

1 CASE No. CR-1304037

2 DEPT. No. 1

FILED

2015 SEP -9 PM 1:57

NICHOLE B. DOWD
WHITE PINE COUNTY CLERK

Electronically Filed
BY Sep 10 2015 03:11 p.m.

Tracie K. Lindeman
Clerk of Supreme Court

3
4 IN THE SEVENTH JUDICIAL DISTRICT COURT
5
6 STATE OF NEVADA, COUNTY OF WHITE PINE
7
8

9 THE STATE OF NEVADA,
10 PLAINTIFF,

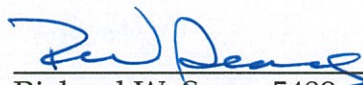
11 VS.

12 STELLA LOUISE SINDELAR,
13 DEFENDANT.

14 NOTICE OF APPEAL

15 COMES NOW Stella Louise Sindelar, by and through her attorney, Richard W. Sears,
16 who hereby appeals her conviction of Driving Under the Influence of Alcohol, Felony offense,
17 to the Nevada Supreme Court. Judgment was entered on September 3, 2015.

18 Date: 9/5/2015

19 
20 Richard W. Sears, 5489
21 457 Fifth Street,
22 Ely, Nevada 89301
23 (775) 289-3366
24
25

CERTIFICATE OF MAILING

I hereby certify that I am an employee of Richard W. Sears Law Firm and that on the date below written, I delivered in a sealed envelope with first class postage fully paid, a true and correct copy of the above and foregoing Notice of Appeal, dated and by the following method of service:

☒ By placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Ely, Nevada: and/or


☐ Via Facsimile; and/or

☒ To be hand-delivered to the attorney listed below at the address indicated below:

Mr. Michael Wheable
White Pine County District Attorney
801 Clark Street, Suite 3
Ely, NV 89301

Hon. Paul Laxalt
Attorney General
Heroes' Memorial Building
100 North Carson Street
Carson City, NV 89701-4717

Date: September 9, 2015


An employee of
Richard W. Sears Law Firm

SEP 09 2015

White Pine County Clerk

Case No. CR-1304037

Dept. No. 1

FILED

2015 SEP -9 PM 1:58

NICHOLE SWLDWIN
WHITE PINE COUNTY CLERK

BY DEPUTY

IN THE SEVENTH JUDICIAL DISTRICT COURT

STATE OF NEVADA, COUNTY OF WHITE PINE

☪ ☪ ☪ ☪ ☪

STATE OF NEVADA,
PLAINTIFF,

CASE APPEAL STATEMENT

VS.

STELLA LOUISE SINDELAR,
DEFENDANT.

1. Name of appellant filing this case appeal statement: **Stella Louise Sidelar.**

2. Identify the judge issuing the decision, judgment, or order appealed from: **Hon. Steven L. Dobrescu.**

3. Identify each appellant and the name and address of counsel for each appellant: **Stella Louise Sindelar, counsel is Richard W. Sears, 457 Fifth Street, Ely, Nevada 89301.**

4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent (if the name of a respondent's appellate counsel is unknown, indicate as much and provide the name and address of that respondent's trial counsel):

The State of Nevada, Hon. Michael Wheable, 801 Clark Street, Ely, Nevada 89301

Hon. Paul Laxalt, Attorney General, 100 North Carson Street, Carson City, Nevada 89701-4717.

1 5. Indicate whether any attorney identified above in response to question 3 or 4 is not
2 licensed to practice law in Nevada and, if so, whether the district court granted that attorney
3 permission to appear under SCR 42 (attach a copy of any district court order granting such
4 permission): **All attorneys identified above are licensed in Nevada.**

5 6. Indicate whether appellant was represented by appointed or retained counsel in the
6 district court: **Appellant was represented by appointed counsel.**

7 7. Indicate whether appellant is represented by appointed or retained counsel on appeal:
8 **Appellant is represented by appointed counsel.**

9 8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the
10 date of entry of the district court order granting such leave: **Neither sought nor granted.**

