



# OFFICE OF THE ATTORNEY GENERAL

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**FOR IMMEDIATE RELEASE**  
**DATE: August 14, 2012**

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## **ATTORNEY GENERAL MASTO ANNOUNCES GUILTY PLEA OF WOMAN WHO STOLE FROM AIR FORCE IN BREAST IMPLANT SCHEME**

**Las Vegas, NV** – Nevada Attorney General Catherine Cortez Masto announced that Shanita Flax, 31, of Las Vegas pled guilty yesterday on two counts of felony theft involving a breast implant scam.

Flax is facing up to ten years in prison for both counts and could also be placed on probation for a period of up to five years

“This prosecution was accomplished due to an investigation pursued by the United States Air Force Office of Special Investigations in tandem with investigators from the Attorney General’s Office Fraud Unit,” said Masto. “We hope this is a model for future intergovernmental investigations and cooperation.”

From April 2009 to September 2010, Flax took advantage of her position as a civilian contractor at O’Callaghan Federal Hospital located on Nellis Air Force Base to steal \$17,400 from the United States Air Force. Working in the plastic surgery department, Flax solicited money from women receiving cosmetic breast implant procedures, telling them to pay her in cash. She would pocket the cash and then bill the procedures to the Air Force as if they were for cancer patients, which the government would pay for.

In pleading guilty Flax agreed to repay the United States Air Force \$17,400 in restitution for the fraudulent billing, and also agreed to pay the Attorney General’s Office \$10,000 for its costs in the prosecution.

Sentencing is set for December 3, 2012 at 8:30 a.m. in District Court Department 8 with Clark County District Court Judge Douglas Smith. This case was prosecuted by Senior Deputy Attorney General Brian Williams of the Nevada Attorney General’s Office Bureau of Criminal Justice, Fraud Unit.

Any Nevada citizen who believes they have been a victim of fraud should call the Attorney General’s Office Fraud hotline at 702-486-3132.

Read the [criminal indictment here](#) and the [guilty plea agreement here](#).

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FILED

JUL 27 12 16 PM '12

*Ann D. Shuman*  
CLERK OF THE COURT

DISTRICT COURT  
CLARK COUNTY, STATE OF NEVADA

STATE OF NEVADA,  
  
Plaintiff,  
  
v.

SHANITA RENE FLAX ID #2794312,  
  
Defendant.

Case No.: C-12-283063-1  
Dept. No.: VIII

CRIMINAL INDICTMENT

STATE OF NEVADA  
COUNTY OF CLARK

The Defendant above named, SHANITA RENE FLAX, is accused by the Clark County Grand Jury of the Crimes of THEFT, 9 Counts (Category C Felony - NRS 205.0832(1)(c), NRS 205.0833, and NRS 205.0835(3)), THEFT, 9 Counts (Category C Felony - NRS 205.0832(1)(b), NRS 205.0833, and NRS 205.0835(3)), and ATTEMPT THEFT, 1 Count (Category D Felony - NRS 205.0832(1)(c), NRS 205.0833, NRS 205.0835(3), and NRS 193.330(1)(a)(4)):

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**COUNT ONE**

**THEFT**

**(A Category C Felony in violation of NRS 205.0832(1)(c), NRS 205.0833,  
and NRS 205.0835(3))**

Defendant, FLAX, on or about April 13, 2009, within the County of Clark, in the State of Nevada, did knowingly obtain real, personal or intangible property or the services of another person, valued at more than TWO HUNDRED FIFTY DOLLARS (\$250.00) but less TWENTY-FIVE HUNDRED DOLLARS (\$2,500.00), by a material misrepresentation with intent to deprive that person of the property or services, : Defendant, while working as a civilian contractor in the Nellis Air Force base medical center, obtained \$900.00 by personal check from Mary Sawser by misrepresenting to Sawser that she needed to pay Defendant the money directly to obtain implants at a reduced rate for Sawser's forthcoming cosmetic surgery.

All of which constitutes the crime of THEFT, a Category C Felony in violation of NRS 205.032(1)(c), NRS 205.0833, and NRS 205.0835(3).

