGRAPHY		
2	did on or about February 19, 2024, willfully, unlawfully, feloniously, and knowingly		
3	use, encourage, entice or permit K.M., a minor under the age of 18, to simulate or engage in,		
4	or assist others to simulate or engage in sexual conduct, and/or use, encourage, entice, coerce		
5	or permit K.M., a minor under the age of 18, to be the subject of a sexual portrayal in a		
6	performance, to wit: by causing the said K.M. to send Defendant a picture of K.M.'s genital		
7	area, for the purpose of producing a pornographic performance.		
8	CTEVEN D. MOLEGON		
9	STEVEN B. WOLFSON Clark County District Attorney Nevada Bar #001565		
10	Nevada Bar #001505		
11	BY <u>/s/ Peter Thunell</u> PETER THUNELL		
12	Chief Deputy District Attorney Nevada Bar #010779		
13	INEVada Dal #010779		
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1	Names of witnesses known to the District Attorney's Office at the time of filing this
2	Information are as follows:
3	BARRIENTOS, CINTHIA; c/o CCDA VWAC-SVU
4	COOLEY, CHERYL; CPS/DFS/SNCAC
5	COR or Designee; CCDC
6	COR or Designee; LVMPD COMMUNICATIONS
7	COR or Designee; LVMPD RECORDS
8	D.S.; c/o CCDA VWAC-SVU
9	E.S.; c/o CCDA VWAC-SVU
10	HAGENBEEK, JENNIFER or Designee; CCDA SVU INVESTIGATOR
11	HOWELL, C.; LVMPD #9634
12	JENNINGS, J.; LVMPD #6178
13	K.M.; c/o CCDA VWAC-SVU
14	MONTES, ESTEBAN; c/o CCDA VWAC-SVU
15	PURCELL, J; LVMPD #15216
16	RUIZ, MAYRA; c/o CCDA VWAC-SVU
17	THERIAULT, MATTHEW; CPS/DFS/SNCAC
18	WOOD, DAWN or Designee; CCDA VWAC-SVU
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22	May 13, 2025
23	STATES OA
24	C OF THE A PO
25	C DISTRICT
26	FOF NEVADAN
27	24CR034866/sar/SVU LVMPD EV#LLV240400001978 ELECTRONIC SEAL (NRS 1 190(3))
28	(TK14) ELECTRONIC SEAL (NRS 1.190(3))
	6

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1	AINF STEVEN D. WOLESON	FILED IN OPEN COURT
2	STEVEN B. WOLFSON Clark County District Attorney Nevada Bar #001565	STEVEN D. GRIERSON CLERK OF THE COURT
3	PETER THUNELL	JAN 0 8 2025
4	Chief Deputy District Attorney Nevada Bar #010779	JAIN 0 0 ZUZJ
5	200 Lewis Avenue Las Vegas, Nevada 89155-2212	BR, Sebellet
6	(702) 671-2500 Attorney for Plaintiff	REINA VILLATORO, DEPUTY C-24-387319-1
7		AINF CT COURT Amended Information 5115042
8	CLARK COU	NTY, NEVADA 5115042
9	THE STATE OF NEVADA,	
10	Plaintiff,	CASE NO: C-24-387319-1
11	-VS-	DEPT NO: XII
12	HARVEY STEVEN VELAZQUEZ, #6080746	AMENDED
13	Defendant.	INFORMATION
14		
15	STATE OF NEVADA ) ) ss.	
16	COUNTY OF CLARK	
17	STEVEN B. WOLFSON, District Att	corney within and for the County of Clark, State
18	of Nevada, in the name and by the authority of	of the State of Nevada, informs the Court:
19	That HARVEY STEVEN VELAZQ	UEZ, the Defendant(s) above named, having
20	committed the crimes of SOLICITING A CH	ILD FOR PROSTITUTION (Category D Felony
21	- NRS 201.354 - NOC 61729), LURING (	CHILDREN OR MENTALLY ILL PERSONS
22	WITH THE INTENT TO ENGAGE IN SE	XUAL CONDUCT (Category B Felony - NRS
23	201.560 - NOC 51081), STATUTORY SEX	UAL SEDUCTION (Category B Felony - NRS
24	200.364, 200.368.1 - NOC 60323) and ATTI	EMPT TO USE OR PERMIT MINOR, AGE 14
25	OR OLDER, TO BE SUBJECT OF SEX	UAL PORTRAYAL IN A PERFORMANCE
26	(Category B Felony - NRS 200.710.2, 193.15)	3 - NOC 50380), in the manner following, to wit:
27	//	
28	//	EXHIBIT F
	HTTPS://BLOB-C.HOSTEDBYKARPEL.COM:509	06/DOCUMENTS/63D86563-5795-44D4-98F7-B87893880975/AINF.DOCX

