IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Aug 20 2025 11:59 AM
Elizabeth A. Brown
Clerk of Supreme Court

WILFREDO AVALOS Appellant, vs. THE STATE OF NEVADA, Respondent.	))))))))) CASE NO. 90761)

APPELLANT'S APPENDIX VOL. I – Pages 001-092

NANCY M. LEMCKE
Clark County Public Defender
309 South Third Street
Las Vegas, Nevada 89155-2610

Attorney for Appellant

STEVEN B. WOLFSON
Clark County District Attorney
200 South Third Street
Las Vegas, Nevada 89155

AARON D. FORD
Attorney General
100 North Carson Street
Carson City, Nevada 89701
(702) 687-3538

Counsel for Respondent

Electronically Filed
03/11/2025

CLERK OF THE COURT

JUSTICE COURT, LAS VEGAS TOWNSHIP

CLARK COUNTY, NEVADA

C-25-389800-1
Dept.: XXI

STATE OF NEVADA, Plaintiff, vs. WILFREDO AVALOS, Defendant	District Court Case No.: Justice Court Case No.: 25-CR-016087

CERTIFICATE

I hereby certify the foregoing to be a full, true and correct copy of the proceedings as the same appear in the above case.

Dated this 11th day of March, 2025

Justice of the Peace, Las Vegas Township

JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA

STATE OF NEVADA, Plaintiff, vs. WILFREDO AVALOS Defendant	District Court Case No.: C-25-389800-1 Justice Court Case No.: 25-CR-016087

BINDOVER and ORDER TO APPEAR

An Order having been made this day by me that **WILFREDO AVALOS** be held to answer before the Eighth Judicial District Court, upon the charge(s) of **Damage religious/edu/burial/comm/trans prop, (1st) [55030]** committed in said Township and County, on February 20, 2025.

IT IS FURTHER ORDERED that said defendant is commanded to appear in the Eighth Judicial District Court, Regional Justice Center, Department 21 - Courtroom 5B , Las Vegas, Nevada on March 13, 2025 at 9:30 AM for arraignment and further proceedings on the within charge(s).

IT IS FURTHER ORDERED that the Sheriff of the County of Clark is hereby commanded to receive the above named defendant(s) into custody, and detain said defendant(s) until he/she can be legally discharged, and be committed to the custody of the Sheriff of said County, until bail is given in the sum of $5,000.00/$5,000.00 Total Bail .

Dated this 11th day of March, 2025

Justice of the Peace, Las Vegas Township

FILED
Feb 21 2025 1:42PM
Justice Court
Las Vegas, Nevada

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

JUSTICE COURT, LAS VEGAS TOWNSHIP

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

WILFREDO AVALOS #7531160

Defendant.

JC CASE NO: 25-CR-016087

JC DEPT NO: 03

CRIMINAL COMPLAINT

That the Defendant(s) above named, within the County of Clark, State of Nevada, on or about February 20, 2025, committed the crime of DAMAGE OF PROPERTY, (Gross Misdemeanor - NRS 206.125(c) - NOC 55030), in the manner following, to wit:

WILFREDO AVALOS did on or about February 20, 2025 knowingly vandalize, place graffiti on, deface or otherwise damage any school or educational facility or grounds adjacent to and owned or rented by or any personal property contained therein, at 4499 Arville Street by causing damage to the HVAC units.

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

02/21/2025

CCSD EV# 25021008

Justice Court, Las Vegas Township
Clark County, Nevada

Department: PC

Court Minutes



25-PC-016087 **State of Nevada vs. AVALOS, WILFREDO**

2/21/2025 9:00:00 AM Initial Appearance Justice Court (PC Review) Result: Matter Heard

PARTIES PRESENT:	State Of Nevada	Clowers, Shanon
	Defendant	AVALOS, WILFREDO
Judge:	Westmeyer, Daniel	
Court Reporter:	McIntosh, Shawna	
Court Clerk:	Matuny, Brett	

PROCEEDINGS

Hearings: 2/25/2025 8:30:00 AM: Status Check on Filing of Criminal Complaint — Added

Events:

Probable Cause Found

72-Hour Hearing Completed

Counsel Provisionally Appointed

J. Bayudan, Esq. provisionally appointed for limited purposes of first appearance hearing.

Individualized Custody Status Hearing Held

The Court conducted an individualized determination regarding the defendant's custody status. Both the State and the Defendant's provisionally appointed counsel had the opportunity to present evidence and argument regarding the Defendant's custody status. The Court has also considered factors set forth in NRS 178.4853 and NRS 178.498 and has considered the Defendant's financial resources when a financial affidavit was available and/or when the defendant was present in court.

Monetary Bail Set

The State has provided clear and convincing evidence that no less restrictive alternative to monetary bail will satisfy its interests in ensuring the defendant's presence and/or community safety.

Bail Reset - Cash or Surety

Counts: 001; 002; 003; 004; 005 - $5,000.00/$5,000.00 Total Bail

Bail Condition - Stay Out of Trouble

Continued for Status Check on filing of Criminal Complaint

Bail Condition - Stay Away From

4499 Arville Street
Las Vegas, NV 89103

Justice Court, Las Vegas Township
Clark County, Nevada

Department: 03

Court Minutes

L017936532

25-CR-016087 **State of Nevada vs. AVALOS, WILFREDO** Lead Atty: Public Defender

2/25/2025 8:30:00 AM Initial Appearance (In Custody) Result: Matter Heard

PARTIES PRESENT:	State Of Nevada	Froehlich, Marie
	Attorney	Page, Daniel
	Defendant	AVALOS, WILFREDO

Judge: Letizia, Harmony
Court Reporter: MacDonald, Kit
Court Clerk: Boyd, Thomas

PROCEEDINGS

Attorneys:	**Gilliam, Daniel R.**	AVALOS, WILFREDO	Added
	Page, Daniel	AVALOS, WILFREDO	Added
	Public Defender	AVALOS, WILFREDO	Added
Hearings:	3/11/2025 9:30:00 AM: Preliminary Hearing		Added

Events:

Initial Appearance Completed

Defendant/Defense Advised of Charges on Criminal Complaint, Waives Reading of Criminal Complaint

Defendant Identified as Indigent

Defendant and the Court discussed the appointment of counsel and defendant requested appointment of counsel.

Public Defender Appointed

Remand - Cash or Surety

Counts: 001 - $5,000.00/$5,000.00 Total Bail

Released from Custody - DA Denial

Bail Condition - Stay Out of Trouble

Bail Condition - Stay Away From

4499 Arville Street
Las Vegas NV 89103

Justice Court, Las Vegas Township
Clark County, Nevada

Department: 03

Court Minutes



25-CR-016087 **State of Nevada vs. AVALOS, WILFREDO** Lead Atty: Public Defender

3/11/2025 9:30:00 AM Preliminary Hearing (In Custody) Result: Bound Over

PARTIES PRESENT:	State Of Nevada	Froehlich, Marie
	Attorney	Jenkins, Daniel R.
	Defendant	AVALOS, WILFREDO

Judge: Pro Tempore, Judge
Court Reporter: MacDonald, Kit
Pro Tempore: Wong, Andrew
Court Clerk: Boyd, Thomas

PROCEEDINGS

Attorneys: **Jenkins, Daniel R.** AVALOS, WILFREDO Added

Events: **Unconditional Bind Over to District Court** Review Date: 3/12/2025

Defendant unconditionally waives right to Preliminary Hearing. Defendant Bound Over to District Court as Charged. Defendant to Appear in District Court for Arraignment.

Case Closed - Bound Over

District Court Appearance Date Set (T3)

Mar 13 2025 9:30AM: Department 21 - Courtroom 14A

Defendant to be released OR at entry of plea

in District Court

Bail Stands - Cash or Surety *Amount: $5,000.00*

Counts: 001 - $5,000.00/$5,000.00 Total Bail

Bail Condition - Stay Away From

4499 Arville Street
Las Vegas NV 89103

Bail Condition - Stay Out of Trouble

Plea/Disp: **001: Damage religious/edu/burial/comm/trans prop, (1st) [55030]**
Disposition: Waiver of Preliminary Hearing - Bound Over to District Court

FILED
Feb 21 2025 1:42PM
Justice Court
Las Vegas, Nevada

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

JUSTICE COURT, LAS VEGAS TOWNSHIP

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

WILFREDO AVALOS #7531160

Defendant.

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

02/21/2025

CCSD EV# 25021008

*PAGE 1 OF 1 ☐ UOF ☐ BODY CAM

ID/CS# 7531160 ☐ NEW ID

☐ JUVENILE ☐ DNA SAMPLE TAKEN ☒ DNA NOT REQ'D

CO. SGT APPROVAL _____

☐ REBOOK ☐ ABSENTIA ☐ FORM 6 ☐ NDOC ☐ EXT TO LAS VEGAS ☐ LVC ☐ HND ☐ NLV ☐ COURTESY HOLD ☐ DETAINER _____

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

TEMPORARY CUSTODY RECORD

(* DENOTES OFFICER REQUIRED FIELD)

P5230691452134

*ARREST DATE: 2/20/2025 *ARREST TIME: 0613

*EVENT #: 25021008

*CO-DEF: N

*INTAKE NAME (AKA, ALIAS, ETC.) LAST	FIRST	MIDDLE	TRUE NAME LAST	FIRST	MIDDLE
AVALOS	WILFREDO		AVALOS	WILFREDO	

*HOME ADDRESS (STREET # AND STREET NAME)	BLDG./APT.#	*CITY	*STATE	*ZIP	*PLACE OF BIRTH
3120 WYNN RD	73	LAS VEGAS	NV	89102	LOS ANGELES, CALIFORNIA

*DATE OF BIRTH	*RACE	HISP ETHN	*SEX	*HEIGHT	*WEIGHT	*HAIR	*EYES	*SOCIAL SECURITY #	*CITIZENSHIP	*ALIEN REGISTRATION #	☐ US VETERAN ☐ ACTIVE MILITARY
12/07/1992	W	H	M	5'10"	170	BLK	BRO	607-64-0122	USA		

*LOCATION OF CRIME (STREET ADDRESS, CITY, STATE, ZIP) ☒ CC ☐ LV	*LOCATION OF ARREST (STREET ADDRESS, CITY, STATE, ZIP)	☐ CITIZEN'S ARREST ☒ SPEAKS ENGLISH
4499 ARVILLE LAS VEGAS, NV 89103	4499 ARVILLE LAS VEGAS, NV 89103	

*ARR ** TYPE	*COURT JURIS	*WARRANT # / CASE #	*# CNTS	*NOC CODE	*CATEGORY	*CHARGE LITERAL	*ORD / NRS	*BAIL	*EVENT# / NIC#
PC	LVJCR		1	61802	G	CONSP TRESPASS, NOT AMOUNTING TO BURG	207.200	2000	25021008
PC	LVJCR		1	55030	G	DAMAGE RELIGIOUS/EDU/BURIAL/COMM/TRANS P	206.125.2A	2000	25021008
PC	LVJCR		1	55982	G	CONSP TO COMMIT NON-FELONY CRIME	199.480.3	2000	25021008
PC	LVJCR		1	51339	M	USE/POSS DRUG-PARA	453.566	1000	25021008
PC	LVJCR		1	53166	M	TRESPASS, NOT AMOUNTING TO BURGLARY	207.200	1000	25021008

*OTHER JURISDICTION:

**ARREST TYPES:
PC – PROBABLE CAUSE BS – BONDSMAN SURRENDER BW – BENCH WARRANT AW – ARREST WARRANT RM – REMAND GJI – GRAND JURY INDICTMENT

TIME STAMP AT BOOKING
2/20/2025 12:15 PM

*ARRESTING OFFICER SIGNATURE	*PRINTED NAME	*P#	*AGENCY	*SECTOR/BEAT OF ARREST
	S. BURTON	546	CCSD	OT
*TRANSPORTING OFFICER SIGNATURE	*PRINTED NAME	*P#	*AGENCY	AREA CMD
	S. BURTON	546	CCSD	OTHER

*EMERGENCY CONTACT	CUSTODY RELEASED TO
NOTGIVEN NOTGIVEN	
*RELATIONSHIP: NOT PROVIDED	NAME
*PHONE NUMBER	POSITION
*EMAIL ADDRESS	AGENCY

FIRST APP DATE:

TIME:

COURT: ☐ JUSTICE ☐ MUNICIPAL ☐ JUVENILE

☐ STD BAIL ☐ O.R. REL

☐ PC ☐ I.A.D.

