

ORIGINAL

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

JUL 06 2015

BY KRISTEN BROWN  
KRISTEN BROWN, DEPUTY

1 **GPA**  
2 **ADAM PAUL LAXALT**  
3 **Attorney General**  
4 **SAMUEL R. KERN**  
5 **Senior Deputy Attorney General**  
6 **Nevada Bar No. 10638**  
7 **555 E. Washington Ave., Ste. 3900**  
8 **Las Vegas, NV 89101-1068**  
9 **P: (702) 486-3788**  
10 **F: (702) 486-2377**  
11 **SKern@ag.nv.gov**  
12 **Attorneys for Plaintiff State of Nevada**

7 **EIGHTH JUDICIAL DISTRICT COURT**  
8 **CLARK COUNTY, NEVADA**

10 **THE STATE OF NEVADA,**

Case No.: C-15-307604-1

11 **Plaintiff,**

Dept. No.: IV

12 **vs.**

13 **BRYAN MICON,**

14 **Defendant.**

Sent. 11/3 9:00 y

16 **GUILTY PLEA AGREEMENT**

17 The undersigned, ADAM PAUL LAXALT, Attorney General of the State of Nevada,  
18 through Samuel R. Kern, Esq., Senior Deputy Attorney General and BRYAN MICON, with his  
19 attorneys DAVID CHESNOFF, ESQ and RICHARD SCHONFELD, ESQ. hereby file this Guilty  
20 Plea Agreement.

21 I, BRYAN MICON, agree to plead guilty to one (1) count of Operating an Unlicensed  
22 Interactive Gaming System, a category "B" felony in violation of NRS 463.160(f) and  
23 463.360(3).

24 My decision to plead guilty is based upon the following plea agreement:

25 1. I, BRYAN MICON, agree to plead guilty to one (1) count of Operating an  
26 Unlicensed Interactive Gaming System, a category "B" felony in violation of NRS 463.160(f)  
27 and 463.360(3) as alleged in the attached Information (attached hereto as Exhibit "1"), which  
28 is hereby incorporated by reference;

1           2.     The State agrees that it will abstain from charging **BRYAN MICON** with further  
2 crimes resulting from the investigation underlying this matter, including but not limited to  
3 charges arising from the seizure of alleged controlled substances during the execution of the  
4 search warrant in this case;

5           3.     The State agrees that it will make no recommendation at sentencing;

6           4.     The parties agree that this plea is conditional, and that if **BRYAN MICON** is not  
7 granted probation without jail time as a condition at sentencing he may withdraw his plea and  
8 the case shall be remanded to Justice Court. The parties agree that if **MICON** withdraws his  
9 plea this agreement shall be void;

10          5.     The parties agree that special conditions of any period of probation shall include:

11           a.     **BRYAN MICON** shall not operate interactive gaming as defined by Chapter  
12                 463 of the Nevada Revised Statutes, either personally or through employees  
13                 or agents for that purpose;

14           b.     **BRYAN MICON** shall pay a fine in the amount of Twenty Five Thousand  
15                 Dollars (\$25,000);

16           c.     **BRYAN MICON** shall forfeit all property or interest in any property seized  
17                 and/or impounded in connection with this case, including:

18                 i.     Nine Hundred Dollars (\$900) in U.S Currency;

19                 ii.    3.0996 Bitcoin;

20                 iii.   One desktop PC;

21                 iv.    One Galaxy Note 3 cellular phone;

22                 v.     One HP laptop Ultra Book with power cord;

23                 vi.    One black Lenovo IdeaPad S10 – 3T with power cord;

24                 vii.   One Dell laptop, model #M4700 with power cord;

25                 viii.   One IBM T60P Think Pad with power cord;

26                 ix.    One Apple MacBook Air with power cord; and

27                 x.     One Dell Adamo 13 Laptop with power cord.

28          6.     **I, BRYAN MICON**, shall pay all fees and costs imposed by the Court;



1 I understand that I am eligible for probation for the offense to which I  
2 am pleading guilty. I understand that, except as otherwise provided by statute, the question of  
3 whether I receive probation is in the discretion of the sentencing judge.

4 I understand that I must submit to blood and/or saliva tests under the Direction of the  
5 Division of Parole and Probation to determine genetic markers and/or secretor status.

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

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

12 I have not been promised or guaranteed any particular sentence by anyone. I know  
13 that my sentence is to be determined by the Court within the limits prescribed by statute. I  
14 understand that if my attorney or the State or both recommend any specific punishment to the  
15 Court, the Court is not obligated to accept the recommendation.

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

19 I understand that if I am not a United States citizen, any criminal conviction will likely  
20 result in serious negative immigration consequences including but not limited to: (1) The  
21 removal from the United States through deportation; (2) An inability to reenter the United  
22 States; (3) The inability to gain United States citizenship or legal residency; (4) An inability to  
23 renew and/or retain any legal residency status; and/or (5) An indeterminate term of  
24 confinement with the United States Federal Government based on my conviction and  
25 immigration status. Regardless of what I have been told by any attorney, no one can promise  
26 me that this conviction will not result in negative immigration consequences and/or impact my  
27 ability to become a United States citizen and/or a legal resident.

28 \\\

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

8 **WAIVER OF RIGHTS**

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

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

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

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

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

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

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

26 **VOLUNTARINESS OF PLEA**

27 I have discussed the elements of all of the original charge(s) with my attorney, and I  
28 understand the nature of these charge(s) against me.

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

3 I have discussed with my attorney any possible defenses, defense strategies and  
4 circumstances which might be in my favor.

5 All of the foregoing elements, collateral consequences, rights, and waiver of rights have  
6 been thoroughly explained to me by my attorney.

7 I believe that pleading guilty and accepting this plea bargain is in my best interest, and  
8 that a trial may be contrary to my best interest.

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

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

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

17 DATED this 8<sup>th</sup> day of July, 2015.

18  
19  
20   
21 **BRYAN MICON**  
22 *Defendant*

21 AGREED TO BY:  
22   
23 **JEFFREY H. SEGAL, ESQ.**  
24 Chief Deputy Attorney General  
25 Nevada Bar No. 005491  
26 **SAMUEL R. KERN, ESQ.**  
27 Senior Deputy Attorney General  
28 Nevada Bar No. 10638  
555 East Washington Ave., Ste. 3900  
Las Vegas, Nevada 89101  
(702) 486-3788  
*Attorneys for the State*

**CERTIFICATE OF DEFENSE 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 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. 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 my 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 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:

5. 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.

\\ \\

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

- b. Executed this agreement and will enter all guilty pleas pursuant hereto voluntarily.
- c. Was not under the influence of intoxicating liquor, a controlled substances or other drug at the time of the execution of this agreement.

DATED this 6<sup>th</sup> day of July, 2015.



DAVID Z CHESNOFF, ESQ. and  
RICHARD SCHONFELD, ESQ.  
Chesnoff & Schonfeld, PC  
520 South Fourth Street  
Las Vegas, Nevada 89101