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That the said Defendant, on or between February 11, 2024 and February 19, 2024, at and within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada,

<u>COUNT 1</u> - SOLICITING A CHILD FOR PROSTITUTION

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did on or about February 11, 2024, willfully and unlawfully solicit K.M., a minor, in Clark County, Nevada, by word, gesture or any other means to engage in sexual conduct, to wit: sexual intercourse and/or fellatio and/or cunnilingus and/or fondling of genitalia, for a fee, to wit: an undeterminable about of money.

# <u>COUNT 2</u> - LURING CHILDREN OR MENTALLY ILL PERSONS WITH THE INTENT TO ENGAGE IN SEXUAL CONDUCT

did on or about February 11, 2024, willfully and feloniously and knowingly contact or 12 13 communicate with, or attempt to contact or communicate with K.M., who is less than 16 years of age and who is at least 5 years younger than the defendant, or a person who the defendant 14 believed to be a child less than 16 years of age and at least 5 years younger than the defendant, 15 regardless of the actual age of the person, with the intent to persuade, lure or transport the said 16 child away from her home or from any location known to her parent or guardian or other 17 person legally responsible for the child without the express consent of the parent or guardian 18 or other person legally responsible for the child and with the intent to avoid the consent of the 19 parent or guardian or other person legally responsible for the child, the Defendant committing 20 the crime in the following manner, to wit: by trying to get the said K.M. to meet up with the 21 Defendant to engage in sexual acts, Defendant possessing the intent to engage in sexual 22 conduct with the child or mentally ill person or to cause the child or mentally ill person to 23 engage in sexual conduct. 24

COUNT 3 - STATUTORY SEXUAL SEDUCTION

did willfully, unlawfully, and feloniously engage in ordinary sexual intercourse with A.M., a child who is 14 or 15 years of age, the Defendant being 21 years of age or older.

● ₩2a	
1	<u>COUNT 4</u> - ATTEMPT TO USE OR PERMIT MINOR, AGE 14 OR OLDER, TO BE
2	SUBJECT OF SEXUAL PORTRAYAL IN A PERFORMANCE
3	did willfully, unlawfully, feloniously, and knowingly, attempt to use, encourage, entice
4	or permit A.M., a minor under the age of 18, to simulate or engage in, or assist others to
5	simulate or engage in sexual conduct, and/or attempt to use, encourage, entice, coerce or
6	permit A.M., a minor age 14 or older, to be the subject of a sexual portrayal in a performance,
7	to wit: by attempting to cause the said A.M. to send Defendant a picture of A.M.'s genital area,
8	for the purpose of producing a pornographic performance.
9 10	STEVEN B. WOLFSON Clark County District Attorney Nevada Bar #001565
11	
12	BY <u>/s/ Peter Thunell</u> PETER THUNELL
13	Chief Deputy District Attorney Nevada Bar #010779
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21	No. 40,0005
22	May 13, 2025
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25	THE OF NEVA DE VEVA
26	CERTIFIED COPY
27 28	24CR034866/sar/SVU LVMPD EV#LLV240400001978 (TK 14)
20	(TK14) 3
	HTTPS://BLOB-C.HOSTEDBYKARPEL.COM:50906/DOCUMENTS/63D86563-5795-44D4-98F7-B87893880975/AINF.DOCX

