JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA

LAS VEGAS JUSTICE COURT
FILE IN OPEN COURT
MAY 28 2024
BY: MM

THE STATE OF NEVADA,

Plaintiff,

-vs-

ELLIOTT LOPEZ #7138196,

Defendant.

JC CASE NO: 24CR025145

7

DA CASE NO: 202413587C

AMENDED
CRIMINAL COMPLAINT

The Defendant above named having committed the crimes of BATTERY RESULTING IN SUBSTANTIAL BODILY HARM CONSTITUTING DOMESTIC VIOLENCE (Category B Felony - NRS 200.481; 200.485; 33.018 - NOC 61677), in the manner following, to wit: That the said Defendant, on or about the 24th day of March, 2024, at and within the County of Clark, State of Nevada, did willfully and unlawfully use force or violence against or upon the person of his spouse, former spouse, any other person to whom he is related by blood or marriage, a person with whom he has had or is having a dating relationship, a person with whom he has a child in common, the minor child of any of those persons or his minor child, to wit: [redacted] by striking the said [redacted] on the head and/or face, resulting in substantial bodily harm.

All of which is contrary to the form, force and effect of Statutes in such cases made and provided and against the peace and dignity of the State of Nevada. Said Complainant makes this declaration subject to the penalty of perjury.

/s/ Sarah Overly
05/22/24

24CR025145/ed - DVU
LVMPD EV# LLV240300089696
(TK03)

24 - CR - 025145
ACRM
Amended Criminal Complaint
17141185

Justice Court, Las Vegas Township

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

- vs. -

Elliot H Lopez
Defendant.

CASE NO.: ~~Elliot~~ 24CR025145

DEPT. NO.: 7

BATTERY CONSTITUTING DOMESTIC VIOLENCE ADMONISHMENT OF RIGHTS
(For offenses occurring **on or after** JANUARY 1, 2022)

I am the Defendant in this case. I understand I am being charged with battery constituting domestic violence in having willfully and unlawfully committed an act of force or violence upon: (1) my spouse or former spouse; (2) a person I am dating or have dated; (3) a person with whom I have a child in common; (4) a person related to me by blood or marriage [except siblings and cousins with whom I am NOT in a custodial or guardian relationship]; (5) the minor child of any of the above; and/or (6) a person who has been appointed the custodian or legal guardian of my minor child (in violation of Nevada Revised Statutes 33.018/200.485).

I AM AWARE THAT BY PLEADING GUILTY OR NOLO CONTENDERE I AM ADMITTING THE STATE COULD FACTUALLY PROVE THE CHARGE(S) AGAINST ME.

I AM AWARE THAT I HAVE EACH OF THE FOLLOWING RIGHTS AND THAT I WILL BE GIVING UP THESE RIGHTS IF I PLEAD GUILTY OR NOLO CONTENDERE:

1. The right to a speedy trial;
2. The right to require the State to prove the charge(s) against me beyond a reasonable doubt;
3. The right to confront and question all witnesses against me;
4. The right to subpoena witnesses on my behalf and compel their attendance;
5. The right to remain silent and not be compelled to testify if there were a trial; and
6. The right to appeal my conviction except on constitutional or jurisdictional grounds.

I AM ALSO AWARE THAT MY PLEA OF GUILTY OR NOLO CONTENDERE MAY HAVE THE FOLLOWING CONSEQUENCES:

1. The State can use this conviction, and any other conviction from this or any other State which prohibits the same or similar conduct, to enhance the penalty for any subsequent offense;

2. I may be removed, deported, or excluded from entry into the United States or denied naturalization if I am not a citizen of the United States (in addition to other consequences provided by law).

3. If I am convicted of a misdemeanor or felony that constitutes domestic violence pursuant to NRS 200.485, or the same or substantially similar conduct in another jurisdiction, committed against or upon certain persons, owning or possessing or having in my custody or control any firearm will constitute a felony pursuant to NRS 202.360 and I will be ordered to permanently surrender, sell, or transfer any firearm that I own or that is in my possession or under my custody or control in the manner set forth in NRS 202.361.

