



ORIGINAL

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FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

JUN 20 2018

BY: 
KATHERINE STREUBER, DEPUTY

DISTRICT COURT
CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff,

v.

PATRICK JAMES DUFFY, aka James Patrick
Duffy

Defendant.

Case No. C-18-330565-1

Dept. No. 23

GUILTY PLEA AGREEMENT

I hereby agree to plead guilty to: MISCONDUCT IN SIGNING, FILING, OR ALTERING
PETITION a category "D" felony, in violation of NRS 205.125, as more fully alleged in the charging
document attached hereto as Exhibit "1."

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

1. The State will not oppose probation as long as the Defendant has no prior felony or gross
misdemeanor convictions;

2. If the Defendant successfully completes probation and receives an honorable discharge
from probation, he can withdraw his plea to the felony and plead guilty to Conspiracy to Commit
Misconduct in Signing, Filing, or Altering Petition, a Gross Misdemeanor with credit for time served.

3. I agree to waive any defects or infirmities as to the form of the charging document attached
as Exhibit "1."



1 Furthermore, I understand that, pursuant to NRS 176.015(3), victims so desiring will be allowed to
2 make impact statements. I understand and agree that if I fail to interview with the Department of Parole
3 and Probation, fail to appear at any subsequent hearings in this case, or an independent judge or
4 magistrate, by affidavit review or other satisfactory proof, confirms probable cause against me for new
5 criminal charges, including reckless driving or DUI, but excluding minor traffic violations, the State will
6 have the unqualified right to argue for any legal sentence and term of confinement allowable for the
7 crime(s) to which I am pleading guilty, including the use of any prior convictions I may have, to increase
8 my sentence as a habitual criminal to five (5) to twenty (20) years, life without the possibility of parole,
9 life with the possibility of parole after ten (10) years, or a definite twenty-five (25) year term with the
10 possibility of parole after ten (10) years. Otherwise, I am entitled to receive the benefits of these
11 negotiations as stated in the plea agreement.

12 CONSEQUENCES OF THE PLEA

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

15 I understand that as a consequence of my plea of guilty the Court must sentence me to
16 imprisonment in the Nevada Department of Corrections for a minimum term of not less than one (1) year
17 and a maximum term of not more than four (4) years. The minimum term of imprisonment may not exceed
18 forty percent (40%) of the maximum term of imprisonment. I understand that I may also be fined up to
19 Five Thousand Dollars (\$5,000). I understand the law requires me to pay an Administrative Assessment
20 Fee.

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

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

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

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

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

8 I have not been promised or guaranteed any particular sentence by anyone. I know that my
9 sentence is to be determined by the Court within the limits prescribed by statute. I understand that if my
10 attorney or the State of Nevada or both recommend any specific punishment to the Court, the Court is not
11 obligated to accept the recommendation.

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

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

21 I understand that if I am not a United States citizen, this criminal conviction will likely result in
22 serious negative immigration consequences including but not limited to: removal from the United States
23 through deportation; an inability to reenter the United States; the inability to gain United States citizenship
24 or legal residency; an inability to renew and/or retain any legal residency status; and/or an indeterminate
25 term of confinement with the United States Federal Government based on my conviction and immigration
26 status. Regardless of what I have been told by an attorney, no one can promise me that this conviction will
27 not result in negative immigration consequences and/or impact my ability to become a United States
28 citizen and/or legal resident.

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 charged.

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

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

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

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

VOLUNTARINESS OF PLEA

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

I understand the State would have to prove each element of the charges 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.

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

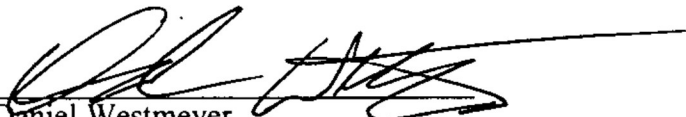
4 I am not now under the influence of any intoxicating liquor, a controlled substance or other drug
5 which would in any manner impair my ability to comprehend or understand this agreement or the
6 proceedings surrounding my entry of this plea.

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

9 DATED this 20th day of June, 2018.

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11 
PATRICK JAMES DUFFY, Defendant

12 AGREED TO BY:

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14 Daniel Westmeyer
15 Senior Deputy Attorney General
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CERTIFICATE OF DEFENSE COUNSEL

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

1. I have fully explained to Defendant the allegations contained in the charges to which guilty pleas are being entered.
 2. I have advised Defendant of the penalties for each charge and the restitution that 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 with the United States Federal Government based on his/her 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 Defendant pursuant to this agreement are consistent with all the facts known to me, and are made with my advice to Defendant and are in the best interest of Defendant:
 5. To the best of my knowledge and belief 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 paragraph 1 and 2 above, or at the time of execution of this agreement.

DATED this 20th day of June, 2018



BRYAN COX
Attorney for PATRICK JAMES DUFFY