1	GPA	FILED IN OPEN COURT STEVEN D. GRIERSON	
2	STEVEN B. WOLFSON Clark County District Attorney	CLERK OF THE COURT	
. 3	Nevada Bar #001565 PETER THUNELL	JAN 08 2025	
4	Chief Deputy District Attorney Nevada Bar #010779	BY	
5	200 Lewis Avenue Las Vegas, NV 89155-2212	REINA VILLATORO, DEPUTY	
6	(702) 671-2500 Attorney for Plaintiff		
7		,	
8	DISTRIC CLARK COU	CT COURT NTY, NEVADA	
9	THE STATE OF NEVADA,		
10	Plaintiff,		
11	-VS-	CASE NO: C-24-387319-1	
12	HARVEY STEVEN VELAZQUEZ,	DEPT NO: XII	
13	#6080746		
14	Defendant.		
15	GUILTY PLE	A AGREEMENT	
16	I hereby agree to plead guilty to: <u>COUNT 1</u> - SOLICITING A CHILD FOR		
17	PROSTITUTION (Category D Felony - NRS 201.354 - NOC 61729), COUNT 2 - LURING		
18	CHILDREN OR MENTALLY ILL PERSO	ONS WITH THE INTENT TO ENGAGE IN	
19	SEXUAL CONDUCT (Category B Felony	- NRS 201.560 - NOC 51081), <u>COUNT 3</u> -	
20	STATUTORY SEXUAL SEDUCTION (Category B Felony - NRS 200.364, 200.368.1 - NOC		
21	60323) and $\underline{\text{COUNT 4}}$ - ATTEMPT TO USI	E OR PERMIT MINOR, AGE 14 OR OLDER,	
22	TO BE SUBJECT OF SEXUAL PORTRAYAL IN A PERFORMANCE (Category B Felony		
23	- NRS 200.710.2, 193.153 - NOC 50380), as more fully alleged in the charging document		
24	attached hereto.		
25	My decision to plead guilty is based upon the plea agreement in this case which is as		
26	follows:	C - 24 - 387319 - 1 GPA	
27	//	Guilty Plea Agreement 5115041	
28			
	HTTPS://BLOB-C.HOSTEDBYKARPEL.COM:50906/DOCUMENTS/	750EBBD8-BD57-4602-8657-A693F6FB7658/GPA REVISED-STIP.DOCX	
	EXHIBIT G		
		LAIDII U	

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Both parties stipulate to jointly recommend that either (1) I serve a minimum term of nineteen (19) months to a maximum term of forty-eight (48) months as to Count 1, a minimum term of twenty-four (24) months to a maximum term of seventy-two (72) months as to Count 2 and Count 3, and a minimum term of five (5) years to a maximum term of fifth-teen (15) years as to Count 4, to be served concurrently to each other in the Nevada Department of Corrections <u>OR</u> (2) the State retains the right to argue at rendition of sentence. Defendant to advise the State as to whether he agrees to an aggregate five (5) years to fifteen (15) years sentence or right to argue two weeks before the date of sentencing. Additionally, the State agrees to release the Playstation 5 belonging to Defendant to Defendant's designated family member. All remaining counts contained in the Criminal Complaint which were bound over to District Court shall be dismissed when I am adjudged guilty and sentenced.

I agree to the forfeiture of any and all electronic storage devices, computers, and/or related equipment and/or weapons or any interest in any electronic storage devices, computers and/or related equipment and/or weapons seized and/or impounded in connection with the instant case and/or any other case negotiated in whole or in part in conjunction with this plea agreement.

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

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

//

#### CONSEQUENCES OF THE PLEA

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

I understand that as a consequence of my plea of guilty:

As to <u>COUNT 1</u>, the Court must sentence me to imprisonment in the Nevada Department of Corrections for a minimum term of not less than one (1) year and a maximum term of not more than four (4) years. The minimum term of imprisonment may not exceed forty percent (40%) of the maximum term of imprisonment. I understand that I may also be fined up to \$5,000.00.

