FILED
FIFTH JUDICIAL DISTRICT
JUN 22 2021
Nye County Clerk
Deputy

FIFTH JUDICIAL DISTRICT COURT
ELKO COUNTY, NEVADA

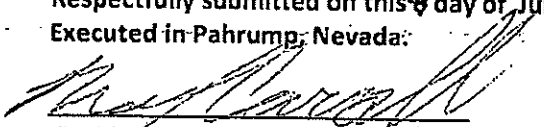
STATE OF NEVADA
vs.
MARSCEL CARROLL
Defendant/Petitioner

NOTICE OF APPEAL
CASE NO:CR9048/9049
Dept No: 2P

Electronically Filed
Jun 24 2021 08:45 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

PLEASE TAKE NOTICE, that defendant, MARSCEL CARROLL, hereby appeals pursuant to N.R.S 213.1212, N.R.S. 176.035(1), N.R.S.176.035(3), of the Criminal Procedure Law of the State of Nevada to the appellate judgment made and entered by Honorable Judge Robert Lane, convicting him of the class E felony of Attempting failure to appear consecutive to Attempted possession of document or personal identifying information to establish false status or identifying information to establish false status or identity, and that this appeal is taken from said judgement and from each and every part thereof and every intermediate made therein.

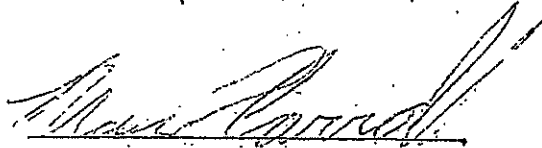
Respectfully submitted on this 30 day of June, 2021.
Executed in Pahrump, Nevada:



-Petitioner, *Pro Se*
MARSCEL CARROLL
~~PP2596~~ 1077735
~~NYE COUNTY DETENTION CENTER~~
~~1521 EAST SIRI LANE~~
~~PAHRUMP, NV 89060~~
HDSP
Po. Box 650
Indian Springs NV 89070

CERTIFICATE OF SERVICE

I, Marscel Carroll, certify that on the date indicated below I served a copy of the Notice of Appeal by placing a true and complete copy in an envelope, pre-paid postage, and mailing it to the involved parties.



Marscel Carroll
-Defendant, Petitioner
NYE County Detention Center
1521 East Siri Lane
Pahrump, NV 89060

Date: 06-~~22~~-20-2021

Case No. CR 9049A

Department No. 2

FILED
FIFTH JUDICIAL DISTRICT
JUN 22 2021
Nye County Clerk
Deputy

IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF NYE

THE STATE OF NEVADA,

Plaintiff,

vs.

CASE APPEAL STATEMENT

MARSCEL CARROLL,

Defendant. /

1. Name of Appellant filing the Case Appeal Statement:

MARSCELL CARROLL.

2. Identify the Judge issuing the Judgment appealed from:

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

3. Identify each Appellant and the name and address of counsel:

Marscell Carroll, Appellant, in Proper Person, whose address is:

Marscel Carroll, #1077735
High Desert State Prison (HDSP)
Post Office Box 650
Indian Springs, Nevada 89070

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4. Identify each Respondent and the name and address of counsel:

The State of Nevada, Respondent, represented by the Nye County District Attorney, whose address is:

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

5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in the State of 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):

Any attorney identified above is licensed to practice law in this state.

6. Indicate whether Appellant was represented by appointed or retained counsel in the District Court:

Retained counsel – Adam Gill III, Esq.

7. Indicate whether Appellant is represented by appointed or retained counsel on appeal:

Neither – Notice of Appeal filed by Appellant in Proper Person.

8. Indicate whether Appellant was granted leave to proceed in forma pauperis, and the date of entry of the District Court order granting such leave:

Appellant has not been granted leave to proceed in forma pauperis.

9. Indicate the date proceedings commenced in the District Court:

Information filed January 19, 2018.

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///

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10. Provide a brief description of the nature of the action and result in the District Court, including the type of Judgment appealed from and relief granted by the District Court:

This is a criminal matter, post-conviction, in which Appellant is appealing the Court Order, filed November 7, 2018, Judgment of Conviction.

11. Indicate whether this case has previously been the subject of an appeal or original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior proceeding:

This case has NOT been the subject of previous appeals and/or original writ proceedings in the Supreme Court.

///

12. Indicate whether this appeal involves child custody or visitation:

N/A

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

N/A

Dated this 22nd day of June, 2021.

SANDRA L. MERLINO
NYE COUNTY CLERK

By: _____
Terri Pemberton
Deputy Clerk, Pahrump
1520 East Basin Avenue
Pahrump, Nevada 89060
(775) 751-7040

Case #: CR18-9049

Judge: LANE, ROBERT W

Date Filed: 01/09/2018 **Department:**

Case Type: Crimes Against Property (Felony)

	Attorney(s)
Defendant	
CARROLL, MARSCEL LOUIS	GILL, ADAM
Plaintiff	
STATE OF NEVADA	No *Attorney 1* Listed

Fees:

Date Assessed:	Fee	Total	Paid	Waived	Outstanding
11/07/2018	ADMIN	$5.00	$0.00	$0.00	$5.00
11/07/2018	STADMIN	$20.00	$0.00	$0.00	$20.00
11/07/2018	GENETIC	$3.00	$0.00	$0.00	$3.00
11/07/2018	PSI	$400.00	$0.00	$0.00	$400.00
11/07/2018	PUBDEF	$500.00	$0.00	$0.00	$500.00

Charge: NRS 205.465(4),205.465(6) POSS. ID INFO EST FALSE F/E Count 1

Sent: 19/48 NDCSUSP; W/ 5 YRS PROB W/ COND; TO RUN CONSECUTIVE TO CR9048; $25 ADMIN FEE; $3 DNA FEE; $400 PSI FEE; $500 ATTY FEES; DUE BY 12/28/18; 75 DAYS CTS.
06/08/2021 (HRG 06/07/2021)-PROBATION REVOKED, JOC REINSTATED; NDOC 19/48 MOS; RUN CONSEC TO CR9048; CTS 0 DAYS; $25 AA FEE; $3 DNA AA FEE; $400 PSI PREP.
06/15/2021-PROBATION REVOKED, JOC REINSTATED; NDOC 19/48 MOS; RUN CONSEC TO CR9048; CTS 0 DAYS; $25 AA FEE; $3 DNA AA FEE; $400 PSI PREP ; $500 ATTY FEES

Disp/Judgment: Non-Trial: Guilty Plea with Sentence (Before Trial) Date: 10/29/2018

Hearings:

Date	Time	Hearing	Court Result
01/29/2018	9:00AM	ARRAIGNMENT HEARING	
02/12/2018	9:00AM	ARRAIGNMENT HEARING CONT'D	
02/27/2018	9:00AM	STATUS CHECK-PLEA/HILL MOTION	
04/30/2018	9:00AM	SENTENCING HEARING	
07/30/2018	9:00AM	SENTENCING HEARING CONT'D	
08/27/2018	8:30AM	SENTENCING HEARING CONT'D	
10/01/2018	9:00AM	SENTENCING HEARING CONT'D	
10/29/2018	9:00AM	SENTENCING HEARING CONT'D	
03/19/2019	12:00AM	JURY DRAW - FILE TO LOUISE	CANC
03/19/2019	12:00AM	CALENDAR CALL	CANC
04/18/2019	12:00AM	JURY TRIAL	CANC
08/31/2020	9:00AM	66# BENCH WARRANT RETURN	

04/19/2021	9:00AM	30#PROBATION VIOLATION
06/07/2021	9:00AM	03#PROBATION VIOLATION CONT

Filings:

Date	Filing
01/09/2018	CASE FILED 01/09/2018 CASE NUMBER CR18-9049
01/09/2018	BINDOVER ORDER
01/09/2018	DOCUMENTS RECEIVED FROM PAHRUMP JUSTICE COURT AFFIDAVIT IN SUPPORT OF ARREST WARRANT
01/19/2018	INFORMATION (FELONY/PERSON)
01/25/2018	TRANSCRIPT OF: PRELIMINARY HEARING(1/4/18)*****PJC DOC******
01/29/2018	Court Minutes - JUDGE: ROBERT W. LANE; CLERK: VERONICA AGUILAR; COURT REPORTER: CECILIA THOMAS; BAILIFF: JAMELE TAYLOR; APP: PATRICK FERGUSON, ESQ., IS PRESENT FOR THE STATE; LISA THELANER IS PRESENT FOR P&P; JONATHAN NELSON, ESQ., IS PRESENT WITH DEFENDANT, WHO IN CUSTODY. THE COURT CALLS CASE NUMBER CR9048 AND CR9049A. MR. NELSON BRIEFS THE CASE HISTORY FOR THE COURT RECORD AND STATES THE DEFENDANT HAS WAIVED UP HIS PRELIMINARY HEARING DUE TO THE STATE□S OFFER. MR. NELSON REQUESTS ADDITIONAL TIME TO PREPARE FOR THE ARRAIGNMENT AND TO REVIEW THE DISCOVERY IN THE CASE SHOULD THE DEFENDANT WISHES TO CONTINUE WITH THE TRIAL. THE COURT CONTINUES THE MATTER TO FEBRUARY 12, 2018 @ 9:00 AM.
02/06/2018	TRANSCRIPT OF: ARRAIGNMENT HEARING (01/29/18)
02/12/2018	Court Minutes - JUDGE: ROBERT W LANE CLERK: JUANITA L TORRES REPORTER: CECILIA THOMAS BAILIFF: JAMELE TAYLOR APPEAR: DEPUTY DISTRICT ATTORNEY, CHRISTI KENDEL, PRESENT ON BEHALF OF THE STATE; LISA THELANDER, ON BEHALF OF P&P; ATTORNEY JOHN NELSON PRESENT WITH DEFENDANT WHO IS IN CUSTODY. COURT CALLS CR9048 AND CR9049. NELSON OUTLINES CASE HISTORY. DEFENDANT PLEADS NOT GUILTY. COURT SO ACKNOWLEDGES. COURT SETS JURY TRIAL FOR 4/18 -20/2018. CALENDAR CALL SET FOR 3/19/2018.
02/14/2018	AMENDED INFORMATION(FELONY/FIREARMS/DRUGS/FALSE IDTY/ HABI)
02/20/2018	REQUEST FOR DISCLOSURE
02/22/2018	NOTICE OF WITNESSES(19)
02/23/2018	SECOND AMENDED INFORMATION(FELONY/GROSS/PERSON)
02/26/2018	TRANSCRIPT OF: ARRAIGNMENT(2/12/18)
02/27/2018	Court Minutes - JUDGE: ROBERT W LANE CLERK: JUANITA L TORRES REPORTER: CECILIA THOMAS BAILIFF: JAMELE TAYLOR APPEAR: DEPUTY DISTRICT ATTORNEY, MIKE VIETA-KABEL, PRESENT ON BEHALF OF THE STATE; LISA THELANDER, ON BEHALF OF P&P; ATTORNEY JONATHAN NELSON PRESENT WITH DEFENDANT WHO IS PRESENT IN CUSTODY. COURT CALLS CR9048 AND CR9040, AS A CHANGE OF PLEA OR HILL MOTION. GUILTY PLEA AGREEMENT SUBMITTED TO THE COURT. NELSON OUTLINES THE NEGOTIATIONS. DA SUBMITS. COURT CANVASSES THE DEFENDANT AND OUTLINES THE GUILTY PLEAS AGREEMENT FOR THE RECORD. DEFENDANT SO ACKNOWLEDGES, PLEADS GUILTY AND WAIVES RIGHT TO TRIAL AND APPLET RIGHTS. COURT FINDS THE GUILTY PLEA TO BE GIVEN FREELY. COURT SETS SENTENCING FOR 4/16/2018 AT 9:00. DEFENSE WAIVES THE 14 DAY RULE REGARDING THE PSI REPORT. NELSON ADVISES THE COURT, DEFENDANT HAS A CLARK COUNTY CASE THAT HE IS UNAWARE OF FUTURE HEARING DATES. PD MAKES AN ORAL MOTION FOR AN OR RELEASE. DA HAS NO OBJECTION. COURT GRANTS THE OR RELEASE.
03/07/2018	TRANSCRIPT OF: STATUS CHECK(2/27/18)
04/12/2018	STIPULATION TO CONTINUE (4/16/18 TO 04/30/18)
04/23/2018	FTA PRESENTENCE INVESTIGATION REPORT
05/09/2018	TRANSCRIPT OF: SENTENCING (CONT'D) (04/30/18)
08/09/2018	ORDER TO CONTINUE
08/09/2018	STIPULATION AND ORDER TO CONTINUE
08/22/2018	ORDER RESETTING THE FOLLOWING CASES, FOR DEPARTMENT 2

