Case No: 20PC02607

Dept: B

PAHRUMP JUSTICE COURT
BY T. Wright
2020 AUG 25 A 7:44

IN THE JUSTICE COURT OF PAHRUMP TOWNSHIP
COUNTY OF NYE, STATE OF NEVADA

THE STATE OF NEVADA

Plaintiff,

vs.

Brett Linder
Defendant.

AFFIDAVIT AND APPLICATION FOR APPOINTMENT OF COUNSEL FILED

Brett Linder, affirms under penalty of perjury, deposes and says:

1. That he/she is indigent, charged with a crime in the Justice Court of Pahrump Township, to wit:

Pending

2. That he/she is without means of employing an attorney.
3. That he/she has no money with which to employ counsel, that he/she has no property, real or personal, which could be sold or encumbered to provide funds for counsel; that he/she is unable to borrow funds with which to employ counsel.

WHEREFORE, affiant requests the above-entitled Court to appoint counsel to represent him/her at the expense of Nye County, State of Nevada.

In Custody ☒

Address [redacted]
City/State/Zip [redacted]
Phone # [redacted]
Email [redacted]

Defendant Signature [redacted]

ORDER APPOINTING COUNSEL

The petitioner above-named, having filed an application with the Court, requesting the appointment of an attorney to represent him/her and having filed an affidavit that he/she is without means of employing an attorney and having indicated the facts concerning his/her financial status and good cause appearing therefore,

IT IS HEREBY ORDERED that Nathan Gent ESq. be appointed to represent the Defendant subject to the terms and conditions as set forth in "Procedure for Appointment of Attorney for Indigent Defendant", which rules are hereby incorporated by reference as if set forth in full, and such other rules and regulations which the Court, from time to time may promulgate pursuant to NRS 171.188 to determine the indigent status of the petitioner.

IT IS FURTHER ORDERED that the Defendant appear in Court on Sept. 10, 2020 at 9:00 Am for Arraignment.

DATED this 25 day of August, 2020

Kent Jasperson, Justice of the Peace

PAHRUMP JUSTICE COURT
BY A. Malone
2020 AUG 31 PM 12:27
RECEIVED & FILED

Case No. 20CR02607

Department B

LEA Case No(s). 20NY-2847

ARR: _____

IN THE JUSTICE COURT OF PAHRUMP TOWNSHIP

COUNTY OF NYE, STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff,

v.

CRIMINAL COMPLAINT

BRETT ALAN LINDER,

Defendant. /

The undersigned, CHRIS ARABIA, District Attorney, County of Nye, State of Nevada, by and through his deputy, Christi M. Kindel, complains and charges the above named defendant, BRETT ALAN LINDER, with having committed the following offense within said County of Nye, State of Nevada:

GRAND LARCENY OF FIREARM(S), in violation of **NRS 205.226, A CATEGORY 'B' FELONY,** committed in the following manner, to wit: That **ON OR ABOUT AUGUST 22, 2020**, in Pahrump Township, Nye County, Nevada, said Defendant did willfully, unlawfully, and intentionally steal, take, or carry away or otherwise remove a firearm(s), belonging to **MIRANDA MATAL**, with the intent to permanently deprive the owner thereof;

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///

///

NYE COUNTY DISTRICT ATTORNEY
P.O. BOX 39
PAHRUMP, NEVADA 89041
(775) 751-7080

All of which is contrary to the form, force and effect of the statute in such cases made and provided, and against the peace and dignity of the State of Nevada. Said complainant makes this declaration under penalty of perjury and requests that a summons be issued for BRETT ALAN LINDER.

DATED this 31st day of August, 2020.

CHRIS ARABIA
NYE COUNTY DISTRICT ATTORNEY

By Christi M. Kindel
CHRISTI M. KINDEL
Deputy District Attorney

NYE COUNTY DISTRICT ATTORNEY
P.O. BOX 39
PAHRUMP, NEVADA 89041
(775) 751-7080

PAHRUMP JUSTICE COURT

CASE NO.: 20CR02607
DEPT.: B

BY L Jennings

2020 SEP -9 AM 10: 33

IN THE JUSTICE COURT OF PAHRUMP TOWNSHIP

COUNTY OF NYE, STATE OF NEVADA

RECEIVED & FILED

* * * * *

THE STATE OF NEVADA,
Plaintiff,

vs.

ORDER TO REVOKE

BRETT A LINDER,
Defendant /

On August 24, 2020, **BRETT A LINDER**, defendant, was released from custody on his own recognizance with the conditions that he not have any alcohol, marijuana,or illegal drugs, no adverse contact with law enforcement, no firearms, no contact with victim, and that he makes all his court appearances.

On September 9, 2020, a declaration of arrest was received from the Nye County Sheriff's Office indicating a new arrest; defendant having violated the conditions of his release by his non-compliance with no adverse contact with law enforcement, and good cause appearing therefore,

IT IS HEREBY ORDERED that **BRETT A LINDER'S O.R.** release be revoked.

IT IS HEREBY ORDERED that **BRETT A LINDER** is returned to the custody of Nye County Sheriff's Office and admitted to bail in the amount of ten thousand ($10,000.00) cash or bond.

IT IS SO ORDERED this 9th day of September 2020.

Kent Jasperson
Justice of the Peace

PAHRUMP JUSTICE COURT
BY Cummings
2020 SEP 9 AM 10: 33
RECEIVED & FILED

Case No.: 20CR02607
Dept.: B

IN THE JUSTICE COURT OF PAHRUMP TOWNSHIP
COUNTY OF NYE, STATE OF NEVADA
*****

THE STATE OF NEVADA,

Plaintiff,

vs.

SUBSTITUTION OF COUNSEL

BRETT A LINDER,

Defendant. /

On August 24, 2020 the Court appointed Nye County Public Defender Nathan Gent, Esq. to represent the defendant **BRETT A LINDER.** Attorney Gent advised this date that he has a conflict in this matter, as he previously represented the victim in this same matter and requests relief.

IT IS HEREBY ORDERED that conflict attorney, Public Defender, Brent Percival, Esq., be and is hereby substituted as counsel for the defendant and that the **Hearing in the above captioned matter be and the same hereby is set for Wednesday, the 16th day of September 2020, at 8:00 o'clock a.m.** in the Pahrump Justice Court, Department B.

IT IS FURTHER ORDERED that the preceding counsel transfer any and all discovery to the appointed conflict counsel.

DATED this 9th day of December 2020.

Kent Jasperson
Justice of the Peace

PAHRUMP JUSTICE COURT
1520 East Basin Avenue
Pahrump, NV 89060

Case No: 20NY-3093; 20NY-3047

Dept: B

PAHRUMP JUSTICE COURT

BY A Dimengo

2020 SEP 14 PM 2:40

RECEIVED & FILED

IN THE JUSTICE COURT OF PAHRUMP TOWNSHIP
COUNTY OF NYE, STATE OF NEVADA

THE STATE OF NEVADA

Plaintiff,

vs.

Brett Alan Linder

Defendant.

AFFIDAVIT AND APPLICATION FOR APPOINTMENT OF COUNSEL

Brett Linder, affirms under penalty of perjury, deposes and says:

1. That he/she is indigent, charged with a crime in the Justice Court of Pahrump Township, to wit:

pending charges

2. That he/she is without means of employing an attorney.
3. That he/she has no money with which to employ counsel, that he/she has no property, real or personal, which could be sold or encumbered to provide funds for counsel; that he/she is unable to borrow funds with which to employ counsel.

WHEREFORE, affiant requests the above-entitled Court to appoint counsel to represent him/her at the expense of Nye County, State of Nevada.

In Custody

Address 1380 W Grantland
City/State/Zip Pahrump NV 89048
Phone # 775 764 0658
Email

Defendant Signature

ORDER APPOINTING COUNSEL

The petitioner above-named, having filed an application with the Court, requesting the appointment of an attorney to represent him/her and having filed an affidavit that he/she is without means of employing an attorney and having indicated the facts concerning his/her financial status and good cause appearing therefore,

IT IS HEREBY ORDERED that Brent Percival, Esq. be appointed to represent the Defendant subject to the terms and conditions as set forth in "Procedure for Appointment of Attorney for Indigent Defendant", which rules are hereby incorporated by reference as if set forth in full, and such other rules and regulations which the Court, from time to time may promulgate pursuant to NRS 171.188 to determine the indigent status of the petitioner.

IT IS FURTHER ORDERED that the Defendant appear in Court on Sept 16, 2020 at 8:00AM for Formal arraignment.

DATED this 9 day of September, 2020

Kent Jasperson, Justice of the Peace

PAHRUMP JUSTICE COURT
BY A. Malone
2020 SEP 15 AM 11:55
RECEIVED & FILED

Case No. 20CR02744

Department B

LEA Case No(s). 20NY-3093

ARR: _____

IN THE JUSTICE COURT OF PAHRUMP TOWNSHIP

COUNTY OF NYE, STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff,

v.

CRIMINAL COMPLAINT

BRETT ALAN LINDER,

Defendant. /

NYE COUNTY DISTRICT ATTORNEY
P.O. BOX 39
PAHRUMP, NEVADA 89041
(775) 751-7080

The undersigned, Chris Arabia, District Attorney, County of Nye, State of Nevada, by and through his deputy, Christi M. Kindel, complains and charges the above named defendant, BRETT ALAN LINDER, with having committed the following offenses within said County of Nye, State of Nevada:

COUNT I

ATTEMPTED MURDER WITH USE OF A FIREARM, in violation of **NRS 193.330, 200.010, 193.165, A CATEGORY 'B' FELONY,** committed in the following manner, to wit: That **ON OR ABOUT SEPTEMBER 8, 2020**, in Pahrump Township, Nye County, Nevada, said Defendant did willfully, unlawfully and with malice aforethought attempt to kill a human being with the use of a firearm, to wit: discharged a firearm at **JOSEPH FENTON** at or near 1441 Dutch Ford Road;

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COUNT II

EX-FELON IN POSSESSION OF FIREARM(S), in violation of **NRS 202.360, A CATEGORY 'B' FELONY,** committed in the following manner, to wit: That **ON OR ABOUT SEPTEMBER 8, 2020**, in Pahrump Township, Nye County, Nevada, said Defendant, having been previously convicted of a felony in this or any other state, or in any political subdivision thereof, or in violation of the laws of the United States of America, did willfully and unlawfully have in his possession or under his custody or control a firearm(s);

All of which is contrary to the form, force and effect of the statutes in such cases made and provided, and against the peace and dignity of the State of Nevada. Said complainant makes this declaration under penalty of perjury.

DATED this 15th day of September, 2020.

CHRIS ARABIA
NYE COUNTY DISTRICT ATTORNEY

By Christi M. Kindel
CHRISTI M. KINDEL
Deputy District Attorney

NYE COUNTY DISTRICT ATTORNEY
P.O. BOX 39
PAHRUMP, NEVADA 89041
(775) 751-7080

PAHRUMP JUSTICE COURT

BY

Case No: 20CR00079, 20TR00948, 20CR01366, 20CR02607, 20CR02668, 20CR02744, 20PC02745, 20CR2806

RECEIVED & FILED

IN THE JUSTICE COURT OF PAHRUMP TOWNSHIP
IN AND FOR THE COUNTY OF NYE

THE STATE OF NEVADA,

Plaintiff,

vs.

BRETT LINDER,

Defendant.

20CR

SUBSTITUTE OF COUNSEL

COMES NOW, Defendant BRETT LINDER, and respectfully request that ANDREW S. T. FRITZ be substituted as his attorney of record in the above-captioned matters, in the place and stead of BRENT D. PERCIVAL, ESQ.

Dated this day 16 of October 2020.

Brett Linder
BRETT LINDER

BRENT D. PERCIVAL, ESQ. P.C.
Brent D. Percival, Esq.
3340 South Highway 160, Suite 202, Pahrump, Nevada 89048
Tel: 702.868.5650 | Fax: 775.727.9506

CONSENT TO SUBSTITUTION

COMES NOW, BRENT D. PERCIVAL, ESQ. and consents to the substitution of ANDREW S. T. FRITZ, as attorney of record in the above captioned matters.

Dated this 12th of October 2020

Brent D. Percival

BRENT D. PERCIVAL, ESQ.

ACCEPTANCE

ANDREW S. T. FRITZ, hereby acknowledges and agrees to be substitution as attorney of record in the above-captioned matters.

Dated this 13 day of Oct. 2020

ANDREW S. T. FRITZ

BRENT D. PERCIVAL, ESQ. P.C.
Brent D. Percival, Esq.
3349 South Highway 160, Suite 202, Pahrump, Nevada 89048
Tel: 702.868.5650 | Fax: 775.727.9506

PAHRUMP JUSTICE COURT

BY Domingo

2020 OCT 28 PM 12:43

CASE NO.: 20CR02607; 20TR00948; 20CR02668; 20CR01366; 20CR02806; 20CR02744; 20CR03098

DEPT: B

IN THE JUSTICE COURT OF PAHRUMP TOWNSHIP
COUNTY OF NYE, STATE OF NEVADA
* * * * *

THE STATE OF NEVADA,

Plaintiff,

vs.

ORDER TO CONTINUE

BRETT ALAN LINDER,

Defendant,/

The above captioned matter was set for Preliminary Hearings, Pre-Trial Hearings, Arraignment Hearings, and Status Hearings on November 4, 2020 at 9:00 o'clock a.m.

Due to the Unavailability of a Judge, and good cause appearing therefore,

IT IS HEREBY ORDERED that the Preliminary Hearings, Pre-Trial Hearings, Arraignment Hearings, and Status Hearings in the above captioned matter(s) be continued to January 14, 2021 at 9:00 a.m.

DATED this 26th day of October 2020.

Kent Jasperson
Justice of the Peace

PAHRUMP JUSTICE COURT
1520 East Basin Avenue
Pahrump, NV 89060

PAHRUMP JUSTICE COURT

BY

2020 DEC -8 PM 3:36

Case Nos. 20CR02607, 20CR02744

IN THE JUSTICE COURT OF PAHRUMP TOWNSHIP

COUNTY OF NYE, STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff,

v.

BRETT ALAN LINDER,

Defendant.