**COUNT TWO**

**THEFT**

**(A Category C Felony in violation of NRS 205.0832(1)(b), NRS 205.0833,  
and NRS 205.0835(3))**

Defendant, FLAX, on or about April 13, 2009, within the County of Clark, in the State of Nevada, did knowingly convert, make an unauthorized transfer of an interest in, or without authorization control any property of another person, or use the services or property of another person entrusted to him or her or placed in his or her possession for a limited, authorized period of determined or prescribed duration or for a limited use, and such property was valued at more than TWO HUNDRED FIFTY DOLLARS (\$250.00) but less TWENTY-FIVE HUNDRED DOLLARS (\$2,500.00), : Defendant did obtain implants for use in the cosmetic surgery of Mary Sawser by misrepresenting that the surgery was medically necessary and using a United States government credit card to pay \$800.00 for the implants while also keeping the money given to Defendant by Sawser to supposedly pay for the implants.

All of which constitutes the crime of THEFT, a Category C Felony in violation of NRS 205.032(1)(b), NRS 205.0833, and NRS 205.0835(3).

**COUNT THREE**

**THEFT**

**(A Category C Felony in violation of NRS 205.0832(1)(c), NRS 205.0833, and NRS 205.0835(3))**

Defendant, FLAX, on or about April 28, 2009, within the County of Clark, in the State of Nevada, did knowingly obtain real, personal or intangible property or the services of another person, valued at more than TWO HUNDRED FIFTY DOLLARS (\$250.00) but less TWENTY-FIVE HUNDRED DOLLARS (\$2,500.00), by a material misrepresentation with intent to deprive that person of the property or services, : Defendant, while working as a civilian contractor in the Nellis Air Force base medical center, obtained \$1,800.00 in cash from Ashley Cash by misrepresenting to Cash that she needed to pay Defendant the money directly to obtain implants at a reduced rate for Cash's forthcoming cosmetic surgery.

All of which constitutes the crime of THEFT, a Category C Felony in violation of NRS 205.032(1)(c), NRS 205.0833, and NRS 205.0835(3).

**COUNT FOUR**

**THEFT**

**(A Category C Felony in violation of NRS 205.0832(1)(b), NRS 205.0833, and NRS 205.0835(3))**

Defendant, FLAX, on or about April 28, 2009, within the County of Clark, in the State of Nevada, did knowingly convert, make an unauthorized transfer of an interest in, or without authorization control any property of another person, or use the services or property of another person entrusted to him or her or placed in his or her possession for a limited, authorized period of determined or prescribed duration or for a limited use, and such property was valued at more than TWO HUNDRED FIFTY DOLLARS (\$250.00) but less TWENTY-FIVE HUNDRED DOLLARS (\$2,500.00), to wit: Defendant did obtain implants for use in the cosmetic surgery of Ashley Cash by misrepresenting that the surgery was medically necessary and using a United States government credit card to pay \$1,800.00 for the implants while also keeping the money given to Defendant by Cash to supposedly pay for the implants.

All of which constitutes the crime of THEFT, a Category C Felony in violation of NRS 205.032(1)(b), NRS 205.0833, and NRS 205.0835(3).

**COUNT FIVE**  
**THEFT**  
**(A Category C Felony in violation of NRS 205.0832(1)(c), NRS 205.0833,  
and NRS 205.0835(3))**

Defendant, FLAX, on or about July 20, 2009, within the County of Clark, in the State of Nevada, did knowingly obtain real, personal or intangible property or the services of another person, valued at more than TWO HUNDRED FIFTY DOLLARS (\$250.00) but less TWENTY-FIVE HUNDRED DOLLARS (\$2,500.00), by a material misrepresentation with intent to deprive that person of the property or services, to wit: Defendant, while working as a civilian contractor in the Nellis Air Force base medical center, obtained \$1,800.00 in cash from Anita Myer by misrepresenting to Myer that she needed to pay Defendant the money directly to obtain implants at a reduced rate for Myer's forthcoming cosmetic surgery.

All of which constitutes the crime of THEFT, a Category C Felony in violation of NRS 205.032(1)(c), NRS 205.0833, and NRS 205.0835(3).