JUDGE:

P# A20032C

DOC DIST P#

P#

REL REV P#

TIME STAMP AT RELEASING

UNLAWFUL DISSEMINATION of this Restricted Information is PROHIBITED. Violation will subject the offender to Criminal and Civil liability.
Rel. To: LVJCR
Date: 2/20/2025
Las Vegas Metropolitan Police Department
By: D19959S

800000

PID: 1:1 RT LT RI LI SCORE: _____ 1:N RT LT RI LI SCORE: 9999

☐ POLICE RECORDS COPY ☐ COURTS COPY ☒ DSD RECORDS COPY ☐ PROCESSING COPY

Received
Las Vegas Justice Court
2/20/2025 5:15 PM

CLARK COUNTY DETENTION CENTER

DECLARATION OF ARREST REPORT

TCR1367796

☐ County Jail ☐ City Jail ☐ Adult ☐ Juvenile Bureau: OTHER

ID#	EVENT #	ARRESTEE'S NAME (LAST)	(FIRST)	(MIDDLE)	SSN#
7531160	25-021008	AVALOS	WILFREDO		607-64-0122

RACE	SEX	DOB	HGT	WGT	HAIR	EYES	POB
W	M	12/7/1992	5'10"	170	BLK	BRO	LOS ANGELES, CALIFORNIA

ARRESTEE'S ADDRESS STREET	BLDG/APT #	CITY	STATE	ZIP CODE
3120 WYNN RD	73	LAS VEGAS	NV	89102

OCCURRED DATE	OCCURRED TIME	ARREST DATE	ARREST TIME	LOCATION OF ARREST (NUMBER, STREET, CITY, STATE, ZIP CODE)
2/20/2025	05:50	2/20/2025	06:13	4499 ARVILLE ST LAS VEGAS NEVADA 89103

LOCATION OF CRIME (NUMBER, STREET, CITY, STATE, ZIP CODE)

4499 ARVILLE ST LAS VEGAS NEVADA 89103

CHARGES / OFFENSES

PC - LVJCR - 61802 - G - CONSP TRESPASS, NOT AMOUNTING TO BURG
PC - LVJCR - 53166 - M - TRESPASS, NOT AMOUNTING TO BURGLARY
PC - LVJCR - 51339 - M - USE/POSS DRUG-PARA
PC - LVJCR - 55030 - G - DAMAGE RELIGIOUS/EDU/BURIAL/COMM/TRANS PROP, (1ST)
PC - LVJCR - 55982 - G - CONSP TO COMMIT NON-FELONY CRIME

CONNECTING REPORTS (TYPE OR EVENT NUMBER)

The undersigned makes the following declarations subject to the penalty of perjury and says: That I am a peace officer with the Clark County School District Police Department, Clark County, Nevada, being so employed for a period of approximately 11 year(s).

That I learned the following facts and circumstances which lead me to believe that the above named subject committed or was committing the offenses above at the location of 4499 ARVILLE ST LAS VEGAS NEVADA 89103 and that the offense(s) occurred at approximately 05:50 hours on the 20th day of February, 2025.

Details for Probable Cause:

SYNOPSIS: CCSDPD Dispatch received a call from a school employee at a School Bus Transportation Facility / School District Maintenance Yard regarding two persons who were stripping parts from HVAC units. One of the two persons was arrested for Trespassing, Conspiracy Trepassing, Possess Drug Paraphernalia, Damaging Educational Property, and Conspiracy to Commit a Crime.

On February 20, 2025, at about 0552 hours, I was dispatched to the Arville Bus Transportation Yard at 4499 Arville St, Las Vegas, NV 89103 (Clark County), in reference to two persons that were seen removing parts from stored HVAC units that were located on property. The reporting person, CCSD employee Carl Johnson, told dispatch that one of the suspects (SUSPECT 1) walked up to him with a stick and the suspect could be heard yelling "Get the fuck away from me!" over the phone. The suspects were described as:

SUSPECT 1: White male adult, 5' 9", thin build, black hat, blue sweater, and black pants.
SUSPECT 2: Hispanic male adult, 5' 8", thin build, gray sweater, and black pants (Later identified as Avalos, Wilfredo).

As I was enroute to the location, Johnson advised that the two suspects left the area and were last seen walking northbound on Arville St. CCSDPD OIC R Gilyard P#254, Officer J Lescinsky P#539, I arrived at 0611 hours. Upon my arrival, I observed several persons on the east portion of the property, near Arville St. As I approached the area, a staff member advised me that SUSPECT 2 had returned to the property in another vehicle, apparently to jumpstart the vehicle that he had previously left behind. I approached SUSPECT 2, which matched the description previously given, had him face away from me, and handcuffed him. Handcuffs were checked for tightness and double-locked. I moved him to the front of my patrol vehicle and patted him down for weapons. While conducting the pat search of his right light jacket

Wherefore, Declarant prays that a finding be made by a magistrate that probable cause exists to hold said person for preliminary hearing (if charges are a felony or gross misdemeanor) or for trial (if charges are misdemeanor).

Arresting Officer: S BURTON P#: 546

pocket, I felt the unmistakable outline of a glass smoking pipe with a round bowl. Knowing that SUSPECT 2 was not a school district employee, passed by signs that stated "NO TRESPASSING" on the chain link fence surrounding the property, and other signage at the entrances that state "All visitors are to report to the front office immediately upon arriving", and was in possession of a glass smoking pipe used for illegal drugs, I placed SUSPECT 2 under arrest. I retrieved the smoking pipe from his pocket and observed burned residue in the bowl. A search of his person yielded no other evidence or contraband. I placed SUSPECT 2 in the backseat of my patrol vehicle and seat belted him in. I identified SUSPECT 2 as Avalos, Wilfredo by his Nevada Identification Card that was in his wallet.

While speaking with school district employees, I was told that as they confronted the suspects, they observed the suspects removing objects from the HVAC units that were surrounding a burgundy minivan that was backed up to the HVAC units. One of the suspects was seen throwing an HVAC transformer into a large dumpster that was alongside the minivan. Both of the suspects were seen loading copper tubing into a backpack that SUSPECT 1 left with. Witness statement for Carl Johnson attached to RMS report.

I observed 3 separate compressor motors in various stages of disassembly, with the copper tubing having been removed from all motors. Two of the fan motors were located alongside the passenger side of the minivan. Another fan motor was located to the rear of the minivan, with the rear hatch of the minivan open. Damage estimates will be provided after being obtained from the HVAC department.

Avalos was arrested for Trespassing, not amounting to burglary (NRS 207.200) due to entering property surrounded by chain link fences with NO TRESPASS warning signs and failing to check in with the front office.
Avalos was arrested for Possession of Drug Paraphernalia (NRS 453.566) for possessing a glass smoking pipe with burned residue, commonly used to smoke illicit drugs.
Avalos was arrested for Conspiracy Trespass (NRS 207.200) for agreeing to trespass onto property of another with another individual.
Avalos was arrested for Damaging property used for education or transportation (NRS 206.125.2A) for knowingly vandalizing, defacing, or otherwise damaging HVAC units on school district/transportation facility grounds.
Avalos was arrested for Conspiracy to Commit a Non-Felony Crime (NRS 199.480.3) for conspiring to damage property with another person.

Avalos was transported to the Clark County Detention Center where he was booked on the above charges.

******** End ********

Wherefore, Declarant prays that a finding be made by a magistrate that probable cause exists to hold said person for preliminary hearing (if charges are a felony or gross misdemeanor) or for trial (if charges are misdemeanor).

Arresting Officer: S BURTON P#: 546

NEVADA PRETRIAL RISK (NPR) ASSESSMENT

Defendant's Name: **WILFREDO AVALOS** Booking #: **7531160**

Assessment Date: **2-20-2025** Assessor: **KC** County: **Clark**

Defendant's Name: **WILFREDO AVALOS** DOB: **12-07-1992** AGE: **32** Case/Booking #: **25-PC-016087**

Dept. #: **3**

Was the defendant interviewed: ☑ Yes ☐ No ___

Address: **3120 Wynn Rd 120** Contact Phone #: # of Current Charges: **5**
City: **Las Vegas**
State: **NV** Zip: **89102**

Most Serious Charge: **Damage religious/edu/burial/comm/trans prop, (1st) [55030]** Total Bail at booking: **$8,000.00**

SCORING ITEMS	SCORE
1. Does the Defendant Have a Pending Pretrial Case at Booking?	
No If yes, list case # and jurisdiction: **NONE**	**0**
2. Age at First Arrest (include juvenile arrests) First Arrest Date **8-06-2009**	
20 yrs and under	**2**
3. Prior Misdemeanor Convictions (past 10 years)	
Six or more	**2**
4. Prior Felony/Gross Misd. Convictions (past 10 years)	
One or more	**1**
5. Prior Violent Crime Convictions (past 10 years)	
One	**1**
6. Prior FTAs (past 24 months)	
One FTA Warrant	**1**
7. Substance Abuse (past 10 years)	
Prior multiple arrests for drug use or possession/alcohol/drunkeness	**2**
8. Mitigating Verified Stability Factors (limit of -2 pts. total deduction)	
2+ verified	**-2**
TOTAL SCORE:	**7**

Risk Level: **Moderate** **OVERRIDE?:** ☑ Yes ☐ No

Override Reason(s): **PR-MoreSever**

If Other, explain: ___

Final Recommended Risk Level: **Higher** ☐ **LOW** ☐ **MODERATE** ☑ **HIGHER**

Yvette Anderson **Date:**

Revised 8.2021

NEVADA PRETRIAL RISK (NPR) ASSESSMENT

Defendant's Name: **WILFREDO AVALOS** Booking #: **7531160**

Supervisor/Designee Signature _____ **2-20-2025**

Felony/Gross Misdemeanor Convictions: **6**

YEAR	STATE	CHARGE
2017	CA	CARRY LOAD H/GUN: NOT REG OWNER
2018	CA	PREVENT/DISUADE WITNS THREAT/FRC
2018	CA	THREATEN CRIME WITH INTENT TO TERROIZE
2018	CA	BURGLARY
2018	CA	OBSTRUCT/RESIST EXECUTIVE OFFIER
2022	NV	ATT BURG OF A BUSINESS

Misdemeanor Convictions: **14 (11, 12, 17 CA DUI)**

FTAS: **5**

Detainers: **NONE**

Pending Cases: **OPEN TRAFFIC**

Revised 8.2021

CONFIDENTIAL

FINANCIAL AFFIDAVIT

IN SUPPORT OF REQUEST FOR ATTORNEY, EXPERT, INVESTIGATIVE OR OTHER COURT SERVICES FOR INDIGENT PERSONS

JUSTICE COURT LAS VEGAS TOWNSHIP

IN THE CASE OF
STATE OF NEVADA VS.

AVALOS, WILFREDO

CASE # 25-PC-016087

DEPT 03
9:00 IA

DATE: 2-20-2025

SECTION 1

I, WILFREDO AVALOS, do solemnly swear under penalty or perjury that I am named as defendant in the case of State of Nevada VS. WILFREDO AVALOS and that I do not have the ability to pay for an attorney or for any other court services necessary for my defense because: (check (√) all that apply)

- ☐ I currently receive SSI benefits;
- ☐ I am currently a public housing resident / Section 8 recipient;
- ☐ I am currently receiving food stamps;
- ☐ I am currently a welfare recipient (TANF);
- ☐ I currently receive Unemployment / Workers Compensation benefits as my sole income;
- ☐ I have been determined disabled but benefits are pending;
- ☐ I am unemployed with no source of income;
- ☐ I am a resident of Shade Tree Shelter;
- ☐ I am a recipient of HELP Homeless Outreach Subsidy;
- ☐ I am a recipient of Women's Development Housing Assistance;
- ☐ I am a recipient of Medicaid Disability Insurance;
- ☐ I am a resident of the Salvation Army or a Transitional Housing Program;
- ☐ I am currently incarcerated;

Do you now or have you ever served in any branch of the United States Armed Forces whether active duty, reserve or guard?

I Am ☐ **I Am Not** ☑

COMMENTS:

Are you employed? YES
How much do you earn each month? $2400.00
Name and Address of employer: RIGO'S TACOS –
Does your spouse work? N/A
How much does he/she earn per month? NONE
Do you have any other income (from retirement funds, interest, dividends, rents, etc.)? NONE

List all other income sources:
NONE

How much money do you have in bank accounts? NONE

Do you own any real estate, motor vehicles, motor homes, stocks or other valuable property? NONE Please describe and list value:

NONE

Marital Status: Single
Total Number of dependents: NONE
List the people you support (Name, Age & Relationship):

NONE

What is your address? 3120 Wynn Rd 120 Las Vegas, NV 89102

How much do you pay monthly in rent or mortgage? $1120

List all other significant debts:

NONE

I declare under penalty of perjury that the foregoing is true and correct. (NRS 53.045).

SIGNATURE OF DEFENDANT AVALOS, WILFREDO

Revision Date: December 7, 2015

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #1565
200 Lewis Avenue
Las Vegas, NV 89155
PH: (702) 671-2500
FAX: (702) 868-2412
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Attorney for the Plaintiff

JUSTICE COURT, LAS VEGAS TOWNSHIP

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

WILFREDO AVALOS #7531160

Defendant.