09/04/2018	BENCH WARRANT (ISSUED)
09/13/2018	ORDER TO PRODUCE PRISONER
10/01/2018	Court Minutes - JUDGE: ROBERT W. LANE CLERK: RACHEL ALDANA COURT REPORTER: CECILIA THOMAS BAILIFF: JAMELE TAYLOR APP: PATRICK FERGUSON IS PRESENT FOR THE STATE; LISA THELANER FOR P&P; JONATHAN NELSON IS PRESENT WITH THE DEFENDANT, WHO IS IN CUSTODY ON CASES CR 9048 AND CR 9049. MR. NELSON NOTES THAT THE DEFENDANT WAS GRANTED AN OR RELEASE ON THESE CASES AND HAS BEEN PICKED UP IN CLARK COUNTY. MR. NELSON REQUESTS TO CONTINUE THESE MATTERS. MR. FERGUSON IS GOING TO RESEARCH THE ISSUES IN REGARDS TO THE STATE BEING ALLOWED TO ARGUE AT THE TIME OF SENTENCING. COURT CONTINUES THESES MATTERS TO 7/30/18 AT 9 AM.
10/29/2018	Court Minutes - JUDGE: ROBERT W. LANE; CLERK: VERONICA AGUILAR; COURT REPORTER: CECILIA THOMAS; BAILIFF: JAMELE TAYLOR; APP: CHRISTI KINDEL, ESQ., IS PRESENT FOR THE STATE; LISA THELANER IS PRESENT FOR P&P; JONATHAN NELSON, ESQ. ON BEHALF OF DEFENDANT. THE COURT CALLS CASE NUMBER CR9048 AND CR9049. MR. NELSON INFORMS THE COURT THAT MR. EARNEST HAS TAKEN OVER THE CASE BUT IS NOT PRESENT. MR. NELSON REQUESTS A CONTINUANCE. THE COURT CONTINUES THE MATTER TO AUGUST 13, 2018 @ 9:00 AM.
11/07/2018	JUDGMENT OF CONVICTION
12/19/2018	TRANSCRIPT OF: SENTENCING(8/27/18)
01/31/2019	TRANSCRIPT OF: SENTENCING (CONT'D) (10/1/18)
02/08/2019	TRANSCRIPT OF:SENTENCING HEARING(10/29/18)
03/19/2019	Court Minutes - JUDGE: ROBERT W. LANE; CLERK: VERONICA AGUILAR; BAILIFF: JAMELE TAYLOR; APP: DANIEL YOUNG, ESQ., IS PRESENT FOR THE STATE; LISA THELANER IS PRESENT FOR P&P; JASON EARNEST, ESQ., IS PRESENT ON BEHALF OF THE DEFENDANT. THE COURT CALLS CASE NUMBER CR9048 AND CR9049. MR. EARNEST INFORMS THE COURT THAT THE DEFENDANT IS IN THE CUSTODY OF THE STATE PRISON, BUT HE WAS NOT TRANSPORTED. THE COURT INSTRUCTS MR. EARNEST TO FOLLOW UP WITH HIS SECRETARY TO OBTAIN A NEW HEARING DATE AND FILE A MOTION TO PRODUCE PRISONER.
03/19/2019	Court Minutes - JUDGE: ROBERT W. LANE CLERK: SARAH WESTFALL COURT REPORTER: CECILIA THOMAS BAILIFF: JAMELE TAYLOR APPS: MICHAEL VIETA-KABELL, DDA, FOR THE STATE; LISA THELANER FOR P&P; JASON EARNEST WITH DEFENDANT, IN CUSTODY (NDOC). COURT CALLS THE MATTERS; CR9048 AND CR9049A - SENTENCING HEARING CONT'D. MR. EARNEST NOTES DEFENDANT'S ABSENCE AND STATES HIS UNDERSTANDING DEFENDANT IS PRESENTLY SERVING TIME IN THE NEVADA DEPARTMENT OF CORRECTIONS. MR. EARNEST REQUESTS A CONTINUANCE OF THE MATTERS AND ASKS THE STATE PREPARE AN ORDER TO PRODUCE PRISONER. MR. VIETA-KABELL INFORMS AN ORDER TO PRODUCE WAS PREPARED FOR TODAY'S HEARINGS WITH TRANSPORT CONFIRMED AND QUESTIONS THE WHEREABOUTS OF THE DEPARTMENT OF CORRECTIONS. COURT STAFF NOTES THE NEVADA DEPARTMENT OF CORRECTIONS IS CURRENTLY EN ROUTE. COURT TRAILS THE MATTER PENDING ARRIVAL OF DEFENDANT. COURT RECALLS THE MATTER AS DEFENDANT IS NOW PRESENT AND IN CUSTODY (NDOC). MS. THELANER NOTES RECEIPT OF A SINGLE VICTIM STATEMENT AND PRESENTS THE SAME TO THE COURT. MR. EARNEST CONFIRMS RECEIPT OF A COPY OF THE STATEMENT. COURT REFERS TO EACH OF THE PRESENTENCE INVESTIGATION REPORTS AND REVIEWS THE SENTENCING RECOMMENDATIONS OF THE DIVISION CONTAINED WITHIN. COUNSEL DISCUSS THE SENTENCING RECOMMENDATIONS AS AGREED TO IN NEGOTIATIONS. MR. EARNEST DECLARES NOT READY TO PROCEED WITH SENTENCING TODAY AND REQUESTS A CONTINUANCE OF THE MATTERS. WITHOUT OBJECTION, COURT CONTINUES THE MATTERS TO OCTOBER 29, 2018 AT 0900. DEFENDANT IS REMANDED BACK TO THE CUSTODY OF THE NEVADA DEPARTMENT OF CORRECTIONS.

04/18/2019	COURT MINUTES - JUDGE: ROBERT W. LANE CLERK: SARAH WESTFALL COURT REPORTER: NONE BAILIFF: JAMELE TAYLOR APPS: KATRINA SAMUELS, DDA, FOR THE STATE; LISA THELANER FOR P&P; JASON EARNEST WITH DEFENDANT, IN CUSTODY (NDOC). COURT CALLS THE MATTERS; CR9048 AND CR9049A - SENTENCING HEARING CONT'D. MR. EARNEST REFERS TO NEGOTIATIONS IN WHICH THE STATE AND DEFENSE WILL BOTH BE RECOMMENDING PROBATION WITH A MAXIMUM UNDERLYING SENTENCE RAN CONSECUTIVELY. DEFENDANT DECLINES TO ADDRESS THE COURT. MS. SAMUELS SUBMITS ON THE RECOMMENDATIONS AS PROVIDED IN THE GUILTY PLEA AGREEMENT, REQUESTING FELONY PROBATION WITH THE CASE RUNNING CONSECUTIVE TO A PAHRUMP JUSTICE COURT CASE, AND NOTES THE STATE WILL NOT BE SEEKING HABITUAL CRIMINAL TREATMENT. MS. THELANER NOTES CREDIT FOR TIME SERVED OF 75 DAYS IN EACH MATTER ON A CONCURRENT RECOMMENDATION. MR. EARNEST NOTES DEFENDANT DOES TAKE ISSUE WITH THE CREDIT FOR TIME SERVED AND INFORMS THE COURT HE WILL HAVE THE MATTERS PLACED BACK ON CALENDAR IF ANY ISSUES REMAIN AFTER HIS REVIEW. COURT AWARDS DEFENDANT 75 DAYS CREDIT FOR TIME SERVED BASED ON PAROLE AND PROBATION'S REPRESENTATION AND FOLLOWS THE RECOMMENDATIONS OF THE STATE AND DEFENSE, SENTENCING DEFENDANT TO 19/48 MONTHS IN THE NEVADA DEPARTMENT OF CORRECTIONS IN EACH CASE, CONSECUTIVE, WITH CREDIT FOR TIME SERVED AND FINES/FEES AS SET FORTH. COURT SUSPENDS SAID SENTENCES AND PLACES DEFENDANT ON PROBATION IN EACH OF THE MATTERS. DEFENDANT IS REMANDED BACK TO THE CUSTODY OF THE NEVADA DEPARTMENT OF CORRECTIONS.
06/24/2020	BENCH WARRANT (ISSUED)
08/27/2020	DEFENSE ATTORNEY: BOSKOVICH, RONNI ASSIGNED
08/31/2020	COURT MINUTES - BENCH WARRANT RETURN HEARING JAVS RECORDING TIME: 1000; TRAILING; 1012 RECALLED. JUDGE: ROBERT LANE; CLERK: JUANITA TORRES; BAILIFF: ERIC SCHLENER; REPORTER: CECILIA THOMAS; APPEAR: MICHAEL ALLMON ON BEHALF OF THE STATE; ATTORNEY ADAM GILL, IN PLACE OF ATTORNEY RONNI BOSKOVICH, ON BEHALF OF THE DEFENDANT, WHO IS PRESENT IN CUSTODY VIA VIDEO. COURT CALLS THE MATTER. GILL BRIEFS THE RECORD; STATES HE WAS JUST RETAINED AND HAS NOT FILED A SUBSTITUTION OF ATTORNEY YET; REQUEST THE MATTER TRAIL TO NEGOTIATE THE CASE. COURT TRAILS THE MATTER. COURT RECALLS THE MATTER. GILL ADVISES THE DEFENDANT ADMITS THE ALLEGATION; STATE HAS AGREED TO REINSTATE WITHOUT THE DROP-DOWN CLAUSE. COURT REINSTATES PROBATION WITHOUT DROP-DOWN.
09/08/2020	TRANSCRIPT OF: BW RETURN(8/31/20)
04/14/2021	VIOLATION REPORT
04/16/2021	DEFENSE ATTORNEY: GUPTA, ARUN ASSIGNED
04/16/2021	DEFENSE ATTORNEY: GILL, ADAM ASSIGNED