11 9. Indicate the date the proceedings commenced in the district court (e.g., date
12 complaint, indictment, information, or petition was filed): **Information filed on April 16,**
13 **2013.**

14 10. Provide a brief description of the nature of the action and result in the district court,
15 including the type of judgment or order being appealed and the relief granted by the district
16 court: **Criminal judgment of conviction for Driving Under the Influence of**
17 **Alcohol, Felony Offense after a jury trial.**

18 11. Indicate whether the case has previously been the subject of an appeal to or original
19 writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket
20 number of the prior proceeding: **No prior appeal to the Supreme Court has been**
21 **filed.**

22 12. Indicate whether this appeal involves child custody or visitation: **This case does**
23 **not involve child custody or visitation.**

1 13. If this is a civil case, indicate whether this appeal involves the possibility of
2 settlement: **This case is a criminal case, no settlement possible.**

3 Date: Wednesday, September 9, 2015.

4 
Richard W. Sears, 5489
457 Fifth Street,
Ely, Nevada 89301
6 (775) 289-3366

CERTIFICATE OF MAILING

I hereby certify that I am an employee of Richard W. Sears Law Firm and that on the date below written, I deposited in the United State Post Office, as Ely, Nevada, in a sealed envelope with first class postage fully paid, a true and correct copy of the above and foregoing Case Appeal Statement, dated and addressed as follows:

☒ By placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Ely, Nevada: and/or

☐ Via Facsimile; and/or

☒ To be hand-delivered to the attorney listed below at the address indicated below:

Mr. Michael Wheable
White Pine County District Attorney
801 Clark Street, Suite 3
Ely, NV 89301

Date: Wednesday, September 9, 2015


An employee of
Richard W. Sears Law Firm

Case #: CR-1304037

Judge: DOBRESCU, STEVE L.

Date Filed: 04/16/13 Department: 01

Case Type: CRIM CRIMINAL-ALL TYPES

Title/Caption: THE STATE OF NEVADA,
Plaintiff,
v
STELLA LOUISE SINDELAR,
Defendant.

Defendant(s)	Attorney(s)
SINDELAR, STELLA LOUISE	No "Attorney 1" Listed

Charge: DUI NRS 484C.110; 484C.020;484C.410 F/G: F 1 Count(s)

Filings:			Fees
Date	Pty Filing		
4/16/13		DECLARATION OF PROBABLE CAUSE ARREST AND DETENTION	
4/16/13		ORDER APPOINTING PUBLIC DEFENDER COUNSEL FOR INDIGENT DEFENDANT	
4/16/13		ORDER SETTING ARRAIGNMENT	
4/16/13		ORDER SETTING PRELIMINARY HEARING	
4/16/13		AFFIDAVIT OF FINANCIAL	
4/16/13		MOTION FOR RELEASE OF DEFENDANT ON OWN RECOGNIZANCE OR, IN THE ALTERNATIVE, REDUCTION OF BAIL	
4/16/13		AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT (NRS 171.106)	
4/16/13		COMPLAINT-CRIMINAL FELONY	
4/16/13		OPPOSITION TO MOTION FOR RELEASE OF DEFENDANT ON HER OWN RECOGNIZANCE	
4/16/13		ORDER SETTING HEARING	
4/16/13		ORDER DENYING MOTION FOR OWN RECOGNIZANCE RELEASE AND/OR BAIL REDUCTION	
4/16/13		SUBPOENA-CRIMINAL	
4/16/13		CASE PROCEEDINGS LIST	
4/16/13		EVIDENCE TRANSFER	
4/16/13		INFORMATION FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL, FELONY OFFENSE	
4/23/13		MOTION FOR RELEASE OF DEFENDANT ON OWN RECOGNIZANCE OR, IN THE ALTERNATIVE, REDUCTION OF BAIL	
4/24/13		OPPOSITION TO MOTION FOR RELEASE OF DEFENDANT ON HER OWN RECOGNIZANCE	
4/25/13		ORDER SETTING CRIMINAL JURY TRIAL	
4/25/13		PRETRIAL ORDER	
4/25/13		CERTIFICATE OF SERVICE	
4/26/13		REPLY TO OPPOSITION TO MOTION FOR RELEASE OF DEFENDANT ON OWN RECOGNIZANCE OR, IN THE ALTERNATIVE, REDUCTION IN BAIL	
4/26/13		REQUEST FOR SUBMISSION	
4/26/13		STATES REQUEST FOR DISCOVERY	
4/26/13		NOTICE OF STATES LIST OF WITNESSES	
4/26/13		NOTICE OF STATES TRIAL EXPERT WITNESSES	
4/26/13		SUBPOENAS ISSUED 1ST AND 2ND SETTINGS-DEPUTY CALEB SUMRALL X2, HORACE L. HERRIN X2, RICHARD BELL X2	
5/01/13		SUBPOENA-CRIMINAL (1ST TRIAL SETTING) RETURNED SERVED-DPTY	