**COUNT SIX**  
**THEFT**  
**(A Category C Felony in violation of NRS 205.0832(1)(b), NRS 205.0833,  
and NRS 205.0835(3))**

Defendant, FLAX, on or about July 20, 2009, within the County of Clark, in the State of Nevada, did knowingly convert, make an unauthorized transfer of an interest in, or without authorization control any property of another person, or use the services or property of another person entrusted to him or her or placed in his or her possession for a limited, authorized period of determined or prescribed duration or for a limited use, and such property was valued at more than TWO HUNDRED FIFTY DOLLARS (\$250.00) but less TWENTY-FIVE HUNDRED DOLLARS (\$2,500.00), to wit: Defendant did obtain implants for use in the cosmetic surgery of Anita Myer by misrepresenting that the surgery was medically necessary and using a United States government credit card to pay \$1,800.00 for the implants while also keeping the money given to Defendant by Myer to supposedly pay for the implants.

All of which constitutes the crime of THEFT, a Category C Felony in violation of NRS 205.032(1)(b), NRS 205.0833, and NRS 205.0835(3).

**COUNT SEVEN**  
**THEFT**

**(A Category C Felony in violation of NRS 205.0832(1)(c), NRS 205.0833,  
and NRS 205.0835(3))**

Defendant, FLAX, on or about November 6, 2009, within the County of Clark, in the State of Nevada, did knowingly obtain real, personal or intangible property or the services of another person, valued at more than TWO HUNDRED FIFTY DOLLARS (\$250.00) but less TWENTY-FIVE HUNDRED DOLLARS (\$2,500.00), by a material misrepresentation with intent to deprive that person of the property or services, to wit: Defendant, while working as a civilian contractor in the Nellis Air Force base medical center, obtained \$800.00 in cash from Gwenn Haden by misrepresenting to Haden that she needed to pay Defendant the money directly to obtain implants at a reduced rate for Haden's forthcoming cosmetic surgery.

All of which constitutes the crime of THEFT, a Category C Felony in violation of NRS 205.032(1)(c), NRS 205.0833, and NRS 205.0835(3).

**COUNT EIGHT**  
**THEFT**

**(A Category C Felony in violation of NRS 205.0832(1)(b), NRS 205.0833,  
and NRS 205.0835(3))**

Defendant, FLAX, on or about November 6, 2009, within the County of Clark, in the State of Nevada, did knowingly convert, make an unauthorized transfer of an interest in, or without authorization control any property of another person, or use the services or property of another person entrusted to him or her or placed in his or her possession for a limited, authorized period of determined or prescribed duration or for a limited use, and such property was valued at more than TWO HUNDRED FIFTY DOLLARS (\$250.00) but less TWENTY-FIVE HUNDRED DOLLARS (\$2,500.00), to wit: Defendant did obtain implants for use in the cosmetic surgery of Gwenn Haden by misrepresenting that the surgery was medically necessary and using a United States government account to pay \$800.00 for the implants while also keeping the money given to Defendant by Haden to supposedly pay for the implants.

All of which constitutes the crime of THEFT, a Category C Felony in violation of NRS 205.032(1)(b), NRS 205.0833, and NRS 205.0835(3).

**COUNT NINE**

**THEFT**

**(A Category C Felony in violation of NRS 205.0832(1)(c), NRS 205.0833, and NRS 205.0835(3))**

Defendant, FLAX, on or about November 6, 2009, within the County of Clark, in the State of Nevada, did knowingly obtain real, personal or intangible property or the services of another person, valued at more than TWO HUNDRED FIFTY DOLLARS (\$250.00) but less TWENTY-FIVE HUNDRED DOLLARS (\$2,500.00), by a material misrepresentation with intent to deprive that person of the property or services, to wit: Defendant, while working as a civilian contractor in the Nellis Air Force base medical center, obtained \$800.00 in cash from Elsie Vera-Nieves by misrepresenting to Vera-Nieves that she needed to pay Defendant the money directly to obtain implants at a reduced rate for Vera-Nieves' forthcoming cosmetic surgery.

All of which constitutes the crime of THEFT, a Category C Felony in violation of NRS 205.032(1)(c), NRS 205.0833, and NRS 205.0835(3).