_____/

STIPULATION TO CONTINUE

At the request of the State, **IT IS HEREBY STIPULATED AND AGREED** by and between Defendant, BRETT ALAN LINDER, by and through his attorney, Andrew Fritz, Esq., and Plaintiff, the State of Nevada, by and through its attorney, CHRIS ARABIA, Nye County District Attorney, that the Preliminary Hearings in the above-entitled matters, currently set for **December 9, 2020 at 9:00a.m.** be continued to a date and time convenient to court and counsel for the purpose of transferring all of Defendant's cases to Pahrump. Defendant will file a Waiver of Speedy Preliminary Hearing under separate cover.

DATED this 8 day of December, 2020.

CHRIS ARABIA
Nye County District Attorney

By: Christi M. Kindel
Christi M. Kindel
Deputy District Attorney

Andrew Fritz, Esq.
Attorney for Defendant

NYE COUNTY DISTRICT ATTORNEY
P.O. BOX 39
PAHRUMP, NEVADA 89041
(775) 751-7080

PAHRUMP JUSTICE COURT
BY A Demings
2020 DEC -8 PM 3:36

Case Nos. 20CR02607, 20CR02744

IN THE JUSTICE COURT OF PAHRUMP TOWNSHIP

COUNTY OF NYE, STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff,

v.

BRETT ALAN LINDER,

Defendant.

/

ORDER TO CONTINUE PRELIMINARY HEARINGS

Upon stipulation of the parties herein, and good cause appearing therefor, IT IS HEREBY ORDERED that the Preliminary Hearings in the above-entitled matter, currently set **for December 9, 2020 at 9:00 a.m.** be CONTINUED to January 20, 2021 at 9:00 a.m.

Dated this 8 day of December, 2020

JUSTICE OF THE PEACE

NYE COUNTY DISTRICT ATTORNEY
P.O. BOX 39
PAHRUMP, NEVADA 89041
(775) 751-7080

PAHRUMP JUSTICE COURT

BY L Demings

'20 DEC -8 PM 3:35

Case No: 20CR026007, 20CR02744

Dept.: B

IN THE JUSTICE COURT OF PAHRUMP TOWNSHIP

COUNTY OF NYE, STATE OF NEVADA

* * * * *

THE STATE OF NEVADA

Plaintiff,

WAIVER OF 15-DAY RULE

vs

Brett Alan Linder

Defendant.

The undersigned, Brett Alan Linder, Defendant in the above entitled action after having been fully advised of his/her rights to speedy prosecution of the charge against him/her, hereby waives the fifteen (15) day period in which he/she is to be given a preliminary hearing, pursuant to NRS 171.196, and agrees that such hearing may be held within a reasonable time at the discretion of the Court.

Dated this 8th day of December, 2020.

Laura L Fry 6528 for Andrew Fry

Attorney

Defendant

Justice of the Peace

PAHRUMP JUSTICE COURT

BY LDemings

2021 JAN 19 PM 4:22

RECEIVED & FILED

Case No. 20CR02744, 20CR02607

Department B

IN THE JUSTICE COURT OF PAHRUMP TOWNSHIP

COUNTY OF NYE, STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff,

v.

BRETT ALAN LINDER,

Defendant. /

STIPULATION AND ORDER TO CONVERT PRELIMINARY HEARING TO A PRE-TRIAL HEARING

At the request of the State and defense counsel, **IT IS HEREBY STIPULATED AND AGREED** by and between Defendant, **BRETT ALAN LINDER**, by and through his attorney, Andrew S.T. Fritz, Esq., and Plaintiff, the State of Nevada, by and through its attorney, CHRIS ARABIA, Nye County District Attorney, that the Preliminary Hearings in the above-entitled matters, currently set on January 20, 2021, at 9:00 A.M. be converted to a Pre-Trail hearings to give time to the defendant to consider the States offer.

DATED this 19th day of January, 2021.

CHRIS ARABIA
NYE COUNTY DISTRICT ATTORNEY

By _____
Michael D Allmon
Deputy District Attorney

_____ 6328
Andrew S.T. Fritz, Esq.
Attorney for Defendant

NYE COUNTY DISTRICT ATTORNEY
P.O. BOX 39
PAHRUMP, NEVADA 89041
(775) 751-7080

NYE COUNTY DISTRICT ATTORNEY
P.O. BOX 39
PAHRUMP, NEVADA 89041
(775) 751-7080

Case No. 20CR02744, 20CR02607

Department B

IN THE JUSTICE COURT OF PAHRUMP TOWNSHIP

COUNTY OF NYE, STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff,

v.

ORDER TO CONVERT PRELIMINARY HEARINGS TO A PRE-TRIAL HEARINGS

BRETT ALAN LINDER,

Defendant. /

Upon stipulation of the parties herein, and good cause appearing therefor,

IT IS HEREBY ORDERED that the Preliminary Hearings in the above-entitled matters be converted to a Pre-Trail Hearings on the same date, January 20, 2021, at 9:00 A.M..

JUSTICE OF THE PEACE

FILED
FIFTH JUDICIAL DISTRICT

FEB 18 2021

Nye County Clerk
Deputy

PAHRUMP JUSTICE COURT
BY

2021 FEB 16 P 4:20

RECEIVED AND FILED

CR21-0018
PJC Case No. 20CR02607
PJC Dept. B

IN THE JUSTICE COURT OF PAHRUMP TOWNSHIP

COUNTY OF NYE, STATE OF NEVADA

* * * * *

THE STATE OF NEVADA,

Plaintiff,

vs.

BINDOVER ORDER

BRETT ALAN LINDER,

Defendant/

IT APPEARS to the court that public offense(s), namely, **GRAND LARCENY OF FIREARM(S), in violation of NRS 205.226, A CATEGORY 'B' FELONY,** has been committed and it further appearing to the court the Defendant above-named, **BRETT ALAN LINDER,** has unconditionally waived the Preliminary Hearing in this matter.

IT IS THEREFORE ORDERED that Defendant **BRETT ALAN LINDER,** be, and is hereby, bound over to the Fifth Judicial District Court of the STATE OF NEVADA, in and for the County of Nye, and there held to answer to said charge(s).

IT IS FURTHER ORDERED that Defendant **BRETT ALAN LINDER** appear in the District Courtroom of the Nye County Government Complex, 1520 E. Basin Road, Pahrump, Nevada, for arraignment on said charge(s), on MONDAY FEBRUARY 22, 2021 at 9:00 a.m.

IT IS FURTHER ORDERED that the Defendant be admitted to bail in the sum of ten thousand dollars ($10,000.00) cash or bond.

DONE in open court this 11th day of February 2021.

Kent Jasperson
Justice of the Peace

PAHRUMP JUSTICE COURT
1520 East Basin Avenue
Pahrump, NV 89060

FILED
FIFTH JUDICIAL DISTRICT

CR 21-0020

FEB 18 2021

Nye County Clerk
Deputy

PAHRUMP JUSTICE COURT
BY

2021 FEB 16 P 4:20

RECEIVED AND FILED

PJC Case No. 20CR02744
PJC Dept. B

IN THE JUSTICE COURT OF PAHRUMP TOWNSHIP

COUNTY OF NYE, STATE OF NEVADA

*****

THE STATE OF NEVADA,

Plaintiff,

vs.

BINDOVER ORDER

BRETT ALAN LINDER,

Defendant/

IT APPEARS to the court that public offense(s), namely, **COUNT I: ATTEMPTED MURDER WITH USE OF FIREARM, in violation of NRS 193.330, 200.010, 193.165, A CATEGORY 'B' FELONY; COUNT II: EX-FELON IN POSSESSION OF FIREARM(S), in violation of NRS 202.360.1, A CATEGORY 'B' FELONY,** have been committed and it further appearing to the court the Defendant above-named, **BRETT ALAN LINDER,** has unconditionally waived the Preliminary Hearing in this matter.

IT IS THEREFORE ORDERED that Defendant **BRETT ALAN LINDER,** be, and is hereby, bound over to the Fifth Judicial District Court of the STATE OF NEVADA, in and for the County of Nye, and there held to answer to said charge(s).

IT IS FURTHER ORDERED that Defendant **BRETT ALAN LINDER** appear in the District Courtroom of the Nye County Government Complex, 1520 E. Basin Road, Pahrump, Nevada, for arraignment on said charge(s), on MONDAY FEBRUARY 22, 2021 at 9:00 a.m.

IT IS FURTHER ORDERED that the Defendant be admitted to bail in the sum of one hundred thousand dollars ($100,000.00) cash or bond.

DONE in open court this 11th day of February 2021.

Kent Jasperson
Justice of the Peace

PAHRUMP JUSTICE COURT
1520 East Basin Avenue
Pahrump, NV 89060

Case No: 20CR02607

Dept.: B

PAHRUMP JUSTICE COURT
BY [illegible]
2021 FEB 16 A 10:12
RECEIVED AND FILED

IN THE JUSTICE COURT OF PAHRUMP TOWNSHIP

COUNTY OF NYE, STATE OF NEVADA

* * * * *

THE STATE OF NEVADA

Plaintiff,

vs.

Brett Linder

Defendant.

WAIVER OF PRELIMINARY HEARING

☐ **CONDITIONAL**

☒ **UNCONDITIONAL**

The undersigned Defendant Brett Linder, does waive preliminary examination in the above-entitled matter.

This Waiver does not constitute an admission or plea of guilty to the charge(s) set forth in the Criminal Complaint on file herein.

DATED this 11 day of Feb., 2021.

Brett Linder
Defendant

by Adele Fite

Attorney

-1-

081817

Case No: 20CR02744

Dept.: B

PAHRUMP JUSTICE COURT
BY
2021 FEB 16 A 10:12
RECEIVED AND FILED

IN THE JUSTICE COURT OF PAHRUMP TOWNSHIP

COUNTY OF NYE, STATE OF NEVADA

* * * * *

THE STATE OF NEVADA

Plaintiff,

vs.

Brett Linder

Defendant.

WAIVER OF PRELIMINARY HEARING

☐ **CONDITIONAL**

☒ **UNCONDITIONAL**

The undersigned Defendant Brett Linder **, does waive preliminary examination in the above-entitled matter.**

This Waiver does not constitute an admission or plea of guilty to the charge(s) set forth in the Criminal Complaint on file herein.

DATED this 11 **day of** Feb. **20** 21.

Brett Linder

Defendant

Attorney

by Andrew Fritz

-1-

081817

ORIGINAL

Case No. CR21-0018

Department 2

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

FILED

2021 FEB 19 A 11:58

NYE COUNTY CLERK

BY: DEPUTY

IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF NYE

THE STATE OF NEVADA,

Plaintiff,

vs.

INFORMATION

BRETT ALAN LINDER,

Defendant. /

NYE COUNTY DISTRICT ATTORNEY
P.O. BOX 39
PAHRUMP, NEVADA 89041
(775) 751-7080

CHRIS ARABIA, District Attorney within and for the County of Nye, State of Nevada, informs the Court that **BRETT ALAN LINDER**, before the filing of this Information, did then and there, in Nye County, Nevada, commit the following offense, to wit:

GRAND LARCENY OF FIREARM(S), in violation of **NRS 205.226, A CATEGORY 'B' FELONY,** committed in the following manner, to wit: That **ON OR ABOUT AUGUST 22, 2020**, in Pahrump Township, Nye County, Nevada, said Defendant did willfully, unlawfully, and intentionally steal, take, or carry away a firearm(s), belonging to **MIRANDA MATAL**, with the intent to permanently deprive the owner thereof;

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

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

SERGEANT CORY FOWLES
NYE COUNTY SHERIFF'S OFFICE
PAHRUMP, NEVADA 89060

MIRANDA ALEXIS MATAL
1380 WEST GAMEBIRD ROAD
PAHRUMP, NEVADA 89048

DETECTIVE WES FANCHER
NYE COUNTY SHERIFF'S OFFICE
PAHRUMP, NEVADA

DEPUTY ANTONE MENDES
NCSO
BEATTY, NEVADA

DEPUTY AARON WILLIAMSON
NYE COUNTY SHERIFF'S OFFICE
PAHRUMP, NEVADA 89060

DEPUTY COLTON WILLIAMS
NYE COUNTY SHERIFF'S OFFICE
PAHRUMP, NEVADA 89060

DEPUTY YOANNA SOTELO
NYE COUNTY SHERIFFS OFFICE
PAHRUMP, NEVADA 89048

DATED this 18th day of February, 2021.

CHRIS ARABIA
NYE COUNTY DISTRICT ATTORNEY

By Christi M. Kindel #6848 OBO
MICHAEL D. ALLMON
Deputy District Attorney

NYE COUNTY DISTRICT ATTORNEY
P.O. BOX 39
PAHRUMP, NEVADA 89041
(775) 751-7080

CERTIFICATE OF SERVICE

I, Renne McKeen, Deputy District Attorney, of the Nye County District Attorney's Office, do hereby certify that I have served the following:

INFORMATION in
5TH JDC Case No(s). CR21-0018
STATE v. BRETT ALAN LINDER

upon said Defendant(s) herein by delivering a true and correct copy thereof on _____ to the following:

ANDREW S.T. FRITZ, ESQ.

Via hand deliver at the Nye county District Attorney's Office in Pahrump Nevada.

_____
Renne McKeen

NYE COUNTY DISTRICT ATTORNEY
P.O. BOX 39
PAHRUMP, NEVADA 89041
(775) 751-7080

ORIGINAL

Case No. CR21-0020

Department 2

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

FILED

2021 FEB 19 A 11:59

NYE COUNTY CLERK

BY _____ DEPUTY

IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF NYE

THE STATE OF NEVADA,

Plaintiff,

vs.

INFORMATION

BRETT ALAN LINDER,

Defendant. /

CHRIS ARABIA, District Attorney within and for the County of Nye, State of Nevada, informs the Court that **BRETT ALAN LINDER**, before the filing of this Information, did then and there, in Nye County, Nevada, commit the following offenses, to wit:

DISCHARGING FIREARM AT OR INTO STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT, in violation of **NRS 202.285, A CATEGORY 'B' FELONY,** committed in the following manner, to wit: That **ON OR ABOUT SEPTEMBER 8, 2020**, in Pahrump Township, Nye County, Nevada, said Defendant did willfully, unlawfully, and maliciously discharge a firearm at or into a vehicle located at or near 1441 Dutch Ford Road, which was occupied at the time by JOSEPH FENTON;

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///

NYE COUNTY DISTRICT ATTORNEY
P.O. BOX 39
PAHRUMP, NEVADA 89041
(775) 751-7080

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

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

SERGEANT CORY FOWLES
NYE COUNTY SHERIFF'S OFFICE
PAHRUMP, NEVADA 89060

MICHELLE RENEE BUTLER
1460 SOUTH LINDA STREET
PAHRUMP, NEVADA 89048

JOSEPH THOMAS FENTON
1441 W DUTCH FORD RD
PAHRUMP, NEVADA 89048

DEPUTY CHRISTINA L. SANDOVAL
NYE COUNTY SHERIFF'S OFFICE,
1520 E. BASIN AVE.
PAHRUMP, NEVADA 89060

DATED this 18th day of February, 2021.