CALEB SUMRALL
5/01/13 SUBPOENA-CRIMINAL (2ND TRIAL SETTING) RETURNED SERVED-DPTY
CALEB SUMRALL
5/03/13 SUBPOENA-CRIMINAL (1ST TRIAL SETTING) RETURNED SERVED-HORACE
L. HERRIN
5/03/13 SUBPOENA-CRIMINAL (2ND TRIAL SETTING) RETURNED SERVED-HORACE
L. HERRIN
5/07/13 SUBPOENA-CRIMINAL RETURNED SERVED RICHARD BELL
5/24/13 ORDER CONFIRMING TRIAL SETTING
5/24/13 CERTIFICATE OF SERVICE
6/05/13 MOTION TO SUPPRESS EVIDENCE
6/11/13 ORDER CONTINUING TRIAL AND GRANTING O.R. RELEASE
6/14/13 OPPOSITION TO MOTION TO SUPPRESS EVIDENCE (MCNEELY)
9/11/13 ORDER SETTING EVIDENTIARY HEARING DEFENDANT'S MOTION TO
SUPPRESS EVIDENCE
9/11/13 CERTIFICATE OF SERVICE
9/11/13 ISSUED SUBPOENA-CRIMINAL: DPTY CALEB SUMRALL
9/13/13 SUBPOENA RETURNED SERVED-DEPUTY CALEB SUMRALL
11/01/13 ORDER DENYING DEFENDANTS MOTION TO SUPPRESS EVIDENCE
3/04/14 ORDER SETTING CRIMINAL JURY TRIAL; ORDER CALLING JURY
3/04/14 CERTIFICATE OF SERVICE
3/12/14 ORDER SETTING STATUS HEARING
3/12/14 CERTIFICATE OF SERVICE
3/18/14 SUBPOENA ISSUED - CRIMINAL - HORACE L. HERRIN, DEPUTY CALEB
SUMRALL, RICHARD BELL
3/21/14 ORDER ON STATUS HEARING
3/24/14 SUBPOENA-CRIMINAL - RETURNED SERVED - DEPUTY CALEB SUMRALL
3/24/14 NOTICE OF ENTRY OF JUDGMENT
3/27/14 SUBPOENA RETURNED SERVED-RICHARD BELL
6/10/14 ORDER SETTING STATUS HEARING
6/10/14 CERTIFICATE OF SERVICE
6/24/14 ORDER ON STATUS HEARING
6/26/14 NOTICE OF ENTRY OF JUDGMENT
9/04/14 STIPULATION TO VACATE JURY TRIAL
9/04/14 ORDER TO VACATE JURY TRIAL
9/16/14 EX PARTE APPLICATION FOR FUNDS TO OBTAIN SUBSTANCE ABUSE
EVALUATION
9/16/14 ORDER TO PAY FOR SUBSTANCE ABUSE EVALUATION
9/30/14 ORDER REVOKING O.R. RELEASE (EXHIBIT A CONFIDENTIAL)
9/30/14 CERTIFICATE OF SERVICE
10/28/14 NOTICE OF ASSESSMENT FINDINGS FILED UNDER SEAL
11/07/14 AMENDED NOTICE OF ASSESSMENT FINDINGS FILED UNDER SEAL
11/17/14 MOTION FOR RELEASE OF DEFENDANT ON OWN RECOGNIZANCE OR, IN
THE ALTERNATIVE, REDUCTION OF BAIL
1/13/15 STIPULATION AND ORDER FOR OWN RECOGNIZANCE RELEASE
12/15/14 ORDER FOR OWN RECOGNIZANCE RELEASE
1/21/15 MOTION TO CHANGE PLEA TO GUILTY CONDITIONED ON ACCEPTANCE TO
UNDERGO TREATMENT PURSUANT TO NRS 484C.340
3/04/15 ORDER SETTING CRIMINAL JURY TRIAL; ORDER CALLING JURY
3/04/15 ORDER DENYING DEFENDANT'S MOTION TO CHANGE PLEA TO GUILTY
CONDITIONED ON ACCEPTANCE TO UNDERGO TREATMENT
3/04/15 ORDER SETTING CRIMINAL JURY TRIAL; ORDER CALLING JURY
3/04/15 CERTIFICATE OF SERVICE
4/16/15 SUBPOENA-CRIMINAL ISSUED RICHARD BELL, DEPUTY CALEB SUMRALL
AND HORACE L. HERRIN
5/01/15 SUBPOENA RETURNED SERVED DEPUTY CALEB SUMRALL
5/08/15 ORDER SETTING STATUS HEARING