**COUNT TEN**

**THEFT**

**(A Category C Felony in violation of NRS 205.0832(1)(b), NRS 205.0833, and NRS 205.0835(3))**

Defendant, FLAX, on or about November 6, 2009, within the County of Clark, in the State of Nevada, did knowingly convert, make an unauthorized transfer of an interest in, or without authorization control any property of another person, or use the services or property of another person entrusted to him or her or placed in his or her possession for a limited, authorized period of determined or prescribed duration or for a limited use, and such property was valued at more than TWO HUNDRED FIFTY DOLLARS (\$250.00) but less TWENTY-FIVE HUNDRED DOLLARS (\$2,500.00), to wit: Defendant did obtain implants for use in the cosmetic surgery of Elsie Vera-Nieves by misrepresenting that the surgery was medically necessary and using a United States government account to pay \$800.00 for the implants while also keeping the money given to Defendant by Vera-Nieves to supposedly pay for the implants.

All of which constitutes the crime of THEFT, a Category C Felony in violation of NRS 205.032(1)(b), NRS 205.0833, and NRS 205.0835(3).

**COUNT ELEVEN**  
**THEFT**

**(A Category C Felony in violation of NRS 205.0832(1)(c), NRS 205.0833,  
and NRS 205.0835(3))**

Defendant, FLAX, on or about December 18, 2009, within the County of Clark, in the State of Nevada, did knowingly obtain real, personal or intangible property or the services of another person, valued at more than TWO HUNDRED FIFTY DOLLARS (\$250.00) but less TWENTY-FIVE HUNDRED DOLLARS (\$2,500.00), by a material misrepresentation with intent to deprive that person of the property or services, to wit: Defendant, while working as a civilian contractor in the Nellis Air Force base medical center, obtained \$800.00 in cash from Stephanie Poling by misrepresenting to Poling she needed to pay Defendant the money directly to obtain implants at a reduced rate for Poling's forthcoming cosmetic surgery.

All of which constitutes the crime of THEFT, a Category C Felony in violation of NRS 205.032(1)(c), NRS 205.0833, and NRS 205.0835(3).

**COUNT TWELVE**  
**THEFT**

**(A Category C Felony in violation of NRS 205.0832(1)(b), NRS 205.0833,  
and NRS 205.0835(3))**

Defendant, FLAX, on or about December 18, 2009, within the County of Clark, in the State of Nevada, did knowingly convert, make an unauthorized transfer of an interest in, or without authorization control any property of another person, or use the services or property of another person entrusted to him or her or placed in his or her possession for a limited, authorized period of determined or prescribed duration or for a limited use, and such property was valued at more than TWO HUNDRED FIFTY DOLLARS (\$250.00) but less than TWENTY-FIVE HUNDRED DOLLARS (\$2,500.00), to wit: Defendant did obtain implants for use in the cosmetic surgery of Stephanie Poling by misrepresenting that the surgery was medically necessary and using a United States government credit card to pay \$800.00 for the implants while also keeping the money given to Defendant by Poling to supposedly pay for the implants.

All of which constitutes the crime of THEFT, a Category C Felony in violation of NRS 205.032(1)(b), NRS 205.0833, and NRS 205.0835(3).



1 **COUNT THIRTEEN**  
2 **THEFT**  
3 **(A Category C Felony in violation of NRS 205.0832(1)(c), NRS 205.0833,**  
4 **and NRS 205.0835(3))**

5 Defendant, FLAX, on or about February 12, 2010, within the County of Clark, in the State  
6 of Nevada, did knowingly obtain real, personal or intangible property or the services of another  
7 person, valued at more than TWO HUNDRED FIFTY DOLLARS (\$250.00) but less  
8 TWENTY-FIVE HUNDRED DOLLARS (\$2,500.00), by a material misrepresentation with intent  
9 to deprive that person of the property or services, to wit: Defendant, while working as a civilian  
10 contractor in the Nellis Air Force base medical center, obtained \$800.00 in cash from Stephanie  
11 Blevins/Pileggi by misrepresenting to Blevins she needed to pay Defendant the money directly to  
12 obtain implants at a reduced rate for Blevins' forthcoming cosmetic surgery.