CHRIS ARABIA
NYE COUNTY DISTRICT ATTORNEY

By Christi M. Kindel #6845 OBO
MICHAEL D. ALLMON
Deputy District Attorney

NYE COUNTY DISTRICT ATTORNEY
P.O. BOX 39
PAHRUMP, NEVADA 89041
(775) 751-7080

CERTIFICATE OF SERVICE

I, Renne McKeen, Paralegal, of the Nye County District Attorney's Office, do hereby certify that I have served the following:

INFORMATION in
5TH JDC Case No(s). CR21-0020
STATE v. BRETT ALAN LINDER

upon said Defendant(s) herein by delivering a true and correct copy thereof on 2/19/21 to the following:

ANDREW S.T. FRITZ, ESQ.

Via hand deliver at the Nye county District Attorney's Office in Pahrump Nevada.

Renne McKeen

NYE COUNTY DISTRICT ATTORNEY
P.O. BOX 39
PAHRUMP, NEVADA 89041
(775) 751-7080

Case No. CR21-0018
Dept. No. _____

FILED
FIFTH JUDICIAL DISTRICT
FEB 22 2021
Nye County Clerk
Deputy

IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF NYE

STATE OF NEVADA,

Plaintiff,

-v-

Brett Linder,

Defendant.

MEDIA REQUEST TO ALLOW ELECTRONIC RECORDING EQUIPMENT INTO THE COURTROOM

Deanna O'Donnell Massey Kohler of KPVM-TV hereby requests permission to record the proceedings on the above-entitled case, in the District Courtroom, on February 22, 2021 at 9:00AM.

I certify that I am familiar with the Supreme Court Rules 229-247 (inclusive) on Cameras and Electronic Media Coverage in the Courts. I also understand that this request must be submitted to the Court at least seventy-two (72) hours before the proceedings commence unless good cause can be shown.

It is further understood any pooling arrangements necessitated among the media shall be the sole responsibility of the media and must be arranged prior to coverage, without calling upon the Court to mediate any disputes.

DATED this 19th day of Feb, 2021.

Media Representative

(775)299-9992
(907)378-5543
8905 Hinkley Rd., Pahrump
Address and Phone Number

IT IS SO ORDERED and entry of this Order shall be made a part of the record of the proceedings in the above-entitled case.

DATED this 22nd day of February, 2021.

DISTRICT JUDGE

Nos. CR21-0018, CR21-0019, and CR21-0020

Dept. No. 2

IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF NYE

THE HONORABLE ROBERT W. LANE, DISTRICT JUDGE

-oOo-

ORIGINAL

THE STATE OF NEVADA, Plaintiff, vs. BRETT ALAN LINDER, Defendant.	TRANSCRIPT OF PROCEEDINGS ARRAIGNMENT - (CONT'D) FEBRUARY 22, 2021 9:05 A.M. PAHRUMP, NEVADA

APPEARANCES:

For the State:	KIRK D. VITTO, ESQ. CHIEF DEPUTY DISTRICT ATTORNEY Nye County Courthouse Pahrump, Nevada 89060
For the Defendant:	ANDREW FRITZ, ESQ. 609 South Seventh Street Las Vegas, Nevada 89101
The Defendant: (via Videoconference - Tonopah Jail)	BRETT ALAN LINDER

Reported by: CECILIA D. THOMAS, RPR, CCR No. 712

PAHRUMP, NYE COUNTY, NEVADA, MONDAY, FEBRUARY 22, 2021

9:05 A.M.

-oOo-

P R O C E E D I N G S

THE COURT: Is Mr. Fritz here?

MR. FRITZ: Yes, Your Honor.

THE COURT: Good morning. Welcome back.

MR. FRITZ: Thank you, Your Honor. Good to see you. It's been a while.

THE COURT: Brett Linder, Case No. 0018, 0019, and 0020.

MR. FRITZ: Your Honor, Andrew Fritz appearing, Bar No. 6649. He should be in custody in Tonopah. It looks like he is there.

DETENTION DEPUTY: What's the last name?

MR. FRITZ: Linder.

THE BAILIFF: Brett Linder.

MR. FRITZ: It looks like that's him on the lower screen there.

THE COURT: Louise -- never mind, he's on the top screen now.

MR. FRITZ: Your Honor, I'm going to make some representations.

THE COURT: Go ahead.

MR. FRITZ: Your Honor, this is -- I don't know if it's complex. It is complex, but yet a very thorough Plea Agreement. He has numerous cases, approximately 12 cases that started in the Justice Court, and we got three up here in District Court.

I need a little bit more time to go over the Plea Agreement with my client, Your Honor, as well as with the State. I just want to make sure that it absolutely incorporates everything. I had some concerns when I went over it Friday after receiving it via email.

I would ask for perhaps your next law in motion. I do believe, Your Honor, I am before this Court on Monday, March -- what would that date be? -- March 8th.

THE COURT: I have two of them, the 8th and the 22nd. You would like to have the 8th?

MR. FRITZ: I would, Your Honor. Just because he is in custody, part one. And part two, is he does have a Justice Court appearance on the 11th in which we're going to hopefully clean up everything still left in Justice Court on the 11th. So I would like to get the plea down on the 8th.

THE COURT: All right. Without objection, it's granted.

MR. FRITZ: And thank you, Your Honor. And then I just have maybe a housekeeping matter, a logistic matter.

Procedurally, now that we live in the Covid era, with the Plea Agreement, he is in Tonopah. Should I mail it to him, go over it with him, have him mail it back, or should I -- would the Court allow me to sign it at his direction? I will just do whatever the Court's policy and procedures are.

THE COURT: Andrew, normally I don't have anything to do with it. The attorneys go and talk with the jail and work out the best way to do it. But if you would like assistance from my office, I would imagine Louise or Jared, my law clerk, will help you coordinate with the Sheriff's Office.

MR. FRITZ: Well, what I will do is I will mail it to him in Tonopah then. I know that some courts have been allowing us to sign at the client's direction. But I would much prefer that the Court has the original signature on it.

THE COURT: Yes, sir. Anything we can do to help you, let us know.

MR. FRITZ: Okay. Mr. Linder, it will be in today's mail hopefully. If it's not in today's mail by the time I get back to Las Vegas, it's going

to be in tomorrow's mail. Okay. And we'll talk soon on the phone.

Thank you, Your Honor. I appreciate you accommodating that.

-oOo-

ATTEST: FULL, TRUE AND ACCURATE TRANSCRIPT OF THE PROCEEDINGS.

Cecilia D. Thomas
RPR, CCR No. 712

ORIGINAL

FILED
FIFTH JUDICIAL DISTRICT
MAR 08 2021
Nye County Clerk
Deputy

Case No. CR21-0018

Dept. No. 2

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

IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF NYE

THE STATE OF NEVADA,

Plaintiff,

v.

BRETT ALAN LINDER,

Defendant. /

GUILTY PLEA AGREEMENT

NYE COUNTY DISTRICT ATTORNEY
P.O. BOX 39
PAHRUMP, NEVADA 89041
(775) 751-7085

COMES NOW, THE STATE OF NEVADA ("Plaintiff"), by CHRIS ARABIA, Nye County District Attorney, through MICHAEL D. ALLMON, and **BRETT ALAN LINDER**, ("Defendant"), represented by Attorney ANDREW FRITZ, Esq., and files this Guilty Plea Agreement in the above-entitled case.

I, **BRETT ALAN LINDER,** hereby agree to plead guilty to, **GRAND LARCENY OF A FIREARM**, in violation of **NRS 205.226, A CATEGORY 'B' FELONY,** as more fully alleged in the charging document attached hereto as Exhibit 1. My decision to plead guilty is based upon the plea agreement in this case, which is as follows:

1. In exchange for pleading guilty as set forth above, the prosecution will not pursue any other charges related to the instant case, District Court case CR21-0018/Pahrump Justice Court case 20CR02744.

/ / /

INI 0033

2. This is a global plea deal. As such, I will enter a plea of guilty to other cases as part of this deal: in District Court, to a charge of **DISCHARGING FIREARM AT OR INTO STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT,** in violation of **NRS 202.285, A CATEGORY 'B' FELONY,** punishable by imprisonment in the state prison for a minimum term of **not less than 1 year and a maximum term of not more than 10 years, or by a fine of not more than $5,000, or by both fine and imprisonment.**, punishable by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000 for events stemming from a separate incident, reference NCSO Case 20NY-2847/Pahrump Justice Court case 20CR02607; **Domestic Battery, First Offense, a misdemeanor** in Pahrump Justice Court case 20CR01366, and **Domestic Battery, Second Offense,** in Pahrump Justice Court case 20CR02607. In the Justice Court, the State will recommend the minimum sentences. The State will recommend that all counts run concurrent.

3. In exchange, as part of this global deal, the State will dismiss or not file on the following charges: 20TR00948 (speeding), 20CR02806 (Battery, a misdemeanor), 20CR03098 (Harassment, a misdemeanor), CR21-0019/ Pahrump Justice Court 20CR03800 (Battery on an Older Person, a Gross Misdemeanor), 20NY-3047 and 20NY-3093 (Burglary with a Firearm or Deadly Weapon, a Category B Felony, 2 counts of Grand Larceny of a Firearm, a Category B Felony), 20NY-2935 (Residential Burglary, a Category B Felony), 20NY-2857 (Possession of Drug Paraphernalia, a misdemeanor), 20NY-2884 (Commercial Burglary, a Category C Felony).

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P.O. BOX 39
PAHRUMP, NEVADA 89041
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4. At sentencing on the felony cases in District Court, the State will recommend that each case runs concurrent. Other than that, both parties are free to argue the appropriate sentence.

5. I acknowledge and accept that for the purposes of habitual offender/criminal statutes, that by pleading guilty to these two counts, these cases will be considered two convictions because they stem from separate events or transactions.

6. I acknowledge and accept that should I fail to interview with the Department of Parole and Probation; fail to appear at any subsequent hearings in this case; escape custody if applicable; provide a sample of breath, blood or urine that tests positive for the unlawful use of a controlled substance, dangerous drug(s), or alcohol at any point, or refuse such test, a test for which I willingly and voluntarily consent and agree to submit to, or an independent magistrate, by affidavit review, confirms probable cause against me for new criminal charges arising after the day I enter my plea pursuant to this agreement, but excluding minor traffic violations below reckless driving, I agree that the prosecution will be free to either withdraw from the plea agreement, argue for any legal sentence and term of confinement possible, pursuant to the charges set forth in the charging document to which I have pleaded guilty, to include any increased punishment if enhancements are applicable, such as but not limited to Habitual Criminal treatment; and that a failure to appear after the day I enter my plea pursuant to this agreement can be the basis for a new and separate criminal prosecution. I understand that with two prior felony convictions I could be sentenced from 5-20 years in prison (for crimes committed prior to July 1,

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P.O. BOX 39
PAHRUMP, NEVADA 89041
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2020), and that with three prior felony convictions or more, I face the potential of life in prison without the possibility of parole, life with the possibility of parole, or a sentence of 10-25 years in prison (for crimes committed prior to July 1, 2020). In the event that any of the above described circumstances come to pass, I understand and agree that the prosecution could adopt any sentencing posture legally allowed for the charges I have pleaded guilty to, and still pursue charges that had been agreed to be dismissed because of my breach of the agreement reached. Lastly, any breach of the agreement reached, including a failed, faked, adulterated, or otherwise invalid test to ascertain the presence of drugs or alcohol in my system after pleading guilty pursuant to this agreement will immediately (and ex parte) be considered a basis for revoking my own recognizance (OR) release if in fact I have been released to my OR pending sentencing or any other court date or appearance after entry of plea. As an example, if I have been enrolled in drug court as a condition of an OR release, and fail, fake, refuse, or otherwise provide an invalid test I agree that the court may immediately revoke my OR release until such time as I may seek to thereafter have my OR restored.

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P.O. BOX 39
PAHRUMP, NEVADA 89041
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CONSEQUENCES OF THE PLEA

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

I understand that as a consequence of my plea of guilty, on the charge of Count I, **GRAND LARCENY OF A FIREARM**, in violation of **NRS 205.226, A CATEGORY 'B' FELONY**, punishable by imprisonment in the state prison for a **minimum term of not less than 1 year and a maximum term of not more than 10 years**, and by a fine

of not more than **$10,000.** I understand that certain Administrative Assessment Fees are mandatory and applicable and that I will be court ordered to pay them.

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

I understand that **I am NOT eligible for probation** for the offense(s) to which I am pleading guilty. *See* NRS 176A.100. 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 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, irrespective of any parties' recommendation.

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

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P.O. BOX 39
PAHRUMP, NEVADA 89041
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any specific punishment to the court, the court is not obligated to accept the recommendation.

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 the Division of Parole and Probation of the Department of Public Safety may prepare a written 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, if any, at the time of sentencing. Unless the prosecutor has specifically agreed to stand silent at sentencing, the prosecutor will likewise retain the right to fully address any and all matters contained within the report.

I understand that pleading guilty may have adverse consequences to my citizenship or immigration status.

WAIVER OF RIGHTS

By entering my plea of guilty, I understand that I have waived 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 State 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

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P.O. BOX 39
PAHRUMP, NEVADA 89041
(775) 751-7085

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 each offense charged.

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

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

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

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

VOLUNTARINESS OF PLEA

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

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

I have discussed with my attorney any possible defenses and circumstances that 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 interests and that a trial would be contrary to my best interests.

///

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P.O. BOX 39
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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 intoxicating liquor, a controlled substance or other drug(s) that 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 to my satisfaction all of my questions regarding this Guilty Plea Agreement and its consequences, and I am satisfied with the services provided by my attorney.

DATED this 19th day of February 2021.

Brett Linder

BRETT ALAN LINDER

AGREED to on this 19th day of February 2021.

