

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

SEP 25 2024

BY, *Louisa Garcia*
LOUISA GARCIA, DEPUTY

1 **GPA**
2 **AARON FORD**
3 **Attorney General**
4 **MATTHEW J. RASHBROOK, Nevada Bar No. 12477**
5 **Special Prosecutor**
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13 **Attorneys for the State of Nevada**

8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

<p>10 THE STATE OF NEVADA,</p> <p>11 Plaintiff,</p> <p>12 v.</p> <p>13 MARK WHITE,</p> <p>14 Defendant.</p>	<p>Case No.: C-24-386018-1</p> <p>Dept. No.: XVII</p>
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15 **GUILTY PLEA AGREEMENT**

16 I hereby agree to plead guilty to: **ATTEMPTED VOTING MORE THAN ONCE AT SAME**
17 **ELECTION, a Category 'E' Felony or Gross Misdemeanor, in violation of NRS 293.780(1) and NRS**
18 **193.153(5), as more fully alleged in the Amended Information attached hereto as Exhibit 1.**

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

- 20 1. The parties stipulate to Category 'E' Felony adjudication of the offense.
- 21 2. The parties stipulate to a sentence of probation.
- 22 3. If I successfully complete probation and earn an Honorable Discharge therefrom, I may
- 23 withdraw my guilty plea to the 'E' Felony version of the offense and enter a guilty plea to a
- 24 Gross Misdemeanor version of the offense of Attempted Voting More Than Once at Same
- 25 Election, with a sentence of credit for time served.
- 26 4. I agree to waive any defects or infirmities in the charging document attached as Exhibit 1.

27 I understand and agree that the State's agreement to recommend or stipulate to a particular

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GPA
Guilty Plea Agreement
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1 sentence, to not present argument regarding the sentence, to not oppose a particular sentence or to not
2 seek punishment as a habitual criminal is contingent upon my conduct between now and sentencing:
3 If I fail to interview with the Division of Parole and Probation, failure to appear at any subsequent
4 hearings in this case, or a magistrate reviews a declaration of arrest and finds probable cause to believe
5 that I have committed a new criminal offense, including reckless driving or DUI, but excluding minor
6 traffic violations, the State will regain the right to argue for any lawful sentence and term of
7 confinement allowable for the crime(s) to which I am now pleading, including the use of any prior
8 convictions I may have to increase my sentence as a habitual criminal to 5 to 20 years, life without the
9 possibility of parole, life with the possibility of parole after 10 years, or a definite 25-year term with
10 the possibility of parole after 10 years.

11 **CONSEQUENCES OF THE PLEA**

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

14 I understand that as a consequence of my plea of guilty to the charge of ATTEMPTED
15 VOTING MORE THAN ONCE AT SAME ELECTION, a Category 'E' Felony/Gross Misdemeanor,
16 in violation of NRS 293.780(1) and NRS 193.153(5), if sentenced as a category 'E' Felony, the Court
17 must sentence me to imprisonment in the Nevada Department of Corrections for a minimum term of
18 not less than one (1) year and a maximum term of not more than four (4) years and impose a fine of
19 not more than \$5,000. If sentenced as a Gross Misdemeanor, I may be punished by incarceration in
20 the county jail for up to 364 days and may be further punished by a fine of not more than \$2,000. I
21 understand the law requires me to pay an Administrative Assessment Fee.

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

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

1 I 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
4 serve 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
10 my attorney or the State of Nevada or both recommend any specific punishment to the Court, the
11 Court is not 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
16 the report at the time of sentencing. Unless the Attorney General has specifically agreed otherwise,
17 the 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
19 incarcerated on another charge or while I was on probation or parole that I am not eligible for credit
20 for time served toward the instant offense(s). I understand that pursuant to NRS 176.035(3), if I was
21 under a sentence of imprisonment for committing a felony and I committed another crime constituting
22 a felony and am sentenced to another term of imprisonment for that felony, the latter term must not
23 begin until the expiration of all prior terms, including the expiration of any prior aggregated terms.

24 I understand that if I am not a United States citizen, this criminal conviction will likely result in
25 serious negative immigration consequences including but not limited to: removal from the United
26 States through deportation; an inability to reenter the United States; the inability to gain United States
27 citizenship or legal residency; an inability to renew and/or retain any legal residency status; and/or an
28 indeterminate term of confinement, with the United States Federal Government based on my

1 conviction and immigration status. Regardless of what I have been told by an attorney, no one can
2 promise me that this conviction will not result in negative immigration consequences and/or impact
3 my ability to become a United States citizen and/or legal resident.

