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2013 JUL 26 AM 10:31

ELKO CO DISTRICT COURT

CLERK _____ DEPUTY RA

1 CASE NO.: CR-FP-12-0023

2 DEPT. NUMBER: I

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**IN THE FOURTH JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO**

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THE STATE OF NEVADA,

Plaintiff,

**1. STATUTORY PLEA AGREEMENT;
AND**

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11

12

vs.

**2. DECLARATION BY THE VICTIM
ENDORING THE NEGOTIATED
DISPOSITION OF THIS MATTER
CONTEMPLATED BY THIS PLEA
AGREEMENT.**

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14

**ANGELA MARIE HILL, AKA ANGELA
MARIE ATWOOD,**

15

Defendant.

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COMES NOW THE STATE OF NEVADA, the Plaintiff in the above-

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entitled cause, by and through its Counsel of Record, the Elko County District

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Attorney's Office, and the Defendant above-named, *in proper person*, and by and

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21

through his Counsel Of Record Mr. Frederick B. Lee, Jr., Elko County Public Defender

22

23

who by their signatures on this Agreement, do hereby declare that the Parties have

24

settled upon a compromise of the Criminal Prosecution pending against the Defendant

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in the above-entitled cause, which compromise is comprised of the following terms:

26

Recitation Of Intent

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It is the intent of the Parties in executing this Agreement to provide for the

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1 complete resolution of the prosecution pending against the Defendant in the above-
2 entitled cause wherein the Defendant is charged with:

3
4 Count 1: COMMISSION OF AN OFFENSE INVOLVING A STOLEN MOTOR
5 VEHICLE, A CATEGORY C FELONY AS DEFINED BY NRS 205.273;

6 Count 2: CONSPIRACY TO COMMIT KIDNAPPING AND/OR ROBBERY, A
7 CATEGORY B FELONY AS DEFINED BY NRS 199.480;

8 Count 3: ASSAULT WITH A DEADLY WEAPON, A CATEGORY B FELONY AS
9 DEFINED BY NRS 200.471(1), AND (2)(b);

10 Count 4: BURGLARY, A FELONY AS DEFINED BY NRS 205.060;

11 Count 5: KIDNAPPING IN THE FIRST DEGREE WITH THE USE OF A
12 DEADLY WEAPON, A CATEGORY A FELONY AS DEFINED BY
13 NRS 193.165, AND NRS 200.310;

14 Count 6: ROBBERY WITH THE USE OF A DEADLY WEAPON, A
15 CATEGORY B FELONY AS DEFINED BY NRS 193.165, AND NRS
16 200.380;

17 Count 7: ATTEMPTED ROBBERY WITH THE USE OF A DEADLY WEAPON, A
18 CATEGORY B FELONY AS DEFINED BY NRS 193.165, NRS 193.330,
19 AND NRS 200.380;

20 Count 9¹: ATTEMPTED MURDER WITH THE USE OF A DEADLY WEAPON, A
21 FELONY AS DEFINED BY NRS 193.165, NRS 193.330, 200.010,
22 200.020 AND 200.030;

23 Count 10: In The Alternative To Count 9:

24 BATTERY WITH THE INTENT TO KILL WITH THE USE OF A
25 DEADLY WEAPON, A FELONY AS DEFINED BY NRS
26 200.400(3) AND NRS 193.165

27 ¹ There is a drafting error in the Second Amended Criminal Information filed in the
28 above entitled cause on the 19th of March, 2012, in that it, as a matter of a drafting error,
does not contain a Count 8, and hence the numbering of the Counts is off.