13 All of which constitutes the crime of THEFT, a Category C Felony in violation of  
14 NRS 205.032(1)(c), NRS 205.0833, and NRS 205.0835(3).

15 **COUNT FOURTEEN**  
16 **THEFT**  
17 **(A Category C Felony in violation of NRS 205.0832(1)(b), NRS 205.0833,**  
18 **and NRS 205.0835(3))**

19 Defendant, FLAX, on or about February 12, 2010, within the County of Clark, in the State  
20 of Nevada, did knowingly convert, make an unauthorized transfer of an interest in, or without  
21 authorization control any property of another person, or use the services or property of another  
22 person entrusted to him or her or placed in his or her possession for a limited, authorized period  
23 of determined or prescribed duration or for a limited use, and such property was valued at more  
24 than TWO HUNDRED FIFTY DOLLARS (\$250.00) but less TWENTY-FIVE HUNDRED  
25 DOLLARS (\$2,500.00), to wit: Defendant did obtain implants for use in the cosmetic surgery of  
26 Stephanie Blevins by misrepresenting that the surgery was medically necessary and using a  
27 United States government credit card to pay \$800.00 for the implants while also keeping the  
28 money given to Defendant by Blevins/Pileggi to supposedly pay for the implants.

All of which constitutes the crime of THEFT, a Category C Felony in violation of  
NRS 205.032(1)(b), NRS 205.0833, and NRS 205.0835(3).

**COUNT FIFTEEN**

**THEFT**

**(A Category C Felony in violation of NRS 205.0832(1)(c), NRS 205.0833, and NRS 205.0835(3))**

Defendant, FLAX, on or about March 19, 2010, within the County of Clark, in the State of Nevada, did knowingly obtain real, personal or intangible property or the services of another person, valued at more than TWO HUNDRED FIFTY DOLLARS (\$250.00) but less TWENTY-FIVE HUNDRED DOLLARS (\$2,500.00), by a material misrepresentation with intent to deprive that person of the property or services, to wit: Defendant, while working as a civilian contractor in the Nellis Air Force base medical center, obtained \$800.00 in cash from Ileathear Cabral-Maxwell by misrepresenting to Cabral-Maxwell she needed to pay Defendant the money directly to obtain implants at a reduced rate for Cabral-Maxwell's forthcoming cosmetic surgery.

All of which constitutes the crime of THEFT, a Category C Felony in violation of NRS 205.032(1)(c), NRS 205.0833, and NRS 205.0835(3).

**COUNT SIXTEEN**

**THEFT**

**(A Category C Felony in violation of NRS 205.0832(1)(b), NRS 205.0833, and NRS 205.0835(3))**

Defendant, FLAX, on or about March 19, 2010, within the County of Clark, in the State of Nevada, did knowingly convert, make an unauthorized transfer of an interest in, or without authorization control any property of another person, or use the services or property of another person entrusted to him or her or placed in his or her possession for a limited, authorized period of determined or prescribed duration or for a limited use, and such property was valued at more than TWO HUNDRED FIFTY DOLLARS (\$250.00) but less TWENTY-FIVE HUNDRED DOLLARS (\$2,500.00), to wit: Defendant did obtain implants for use in the cosmetic surgery of Ileathear Cabral-Maxwell by misrepresenting that the surgery was medically necessary and using a United States government credit card to pay \$1,800.00 for the implants while also keeping the money given to Defendant by Cabral-Maxwell to supposedly pay for the implants.

All of which constitutes the crime of THEFT, a Category C Felony in violation of NRS 205.032(1)(b), NRS 205.0833, and NRS 205.0835(3).

**COUNT SEVENTEEN**  
**THEFT**

**(A Category C Felony in violation of NRS 205.0832(1)(c), NRS 205.0833,  
and NRS 205.0835(3))**

Defendant, FLAX, on or about July 23, 2010, within the County of Clark, in the State of Nevada, did knowingly obtain real, personal or intangible property or the services of another person, valued at more than TWO HUNDRED FIFTY DOLLARS (\$250.00) but less TWENTY-FIVE HUNDRED DOLLARS (\$2,500.00), by a material misrepresentation with intent to deprive that person of the property or services, to wit: Defendant, while working as a civilian contractor in the Nellis Air Force base medical center, obtained approximately \$700.00 in cash from Traci Wilmoth by misrepresenting to Wilmoth she needed to pay Defendant the money directly to obtain implants at a reduced rate for Wilmoth's forthcoming cosmetic surgery.