4 **WAIVER OF RIGHTS**

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

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

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

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

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

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

18 6. The right to appeal the conviction, with the assistance of an attorney, either appointed
19 or retained, unless the appeal is based upon reasonable constitutional, jurisdictional or other grounds
20 that challenge the legality of the proceedings and except as otherwise provided in subsection 3 of NRS
21 174.035.

22 **VOLUNTARINESS OF PLEA**

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

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

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

28 All of the foregoing elements, consequences, rights, and waiver of rights have been thoroughly

1 explained to me by my attorney.

2 I believe that pleading guilty and accepting this plea bargain is in my best interest, and that a
3 trial would be contrary to my best interest.

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

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

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

12 DATED this 25 day of Sept, 2024.

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14 
MARK WHITE, Defendant

15 AGREED TO BY:

16
17 /s/ Matthew J. Rashbrook
Matthew J. Rashbrook (Bar No. 12477)
Special Prosecutor
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1 **CERTIFICATE OF DEFENSE COUNSEL**

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

4 1. I have fully explained to the Defendant the allegations contained in the charge(s) to
5 which guilty plea(s) are being entered.

6 2. I have advised the Defendant of the penalties for each charge and the
7 restitution/costs/fine that the Defendant may be ordered to pay.

8 3. I have inquired of the Defendant facts concerning her immigration status and explained
9 to her that if she is not a United States citizen any criminal conviction will most likely result in serious
10 negative immigration consequences including but not limited to:

- 11 a. The removal from the United States through deportation;
- 12 b. An inability to reenter the United States;
- 13 c. The inability to gain United States citizenship or legal residency;
- 14 d. An inability to renew and/or retain any legal residency status; and/or
- 15 e. An indeterminate term of confinement with the United States Federal Government
16 based on his/her conviction and immigration status.

17 Moreover, I have explained that regardless of what the Defendant may have been told by any
18 attorney, no one can promise that this conviction will not result in negative immigration consequences
19 and/or impact her ability to become a United States citizen and/or legal resident.

20 4. All pleas of guilty offered by the Defendant pursuant to this agreement are consistent
21 with all the facts known to me, and are made with my advice to the Defendant and are in her best
22 interest.

23 5. To the best of my knowledge and belief the Defendant:

- 24 a. Is competent and understands the charges and the consequences of pleading guilty
25 as provided in this agreement.
 - 26 b. Executed this agreement and will enter all guilty pleas pursuant hereto voluntarily.
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1 c. Was not under the influence of intoxicating liquor, any controlled substances or
2 other drug at the time of the execution of this agreement.

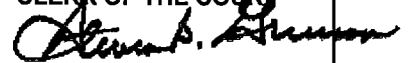
3 DATED this 25 day of September, 2024

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6 ROCHELLE CLOVE
7 *Attorney for Defendant*

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EXHIBIT 1

EXHIBIT 1



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2 AARON D. FORD
3 Attorney General
4 Matthew J. Rashbrook, (Bar No.12477)
5 Special Prosecutor
6 State of Nevada
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8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

10 STATE OF NEVADA,
11 Plaintiff,
12 v.

13 MARK WHITE,
14 Defendant.

Case No.: C-24-386018-1
Dept. No.: XVII

15
16 **AMENDED INFORMATION**

17 AARON D. FORD, Attorney General of the State of Nevada, in the name and by the authority of
18 the State of Nevada, informs the Court:

19 MARK WHITE has committed the crime of one (1) count of ATTEMPTED VOTING MORE
20 THAN ONCE AT SAME ELECTION, a category "E" felony or Gross Misdemeanor, in violation of
21 NRS 293.780(1) [52523] and NRS 193.153(5).

22 All of the acts alleged herein have been committed on or between October 18, 2020 and October
23 28, 2020 within the County of Clark, State of Nevada, in the following manner:

24 **COUNT I**

25 **ATTEMPTED VOTING MORE THAN ONCE AT SAME ELECTION**
26 **Category "E" Felony or Gross Misdemeanor - NRS 293.780(1) and NRS 193.153(5)**

27 That the Defendant, MARK WHITE, did, without lawful authority, knowingly vote or attempt to vote
28 more than once at the same election, to wit:

1 On or about October 18, 2020, the Defendant, MARK WHITE, attended an early voting location
2 at Whitney Community Center, at or near 5712 Missouri Avenue, Las Vegas, Nevada 89122, and did
3 then and there vote in the 2020 General Election.

4 On or about October 28, 2020, the Defendant, MARK WHITE, attended an early voting location
5 in Kingman, Arizona, and did then and there attempt to vote again in the 2020 General Election.

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

8 DATED this 24th day of September, 2024.

9 Submitted By:

10 AARON FORD
11 Attorney General

12 By: /s/ Matthew J. Rashbrook
13 Matthew J. Rashbrook (Bar No. 12477)
14 Special Prosecutor
15 *Attorney for the State of Nevada*
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