1 Count 11: In The Alternative To Count 10:

2 BATTERY WITH A DEADLY WEAPON, A CATEGORY B FELONY AS
3 DEFINED BY NRS 200.481;

4 Count 12: BURGLARY, A FELONY AS DEFINED BY NRS 205.060;

5
6 Count 13: GRAND LARCENY OF A MOTOR VEHICLE, A CATEGORY C
7 FELONY AS DEFINED BY NRS 205.228

8 I Angela Marie Hill first declare, by my signature on this Agreement that
9 this Agreement represents the entire agreement between me and the State of Nevada,
10 and no other promises, other than those set forth in this Agreement have been made
11 to me in connection with the compromise of the charges pending against me in the
12 above-entitled matter, as described in the Criminal Information filed herein.
13
14

15 With the above declaration in mind:

16 **THE DEFENDANT'S SPECIFIC OBLIGATIONS**
17 **UNDER THIS GUILTY PLEA AGREEMENT**

- 18 1. The Defendant will enter a plea of guilty to a Criminal Information filed in
19 District Court pursuant to the terms of this Plea Agreement charging the
20 Defendant with:
- 21 a. Burglary, A Felony
 - 22 b. Kidnapping In The First Degree hereinafter referred to simply as
23 "Kidnapping"; and
 - 24 c. Robbery, A Felony.

25 Further, the Parties, by their signatures upon this Agreement do hereby waive
26 the attachment of a copy of the amended Criminal Information contemplated by
27 this Agreement hereto.

28 / / /

1 **Waiver Of The Defendant's Right To Appeal:**

- 2 2. Additionally the Defendant by her signature on this Agreement does, after
3 consulting with her Counsel Of Record, and understanding the meaning of this
4 term of this Agreement does hereby knowingly and voluntarily waive any right
5 she had to directly appeal the Judgment Of Conviction contemplated by this
6 Agreement convicting the Defendant of one count of Burglary, one count of
7 Kidnapping and one count of Robbery² including the Motion To Suppress
8 litigated and denied in the case.

9 **THE STATE'S OBLIGATIONS UNDER THE AGREEMENT**

- 10 1. The State agrees that:

- 11 a. The proffer by the Defendant of the plea(s) of guilty contemplated by this
12 Agreement to Burglary; Kidnapping; and Robbery.
13 b. The District Court's acceptance of that/those Plea(s); and
14 c. The entry of Judgment convicting the Defendant of Burglary, Kidnapping
15 and Robbery;

16 shall be deemed a complete resolution of any and all criminal liability which the
17 Defendant may have had arising out of the events which gave rise to the
18 prosecution now pending against the Defendant in the above-entitled matter,
19 and shall constitute a bar to prosecution with respect to any other theory of
20 criminal liability which may have been pleaded against the Defendant in
21 connection the events resulting in this prosecution, subject to the following
22 limitation:

- 23 a. It is agreed by and between the Parties that the bar to prosecution
24 created by this Agreement shall extend only to the events which gave rise
25 to the instant prosecution, and it is not intended to extend to, nor does it
26 include any other criminal liability which the Defendant may have, if any,
27 based on events unconnected to the specific offenses at issue in this
28 prosecution and the events and facts upon which it is premised.

26 ² See Blalark vs. State, 112 Nev. 795 at 796 (1996) wherein the Nevada Supreme Court
27 observed that:

28 This court has determined that a "knowing and voluntary waiver of the right to
appeal made pursuant to a plea bargain is valid and enforceable." Cruzado v.
State, 110 Nev. 745, 747, 879 P.2d 1195, 1195 (1994).

1 2. Finally the State agrees that the Defendant's faithful performance of the
2 terms of this Agreement shall constitute a bar to its right, if any it had, to
3 pursue an allegation of habitual criminality in connection with this criminal
4 prosecution which to the State's knowledge does not exist.

5 **TERMS OF THE AGREEMENT RELATIVE TO SENTENCING**

6 It is agreed that at the time of Sentencing both Parties shall be free to
7 argue with respect to the sentence that should be imposed in this matter including the
8 State's right to call any person who is a victim within the meaning of NRS 176.015.

9 In that regard it is agreed and understood between the Parties that the
10 State shall be entitled to present any evidence in aggravation of sentencing that it
11 deems appropriate and is otherwise deemed relevant and admissible by the Court and
12 to argue the entire circumstances of the offenses originally pleaded against the
13 Defendant in support of its sentencing argument.
14
15

16 **CONSEQUENCES OF THE PLEA**

17 I declare that I understand that at the time I enter a plea or pleas of guilty
18 under this Agreement that the above-entitled Court before it will accept my plea(s) of
19 guilty that I will have to admit the commission of an act or acts which fulfills all of the
20 elements of the offense(s) I have agreed to plead guilty to. The elements of the
21 offense of are as follows:
22
23

24 **Elements Of Burglary**

- 25 1. The Defendant, either by day or night, entered a motor vehicle;
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27 2. With the intent to commit grand or petit larceny, assault or battery on any person
28 or any felony in said vehicle.