CRIMINAL COMPLAINT

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02/21/2025

CCSD EV# 25021008

Justice Court, Las Vegas Township
Clark County, Nevada

Custody Status Slip



Housed At: LVMPD-CB-Z12

Clerk: matub

Date: 2/21/2025: Initial Appearance Justice Court (PC Review) **Department: IA** **Judge: Westmeyer, Daniel**

Name: AVALOS, WILFREDO **Case: 25-PC-016087 (03)** **Defendant ID: 7531160**

001: Conspiracy trespass, not amounting to burglary [61802] (G) (DSD1258793C-DSD001)

Bail Reset - Cash or Surety: Counts: 001; 002; 003; 004; 005 - $5,000.00/$5,000.00 Total Bail

002: Damage religious/edu/burial/comm/trans prop, (1st) [55030] (G) (DSD1258793C-DSD002)

Bail Reset - Cash or Surety: Counts: 001; 002; 003; 004; 005 - $5,000.00/$5,000.00 Total Bail

003: Consp to commit non-felony crime [55982] (G) (DSD1258793C-DSD003)

Bail Reset - Cash or Surety: Counts: 001; 002; 003; 004; 005 - $5,000.00/$5,000.00 Total Bail

004: Use or possess drug paraphernalia [51339] (M) (DSD1258793C-DSD004)

Bail Reset - Cash or Surety: Counts: 001; 002; 003; 004; 005 - $5,000.00/$5,000.00 Total Bail

005: Trespass, not amounting to burglary [53166] (M) (DSD1258793C-DSD005)

Bail Reset - Cash or Surety: Counts: 001; 002; 003; 004; 005 - $5,000.00/$5,000.00 Total Bail

Other Case Conditions

Bail Condition - Stay Out of Trouble

Bail Condition - Stay Away From

4499 ARVILLE STREET
LAS VEGAS, NV 89103

Future Justice Court Hearings

2/25/2025 8:30:00 AM: Status Check on Filing of Criminal Complaint (JC Department 03) Added

Justice Court, Las Vegas Township
Clark County, Nevada

Custody Status Slip



Housed At: LVMPD-ST-3N-68-B

Clerk: boydt

Date: 2/25/2025: Initial Appearance | **Department: 03** | **Judge: Letizia, Harmony**

Name: AVALOS, WILFREDO | **Case: 25-CR-016087 (03)** | **Defendant ID: 7531160**

001: Damage religious/edu/burial/comm/trans prop, (1st) [55030] (G) (DSD1258793C-DSD002)

Remand - Cash or Surety: Counts: 001 - $5,000.00/$5,000.00 Total Bail

999: Consp to commit non-felony crime [55982] (G) (DSD1258793C-DSD003)

Released from Custody - DA Denial

999: Conspiracy trespass, not amounting to burglary [61802] (G) (DSD1258793C-DSD001)

Released from Custody - DA Denial

999: Trespass, not amounting to burglary [53166] (M) (DSD1258793C-DSD005)

Released from Custody - DA Denial

999: Use or possess drug paraphernalia [51339] (M) (DSD1258793C-DSD004)

Released from Custody - DA Denial

Other Case Conditions

Bail Condition - Stay Out of Trouble

Bail Condition - Stay Away From

4499 ARVILLE STREET
LAS VEGAS NV 89103

Future Justice Court Hearings

3/11/2025 9:30:00 AM: Preliminary Hearing (JC Department 03) — Added

Electronically Filed
3/13/2025 7:38 AM
Steven D. Grierson
CLERK OF THE COURT

INFM
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #1565
MARIE FROEHLICH
Deputy District Attorney
Nevada Bar #16861
200 E Lewis Avenue
LAS VEGAS, NV 89155
PH: (702) 671-2500
FAX: (702) 868-2412
DAInfo@clarkcountydanv.gov
Attorney for the Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

WILFREDO AVALOS #7531160

Defendant.

CASE NO: **C-25-389800-1**

DEPT NO: **XXI**

I N F O R M A T I O N

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

That the Defendant(s) above named, within the County of Clark, State of Nevada, on or about February 20, 2025, committed one or more of the following crime(s), as follows to wit: CONSPIRACY TO COMMIT A CRIME (Gross Misdemeanor - NRS 199.480 - NOC 55982).

Defendant did willfully and unlawfully conspire with an unknown individual to commit a crime, to wit: Damage of Property.

//

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//

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

STEVEN B. WOLFSON
Clark County District Attorney

BY */s/ Marie Froehlich*
MARIE FROEHLICH
Deputy District Attorney
Nevada Bar #16861

jwg/L4
CCSD EV# 25021008

Electronically Filed
03/13/2025 3:30 PM
CLERK OF THE COURT

GPA
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #1565
MARIE FROEHLICH
Deputy District Attorney
Nevada Bar #16861
200 E Lewis Ave
LAS VEGAS, NV 89155
PH: (702) 671-2500
FAX: (702) 868-2412
DAInfo@clarkcountydanv.gov
Attorney for the Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

WILFREDO AVALOS
#7531160

Defendant.

CASE NO: C-25-389800-1

DEPT NO: XXI

GUILTY PLEA AGREEMENT

I hereby agree to plead guilty to the charge(s) listed below, as more fully alleged in the charging document attached hereto: CONSPIRACY TO COMMIT A CRIME (GROSS MISDEMEANOR - NRS 199.480 - NOC 55982).

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

The State has no opposition to probation. I agree to pay restitution in the amount of $19,574.00. The State will not oppose Defendant's own recognizance release after entry of guilty plea in District Court. If Defendant successfully completes all terms of probation and is honorably discharged, and restitution is paid in full, Defendant may withdraw his/her plea and plead guilty to, THEFT (Misdemeanor - NRS 205.0832.1a, 205.0832.1b, 205.0382.1c, 205.0835.2 - NOC 61953).

Defendant agrees and understands that he/she is ineligible for the reduction in his/her conviction and sentence, regardless of whether or not he/she receives an honorable discharge, if one or more of the following events occur:

1. Defendant fails to interview for the presentence investigation;
2. Defendant fails to make any subsequent court appearance;
3. An independent magistrate, by affidavit review, confirms probable cause against him/her for new criminal charges including reckless driving or DUI, but excluding minor traffic violations;
4. Defendant fails to pay restitution in full; or
5. Defendant has been found by the Court to be in violation of his probation, regardless of whether the Defendant is revoked or not.

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

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

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

//

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

CONSEQUENCES OF THE PLEA

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

I understand that as a consequence of my plea of guilty as to CONSPIRACY TO COMMIT A CRIME, I may be imprisoned in the Clark County Detention Center for a period of not more than three hundred sixty-four (364) days and that I may be fined up to $2,000.00.

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

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

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

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

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

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

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

//

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

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

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

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

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

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

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

WAIVER OF RIGHTS

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

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

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

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

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

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

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

VOLUNTARINESS OF PLEA

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

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

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

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

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

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

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

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

DATED this 12th day of March, 2025.

WILFREDO AVALOS
Defendant

AGREED TO BY:

/s/ Marie Froehlich
MARIE FROEHLICH
Deputy District Attorney
Nevada State Bar No. 16861

CERTIFICATE OF COUNSEL:

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

1. I have fully explained to the Defendant the allegations contained in the charge(s) to which guilty pleas are being entered.

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

3. I have inquired of Defendant facts concerning Defendant's immigration status and explained to Defendant that if Defendant is not a United States citizen any criminal conviction will most likely result in serious negative immigration consequences including but not limited to:

   a. The removal from the United States through deportation;

   b. An inability to reenter the United States;

   c. The inability to gain United States citizenship or legal residency;

   d. An inability to renew and/or retain any legal residency status; and/or

   e. An indeterminate term of confinement, by with United States Federal Government based on the conviction and immigration status.

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

4. All pleas of guilty offered by the Defendant pursuant to this agreement are consistent with the facts known to me and are made with my advice to the Defendant.

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

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

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

   c. Was not under the influence of intoxicating liquor, a controlled substance or other drug at the time I consulted with the Defendant as certified in paragraphs 1 and 2 above.

Dated: This 13th day of March, 2025.

DANIEL JENKINS,
Deputy Public Defender

mf/L4

INFM
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #1565
MARIE FROEHLICH
Deputy District Attorney
Nevada Bar #16861
200 E Lewis Avenue
LAS VEGAS, NV 89155
PH: (702) 671-2500
FAX: (702) 868-2412
DAInfo@clarkcountydanv.gov
Attorney for the Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

WILFREDO AVALOS #7531160

Defendant.

CASE NO: **C-25-389800-1**

DEPT NO: **XXI**

INFORMATION

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

That the Defendant(s) above named, within the County of Clark, State of Nevada, on or about February 20, 2025, committed one or more of the following crime(s), as follows to wit: CONSPIRACY TO COMMIT A CRIME (Gross Misdemeanor - NRS 199.480 - NOC 55982).

Defendant did willfully and unlawfully conspire with an unknown individual to commit a crime, to wit: Damage of Property.

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//

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

STEVEN B. WOLFSON
Clark County District Attorney

BY */s/ Marie Froehlich*
MARIE FROEHLICH
Deputy District Attorney
Nevada Bar #16861

jwg/L4
CCSD EV# 25021008

Electronically Filed
05/14/2025 3:34 PM
CLERK OF THE COURT

JOC

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

WILFREDO AVALOS,
#7531160

Defendant.

CASE NO: C-25-389800-1

DEPT NO: XXI

JUDGMENT OF CONVICTION

(PLEA OF GUILTY)

The defendant previously appeared before the Court with counsel and entered a plea of guilty to the crime of CONSPIRACY TO COMMIT A CRIME (Gross Misdemeanor), in violation of NRS 199.480; thereafter, on the 6th day of May, 2025, the defendant was present in court for sentencing with counsel, DANIEL JENKINS, Deputy Public Defender and good cause appearing,

THE DEFENDANT WAS HEREBY ADJUDGED guilty of said offense and, in addition to the $25.00 Administrative Assessment fee, $3.00 DNA Collection fee, RESTITUTION in the amount of $19,574.00 payable to Clark County School District (CCSD), and a $150.00 DNA analysis fee, WAIVED having been previously submitted, Defendant SENTENCED to THREE HUNDRED SIXTY-FOUR (364) DAYS in the Clark County Detention Center (CCDC), SUSPENDED; placed on Probation for an indeterminate period not to exceed TWELVE (12) MONTHS. In addition to the Standard Conditions of the Division of Parole and Probation (P & P), which are IMPOSED, Defendant must comply with the following SPECIAL CONDITIONS:

1. Defendant to enter and complete a controlled substance abuse evaluation and complete any recommended counseling, treatment, or case plan.

2. Defendant to stay out of trouble while on probation.

COURT FURTHER ORDERED, matter SET for status check on compliance and DIRECTED Defendant to report to P&P within TWO (2) business days. BOND, if any, EXONERATED.

Dated this 14th day of May, 2025



8BC 146 22F1 5C46
Tara Clark Newberry
District Court Judge

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

State of Nevada	CASE NO: C-25-389800-1
vs	DEPT. NO. Department 21
Wilfredo Avalos	

AUTOMATED CERTIFICATE OF SERVICE

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

Service Date: 5/14/2025

Gerardo Zazueta	Gerardo.Zazueta@ClarkCountyNV.gov

Electronically Filed
6/5/2025 9:13 AM
Steven D. Grierson
CLERK OF THE COURT

NOAS

NANCY M. LEMCKE, PUBLIC DEFENDER
NEVADA BAR No. 5416
309 South Third Street, Suite 226
Las Vegas, Nevada 89155
(702) 455-4685
Attorney for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA, Plaintiff, v. WILFREDO AVALOS, Defendant.	CASE NO. C-25-389800-1 DEPT. NO. XXI **NOTICE OF APPEAL**

TO: THE STATE OF NEVADA, STEVEN B. WOLFSON, DISTRICT ATTORNEY; CLARK COUNTY, NEVADA, DEPARTMENT NO. XXI OF THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK.

NOTICE is hereby given that Defendant, Wilfredo Avalos, appeals to the Supreme Court of the State of Nevada from the judgment entered against said Defendant on the 14th day of May, 2025, whereby he was adjudged guilty of said offenses: Conspiracy to Commit a Crime (Gross Misdemeanor) and sentenced to 364 days in the Clark County Detention Center, suspended, and placed on probation. In addition to fines and fees, restitution in the amount of $19,574.00 is imposed payable to Clark County School District. Defendant is also to complete controlled substance abuse evaluation and complete recommended counseling, treatment, or case plan. Court further ordered, matter set for status check on

compliance and directed Defendant to report to P&P within 2 business days.

DATED this 5th day of June, 2025.