   A person who violates any provision included in a judgment of conviction or admonishment of rights issued pursuant to 200.485 concerning the surrender, sale, transfer, ownership, possession, custody or control of a firearm is guilty of a category B felony and shall 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 6 years, and may be fined up to $5,000.00.

24-CR-025145
DVAD
Admonishment of Rights – BDV
17284730

DEFENDANT'S INITIALS: EL

DEFENDANT'S ATTORNEY'S INITIALS (if applicable): MGO

4. If I am convicted of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33) (which requires "the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim"), possessing, shipping, transporting or receiving a firearm or ammunition will constitute a felony pursuant to federal law.

CONSEQUENCES FOR ALL OFFENSES:

Sentencing is entirely up to the Court and the range of penalties outlined will apply (unless a greater penalty is provided pursuant to NRS 200.481, 200.485(2)-(5)).

In addition to any other penalty, the Court may order me to participate in an alcohol or drug treatment program; and the Court may refer a child under the age of 18 years to an agency which provides protective services if it appears the child may need counseling as a result of the commission of a battery which constitutes domestic violence.

"PRIOR" OFFENSES WITHIN 7 YEARS:

An offense constitutes a prior offense if it occurs within seven years of the instant offense, regardless of the sequence of offenses and convictions. An offense also constitutes a prior offense if the offense was dismissed in connection with successful completion of a diversionary program or specialty court program, or if the offense was conditionally dismissed pursuant to NRS 176A.290.

PENALTIES FOR A FIRST OFFENSE WITHIN 7 YEARS (MISDEMEANOR)

At least 2 days in jail but not more than 6 months; at least 48 hours, but not more than 120 hours, of community service; a fine of not less than $200, but not more than $1,000; mandatory participation in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6 months, at a certified agency, at my expense.

PENALTIES FOR A SECOND OFFENSE WITHIN 7 YEARS (MISDEMEANOR)

At least 20 days in jail but not more than 6 months; at least 100 hours, but not more than 200 hours, of community service; a fine of not less than $500, but not more than $1,000; mandatory participation in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 12 months, at a certified agency, at my expense.

PENALTIES FOR A THIRD OFFENSE WITHIN 7 YEARS (FELONY)

A category B felony punishable by a sentence of imprisonment for at least 1 year but not more than 6 years; and a fine of at least $1,000 but not more than $5,000. A defendant is NOT eligible for probation for a third offense.

OFFENSES SUBSEQUENT TO FELONY OFFENSE(S) (FELONY):

Any violation of NRS 200.485, at any time after July 1, 2019, subsequent to any felony conviction for battery constituting domestic violence under NRS 33.018, or the laws of any other State prohibiting similar conduct, is a Category B felony, punishable by a sentence of imprisonment for at least 2 years, but not more than 15 years, and a mandatory fine of at least $2,000 but not more than $5,000. A defendant is NOT eligible for probation for offenses under this section. An offense is "subsequent to a felony offense" when a Defendant has a conviction for a felony battery constituting domestic violence regardless of whether the "prior" offense(s) occurred within 7 years and regardless of the sequence of offenses and convictions.

INITIAL #1 or #2 BELOW (Please do NOT initial both)

✓ 1. I am represented by an attorney in this case. My attorney has fully discussed these matters with me and advised me about my legal rights. My attorney is: Mat Pilato for Mike Micel, or

2. I have declined to have an attorney represent me and I have chosen to represent myself.

	[redacted]	7-9-24
DEFENDANT'S SIGNATURE	**DATE OF BIRTH**	**DATE**

I HAVE REVIEWED THIS ADMONISHMENT WITH MY CLIENT AND HE/SHE UNDERSTANDS THE RIGHTS HE/SHE IS WAIVING AND THE CONSEQUENCES OF HIS/HER PLEA OF GUILTY/NOLO CONTENDERE TO THE BATTERY CONSTITUTING DOMESTIC VIOLENCE CHARGE(S).