As to <u>COUNT 2</u> & <u>COUNT 3</u>, the Court must sentence me to imprisonment in the Nevada Department of Corrections for a minimum term of not less than one (1) year and a maximum term of not more than ten (10) years. The minimum term of imprisonment may not exceed forty percent (40%) of the maximum term of imprisonment. I understand that I may also be fined up to \$10,000.00 FOR EACH COUNT, AND

As to <u>COUNT 4</u>, the Court must sentence me to imprisonment in the Nevada Department of Corrections for a minimum term of not less than two (2) years and a maximum term of not more than twenty (20) years. The minimum term of imprisonment may not exceed forty percent (40%) of the maximum term of imprisonment.

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

I understand that pursuant to NRS 176.139 and my plea of guilty to a sexual offense for which the suspension of sentence or the granting of probation is permitted, P&P shall arrange for a psychosexual evaluation as part of the Division's Presentence Investigation (PSI) Report to the court.

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I understand that I am not eligible for probation pursuant to NRS 176A.110 unless the psychosexual evaluation certifies that I do not represent a high risk to reoffend based upon a currently accepted standard of assessment. I understand that, except as otherwise provided by statute, the question of whether I receive probation is in the discretion of the sentencing judge.

I understand that, <u>before I am eligible for parole</u> a panel consisting of the Administrator of the Mental Health and Developmental Services of the Department of Human Resources or his designee; the Director of the Department of Corrections or his designee; and a psychologist licensed to practice in this state or a psychiatrist licensed to practice medicine in this state certifies that I was under observation while confined in an institution of the department of corrections and that I do not represent a high risk to reoffend based upon a currently accepted standard of assessment.

I understand that, pursuant to NRS 176.0931, the Court must include as part of my sentence, in addition to any other penalties provided by law, a special sentence of lifetime supervision commencing after any period of probation or any term of imprisonment and period of release upon parole.

I understand that the Court will include as part of my sentence, in addition to any other penalties provided by law, pursuant to NRS 179D.441 to 179D.550, inclusive, I must register as a sex offender within forty-eight (48) hours of release from custody onto probation or parole.

I understand that I must submit to blood and/or saliva tests under the direction of P&P to determine genetic markers and/or secretor status.

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

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

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

I understand that if my attorney or the State of Nevada or both recommend any specific

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punishment to the Court, the Court is not obligated to accept the recommendation.

I understand that if the State of Nevada has agreed to recommend or stipulate a particular sentence or has agreed not to present argument regarding the sentence, or agreed not to oppose a particular sentence, such agreement is contingent upon my appearance in court on the initial sentencing date (and any subsequent dates if the sentencing is continued). I understand that if I fail to appear for the scheduled sentencing date or I commit a new criminal offense prior to sentencing the State of Nevada would regain the full right to argue for any lawful sentence.

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

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

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1. The removal from the United States through deportation;

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

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

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

1	WAIVER OF RIGHTS		
2	By entering my plea of guilty, I understand that I am waiving and forever giving up the		
3	following rights and privileges:		
4	1. The constitutional privilege against self-incrimination, including the right		
5	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.		
6	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		
7	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		
8	a reasonable doubt each element of the offense(s) charged.		
9	3. The constitutional right to confront and cross-examine any witnesses who would testify against me.		
10 11	4. The constitutional right to subpoena witnesses to testify on my behalf.		
11	5. The constitutional right to testify in my own defense.		
12	6. The right to appeal the conviction or resulting sentence with the assistance of an attorney, either appointed or retained, unless specifically		
13	reserved in writing and agreed upon as provided in NRS 174.035(3). I understand this means I am unconditionally waiving my right to a direct		
15	appeal of this prosecution, conviction, or any aspect of the resulting sentence, including any challenge based upon reasonable constitutional, jurisdictional or other grounds. However, I remain free to challenge my		
16 17	conviction through other post-conviction remedies including a habeas corpus petition pursuant to NRS Chapter 34.		
18	VOLUNTARINESS OF PLEA		
19	I have discussed the elements of all of the original charge(s) against me with my		
20	attorney and I understand the nature of the charge(s) against me.		
21	I understand that the State would have to prove each element of the charge(s) against		
22	me at trial.		
23	I have discussed with my attorney any possible defenses, defense strategies and		
24	circumstances which might be in my favor.		
25	All of the foregoing elements, consequences, rights, and waiver of rights have been		
26	thoroughly explained to me by my attorney.		
27	I believe that pleading guilty and accepting this plea bargain is in my best interest, and		
28	that a trial would be contrary to my best interest.		
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I am signing this agreement voluntarily, after consultation with my attorney, and I am not acting under duress or coercion or by virtue of any promises of leniency, except for those set forth in this agreement.