NANCY M. LEMCKE
CLARK COUNTY PUBLIC DEFENDER

By: */s/ Daniel R. Jenkins*
DANIEL R. JENKINS, #10375
Chief Deputy Public Defender
309 South 3rd Street, Ste. 226
Las Vegas, Nevada 89155
(702) 455-4685

DECLARATION OF MAILING

Gerardo Callotta-Zazueta, an employee with the Clark County Public Defender's Office, hereby declares that he is, and was when the herein described mailing took place, a citizen of the United States, over 21 years of age, and not a party to, nor interested in, the within action; that on the 5th day of June, 2025, declarant deposited in the United States mail at Las Vegas, Nevada, a copy of the Notice of Appeal in the case of the State of Nevada v. Wilfredo Avalos, Case No. C-25-389800-1, enclosed in a sealed envelope upon which first class postage was fully prepaid, addressed to: 3120 Wynn Road, Apartment 73

Las Vegas, Nevada 89102

That there is a regular communication by mail between the place of mailing and the place so addressed.

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

EXECUTED on the 5th day of June, 2025.

/s/ Gerardo Callotta-Zazueta
An employee of the Clark County Public Defender's Office

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that service of the above and foregoing was made this 5th day of May, 2025, by Electronic Filing to:

District Attorney's Office:
Motions@ClarkCountyDANV.gov
Jennifer.Hall@ClarkCountyDA.com
Eileen.Davis@ClarkCountyDA.com

/s/ Gerardo Callotta-Zazueta
Clark County Public Defender Employee

Electronically Filed
6/5/2025 9:13 AM
Steven D. Grierson
CLERK OF THE COURT

District Court Case No. C-25-389800-1

Department. No. XXI

IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR
THE COUNTY OF CLARK

THE STATE OF NEVADA,)
)
PLAINTIFF,)
)
vs.)
)
WILFREDO AVALOS ,)
)
DEFENDANT.)
_____)

CASE APPEAL STATEMENT

1. Name of appellant filing this case appeal statement:
   Wilfredo Avalos

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

3. Identify each appellant and the name and address of counsel for each appellant. If an appellant is self-represented, identify the name and address of appellant.
   Appellant: Wilfredo Avalos

   Counsel for Appellant: Daniel R. Jenkins, #10375
   Chief Deputy Public Defender
   Clark County Public Defender's Office
   309 South 3rd Street
   Las Vegas, NV 89101

4. Identify each respondent and the name and address of appellate counsel, if known for each respondent (if the name of a respondent's appellate counsel is unknown, indicate as much and provide the name and address of that respondent's trial counsel). For self-represented respondents, identify the name and address of each respondent.

Respondent:
State of Nevada
Clark County District Attorney's Office
200 Lewis Avenue
Las Vegas, NV 89101

5. Indicate whether any attorney identified above in response to question 3 and 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 (attach a copy of any district court order granting such permission): N/A

6. If appellant was represented by counsel in the district court, indicate whether counsel was ☒ Appointed *or* ☐ Retained.

7. If appellant is represented by counsel on appeal, is counsel ☒ Appointed *or* ☐ Retained.

8. Has appellant been granted leave to proceed in forma pauperis?

☐ Yes: Identify the date of entry of the district court order granting such leave and attach a copy of the order.

☒ No: Has appellant filed an application to proceed in forma pauperis?

☒ No.

☐ Yes. Identify date the application was filed:
If application was denied, indicate date of order denying and attach a copy of the order:

9. Indicate the date of proceedings commenced in the district court (e.g., date complaint, indictment, information or petition was filed):
Information Filed 03/13/25

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 appointed and the relief granted by the district court:

On March 13th, 2025, an Information was filed charging Mr. Avalos with Conspiracy to Commit a Crime (Gross Misdemeanor). On March 13th, 2025, Mr. Avalos entered into a Guilty Plea Agreement to a charge of Conspiracy to Commit a Crime. On May 6th, 2025, The Defendant was sentenced to 364 days in CCDC, suspended, and placed on probation. Additionally, ordered to pay fines, fees, and restitution. Further ordered to complete substance abuse evaluation and complete recommended treatment. The Judgment of Conviction in this matter was filed May 14th, 2025.

11. Indicate whether the case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court or Court of Appeals and, if so, the caption and appellate court docket number of the prior proceeding: N/A

12. Does this appeal raise issues involving child custody, the guardianship of a minor, parenting time or visitation?

☐ Yes: Is this the primary issue on appeal? ☐ Yes ☐ No
☒ No.

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

/s/ Daniel R. Jenkins Date: June 5th, 2025

DANIEL R. JENKINS, #10375
Deputy Public Defender
Clark County Public Defender
309 South 3rd Street
Las Vegas, NV 89101
702-455-4576
jenkindr@clarkcountynv.gov

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that service of the above and foregoing was made this 5th day of June, 2025, by Electronic Filing to:

Clark County District Attorney's Office
E-Mail Address:

Motions@ClarkCountyDA.com
Jennifer.Hall@ClarkCountyDA.com
Eileen.Davis@ClarkCountyDA.com

/s/ Gerardo Callotta-Zazueta
Clark County Public Defender Employee

Electronically Filed
6/11/2025 6:29 AM
Steven D. Grierson
CLERK OF THE COURT

REQT

NANCY M. LEMCKE, PUBLIC DEFENDER
NEVADA BAR No. 5416
309 South Third Street, Suite 226
Las Vegas, Nevada 89155
(702) 455-4685
Attorney for Defendant

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA, Plaintiff,	)	CASE NO. C-25-389800-1
v.	)	DEPT. NO. XXI
WILFREDO AVALOS, Defendant.	)	

REQUEST FOR ROUGH DRAFT TRANSCRIPT

TO: **Robin Page**, Court Recorder.
District Court, Department No. XXI.

WILFREDO AVALOS, Defendant named above, requests a preparation of a rough draft transcript of certain portions of the proceedings before the District Court, as follows:

Dates or dates of proceedings: 03/13/25, 04/15/25, and 05/06/25.

Portion of the transcript requested: 03/13/25, 04/15/25, and 05/06/25 **(Robin Page) -** Any and all proceedings, all transcripts to include word index.

This Notice requests a transcript of only those portions of the District Court proceedings which counsel reasonably and in good faith believes are necessary to determine whether appellate issues are present. Voir dire examination of jurors, opening

statements and closing arguments of trial counsel and the reading of jury instructions shall not be transcribed unless specifically requested above.

I recognize that I must personally serve a copy of this form on the above-named court reporter and opposing counsel.

That the above-named court reporter shall have twenty (20) days from the date of service of this document to prepare an original plus three copies at State expense and file with the District Court Clerk the original rough draft transcript(s) requested herein.

Further, pursuant to NRAP 3C(d)(3)(iii), **the court reporter shall also deliver copies of the rough draft transcript to appellant's counsel and respondent counsel** no more than twenty (20) days after the date of the appellant's request.

I hereby certify that on this date I ordered this transcript from the court reporter named above. I further certify that Appellant is indigent and exempt from paying the required deposit.

DATED this 10th day of June, 2025.

NANCY M. LEMCKE
CLARK COUNTY PUBLIC DEFENDER

By: */s/ Daniel R. Jenkins*
DANIEL R. JENKINS, #10375
Chief Deputy Public Defender
309 S. Third Street, Ste. #226
Las Vegas, Nevada 89155
(702) 455-4685

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of June, 2025, I served a true and correct copy of the foregoing Request for Rough Draft Transcripts on:

Robin Page, Court Recorder.
District Court, Department No. XXII.
pagero@clarkcountycourts.us

/s/ Gerardo Callotta-Zazueta
An employee of the Clark County
Public Defender's Office

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that service of the above and foregoing was made this 10th day of June, 2025, by Electronic Filing to:

District Attorney's Office
E-Mail Address:

PDMotions@clarkcountyda.com

Jennifer.Hall@clarkcountyda.com

Eileen.Davis@clarkcountyda.com

/s/ Gerardo Callotta-Zazueta
An employee of the Clark County
Public Defender's Office

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Steven D. Grierson
CLERK OF THE COURT

CASE NO. C389800

IN THE JUSTICE COURT OF LAS VEGAS TOWNSHIP

CLARK COUNTY, STATE OF NEVADA

STATE OF NEVADA, PLAINTIFF, VS. WILFREDO AVALOS, DEFENDANT,	CASE NO. 25-CR-016087

REPORTER'S TRANSCRIPT OF UNCONDITIONAL WAIVER

BEFORE ANDREW WONG, JUSTICE OF THE PEACE, PRO TEM

TUESDAY, MARCH 11, 2025

10:26 O'CLOCK A.M.

FOR THE PLAINTIFF: MARIE FROEHLICH,
DEPUTY DISTRICT ATTORNEY

FOR THE DEFENDANT: DANIEL R. JENKINS,
DEPUTY PUBLIC DEFENDER

* * * *

REPORTED BY: KIT MACDONALD, C.C.R.
CERTIFICATE NO. 65

Case Number: C-25-389800-1

LAS VEGAS, CLARK COUNTY, NEVADA, TUESDAY, MARCH 11, 2025

10:26 O'CLOCK A.M.

THE COURT: State versus Wilfredo Avalos, 25CR016087.

THE DEFENDANT: Present, Your Honor.

MR. JENKINS: Dan Jenkins on his behalf.

Court's brief indulgence.

(Discussion between Mr. Jenkins and Ms. Froehlich.)

MR. JENKINS: Your Honor, today -- let me make sure he doesn't have any questions.

THE COURT: Sure.

(Discussion between Mr. Jenkins and the Defendant.)

MR. JENKINS: Your Honor, I apologize.

Today Mr. Avalos will be unconditionally waiving his right to a preliminary hearing. In district court he'll be pleading guilty to one count of conspiracy to commit a crime, a gross misdemeanor. The State will have no opposition to probation. If he gets an honorable discharge, pays the full amount of restitution, then he would be able to withdraw his plea, and plead guilty to a misdemeanor theft, and the State will have no opposition to an own recognizance release upon his entry of plea in district court.

THE COURT: Miss Froehlich, is that all correct?

MS. FROEHLICH: That is correct, Your Honor.

THE COURT: All right. Mr. Avalos, did you hear your attorney's statement of your negotiations?

THE DEFENDANT: Yes, Your Honor.

THE COURT: All right. Is it your intent to accept them?

THE DEFENDANT: Yes.

THE COURT: All right. As far as your negotiations, you are unconditionally giving up your right to preliminary hearing here in justice court. What that means is, your next court date will be up in district court. The unconditional nature of your waiver means, that if you don't like what's happening in -- when you get up to district court, you can't ask to come back to justice court for your preliminary hearing, that right will be gone forever. Do you understand the unconditional nature of your waiver?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Knowing all that, do you still wish to waive your right to your preliminary hearing?

THE DEFENDANT: Yes, Your Honor.

THE COURT: All right. I accept Mr. Avalos's waiver of his preliminary hearing. His next court date in district court will be?

THE CLERK: March 13th, at 9:30 a.m. in Department 21, Courtroom 14A.

THE COURT: All right. Best of luck to you, Mr. Avalos.

ATTEST: Full, True and Certified Transcript.

/S/Kit MacDonald
KIT MacDONALD, C.C.R.
COURT REPORTER
C.C.R. NO. 65

REPORTER'S DECLARATION

STATE OF NEVADA)

COUNTY OF CLARK)

I, Kit MacDONALD, a certified court reporter in and for the State of Nevada, hereby declare that pursuant to NRS 239B.030 I have not included the social security number of any person within this document.

I further declare that I am not a relative or employee of any party involved in said action, nor a person financially interested in the action.

/S/Kit MacDonald
KIT MacDONALD, C.C.R.
C.C.R. NO. 65

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DISTRICT COURT

CLARK COUNTY, NEVADA

STATE OF NEVADA, Plaintiff, vs. WILFREDO AVALOS, Defendant.	CASE NO. C-25-389800-1 DEPT. NO. XXI

BEFORE THE HONORABLE TARA CLARK NEWBERRY,

DISTRICT COURT JUDGE

THURSDAY, MARCH 13, 2025

RECORDER'S TRANSCRIPT OF HEARING RE:
INITIAL ARRAIGNMENT

APPEARANCES:

For the State:	ALEX QUAGGE, ESQ. Deputy District Attorney
For the Defendant:	DAN JENKINS, ESQ. Deputy Public Defender

RECORDED BY: ROBIN PAGE, COURT RECORDER

Las Vegas, Nevada; Thursday, March 13, 2025

* * * * * *

[Proceeding commenced at 11:08 a.m.]

THE CLERK: Alfredo Avalos, C389800.

THE DEFENDANT: Present, Your Honor.

THE COURT: All right.

MR. JENKINS: Dan Jenkins, on behalf of Mr. Avalos. Court's brief indulgence.

MR. QUAGGE: Alex Quagge for the State, Your Honor.

THE COURT: All right.

MR. JENKINS: Your Honor, permission to approach with -- making sure I signed it -- signed guilty plea agreement?

THE COURT: Sure. Thank you. Okay. Go ahead with your negotiations.

MR. JENKINS: Your Honor, the negotiations are Mr. Avalos will be pleading guilty to one count of conspiracy to commit a crime of gross misdemeanor. The State will have no opposition to probation, no opposition to an own recognizance release upon his entry of plea in District Court. And he agrees to pay restitution.

