

COMBINED COURT – MONTEZUMA COUNTY – STATE OF COLORADO Address: 865 N. Park Street, Cortez, Colorado 81321 Phone: (970) 565-1111		Filed in Combined Courts MONTEZUMA COUNTY, COLORADO AUG 07 2026 KACIE M. LOMAX Clerk of Court DATE FILED August 7, 2026 10:04 AM
PEOPLE OF THE STATE OF COLORADO (Plaintiff) vs. Nykhona Holiday, Defendant Hon. Jeremy E. Reed (Atty #39013) District Attorney - 22nd Judicial District 109 West Main Street, Cortez, Colorado 81321 Phone: (970) 565-3788 Fax: (970) 565-9396		Case No.: 25CR163
RULE 11 ADVISEMENT & PLEA OF GUILTY		

The Defendant, by his or her signature on this document, hereby enters into this Plea Agreement and Requests to Plead Guilty to the Court and acknowledges his or her rights under Colorado law.

1. The Defendant is 21 years old. The Defendant has completed 12th Grade or Years of College.
 The Defendant reads, speaks and understands English. The Defendant has not taken any drugs or medication in the last 24 hours and has not drunk any alcoholic beverages in the last 24 hours except:

☒ The Defendant has been advised that if he or she is not a citizen of the United States, this guilty plea may have immigration consequences including but not limited to deportation or exclusion from admission to the United States, or denial of naturalization.

2. **GUILTY PLEA:** The Defendant hereby requests to Plead Guilty to the following Charge(s).

AMENDED COUNT 1: MANSLAUGHTER, C.R.S. 18-3-104(1)(a) (F4)

FACTUAL BASIS

AMENDED COUNT 2: ASSAULT IN THE SECOND DEGREE, C.R.S. 18-3-203(1)(g) (F4)

FACTUAL BASIS

3. **DISMISS:** Remaining charges dismissed.

Ref. 100

Additional Global Resolutions:

- 25M434 - Guilty Plea to Assault - 3
 - dismiss all other charges
 - cap of 1 year jail concurrent
- 24T5003 - admit to violation of probation
 - cap of 1 year jail concurrent

4. SENTENCE RECOMMENDATIONS

Count 1

1. Defendant shall pay court costs and fees.
2. Defendant agrees to pay costs of prosecution and restitution. *breached being*
3. Defendant stipulates to causation for purposes of restitution assessment for all original counts. Parties to proceed via offers of proof should hearing on amount be necessary.
4. Defendant relinquishes any claim to weapons, drugs, or currency seized.
5. Open sentence.
6. Defendant stipulates to a finding of extraordinary aggravating circumstances and agrees to sentencing subject to the enhanced range based on such finding.
7. Cap of 9 years DOC on this charge.

Count 2

1. Defendant shall pay court costs and fees.
2. Defendant agrees to pay costs of prosecution and restitution.
3. Defendant stipulates to causation for purposes of restitution assessment for all original counts. Parties to proceed via offers of proof should hearing on amount be necessary.
4. Defendant relinquishes any claim to weapons, drugs, or currency seized.
5. Open sentence on this charge subject to crime of violence sentencing under C.R.S. 18-1.3-406.

5. PENALTIES:

a. INCARCERATION PRESUMPTIVE RANGES.

A CLASS 4 FELONY Carries a possible sentence in the Department of Corrections of 2 years minimum to 6 years. If the Court were to find extraordinary aggravating circumstances, the sentence could be extended to up to 12 years in the Department of Corrections. If the Court were to find extraordinary mitigating circumstances, the penalty could be reduced to 1 year in the Department of Corrections. For a crime of violence as defined by C.R.S. 18-1.3-406, a Class 4 felony carries a possible sentence in the Department of Corrections of at least 5 years and up to 16 years. The Defendant could also be fined from \$2,000 - \$500,000.

b. MANDATORY PERIOD OF PAROLE. A mandatory period of Parole is required after, in addition to, and distinct from any time served in the DOC. There is 3 years of mandatory parole in this case in the Defendant is sentenced to the Department of Corrections.