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

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

DATED this 1 day of January, 2025.

HARVEY STÉVEN VELAZQUEZ Defendant

AGREED TO BY:

Chief Deputy District Attorney Nevada Bar #010779

#### CERTIFICATE OF COUNSEL:

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

3 1. I have fully explained to the Defendant the allegations contained in the 4 charge(s) to which guilty pleas are being entered. 5 2. I have advised the Defendant of the penalties for each charge and the restitution that the Defendant may be ordered to pay. 6 3. I have inquired of Defendant facts concerning Defendant's immigration status 7 and explained to Defendant that if Defendant is not a United States citizen any criminal conviction will most likely result in serious negative immigration 8 consequences including but not limited to: 9 The removal from the United States through deportation; a. 10 b. An inability to reenter the United States; 11 The inability to gain United States citizenship or legal residency; c. 12 d. An inability to renew and/or retain any legal residency status; and/or 13 e. An indeterminate term of confinement, by the United States Federal Government based on the conviction and immigration status. 14 Moreover, I have explained that regardless of what Defendant may have been 15 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 16 to become a United States citizen and/or legal resident. 17 4. All pleas of guilty offered by the Defendant pursuant to this agreement are consistent with the facts known to me and are made with my advice to the 18 Defendant. 19 5. To the best of my knowledge and belief, the Defendant: 20 Is competent and understands the charges and the consequences of a. pleading guilty as provided in this agreement, 21 b. Executed this agreement and will enter all guilty pleas pursuant hereto 22 voluntarily, and Was not under the influence of intoxicating liquor, a controlled 23 C. substance or other drug at the time I/consulted with the Defendant as 24 certified in paragraphs 1 and 2 above 25 Dated: This day of January, 2025. 26 May 13, 2025 ATTORNEY FOR DEFENDANT 27 sar/SVU 28 8 HTTPS://BLOB-C.HOSTEDBYKARPEL.COM:50906/DOCUMENTS/750EBBD8-BD57-4602-8657-A693F6FB7658/GPA REVISED-STIP.DOCX

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

1	AINF STEVEN B. WOLFSON	FILED IN OPEN COURT
2	Clark County District Attorney Nevada Bar #001565	STEVEN D. GRIERSON CLERK OF THE COURT
3	PETER THUNELL	JAN 0 8 2025
4	Chief Deputy District Attorney Nevada Bar #010779	A MATH
5	200 Lewis Avenue Las Vegas, Nevada 89155-2212	REINA VILLATORO, DEPUTY
6	(702) 671-2500 Attorney for Plaintiff	C-24-387319-1
7		AINF CT COURT Amended Information 5115042
8	CLARK COU	NTY, NEVADA 5115042
9	THE STATE OF NEVADA,	
10	Plaintiff,	CASE NO: C-24-387319-1
11	-VS-	DEPT NO: XII
12	HARVEY STEVEN VELAZQUEZ, #6080746	AMENDED
13	Defendant.	INFORMATION
14	Derendant.	
15	STATE OF NEVADA ) ) ss.	
16	COUNTY OF CLARK	
17	STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State	
18	of Nevada, in the name and by the authority of the State of Nevada, informs the Court:	
19	That HARVEY STEVEN VELAZQUEZ, the Defendant(s) above named, having	
20	committed the crimes of SOLICITING A CH	ILD FOR PROSTITUTION (Category D Felony
21	- NRS 201.354 - NOC 61729), LURING CHILDREN OR MENTALLY ILL PERSONS	
22	WITH THE INTENT TO ENGAGE IN SE	XUAL CONDUCT (Category B Felony - NRS
23	201.560 - NOC 51081), STATUTORY SEXUAL SEDUCTION (Category B Felony - NRS	
24	200.364, 200.368.1 - NOC 60323) and ATTEMPT TO USE OR PERMIT MINOR, AGE 14	
25	OR OLDER, TO BE SUBJECT OF SEX	UAL PORTRAYAL IN A PERFORMANCE
26	(Category B Felony - NRS 200.710.2, 193.15)	3 - NOC 50380), in the manner following, to wit:
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28	//	
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That the said Defendant, on or between February 11, 2024 and February 19, 2024, at and within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada,