The State -- if he gets an honorable discharge and pays restitution in full, then he'd be able to get the matter reduced down to a misdemeanor theft.

THE COURT: Okay.

MR. JENKINS: The restitution amount was not -- the exact restitution amount and the restitution documents weren't -- I don't know

that they were ever given to the Defense. I did review them briefly this morning. It wasn't a -- the specified amount wasn't an agreed upon term when we -- when we waived up. I expected to be able to have the documents, be able to review exactly what they were requesting. It looks like some tubing is alleged to have been removed off of some HVAC units. But the estimate is for a complete replacement of HVAC units, not repair.

And so that was, kind of, a sticking point regarding that. In speaking with Mr. Avalos, I've asked Mr. Avalos whether he wants to proceed. And he's indicated that he does.

THE COURT: Okay. Okay.

MR. QUAGGE: Those terms are correct, Your Honor.

THE COURT: Okay.

Mr. Avalos, please state your full legal name.

THE DEFENDANT: Alfredo Avalos.

THE COURT: Mr. Avalos, did you hear the negotiations that your counsel just stated?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Is that what you'd like to do today, sir?

THE DEFENDANT: Yes, Your Honor.

THE COURT: How old are you?

THE DEFENDANT: Thirty-two.

THE COURT: How far did you get in school?

THE DEFENDANT: Some college.

THE COURT: Do you read, write, and understand the English

language?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Do you have any type of learning disability that affects your reading comprehension?

THE DEFENDANT: No, Your Honor.

THE COURT: Have you recently been treated for any substance abuse or mental health issues?

THE DEFENDANT: No, Your Honor.

THE COURT: Are you currently under the influence of any drug, medication, or alcoholic beverage?

THE DEFENDANT: No.

THE COURT: Did you receive a copy of the information or the charges against you in this case?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Do you understand those charges?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Do you have an opportunity to discuss this case with your attorney?

THE DEFENDANT: Yes.

THE COURT: Are you fully satisfied with the advice given to you by your attorney and your attorney's representation of you in this case?

THE DEFENDANT: Yes, Your Honor.

THE COURT: As to the charge, one count of conspiracy to commit a crime, gross misdemeanor, how do you plead guilty or not

guilty?

THE DEFENDANT: Guilty, Your Honor.

THE COURT: Are you making this plea freely and voluntarily?

THE DEFENDANT: Yes.

THE COURT: Has anyone forced or threatened you or anyone close to you to try to get you to enter the plea?

THE DEFENDANT: No, Your Honor.

THE COURT: Other than what's contained in the guilty plea agreement, has anyone made you a promise to get you to enter the plea?

THE DEFENDANT: No, Your Honor.

THE COURT: I have a guilty plea agreement that will be filed to your case. Did you read it?

THE DEFENDANT: Yes.

THE COURT: Did you sign it?

THE DEFENDANT: Yes.

THE COURT: Prior to signing it, did you have an opportunity to discuss it with your attorney?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Did your attorney answer all of the questions you had about the guilty plea agreement before you signed it?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Do you understand by pleading guilty today you're giving up certain constitutional rights that are listed in the agreement?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Do you also understand you're giving up certain appellate rights that are listed in the agreement?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Did you discuss those rights with your attorney?

THE DEFENDANT: Yes.

THE COURT: Do you understand if you're not a United States citizen, entering a plea of guilt can have immigration consequences, including deportation?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Do you understand that sentencing is solely up to the Court, including whether or not this case had run consecutive or concurrent to any other cases that you have?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Do you understand the range of punishment the Court may consider for gross misdemeanor is up to 364 days in Clark County Detention Center and up to a $2,000 fine?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Do you understand that no one can promise you probation, leniency or special treatment?

THE DEFENDANT: Yes, Your Honor.

THE COURT: And you understand that you and the State have reached an agreement that should you successfully complete all of the ordered conditions of probation and receive an honorable discharge

and comply with all of the provisions of the guilty plea agreement, only then you -- may you withdraw your plea of guilt to the gross misdemeanor, conspiracy to commit a crime, and instead enter a plea of guilt to misdemeanor theft with credit for time served?

Is that your understanding of that drop-down deal?

THE DEFENDANT: Yes, Your Honor.

THE COURT: If for some reason you're unable to appear at a drop-down hearing, do you authorize your attorney to enter a plea to the lesser charge on your behalf?

THE DEFENDANT: Excuse me?

THE COURT: If for some reason you're unable to appear at a drop-down hearing, do you authorize your attorney, in your absence, to enter a plea to the lesser charge on your behalf?

THE DEFENDANT: Oh, yes. Yes, Your Honor.

THE COURT: Are you knowingly, willingly, and voluntarily authorizing your attorney to enter a plea to the lesser charge on your behalf?

THE DEFENDANT: Yes.

THE COURT: Do you understand that you've also stipulated to pay restitution, in this case, in the amount of $19,574?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Okay. All right. Are you pleading guilty today because in truth and in fact, on or about February 20th, 2025, within the County of Clark, State of Nevada, contrary to the laws of Nevada, you willfully and unlawfully conspired with an unknown individual to commit a

crime, to wit, damage of property. Is that what happened?

THE DEFENDANT: Yes, Your Honor.

THE COURT: All right. Do you have any questions for me or your attorney before I accept your plea?

THE DEFENDANT: No.

THE COURT: All right. Court finds the Defendant's plea of guilt, freely and voluntarily made, Defendant understands the nature of the offense, consequences of his plea, and therefore accepts the plea of guilt. This matter will be referred to the Division of Parole and Probation.

MR. JENKINS: Actually, Your Honor, there's a gross misdemeanor worksheet that was supplied by the State.

THE COURT: Oh, there is? Okay. Let me look in his file. I don't have it. Can you bring it up?

MR. JENKINS: I saw that the State had it.

THE COURT: I have -- all I have is an information and then I have the GPA you gave me.

MR. QUAGGE: Your Honor, I can send the gross misdemeanor worksheet to the Court.

THE COURT: Okay, yeah, do that. I was contemplating an OR, so I didn't think we were going ahead with sentencing today, but we certainly can do that.

MR. JENKINS: Well, I thought I was going to have restitution documents to look into and then that --

THE COURT: Yeah.

MR. JENKINS: -- so we would be setting the sentencing date

out. The State decided to alter the terms of the agreement and just put the amount in and not give me the opportunity to actually look into it. But Mr. Perez [sic] either takes the deal or continues to sit in custody and so --

THE DEFENDANT: Avalos. Avalos.

MR. JENKINS: Oh, sorry. Avalos. Sorry, Perez is the next. I apologize for the confusion, sir.

THE COURT: Is the gross misdemeanor worksheet going to contain the restitution documents?

MR. JENKINS: It contains the restitution amount they listed. I don't think it contains the restitution documents. I did review those. It was an estimate for the complete replacement of three HVAC units.

THE COURT: Well, I'm more inclined to just set this out for sentencing and give the Defendant an OR because I want to see the proof. Even though you've stipulated, I still am required, pursuant to case law, to make sure that it's warranted and well-founded. So we'll set this out for hearing 30 days for sentencing.

MR. JENKINS: Very good.

THE COURT: All right.

So, Mr. Avalos, based on your agreement, you'll be released on your own recognizance today or tomorrow, depends on how the processing goes at CCDC, but probably today. We will come back for sentencing in 30 days. You will be required to be here in person at that time. Do you understand?

THE DEFENDANT: Yes, Your Honor.

THE COURT: If you fail to appear for sentencing, it will have consequences, including most likely you'll be incarcerated.

THE DEFENDANT: Yes, Your Honor.

THE COURT: Okay.

THE CLERK: April 15th at 9:30.

MR. JENKINS: April 15th.

THE COURT: All right. So come back here on April 15th.

State, please get the gross misdemeanor worksheet and the documents regarding restitution over to Defense counsel and we'll see you at sentencing.

MR. JENKINS: Thank you, Your Honor.

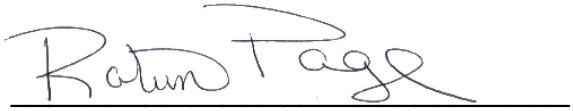
THE DEFENDANT: Thank you, Your Honor.

THE COURT: Thank you.

[Proceeding concluded at 11:17 a.m.]

* * * * * *

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.



Robin Page
Court Recorder/Transcriber

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Steven D. Grierson
CLERK OF THE COURT

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DISTRICT COURT

CLARK COUNTY, NEVADA

STATE OF NEVADA, Plaintiff, vs. WILFREDO AVALOS, Defendant.	CASE NO. C-25-389800-1 DEPT. NO. XXI

BEFORE THE HONORABLE TARA CLARK NEWBERRY,

DISTRICT COURT JUDGE

TUESDAY, APRIL 15, 2025

RECORDER'S TRANSCRIPT OF HEARING RE:
SENTENCING

APPEARANCES:

For the State:	TIANNA JEFFERSON, ESQ. TZU-WEN LIN, ESQ. Deputy District Attorneys
For the Defendant:	DAN JENKINS, ESQ. Deputy Public Defender

RECORDED BY: ROBIN PAGE, COURT RECORDER

Las Vegas, Nevada; Tuesday, April 15, 2025

* * * * * *

[Proceeding commenced at 11:44 a.m.]

THE CLERK: C389800, State of Nevada versus Wilfredo Avalos.

THE COURT: Okay.

Are you ready to proceed with sentencing?

MR. JENKINS: Yes.

MS. LIN: Yes.

THE COURT: Okay. Have you had an opportunity to review -- actually this is gross misdemeanor worksheet. Let's see. Have you had an opportunity to review the requested restitution and the gross misdemeanor worksheet with your client?

MR. JENKINS: Yes, I reviewed it with my client.

THE COURT: Okay.

MR. JENKINS: My client -- in discussing it with my client, my client said all of the items that he took were in a dumpster and that they were they were -- they were disposed of, these weren't working units. And so he disputes that the restitution is valid. They were taking stuff out of a dumpster and so he the disputes that the restitution is appropriate in the case.

THE COURT: Okay.

MS. JEFFERSON: Your Honor, Tianna Jefferson for the State.

THE COURT: Okay.

MS. JEFFERSON: The restitution amount that was put in the gross misdemeanor worksheet -- I was here the last time, speaking to Mr. Jenkins about this outstanding restitution. To be candid, I don't know the extent of where this number has come from. It is what the deputy who worked up the case said this is. I didn't -- I remember giving the proof of that -- of the cost of the material to Mr. Jenkins at the last hearing. I don't know if we need to have a restitution hearing for this matter because I don't have anything other than I've given proof and I'm asking for it and that's probably not enough for today. So if we could set it --

THE COURT: Well, we can't go forward with sentencing if you all are not in agreement on restitution. It requires some type of finding of factors to the Court.

I'm looking at the declaration of arrest since there's not a PSI. And the synopsis is that the individuals were at the Arville Bus Transportation Yard removing parts from stored HVAC units. And then it says two persons were stripping parts from HVAC units in the transportation facility school district maintenance yard. There's no mention of a dumpster.

So well, we'll have to set this -- continue sentencing out for a hearing on restitution to be determined prior to sentencing. So how much time do you need to locate witnesses to come in and testify?

MS. JEFFERSON: Your Honor, could we -- could the State request Tuesday, May 6th?

THE COURT: Sure.

THE CLERK: That'll be May 6th at 9:30.

THE COURT: All right. It's going to go forward then. So make sure any witnesses that are necessary and needed to prove up your restitution are present for that hearing.

MS. JEFFERSON: Yes, your honor.

MR. JENKINS: Thank you, Your Honor.

THE COURT: All right. Thank you.

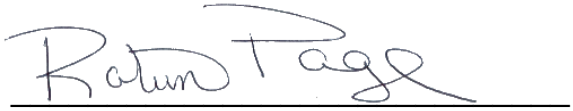
THE DEFENDANT: Thank you. May 6th.

MR. JENKINS: May 6.

[Proceeding concluded at 11:49 a.m.]

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ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.



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DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA, Plaintiff, vs. WILFREDO AVALOS, Defendant.	CASE NO. C-25-389800-1 DEPT. NO. XXI

BEFORE THE HONORABLE TARA CLARK NEWBERRY,

DISTRICT COURT JUDGE

TUESDAY, MAY 6, 2025

RECORDER'S TRANSCRIPT OF HEARING:
SENTENCING

APPEARANCES:

For the State:	WILLIAM JAKE MERBACK, ESQ. Chief Deputy District Attorney DOLAPO D. EMMANUEL, ESQ. Deputy District Attorney
For the Defendant:	DANIEL R. JENKINS, ESQ. Deputy Public Defender

RECORDED BY: ROBIN PAGE, COURT RECORDER

Las Vegas, Nevada; Tuesday, May 6, 2025

* * * * * *

[Proceeding commenced at 10:55 a.m.]

THE CLERK: C389800, State of Nevada versus Wilfredo Avalos.