c. EXTRAORDINARY RISK CRIMES are Murder, 1st & 2nd Degree Assault, Kidnapping, Aggravated Robbery, 1st Degree Arson, 1st Degree Burglary, Escape, any Sexual Assault, Unlawful Sexual Contact, any type of Child Abuse, Stalking, Criminal Extortion, Distribution of a Controlled Substance, and Possession of a Controlled Substance with intent to Sell.

d. PROBATION. If a Defendant is granted Probation, the Defendant may be required to serve up to Ninety (90) days in the County Jail for each Felony as a condition of Probation and up to 60 days jail for each misdemeanor. Another condition of Probation will be to pay restitution and fees as ordered by the Court.

6. CRIMINAL LIABILITY: The Defendant committed a "voluntary act" prohibited by law, or acted by "omission" to perform an act required by law, which was accompanied by a "culpable mental state".

- a. "Voluntary act" means an act performed consciously as a result of effort or determination.
- b. "Omission" means a failure to perform an act as to which a duty of performance is imposed by law.

c. The Defendant's "Culpable Mental State" was as follows:

- ☒ A person acts "knowingly" or "willfully" with respect to conduct or to a circumstance described by a statute defining an offense when he is aware that his conduct is of such nature or that such circumstance exists. A person acts "knowingly" or "willfully" with respect to a result of his conduct, when he is aware that his conduct is practically certain to cause the result.
- ☒ A person acts "intentionally" or "with intent" when his conscious objective is to cause the specific result proscribed by the statute defining the offense. It is immaterial to the issue of specific intent whether or not the result actually occurred.
- ☒ A person acts with "criminal negligence" when, through a gross deviation from the standard of care that a reasonable person would exercise, he fails to perceive a substantial and unjustifiable risk that a result will occur or that a circumstance exists.

7. DEFENDANT'S RULE 11 ADVISEMENT & ACKNOWLEDGEMENTS:

a. **DEFENDANT'S RIGHTS.** I am waiving all of these rights (except my right to an attorney), and I am also waiving all possible defenses to the charge(s) I am pleading guilty to.

- 1) I have the right to make no statements, and that any statement I make may be used against me in this case;
- 2) I have the right to be represented by an attorney throughout this case, AND, if I am indigent, I have the right to request that the Public Defender represent me in this case;
- 3) I have the right to enter a Plea of Not Guilty and have a public Trial to either the Court or a Jury;
- 4) I am presumed innocent of the charges pending against me, and that presumption of innocence will remain with me throughout the Trial unless and until the prosecution presents evidence to prove I am guilty beyond a reasonable doubt;
- 5) I have the right to a "Speedy Trial", under C.R.S. § 18-1-405, which means that I have the right to have the case against me brought to Trial on the issues raised by the complaint or information within six months from the date of the entry of a plea of not guilty;
- 6) At the Trial I have the right to confront the witnesses called to testify against me and to cross-examine those witnesses;
- 7) I have the right to present evidence in my own defense at the Trial and to compel the attendance of witnesses by subpoenas issued by this Court;
- 8) I have the right to remain silent at the Trial or testify in my defense as I choose, and that the choice to testify is solely my own. If I choose to remain silent, my silence cannot be used against me; and
- 9) After the Trial is over, I have the right to appeal to a higher court to review the judgments of the Court.

b. **DEFENDANT'S ACKNOWLEDGEMENTS.**

- 1) I understand the nature of the charge(s) and the elements of the offense(s) I am pleading guilty to, and I understand the effect of my plea of guilty;
- 2) My plea is voluntary and is not the result of undue influence or coercion on the part of anyone;
- 3) I understand the right to trial by jury and I waive my right to trial by jury on all issues;
- 4) I understand the possible penalty or penalties to the charge(s) I have plead guilty to;
- 5) I understand that the Court will not be bound by any representations made to me by anyone concerning the penalty to be imposed or the granting or the denial of probation, unless such representations are included in

this document and approved by the Court and supported by the findings of a Pre-Sentence Investigation Report; and

6) I agree that there is a factual basis for my plea of guilty.