CHRIS ARABIA
NYE COUNTY DISTRICT ATTORNEY

By Christin M. Heidel #6848 OBO.
MICHAEL D. ALLMON
Deputy District Attorney

NYE COUNTY DISTRICT ATTORNEY
P.O. BOX 39
PAHRUMP, NEVADA 89041
(775) 751-7085

CERTIFICATE OF COUNSEL

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

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

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

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

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

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P.O. BOX 39
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5. To the best of my knowledge and belief, the defendant:

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

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

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

DATED this 22 day of February 2021.

ANDREW FRITZ, Esq.

NYE COUNTY DISTRICT ATTORNEY
P.O. BOX 39
PAHRUMP, NEVADA 89041
(775) 751-7085

NYE COUNTY DISTRICT ATTORNEY
P.O. BOX 39
PAHRUMP, NEVADA 89041
(775) 751-7085

11

EXHIBIT 1

INL

ORIGINAL

Case No. CR21-0020

Dept. No. 2

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

FILED
FIFTH JUDICIAL DISTRICT
MAR 08 2021
Nye County Clerk
Deputy

IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF NYE

THE STATE OF NEVADA,

Plaintiff,

v.

BRETT ALAN LINDER,

Defendant. /

GUILTY PLEA AGREEMENT

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COMES NOW, THE STATE OF NEVADA ("Plaintiff"), by CHRIS ARABIA, Nye County District Attorney, through MICHAEL D. ALLMON, and **BRETT ALAN LINDER**, ("Defendant"), represented by Attorney ANDREW FRITZ, Esq., and files this Guilty Plea Agreement in the above-entitled case.

I, **BRETT ALAN LINDER,** hereby agree to plead guilty to, **DISCHARGING FIREARM AT OR INTO STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT,** in violation of **NRS 202.285, A CATEGORY 'B' FELONY,** as more fully alleged in the charging document attached hereto as Exhibit 1. My decision to plead guilty is based upon the plea agreement in this case, which is as follows:

1. In exchange for pleading guilty as set forth above, the prosecution will not pursue any other charges related to the instant case, District Court case CR21-0020 (Pahrump Justice Court case 20CR02744).

INI BL 0044

2. This is a global plea deal. As such, I will enter a plea of guilty to other cases as part of this deal: in District Court, to a charge of **Grand Larceny of a Firearm**, in violation of **NRS 205.226, A CATEGORY 'B' FELONY**, punishable by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000 for events stemming from a separate incident, reference NCSO Case 20NY-2847/Pahrump Justice Court case 20CR02607; **Domestic Battery, First Offense, a misdemeanor** in Pahrump Justice Court case 20CR01366, and **Domestic Battery, Second Offense,** in Pahrump Justice Court case 20CR02607. In the Justice Court, the State will recommend the minimum sentences. The State will recommend that all counts run concurrently.

3. In exchange, as part of this global deal, the State will dismiss or not file on the following charges: 20TR00948 (speeding), 20CR02806 (Battery, a misdemeanor), 20CR03098 (Harassment, a misdemeanor), CR21-0019/ Pahrump Justice Court 20CR03800 (Battery on an Older Person, a Gross Misdemeanor), 20NY-3047 and 20NY-3093 (Burglary with a Firearm or Deadly Weapon, a Category B Felony, 2 counts of Grand Larceny of a Firearm, a Category B Felony), 20NY-2935 (Residential Burglary, a Category B Felony), 20NY-2857 (Possession of Drug Paraphernalia, a misdemeanor), 20NY-2884 (Commercial Burglary, a Category C Felony).

4. At sentencing on the felony cases in District Court, the State will recommend that each case runs concurrently. Other than that, both parties are free to argue the appropriate sentence.

NYE COUNTY DISTRICT ATTORNEY
P.O. BOX 39
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INI BF 0045

5. I acknowledge and accept that for the purposes of habitual offender/criminal statutes, that by pleading guilty to these two counts, these cases will be considered two convictions because they stem from separate events or transactions.

6. I acknowledge and accept that should I fail to interview with the Department of Parole and Probation; fail to appear at any subsequent hearings in this case; escape custody if applicable; provide a sample of breath, blood or urine that tests positive for the unlawful use of a controlled substance, dangerous drug(s), or alcohol at any point, or refuse such test, a test for which I willingly and voluntarily consent and agree to submit to, or an independent magistrate, by affidavit review, confirms probable cause against me for new criminal charges arising after the day I enter my plea pursuant to this agreement, but excluding minor traffic violations below reckless driving, I agree that the prosecution will be free to either withdraw from the plea agreement, argue for any legal sentence and term of confinement possible, pursuant to the charges set forth in the charging document to which I have pleaded guilty, to include any increased punishment if enhancements are applicable, such as but not limited to Habitual Criminal treatment; and that a failure to appear after the day I enter my plea pursuant to this agreement can be the basis for a new and separate criminal prosecution. I understand that with two prior felony convictions I could be sentenced from 5-20 years in prison (for crimes committed prior to July 1, 2020), and that with three prior felony convictions or more, I face the potential of life in prison without the possibility of parole, life with the possibility of parole, or a sentence of 10-25 years in prison (for crimes committed prior to July 1, 2020).

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In the event that any of the above-described circumstances come to pass, I understand and agree that the prosecution could adopt any sentencing posture legally allowed for the charges I have pleaded guilty to, and still pursue charges that had been agreed to be dismissed because of my breach of the agreement reached. Lastly, any breach of the agreement reached, including a failed, faked, adulterated, or otherwise invalid test to ascertain the presence of drugs or alcohol in my system after pleading guilty pursuant to this agreement will immediately (and ex parte) be considered a basis for revoking my own recognizance (OR) release if in fact I have been released to my OR pending sentencing or any other court date or appearance after entry of plea. As an example, if I have been enrolled in drug court as a condition of an OR release, and fail, fake, refuse, or otherwise provide an invalid test I agree that the court may immediately revoke my OR release until such time as I may seek to thereafter have my OR restored.

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CONSEQUENCES OF THE PLEA

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

I understand that as a consequence of my plea of guilty, on the charge of Count I, **DISCHARGING FIREARM AT OR INTO STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT,** in violation of **NRS 202.285, A CATEGORY 'B' FELONY,** I am subject to imprisonment in the state prison for a minimum term of **not less than 1 year and a maximum term of not more than 10 years, or by a fine of not more than $5,000, or by both fine and imprisonment.**

/ / /

I understand that certain Administrative Assessment Fees are mandatory and applicable and that I will be court ordered to pay them.

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

I understand that **I am NOT eligible for probation** for the offense(s) to which I am pleading guilty. *See* NRS 176A.100. 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 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, irrespective of any parties' recommendation.

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

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

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 the Division of Parole and Probation of the Department of Public Safety may prepare a written 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, if any, at the time of sentencing. Unless the prosecutor has specifically agreed to stand silent at sentencing, the prosecutor will likewise retain the right to fully address any and all matters contained within the report.

I understand that pleading guilty may have adverse consequences to my citizenship or immigration status.

WAIVER OF RIGHTS

By entering my plea of guilty, I understand that I have waived 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 State 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

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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 each offense charged.

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

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

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

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

VOLUNTARINESS OF PLEA

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

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

I have discussed with my attorney any possible defenses and circumstances that 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 interests and that a trial would be contrary to my best interests.

///

NYE COUNTY DISTRICT ATTORNEY
P.O. BOX 39
PAHRUMP, NEVADA 89041
(775) 751-7085

INI BJ 0050

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 intoxicating liquor, a controlled substance or other drug(s) that 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 to my satisfaction all of my questions regarding this Guilty Plea Agreement and its consequences, and I am satisfied with the services provided by my attorney.

DATED this 26th day of February 2021.

Brett Linder

BRETT ALAN LINDER

AGREED to on this 19th day of February 2021.

CHRIS ARABIA
NYE COUNTY DISTRICT ATTORNEY

By Christin M. Linder #6848 OBO
MICHAEL D. ALLMON
Deputy District Attorney

NYE COUNTY DISTRICT ATTORNEY
P.O. BOX 39
PAHRUMP, NEVADA 89041
(775) 751-7085

CERTIFICATE OF COUNSEL

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

1. I have fully explained to the defendant the allegations contained in the charge(s) to which the guilty plea(s) is/are being entered.
2. I have advised the defendant of the penalties for each charge and the restitution that the defendant may be ordered to pay.
3. I have inquired of Defendant facts concerning Defendant's immigration status and explained to Defendant that if Defendant is not a United States citizen any criminal conviction will most likely result in serious negative immigration consequences including but not limited to: removal from the United States through deportation; an inability to reenter the United States; the inability to gain United States citizenship or legal residency; an inability to renew and/or retain any leant residency status; and/or an indeterminate term of confinement, with the United States Federal Government based on my conviction and immigration status. Moreover, I have explained that regardless of what Defendant may have been told by any attorney, no one can promise Defendant that this conviction will not result in negative immigration consequences and/or impact Defendant's ability to become a United States citizen and/or legal resident.
4. All pleas of guilty offered by the defendant pursuant to this agreement are consistent with all the facts known to me and are made with my advice to the defendant and are in the best interest of the defendant.

NYE COUNTY DISTRICT ATTORNEY
P.O. BOX 39
PAHRUMP, NEVADA 89041
(775) 751-7085

INI BF 0052

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

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

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

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

DATED this 22 day of February 2021.

ANDREW FRITZ, Esq.

NYE COUNTY DISTRICT ATTORNEY
P.O. BOX 39
PAHRUMP, NEVADA 89041
(775) 751-7085

NYE COUNTY DISTRICT ATTORNEY
P.O. BOX 39
PAHRUMP, NEVADA 89041
(775) 751-7085

EXHIBIT 1

INI 0054

Nos. CR21-0018, CR21-0019, and CR21-0020

Dept. No. 2

FIFTH J ICT

MAR

Ny

IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF NYE

THE HONORABLE ROBERT W. LANE, DISTRICT JUDGE

-oOo-

ORIGINAL

THE STATE OF NEVADA,

Plaintiff,

vs.

BRETT ALAN LINDER,

Defendant.

TRANSCRIPT OF PROCEEDINGS
ARRAIGNMENT HEARING

MARCH 8, 2021
9:20 A.M.
PAHRUMP, NEVADA

APPEARANCES:

For the State: KIRK D. VITTO, ESQ.
CHIEF DEPUTY DISTRICT ATTORNEY
Nye County Courthouse
Pahrump, Nevada 89060

For the Defendant: ANDREW S. T. FRITZ, ESQ.
609 South Seventh Street
Las Vegas, Nevada 89101

The Defendant:
(via BlueJeans -
Tonopah Jail) BRETT ALAN LINDER

Reported by: CECILIA D. THOMAS, RPR, CCR No. 712

PAHRUMP, NYE COUNTY, NEVADA, MONDAY, MARCH 8, 2021

9:20 A.M.

-oOo-

P R O C E E D I N G S

THE COURT: Mr. Fritz's case are next. And you have two, Linder and Fisher. Do you have a preference of which one you'd like to do first?

MR. FRITZ: Let's do Mr. Linder first. He should be -- well, he is in custody in Tonopah.

THE COURT: Brett Linder, Case No. 21-0018, 0019, 0020. Time and place set for arraignment on all three. Mr. Linder is present on the TV. And so we'll ask Mr. Fritz to brief the record for us.

MR. FRITZ: Yes, Your Honor. This is truly a large global resolution. He still has numerous cases in the Justice Court, and we're going to be entering some pleas -- he's going to be entering some pleas down there on the 11th, which is later this week, to a couple of Domestic Batteries.

But what we have before Your Honor is a Plea Agreement in cases that end in 18 and end in 20. The case, after the Court accepts his pleas, on 19 will be dismissed. Your Honor, you may recall, two weeks ago we were here. Since then, just to brief the

record a little bit, I did forward these Plea Agreements to the Tonopah Jail. My client did go over them. He read them, he had copies, he initialed them, he signed them, he sent them back. He called my office, and I went over them with him, and so I'm comfortable going forward with the Plea Agreements in the cases that end in 18 and 20. And I did file those in open court this morning, Your Honor. And that's where we are.

THE COURT: And it shows on the Guilty Plea Agreements 21-18, he's going to be pleading to Grand Larceny of a Firearm, category B, one to ten.

MR. FRITZ: Yes, Your Honor.

THE COURT: And on 21-20, he's going to be pleading to Discharging a Firearm Into a Structure, Vehicle, et cetera, a category B. And that also is a one to ten. What's the State's sentencing posture?

MR. FRITZ: We'll be arguing, Your Honor.

THE COURT: Free to argue?

MR. FRITZ: Yes, sir, that's exactly right. And again, just I am repeating myself a little bit here, but this is part of a large global resolution. And with having said that, we're prepared to go forward with the Plea Agreements this morning, Your Honor, have you canvass my client.

THE COURT: Very good.

COURT STAFF: I think our video is stopped -- oh, no, it's moving now.

MR. FRITZ: We can see him.

COURT STAFF: Okay.

THE COURT: 21-19 will be dismissed, and it looks like on page 2 of your Guilty Plea Agreement, it shows a misdemeanor Domestic and a Second Offense Domestic that he's going to plead to down below, if I'm reading it correctly, and then a number of Speeding, Battery, Harassment and other charges down below that are going to be dismissed and not filed.

MR. FRITZ: Yes, Your Honor, as I said, it's my understanding those are going to go forward on the 11th later this week before Judge Jasperson.

THE COURT: Mr. Vitto, do you have anything else you want to add to that summary?

MR. VITTO: No, Your Honor.

THE COURT: Your name is Brett Alan Linder?

THE DEFENDANT: Yes, Your Honor.

THE COURT: How old are you, Mr. Linder?

THE DEFENDANT: Twenty-four, sir.

THE COURT: How far did you get through school?

THE DEFENDANT: I graduated.

THE COURT: Do you read and write English fine?

THE DEFENDANT: I'm sorry.

THE COURT: Do you read and write English fine?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Have you ever been treated for a mental disorder?

THE DEFENDANT: No, Your Honor.

THE COURT: Are you under the influence right now of any prescriptions, drugs, alcohol -- anything that messes with the mind?

THE DEFENDANT: No, Your Honor.

THE COURT: Did you read through the Guilty Plea Agreement with your attorney?

THE DEFENDANT: Yes, Your Honor.

THE COURT: He answered your questions page by page?

THE DEFENDANT: Yes, Your Honor.

THE COURT: It indicates you're going to be pleading guilty to two category B felonies. One is for Grand Larceny of a Firearm, and the other is for Discharging a Firearm Into a Structure or Vehicle, et cetera. For each of those, you can receive one to ten years in prison and/or a $5,000 fine. 21-19 will

be dismissed.