04/19/2021	COURT MINUTES - PROBATION VIOLATION HEARING JAVS RECORDING TIME: 1015 JUDGE: ROBERT LANE; CLERK: JUANITA TORRES; BAILIFF: JAMELE TAYLOR; REPORTER: CECILIA THOMAS; APPEAR: CHIEF DEPUTY DISTRICT ATTORNEY KIRK VITTO ON BEHALF OF THE STATE; ATTORNEY ADAM GILL, VIA VIDEO ON BEHALF OF THE DEFENDANT, WHO IS PRESENT IN CUSTODY, VIA VIDEO. COURT CALLS CASES CR9048 AND CR9049 OFFICER JONATHAN MITCHELL, PRESENT ON BEHALF OF THE DIVISION OF PAROLE AND PROBATION. COURT CALLS THE MATTER; OUTLINES CASE HISTORY AND REVIEWS THE PROBATION VIOLATION REPORT DEFENSE REQUEST CONTINUANCE; SO THE FAMILY MAY LOCATE AN INPATIENT FACILITY. STATE CONCURS. COURT CONTINUES THE MATTER TO 06/07/2021 AT 9:00, A.M.
04/22/2021	TRANSCRIPTS OF PROCEEDINGS PROBATION VIOLATION (CONTINUED) APRIL 19, 2021
06/07/2021	COURT MINUTES - PROBATION VIOLATION HEARING JAVS RECORDING TIME: 0951 JUDGE: ROBERT LANE; CLERK: JUANITA TORRES; BAILIFF: JAMELE TAYLOR; REPORTER: CECILIA THOMAS; APPEAR: DEPUTY DISTRICT ATTORNEY KIRK VITTO ON BEHALF OF THE STATE; ATTORNEY ADAM GILL, VIA COURTCALL, ON BEHALF OF THE DEFENDANT, WHO IS PRESENT IN CUSTODY. OFFICER JONATHAN MITCHELL, PRESENT ON BEHALF OF THE DIVISION OF PAROLE AND PROBATION. COURT CALLS THE MATTER; OUTLINES CASE HISTORY AND REVIEWS THE PROBATION VIOLATION REPORT ON THE RECORD. DEFENSE STATES THE DEFENDANT ADMITS THE VIOLATION; OUTLINES THE NEW ARREST, HOWEVER NO COMPLAINT HAS BEEN FILED; THE DEFENDANT NEEDS TO COMPLETE AN EVALUATION; HE HAS BEEN IN CUSTODY SINCE 03/30/2021; REQUEST REINSTATEMENT; DEFENDANT ADDRESSES THE COURT. STATE ARGUES THIS IS THE DEFENDANT'S SECOND VIOLATION; OUTLINES CRIMINAL CASE HISTORY; SUGGESTS THE SUSPENDED SENTENCE BE IMPOSED AND PROBATION BE REVOKED. P&P SUGGEST PROBATION BE REVOKED; DEFENDANT HAS 3 NEW FELONY CHARGES FROM AUGUST 2020; CONFIRMS 164 DAYS CREDIT FOR TIME SERVED. COURT SENTENCES THE DEFENDANT TO THE UNDERLYING SENTENCING AND THE JUDGMENT OF CONVECTION IS REINSTATED. GILL ADVISES THE COURT THE 3 NEW CHARGES WERE DISMISSED.
06/08/2021	ORDER REVOKING PROBATION AND REINSTATING JUDGMENT OF CONVICTION (FELONY/PROPERTY)
06/14/2021	MOTION TO MODIFY SENTENCE
06/14/2021	TRANSCRIPT OF: PROBATION VIOLATION(6/7/21)
06/15/2021	AMENDED ORDER REVOKING PROBATION AND REINSTATING JUDGMENT OF CONVICTION
06/15/2021	COURT ORDER (RE: MOTION TO MODIFY SENTENCE)
06/23/2021	NOTICE OF APPEAL
06/23/2021	CASE APPEAL STATEMENT

FILED
FIFTH JUDICIAL DISTRICT
NOV 07 2018
Nye County Clerk
Deputy

Case No. 9049A

Dept. No. 2P

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT

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

THE STATE OF NEVADA,

Plaintiff,

-v-

JUDGMENT OF CONVICTION

MARSCEL LOUIS CARROLL,

Defendant.

/

FIFTH JUDICIAL DISTRICT COURT
ESMERALDA AND NYE COUNTIES

On the 27th day of February 2018, the above-named defendant appeared before the Court, while in-custody, with his counsel, JONATHAN K. NELSON, ESQ., and entered a plea of guilty to the crime of ATTEMPTED POSSESSION OF DOCUMENT OR PERSONAL IDENTIFYING INFORMATION TO ESTABLISH FALSE STATUS OR IDENTIFYING INFORMATION TO ESTABLISH FALSE STATUS OR IDENTITY, a violation of NRS 193.330(1)(a)(6), 205.465(4), 205.465(6), a category 'E' felony. The state was represented by MICHAEL VIETA-KABELL, ESQ., Deputy District Attorney.

