GPA
ADAM PAUL LAXALT
Attorney General
SAMUEL R. KERN
Chief Deputy Attorney General
Nevada Bar Number 10638
skern@ag.nv.gov
RAYA M. SWIFT
Senior Deputy Attorney General
Nevada Bar No.: 11108
rsw[illegible]@ag.nv.gov
555 East Washington Ave., Ste. 3900
Las Vegas, Nevada 89101
(702) 486-3396 - office
(702) 486-3768 – fax
Attorneys for the State of Nevada

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT
OCT 28 2015
TENA JOLLEY, DEPUTY

Office of the Attorney General
555 East Washington Avenue, Suite 3900
Las Vegas, Nevada 89101

DISTRICT COURT

CLARK COUNTY, STATE OF NEVADA

THE STATE OF NEVADA, Plaintiff, vs. LYNDA K. FINCH-ESTRADA, ID# 0682162; WILLIAM CHRISSIKOPOULOS, ID# 0973690; **ALAN DORNHUBER**, ID# 1515308; and WILLIAM PATTERSON, Defendants.	Case No.: C-13-289156-3 Dept. No.: VIII

GUILTY PLEA AGREEMENT

The State of Nevada, by and through Attorney General Adam Paul Laxalt, Chief Deputy Attorney General Sam Kern, and Senior Deputy Attorney General Raya M. Swift, and Defendant ALAN DORNHUHBER, represented by Thomas A. Ericsson, Esq. hereby enter into and file this Guilty Plea Agreement.

I, Defendant ALAN DORNHUHBER (hereinafter "Defendant"), agree to plead guilty, pursuant to Alford to one (1) count of Theft, a category C felony in violation of NRS 205.0832 within the County of Clark, State of Nevada.

///

///

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

1. I agree to plead **guilty, pursuant to Alford to: one (1) count of Theft, a category C felony in violation of NRS 205.0832** as more fully alleged in the amended pleading, attached hereto as Exhibit "1", which is incorporated by reference.

2. I agree to waive all objections as to form and content of the pleading.

3. The State agrees to dismiss and forego prosecution against Defendant on all other counts currently pending in District Court case number C-14-301201-1-2-3.

4. I agree to pay **restitution** for named and unnamed victims in an amount not to exceed I agree to pay **restitution** for named and unnamed victims in an amount not to exceed **Two Hundred and Fifty-Four Thousand, Four Hundred and Two Dollars and Thirty-Six Cents ($254,402.36).** This sum is to be distributed pursuant to the victim restitution list attached hereto as Exhibit "2", and incorporated by reference.

I further agree to cooperate with all lawful efforts to collect restitution, including providing truthful and complete information about the whereabouts of assets of my own or of entities under my control or for my benefit. The willful failure to pay restitution as ordered may be grounds for revocation of parole or probation. "Willful failure" means the failure to pay despite having the financial resources to do so. I shall also sign civil confessions of judgment to the benefit of each victim for any amounts not paid as of the date of sentencing.

5. I understand that the victims are entitled to make impact statements pursuant to NRS 176.015(3).

6. The State agrees to a **stipulated sentence** of a minimum of **Twelve (12) Months** and a maximum of **Thirty-Six (36) Months**, with **credit towards the sentencing** for the time I have already served. The State agrees to a **release on own recognizance upon entry of plea**.

I understand that if the State has agreed not to present argument regarding 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 agree that if I fail to appear for any hearings or court dates prior to sentencing or if an

Office of the Attorney General
555 East Washington Avenue, Suite 3900
Las Vegas, Nevada 89101

independent magistrate, by affidavit review, confirms probable cause against me for new criminal charges, excluding minor traffic violations, the State will have the unqualified right to argue for any legal sentence in this matter, including the use of any prior convictions I may have to increase my sentence as a habitual criminal.

7. **I agree to refrain from engaging in any work** in the State of Nevada **related to credit repair and mortgages**, including but not limited to the origination, modification, repair and negotiation of mortgages, as well as short sales, foreclosures or other mortgage related settlements. To the extent I hold any mortgage licenses, **I agree to give up those licenses immediately**.

8. I agree to pay the Nevada Office of the Attorney General the amount of **Two Thousand Dollars ($2,000) to reimburse the cost of investigation and One Thousand Nine Hundred and Ninety-Nine Dollars and Seventy-Four Cents ($1994.71) to reimburse the cost of extradition**.

9. I agree to **waive any and all claims** I have now or in the future to both notice and claim over **property seized by the State of Nevada** during its investigation on this case, including but not limited to the items inventoried on the Search Warrant Returns attached hereto as Exhibit "3". I agree that upon entry of the judgment of conviction, the State of Nevada may dispose, retain or distribute the property as the State of Nevada sees fit.

CONSEQUENCES OF THE PLEA

I understand that by pleading guilty pursuant to Alford I admit that if this case proceeded to trial the State would be able to present sufficient evidence to prove guilt beyond a reasonable doubt as to the charged offenses and I further believe that this negotiated guilty plea agreement is in my best interests.

I understand that the **consequences of my plea of guilty** under NRS 193.130 are that I may 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 5 years, and** that I may also be **fined up to Ten Thousand Dollars ($10,000)**.

I understand that the law requires me to pay an Administrative Assessment Fee.

Office of the Attorney General
555 East Washington Avenue, Suite 3900
Las Vegas, Nevada 89101

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

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

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

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 understand that pursuant to NRS 176.015(3), victims so desiring will be allowed to make Impact Statements.

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 or both recommend any specific punishment to the Court, the Court is not obligated to accept the recommendation.

I understand that if the offense(s) to which I am pleading guilty 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 offense(s).

I understand that if I am not a United States citizen, any criminal conviction will likely result in serious negative immigration consequences including but not limited to: (1) The removal from the United States through deportation; (2) An inability to reenter the United States; (3) The inability to gain United States citizenship or legal residency; (4) An inability to

Office of the Attorney General
555 East Washington Avenue, Suite 3900
Las Vegas, Nevada 89101

renew and/or retain any legal residency status; and/or (5) An indeterminate term of confinement with the United States Federal Government based on my conviction and immigration status. Regardless of what I have been told by any attorney, no one can promise me that this conviction will not result in negative immigration consequences and/or impact my ability to become a United States citizen and/or a legal resident.

I understand that the Division of Parole and Probation may prepare a report for the sentencing judge prior to sentencing. This report will include matters relevant to the issue of sentencing, including my criminal history. 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. Unless the Deputy Attorney General has specifically agreed otherwise, then the Deputy Attorney General may also comment on this report.

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

Office of the Attorney General
555 East Washington Avenue, Suite 3900
Las Vegas, Nevada 89101

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 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 charge 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, collateral 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 may be contrary to my best interest.

I am signing this agreement voluntarily, after consultation with my attorney, and I am not acting under duress, 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: October _____, 2015

By: _____
ALAN DORNHUBER
Defendant

Agreed to by:

Raya M. Swift, Esq.
NV Bar No. 11108
Senior Deputy Attorney General
555 East Washington Ave., Ste. 3900
Las Vegas, Nevada 89101
Attorneys for the State

Office of the Attorney General
555 East Washington Avenue, Suite 3900
Las Vegas, Nevada 89101

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. 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:

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 substances or other drug at the time of the execution of this agreement.

DATED: October _____, 2015.

By: _____
Thomas A. Ericsson, Esq.
Nevada Bar No. 4982
Oronoz & Ericsson LLC
700 S. Third Street
Las Vegas, NV 89101
Attorney for Defendant

Office of the Attorney General
555 East Washington Avenue, Suite 3900
Las Vegas, Nevada 89101