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Elements Of The Offense Of Kidnapping In The First Degree

- 1. The Defendant willfully seized, confined, inveigled, abducted, kidnapped or carried away a person by any means whatsoever;
- 2. For the purpose of committing robbery upon or from the person.

Elements Of Robbery

- 1. The Defendant, unlawfully, took personal property from the person of another, or in the person's presence, against his or her will, by means of force or violence or fear of injury, immediate or future, to his or her person or property,
- 2. To:
 - (a) Obtain or retain possession of the property;
 - (b) Prevent or overcome resistance to the taking; or
 - (c) Facilitate escape.

Recitation Of The Maximum Permissible Penalty

I understand and have been advised that as a consequence of the plea(s) of guilty contemplated by this Agreement that the following described criminal penalties can be imposed upon me:

With Respect To The Offense Of Burglary

NRS 205.060 which sets forth the penalties for the offense of Burglary provides in pertinent part that:

- 2. Except as otherwise provided in this section, a person convicted of burglary is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$10,000.

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1
2 **With Respect To The Offense Of Kidnapping**

3 NRS 200.320 which sets forth the penalties for Kidnapping In The First

4 Degree provides in pertinent part as follows:

5 A person convicted of kidnapping in the first degree is guilty of a category
6 A felony and shall be punished:

7
8 ... 2. Where the kidnapped person suffers no substantial bodily harm as a
9 result of the kidnapping, by imprisonment in the state prison:

10 (a) For life with the possibility of parole, with eligibility for parole beginning
11 when a minimum of 5 years has been served; or

12 (b) For a definite term of 15 years, with eligibility for parole beginning when
13 a minimum of 5 years has been served.

14 Further with respect to the offense of Kidnapping In The First Degree I
15 have been advised and understand that the provisions of NRS 176A.100 provide in
16 pertinent part that:

17 1. ... [I]f a person is found guilty in a district court upon verdict or plea of:

18 (a) ... [K]idnapping in the first degree ... the court shall not suspend the
19 execution of the sentence imposed or grant probation to the person.
20

21 **With Respect To The Offense Of Robbery**

22 NRS 200.380 which sets forth the penalties for Robbery provides in
23 pertinent part that:

24 2. A person who commits robbery is guilty of a category B felony and
25 shall be punished by imprisonment in the state prison for a minimum term
26 of not less than 2 years and a maximum term of not more than 15 years.

27 I have been further advised that the law requires the imposition of an
28 administrative assessment fee in connection with the entry of judgment in a felony or

1 gross misdemeanor case.

2 I understand that I will not, with respect to the offense of Kidnapping In
3 The First Degree be eligible for probation upon conviction of the offense(s) I intend to
4 plead guilty to. I understand that except as otherwise provided by Statute, the question
5 of whether or not I am placed upon probation will be entirely up to the discretion of the
6 above-entitled Court.
7

8
9 **Potential Adverse Immigration Consequences**

10 In executing this Agreement, I Angela Marie Hill acknowledge that I have
11 been advised by my Lawyer that if I am not a citizen of the United States that the
12 criminal conviction(s) which will ensue from my entry of the plea(s) of guilty called for
13 by this Agreement may have adverse consequences upon my ability to remain in the
14 United States – that is my conviction of the offense(s) I have agreed to plead guilty to
15 may result in my deportation, and/or may have adverse consequences upon my ability
16 to re-enter the United States if I am deported, or otherwise leave the United States.
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20 **Restitution**

21 I understand that if applicable in the case, and deemed appropriate by the
22 Court I may be ordered to make restitution to the victim of the offense to which I
23 propose to plead guilty, and to the victim of any related offenses which is/are being
24 dismissed or with respect to which prosecution has been declined pursuant to the
25 terms of this Agreement.
26

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1 **Additional Terms Of The Agreement**

2 I understand that I will also be ordered to reimburse the State of Nevada
3
4 for any expenses incurred, if any there be, in connection with my extradition to the
5 State of Nevada in connection with this prosecution.