On the 29th day of October 2018, the Defendant appeared personally, while in-custody, with his counsel, JASON L. EARNEST, ESQ., for entry of judgment. The State was represented by KATRINA SAMUELS, ESQ., Deputy District Attorney. No sufficient legal cause was shown by the Defendant as to why judgment should not be pronounced against him. The Court adjudged the Defendant guilty of the crime of ATTEMPTED

POSSESSION OF DOCUMENT OR PERSONAL IDENTIFYING INFORMATION TO ESTABLISH FALSE STATUS OR IDENTIFYING INFORMATION TO ESTABLISH FALSE STATUS OR IDENTITY, a violation of NRS 193.330(1)(a)(6), 205.465(4), 205.465(6), a category 'E' felony.

The Court then sentenced the defendant to imprisonment in the Nevada Department of Corrections for a maximum term of forty-eight (48) months and a minimum parole eligibility of nineteen (19) months. Said sentence to run consecutive to CR 9048and consecutive to case the defendant is currently serving in the Nevada Department of Corrections. Said sentence is suspended and Defendant is placed on probation for a period not to exceed five (5) years, with the following special conditions:

That the Defendant submit to a search of his person, property, vehicle, residence, or any area and/or thing under his control, at any time of the day or night without a warrant, for evidence of any crime or violation of probation by any Parole and Probation Officer or Peace Officer acting under their direction during the entire term of probation.

That the Defendant, at his own expense, obtains a substance abuse evaluation and if deemed necessary, enters and successfully completes a substance abuse counselling program approved by Nevada Parole and Probation.

That the Defendant, at his/her own expense, obtains a mental health evaluation and if deemed necessary, enters and successfully completes a mental health counselling program.

That the Defendant, at his own expense, obtain any evaluation, and if deemed necessary, enter and successfully complete any counseling program approved by Nevada Parole and Probation.

That the Defendant completely abstains from the use, possession or consumption of

FIFTH JUDICIAL DISTRICT COURT
ESMERALDA AND NYE COUNTIES

any alcoholic beverage. Further that the defendant completely abstain from being present in any cocktail lounge, bar or similar establishment for which the primary purpose is serving alcoholic beverages, unless required to be so present during actual employment.

That the Defendant completely abstains from gambling in any way or from being present in a gambling establishment except for employment purposes during the term of his/her probation grant.

The Defendant shall not use, consume, possess or purchase any psychoactive substances, or any mind or mood altering substances, whatsoever throughout the entire term of his/her probation. This includes, but is not limited to: synthetic cannabinoids (K2/Spice) Synthetic Cathinones (Bath Salts); cannabimetric substances, inhalants, **Mitragyna speciosa** (Kratom), or Krockidile.

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

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

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

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

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

That all fines/fees are due by 12/28/18.

That the Defendant shall be given credit for seventy-five (75) days credit for pre-sentence time served.

FIFTH JUDICIAL DISTRICT COURT
ESMERALDA AND NYE COUNTIES

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

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

DATED this 7th day of November 2018.

DISTRICT JUDGE

FIFTH JUDICIAL DISTRICT COURT
ESMERALDA AND NYE COUNTIES

FIFTH JUDICIAL DISTRICT COURT
ESMERALDA AND NYE COUNTIES

CERTIFICATION OF SERVICE

The undersigned hereby certifies that on the 7th day of November 2018, she mailed (or hand/fleet delivered) copies of the foregoing **JUDGMENT OF CONVICTION** to the following:

NYE COUNTY DISTRICT ATTORNEY
1520 E. BASIN AVE., SUITE 107
PAHRUMP, NV 89060
(HAND DELIVERED)

JASON EARNEST, ESQ.
3340 S. HWY 160, SUITE 202
PAHRUMP, NV 89048
(HAND DELIVERED)

NEVADA DIVISION OF PAROLE AND PROBATION
PAHRUMP, NV 89048
(HAND DELIVERED)

Louise Mulvey
LOUISE MULVEY, Secretary to
DISTRICT JUDGE

Case #: CR18-9049

Judge: LANE, ROBERT W

Date Filed: 01/09/2018 **Department:**

Case Type: Crimes Against Property (Felony)

	Attorney(s)
Defendant	
CARROLL, MARSCEL LOUIS	GILL, ADAM
Plaintiff	
STATE OF NEVADA	No *Attorney 1* Listed

Fees:

Date Assessed:	Fee	Total	Paid	Waived	Outstanding
11/07/2018	ADMIN	$5.00	$0.00	$0.00	$5.00
11/07/2018	STADMIN	$20.00	$0.00	$0.00	$20.00
11/07/2018	GENETIC	$3.00	$0.00	$0.00	$3.00
11/07/2018	PSI	$400.00	$0.00	$0.00	$400.00
11/07/2018	PUBDEF	$500.00	$0.00	$0.00	$500.00

Charge: NRS 205.465(4),205.465(6) POSS. ID INFO EST FALSE F/E Count 1

Sent: 19/48 NDCSUSP; W/ 5 YRS PROB W/ COND; TO RUN CONSECUTIVE TO CR9048; $25 ADMIN FEE; $3 DNA FEE; $400 PSI FEE; $500 ATTY FEES; DUE BY 12/28/18; 75 DAYS CTS.
06/08/2021 (HRG 06/07/2021)-PROBATION REVOKED, JOC REINSTATED; NDOC 19/48 MOS; RUN CONSEC TO CR9048; CTS 0 DAYS; $25 AA FEE; $3 DNA AA FEE; $400 PSI PREP.
06/15/2021-PROBATION REVOKED, JOC REINSTATED; NDOC 19/48 MOS; RUN CONSEC TO CR9048; CTS 0 DAYS; $25 AA FEE; $3 DNA AA FEE; $400 PSI PREP ; $500 ATTY FEES

Disp/Judgment: Non-Trial: Guilty Date: 10/29/2018
Plea with Sentence
(Before Trial)

Hearings:

Date	Time	Hearing	Court Result
01/29/2018	9:00AM	ARRAIGNMENT HEARING	
02/12/2018	9:00AM	ARRAIGNMENT HEARING CONT'D	
02/27/2018	9:00AM	STATUS CHECK-PLEA/HILL MOTION	
04/30/2018	9:00AM	SENTENCING HEARING	
07/30/2018	9:00AM	SENTENCING HEARING CONT'D	
08/27/2018	8:30AM	SENTENCING HEARING CONT'D	
10/01/2018	9:00AM	SENTENCING HEARING CONT'D	
10/29/2018	9:00AM	SENTENCING HEARING CONT'D	
03/19/2019	12:00AM	JURY DRAW - FILE TO LOUISE	CANC
03/19/2019	12:00AM	CALENDAR CALL	CANC
04/18/2019	12:00AM	JURY TRIAL	CANC
08/31/2020	9:00AM	66# BENCH WARRANT RETURN	

04/19/2021	9:00AM	30#PROBATION VIOLATION
06/07/2021	9:00AM	03#PROBATION VIOLATION CONT

Filings:

Date	Filing
01/09/2018	CASE FILED 01/09/2018 CASE NUMBER CR18-9049
01/09/2018	BINDOVER ORDER
01/09/2018	DOCUMENTS RECEIVED FROM PAHRUMP JUSTICE COURT AFFIDAVIT IN SUPPORT OF ARREST WARRANT
01/19/2018	INFORMATION (FELONY/PERSON)
01/25/2018	TRANSCRIPT OF: PRELIMINARY HEARING(1/4/18)*****PJC DOC******
01/29/2018	Court Minutes - JUDGE: ROBERT W. LANE; CLERK: VERONICA AGUILAR; COURT REPORTER: CECILIA THOMAS; BAILIFF: JAMELE TAYLOR; APP: PATRICK FERGUSON, ESQ., IS PRESENT FOR THE STATE; LISA THELANER IS PRESENT FOR P&P; JONATHAN NELSON, ESQ., IS PRESENT WITH DEFENDANT, WHO IN CUSTODY. THE COURT CALLS CASE NUMBER CR9048 AND CR9049A. MR. NELSON BRIEFS THE CASE HISTORY FOR THE COURT RECORD AND STATES THE DEFENDANT HAS WAIVED UP HIS PRELIMINARY HEARING DUE TO THE STATE□S OFFER. MR. NELSON REQUESTS ADDITIONAL TIME TO PREPARE FOR THE ARRAIGNMENT AND TO REVIEW THE DISCOVERY IN THE CASE SHOULD THE DEFENDANT WISHES TO CONTINUE WITH THE TRIAL. THE COURT CONTINUES THE MATTER TO FEBRUARY 12, 2018 @ 9:00 AM.
02/06/2018	TRANSCRIPT OF: ARRAIGNMENT HEARING (01/29/18)
02/12/2018	Court Minutes - JUDGE: ROBERT W LANE CLERK: JUANITA L TORRES REPORTER: CECILIA THOMAS BAILIFF: JAMELE TAYLOR APPEAR: DEPUTY DISTRICT ATTORNEY, CHRISTI KENDEL, PRESENT ON BEHALF OF THE STATE; LISA THELANDER, ON BEHALF OF P&P; ATTORNEY JOHN NELSON PRESENT WITH DEFENDANT WHO IS IN CUSTODY. COURT CALLS CR9048 AND CR9049. NELSON OUTLINES CASE HISTORY. DEFENDANT PLEADS NOT GUILTY. COURT SO ACKNOWLEDGES. COURT SETS JURY TRIAL FOR 4/18 -20/2018. CALENDAR CALL SET FOR 3/19/2018.
02/14/2018	AMENDED INFORMATION(FELONY/FIREARMS/DRUGS/FALSE IDTY/ HABI)
02/20/2018	REQUEST FOR DISCLOSURE
02/22/2018	NOTICE OF WITNESSES(19)
02/23/2018	SECOND AMENDED INFORMATION(FELONY/GROSS/PERSON)
02/26/2018	TRANSCRIPT OF: ARRAIGNMENT(2/12/18)
02/27/2018	Court Minutes - JUDGE: ROBERT W LANE CLERK: JUANITA L TORRES REPORTER: CECILIA THOMAS BAILIFF: JAMELE TAYLOR APPEAR: DEPUTY DISTRICT ATTORNEY, MIKE VIETA-KABEL, PRESENT ON BEHALF OF THE STATE; LISA THELANDER, ON BEHALF OF P&P; ATTORNEY JONATHAN NELSON PRESENT WITH DEFENDANT WHO IS PRESENT IN CUSTODY. COURT CALLS CR9048 AND CR9040, AS A CHANGE OF PLEA OR HILL MOTION. GUILTY PLEA AGREEMENT SUBMITTED TO THE COURT. NELSON OUTLINES THE NEGOTIATIONS. DA SUBMITS. COURT CANVASSES THE DEFENDANT AND OUTLINES THE GUILTY PLEAS AGREEMENT FOR THE RECORD. DEFENDANT SO ACKNOWLEDGES, PLEADS GUILTY AND WAIVES RIGHT TO TRIAL AND APPLET RIGHTS. COURT FINDS THE GUILTY PLEA TO BE GIVEN FREELY. COURT SETS SENTENCING FOR 4/16/2018 AT 9:00. DEFENSE WAIVES THE 14 DAY RULE REGARDING THE PSI REPORT. NELSON ADVISES THE COURT, DEFENDANT HAS A CLARK COUNTY CASE THAT HE IS UNAWARE OF FUTURE HEARING DATES. PD MAKES AN ORAL MOTION FOR AN OR RELEASE. DA HAS NO OBJECTION. COURT GRANTS THE OR RELEASE.
03/07/2018	TRANSCRIPT OF: STATUS CHECK(2/27/18)
04/12/2018	STIPULATION TO CONTINUE (4/16/18 TO 04/30/18)
04/23/2018	FTA PRESENTENCE INVESTIGATION REPORT
05/09/2018	TRANSCRIPT OF: SENTENCING (CONT'D) (04/30/18)
08/09/2018	ORDER TO CONTINUE
08/09/2018	STIPULATION AND ORDER TO CONTINUE
08/22/2018	ORDER RESETTING THE FOLLOWING CASES, FOR DEPARTMENT 2