MR. JENKINS: Dan Jenkins on behalf of Mr. Avalos. Mr. Avalos is present out of custody.

MS. EMMANUEL: Dolapo Emmanuel for the State.

THE COURT: Okay. All right. Ready to go forward with sentencing?

MR. JENKINS: Your Honor, we were on for a restitution hearing. The State had sent over documentation requesting $19,574 in restitution and there was some dispute as to that number. And so we set it for today's restitution hearing so that we could --

THE COURT: Oh, prior to the sentencing, right.

MR. JENKINS: -- have an evidentiary hearing.

THE COURT: Has it been resolved?

MR. JENKINS: No.

THE COURT: Okay.

MS. DOLAPO: Court’s indulgence. I was not aware of this.

THE COURT: All right. Why don't we trail that so you can figure that out.

MR JENKINS: Okay.

THE COURT: And we'll call one of Ms. Sisolak's cases.

MS. SISOLAK: Thank you, Judge.

[Proceedings trailed at 10:56 a.m.]

[Proceedings resumed at 11:10 a.m.]

THE CLERK: Recalling page 7, C389800, State of Nevada versus Wilfredo Avalos.

MR. JENKINS: Dan Jenkins on his behalf, he's present out of custody.

THE COURT: Okay.

MR. MERBACK: Jake Merback for the State, Your Honor.

THE COURT: All right. Did you all work out the restitution issue?

MR. MERBACK: We have not.

MR. JENKINS: Not really, no.

THE COURT: Okay. Let's have a hearing.

MR. MERBACK: The State's not going to be calling any witnesses today, Your Honor.

THE COURT: Okay.

MR. MERBACK: The State submitted paperwork to the Defense and to the Court that very clearly shows $19,574 worth of restitution that was billed to the Clark County School District in regards to the damage caused by this Defendant on those air conditioners.

He's pled guilty to a gross misdemeanor offense. The paperwork is very clear. This is not a situation in which we've got a victim who's asking for restitution that doesn't seem appropriate in relation to what the crime is. The Defense has really no evidence to show that this isn't the amount of restitution, other than Defendant's self-

serving statements. And for those reasons, the State is choosing not to call witnesses, but rather rely on that paperwork. We believe it is more than sufficient for the Court to order the restitution in this case.

THE COURT: Okay. All right.

MR. JENKINS: Your Honor, last time we were present, the Defense raised some issues about the condition of the air conditioners prior to the Defendant interacting with them. And specifically that they were stored, they might have been in a dumpster. They might have been in disrepair before Mr. Avalos had any interaction with those things.

And so based on that, Your Honor ordered an evidentiary hearing so that we could flesh out those details, so there could be some testimony before the Court as to the condition of these air conditioners. They've just submitted an estimate, not that these have been purchased or that they actually purchased them and replaced the units. These are just estimates on what it would cost to buy brand new units. It's based on Your Honor's ruling last time that additional evidence was necessary before Your Honor was comfortable ordering restitution; the State's decision not to do it. We would request that either the evidentiary hearing be reset for testimony or that no restitution be ordered.

MR. MERBACK: Your Honor, every -- this is the way restitution works. People submit, they get quotes. These are -- these are not -- this is not a neighbor saying, hey, this is what you owe me. This is a -- the school district saying that we hired this legitimate company to come out and tell us what it would cost to fix these units that

were damaged by the Defendant at taxpayer expense. This is not -- this is, quite frankly, probably as trustworthy of an entity in terms of this that you could have. I don't see what the purpose is in bringing someone out from the Clark County School District to testify because the Defendant makes self-serving statements about where he says the items were.

THE COURT: Yeah, there's nothing in the report that talks about dumpsters or it being, you know, trash in the way, so I mean, there's --

MR. JENKINS: Well, and --

THE COURT: I understand you're making that representation, but that's based on what his opinion is. But there's nothing in the record that shows that these were not operable HVAC systems.

MR. JENKINS: And, Your Honor, contrary to what the State just said, these aren't for estimates to repair the units. These are estimates to buy new units.

THE COURT: Correct.

MR. JENKINS: Now, I understand. But we don't have any testimony regarding the actual units. The units -- were these 20-year-old units that were in disrepair and they were slated to just be sent to a recycler? And now the County is just billing for brand new units because it's easier to just bill for brand new units than to talk about the repair of units? Like we don't know. We brought up these issues to Your Honor and Your Honor ordered an evidentiary hearing.

If the evidentiary hearing -- and now I understand that the State's saying, well, now we're going to put Your Honor in a position

where we're refusing Your Honor's evidentiary hearing because we don't want to subpoena witnesses and call them in and have them provide evidence and subject them to cross-examination. We are putting it back on Your Honor and saying, all or nothing. Either you decide the victims don't get restitution or you order the restitution that we requested. We are not going to comply with your evidentiary hearing that you ordered last time. We are going to refuse to bring in witnesses and we are essentially going to put Your Honor's feet in the fire to either order this without the evidentiary hearing requested or to be the one who denies victims their restitution.

THE COURT: And that happens all the time. The State and the Defense put the fire on the Court. That's my job.

MR. JENKINS: Unfair.

THE COURT: That's my job. That's my job.

MR. MERBACK: And, Your Honor, I disagree with the fact that we're refusing to do what the Court told us to do. The Court said that this is a hearing. We can present evidence to the Court in whatever way we deem is appropriate. And we deem the appropriate way in this case, based on who this victim is, based on the company that's making these quotes, based on what the facts of this case are, based on what the Defendant pled guilty to, that this is the restitution request the County is sending.

I just don't see any purpose in bringing somebody out here to testify about very clear restitution documents. If the Court specifically orders me, you have to bring somebody out here to testify about this,

then I --

THE COURT: I didn't order that.

MR. MERBACK: -- then I will do what --

THE COURT: I'm looking back in the minutes and I don't see that I ordered witnesses.

MR. MERBACK: I --

THE COURT: I just ordered a restitution hearing.

MR. MERBACK: Correct. I will -- if that's what the Court's telling me to do today, if the Court says, Mr. Merback, I understand what you're doing today, but that's not enough for me, you have to bring someone out, then clearly I will bring somebody out, if that's what the Court orders. But that's not what I understood when I looked at this last time. I believe that these documents are sufficient. I'm submitting it to the Court based on these documents.

THE COURT: And, Mr. Jenkins, do you have witnesses to come in and testify as to the conditions of these HVAC systems and give their expert opinion as to what a replacement value would be?

MR. JENKINS: Expert opinion, no, but I would call my client to testify. He made representations last time, and I'll have him testify under oath this time.

THE COURT: Okay.

MR. JENKINS: -- as to the condition --

THE COURT: Well, today's the day for the hearing. They've chosen not to bring in witnesses. I'll hear from your client. We'll finish the hearing.

MR. JENKINS: Okay.

WILFREDO AVALOS

[having been called as a witness and being first duly sworn, testified as follows:]

THE CLERK: Please state and spell your name for the record.

THE DEFENDANT: My name is Wilfredo Avalos, W-I-L-F-R-E-D-O, A-V-A-L-O-S.

THE CLERK: Thank you.

THE COURT: Before you proceed, Mr. Avalos, you understand that you're about to testify. You're not required to testify. You can claim the Fifth Amendment and no one can compel you to testify. It's only on your own volition that you proceed. Do you understand that?

THE DEFENDANT: Yes, Your Honor.

THE COURT: You also understand that I haven't sentenced you yet, so everything that happens in this I'm not going to be able to ignore and not consider as part of your sentencing.

THE DEFENDANT: Yes, I do.

THE COURT: Okay. You may proceed.

DIRECT EXAMINATION

BY MR. JENKINS:

Q Mr. Avalos, were you at -- did you go to the Arville Bus Transportation Yard on February 20th, 2025?

A Yes, I believe I did.

Q Okay. And while you were there, what were you looking for?

A Just things to recycle.

Q Okay. And did you find anything that you thought you could recycle?

A In the dumpster, the load of -- yeah, we found just metal.

Q Okay. Now, you said there was a dumpster. Where was the dumpster located?

A Well, right there, inside the -- the place -- the location.

Q Inside the transportation yard?

A Yeah.

Q And what was in the dumpster?

A Just some like filters -- or what is it? Like the panels of -- that they're describing as the HVAC system or something.

Q Okay. And the HVAC system, you said, where was it located?

A Inside of a dumpster.

Q Inside of a dumpster. What was the state of the HVAC unit when you encountered it?

A Destroyed. It was destroyed. It was already -- yeah, it was -- I don't know how to describe it.

Q When you say, destroyed, was it all together in one unit and damaged or was it in pieces?

A Yeah. Well, that's what I mean. It was in pieces.

Q And how many pieces was it in?

A I don't remember, probably four.

Q Okay. And how many of these units were in the dumpster?

Could you tell there were multiple units?

MR. MERBACK: Your Honor, I've let this go on for a little bit, but this is a direct, these are all leading questions.

MR. JENKINS: Okay.

THE COURT: All right. Sustained.

THE DEFENDANT: Yeah, it was --

MR. JENKINS: So let me -- let me re-ask the question.

THE COURT: Ask a different question.

BY MR. JENKINS:

Q So what was -- you said the HVAC unit was in pieces?

A Yeah.

Q How many pieces was it in?

A I think they took some pictures. If you look at the pictures in evidence.

Q Okay.

A It must have been --

Q We didn’t -- the District Attorney didn't submit any pictures.

A Oh.

Q So how many?

A Like four.

Q Okay.

A Four pieces.

Q And what items did you take from the dumpster?

A I just -- those -- the shell. Because it was a shell.

Q A shell?

A Yeah. What could be described as a shell of a HVAC system.

Q Okay. How did you take that shell?

A Where's this going? I mean, what are we doing? I mean.

Q Okay. The shell, did you have to unscrew the shell?

A No. No.

Q Was the shell in a separate piece?

A What happened was that when we got up in the dumpster, and it was loaded in the car, I don't know, what I would say was an employee showed up. And he said, hey, guys, you guys can't do this, you guys can't take this, you guys are trespassing. I'm like, oh, wow. So in a sense, I said, oh, I didn't know. He's like, you guys have to unload this stuff, you know. I'm like, it's just trash, but if you want, we'll unload it. We unloaded it. And then after that, he was like, okay, well, now you guys have to put it back in the dumpster, you know. And at that point we left.

Q So did you not place it back in the dumpster?

A No.

Q Okay. You just left it there unloaded from your car?

A Yeah, because first, he's -- you know, we came like into this agreement where, an understanding, where he said, yes, if you guys unload this, like, that's -- you guys can't take it and unload it. Like, you know, you guys can't leave until that -- you guys do that. And then after that, he comes out, like, oh, now I ask you guys -- you have to put it back in the dumpster. I'm like, what.

Q And so you didn't put it back in the dumpster and then you

left?

A Yeah, basically.

Q Did the HVAC units appear to be stored in any kind of container?

A No.

Q Were they inside of any kind of a box or thing that would protect them from the elements?

A No. I mean, I wouldn't ever -- I mean, nothing that I would -- what I'm trying to say is that it was never my intention. I never wanted to destroy or damage any property or trespass on anybody's property. I didn't want to cause any harm to anybody. I thought we were just recycling some stuff, you know, like, just recycling everything. But -- so I never wanted that intention. And that's why we didn't do anything like that, you know.

MR. JENKINS: Okay. Nothing further.

CROSS-EXAMINATION

BY MR. MERBACK:

Q Was there a no trespassing sign?

A That I saw, no.

Q There was no no-trespassing sign?

A No. I didn't -- I even asked the officer. I was like, oh, why am I being arrested? He said, oh, well, do you have permission to be here? I'm like, oh, I didn't know I needed permission, I mean it's just a dumpster.

Q Did you ever have access to any HVAC motors?

A No.

Q Did you remove copper wiring from any motors?

A No, nothing like that.

Q You would never do anything like this, right?

A [No audible response.]

Q You would never steal anything from anybody, right?

A I mean, I didn't do it that day.

Q Well, you said you would never do this. You're just looking to recycle. That's all you were doing.

A Yeah, yeah, that's it.

Q Did you have drugs on you?

A Huh?

Q Did you have drugs on you?

A I mean, what's that -- what that have to do with the HVAC system restitution?

Q Did you have drugs on you?

MR. JENKINS: Objection. Relevance.

MR. MERBACK: If we're talking about trustworthiness of a witness versus --

THE COURT: It's overruled.

BY MR. MERBACK:

Q Did you have drugs on you?

A Huh? Drugs? Yeah.

Q Okay.

A I think I had paraphilia on me.

Q Was that part of what you were looking to find items to recycle for was to purchase drugs?

MR. JENKINS: Objection. Relevance.

THE DEFENDANT: It wasn't drugs.

THE COURT: Hang on. Everybody's talking over one another. I need to rule on the objection.

Your response to the objection, Mr. Merback?