6 I have been advised and understand that if more than one sentence of
7
8 imprisonment is imposed and I am eligible to serve the sentence concurrently with any
9 other sentence imposed or which I am already serving, that it will be up to the
10 Sentencing Judge to determine, in the Court's discretion, whether such sentences are
11 to be served consecutively, that is one after the other, or concurrently, that is at the
12 same time.

13 I have not been promised or guaranteed any particular sentence by
14
15 anyone. I know that my sentence is to be determined by the Court within the limits
16 prescribed by the statute(s) under which I propose to plead guilty. I understand that at
17 the time sentence is imposed that if the State of Nevada or my Lawyer recommend
18 any specific sentence to the Court, the Court is not obliged to accept that/those
19 recommendation(s).

20 I understand that with respect to the offense(s) I intend to plead guilty to
21
22 the Division of Parole And Probation of the Department Public Safety will prepare a
23 Pre-Sentence Report for the above-entitled Court. This report will include matters
24 relevant to the issue of sentencing, including my criminal history. I understand that this
25 Report may contain hearsay information regarding my background and criminal
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27
28

1 history. My Lawyer and I will each have the opportunity to comment on the information
2 contained in the Report at the time sentence is imposed.
3

4 **THE DEFENDANT'S WAIVER OF HIS/HER CONSTITUTIONAL**
5 **RIGHTS IN CONNECTION WITH THE PLEA(S) OF GUILTY**
6 **CONTEMPLATED BY THIS AGREEMENT**

7 I Angela Marie Hill declare that I have been advised and understand that
8 in order for the above-entitled Court to accept the plea(s) of guilty I propose to enter in
9 this matter that I will have to waive my constitutional rights in this matter, and I declare
10 that I am willing to give up the following constitutional rights and privileges in order that
11 the Court can accept my plea(s) of guilty:
12

13 1. The constitutional privilege against self-incrimination, including the right to
14 decline to testify at trial, in which event the State would not be allowed to comment to
15 the jury about my decision not to testify. I understand that my plea(s) of guilty will
16 require my waiver of this right to the following extent: the Court in connection with my
17 plea(s) of guilty may require me, in order to accept my plea(s), to personally verbally
18 enter my plea(s) of guilty, and may require me to;
19

- 20
- 21 a. Provide a factual basis for my plea – that is a brief description of the
22 events which gave rise to the prosecution against me and my participation
23 in them which has given rise to my contemplated plea(s) of guilty; and
24
 - 25 b. Further to advise that Court that I believe entering the plea(s) of guilty
26 contemplated by this Agreement is in my best interests, and that standing
27 upon my right to stand trial with respect to the greater, and/or additional
28

1 offense or offenses I am, or could be charged with is not in my best
2 interests.

3
4 I further understand that other than the requirement that I personally
5 verbally enter my plea(s) of guilty, and that, upon the Court's request, I provide a
6 factual basis for my plea that my right not to incriminate myself will still remain in these
7 matters, and that I may not otherwise be required to speak or provide any other
8 information wherein to do so might further incriminate me.
9

10 2. The constitutional right to a speedy and public trial by an impartial jury with
11 respect to the charges originally pending against me, free of excessive pre-trial
12 publicity prejudicial to my ability to present a defense, at which trial I would be entitled
13 to the assistance of a Lawyer, hired by me, or appointed for me if I was unable to hire
14 a Lawyer. At trial the State would bear the burden of proving beyond a reasonable
15 doubt each and every element of all of the offenses I was originally charged with, and
16 the elements of that/those offense(s) to which I have agreed by the terms of this
17 Agreement to plead guilty to.
18
19

20
21 3. The constitutional right to confront and cross-examine any witnesses who have
22 testified against me at trial.
23

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

25 5. The constitutional right to testify in my own defense, or, if it be my decision after
26 consultation with my Lawyer, to decline to testify at trial.