8. WITHDRAWAL FROM PLEA AGREEMENT:

- a. The Defendant may not withdraw from this Plea Agreement unless there is a valid reason justified by Rule 11(f) or Rule 32(d) of the Colorado Rules of Criminal Procedure or C.R.S. §16-7-302(2). The Defendant has been advised of the content and applicability of these Rules and Statute by his or her attorney.
- b. The District Attorney's Office may withdraw from this Plea Agreement if the Defendant is charged with committing a new crime, either a Felony or Misdemeanor, after the date that the Defendant entered his or her Guilty Plea before the Court under this Plea Agreement.

DISTRICT ATTORNEY: _____

DATE: 8-7-26

I HAVE READ AND UNDERSTAND THIS ENTIRE DOCUMENT, AND ALL OF IT IS TRUE.

DEFENDANT: _____

DATE: 8/7/26

Nykhona Hildray

STATEMENT OF COUNSEL

I, as lawyer for the Defendant, hereby state that to the best of my knowledge and belief, I have received full discovery in this case and have discussed the facts revealed in that discovery and all defenses to the charges with the Defendant. I have fully discussed this disposition and the contents of this Request to Plead Guilty - Rule 11 Advisement with the Defendant, and I have watched the Defendant sign this document. In my professional opinion, the guilty plea is an appropriate way for this Defendant to proceed. It is also my opinion that the Defendant is competent to proceed and that the plea is being tendered by the Defendant freely, knowingly, and voluntarily. I recommend that the Court accept this plea of Guilty.

Attorney for Defendant

Stephen I. Singer

30388
Atty Reg. No.

8/7/26
Date

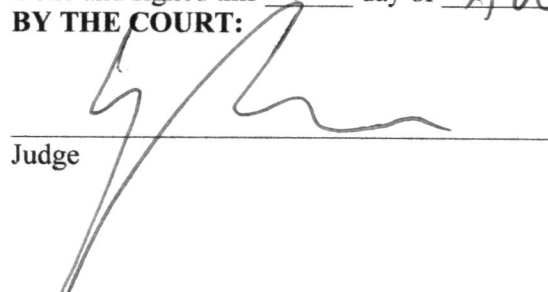
COMBINED COURT MONTEZUMA COUNTY, STATE OF COLORADO 865 N. Park St., Cortez, Colorado 81321 / (970) 565-1111		
PEOPLE OF THE STATE OF COLORADO, Plaintiff, vs. Nykhona Holiday, Defendant		▲ Court Use Only ▲ Case No. 25CR163
<u>FINDINGS AND ORDER</u> Request to Plead Guilty - Rule 11 Advisement		

Having reviewed the Request to Plead Guilty - Rule 11 Advisement and having questioned the Defendant on these matters, the Court hereby finds that:

1. The Defendant is competent to proceed and understands the nature of the charge and the elements of the offense to which he is pleading and understands the effect and consequences of his plea including the possible penalties and places of incarceration;
2. The Defendant understands his rights including the right to trial by jury and the rights listed in C.R.S. § 16-7-207 (1) & (2), and is knowingly, freely and voluntarily waiving those rights;
3. The Defendant understands, pursuant to C.R.Cr.P. Rule 11(f)(5), that the Court is not bound by and does not have to follow the Sentence Recommendations concerning the entry of the guilty plea to the charge, the sentence to be imposed, the granting or denial of probation, or the granting or denial of a deferred judgment and sentence;
4. The Defendant has tendered the guilty plea knowingly, intelligently, freely and voluntarily, with no promises or inducements other than those appearing of record, and the plea is not the result of undue influence or coercion on the part of anyone;
5. A factual basis exists for the entry of the plea; and
6. The Defendant has been represented by competent and effective counsel.

IT IS THEREFORE ORDERED:

THAT the Court accepts the Guilty Plea(s) tendered by the Defendant.

Done and signed this 7th day of Aug., 2026
BY THE COURT:

 Judge