MR. MERBACK: He is -- Mr. Jenkins has put the Defendant on the stand as a witness to whether or not this restitution request is valid. So everything about his motivation for doing this, everything about what he was doing that day is all relevant as to whether or not he is a trustworthy witness versus this document submitted by CCSD.

THE DEFENDANT: I had an object -- oh.

THE COURT: Overruled. And now you may answer the question.

THE DEFENDANT: Well, I had the --

BY MR. MERBACK:

Q Is that part of what you were doing was trying to find items to recycle so you could purchase drugs?

A No.

Q Okay. You've been previously convicted of attempt burglary of business, correct?

A Yeah.

Q You've been previously convicted of burglary in California, correct?

A Oh, yeah.

Q You've been previously convicted of preventing and dissuading witnesses from testifying and threatening witnesses; is that correct?

A Yes, sir. And if you look into the details of those cases, they --

Q You have been convicted of those felonies; is that correct?

A Yeah, unfortunately.

Q Okay. In fact, you've been convicted of one, two, three, four, five, six prior felony convictions.

A Yeah.

Q And you have 14 prior misdemeanor convictions.

A Yes.

Q You have multiple failures to appear in court.

MR. JENKINS: Objection. Relevance.

MR. MERBACK: It's -- he's a --

MR. JENKINS: No. Your Honor, there's impeachment --

THE COURT: Okay. You made your --

MR. JENKINS: -- purpose --

THE COURT: Hang on. You made your objection; he gets to respond.

MR. MERBACK: Mr. Jenkins has put everything about this Defendant's character and his trustworthiness at issue here. When we have the documents we do here and we're calling the Defendant to dispute these documents by telling a story about pulling items out of a dumpster, he makes his -- everything about him and his testimony

relevant at this point.

MR. JENKINS: Then I will --

THE COURT: As to his --

MR. JENKINS: -- I will ask for the transcript of this and next time he calls any witness to testify against my clients, we'll get into their misdemeanor convictions and their failures to appear. Those are not relevant for purposes of impeachment. They -- I wouldn't be allowed to cross-examine his complaining witnesses for some of the salacious allegations they make against my clients with regard to failures to appear, with regard to unnamed misdemeanors.

THE COURT: All right. Mr. Jenkins, you've made your point. Calm down. It's sustained. Whether he appeared in court or didn't appear in court, the Court's not considering as to his credibility.

Go ahead.

MR. MERBACK: Understood, Your Honor.

BY MR. MERBACK:

Q You didn't touch any HVAC motors on that day?

A No.

Q You didn't remove any copper wire at all?

A No, no, I didn’t.

Q When you guys were approached, you were with another individual, correct?

A Another individual.

Q When you were approached by the security officer or the person at the Clark County School District, what did you guys say to that

person? What was said to that person?

A Excuse me?

Q When the person -- when you were removing the items from the dumpster, as you said, and you were approached by someone from the Clark County School District telling you, what are you doing here, what did the two of you say to that person?

A All I know is, like, I can say what I -- what I did. He could say someone else was there. And there was, you know.

Q Was there somebody else there with you?

A Someone else was there, yeah, sure.

Q And what was said to the employee when he approached you guys about removing those items from --

MR. JENKINS: Objection. Hearsay.

MR. MERBACK: -- from what you said is the dumpster?

THE DEFENDANT: I mean --

THE COURT: Hang on.

MR. JENKINS: If it's the state -- if it's the statement from the other individual, it's a hearsay statement, Your Honor.

MR. MERBACK: This is a restitution --

THE COURT: Sustained.

MR. MERBACK: -- this is a restitution hearing. My argument, Your Honor, is that hearsay is admissible. It's not a preliminary hearing. It's not a -- it's -- I -- that's --

THE DEFENDANT: I don't know who that person was.

THE COURT: Hold on. Everyone needs to stop talking at the

same time. And I'm not going to tell you again. And when there's a pending objection, you be quiet.

THE DEFENDANT: Yes, Your Honor.

THE COURT: Overruled. Go ahead.

BY MR. MERBACK:

Q What was said to the Clark County School District employee when he approached you guys about removing these items?

A He asked us to -- if we could remove the items.

Q And what was said to him in response?

A Oh, well, we apologized. We didn't know we were trespassing and it's just trash, but if you want, we'll put it back. If it's not allowed, that's what we'll do.

Q The person with you didn't tell the defendant to get the fuck away from me?

A I don't know what he told him.

Q Okay. All right.

A But as to my credibility, I was just honorably discharged from probation, so I mean --

MR. MERBACK: I have no further questions, Your Honor.

THE COURT: Okay. Mr. Jenkins?

MR. JENKINS: Nothing further.

THE COURT: All right. Any other witnesses or evidence to be presented by either side?

MR. MERBACK: Not from the State, Your Honor.

THE COURT: Okay. I'll hear argument briefly. State?

MR. MERBACK: I'll reserve for rebuttal, Your Honor.

THE COURT: All right. Go ahead, Mr. Jenkins.

MR. JENKINS: Your Honor, the State submitted documents. They submitted nothing stating that these items were in good repair and working condition; that these items weren't in a dumpster. The only testimony that we had today was that the items were in a dumpster and those -- some of those items were pulled out of the dumpster. And then those items -- he did not leave the scene, he returned those items. Those items were unloaded from his car, but he was picked up.

He was in custody on this. And he took the negotiation for a gross misdemeanor, no opposition to probation with an own recognizance release and a reduction. The State has had no one to testify that these items were in good repair when they -- when the Defendant interacted with them? And that's what this evidentiary hearing was for. It was for them to -- when we brought the item up last time at sentencing --

THE COURT: I just have to correct. It's not an evidentiary hearing. It's a restitution hearing. So the universe that the Court can consider is the entirety of the record. So there is evidence here because we have a declaration of arrest report. We have the receipts that's been produced and we have the Guilty Plea Agreement.

We have the totality of the record that I am considering, not just what happened here today. And I just want to be fair to you in that regard so that you can make your argument appropriately.

MR. JENKINS: I understand.

THE COURT: Okay.

MR. JENKINS: I apologize for miscalling it an evidentiary hearing. That's the way Your Honor had referred to it earlier today. And so -- and so I apologize for referring it to -- to that as such. But, again, we don't have anyone that we can actually examine or cross-examine as to the state of these air conditioners prior to any interaction with the Defendant. The Defendant said he found them in the dumpster. He's always said he found them in the dumpster.

We don't have any pictures, any body cam, anything to dispute that claim. If -- I understand the police report says under multiple stages of hearsay from the police report that they were stored there. There's no indication as to who said they were stored there. There's no indication as to any kind of personal knowledge. This is one officer receiving a call through dispatch regarding a statement made by somebody to somebody at dispatch. We don't know how many people it went through before it came into the report.

But, ultimately, this was an opportunity for the State to show that these were working, functioning AC units, and this isn't just the State saying, okay, well, we're going to replace these broken units with three brand new ones at the expense of the Defendant. Ultimately, we are asking Your Honor -- what we requested was a hearing so that we could actually flesh this out because we don't have enough from the documents.

And, ultimately, the State has decided that they're not going to do it; that they are going to force the Court to rely on an incomplete

record knowing that -- that they believe the Court will generally side against the Defendant. So they're not going to provide any additional evidence that could contradict the hearsay that they've already got. And so they don't want to bring somebody in presuming that they can use the bias against the Defendant to make sure that there's an inflated restitution award.

THE COURT: Okay. State?

MR. MERBACK: That's all nonsense. The idea is that this is a hearing that the Court can use all of the evidence to make a determination. The Defendant has pled guilty to the offense. The Court has the report where it talks about the fact that these motors had copper wire taken out of them. There's nothing in this record to say that they were in the dumpster and being thrown away, which, quite frankly, I think is nonsense and that the only way we have that information is the Defendant, who is a multi-time felon, saying that that's what he was doing when this all occurred.

I just think from the report, that's nonsense. We have a legitimate victim who has no real interest in causing any harm to the Defendant. This isn't some neighbor who's mad at the Defendant. This is the Clark County School District, a tax-funded organization. These people don't have any personal benefit to this saying --

MR. JENKINS: And objection. At this point, Your Honor, he's just trying to vouch for his witnesses.

MR. MERBACK: These are --

MR. JENKINS: Witnesses that he couldn't bother to call.

THE COURT: All right. Gentlemen, the animus is not appreciated. Tone it down.

MR. MERBACK: Understood, Your Honor. I apologize.

So I -- my point is, is that this is the Clark County School District, who has found a legitimate company to tell them what it costs to replace these units. Based on the police report, based on the Defendant's plea, based on that record, that's more than sufficient for the Court to order the restitution.

THE COURT: Okay. In looking at the police report, the police report indicates that these were stored units and that the only mention relevant to a dumpster is that the Defendants were observed throwing various items into the dumpster. Based on the totality of the circumstances, and given that the arrest was actually for damaging property used for education or transportation, that was one of the citations, the Court finds that the Defendant's conduct resulted in damage to property that was owned by CCSD.

They have provided adequate receipts to show what the cost of that is for replacement. I do not find the Defendant's recitation of facts to be credible. I think they are self-serving and some of it just simply did not make any sense logically as to the how's and whys. Nor is there a failure to acknowledge that the other individual left the premises with a backpack full of copper wire. Which is my understanding, from all kinds of other cases, and I can use my own common sense, is that the copper wiring is what everyone takes to recycle because it has the highest value in order to get paid for that.

So that makes sense to me that they were taking the copper wire out of the HVAC units and I do not believe that they were simply tossed into a dumpster. And, quite honestly, how did those two guys lift those things out of there without anything else to help them get it out of the dumpster? It's just ridiculous.

So I don't believe him and the State will be awarded the restitution as determined, 19,574 to CCSD. And we'll proceed with sentencing today.

Any issues with the PSI?

MR. JENKINS: It is a gross misdemeanor worksheet, Your Honor.

THE COURT: Or gross misdemeanor worksheet.

MR. JENKINS: No.

THE COURT: Okay. Other than the dispute is to the amount, which you've preserved for the purposes of the record.

All right. Then we'll proceed with sentencing at this time.

Mr. Avalos, please state your full legal name again.

THE DEFENDANT: Wilfredo Avalos, Your Honor.

THE COURT: Mr. Avalos, by virtue of your plea of guilt, I hereby adjudge you guilty of one count of conspiracy to commit a crime, we'll proceed with sentencing.

State?

MR. MERBACK: Your Honor, we had agreed to probation in the case. The Defendant has stayed out of trouble. So I'm going to submit it on the negotiation.

THE COURT: Okay.

Mr. Avalos, you have an opportunity to address the Court, you're not required to do so, but now is the time if you wish to be heard. Regardless of whether you make a statement, counsel will be able to speak on your behalf. Is there anything you'd like to say?

THE DEFENDANT: I just want to apologize for everything, so I -- anybody who was effected by my actions.

THE COURT: Okay.

MR. JENKINS: I would submit it on the negotiations, Your Honor.

THE COURT: All right.

Mr. Avalos, by virtue of your plea of guilt and this Court having adjudged you guilty of one count of conspiracy to commit a crime, I hereby sentence you to 364 days in the Clark County Detention Center. I will suspend that sentence and place you on probation for a period not to exceed 12 months. While you are on probation, the standard conditions are imposed, including the following special conditions.

The Defendants ordered to enter and complete a substance abuse evaluation, abide by any counseling and treatment plan. We will have a status check here in 45 days to ensure that that evaluation has been completed. When you go to P&P -- you'll have two business days from today to go to P&P and check in, start your probation. When you go to intake, you need to ask them for a referral form for substance abuse. It looks like this with public safety at the top. They will tell you your probation officer will not be assigned to you for a couple of months.

That is not an excuse to not get the evaluation done.

There's also a -- services that are provided by the Public Defender's Office where you can go and get the evaluation done. Mr. Jenkins probably will tell you about it. That's fine, too. Either way, you just need to get a substance abuse evaluation done. Come back here in 45 days to see what your level of care and treatment is needed. While you're on probation, you need to stay out of trouble. If you don't stay out of trouble, not only do you forego your freedom, potentially you forego the drop-down that's been contemplated in the case.

$25 administrative assessment fee, $3 DNA administrative assessment fee, $150 DNA fee. Defendant must -- has he been previously convicted here in Clark County?

MR. MERBACK: In Nevada, correct.

THE COURT: Okay. Then the $150 fee will be waived as he's previously submitted for genetic marker testing.

Restitution shall be ordered in the amount of $19,574 payable to the Clark County School District. No other fines or fees. And we'll come back here in 45 days.

THE DEFENDANT: Your Honor --

THE CLERK: That'll be June 17th at 9:30.

THE COURT: Okay.

THE DEFENDANT: Your Honor, please -- sorry, can I say one thing? I mean --

MR. JENKINS: No, come on.

THE DEFENDANT: As much as I respect your decision, I

mean, it's a substantial amount of money. And, I mean, I'll -- going to insist on really --

THE COURT: Make your best efforts to pay it and we'll address it at the end of probation. If you've complied with all ordered conditions, your attorney will make an argument on your behalf.