	15083
DEFENDANT'S ATTORNEY (if applicable)	**BAR NUMBER**

Justice Court, Las Vegas Township
Clark County, Nevada

Department: PC

Court Minutes



24-PC-025145 **State of Nevada vs. LOPEZ, ELLIOTT**

3/25/2024 9:00:00 AM Initial Appearance Justice Court (PC Review) Result: Matter Heard

PARTIES PRESENT:	State Of Nevada	Jobe, Michelle
	Defendant	LOPEZ, ELLIOTT
Judge:	Saxe, Rebecca	
Court Reporter:	Nelson, Bill	
Court Clerk:	Treadwell, Wendy	

PROCEEDINGS

Events: **Probable Cause Found**

72-Hour Hearing Completed

DA Denial Review Date: 4/24/2024

Released from Custody - DA Denial

Plea/Disp: **999: Domestic battery, first offense [50235]**
Disposition: DA Denial

Justice Court, Las Vegas Township
Clark County, Nevada

Department: 07

Court Minutes



24-CR-025145 **State of Nevada vs. LOPEZ, ELLIOTT** Lead Atty: Osvaldo E Fumo

5/16/2024 8:30:00 AM Arraignment (No Bail Posted) Result: Matter Heard

PARTIES PRESENT:	State Of Nevada Attorney	Lombardo, Morgan Stone, Kendall Suzanne
Judge:	Wilson, Amy	
Court Reporter:	Grime, Joanie	
Court Clerk:	Murray, Mikayla	

PROCEEDINGS

Attorneys: **Stone, Kendall Suzanne** LOPEZ, ELLIOTT — Added

Hearings: 5/21/2024 8:30:00 AM: Negotiations — Added

Events:

Arraignment Completed

Advised of Charges on Criminal Complaint, Waives Reading of Criminal Complaint

Counsel Confirms as Attorney of Record

K. Stone, Esq. for O. Fumo, Esq.

Discovery Given to Counsel in Open Court

Early offer received in open court

Continued For Negotiations

Justice Court, Las Vegas Township
Clark County, Nevada

Department: 07

Court Minutes



24-CR-025145 **State of Nevada vs. LOPEZ, ELLIOTT** Lead Atty: Osvaldo E Fumo

5/21/2024 8:30:00 AM Negotiations (No Bail Posted) Result: Matter Heard

PARTIES PRESENT:	State Of Nevada	Rose, Laura
	Attorney	Miceli, Michael J., ESQ
Judge:	Wilson, Amy	
Court Reporter:	Tavaglione, Dana	
Court Clerk:	Powers, Rissa	

PROCEEDINGS

Attorneys:	**Miceli, Michael J., ESQ** LOPEZ, ELLIOTT	Added
Hearings:	7/16/2024 10:30:00 AM: Jury Trial	Added
	7/8/2024 10:30:00 AM: Pretrial Conference	Added
Events:	**Court Continuance**	
	Matter set for Pretrial conference and Jury Trial	

Justice Court, Las Vegas Township
Clark County, Nevada

Department: 07

Court Minutes

L017141903

24-CR-025145 **State of Nevada vs. LOPEZ, ELLIOTT** Lead Atty: Osvaldo E Fumo

5/28/2024 8:30:00 AM Motion (No Bail Posted) Result: Matter Heard

PARTIES PRESENT:	State Of Nevada	Reeves, Taylor Renee
	Attorney	Miceli, Michael J., ESQ

Judge: Pro Tempore, Judge
Court Reporter: Grime, Joanie
Pro Tempore: Stoberski, Holly S.
Court Clerk: Murray, Mikayla

PROCEEDINGS

Hearings:

7/16/2024 10:30:00 AM: Jury Trial	Canceled
7/9/2024 10:30:00 AM: Preliminary Hearing	Added
7/8/2024 10:30:00 AM: Pretrial Conference	Canceled

Events:

Motion

by State to Amend Criminal Complaint - Motion Granted

Amended Criminal Complaint

Filed in Open Court

Future Court Date Vacated

07/08/2024 10:30 AM
07/16/2024 1:30 PM

Plea entered by Counsel

Charges:

Amended: 001: Battery which constitutes domestic violence with substantial bodily harm	Amended Complaint Filed

Plea/Disp:

002: Domestic battery, first offense [50235]
Disposition: Dismissed

Justice Court, Las Vegas Township
Clark County, Nevada

Department: 07

Court Minutes

L017284742

24-CR-025145 **State of Nevada vs. LOPEZ, ELLIOTT** Lead Atty: Osvaldo E Fumo

7/9/2024 10:30:00 AM Preliminary Hearing (No Bail Posted) Result: Matter Heard

PARTIES PRESENT:	State Of Nevada	Overly, Sarah
	Attorney	Pitaro, Nicholas D.
	Defendant	LOPEZ, ELLIOTT

Judge: Wilson, Amy
Court Reporter: Grime, Joanie
Court Clerk: Murray, Mikayla

PROCEEDINGS

Attorneys: **Pitaro, Nicholas D.** LOPEZ, ELLIOTT — Added

Hearings: 8/6/2024 8:30:00 AM: Status Check on Requirements — Added

Events:

Per Negotiations, State Amends Charge(s) to Misdemeanor

Defendant Waives the Right to Trial

Defendant Waives Right to Jury Trial

Admonishment of Rights - BDV

Filed in open Court

Domestic Violence Counseling Referral Form

Provided to Defendant in Open Court

Status Check on Requirements

Defendant to have 4 classes completed and mental health evaluation at least scheduled by the first status check date.

Presence Waived

of defendant if compliant with requirements.

Charges: **Amended: 001: Domestic battery, first offense** — Per Negotiations

Plea/Disp: **001: Domestic battery, first offense [50235]**

Plea: Nolo Contendere

Disposition: Adjudication Deferred

Sentence: Interim Sentence - Final Disposition Pending

Suspended Jail Sentence	7/9/2024 -	Active (7/9/2024)
120 Days		
Stay Out of Trouble	7/9/2024 -	Active (7/9/2024)
Anger Management Counseling	7/9/2024 -	Active (7/9/2024)
13 Classes		
Community Service Mandatory Hours DV1	7/9/2024 -	Closed (7/9/2024)

Credit for time served - 48 hours

Defendant Sentenced to 2 Days Jail	7/9/2024 -	Closed (7/9/2024)
with 2 Days Credit for Time Served		
No Contact With Victim	7/9/2024 -	Active (7/9/2024)
[redacted]		
Mental Health Evaluation	7/9/2024 -	Active (7/9/2024)
To follow recommendations.		
If so, to be dismissed	7/9/2024 -	Active (7/9/2024)

Imposed Fees

Cash Bond Criminal Deferred Disposition Fee	$345.00
Fee Totals:	**$345.00**

Comment: Defendant received credit for time served on Mandatory Community Service Hours and Cash Bond.

Justice Court, Las Vegas Township
Clark County, Nevada

Department: 07

Court Minutes



24-CR-025145 **State of Nevada vs. LOPEZ, ELLIOTT** Lead Atty: Osvaldo E Fumo

8/6/2024 8:30:00 AM Status Check on Requirements (No bail posted) Result: Matter Heard

PARTIES PRESENT:	State Of Nevada	Reeves, Taylor Renee
	Attorney	Miceli, Michael J., ESQ
Judge:	Wilson, Amy	
Court Reporter:	Grime, Joanie	
Court Clerk:	Murray, Mikayla	

PROCEEDINGS

Hearings: 11/5/2024 8:30:00 AM: Status Check on Requirements — Added

Events:

Defendant Stayed Out of Trouble

Court Continuance

Status Check on Requirements

Defendant to provide proof of thereapy by the next statuts check date.

Requirements Status Note

4 classes completed.