All of which constitutes the crime of THEFT, a Category C Felony in violation of NRS-205.032(1)(c), NRS 205.0833, and NRS 205.0835(3).

**COUNT EIGHTEEN**  
**THEFT**

**(A Category C Felony in violation of NRS 205.0832(1)(b), NRS 205.0833,  
and NRS 205.0835(3))**

Defendant, FLAX, on or about July 23, 2010, within the County of Clark, in the State of Nevada, did knowingly convert, make an unauthorized transfer of an interest in, or without authorization control any property of another person, or use the services or property of another person entrusted to him or her or placed in his or her possession for a limited, authorized period of determined or prescribed duration or for a limited use, and such property was valued at more than TWO HUNDRED FIFTY DOLLARS (\$250.00) but less TWENTY-FIVE HUNDRED DOLLARS (\$2,500.00), to wit: Defendant did obtain implants for use in the cosmetic surgery of Traci Wilmoth by misrepresenting that the surgery was medically necessary and using a United States government credit card to pay \$800.00 for the implants while also keeping the money given to Defendant by Wilmoth to supposedly pay for the implants.

All of which constitutes the crime of THEFT, a Category C Felony in violation of NRS 205.032(1)(b), NRS 205.0833, and NRS 205.0835(3).

**COUNT NINETEEN**  
**ATTEMPT THEFT**

**(A Category D Felony in violation of NRS 205.0832(1)(c), NRS 205.0833,  
NRS 205.0835(3), and NRS 193.330(1)(a)(4))**

Defendant, FLAX, on or about September 7, 2010, within the County of Clark, in the State of Nevada, did knowingly attempt to obtain real, personal or intangible property or the services of another person, valued at more than TWO HUNDRED FIFTY DOLLARS (\$250.00) but less TWENTY-FIVE HUNDRED DOLLARS (\$2,500.00), by a material misrepresentation with intent to deprive that person of the property or services, to wit: Defendant, while working as a civilian contractor in the Nellis Air Force base medical center, attempted to obtain \$1,000.00 in cash from Kelly Boyd by misrepresenting to Boyd she needed to pay Defendant the money directly to obtain implants at a reduced rate for Boyd's forthcoming cosmetic surgery.

All of which constitutes the crime of ATTEMPT THEFT, a Category D Felony in violation of NRS 205.032(1)(c), NRS 205.0833, NRS 205.0835(3), and NRS 193.330(1)(a)(4).

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

DATED this 26<sup>th</sup> day of July, 2012.

CATHERINE CORTEZ MASTO  
Attorney General

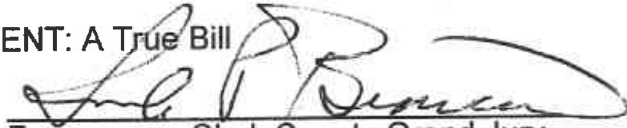
By:

  
BRIAN WILLIAMS

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ENDORSEMENT: A True Bill

By:

  
Foreperson, Clark County Grand Jury

ORIGINAL

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

AUG 13 2012

BY: *Katherine Streuber*  
KATHERINE STREUBER, DEPUTY

GMEM  
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Attorney for State of Nevada

DISTRICT COURT  
CLARK COUNTY, NEVADA

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THE STATE OF NEVADA,

Plaintiff,

vs.

SHANITA RENE FLAX, ID#2794312

Defendant.