5/08/15 CERTIFICATE OF SERVICE
5/13/15 SUBSTITUTION OF COUNSEL
5/27/15 SUBPOENA-CRIMINAL ISSUED X3
5/28/15 MOTION FOR LEAVE TO AMEND INFORMATION
5/28/15 AMENDED NOTICE OF STATE'S TRIAL EXPERT WITNESSES N.R.S.
174.234
5/28/15 MOTION TO ENDORSE WITNESS NAMES ON INFORMATION
5/28/15 AMENDED NOTICE OF STATE'S LIST OF WITNESSES N.R.S. 174.234
5/29/15 ORDER GRANTING LEAVE TO AMEND INFORMATION
5/29/15 ORDER GRANTING MOTION TO ENDORSE WITNESS NAMES ON
INFORMATION
6/01/15 SUBPOENA RETURNED SERVED DEPUTY ERIC KOLADA
6/01/15 SUBPOENA RETURNED SERVED REBECCA SOMMERVOLD
6/05/15 MOTION TO INTRODUCE RES GESTAE EVIDENCE (PETROCELLI)
6/05/15 MOTION TO INTRODUCE DEFENDANTS STATEMENTS
6/05/15 SUBPOENA RETURNED SERVED DEPUTY SEAN WILKIN
6/10/15 MOTION FOR LEAVE TO AMEND INFORMATION
6/10/15 MOTION TO DISMISS
6/10/15 OPPOSITION TO ADMISSIONS
6/11/15 ORDER GRANTING LEAVE TO AMEND INFORMATION
6/11/15 AMENDED CRIMINAL INFORMATION FOR DRIVING UNDER THE INFLUENCE
OF ALCOHOL, FELONY OFFENSE
6/23/15 OPPOSITION TO MOTION TO DISMISS
6/24/15 STIPULATION AND ORDER FOR EXTENSION OF TIME TO FILE
OPPOSITION TO DEFENDANT'S MOTION TO DISMISS AND REPLY TO
DEFENDANT'S OPPOSITION TO ADMISSIONS
6/24/15 STATE'S REPLY TO DEFENDANT'S OPPOSITION TO ADMISSIONS
6/30/15 MOTION FOR LEAVE TO AMEND INFORMATION
6/30/15 ORDER GRANTING LEAVE TO AMEND INFORMATION
6/30/15 SECOND AMENDED CRIMINAL INFORMATION FOR DRIVING UNDER THE
INFLUENCE OF ALCOHOL FELONY OFFENSE
7/01/15 INSTRUCTIONS
7/01/15 VERDICT
7/03/15 REQUEST FOR PRESENTENCE INVESTIGATION ISSUED
7/06/15 ORDER SETTING SENTENCING
7/06/15 CERTIFICATE OF SERVICE
8/03/15 ORDER FOR HOUSE ARREST
8/10/15 PRESENTENCE INVESTIGATION REPORT (CONFIDENTIAL)
8/21/15 ORDER RE-SETTING SENTENCING
8/28/15 SUBMISSION OF DEFENDANT'S PRIOR CONVICTIONS
9/09/15 NOTICE OF APPEAL
9/09/15 CASE APPEAL STATEMENT
9/09/15 REQUEST FOR ROUGH DRAFT TRANSCRIPT