<u>COUNT 1</u> - SOLICITING A CHILD FOR PROSTITUTION

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did on or about February 11, 2024, willfully and unlawfully solicit K.M., a minor, in Clark County, Nevada, by word, gesture or any other means to engage in sexual conduct, to wit: sexual intercourse and/or fellatio and/or cunnilingus and/or fondling of genitalia, for a fee, to wit: an undeterminable about of money.

# <u>COUNT 2</u> - LURING CHILDREN OR MENTALLY ILL PERSONS WITH THE INTENT TO ENGAGE IN SEXUAL CONDUCT

did on or about February 11, 2024, willfully and feloniously and knowingly contact or 12 13 communicate with, or attempt to contact or communicate with K.M., who is less than 16 years of age and who is at least 5 years younger than the defendant, or a person who the defendant 14 believed to be a child less than 16 years of age and at least 5 years younger than the defendant, 15 regardless of the actual age of the person, with the intent to persuade, lure or transport the said 16 child away from her home or from any location known to her parent or guardian or other 17 person legally responsible for the child without the express consent of the parent or guardian 18 or other person legally responsible for the child and with the intent to avoid the consent of the 19 parent or guardian or other person legally responsible for the child, the Defendant committing 20 the crime in the following manner, to wit: by trying to get the said K.M. to meet up with the 21 Defendant to engage in sexual acts, Defendant possessing the intent to engage in sexual 22 conduct with the child or mentally ill person or to cause the child or mentally ill person to 23 engage in sexual conduct. 24

COUNT 3 - STATUTORY SEXUAL SEDUCTION

did willfully, unlawfully, and feloniously engage in ordinary sexual intercourse with A.M., a child who is 14 or 15 years of age, the Defendant being 21 years of age or older.

• • . 2a			
1	<u>COUNT 4</u> - ATTEMPT TO USE OR PERMIT MINOR, AGE 14 OR OLDER, TO BE		
2	SUBJECT OF SEXUAL PORTRAYAL IN A PERFORMANCE		
3	did willfully, unlawfully, feloniously, and knowingly, attempt to use, encourage, entice		
4	or permit A.M., a minor under the age of 18, to simulate or engage in, or assist others to		
5	simulate or engage in sexual conduct, and/or attempt to use, encourage, entice, coerce or		
6	permit A.M., a minor age 14 or older, to be the subject of a sexual portrayal in a performance,		
7	to wit: by attempting to cause the said A.M. to send Defendant a picture of A.M.'s genital area,		
8	for the purpose of producing a pornographic performance.		
9 10	STEVEN B. WOLFSON Clark County District Attorney Nevada Bar #001565		
11			
12	BY <u>/s/ Peter Thunell</u> PETER THUNELL		
13	Chief Deputy District Attorney Nevada Bar #010779		
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4				
5	CLARK COUNTY, NEVADA			
6	THE STATE OF NEVADA,			
7 8	Plaintiff,			
9	-VS-	CASE NO. C-24-387319-1		
10	HARVEY STEVEN VELAZQUEZ,	DEPT. NO. XII		
11	#6080746			
12	Defendant.			
13	JUDGMENT OF CONVICTION			
14	(PLEA OF GUILTY)			
15 16				
17	. ,	pefore the Court with counsel and entered a		
18	plea of guilty to the crimes of COUNT 1 – So	DLICITING A CHILD FOR PROSTITUTION		
19	(Category D Felony) in violation of NRS 201	.354; COUNT 2 – LURING CHILDREN OR		
20	MENTALLY ILL PERSONS WITH THE INTI	ENT TO ENGAGE IN SEXUAL CONDUCT		
21	(Category B Felony) in violation of NRS 20 <sup>-</sup>	(Category B Felony) in violation of NRS 201.560; COUNT 3 – STATUTORY SEXUAL		
22	SEDUCTION (Category B Felony) in violation	n of NRS 200.364, 200.68.1; and COUNT 4		
23 24	– ATTEMPT TO USE OR PERMIT MINOR, AGE 14 OR OLDER, TO BE SUBJECT OF			
25	SEXUAL PORTRAYAL IN A PERFORMANCE (Category B Felony) in violation of NRS			
26	2200.710.2, 193.153; thereafter, on the $10^{th}$ day of April, 2025, the Defendant was			
27	present in court for sentencing with counsel, NICHOLAS WOOLDRIDGE, Esq., and			
28	good cause appearing,			
		EXHIBIT H		

THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in addition to the \$25.00 Administrative Assessment Fee, \$1,689.30 Psychosexual Evaluation Fee, and \$150.00 DNA Analysis Fee including testing to determine genetic markers plus \$3.00 DNA Collection Fee, the Defendant is sentenced to the Nevada Department of Corrections (NDC) as follows: COUNT 1 - a MAXIMUM of FORTY-EIGHT (48) MONTHS with a MINIMUM Parole Eligibility of NINETEEN (19) MONTHS, CONCURRENT with COUNT 4; COUNT 2 – a MAXIMUM of SEVENTY-TWO (72) MONTHS with a MINIMUM Parole Eligibility of TWENTY-FOUR (24) MONTHS, CONCURRENT with COUNT 4; COUNT 3 - a MAXIMUM of SEVENTY-TWO (72) MONTHS with a MINIMUM Parole Eligibility of TWENTY-FOUR (24) MONTHS, CONCURRENT with COUNT 4; and COUNT 4 – a MAXIMUM of FIFTEEN (15) YEARS with a MINIMUM Parole Eligibility of TWENTY-FOUR (24) MONTHS.

FURTHER ORDERED, a SPECIAL SENTENCE of LIFETIME SUPERVISION is imposed to commence upon release from any term of imprisonment, probation or parole. In addition, before the Defendant is eligible for parole, a panel consisting of the Administrator of the Mental Health and Development Services of the Department of Human Resources or his designee; the Director of the Department of corrections or his designee; and a psychologist licensed to practice in this state; or a psychiatrist licensed to practice medicine in Nevada must certify that the Defendant does not represent a high risk to re-offend based on current accepted standards of assessment.

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1	ADDITIONALLY, the Defendent is ORDERED to RECISTER as a say offender in	
2	ADDITIONALLY, the Defendant is ORDERED to REGISTER as a sex offender in	
3	accordance with NRS 179D.460 within FORTY-EIGHT (48) HOURS after any release	
4	from custody.	
5		
6	Dated this 14th day of April, 2025	
7	Hicking John the	
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9	F41 833 1AF6 8B40 Michelle Leavitt District Court Judge	
10	District Court Judge	
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23	May 13, 2025	
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1	CSERV	
2		DISTRICT COURT
3	CLARK COUNTY, NEVADA	
4		
5		
6	State of Nevada	CASE NO: C-24-387319-1
7	VS	DEPT. NO. Department 12
8	Harvey Velasquez	
9		
10	AUTOMATED CERTIFICATE OF SERVICE	
11	This automated certificate of service was generated by the Eighth Judicial District	
12	Court. The foregoing Judgment of Conviction was served via the court's electronic eFile system to all recipients registered for e-Service on the above entitled case as listed below:	
13	Service Date: 4/14/2025	
14		
15	Eduardo Padilla	Eduardo@wooldridgelawlv.com
16	Melody Phommaly	melody@wooldridgelawlv.com
17	Peter Thunell	Peter.Thunell@clarkcountydanv.gov
18	District Attorney	motions@clarkcountydanv.gov
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# 14. PUBLIC COMMENT

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

# 15. DISCUSSION AND FOR POSSIBLE ACTION.

Schedule upcoming Workshop and Regularly scheduled meeting. Tentatively set for October 29, 2025 in Las Vegas.

# 16. DISCUSSION AND FOR POSSIBLE ACTION.

Adjournment.