CASE NO.: C-12-283063-1

DEPT. NO.: VIII

C-12-283063-1  
GPA  
Guilty Plea Agreement  
1930376



GUILTY PLEA AGREEMENT

I, SHANITA RENE FLAX, hereby agree to plead guilty to: **COUNT 1 - THEFT**, a Category "C" Felony in violation of NRS 205.0832(1)(c), NRS 205.0833, and NRS 205.0835(3) and; **COUNT 2 - THEFT**, a Category "C" Felony in violation of NRS 205.0832(1)(b), NRS 205.0833, and NRS 205.0835(3) 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. I, SHANITA RENE FLAX, will enter a plea of GUILTY to the 2 counts of the Criminal Information, Count 1 - THEFT, a Category "C" Felony in violation of NRS 205.0832(1)(c), NRS 205.0833, and NRS 205.0835(3), and Count 2 - THEFT, a Category "C" Felony in violation of NRS 205.0832(1)(b), NRS 205.0833, and NRS 205.0835(3);

2. The State agrees not to oppose probation for a period not to exceed five (5) years, but is free to argue for the term of Defendant's underlying sentence and also for terms and conditions of probation except that it will not seek any jail time as a condition of probation;

3. Defendant agrees to pay \$17,200.00 in restitution to the United States Air Force for the amount billed for elective cosmetic breast implant procedures, and \$10,751.03 in restitution to the Nevada Attorney General's Office Bureau of Criminal Justice, Insurance Fraud Division to defray the costs associated with subpoenaing witnesses for the grand jury proceedings, during her period of probation;

4. Defendant agrees to pay restitution at a rate of no less than \$300.00 per month to retire her restitution payments, and to sign a civil confession of judgment for any remaining restitution balance owed to both the United States Air Force and the Nevada Attorney General's Office if she is discharged from probation;

5. Defendant agrees to commit no new crimes other than minor traffic offenses during her period of probation;

6. Defendant agrees to have no contact whatsoever with any of the victims or witnesses associated with this case, and to stay away from Nellis Air Force Base during her period of probation.

I have entered into these negotiations and have signed this document of my own free will without threat or promise on the part of anyone other than expressed herein.

Furthermore, I understand that if the State of Nevada has agreed to recommend or stipulate to a particular sentence or has agreed not to present argument regarding the sentence, or agreed not to oppose a particular sentence, any such agreement by the State is contingent upon my appearance in court on the initial sentencing date and any subsequent date if the sentencing is continued.

I understand that if I fail to appear for the scheduled sentencing date or I commit a new criminal offense prior to sentencing the State of Nevada would regain the full right to argue for any lawful sentence.

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**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 Exhibit "1".

I understand that as a consequence of my plea of guilty to Count I and II, THEFT, both Category "C" Felonies, I may be punished by imprisonment in the state prison for a minimum term of not less than one (1) year and a maximum term of not more than five (5) years, and may be further punished by a fine of not more than \$10,000.00. I understand that the law requires me to pay an Administrative Assessment Fee of \$25.00.

I understand that probation is an option at the time of sentencing. 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 offenses which are 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 the Attorney General's Office shall not be bound by any oral negotiations preceding the actual execution of this Agreement until such time as this Agreement has been actually executed, that is, signed by the prosecutor representing the State of Nevada and the Attorney General's Office and I have entered my plea before the court.

I also 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 if the offense to which I am pleading guilty to 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 offenses.

///

1 I understand that, as a consequence of my plea of guilty or nolo contendere, if I am not a  
2 citizen of the United States, I may, in addition to other consequences provided by law, be  
3 removed, deported, and/or excluded from entry into the United States or denied naturalization.

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

#### 11 WAIVER OF RIGHTS

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

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

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

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

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

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

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



**VOLUNTARINESS OF PLEA**

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

I understand that 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.

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.

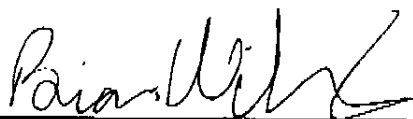
I am not now under the influence of any intoxicating liquor, a controlled substance or other drug which would in any manner impair my ability to comprehend or understand this agreement or the proceedings surrounding my entry of this plea.

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 7 day of August, 2012.

  
SHANITA RENE FLAX

AGREED TO BY:

  
BRIAN WILLIAMS  
Senior Deputy Attorney General

**CERTIFICATE OF COUNSEL:**

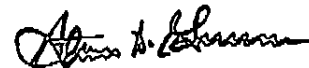
I, the undersigned, as the attorney for the Defendant named herein and as an officer of the court hereby certify that:

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. 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.
4. 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.
  - 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 7 day of August, 2012.