Session Report - Standard

CR1304037

THE STATE OF NEVADA v STELLA L.
SINDELAR

Judge: Steve L Dobrescu

Clerk: Elizabeth Becker

Bailiff: Visilio C Casarez

Date:	Type:	Location:	Department:
4/22/2013	Arraignment	Courtroom 1	Department 1
Event Time	Log Event		
10:43:44 AM	Session Started		
10:43:44 AM	Court is In Session		
10:43:48 AM	Appearing in Court: Defendant in custody of WPCO Sheriff Department represented by Chuck Odgers; Kirsty Pickering representing the State; Robert Dugan for Parole and Probation		
10:43:58 AM	Judge Steve L Dobrescu presiding		
10:44:01 AM	Time and Place Set for Arraignment Hearing		
10:44:04 AM	Stella Louise Sindelar is true and correct name		
10:44:14 AM	Court summarizes the allegations contained in Criminal Information		
10:45:13 AM	Defendant pleads not guilty to allegations contained in Criminal Information		
10:45:23 AM	Court advises right to speedy trial		
	Note: Becker, Elizabeth defendant has discussed this right with counsel and defendant invokes her right to a speedy trial		
10:47:51 AM	Court sets first trial date for June 11 and 12, 2013 at 9:30 am and secondary trial date for July 9 and 10, 2013 at 9:30 am		
10:52:00 AM	Court orders motion cutoff for May 31, 2013		
10:52:34 AM	Defendant remanded back into custody of White Pine County Sheriff's		
10:52:56 AM	Session Ended		



Session Report - Detail

CR1304037

THE STATE OF NEVADA VS. STELLA SINDELAR

Date:	Type:	Location:	Department:
9/24/2013	Criminal Motions Hearing	Courtroom 2	Department 1

