

1 CASE NO. CR-**FP**-14-0633

2 DEPT. NO. 1

FILED

2014 JUN 25 PM 3:03

ELKO CO DISTRICT COURT

CLERK _____ DEPUTY **RP**

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6 IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
7 OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO
8

9 _____
10 THE STATE OF NEVADA,

11 Plaintiff,

12 vs.

**MEMORANDUM OF PLEA
AGREEMENT**

13 LANE WATSON SHELTON,

14 Defendant,
15 _____ /

16 I hereby agree to enter a plea of guilty to: one count
17 ASSAULT WITH A DEADLY WEAPON, a Category B Felony defined by NRS
18 200.471.1 and .2(b), *without enhancement*, and one count of
19 POSSESSION OF A FIREARM BY A PERSON PREVIOUSLY CONVICTED OF A
20 FELONY OFFENSE, a Category B Felony defined by NRS 202.360, as are
21 each more fully alleged in the charging document.

22 My decision to plead guilty is based upon the plea agreement
23 in this case in which the State has agreed to file a Criminal
24 Information charging me with the above mentioned felonies. The
25 District Attorney's Office agrees that it will file no further
26 charges arising out of facts related to this incident, now known by
27 the District Attorney's Office. At the time of sentencing, the
28 parties will remain free to argue for what each deems an
appropriate sentence to be imposed.

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

CONSEQUENCES OF THE PLEA

1
2 I understand that by pleading guilty I admit the facts which
3 support all the elements of the offenses to which I now plead as
4 set forth in the charging document.

5 I understand that as a consequence of my plea of guilty to the
6 charge of Assault With A Deadly Weapon, I may be imprisoned for a
7 period of not more than SIX (6) YEARS and that I may be fined up to
8 FIVE THOUSAND DOLLARS (\$5,000.00); for my plea of guilty to the
9 charge of Possession of a Firearm by a Person Previously Convicted
10 of a Felony Offense, I may be imprisoned for a period of not more
11 than SIX (6) YEARS and fined up to FIVE THOUSAND DOLLARS
12 (\$5,000.00). I understand that the law requires me to pay an
13 administrative assessment fee, and that in some instances I may be
14 required to pay other costs incurred by the State in this
15 prosecution, such as drug analysis fees or costs of extradition.

16 I understand that I may be ordered to make restitution to any
17 victim of the offenses to which I am pleading guilty and to the
18 victim of any related offense which is being dismissed or not
19 prosecuted as a result of this agreement, and that even though
20 charges have been dismissed or not brought as a result of this
21 agreement, they may still be considered by the judge in determining
22 the appropriate sentence to be imposed in my case.

23 I understand that I AM eligible for probation for the
24 offense(s) to which I am pleading guilty.

25 I understand that if I plead guilty to two or more charges,
26 the sentences may be served concurrently or consecutively, at the
27 discretion of the judge who sentences me.

28 I have not been promised or guaranteed any particular sentence

1 by anyone. I know that my sentence is to be determined by the
2 Court within the limits prescribed by law. I understand that if my
3 attorney, or the State, or both, recommends any particular
4 sentence, the Court is not obligated to follow those
5 recommendations.

6 I understand that the Division of Parole and Probation will
7 conduct an investigation into, and prepare a report on, my
8 background and other matters relevant to determining the
9 appropriate sentence to be imposed. My attorney and I, as well as
10 the District Attorney, unless he has otherwise agreed in this
11 document to remain silent, will all have the opportunity to comment
12 on the information contained in the report at the time of
13 sentencing.

14 **COLLATERAL CONSEQUENCE OF DEPORTATION**

15 If you are not a citizen of the United States of America, you
16 are hereby advised that conviction of the offense for which you
17 have been charged may have the consequences of deportation,
18 exclusion from admission to the United States of America, or denial
19 of naturalization pursuant to the laws of the United States of
20 America.

21 **WAIVER OF RIGHTS**

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

24 1. The constitutional right against self-incrimination,
25 including the right to choose whether to testify at trial, and the
26 right to prohibit the prosecutor from commenting on my silence if
27 I choose not to testify.

28 2. The constitutional right to a speedy, fair and public

1 trial by an impartial jury; the constitutional right to be assisted
2 at trial by an attorney, either retained by me, or appointed for me
3 if I am indigent and cannot afford an attorney; the right to
4 require the State to prove each element of the offense with which
5 I am charged beyond a reasonable doubt; the constitutional right to
6 confront and cross-examine my accusers, and the constitutional
7 right to subpoena witnesses in by behalf.

8 3. The right to appeal, with the assistance of retained or
9 appointed counsel, the conviction as well as any legal issues
10 arising prior to entry of this guilty plea. By pleading guilty, I
11 specifically waive my right to appeal any and all such issues.

12 **VOLUNTARINESS OF PLEA**

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

16 I understand that the State would have to prove each element
17 of the charges against me at trial beyond a reasonable doubt.

18 I have discussed with my attorney any possible defenses,
19 defense strategies, and circumstances which might be favorable to
20 me.

21 All of the foregoing elements, consequences, rights and waiver
22 of rights, have been thoroughly explained to me by my attorney. My
23 attorney has answered all of my questions regarding this plea
24 agreement and its consequences to my satisfaction.

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

28 I am satisfied that my attorney is skilled in criminal defense


1 and that I have been fully and fairly served by my attorney.

2 I am not now under the influence of any intoxicating liquor,
3 controlled substance or other substance which would in any manner
4 impair my ability to comprehend or understand this agreement or the
5 proceedings surrounding my entry of this plea. I am signing this
6 agreement freely and voluntarily, after consultation with my
7 attorney, and I am not acting under duress, coercion, or promises
8 of leniency except as expressly set forth in this agreement.

9 DATED this 3RD day of June, 2014.

10
11 
12 LANE WATSON SHELTON
13 Defendant

14 DATED this 3RD day of June, 2014.

15 
16 CHAD B. THOMPSON
17 Nevada Bar No. 10248
18 Deputy District Attorney

19 **CERTIFICATE OF COUNSEL**

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

22 1. I have fully explained to the Defendant the allegations
23 contained in the charges to which guilty pleas are being entered.


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

27 3. All pleas of guilty offered by the Defendant pursuant to
28 this Agreement are consistent with the facts known to me and are

1 made with my advice to the Defendant and are in the best interest
2 of the Defendant.

- 3 4. To the best of my knowledge and belief, the Defendant:
- 4 a. Is competent and understands the charges and the
5 consequences of pleading guilty as provided in this
6 Agreement.
 - 7 b. Executed this Agreement and will enter all guilty
8 pleas pursuant hereto voluntarily.
 - 9 c. Was not under the influence of intoxicating liquor,
10 a controlled substance or other substance at the
11 time of the execution of this Agreement.

12 DATED this 3 day of June, 2014.

13 
14 _____
15 DAVID B. LOCKIE
16 Nevada Bar No. 2384
17 Attorney for Defendant
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