  
ATTORNEY FOR DEFENDANT

Exhibit 1



CLERK OF THE COURT

1 AIND  
2 CATHERINE CORTEZ MASTO  
3 Attorney General  
4 BRIAN WILLIAMS  
5 Senior Deputy Attorney General  
6 Nevada Bar No. 010469  
7 Office of the Attorney General  
8 Insurance Fraud Unit  
9 555 E. Washington Ave., Suite 3900  
10 Las Vegas, NV 89101-1068  
11 P: (702)486-3396  
12 F: (702) 486-2377  
13 BWilliams@ag.nv.gov  
14 Attorney for Plaintiff, The State of Nevada

10 DISTRICT COURT  
11 CLARK COUNTY, STATE OF NEVADA  
12

13 THE STATE OF NEVADA,

14 Plaintiff,

15 v.

16 SHANITA RENE FLAX, ID#2794312,

17 Defendant.  
18

Case No.: C-12-283063-1

Dept. No.: VIII

19 AMENDED CRIMINAL INDICTMENT

20 STATE OF NEVADA

21 COUNTY OF CLARK

22 The Defendant above named, SHANITA RENE FLAX, is accused by the Clark County  
23 Grand Jury of the Crimes of THEFT, 1 Count (Category C Felony - NRS 205.0832(1)(c), NRS  
24 205.0833 and NRS 205.0835(3)), and THEFT, 1 Count (Category C Felony -  
25 NRS 205.0832(1)(b), NRS 205.0833, and NRS 205.0835(3)):

26 ///

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28 ///

**COUNT ONE**

**THEFT**

**(A Category C Felony in violation of NRS 205.0832(1)(c), NRS 205.0833,  
and NRS 205.0835(3))**

Defendant, FLAX, on or between April 13, 2009, and September 7, 2010, within the County of Clark, in the State of Nevada, did knowingly obtain real, personal or intangible property or the services of another person, valued at more than TWO HUNDRED FIFTY DOLLARS (\$250.00) but less TWENTY-FIVE HUNDRED DOLLARS (\$2,500.00), by a material misrepresentation with intent to deprive that person of the property or services, to wit: Defendant, while working as a civilian contractor in the Nellis Air Force base medical center, obtained approximately THIRTEEN THOUSAND SIX HUNDRED FIFTY DOLLARS (\$13,650.00) from female patients by having them pay her directly for breast implants needed for plastic surgery, while billing the government for the implants.

All of which constitutes the crime of THEFT, a Category C Felony in violation of NRS 205.032(1)(c), NRS 205.0833, and NRS 205.0835(3).

**COUNT TWO**

**THEFT**

**(A Category C Felony in violation of NRS 205.0832(1)(b), NRS 205.0833,  
and NRS 205.0835(3))**

Defendant, FLAX, on or between April 13, 2009, and September 7, 2010, within the County of Clark, in the State of Nevada, did knowingly convert, make an unauthorized transfer of an interest in, or without authorization control any property of another person, or use the services or property of another person entrusted to him or her or placed in his or her possession for a limited, authorized period of determined or prescribed duration or for a limited use, and such property was valued at more than TWO HUNDRED FIFTY DOLLARS (\$250.00) but less TWENTY-FIVE HUNDRED DOLLARS (\$2,500.00), to wit: Defendant did bill the United States Air Force SEVENTEEN THOUSAND TWO HUNDRED DOLLARS (\$17,200.00) for breast implants that she represented as being for breast cancer patients but were in actuality for elective cosmetic surgery patients.

///

1 All of which constitutes the crime of THEFT, a Category C Felony in violation of  
2 NRS 205.032(1)(b), NRS 205.0833, and NRS 205.0835(3).

3 DATED this 1st day of August, 2012.

4 CATHERINE CORTEZ MASTO  
5 Attorney General

6 By: /s/ BRIAN WILLIAMS  
7 BRIAN WILLIAMS  
8 Senior Deputy Attorney General  
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