We're going to get a Presentence Investigation Report prepared by the Division of Parole and Probation, and the weekend before your sentencing, I will read through that to see what your criminal history is, what the facts of this case are, and so forth.

Then we'll come in Monday morning, and you and your attorney will get a chance to argue to me what you think an appropriate sentence is, and then the State will make their argument. And at that moment, I will decide whether or not to give you the maximum sentence in prison or probation or whatever I think is the right thing to do. Do you understand I'm free to do whatever I think is the right thing to do?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Did anybody make any threats or promises besides the negotiation to get you to plead today?

THE DEFENDANT: No, Your Honor.

THE COURT: To the charges of the Grand Larceny of a Firearm, category B, and Discharging a Firearm Into a Structure, category B, what are your pleas?

THE DEFENDANT: Guilty, Your Honor.

THE COURT: By pleading guilty, you're waiving your right to a trial. Mr. Fritz would represent you at the trial and help you prepare your defense. He would subpoena witnesses to come in and testify on your behalf, and he would cross-examine all of the State's witnesses to make sure they meet their legal burden of proving each and every element of the underlying charges beyond a reasonable doubt.

It would be a speedy and public trial in front of a jury of your peers, and you can testify at the trial if you want to. If you don't want to testify, you have a constitutional right to remain silent, and your silence couldn't be used against you by the State during the course of the proceedings.

Do you understand the trial rights you're waiving?

THE DEFENDANT: Yes, Your Honor.

THE COURT: By pleading guilty, you're also waiving your appellate rights. After today, you can only appeal for four reasons: That I sentenced you illegally, that the State didn't follow through with their end of the plea agreement, that your plea wasn't entered voluntarily, or that the law itself is illegal or unconstitutional.

Other than those four reasons, you can't

appeal after today; do you understand?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Understanding your appellate rights and trial rights, do you still want to plead guilty?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Are you pleading guilty because in fact on or about -- on or about August 22nd, 2020, here in Pahrump, Nye County, you stole a firearm belonging to somebody named Miranda Matal with the intent to deprive them of it; is that accurate?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Are you pleading guilty because in fact on or about September 8th, 2020, here in Pahrump, Nye County, you discharged a firearm into a vehicle on Dutch Ford Road occupied by Joseph Fenton; is that correct?

THE DEFENDANT: Yes, Your Honor.

THE COURT: We'll accept your guilty pleas then. We'll set it for sentencing on -- is this the newest one?

COURT STAFF: Yes.

THE COURT: -- on May 17th, May 17th at 0900.

THE DEFENDANT: Thank you, Your Honor.

THE COURT: Thank you.

Anything else you need on that case, Mr. Fritz.

MR. FRITZ: Not on this case, Your Honor.

THE COURT: Very good.

-oOo-

ATTEST: FULL, TRUE AND ACCURATE TRANSCRIPT OF THE PROCEEDINGS.

Cecilia D. Thomas

Cecilia D. Thomas
RPR, CCR No. 712

FILED
FIFTH JUDICIAL DISTRICT
MAY 26 2021
Nye County Clerk
Deputy

Nos. CR21-0018, CR21-0019, and CR21-0020

Dept. No. 2

IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF NYE

THE HONORABLE ROBERT W. LANE, DISTRICT JUDGE

-oOo-

ORIGINAL

THE STATE OF NEVADA, Plaintiff, vs. BRETT ALAN LINDER, Defendant.	TRANSCRIPT OF PROCEEDINGS SENTENCING - (CONT'D) MAY 17, 2021 9:25 A.M. PAHRUMP, NEVADA

APPEARANCES:

For the State: MICHAEL ALLMON, ESQ.
DEPUTY DISTRICT ATTORNEY
Nye County Courthouse
Pahrump, Nevada 89060

For the Defendant: ANDREW S.T. FRITZ, ESQ.
609 South Seventh Street
Las Vegas, Nevada 89101

The Defendant: BRETT ALAN LINDER
(via BlueJeans -
Pahrump Jail)

Reported by: CECILIA D. THOMAS, RPR, CCR No. 712

PAHRUMP, NYE COUNTY, NEVADA, MONDAY, MAY 17, 2021

9:25 A.M.

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P R O C E E D I N G S

THE BAILIFF: All rise.

THE COURT: Good morning. Thank you. Please be seated.

Let's start with Brett Linder, 21-0018. Time and place set for Sentencing.

COURT STAFF: He has three files, Your Honor.

THE COURT: Okay. Thank you. We have 0018, -19, and -20. And do we have the PSIs?

MR. FRITZ: We do, Your Honor, and I think that's something that we need to address first.

I'm a little concerned about the PSI --

THE COURT: Okay.

MR. FRITZ: -- and I will bring a couple of things, if you will, to the Court's attention.

THE COURT: Thank you, sir.

MR. FRITZ: As you know these are important; they follow the person around forever, especially if you go to prison and that. His criminal history file, it accurately reflects what we have

before us, Your Honor. I think there's an issue here. You see on page 4, it shows he has two felony convictions. If we go to page 5 and 6 of the PSI, the bottom case of page 5, the top case on page 6, shows that my client had a felony conviction, he was honorably discharged from probation on both of those cases in 3/8 of '19.

Now, here's what happened. Upon honorable discharge, those cases were to be reduced to gross misdemeanors. That was never done, though. Whoever his attorney of record was at the time -- I don't know who it was -- didn't bring the case back before Your Honor -- he thinks they're before Your Honor, those two cases -- and get the necessary reduction. Now, the PSI report does accurately reflect what should have happened on the top of page 8.

So I think this needs to be cleared up, Your Honor, before he's formally sentenced today. And I don't know procedurally how we should do it; if we should continue the sentencing date and maybe place those two cases on calendar before Your Honor that day, and perhaps get the reduction on that day. But I just don't think this accurately reflects his criminal history.

Now, his criminal history, it looks long

and it is, but there are no felony convictions until this case, the case you have before Your Honor today. There would be no felony convictions, and I think that's important when sentencing him.

Part 2, the second case, I think it ends in -- the case that ends in 20, he was arrested on that September the 8th of last year. He has been in custody since September the 8th of last year on this case, I believe. You know, that's eight-and-a-half months ago, Your Honor. And it says on that case, he has a grand total of three days credit, and that just cannot be right. That's on page 9 of that PSI report, and it says he has three days of credit from August 22nd to August 24th -- well, this case didn't even happen until September the 8th; so that just can't be all right.

So that's where we are, Your Honor. Maybe I'm looking for some direction from the Court as to procedurally, how we should proceed. But those are my concerns.

THE COURT: All right. Let's hear what the State has to say about it.

MR. ALLMON: Your Honor, Mr. Fritz did point that out to me; however, I did also point out to Mr. Fritz that I do believe it's accurate. One issue

here is not only is it accurate, it's noted. I think, if you look on page 8, there's the first paragraph there, the last two lines before "Offense synopsis," it says in bold italicized, "As of the writing of this report, the defendant has not returned to the court to withdraw his please and enter guilty pleas to the gross misdemeanors." I believe that's accurate based on my review of the criminal history of the defendant, and my review of charging it in this case.

So this was -- this is a case assigned to me personally. I'm aware of how the guilty plea went. This issue was raised by Defense counsel previously, "Hey, there's a Felon in Possession charge; I don't think that's accurate because he's got this dropdown. I looked into at that time and I found that he did have an agreement to a drop down, but he never motioned the Court to do it until -- he was still validly a felon, a convicted felon." So he was not to be carrying a firearm.

And so this issue has already been raised -- it was raised about five months ago now, I want to say. This report is accurate. In fact, the PSI investigator went out of her way to specifically bring that to the Court's attention.

As far as the credit for time served, I

would have to look and see if that's a matter of assigned credit to one case or the other. There's two PSIs. I would have to look at the other one and see if that's -- I haven't had a chance to do that (inaudible).

THE COURT: I'm not real concerned about the credit for time served issue, because it's quite normal when you do sentencings to note that a credit for time served isn't accurate in the PSIs. And it's normal for P and P and my staff to recalculate it based on the totality of the circumstances, share that information with the attorneys. And if there's a disagreement and we come back in for a hearing on it, usually, the attorneys say, "Yeah. Your calculation is right and that's the credit for time served."

And of course we would recalculate it if an attorney stood up and said, "He was in jail almost six months; it shows three days," of course we would recalculate it. I'm not real concerned about the credit for time served issue.

I'm a little bit concerned about the dropdown issue, but mainly because I'm approaching it from the knowledge I'm not sure how all of this stuff works. Normally, when defendants come into court and they say, "We entered a negotiation with the State and

I will plead guilty today to this, and they agree they'll drop it down in three years if I'm good," and so forth. And I normally tell defendants, you know, "I don't have to go along with that. You can make a motion to drop it down, but I may say, 'No. I'm not going to do it,' depending on the history and facts of the case, and so forth."

And then they enter the plea. Ninety-eight percent of the time, they come back in three or four years later with their attorney and say, "We want to drop it down," and I rubber-stamp it and say, "Okay. If the State wants to drop it down, it's okay with me." There might have been one or two situations in the last 20 years where I said, "No. I'm not going to drop it down. We're going to leave it a felony."

I'm not sure whose responsibility that is to bring it in front of me. And if it is the defendant's attorney's responsibility to bring it in front of me, it sounds like it's still something he can do. But because he hasn't done it yet, the State's basically saying, "Everything's correct right now. Let's go forward because he hasn't done it yet." And I would tend to agree with that because I'm not familiar with any statute or case law on point that says you can't sentence a guy for this when he's had

this dropdown in the past. So what I'm saying is I'm confused about it. I'm not really sure what to do either.

MR. FRITZ: And just, again, my concern, you know, he has a lengthy history, and we can talk about that, but the concern is those are his only two felony convictions; so he really should be sitting before Your Honor ready to be sentenced on his first felony conviction. That's also another thing I want to point out, plus I know the PSI Report follows you around.

THE COURT: Yeah. And you noted that if those felonies went away, then there's nothing about being a felon with a gun. And I noticed that the charges are Discharging and Larceny. So I am not even contemplating that aspect of it until you said it. "Oh, he's a felon. He shouldn't have a gun." I wasn't even thinking about that because of the two underlying crimes that we're here for today.

MR. ALLMON: And, Your Honor, this case was CR8668 is a Fifth Judicial District case prosecuted by the Nye County District Attorney's Office. Paragraph 2 of that GPA -- I'm looking at my files right here -- says, "At sentencing..." -- it says what it's going to be -- and then it says, "If defendant successfully

completes the regimental discipline program and completes probation with no violations, graduates from Drug Court successfully, and pays all fines and fees, the State will not oppose a motion by defendant to withdraw his two guilty pleas and enter a guilty plea to Conspiracy To Commit Burglary on each case, both gross misdemeanors, with a sentence of credit for time served."

It was on the defendant to make that motion; he never made it. It's a valid felony conviction, and that's this jurisdiction. There's really no question.

THE COURT: So based on your argument, you would say let's go forward with sentencing today, Judge?

MR. ALLMON: I would, Your Honor.

THE COURT: And you would -- you might say even, "Judge, go forward and sentence him today, and keep in your mind that maybe those two will be dropped in the future. Likely they might be, but for now, let's go forward with that knowledge"?

MR. ALLMON: Yes, Your Honor. The State would agree defendant is still eligible to make that motion. I don't think that the new crimes change that there was no requirement that he not pick up a new

conviction between the time that he finished probation and actually got his dropdown.

THE COURT: Of course.

MR. ALLMON: So I think he's eligible for it. I think these are issues for Defense to raise as to why it should be considered less. I'm of course going to argue that it should still stand.

THE COURT: State's saying, "Let's go forward today, Judge. You had the knowledge you made about the dropdown. We're good to go." What do you say, Andrew?

MR. FRITZ: I'd say to Your Honor, point me on those two cases. I don't know who his attorney of record was. Let's set if for a court date to where they can be dropped down, and then perhaps even do the sentencing on the cases you have before Your Honor at that time.

THE COURT: I'm fine with that, because I don't see any prejudice anywhere except for the fact that we don't need new PSIs, do we?

MR. FRITZ: Well, I don't know. Again, that was one of my concerns where it says right here on whatever page we're looking at.

THE COURT: In the old days, you know, they made recommendations. And I could see a Defense

attorney saying, "Hey, that recommendation might change with these two dropdowns."

MR. FRITZ: What concerns me is having that "2" beside the word "felony" on page 4.

THE COURT: Yeah, but they're not making recommendations in here, are they?

MR. FRITZ: Not to my knowledge.

THE COURT: Okay. And I'm smart enough to know that if we do the dropdown, those two felonies go away.

MR. FRITZ: Okay. So that would be my request that we'll proceed if the Court --

THE COURT: All right. Counsel, do you see any reason why we shouldn't bounce it a month and let Andrew take care of that paperwork, even though we all acknowledge that we can acknowledge it now? He's sitting in custody; so I don't see the prejudice.

MR. ALLMON: I suffer no prejudice; you're correct, Your Honor.

THE COURT: We'll go ahead and do that then.

Andrew?

MR. FRITZ: Okay. I'm just asking for perhaps clarification logistics. So you said approximately 30 days. Great.

THE COURT: I made that number up. You can ask --

MR. FRITZ: Exactly. We'll look at the calendar here.

And then who's the attorney of record on those two cases?

MR. ALLMON: I am -- no, for the old ones?

MR. FRITZ: Yeah, the one he was sentenced; do you recall?

MR. ALLMON: Let me check.

THE COURT: Maybe P and P can get together with Louise and recalculate the CTS while we're going through this issue.

MR. FRITZ: And I believe now Judge Chamlee was the attorney of record on those cases. So it would appear that he would need a new lawyer on these two cases.

THE COURT: This is your chance to go down and chastise them.

MR. FRITZ: I have a very good relationship with the Judge; so no, I --

THE COURT: Is a month enough?

MR. FRITZ: Please. And just again, logistically, before your department do you require a motion, or are we just going to come back in and let

me have time to get the Judgment of Conviction, the Plea Agreement, and the -- maybe the honorable discharge before --

THE COURT: Let me ask my brain, find out a second.

Do they normally motion to do the dropdown?

COURT STAFF: Yes.

THE COURT: Yeah, they do.

MR. FRITZ: So there will be a motion.

THE COURT: Yeah. And that way, the State will have a chance to respond.

MR. FRITZ: Okay. Thank you.

THE COURT: Is a month long enough?