27 6. The right to appeal any conviction I suffered at trial, with the assistance of a
28

1 Lawyer, again either hired by me, or appointed to represent me in the event I was
2 unable to hire my own Lawyer, unless the appeal is based upon reasonable
3 constitutional, jurisdictional, or other grounds which challenge the legality of the
4 proceedings, and except as otherwise provided by NRS 174.035.
5

6 I Angela Marie Hill by my signature on this Agreement, and subject to the
7 above-entitled Court's acceptance of my plea(s) of guilty called for by this Agreement,
8 do hereby waive the above-described constitutional rights.
9

10 **VOLUNTARINESS OF THE PLEA**

11 I further acknowledge I have discussed the elements of all of the original
12 charges which were pending against me, and the elements of the offense(s) I intend to
13 plead guilty to with my Lawyer, and I understand the nature of the charge(s) originally
14 pleaded against me, and the charge(s) I intend to plead guilty to.
15
16

17 I understand that the State, if I had exercised my right to have a trial with
18 respect to the original charge(s) pleaded against me, would have been required to
19 prove each element of each charge(s) pending against me beyond a reasonable
20 doubt. Likewise, the State, but for my intended plea(s) would have been required to
21 prove each and every element of the offense(s) I intend to plead guilty to beyond a
22 reasonable doubt.
23
24

25 I have discussed with my Lawyer the possible defenses which might have
26 been available to me at trial in connection with this matter, and the circumstances
27 which might reflect in my favor.
28

1 I did before deciding to sign this Agreement, discuss to my satisfaction
2 with my Lawyer all of the foregoing elements and the nature of the charges; the
3 consequences of my proposed plea(s) of guilty; the constitutional rights I would have
4 been able to exercise if I had had a trial; and the waiver of rights which would be
5 required in order for the above-entitled Court to accept my contemplated plea(s) of
6 guilty. Additionally, I was provided an opportunity to ask my Lawyer any questions I
7 had concerning these matters and my questions, if any I had, were answered to my
8 satisfaction.
9
10

11 I believe after considering the matter, and consulting with my Lawyer with
12 respect to this matter, that entering into, and carrying out this Agreement by entering
13 the plea(s) of guilty called for by it is, and remains in my best interests, and that
14 exercising my right to have a trial would have been, and remains contrary to my best
15 interests.
16
17

18 I am signing this Agreement voluntarily, after consultation with
19 my Lawyer, and I am not acting under duress or coercion, or by any promise of
20 leniency other than those which are set forth and described in this written Agreement.
21

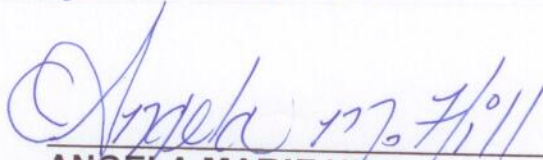
22 I am not now under the influence of intoxicating liquor, a controlled
23 substance, or any other drug which would in any manner impair my ability to
24 comprehend or understand this.
25

26 My Lawyer prior to my execution of this Agreement had answered
27 all of my questions concerning my contemplated plea(s) of guilty, and has answered all
28

1 of my questions, if any I had, regarding this Agreement and its consequences to my
2 satisfaction and I am satisfied with the services of my Lawyer, and the advice he has
3 rendered to me in connection with this matter.
4

5 **THE DEFENDANT'S SIGNATURE BLOCK**

6 Dated this 12 day of ~~May~~ ^{July}, 2013

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8 

9
10 **ANGELA MARIE HILL**
11 Defendant
12 *In Proper Person*

13 **THE STATE'S SIGNATURE BLOCK**

14 Dated this ^{29th} 7 day of ~~July~~ ^{July}, 20 13

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16 

17 **ROBERT J. LOWE**
18 Deputy District Attorney
19 State Bar Number:3474

20 **CERTIFICATE OF COUNSEL FOR THE DEFENDANT**

21 I, the undersigned, as Counsel Of Record for the Defendant above-
22 named, and as an Officer of the Court, by my signature hereunder, certify to the
23 above-entitled Court as follows:
24

- 25 1. That before the Defendant executed this Agreement, I had fully explained to the
26 Defendant the elements of the offense(s) with which he/she was originally charged,
27
28

1 and the elements of the offense(s) to which he/she proposes to plead guilty.