Judge: Steven L Dobrescu

Clerk: JILL JAKOBIAK

Bailiff: Rachel Paddock

Event Time	Log Event
1:53:20 PM	Session Started
1:53:40 PM	Appearing in court: Note: Court, Clerk Stella Sindelar represented by Charles Odgers, Michael Wheable representing State of Nevada.
1:53:41 PM	Judge Steve L. Dobrescu Presiding
1:55:55 PM	Time and Place set for an evidentiary hearing
1:56:17 PM	Caleb Summerall is duly sworn before the court
1:57:46 PM	State direct examines the witness re: events of the evening leading up to arrest
2:01:13 PM	State moves to admit Exhibit 1
2:01:21 PM	Court admits Exhibit 1
2:03:13 PM	State moves to admit Exhibit 2
2:03:36 PM	Court admits States Exhibit 2
2:05:25 PM	State continues to direct examine the witness
2:07:51 PM	Mr. Odgers objects to line of questioning re: Miss Sindelars behavior re behavior while having blood drawn
2:07:59 PM	State rephrases questioning
2:08:52 PM	State continues to direct examine the witness
2:10:20 PM	State passes the witness
2:10:28 PM	Mr. Odgers cross examines the witness
2:18:53 PM	Mr. Odgers approaches the witness with the declaration of probable cause to read facts aloud in open court
2:20:23 PM	Mr. Odgers approaches witness with report to read aloud in open court the time blood was drawn
2:21:26 PM	Mr. Odgers continues to cross examine the witness
2:24:06 PM	State re directs the witness
2:24:53 PM	witness is excused
2:25:09 PM	Court addresses both parties re: facts of the case
2:26:57 PM	State is heard in closing arguments
2:28:16 PM	Mr. Odgers is heard in closing arguments
2:29:25 PM	Court advises Mr. Odgers re: symptoms of driving under influence
2:29:31 PM	Mr. Odgers continues to advise the court re: sympoms of driving under the influence
2:38:50 PM	Court advises Mr Odgers re: Implied consent being unconstitutional and the issue of consent.
2:40:16 PM	Mr. Odgers advises the court re: evidence on videotape
2:41:29 PM	Mr. Odgers continues to advise the court re: Implied consent
2:46:56 PM	Court addresses Mr. Odgers re: Implied consent
2:47:40 PM	Mr. Odgers advises the court re: Implied consent
2:49:32 PM	Court addresses Mr. Odgers
2:50:21 PM	Mr. Odgers advises the court re: importance of maintaining a warrant before drawing blood
2:56:36 PM	Mr. Odgers continues to advise the court
3:00:31 PM	State is heard in closing arguments re: constitutional rights
3:04:51 PM	Court addresses the State re: voluntary waiver
3:05:29 PM	State advises the court re: voluntary waiver
3:14:22 PM	State advises court re:forced coercion

3:15:11 PM State advises court re: least restrictive means of receiving blood
3:21:33 PM Court advises both parties
3:22:19 PM State is heard in closing arguments re: exclusion of evidence
3:27:11 PM Mr. Odgers is heard in closing arguments
3:31:28 PM Court addresses Mr. Odgers re: Statute Mr. Odgers is referring to
3:32:15 PM Mr. Odgers advises the court
3:40:05 PM Court advises Mr. Odgers re: exclusionary rule
3:41:48 PM Mr. Odgers advises court re: exclusionary rule
3:49:36 PM State is heard in closing argument re: exclusionary rule
3:52:38 PM Court advises all parties
3:53:07 PM Session Paused
3:57:01 PM Session Ended



Session Report - Standard

CR1304037

THE STATE OF NEVADA v STELLA L.
SINDELAR

Judge: Steve L. L Dobrescu

Clerk: Nichole H Baldwin; Elizabeth Becker

Bailiff: Visilio C Casarez; Rachel Paddock

Date:	Type:	Location:	Department:
3/17/2014	Status Hearing	Courtroom 1	Department 1

Event Time	Log Event
9:50:09 AM	Session Started
9:50:10 AM	Appearing in Court Note: Baldwin, Nichole Defendant, represented by Charles Odgers; Michael Wheable representing the State of Nevada; Robert Dugan from Parole and Probation
9:50:46 AM	Judge Steve L. Dobrescu presiding
9:50:57 AM	Session Paused
9:51:27 AM	Session Resumed
9:51:30 AM	Court is in session Note: Baldwin, Nichole time and place for status hearing
9:51:46 AM	Court advises the parties that the Defendant hasn't paid on her ankle monitor since December 2013 Note: Baldwin, Nichole Mr Odgers advises the Court that the Defendant has lost her unemployment and has been unable to pay. He asks the Court to take off the ankle monitor and do random urine analysis testing. Note: Baldwin, Nichole State recommends a change to the terms of Defendant's OR release, random drug testing and search.
9:59:54 AM	Court modifies the terms of the Defendant's OR release Note: Baldwin, Nichole no more ankle monitor, but still has to pay the outstanding fees; random PBT or UA testing per Drug Court purple prepaid
10:04:17 AM	Session Ended