MR. FRITZ: Maybe 45 days -- 30 days, 45 days.

THE COURT: A week to do the motion.

MR. FRITZ: I just want to make sure I get everything.

THE COURT: How does July 12th look?

MR. FRITZ: No, Your Honor. But I think --

THE COURT: I've got June 21st.

MR. FRITZ: I have a -- well, that's too far out. Shoot. I have a case before you on July 26th, but that would be too far out.

THE COURT: Right. So that leaves us

July 12th and June 21st. June 21st is about a month from now.

MR. FRITZ: We'll make June 21st happen, Your Honor.

THE COURT: All right. June 21st, 0900. We'll set it for a hearing on the Motions to Dropdown and also for Sentencing.

MR. FRITZ: Okay; perfect. Thank you, and --

THE COURT: Yeah. We'll appoint Mr. Fritz to --

MR. FRITZ: On those two cases.

THE COURT: -- substitute in as the attorney for those.

MR. FRITZ: And those are CR8669A and CR8667.

THE COURT: Thank you.

MR. FRITZ: And again, the concern with the calculation was on the second case, the one that ends in 20, and that's just my opinion he should have credit since September the 8th of last year.

THE COURT: I just want to note for the record again, Andrew, that it's kind of sad that we're doing all of this, because I have the feeling the sentence I'd give him today is the same one I'm going

to give him then. But you want to cross your "i's" and dot your "t's." I understand.

MR. FRITZ: I do, Your Honor. It makes me more comfortable to have somebody come before you with no felony convictions --

THE COURT: Sure.

MR. FRITZ: -- and be sentenced, than it does with a couple of felony convictions.

THE COURT: Very good. Anything else we can do for you today?

MR. FRITZ: No. Thank you.

THE COURT: All right. Thanks for coming in.

-oOo-

ATTEST: FULL, TRUE AND ACCURATE TRANSCRIPT OF THE PROCEEDINGS.

Cecilia D. Thomas

Cecilia D. Thomas
RPR, CCR No. 712

PAHRUMP JUSTICE COURT

BY Domingo

2021 JAN 19 PM 4:22

RECEIVED & FILED

Case No. 20CR02744, 20CR02607

Department B

IN THE JUSTICE COURT OF PAHRUMP TOWNSHIP

COUNTY OF NYE, STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff,

v.

BRETT ALAN LINDER,

Defendant. /

STIPULATION AND ORDER TO CONVERT PRELIMINARY HEARING TO A PRE-TRIAL HEARING

At the request of the State and defense counsel, **IT IS HEREBY STIPULATED AND AGREED** by and between Defendant, **BRETT ALAN LINDER**, by and through his attorney, Andrew S.T. Fritz, Esq., and Plaintiff, the State of Nevada, by and through its attorney, CHRIS ARABIA, Nye County District Attorney, that the Preliminary Hearings in the above-entitled matters, currently set on January 20, 2021, at 9:00 A.M. be converted to a Pre-Trail hearings to give time to the defendant to consider the States offer.

DATED this 19th day of January, 2021.

CHRIS ARABIA
NYE COUNTY DISTRICT ATTORNEY

By _____
Michael D Allmon
Deputy District Attorney

_____ 6328
Andrew S.T. Fritz, Esq.
Attorney for Defendant

NYE COUNTY DISTRICT ATTORNEY
P.O. BOX 39
PAHRUMP, NEVADA 89041
(775) 751-7080

Nos. CR0008668, CR0008669, CR21-0018, CR21-0019, and CR21-0020

Dept. No. 2

FILED
FIFTH JUDICIAL DISTRICT
JUN 28 2021
Nye County Clerk
Deputy

IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF NYE

THE HONORABLE ROBERT W. LANE, DISTRICT JUDGE

-oOo-

ORIGINAL

THE STATE OF NEVADA, Plaintiff, vs. BRETT ALAN LINDER, Defendant.	TRANSCRIPT OF PROCEEDINGS MOTION FOR DROPDOWN (CR-8668, 8669)/SENTENCING HEARING (CR21-0018, -0019, -0020) JUNE 21, 2021 9:20 A.M. PAHRUMP, NEVADA

APPEARANCES:

For the State: MICHAEL ALLMON, ESQ.
DEPUTY DISTRICT ATTORNEY
Nye County Courthouse
Pahrump, Nevada 89060

For the Defendant: ANDREW S.T. FRITZ, ESQ.
609 South Seventh Street
Las Vegas, Nevada 89101

The Defendant: BRETT ALAN LINDER

Reported by: CECILIA D. THOMAS, RPR, CCR No. 712

PAHRUMP, NYE COUNTY, NEVADA, MONDAY, JUNE 21, 2021

9:20 A.M.

-oOo-

P R O C E E D I N G S

THE COURT: Brett Linder, 8668, 8669, 0018, 0019, 0020.

MR. FRITZ: And good morning again, Your Honor. Andrew Fritz appearing, Bar No. 6649.

Is he --

THE BAILIFF: Yeah, he's back there.

MR. FRITZ: Okay. Because I know he had been in Tonopah.

THE BAILIFF: Have a seat right there, sir.

MR. FRITZ: Good morning, Brett.

THE COURT: All right. We have a Motion For a Dropdown on two cases, Sentencing on two cases -- I'm sorry, Sentencing on three cases.

So let's do the Motion For Dropdown first, if you want to.

MR. FRITZ: Yes, Your Honor. And I know that's the reason why the last hearing was continued, if you will, to try and keep a clean record because he, in our opinion, was entitled to the dropdown; that had not been done yet. PSI Report still reflecting

two felony convictions. And like I said, we wanted to clean that up prior to Your Honor sentencing him on the three cases he had before Your Honor today.

THE COURT: Thank you, sir. I was handed an Opposition. Did you get a copy of it?

MR. FRITZ: About the time you walked in the office -- I mean the courtroom, Your Honor. Excuse me.

THE COURT: In a nutshell, it says that he didn't do everything right that was supposed to be done to get the dropdown.

MR. FRITZ: And our position is -- and in hearing that in the hallway and here in court this morning, it's out position that he is entitled to it. He was honorably discharged my understanding in both cases, and that was the issue.

THE COURT: There's a part in his Opposition where he says, "The defendant was arrested for a violation of probation," and then it just kind of fades away. I don't know if he came in front of me on that violation of probation and I found that he in fact had violated his probation or what.

MR. FRITZ: Well, again, I don't know if I know the answer to that, but I think I know the answer to the fact that he was honorably discharged on the

two cases and it would be our position that by being honorably discharged, he is entitled to the dropdown. It's the gross misdemeanor.

THE COURT: Yeah. We'll ask the State in a moment, but I want you to know that somebody could be put on probation, brought in front of me for a violation. I will find that, yeah, you violated it, reinstate you on probation maybe with another term of Drug Court or whatever; you successfully complete it and you get an honorable discharge. But the State would argue, well, if you found that he violated, Judge, which violated the agreement of the dropdown, even if he did successfully get an honorable discharge later.

But I don't know. I'm making up a fact scenario here.

MR. FRITZ: Sure.

THE COURT: And you don't know either?

MR. FRITZ: I don't, Your Honor. As you know, he did have different counsel on those, and I know that --

THE COURT: Let's see what the State has to say.

MR. FRITZ: Sure.

THE COURT: Counsel?

MR. ALLMON: Yes, Your Honor. So in the State's review of it, the terms of the GPA specifically say if he has no violations. So the State's position is he was arrested for a violation. Now, what's going to determine that was whether or not you found it. The State's review of the record could not find anything that said that the Court had said that he violated or admit that he violated.

However, that raises questions about it, and I know it's the Defense's burden in this case -- he's the moving party -- and so I think I have at least laid out a prima facie case to where it should not be granted without further review of whether or not he was found to have violated by this Court. And that would be the determining factor.

THE COURT: Yeah. You know, it's a real simple look through the file and see if the Court made a finding of he violated probation. So it's kind of weird to put the burden on either one of you. It's as simple as look through the file.

Did you have that chance to do that?

MR. ALLMON: I did, Your Honor. In the State's record keeping, the State does not show that the Court found a violation. I have no proof of that either way. I just see an arrest for it, and I have

no further record so...

THE COURT: All right. And I'm looking through it while we're talking. That's why I'm stalling asking questions.

MR. FRITZ: Your Honor, I believe it's my client's position -- again, I was not representing him at the time -- yes, he may have been arrested, but I do not believe any charges were ever filed and that he was simply OR'd approximately three days after the alleged event. And his position, he never appeared before Your Honor on any kind of revocation hearing, probation revocation hearing.

THE COURT: The last thing is, Andrew -- it doesn't happen in every case, but I try to remember to make it happen in every case, which is the State will come in and say, "Judge, we charged this guy with five felonies"; however, we'll drop it -- and I'm making up a hypothetical right now -- we charged this guy with five felonies, and we made a deal that he'll plead guilty. And if he's good on probation for three years, we agree we'll drop it down to a gross misdemeanor.

And I say to myself up on the bench, "Wow, that's quite a deal, five felonies to a gross misdemeanor." And then I'll canvass the defendant and

I'll say, "You know, they're reaching this deal, but that doesn't mean I'm going to go along with it. I have the discretion whether I'm going to give you the dropdown or not, depending on the totality." Ninety-eight percent of the time, I rubber-stamp it and say, "Okay, fine."

But there could be that rare 2 percent time where I look at the totality of the circumstances and I say, using my discretion, that I'm not going to drop it down. Any chance either one of you reviewed it to see if that was the case here?

MR. ALLMON: I did not read the minutes or the transcript, Your Honor. I do have the Judgment of Conviction in that case.

MR. FRITZ: And, Your Honor, I must admit I based my position on --

THE COURT: At any rate, I'm going to put the burden on the State. They -- they're opposing the dropdown because of a probation violation, but we don't have evidence of that probation violation except for the allegation. No finding by the Court that he did; and therefore, I'm going to grant the Motion For the Dropdown.

MR. FRITZ: Thank you.

THE COURT: Now we'll proceed to

sentencing.

MR. FRITZ: And just, Your Honor, as a housekeeping matter -- I'm sorry to interrupt.

THE COURT: Go ahead.

MR. FRITZ: Logistically, we just dropped it down now so he can be canvassed on the grosses, or we just make it part of the record now that there's a Judgment of Conviction for two gross misdemeanors?

THE COURT: I believe that the deal was that it would be just be dropped down to a gross misdemeanor and I'm fine with that.

MR. FRITZ: Okay. On both cases?

THE COURT: Yes.

MR. FRITZ: Okay. Thank you. That answered that question.

THE COURT: Now, we have Sentencing. One case is No. 21-0018, Grand Larceny of a Firearm, category B felony; he can get one to ten years. The other one is Case 21-0020, Discharging a Firearm, category B felony, one to ten years. Ten thousand and 5,000 on two cases.

We're going to hear from Mr. Fritz, what he thinks an appropriate sentence is based on your criminal history, the facts of this case. And after Mr. Fritz, we're going to hear from you about what you

think the sentence should be and why. You don't have to say anything if you don't want to; it's up to you. And then we'll hear from the State.

THE DEFENDANT: Yes, Your Honor.

MR. FRITZ: Your Honor thank you. Just so now his PSI should reflect that he does not have any felony convictions. I think that is important. That's why we continued the last hearing for today.

Just some housekeeping matters too, Your Honor. Part of this negotiation was my client pled to two cases down at the Justice Court level. Those were two Domestic Battery cases. We cleaned those up on or about May 26th of this year in front of Judge Jasperson.

Those cases, he was sentenced, if you will, to credit time served basically six months on each. I will talk about his credit for time served here in a second. So that has been cleaned up. He has taken responsibility for those actions, and we do have that behind us.

Also, you see in the PSI he has an outstanding case in Clark County. I can tell you last week, Your Honor, I had a really nice discussion with the PD handling that case in Clark County. It's my understanding that case is no longer in warrant. They

did remand him on that case. They are working on it. They are looking to hear from me later today as to what happened this morning.

So we have gotten things moving. Justice Court level, cleaning that up where he's addressing the outstanding issues through the PD's Office in Clark County on the pending case there. Also, he has two pending cases in Tonopah. Those are set for status check July 6th of this year. It's my understanding they are going to be dismissed after sentencing in this case. So that gives, I think, the Court -- I think it's important to give you a little history of all of the things going on with him.

Your Honor, this is a case of which drugs are the problem. I think you even see in the PSI report he started using drugs at the age of 12 years old. So there's no question that drugs are the problem here.

You know, usually when we ask for somebody to be placed on probation, the question is well, are they supervisable or not? Can we keep track of them when they're outside? Are they going to do what they're supposed to do, or are they just going to go out there and cause more problems? Well, I think, it touches on what we talked about here already this

morning, Your Honor, is that he is supervisable. He has been honorably discharged from probation before, out of the probation office here in Nye County. We've also seen that he was sentenced, to my understanding, to Boot Camp, the regimental treatment program, the Boot Camp Program; he successfully completed that.

He gets on drugs again. Well, there's no excuse or reason why he got on them, but he was on them. And that caused quite a number of things. Having a parent in very ill health, who I understand unfortunately has now passed away. A very volatile relationship, a domestic relationship, and you can see from what happened in Justice Court; and as I said, he's taken responsibility for. And then so what do we do?

He's been in custody according to my math -- and I checked this out with the State; they didn't confirm it -- but I have him in custody about 286 days already. I do my math from September the 8th of last year; he's been in continuously since then. And part of the negotiations were that this case and the Justice Court cases run concurrent, with the Court's permission of course, and the two counts run concurrent here.

And I say that, because spending over nine

months in jail, I like to think has gotten somebody's attention. I like to think he's seen the ways were wrong. And so what we're going to ask for is a probationary term, but not just any probationary term. One with Drug Court as a condition. He needs help. We don't want to just simply warehouse him in Nevada State Prison for a while, send him back out, and he's right back to where he is. I believe we place him on probation, place him in the Drug Court Program. He can still be an active and productive member of society while getting help, and I think that's important.

And again, he's proven he can get through one of these regimental programs, whether it be Drug Court or the Boot Camp Program, and I think this would be best in my client's situation. As I said, a unique way of putting one -- I know the Court can always give to someone up to 364 days as a condition of probation. Well, here, we don't have 364, but we've got 286, and I think that has gotten his attention.