THE DEFENDANT: Thank you.

THE COURT: But if you don't do anything or you get violated, then it's a moot discussion at this point. So go make some changes in your life.

THE DEFENDANT: I will, Your Honor. Thank you.

THE COURT: Okay. Good luck.

THE DEFENDANT: Thank you.

MR. MERBACK: Thank you, Your Honor.

[Proceeding concluded at 11:38 a.m.]

* * * * * *

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.

Gina Villani
Court Recorder/Transcriber
District Court Dept. IX

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**March 13, 2025**
C-25-389800-1	State of Nevada vs Wilfredo Avalos	**Department 21**

March 13, 2025 09:30 AM Initial Arraignment

HEARD BY: Clark Newberry, Tara COURTROOM: RJC Courtroom 14A

COURT CLERK: Bracamontez-Munguia, Carina

RECORDER: Page, Robin

REPORTER:

PARTIES PRESENT:

Alexander E Quagge	**Attorney for Plaintiff**
Daniel R. Jenkins	**Attorney for Defendant**
State of Nevada	**Plaintiff**
Wilfredo Avalos	**Defendant**

JOURNAL ENTRIES

NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT and placed on the record by Mr. Jenkins. DEFT. AVALOS ARRAIGNED and PLED GUILTY to CONSPIRACY TO COMMIT A CRIME (GM). Deft. authorized his attorney to enter the reduced plea on his behalf in his absence subject to the terms of the Guilty Plea Agreement. Court ACCEPTED plea, ORDERED matter SET for sentencing and DIRECTED counsel to prepare the Gross Misdemeanor Worksheet. Pursuant to stipulation and/or negotiations, COURT FURTHER ORDERED, Deft. GRANTED Own Recognizance (OR) Release and DIRECTED Deft. to report to P & P immediately.

O.R.

04-15-2025 09:30 AM SENTENCING

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**April 15, 2025**
C-25-389800-1	State of Nevada vs Wilfredo Avalos	**Department 21**

April 15, 2025 09:30 AM Sentencing

HEARD BY: Clark Newberry, Tara COURTROOM: RJC Courtroom 14A

COURT CLERK: Cervantes, Evellene

RECORDER: Page, Robin

REPORTER:

PARTIES PRESENT:

Daniel R. Jenkins	**Attorney for Defendant**
State of Nevada	**Plaintiff**
Tianna A Jefferson	**Attorney for Plaintiff**
Wilfredo Avalos	**Defendant**

JOURNAL ENTRIES

Colloquy regarding restitution. COURT ORDERED, matter CONTINUED.

OR

CONTINUED TO: 05-06-2025 09:30 AM

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**May 06, 2025**
C-25-389800-1	State of Nevada vs Wilfredo Avalos	**Department 21**

May 06, 2025 09:30 AM Sentencing

HEARD BY: Clark Newberry, Tara COURTROOM: RJC Courtroom 14A

COURT CLERK: Cervantes, Evellene

RECORDER: Page, Robin

REPORTER:

PARTIES PRESENT:

Daniel R. Jenkins	**Attorney for Defendant**
Dolapo Emmanuel	**Attorney for Plaintiff**
State of Nevada	**Plaintiff**
Wilfredo Avalos	**Defendant**
William J. Merback	**Attorney for Plaintiff**

JOURNAL ENTRIES

Mr. Jenkins noted there was a dispute regarding Restitution as the State had sent over a request for Restitution in the amount of $19,574.00. MATTER TRAILED.

MATTER RECALLED. Mr. Merback now present. Wilfredo Avalos SWORN IN and TESTIFIED. Arguments by Mr. Merback and Mr. Jenkins. COURT ORDERED, the Restitution AWARDED in the amount of $19,574.00 payable to CCSD. Upon Court's inquiry, Mr. Jenkins noted there were no issues with the Gross Misdemeanor Worksheet. DEFT. AVALOS ADJUDGED GUILTY of CONSPIRACY TO COMMIT A CRIME (GM). Statement by Defendant. COURT ORDERED, in addition to the $25.00 Administrative Assessment fee, $3.00 DNA Collection fee, RESTITUTION in the amount of $19,574.00 payable to Clark County School District (CCSD), and a $150.00 DNA analysis fee, WAIVED having been previously submitted, Defendant SENTENCED to THREE HUNDRED SIXTY-FOUR (364) DAYS in the Clark County Detention Center (CCDC), SUSPENDED; placed on Probation for an indeterminate period not to exceed TWELVE (12) MONTHS. In addition to the Standard Conditions of the Division of Parole and Probation (P & P), which are IMPOSED, Defendant must comply with the following SPECIAL CONDITIONS:

1. Defendant to enter and complete a controlled substance abuse evaluation and complete any recommended counseling, treatment, or case plan.

2. Defendant to stay out of trouble while on probation.

COURT FURTHER ORDERED, matter SET for status check on compliance and DIRECTED Defendant to report to P&P within TWO (2) business days. BOND, if any, EXONERATED.

NIC

06-17-2025 09:30 AM STATUS CHECK: COMPLIANCE

CLARK COUNTY
OFFICE OF THE DISTRICT ATTORNEY
Criminal Division

STEVEN B. WOLFSON
District Attorney

200 Lewis Avenue • Las Vegas, NV 89101 • 702-671-2500 • Fax: 702-455-2294 • TTY and/or other relay services: 711

ALEXANDER CHEN *Assistant District Attorney*
PAMELA WECKERLY *Assistant District Attorney*
BRIGID J. DUFFY *Assistant District Attorney*
KAREN S. CLIFFE *Assistant District Attorney*
LISA LOGSDON *County Counsel*

The Court cannot order restitution without documentation and proof.
Office Number (702) 671-2525 or Fax Directly to (702) 455-5101

REQUEST FOR RESTITUTION
(TO BE PAID BY DEFENDANT AS ORDERED BY THE COURT)

Directions: Read and complete this entire form. Gather supporting documentation / proof of costs. Return the completed form and documentation / proof as soon as possible.

- **Restitution** is a court order to a defendant to compensate the **immediate victim** (or surviving family member) for costs arising from the defendant's criminal act.
- A court will order restitution for **actual** loss and **actual** out of pocket expenses.
- Examples include medical expenses, value of stolen property, and repair expenses.
- A court will **not** order restitution for pain and suffering or for losses not supported by proof. Examples of proof are bills, receipts, repair estimates, or proof of value.

Date: 3/12/2025

Case #: 25-CR-01087 Defendant Name: DEF AVALOS, WILFREDO

Victim's Name: CLARK COUNTY SCHOOL DISTRICT
Address: 4828 S PEARL ST
City, State, Zip: LAS VEGAS, NV 89121
Telephone(s): 702-799-0048 X 5643 Email: TRUMAGA@NV.CCSD.NET

Insurance Deductible	$ 250,000.00
Medical Insurance Co-pays	$ 0
Medical bills (hospital, doctor, etc.)	$ 0
Value of property that was stolen or destroyed	$ 19,574.00
Professional estimate for repair	$ 19,574.00
Other (please explain)	$ 0
TOTAL AMOUNT REQUESTED:	**$** 19,574.00

Signature

Please return immediately.

Carrier

Sigler Commercial
Representing Industry Leading Manufacturers of Commercial HVAC Products & Solutions

LEGACY COMMERCIAL
3150 W Sunset Road
Las Vegas, NV 89118
(P) (702) 221-8056

Proposal

Project Name:	CCSD Vandalized Units	**Bid Date:**	02/25/2025
Location:	Las Vegas, NV 89118	**Expiration Date:**	03/27/2025
Attention:	Miguel - CCSD	**Proposal Number:**	0225TERC2502

We are pleased to quote the following equipment for the above referenced project in accordance with attached terms and conditions.

Mark For	Qty	Model Number	Description	Unit Sell	Total Sell
	1	48HCDA07A2A6-0A0A0	6T - YAC - High Effy - Puron • 460/3/60 • Single-Stage Cooling Models • 6 Tons (07) • Standard Carrier Package • Low Gas Heat • Al/Cu Condenser Coil, Al/Cu Evaporator Coil • Indoor Fan Medium Static Option - Belt Drive • Electromechanical Controls. Can be used with W7212 EconoMi$er IV (Non-Fault Detection and Diagnostic)	$6,909.00	$6,909.00
	1	50HC-A04A0A3-0A0A0	Packaged Rooftop Cooling Unit • 208-230/1/60 • Single-Stage Cooling Models • 3 Tons (04) • Standard Carrier Package • No Heat • Al/Cu Condenser Coil, Al/Cu Evaporator Coil • Indoor Fan Electric (Direct) Drive X13 Motor • Electromechanical Controls. Can be used with W7212 EconoMi$er IV (Non-Fault Detection and Diagnostic)	$3,698.00	$3,698.00
	1	582KE07N067A2A0AA	Legacy Gas/Electric Rooftop • 67,000 • 460-3-60 • Two Stage Cooling/Single Circuit/Alum Heat Exchanger • 6 Tons • Standard Packaging, electro mech. controls that require W7212 EconoMi$er, IV • Direct drive, EcoBlue, medium static fan • None-Electro Mechnical Control • Al/Cu cond. coil - Al/Cu evap coil	$6,321.00	$6,321.00

Pricing

Total Price for items as listed above (excluding taxes) $16,928.00

Please note the following clarifications in this proposal:

Bid Excludes:

1. Smoke Detectors (See Voluntary Add /To Be Provided by Electrical Contractor)

Internal Use Only:0047150556

FAMIS 360 ZOILA KANIAUPIO

Create Inventory | Find Inventory | Transactions | Reorder | Run Report

MATERIAL ITEM DETAILS

GENERAL INFORMATION

Find Item | Edit Item | Item History

Part #:	B68-054	**Item Description:**	Package Unit Heat Pump 3.5T 13.4 Seer 2 1Phase R410A horizontal GPHH34241 Goodman B66-005
FIN:		**Material Class:**	HVAC
Unit Cost:	2646	**DO NOT USE:**	
		GL Account:	
Manufacturer:		**Model:**	
Unit of Measure-Issue:	Each	**Item Type:**	Stock Item
Lot Controlled:	No	**Lot Shelf Life (Days):**	0
Condition:		**Size:**	
Ignore Markup?:	No	**Status:**	Active
Barcode:			
Comments:			

WAREHOUSE ITEM RECORDS — Add Item to Warehouse

SOUTH ZONE 3	On Hand:	0	On Order:	6	Factor:	0	EDIT
	Transferred:	0	Safety Stock:	0	Markup %:	0	
	Reserved:	0	Reorder Point:	5	Unit Cost:	2646	
			EOQ:	0	Sale Price:	2646	
	Status:	Active	Lead Time:	0	Total Inv Cost:	0.00	
	Bin: WAREHOUSE	0.00 Each					
W/O PR'S ONLY	On Hand:	0	On Order:	2	Factor:	0	EDIT
	Transferred:	0	Safety Stock:	0	Markup %:	0	
	Reserved:	0	Reorder Point:	0	Unit Cost:	2646	
			EOQ:	0	Sale Price:	2646	
	Status:	Active	Lead Time:	0	Total Inv Cost:	0.00	
	Bin: Default Bin	0.00 Each					
WEST ZONE 2	On Hand:	0	On Order:	0	Factor:	0	EDIT
	Transferred:	0	Safety Stock:	0	Markup %:	0	
	Reserved:	0	Reorder Point:	0	Unit Cost:	2646	
			EOQ:	0	Sale Price:	2646	
	Status:	Inactive	Lead Time:	0	Total Inv Cost:	0.00	
	Bin: Default Bin	0.00 Each					

SUPPLIER ITEM RECORDS — Add New Supplier | Add Supplier to Item

Supplier	Supplier Part #	Unit Cost	UOM Conversion	Primary?	
Johnstone / BCGM Company	B66-005	2,646.00/Each	1	Yes	EDIT
Comments:	old part # B90-049				

ATTACHMENTS

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILFREDO AVALOS	)	
	)	
Appellant,	)	
	)	
vs.	)	
	)	
THE STATE OF NEVADA,	)	
	)	
Respondent.	)	CASE NO. 90761
	)	

APPELLANT'S APPENDIX VOL. I – Pages 001-092

NANCY M. LEMCKE
Clark County Public Defender
309 South Third Street
Las Vegas, Nevada 89155-2610

Attorney for Appellant

STEVEN B. WOLFSON
Clark County District Attorney
200 South Third Street
Las Vegas, Nevada 89155

AARON D. FORD
Attorney General
100 North Carson Street
Carson City, Nevada 89701
(702) 687-3538

Counsel for Respondent

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 20th day of August, 2025. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

AARON D. FORD
SHANON CLOWERS

DANIEL R. JENKINS

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

WILFREDO AVALOS
3120 Wynn Road, APT 73
Las Vegas, Nevada 89102

By: */s/ Gerardo Callotta-Zazueta*
Clark County Public Defender Employee