Session Report - Standard

CR1304037

THE STATE OF NEVADA v STELLA L.
SINDELAR

Judge: Steve L. Dobrescu

Clerk: Nichole H Baldwin; Elizabeth Becker

Bailiff: Visilio C Casarez; Rachel Paddock

Date:	Type:	Location:	Department:
6/23/2014	Status Hearing	Courtroom 1	Department 1
Event Time	Log Event		
11:34:51 AM	Session Started		
11:34:53 AM	Appearing in Court		
	Note: Baldwin, Nichole	Defendant, represented by Charles Odgers; Michael Wheable representing the State of Nevada; Robert Dugan from Parole and Probation	
11:35:06 AM	Judge Steve L. Dobrescu presiding		
11:35:07 AM	Court is in session		
	Note: Baldwin, Nichole	time and place for a status hearing	
11:35:21 AM	Court notes the events at the last hearing		
	Note: Baldwin, Nichole	notes Defendant was previously not paying on her ankle monitor	
11:35:58 AM	Defendant advises the Court she started working		
	Note: Baldwin, Nichole	has not paid on her ankle monitor	
11:37:00 AM	Court orders Defendant to pay \$100 today and \$100 every 2 weeks thereafter		
11:38:45 AM	Session Ended		



Session Report - Standard

CR1304037

THE STATE OF NEVADA v STELLA L.
SINDELAR

Judge: Steve L. Dobrescu

Clerk: Nichole H Baldwin; Elizabeth Becker; Leia Wells

Bailiff: Visilio C Casarez; Rachel Paddock

Date:	Type:	Location:	Department:
6/30/2015	Criminal Jury Trial	Courtroom 1	Department 1

Event Time	Log Event
8:34:41 AM	Session Started
8:34:48 AM	Appearing in Court Note: Wells, Leia Defendant represented by Rich Sears; Michael Wheable and Angela Gianoli representing the State of Nevada
8:34:51 AM	Judge Steve L. Dobrescu presiding
8:34:56 AM	Session Paused
9:36:04 AM	Session Resumed
9:36:11 AM	Clerk calls roll
9:50:50 AM	Clerk seats 23 prospective jurors
9:58:05 AM	Court is in session Note: Wells, Leia time and place for jury trial
9:59:20 AM	Clerk reads the first jurors oath
9:59:58 AM	Mr. Wheable, Angela Gianoli and Mr. Sears introduce themselves to the prospective jurors
10:00:31 AM	Court addresses the prospective panel of 23
10:00:51 AM	Clerk reads the Second Amended Criminal Information to the prospective jurors
10:04:08 AM	Court advises the prospective panel of 23 of the proceedings
10:08:36 AM	Court voir dres the prospective panel of 23 Note: Wells, Leia Court excuses, and replaces juror #6
10:28:18 AM	Mr. Wheable moves to excuse juror #8 Note: Wells, Leia Mr. Sears addresses juror #8; court excuses juror #8 and replaces juror #8
10:34:17 AM	Mr. Wheable voir dres the prospective panel of 23
10:36:07 AM	Mr. Wheable moves to excuse juror #4 Note: Wells, Leia Mr. Sears addresses juror #4; Court excuses juror #4 and replaces juror #4
10:42:39 AM	Mr. Wheable moves to excuse juror #4; Court excuses juror #4 and replaces juror #4
10:45:19 AM	Mr. Wheable continues to voir dire the prospective panel of 23
10:49:35 AM	Mr. Wheable moves to excuse juror #9 Note: Wells, Leia Mr. Sears addresses juror #9; Court excuses juror #9 and replaces juror #9
10:57:05 AM	Mr. Wheable moves to excuse juror #9; Court excuses juror #9
10:57:30 AM	Court admonishes the prospective panel of 23 and grants a brief recess
10:59:08 AM	Session Paused
11:23:30 AM	Session Resumed
11:23:37 AM	Court is in session; Judge Steve L. Dobrescu presiding Note: Wells, Leia time and place for continuation of Jury trial; Defendant and all counsel are present
11:23:50 AM	Clerk replaces juror #9
11:25:58 AM	Mr. Wheable continues to voir dire the prospective panel of 23
11:31:37 AM	Mr. Wheable passes the panel of 23 for cause
11:31:52 AM	Mr. Sears voir dres the prospective panel of 23 Note: Wells, Leia Mr. Sears passes the panel of 23 for cause