09/04/2018	BENCH WARRANT (ISSUED)
09/13/2018	ORDER TO PRODUCE PRISONER
10/01/2018	Court Minutes - JUDGE: ROBERT W. LANE CLERK: RACHEL ALDANA COURT REPORTER: CECILIA THOMAS BAILIFF: JAMELE TAYLOR APP: PATRICK FERGUSON IS PRESENT FOR THE STATE; LISA THELANER FOR P&P; JONATHAN NELSON IS PRESENT WITH THE DEFENDANT, WHO IS IN CUSTODY ON CASES CR 9048 AND CR 9049. MR. NELSON NOTES THAT THE DEFENDANT WAS GRANTED AN OR RELEASE ON THESE CASES AND HAS BEEN PICKED UP IN CLARK COUNTY. MR. NELSON REQUESTS TO CONTINUE THESE MATTERS. MR. FERGUSON IS GOING TO RESEARCH THE ISSUES IN REGARDS TO THE STATE BEING ALLOWED TO ARGUE AT THE TIME OF SENTENCING. COURT CONTINUES THESES MATTERS TO 7/30/18 AT 9 AM.
10/29/2018	Court Minutes - JUDGE: ROBERT W. LANE; CLERK: VERONICA AGUILAR; COURT REPORTER: CECILIA THOMAS; BAILIFF: JAMELE TAYLOR; APP: CHRISTI KINDEL, ESQ., IS PRESENT FOR THE STATE; LISA THELANER IS PRESENT FOR P&P; JONATHAN NELSON, ESQ. ON BEHALF OF DEFENDANT. THE COURT CALLS CASE NUMBER CR9048 AND CR9049. MR. NELSON INFORMS THE COURT THAT MR. EARNEST HAS TAKEN OVER THE CASE BUT IS NOT PRESENT. MR. NELSON REQUESTS A CONTINUANCE. THE COURT CONTINUES THE MATTER TO AUGUST 13, 2018 @ 9:00 AM.
11/07/2018	JUDGMENT OF CONVICTION
12/19/2018	TRANSCRIPT OF: SENTENCING(8/27/18)
01/31/2019	TRANSCRIPT OF: SENTENCING (CONT'D) (10/1/18)
02/08/2019	TRANSCRIPT OF:SENTENCING HEARING(10/29/18)
03/19/2019	Court Minutes - JUDGE: ROBERT W. LANE; CLERK: VERONICA AGUILAR; BAILIFF: JAMELE TAYLOR; APP: DANIEL YOUNG, ESQ., IS PRESENT FOR THE STATE; LISA THELANER IS PRESENT FOR P&P; JASON EARNEST, ESQ., IS PRESENT ON BEHALF OF THE DEFENDANT. THE COURT CALLS CASE NUMBER CR9048 AND CR9049. MR. EARNEST INFORMS THE COURT THAT THE DEFENDANT IS IN THE CUSTODY OF THE STATE PRISON, BUT HE WAS NOT TRANSPORTED. THE COURT INSTRUCTS MR. EARNEST TO FOLLOW UP WITH HIS SECRETARY TO OBTAIN A NEW HEARING DATE AND FILE A MOTION TO PRODUCE PRISONER.
03/19/2019	Court Minutes - JUDGE: ROBERT W. LANE CLERK: SARAH WESTFALL COURT REPORTER: CECILIA THOMAS BAILIFF: JAMELE TAYLOR APPS: MICHAEL VIETA-KABELL, DDA, FOR THE STATE; LISA THELANER FOR P&P; JASON EARNEST WITH DEFENDANT, IN CUSTODY (NDOC). COURT CALLS THE MATTERS; CR9048 AND CR9049A - SENTENCING HEARING CONT'D. MR. EARNEST NOTES DEFENDANT'S ABSENCE AND STATES HIS UNDERSTANDING DEFENDANT IS PRESENTLY SERVING TIME IN THE NEVADA DEPARTMENT OF CORRECTIONS. MR. EARNEST REQUESTS A CONTINUANCE OF THE MATTERS AND ASKS THE STATE PREPARE AN ORDER TO PRODUCE PRISONER. MR. VIETA-KABELL INFORMS AN ORDER TO PRODUCE WAS PREPARED FOR TODAY'S HEARINGS WITH TRANSPORT CONFIRMED AND QUESTIONS THE WHEREABOUTS OF THE DEPARTMENT OF CORRECTIONS. COURT STAFF NOTES THE NEVADA DEPARTMENT OF CORRECTIONS IS CURRENTLY EN ROUTE. COURT TRAILS THE MATTER PENDING ARRIVAL OF DEFENDANT. COURT RECALLS THE MATTER AS DEFENDANT IS NOW PRESENT AND IN CUSTODY (NDOC). MS. THELANER NOTES RECEIPT OF A SINGLE VICTIM STATEMENT AND PRESENTS THE SAME TO THE COURT. MR. EARNEST CONFIRMS RECEIPT OF A COPY OF THE STATEMENT. COURT REFERS TO EACH OF THE PRESENTENCE INVESTIGATION REPORTS AND REVIEWS THE SENTENCING RECOMMENDATIONS OF THE DIVISION CONTAINED WITHIN. COUNSEL DISCUSS THE SENTENCING RECOMMENDATIONS AS AGREED TO IN NEGOTIATIONS. MR. EARNEST DECLARES NOT READY TO PROCEED WITH SENTENCING TODAY AND REQUESTS A CONTINUANCE OF THE MATTERS. WITHOUT OBJECTION, COURT CONTINUES THE MATTERS TO OCTOBER 29, 2018 AT 0900. DEFENDANT IS REMANDED BACK TO THE CUSTODY OF THE NEVADA DEPARTMENT OF CORRECTIONS.

04/18/2019	COURT MINUTES - JUDGE: ROBERT W. LANE CLERK: SARAH WESTFALL COURT REPORTER: NONE BAILIFF: JAMELE TAYLOR APPS: KATRINA SAMUELS, DDA, FOR THE STATE; LISA THELANER FOR P&P; JASON EARNEST WITH DEFENDANT, IN CUSTODY (NDOC). COURT CALLS THE MATTERS; CR9048 AND CR9049A - SENTENCING HEARING CONT'D. MR. EARNEST REFERS TO NEGOTIATIONS IN WHICH THE STATE AND DEFENSE WILL BOTH BE RECOMMENDING PROBATION WITH A MAXIMUM UNDERLYING SENTENCE RAN CONSECUTIVELY. DEFENDANT DECLINES TO ADDRESS THE COURT. MS. SAMUELS SUBMITS ON THE RECOMMENDATIONS AS PROVIDED IN THE GUILTY PLEA AGREEMENT, REQUESTING FELONY PROBATION WITH THE CASE RUNNING CONSECUTIVE TO A PAHRUMP JUSTICE COURT CASE, AND NOTES THE STATE WILL NOT BE SEEKING HABITUAL CRIMINAL TREATMENT. MS. THELANER NOTES CREDIT FOR TIME SERVED OF 75 DAYS IN EACH MATTER ON A CONCURRENT RECOMMENDATION. MR. EARNEST NOTES DEFENDANT DOES TAKE ISSUE WITH THE CREDIT FOR TIME SERVED AND INFORMS THE COURT HE WILL HAVE THE MATTERS PLACED BACK ON CALENDAR IF ANY ISSUES REMAIN AFTER HIS REVIEW. COURT AWARDS DEFENDANT 75 DAYS CREDIT FOR TIME SERVED BASED ON PAROLE AND PROBATION'S REPRESENTATION AND FOLLOWS THE RECOMMENDATIONS OF THE STATE AND DEFENSE, SENTENCING DEFENDANT TO 19/48 MONTHS IN THE NEVADA DEPARTMENT OF CORRECTIONS IN EACH CASE, CONSECUTIVE, WITH CREDIT FOR TIME SERVED AND FINES/FEES AS SET FORTH. COURT SUSPENDS SAID SENTENCES AND PLACES DEFENDANT ON PROBATION IN EACH OF THE MATTERS. DEFENDANT IS REMANDED BACK TO THE CUSTODY OF THE NEVADA DEPARTMENT OF CORRECTIONS.
06/24/2020	BENCH WARRANT (ISSUED)
08/27/2020	DEFENSE ATTORNEY: BOSKOVICH, RONNI ASSIGNED
08/31/2020	COURT MINUTES - BENCH WARRANT RETURN HEARING JAVS RECORDING TIME: 1000; TRAILING; 1012 RECALLED. JUDGE: ROBERT LANE; CLERK: JUANITA TORRES; BAILIFF: ERIC SCHLENER; REPORTER: CECILIA THOMAS; APPEAR: MICHAEL ALLMON ON BEHALF OF THE STATE; ATTORNEY ADAM GILL, IN PLACE OF ATTORNEY RONNI BOSKOVICH, ON BEHALF OF THE DEFENDANT, WHO IS PRESENT IN CUSTODY VIA VIDEO. COURT CALLS THE MATTER. GILL BRIEFS THE RECORD; STATES HE WAS JUST RETAINED AND HAS NOT FILED A SUBSTITUTION OF ATTORNEY YET; REQUEST THE MATTER TRAIL TO NEGOTIATE THE CASE. COURT TRAILS THE MATTER. COURT RECALLS THE MATTER. GILL ADVISES THE DEFENDANT ADMITS THE ALLEGATION; STATE HAS AGREED TO REINSTATE WITHOUT THE DROP-DOWN CLAUSE. COURT REINSTATES PROBATION WITHOUT DROP-DOWN.
09/08/2020	TRANSCRIPT OF: BW RETURN(8/31/20)
04/14/2021	VIOLATION REPORT
04/16/2021	DEFENSE ATTORNEY: GUPTA, ARUN ASSIGNED
04/16/2021	DEFENSE ATTORNEY: GILL, ADAM ASSIGNED

