FILED
Electronically
2014-07-23 03:04:17 PM
Joey Orduna Hastings
Clerk of the Court
Transaction # 4530331

Code: 1785
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Attorney for Defendant

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

THE STATE OF NEVADA,

Plaintiff,

vs. Case No. CR14-1043

MELISSA MARIE HEYDEN, Dept. No. 7

Defendant.

_____/

GUILTY PLEA MEMORANDUM

I, MELISSA MARIE HEYDEN, affirm the following plea negotiation between myself, my attorney, KARLA K. BUTKO, and CATHERINE CORTEZ MASTO, ATTORNEY GENERAL, by DANIEL M. ROCHE, Deputy Attorney General:

GUILTY PLEA AGREEMENT

I hereby agree to plead guilty to: One Count of Misappropriation and Falsification of Accounts by a Public Officer, a Category D felony in violation of NRS 204.030, punishable by incarceration in the Nevada State Prison for not more than four years in prison with the minimum term of one year in prison, a possible fine not to exceed $5,000.00 and that probation is available.

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

In consideration of my guilty plea the Attorney General will dismiss all other charges filed against me and pursue no other possible offenses stemming from the investigation leading to my arrest in this case. The State will not oppose probation but will seek restitution in the amount of $34,700.00. I agree to that restitution figure.

FACTUAL BASIS FOR THE PLEA:

I understand that by pleading guilty I admit the facts which support all the elements of the offenses to which I now plead as follows:

Count I: That on or between May, 2012, and January, 2014, while employed as the Executive Director of the Nevada State Board of Podiatry, located at 1325 Airmotive Way, Suite 175-I, Reno, Washoe County, Nevada, I did fraudulently alter or falsify said Board's accounts in that I issued checks from the bank account of the Nevada State Board of Podiatry totaling approximately $34,700.00 to Joel Chavez, for my personal use, while falsely representing in the Board's financial records that the checks were issued to a board member.

CONSEQUENCES OF THE PLEA:

A felony violation of NRS 204.030 is punishable by incarceration in the Nevada State Prison for not more than Four Years in prison and a minimum term of not less than One year and a fine of not to exceed $5,000.00. Probation is available at the discretion of the sentencing court.

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

I 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 that the Division of Parole and Probation of the Department of Public Safety may or will prepare a report for the sentencing judge before sentencing. This report will include matters relevant to the issue of sentencing, including my criminal history. I understand that this report may contain hearsay information regarding my background and criminal history. My attorney and I will each have the opportunity to comment on the information contained in the report at the time of sentencing.

WAIVER OF RIGHTS

By entering my plea of guilty, I understand that I have waived 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. Any notice of appeal to be filed must be filed with the court no less than 30 days after sentencing to be valid.

VOLUNTARINESS OF PLEA

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

I understand that the State would have to prove each element of the charge against me at trial.

I have discussed with my attorney any possible defenses 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 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 23 day of July, 2014.

By: _____
MELISSA MARIE HEYDEN
Defendant

By: _____
KARLA K. BUTKO, ESQ.
Attorney for Defendant

By: _____
DANIEL M. ROCHE
Deputy Attorney General

CERTIFICATE OF COUNSEL

I, KARLA K. BUTKO, ESQ., 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 charges to which guilty pleas are being entered.

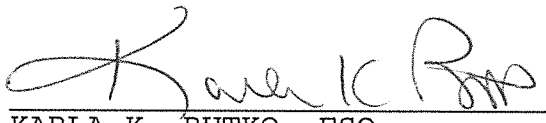
2. I have advised the defendant of the penalties for each charge and the restitution that the defendant may be ordered to pay.

3. All pleas of guilty offered by the defendant pursuant to this agreement are consistent with all the facts known to me and are made with my advice to the defendant and are in the best interest of the defendant. We have discussed appellate rights.

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 of the execution of this agreement.

Dated: 7/23/14

By: 
KARLA K. BUTKO, ESQ.
Attorney for Defendant

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding document DOES NOT CONTAIN the Social Security Number of any person.

DATED this 23 day of July, 2014.

KARLA K. BUTKO