If we do that, place him on probation, put a high suspended sentence hanging over his head so that he knows he has a hammer over his head that if he goes out there and starts using again, if he goes out

there and starts committing crimes again, if he goes out there and he's not supervisable, well, we're going to be back before Your Honor on a probation violation and presumably he's going to the State Prison at that time. So we're asking for a chance, another chance, and that's where we are, Your Honor.

THE COURT: Thank you, sir.

Mr. Liner, is there anything you would like to say?

THE DEFENDANT: I wrote a little bit, Your Honor.

First off --

MR. FRITZ: Would you like him to stand up, Your Honor, and address the Court?

THE COURT: Yes.

THE DEFENDANT: First off, I appreciate the chance to speak today. I have a lot of things that I've wanted to say over the past few months, many apologies I wanted to give. Obviously, I can't give them all here. I'm not proud to be back in front of you again in these chains. Obviously, you sent me off for success, and I succeeded for a while. And then it kind of -- it got bad for me out there on the streets.

There's no excuse for some of the decisions I've made. Many of the things I was accused of were

false, but that's by no means am I not taking responsibility for the things that I have done. I understand that I've made some serious poor choices. I was doing very well. I completed Boot Camp. I completed Drug Court, probation successfully. Thanks to the supervision on probation, I had so many people proud. I was a law-abiding citizen. I proved probation does help for people to do better, be better, become better, and have great success with it.

(Inaudible) was a great job. I paid off my mom's house, had a beautiful girlfriend, a brand-new car, proud mother, and a credible reputation. After completing all of these programs, I continued my success for over two years. And then the worst thing that could happen to someone like me happened. My mother was diagnosed with a brain tumor, along with brain cancer after a stroke at work. She was the manager at all of the Horizon's, and most importantly, she was everyone's friend. She had the most beautiful heart; my favorite person in the whole world.

It destroyed me. I quit my job. I picked up drugs. I basically picked up my whole life back up from where I left it, which was in the dirt. I reached -- I should have reached out for help, but instead I did the opposite. I started looking to

anger for help, for ways of coping. I'm sorry to my mother. I know she's looking down waiting for me to do better.

My next apology is to one of my victims, my best friend, my ex-girlfriend. My first mistake was turning my pain on to her. I'm sorry to Miranda for all of the bad that destroyed us and you. I lost everything and everyone in three months. It was a record time -- including my freedom, sobriety, and my motivation. I wanted it to all be over. I just wanted to go where my mother was.

When I got arrested, I knew God wasn't done with me yet. I began coping and healing from this pain. I know now that my mom and God both want me to be better, make them proud, and not just rot away. Your Honor, I understand how badly I've handled this crisis, and for that I apologize to you and to the courts. I pray that you see that I truly regret my mistakes, that you put my life back on track once before, and I humbly ask just for one more chance to show the courts, the public, and myself that I can rise and overcome this hiccup.

I've learned that things in life can be a great thing, but my actions and reactions are what control everything, and I have the right to control it

as long as I don't fail myself. I do not want to go to prison and affiliate with people that could just teach me to be a smarter criminal. I want one more chance, Your Honor, to be put under supervision and probation and to get my life back to something worth being proud of. I have a ton of potential, and I've learned a lot from this hard time. I've wasted it long enough. Please just let me show you and everyone else the good I can do, Your Honor.

THE COURT: Thank you.

Counsel?

MR. ALLMON: Thank you, Your Honor.

Your Honor, the State's going to ask for four to ten years. I think that's a very reasonable request under the terms of this GPA. Let's start with the original charges that Mr. Linder was facing. He was facing a charge of Attempted Murder on his friend. He was facing a charge of felony Possession in that case, Grand Larceny of a Firearm, Discharging a Firearm At Or Into Structure Or Vehicle. In that case all of those charges he's pleading to, Discharging Firearm At Or Into Structure.

His girlfriend, his best friend Miranda. He stole a firearm from her. He's also battered her several times. The firearm that he is pleading to,

the Theft of the Firearm is from that girlfriend.

What's important to note too is the defendant is also getting several other cases dismissed. One importantly is a random victim of a Burglary. He had a Burglary With a Firearm. He broke into that house. He stole that firearm. When he was arrested in the incident where he fired into another vehicle, the firearm from that house was recovered in his luggage that he admitted was his. The evidence was pretty strong.

So you're looking at numerous charges involving firearms. The defendant is a very violent man. He steals firearms from people, including random strangers, people he knows and that trusted him, and then he commits violent acts with those firearms, which is what he did with his friend. He fired a gun at him after telling him -- placing a bullet on the table and telling him, "This one's for you." When that victim fled, he fired a shot at him. That's the man that he is. That's the man that he's always been.

From 2014, the criminal justice system got his attention. He's gotten several breaks, and he keeps blowing them off. Looking at his PSI, you see 2014, arrested for Burglary, pled guilty to Petit Larceny. We just had a motion for a dropdown here.

Pled guilty to two counts of Burglary, dropdown to gross misdemeanors. I think that is the exact scaling of getting someone's attention, giving them second and third chances. How many chances did we give him? We've given him three is the answer.

So many of these accusations are false. I would like to address that. They are not false. The State charged these. The State had good evidence in these cases. The evidence is mutually supportive of one another. The defendant has a similar MO in all of these offenses. He likes guns. He steals guns. That's his offense. He breaks into houses. He does that.

He's in Vegas on yet another charge involving Burglary, Robbery; it's the same stuff. Additionally, one case I forgot to note was he broke into El Jefe's. The evidence there was very strong. He admitted. He was found with physical evidence of it. There's no question he committed that crime. So he's getting these charges, a number of them reduced, all the way from Attempted Murder With a Deadly Weapon, to Discharging a Firearm; so numerous charges dismissed; other cases dismissed, including Burglary With a Firearm and Burglary of a Business.

So the fact that many of these accusations

are false, I do not think that that bears out based on his history and the fact that we have numerous accusations from multiple people.

Let's talk about his mother's diagnosis as the basis for his criminal behavior. It is not. 2014, he was the same person committing the same offenses before any of this happened with his mother. He may offer excuses to the Court all he wants, but the fact is the defendant is a violent criminal who will victimize the public at large whether he knows that person or not.

Sentence him to four to ten years, Your Honor. Take him off the streets. Incapacitate him for as long as we can.

THE COURT: Thank you, sir.

For the last 20 years that I've been Judge, I've told people frequently in court -- it's a common hearing -- that 90 percent of society are good people who don't do anything wrong; 10 percent are people we see in court all of the time. Of that 10 percent, 9 percent of people are addicted to drugs and stealing from their neighbors and doing stuff like that, and we're constantly working to try and figure out how to get them off drugs and straighten their lives out and hope they don't commit crimes anymore.

There's a small segment of society of the population that are what we call psychopaths or sociopaths, criminals that repeatedly keep doing crimes and hurting other people. Most of those would never dream of hurting other people -- sexually assaulting a woman, molesting a child, hitting somebody in the face, et cetera -- we would never dream of doing that, most of the normal people. There's a small segment of our society that for some reason doesn't think normal and they don't mind doings what they need to do to hurt other people, and so forth.

Starting in 2014, you had Conspiracy To Commit Burglary, Burglary, Drug charges, another Burglary, another Burglary, more Drug charges, FTAs, other crimes -- Speeding, Paraphernalia, and so forth -- Domestic Battery With an Enhancement For a Deadly Weapon Against an Older Person, Harassment, Simple Battery, Battery on an Older Person, Domestic Battery, Grand Larceny Of a Gun, Attempted Murder, Possession Of a Gun By Prohibited Person, Discharging a Gun, Burglary While In Possession of a Gun, Deadly Gun, Owning/Possession of Gun By Prohibited Person, Violated Stalking/Harassment, Violated Stalking/Harassment, Child Abuse, Conspiracy, Battery,

Grand Larceny, Burglary, Unlawful Use, Battery two counts, et cetera.

Now, obviously what that tells any normal person is you're a psychopath. You don't mind going out and hurting other people -- older people, younger people, whatever -- you're going to do whatever you think you want to do to make yourself happy.

We've tried Drug Court with you. We've tried Boot Camp with you. Nothing works. As soon as I let you out, you're going to go out and hurt other people again, because there's something in your brain that doesn't click right that says, "Hey, that's not normal. I shouldn't do that." You're a dangerous person.

Forty-eight to 120 on each count, consecutive to each other, with credit for time served calculated by Mr. Fritz of 286. We'll recalculate that. And we'll keep you away from people as long as we can to try and keep them protected from you.

Any other matters that we need to do?

MR. FRITZ: Just real quick, Your Honor. The third case is to be dismissed?

THE COURT: Yes, sir.

MR. FRITZ: And you said that was consecutive?

THE COURT: The two are consecutive, yes.

MR. FRITZ: Okay. I would just point out the State didn't have any -- I know it's in the discretion of the Judge --

THE COURT: Because he's so dangerous to other human beings, we won't to keep him in as long as we can.

MR. FRITZ: -- and I just want to point out that the State though is not arguing for that, and they had no opposition to concurrent time.

THE COURT: Noted for the record.

MR. ALLMON: That is correct.

-oOo-

ATTEST: FULL, TRUE AND ACCURATE TRANSCRIPT OF THE PROCEEDINGS.

Cecilia D. Thomas

Cecilia D. Thomas
RPR, CCR No. 712

FILED
FIFTH JUDICIAL DISTRICT
JUN 23 2021
Nye County Clerk
Deputy

Case No. CR 21-0018

Dept. No. 2P

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT

OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF NYE

THE STATE OF NEVADA,

Plaintiff,

-v-

JUDGMENT OF CONVICTION

BRETT ALAN LINDER,

Defendant.

/

On the 8th day of March 2021, the above-named defendant, appeared before the Court, while in-custody, with his counsel, ANDREW FRITZ, ESQ., and entered a plea of guilty to the crime of GRAND LARCENY OFA FIREARM, in violation of NRS 205.226, a category "B" felony. The state was represented by KIRK VITTO, ESQ., Chief Deputy District Attorney.

On the 21st day of June 2021, the defendant appeared personally, while in-custody, with his counsel ANDREW FRITZ, ESQ., for entry of judgment. The state was represented by, MICHAEL ALLMON, ESQ., Deputy District Attorney. No sufficient legal cause was shown by the Defendant as to why judgment should not be pronounced against him. The Court adjudged the Defendant guilty of the crime of GRAND LARCENY OFA FIREARM, in violation of NRS 205.226, a category "B" felony.

The Court then sentenced the Defendant to imprisonment in the Nevada Department of Corrections for a maximum term of one hundred twenty (120) months with a minimum parole eligibility of forty-eight (48) months. Said sentence to run consecutive to CR 21-0020.

Defendant shall serve a minimum aggregate term of imprisonment of ninety-six (96)

Fifth Judicial District Court
Esmeralda and Nye Counties

months and a maximum aggregate term of imprisonment of two hundred and forty (240) months.

That the Defendant shall pay to the Clerk of this Court a sum of $25.00 as an Administrative Assessment fee.

That the Defendant shall pay to the Clerk of this Court the sum of $3.00 as a DNA Administrative Assessment fee.

That the Defendant shall pay to Nye County the sum of $400.00 for preparation of pre-sentence investigation report.

That the Defendant shall pay to the Clerk of this Court a sum of $500.00 in attorney fees.

That all fines/fees are due by 08/20/21.

That the Defendant is given credit for two hundred eighty-six (286) days pre-sentence time served.

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

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

DATED this 23rd day of June 2021.

DISTRICT JUDGE

FIFTH JUDICIAL DISTRICT COURT
ESMERALDA AND NYE COUNTIES

CERTIFICATION OF SERVICE

The undersigned hereby certifies that on the 23rd day of June 2021, she mailed (or hand/fleet delivered) copies of the foregoing to the following:

NYE COUNTY DISTRICT ATTORNEY
PAHRUMP, NV
(HAND DELIVERED)

ANDREW FRITZ, ESQ.
609 S. SEVENTH ST.
LAS VEGAS, NV 89101

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

NYE COUNTY SHERIFF
PAHRUMP, NV. 89048
(FLEET DELIVERED)

Nancy K. Oatty for:
LOUISE MULVEY, Secretary to
DISTRICT JUDGE

FILED
FIFTH JUDICIAL DISTRICT
JUN 23 2021
Nye County Clerk
Deputy

Case No. CR 21-0020

Dept. No. 2P

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT

OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF NYE

THE STATE OF NEVADA,

Plaintiff,

-v-

BRETT ALAN LINDER,

Defendant.

/

JUDGMENT OF CONVICTION

FIFTH JUDICIAL DISTRICT COURT
ESMERALDA AND NYE COUNTIES

On the 8th day of March 2021, the above-named defendant, appeared before the Court, while in-custody, with his counsel, ANDREW FRITZ, ESQ., and entered a plea of guilty to the crime of DISCHARGING FIREARM AT OR INTO STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT, in violation of NRS 202.285, a category "B" felony. The state was represented by KIRK VITTO, ESQ., Chief Deputy District Attorney.

On the 21st day of June 2021, the defendant appeared personally, while in-custody, with his counsel ANDREW FRITZ, ESQ., for entry of judgment. The state was represented by, MICHAEL ALLMON, ESQ., Deputy District Attorney. No sufficient legal cause was shown by the Defendant as to why judgment should not be pronounced against him. The Court adjudged the Defendant guilty of the crime of DISCHARGING FIREARM AT OR INTO STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT, in violation of NRS 202.285, a category "B" felony.

The Court then sentenced the Defendant to imprisonment in the Nevada Department of Corrections for a maximum term of one hundred twenty (120) months with a minimum parole eligibility of forty-eight (48) months. Said sentence to run consecutive to CR 21-0019.

Defendant shall serve a minimum aggregate term of imprisonment of ninety-six (96) months and a maximum aggregate term of imprisonment of two hundred and forty (240) months.

That the Defendant shall pay to the Clerk of this Court a sum of $25.00 as an Administrative Assessment fee.

That the Defendant shall pay to the Clerk of this Court the sum of $3.00 as a DNA Administrative Assessment fee.

That the Defendant shall pay to Nye County the sum of $400.00 for preparation of pre-sentence investigation report.

That the Defendant shall pay to the Clerk of this Court a sum of $500.00 in attorney fees.

That all fines/fees are due by 08/20/21.

That the Defendant is given credit for zero (0) days pre-sentence time served.

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

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

DATED this 23rd day of June 2021.