04/19/2021	COURT MINUTES - PROBATION VIOLATION HEARING JAVS RECORDING TIME: 1015 JUDGE: ROBERT LANE; CLERK: JUANITA TORRES; BAILIFF: JAMELE TAYLOR; REPORTER: CECILIA THOMAS; APPEAR: CHIEF DEPUTY DISTRICT ATTORNEY KIRK VITTO ON BEHALF OF THE STATE; ATTORNEY ADAM GILL, VIA VIDEO ON BEHALF OF THE DEFENDANT, WHO IS PRESENT IN CUSTODY, VIA VIDEO. COURT CALLS CASES CR9048 AND CR9049 OFFICER JONATHAN MITCHELL, PRESENT ON BEHALF OF THE DIVISION OF PAROLE AND PROBATION. COURT CALLS THE MATTER; OUTLINES CASE HISTORY AND REVIEWS THE PROBATION VIOLATION REPORT DEFENSE REQUEST CONTINUANCE; SO THE FAMILY MAY LOCATE AN INPATIENT FACILITY. STATE CONCURS. COURT CONTINUES THE MATTER TO 06/07/2021 AT 9:00, A.M.
04/22/2021	TRANSCRIPTS OF PROCEEDINGS PROBATION VIOLATION (CONTINUED) APRIL 19, 2021
06/07/2021	COURT MINUTES - PROBATION VIOLATION HEARING JAVS RECORDING TIME: 0951 JUDGE: ROBERT LANE; CLERK: JUANITA TORRES; BAILIFF: JAMELE TAYLOR; REPORTER: CECILIA THOMAS; APPEAR: DEPUTY DISTRICT ATTORNEY KIRK VITTO ON BEHALF OF THE STATE; ATTORNEY ADAM GILL, VIA COURTCALL, ON BEHALF OF THE DEFENDANT, WHO IS PRESENT IN CUSTODY. OFFICER JONATHAN MITCHELL, PRESENT ON BEHALF OF THE DIVISION OF PAROLE AND PROBATION. COURT CALLS THE MATTER; OUTLINES CASE HISTORY AND REVIEWS THE PROBATION VIOLATION REPORT ON THE RECORD. DEFENSE STATES THE DEFENDANT ADMITS THE VIOLATION; OUTLINES THE NEW ARREST, HOWEVER NO COMPLAINT HAS BEEN FILED; THE DEFENDANT NEEDS TO COMPLETE AN EVALUATION; HE HAS BEEN IN CUSTODY SINCE 03/30/2021; REQUEST REINSTATEMENT; DEFENDANT ADDRESSES THE COURT. STATE ARGUES THIS IS THE DEFENDANT'S SECOND VIOLATION; OUTLINES CRIMINAL CASE HISTORY; SUGGESTS THE SUSPENDED SENTENCE BE IMPOSED AND PROBATION BE REVOKED. P&P SUGGEST PROBATION BE REVOKED; DEFENDANT HAS 3 NEW FELONY CHARGES FROM AUGUST 2020; CONFIRMS 164 DAYS CREDIT FOR TIME SERVED. COURT SENTENCES THE DEFENDANT TO THE UNDERLYING SENTENCING AND THE JUDGMENT OF CONVECTION IS REINSTATED. GILL ADVISES THE COURT THE 3 NEW CHARGES WERE DISMISSED.
06/08/2021	ORDER REVOKING PROBATION AND REINSTATING JUDGMENT OF CONVICTION (FELONY/PROPERTY)
06/14/2021	MOTION TO MODIFY SENTENCE
06/14/2021	TRANSCRIPT OF: PROBATION VIOLATION(6/7/21)
06/15/2021	AMENDED ORDER REVOKING PROBATION AND REINSTATING JUDGMENT OF CONVICTION
06/15/2021	COURT ORDER (RE: MOTION TO MODIFY SENTENCE)
06/23/2021	NOTICE OF APPEAL
06/23/2021	CASE APPEAL STATEMENT

OFFICE OF THE NYE COUNTY CLERK
SANDRA L. MERLINO

Tonopah Office
Nye County Courthouse
P.O. Box 1031
101 Radar Road
Tonopah, Nevada 89049
Phone (775) 482-8127
Fax (775) 482-8133

Pahrump Office
Government Complex
1520 East Basin Avenue
Pahrump, Nevada 89060
Phone (775) 751-7040
Fax (775)751-7047

CERTIFICATION OF COPY

STATE OF NEVADA
COUNTY OF NYE

I, **SANDRA L. MERLINO**, the duly elected, qualifying and acting Clerk of Nye County, in the State of Nevada, and Ex-Officio Clerk of the District Court, do hereby certify that the foregoing is a true, full and correct copy of the original documents in the action entitled:

THE STATE OF NEVADA,	**Case No. CR 9049A**
Plaintiff,	
vs.	
MARSCELL CARROLL,	
Defendant.	

now on file and of record in this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Court at my office, Pahrump, Nevada, this 22nd day of June, 2021.

SANDRA L. MERLINO
NYE COUNTY CLERK

By: _____
Terri Pemberton
Deputy Clerk, Pahrump

OFFICE OF THE NYE COUNTY CLERK
SANDRA L. MERLINO

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Tuesday, June22, 2021

SENT VIA E-FILE

Supreme Court Clerk
201 South Carson Street, Suite 201
Carson City, Nevada 89701-4702

RE: CR9049A
THE STATE OF NEVADA, Plaintiff,
vs.
MARSCELL CARROLL, Defendant.

Dear Clerk of Court:

I am submitting an appeal packet for an appeal received and filed June 22, 2021, in the above referenced matter. As this is a criminal matter, post-conviction, no fees were collected.

Please feel free to contact me should you have any questions with regard to the foregoing.

Sincerely,

SANDRA L. MERLINO
NYE COUNTY CLERK

By _____
Terri Pemberton
Deputy Clerk, Pahrump

cc: Adam Gill, ESQ
Nye County District Attorney
Honorable Robert W. Lane