2 2. I advised the Defendant of the potential penalties for each of the offense(s) with
3 which he/she was originally charged, and the potential penalties for the offense(s) to
4 which he/she proposes to plead guilty. Further I advised the Defendant with respect to,
5 and concerning the restitution, if any there be, that the Defendant may be ordered to
6 pay in connection with the imposition of sentence in this matter.
7

8
9 3. The plea(s) of guilty which the Defendant proposes to enter in this matter
10 pursuant to the terms of this Agreement are consistent with all of the facts known to
11 me concerning this case, and will be entered in accordance my advice to the
12 Defendant. Further I believe that the compromise reflected in this Agreement, is in the
13 Defendant's best interests.
14

15
16 4. To the best of my knowledge and belief, at the time the Defendant
17 executed this Agreement he/she:

18 a. Was competent, and understood the elements of the offense to which
19 he/she proposes to plead guilty, and the consequences, including the potential
20 penalties which could be imposed upon the Defendant, in connection with said
21 plea(s) of guilty;
22

23 b. That he/she executed this Agreement voluntarily; and
24

25 c. Was not under the influence of intoxicating liquor, a controlled substance,
26

27 / / /

28 / / /

1 or other drug at the time of his/her execution of this Agreement.

2 Dated this 12th day of July 2013.

3
4 Frederick B. Lee, Jr.
5 **FREDERICK B. LEE, JR.**
6 Elko County Public Defender
7 State Bar No.: 1257
8 Counsel For The Defendant

9 **Declaration By The Complaining Witness Concerning This Plea**
10 **Agreement And The Disposition Of This Matter Envisioned By It**

11 I, Rattanaphorn Keomanivong, am the Victim in this matter and by my
12 signature hereunder I declare the following with respect to the Plea Agreement set
13 forth above.
14

- 15 1. I am, as noted above, the Victim in this matter;
- 16 2. I suffered a great deal as a result of the events that gave rise to this criminal
17 case and I am still emotionally suffering from it;
- 18 3. I have been informed that the Defendant has sought a plea bargain in this
19 matter;
- 20 4. Mr. Lowe has advised that the Defendant's Angela Marie Hill's Lawyer has
21 inquired of the State concerning a plea agreement in this case;
- 22 5. I have read this Agreement and I understand it;
- 23 6. Mr. Robert Lowe has advise me that he is ready and willing to go to trial in this
24 matter;
- 25 7. I understand that whether or not the matter is settled, and the terms upon which
26
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1 it is settled, if at all, is ultimately up the Elko County District Attorney's Office, but
2 it is my preference that it be resolved if it can be as provided for in this
3 Agreement.
4

5 8. Because of the emotional trauma I have suffered in connection with this matter I
6 have advised Mr. Lowe, and declare by my signature on this Agreement that if
7 the matter can be resolved as outlined in this Plea Agreement, thus making the
8 penalties outlined above available to the Court, that it is my preference that the
9 matter be resolved, rather than being required to undergo the stress of testifying
10 in this matter at trial, and I have so informed Mr. Lowe and for those reasons I
11 endorse this Plea Agreement should Mr. Lowe conclude to resolve the matter as
12 provided for in this Agreement.
13
14

15 a. I also understand that I will have the right should I wish to do so to
16 personally appear at sentencing and provide the Court with a victim
17 impact statement explaining the impact the events of December 31st,
18 2011, have had upon me.
19
20

21 8. No one, including anyone from the Elko County District Attorney's Office has
22 pressured me into making this statement – it is how I personally feel about the
23 proposed settlement of this criminal case.
24

25 Dated this _____ day of July, 2013.

26
27 
28 **RATTANAPHORN KEOMANIVONG**