DISTRICT JUDGE

FIFTH JUDICIAL DISTRICT COURT
ESMERALDA AND NYE COUNTIES

FIFTH JUDICIAL DISTRICT COURT
ESMERALDA AND NYE COUNTIES

CERTIFICATION OF SERVICE

The undersigned hereby certifies that on the 23rd day of June 2021, she mailed (or hand/fleet delivered) copies of the foregoing to the following:

NYE COUNTY DISTRICT ATTORNEY
PAHRUMP, NV
(HAND DELIVERED)

ANDREW FRITZ, ESQ.
609 S. SEVENTH ST.
LAS VEGAS, NV 89101

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

NYE COUNTY SHERIFF
PAHRUMP, NV. 89048
(FLEET DELIVERED)

Nancy A. Craft for:
LOUISE MULVEY, Secretary to
DISTRICT JUDGE

CR21-0020; CR21-0018
case #

5th Judicial District Court of Nye County, Nevada

State of Nevada
Plaintiff

V.

* Brett Alan Linder
Defendant

Notice of Appeal

FILED
FIFTH JUDICIAL DISTRICT
JUN 30 2021
Nye County Clerk
Deputy

You will Please take Notice of Appeal in the Above Named Case at Bar.

Complete Indigent File Stamped Copy Requested

By:* Brett Linder

Certificate of Service
The Defendant mailed this Notice of Appeal
On June 28, 2021, 2021
to Nye County Clerk
1520 E. Basin Road
Pahrump, Nevada 89060

Date: 6-28-21 By:* BL

Copy made on 6/28/21 @ 10:51 Am
to Nopah Jail

Case No. CR21-0018

Dept. No. 2

FILED
FIFTH JUDICIAL DISTRICT
JUL - 1 2021
Nye County Clerk
Deputy

IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF NYE

*****

THE STATE OF NEVADA,

Plaintiff,

vs.

CASE APPEAL STATEMENT

BRETT ALAN LINDER,

Defendant. /

1. Name of appellant filing the case appeal statement: **Brett Alan Linder.**

2. Identify the judge issuing the decision, judgment, or order appealed from:

Honorable Robert W. Lane, Fifth Judicial District Court Judge, Department 2.

3. Identify each appellant and the name and address of counsel for each appellant:

Brett Alan Linder is the only appellant, appearing in proper person, whose address is:

Brett Alan Linder, #18454
Nye County Detention Center (NCDC)- Tonopah
Post Office Box 831
Tonopah, Nevada 89049

4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent: **The State of Nevada is the only respondent, who was represented in the district court by the Office of the Nye County District Attorney, whose address is:**

///

Office of the Nye County District Attorney
1520 East Basin Avenue
Pahrump, Nevada 89060

5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so, whether the district court granted that attorney permission to appear under SCR 42: **Any attorney identified above is licensed to practice law in this state.**

6. Indicate whether appellant was represented by appointed or retained counsel in the district court: **Appellant was represented by retained counsel in the district court, Andrew S.T. Fritz, Esq.**

7. Indicate whether appellant is represented by appointed or retained counsel on appeal: **Appellant is represented by neither appointed nor retained counsel on appeal and has filed a Notice of Appeal in proper person.**

8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave: **Appellant has not been granted leave to proceed in forma pauperis.**

9. Indicate the date proceedings commenced in the district court: **Proceedings commenced on February 19th, 2021, by filing of the Information.**

10. Provide a brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the district court: **This is a criminal matter in which the appellant has failed to specify the order or judgment being appealed. It is assumed the appellant is appealing the last order and/or judgment entered, the Judgment of Conviction, filed June 23rd, 2021, in which the appellant was adjudged guilty of the crime of Grand Larceny of a Firearm, in violation of NRS 205.226, a category 'B' felony.**

11. Indicate whether the case has previously been the subject of an appeal or original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior proceeding: **The case has not previously been the subject of an appeal and/or original writ proceedings in the Supreme Court.**

12. Indicate whether this appeal involves child custody or visitation: **N/A**

13. If this is a civil case, indicate whether this appeal involves the possibility of Settlement: **N/A**

Dated this 1st day of July, 2021.

SANDRA L. MERLINO
NYE COUNTY CLERK

By: _____
Sarah A. Westfall
Deputy Clerk, Pahrump
1520 East Basin Avenue
Pahrump, Nevada 89060
(775) 751-7040

Case No. CR21-0020

Dept. No. 2

FILED
FIFTH JUDICIAL DISTRICT
JUL - 1 2021
Nye County Clerk
Deputy

IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF NYE

*****

THE STATE OF NEVADA,

Plaintiff,

vs.

CASE APPEAL STATEMENT

BRETT ALAN LINDER,

Defendant. /

1. Name of appellant filing the case appeal statement: **Brett Alan Linder.**

2. Identify the judge issuing the decision, judgment, or order appealed from:

Honorable Robert W. Lane, Fifth Judicial District Court Judge, Department 2.

3. Identify each appellant and the name and address of counsel for each appellant:

Brett Alan Linder is the only appellant, appearing in proper person, whose address is:

Brett Alan Linder, #18454
Nye County Detention Center (NCDC)- Tonopah
Post Office Box 831
Tonopah, Nevada 89049

4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent: **The State of Nevada is the only respondent, who was represented in the district court by the Office of the Nye County District Attorney, whose address is:**

///

Office of the Nye County District Attorney
1520 East Basin Avenue
Pahrump, Nevada 89060

5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so, whether the district court granted that attorney permission to appear under SCR 42: **Any attorney identified above is licensed to practice law in this state.**

6. Indicate whether appellant was represented by appointed or retained counsel in the district court: **Appellant was represented by retained counsel in the district court, Andrew S.T. Fritz, Esq.**

7. Indicate whether appellant is represented by appointed or retained counsel on appeal: **Appellant is represented by neither appointed nor retained counsel on appeal and has filed a Notice of Appeal in proper person.**

8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave: **Appellant has not been granted leave to proceed in forma pauperis.**

9. Indicate the date proceedings commenced in the district court: **Proceedings commenced on February 19th, 2021, by filing of the Information.**

10. Provide a brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the district court: **This is a criminal matter in which the appellant has failed to specify the order or judgment being appealed. It is assumed the appellant is appealing the last order and/or judgment entered, the Judgment of Conviction, filed June 23rd, 2021, in which the appellant was adjudged guilty of the crime of Discharging Firearm at or into Structure, Vehicle, Aircraft, or Watercraft, in violation of NRS 202.285, a category 'B' felony.**

11. Indicate whether the case has previously been the subject of an appeal or original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior proceeding: **The case has not previously been the subject of an appeal and/or original writ proceedings in the Supreme Court.**

12. Indicate whether this appeal involves child custody or visitation: **N/A**

13. If this is a civil case, indicate whether this appeal involves the possibility of Settlement: **N/A**

Dated this 1st day of July, 2021.

SANDRA L. MERLINO
NYE COUNTY CLERK

By: _____
Sarah A. Westfall
Deputy Clerk, Pahrump
1520 East Basin Avenue
Pahrump, Nevada 89060
(775) 751-7040

Case No. CR 21-0020

Dept. No. 2P

FILED
FIFTH JUDICIAL DISTRICT
JUL 06 2021
Nye County Clerk
Deputy

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT

OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF NYE

THE STATE OF NEVADA,

Plaintiff,

-v-

BRETT ALAN LINDER,

Defendant.

/

AMENDED
JUDGMENT OF CONVICTION

On the 8th day of March 2021, the above-named defendant, appeared before the Court, while in-custody, with his counsel, ANDREW FRITZ, ESQ., and entered a plea of guilty to the crime of DISCHARGING FIREARM AT OR INTO STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT, in violation of NRS 202.285, a category "B" felony. The state was represented by KIRK VITTO, ESQ., Chief Deputy District Attorney.

On the 21st day of June 2021, the defendant appeared personally, while in-custody, with his counsel ANDREW FRITZ, ESQ., for entry of judgment. The state was represented by, MICHAEL ALLMON, ESQ., Deputy District Attorney. No sufficient legal cause was shown by the Defendant as to why judgment should not be pronounced against him. The Court adjudged the Defendant guilty of the crime of DISCHARGING FIREARM AT OR INTO STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT, in violation of NRS 202.285, a category "B" felony.

The Court then sentenced the Defendant to imprisonment in the Nevada Department of Corrections for a maximum term of one hundred twenty (120) months with a minimum parole eligibility of forty-eight (48) months. Said sentence to run consecutive to CR 21-0018.

FIFTH JUDICIAL DISTRICT COURT
ESMERALDA AND NYE COUNTIES

Defendant shall serve a minimum aggregate term of imprisonment of ninety-six (96) months and a maximum aggregate term of imprisonment of two hundred and forty (240) months.

That the Defendant shall pay to the Clerk of this Court a sum of $25.00 as an Administrative Assessment fee.

That the Defendant shall pay to the Clerk of this Court the sum of $3.00 as a DNA Administrative Assessment fee.

That the Defendant shall pay to Nye County the sum of $400.00 for preparation of pre-sentence investigation report.

That the Defendant shall pay to the Clerk of this Court a sum of $500.00 in attorney fees.

That all fines/fees are due by 08/20/21.

That the Defendant is given credit for zero (0) days pre-sentence time served.

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

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

DATED this 6th day of July 2021.

DISTRICT JUDGE

FIFTH JUDICIAL DISTRICT COURT
ESMERALDA AND NYE COUNTIES

FIFTH JUDICIAL DISTRICT COURT
ESMERALDA AND NYE COUNTIES

CERTIFICATION OF SERVICE

The undersigned hereby certifies that on the 6th day of July 2021, she mailed (or hand/fleet delivered) copies of the foregoing to the following:

NYE COUNTY DISTRICT ATTORNEY
PAHRUMP, NV
(HAND DELIVERED)

ANDREW FRITZ, ESQ.
609 S. SEVENTH ST.
LAS VEGAS, NV 89101

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

NYE COUNTY SHERIFF
PAHRUMP, NV. 89048
(FLEET DELIVERED)

NEVADA DEPARTMENT OF CORRECTIONS
OFFENDER MANAGEMENT
P.O. BOX 7011
CARSON CITY, NV 89702

Nancy K. Oatey for:
LOUISE MULVEY, Secretary to
DISTRICT JUDGE

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRETT ALAN LINDER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 83162 CR21-0018

BRETT ALAN LINDER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 83163 CR21-0020

FILED
FIFTH JUDICIAL DISTRICT
JUL 19 2021
Nye County Clerk
Deputy
Kelly L Bidman

FILED
JUL 14 2021
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF LIMITED REMAND
FOR DESIGNATION OF COUNSEL

These are pro se appeals from judgments of conviction. These appeals are remanded to the district court for the limited purpose of securing counsel for appellant. *See Evitts v. Lucey*, 469 U.S. 387 (1985). If appellant is indigent, the district court shall have 28 days from the date of this order to appoint counsel for appellant. Otherwise, within 28 days from the date of this order, the district court shall order that appellant must retain counsel and that retained counsel must enter an appearance in the district court on appellant's behalf within 28 days from the date of the district court's order. Within 7 days from the appointment or appearance of counsel, the district court clerk shall transmit to the clerk of this court: (1) copies of the district court's written or minute orders appointing

appellate counsel; or (2) copies of notices of appearance filed by retained counsel.

It is so ORDERED.

_____, C.J.

cc: Hon. Robert W. Lane, District Judge
Brett Alan Linder
Attorney General/Carson City
Nye County District Attorney
Nye County Clerk

FILED
FIFTH JUDICIAL DISTRICT

JUL 23 2021

Nye County Clerk
Deputy

Case No. CR 21-0018
Supreme Court Case No. 83162
Dept. 2

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

STATE OF NEVADA,

Plaintiff/Respondent,

vs

BRETT ALAN LINDER,

Defendant/Appellant.

ORDER APPOINTING COUNSEL

On July 14, 2021, the Court received an Order of Limited Remand for Designation of Counsel. As such, good cause appearing:

IT IS HEREBY ORDERED that David H. Neely, III, ESQ. shall be appointed as appellate counsel to represent the Petitioner in the above-referenced matter.

DATED this 23rd day of July 2021.

District Court Judge

FIFTH JUDICIAL DISTRICT COURT
ESMERALDA AND NYE COUNTIES

FIFTH JUDICIAL DISTRICT COURT
ESMERALDA AND NYE COUNTIES

CERTIFICATION OF SERVICE

The undersigned hereby certifies that on the 23rd day of July 2021, he mailed copies of the foregoing Order Appointing Counsel to the following:

BRETT ALAN LINDER
High Desert State Penitentary
N.D.O.C #1174529
P.O. Box 650
Indian Springs, NV 89070-0650

DAVID H. NEELY, III, ESQ.
(Hand Delivered)

NYE COUNTY DISTRICT ATTORNEY
(Hand Delivered)

Jared K. Lam, Esq.
Law Clerk to Judge Robert W. Lane

AFFIRMATION

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

Jared K. Lam, Esq.
Law Clerk to Judge Robert W. Lane

FILED
FIFTH JUDICIAL DISTRICT

JUL 23 2021

Nye County Clerk
Deputy

Case No. CR 21-0020
Supreme Court Case No. 83163
Dept. 2

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

STATE OF NEVADA,

Plaintiff/Respondent,

vs

BRETT ALAN LINDER,

Defendant/Appellant.

ORDER APPOINTING COUNSEL

On July 14, 2021, the Court received an Order of Limited Remand for Designation of Counsel. As such, good cause appearing:

IT IS HEREBY ORDERED that David H. Neely, III, ESQ. shall be appointed as appellate counsel to represent the Petitioner in the above-referenced matter.

DATED this 23rd day of July 2021.

District Court Judge

FIFTH JUDICIAL DISTRICT COURT
ESMERALDA AND NYE COUNTIES

FIFTH JUDICIAL DISTRICT COURT
ESMERALDA AND NYE COUNTIES

CERTIFICATION OF SERVICE

The undersigned hereby certifies that on the 23rd day of July 2021, he mailed copies of the foregoing Order Appointing Counsel to the following:

BRETT ALAN LINDER
High Desert State Penitentary
N.D.O.C #1174529
P.O. Box 650
Indian Springs, NV 89070-0650

DAVID H. NEELY, III, ESQ.
(Hand Delivered)

NYE COUNTY DISTRICT ATTORNEY
(Hand Delivered)

Jared K. Lam, Esq.
Law Clerk to Judge Robert W. Lane

AFFIRMATION

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

Jared K. Lam, Esq.
Law Clerk to Judge Robert W. Lane