11:34:52 AM Court admonishes the panel of 23 and grants a recess for peremptory challenges. Court excuses the remaining jurors

11:38:34 AM Court advises the parties of process of the peremptory challenges

11:44:13 AM Panel of 23 return to the courtroom

11:44:43 AM Court seats the final panel of 13 and excuses the remainder of the prospective jurors

11:47:05 AM Clerk administers the 2nd jurors oath to the panel of 13
Note: Wells, Leia Court admonishes the panel of 13

11:50:54 AM Court reads Jury instructions

12:00:24 PM Court admonishes the panel of 13
Note: Wells, Leia Court excuses the panel of 13 for lunch

12:02:36 PM Court advises the parties regarding in-chamber discussions about Juror #3
Note: Wells, Leia Court advises the parties regarding the redacted Second Amended Criminal Information. Court directs the State to file another Second Amended Criminal Information

12:04:08 PM Mr. Wheable is heard in support of State's motion to introduce res gestae evidence and motion to introduce Defendant's statements
Note: Wells, Leia Mr Sears is heard in opposition to State's motions

12:16:07 PM Mr. Sears is heard in support of his motion to dismiss

12:16:26 PM Court makes it's findings
Note: Wells, Leia Court allows the redacted version of the lapel cam prior to PBT. Court orders regarding what is admissable in the booking video. Court denies the Defendant's motion to dismiss.

12:27:48 PM Court is in recess for lunch

12:28:06 PM Session Paused

1:47:18 PM Session Resumed

1:47:32 PM Court is in session; Judge Steve L. Dobrescu presiding
Note: Wells, Leia Continuation of a Jury Trial. Defendant and all counsel are present, Panel of 13 are present

1:48:00 PM Ms. Gianoli is heard in opening statements

1:53:54 PM Mr. Sears is heard in opening statements

1:56:57 PM Mr. Wheable calls Deputy Caleb Sumrall for direct examination
Note: Wells, Leia Deputy Caleb Sumrall is duly sworn

2:04:06 PM Mr. Sears objects: relevance; Court directs Mr. Wheable to rephrase

2:09:23 PM Deputy Caleb Sumrall identifies the Defendant in open Court

2:13:25 PM Mr. Sears advises the Court that the witness made hand motions to demonstrate

2:15:05 PM Mr. Sears objects; lacks foundation; Court allows

2:16:21 PM Mr. Sears objects: foundation; Court allows

2:20:03 PM Mr. Sears objects; repeating testimony; Court allows

2:24:31 PM Deputy Caleb Sumrall demonstrates the 9 step walk and turn

2:31:57 PM Deputy Caleb Sumrall demonstrates the 1 leg stand

2:34:21 PM Mr. Sears objects; relevance; court allows

2:34:51 PM Mr. Sears objects: not a clue; Court allows

2:36:06 PM Clerk marks State's exhibit #11

2:40:30 PM Mr. Sears objects; to coming testimony; Court notes
Note: Wells, Leia Mr. Sears moves to strike; Deputy Sumrall's testimony that he can't remember; Court over rules

2:48:11 PM Mr. Wheable moves for the admission of State's exhibit 1
Note: Wells, Leia Mr. Sears restates his prior objection; Court grants States motion

3:01:01 PM Mr. Wheable continues to direct examine Deputy Sumrall

3:11:40 PM Court admonishes the panel of 13 and grants a brief recess

3:12:28 PM Session Paused

3:37:54 PM Session Resumed

3:38:02 PM Court is in session, Judge Steve L. Dobrescu presiding
Note: Wells, Leia Continuation of a Jury Trial. Defendant and all counsel are present,
Panel of 13 are present

3:38:17 PM Mr. Sears cross examines Deputy Caleb Sumrall

3:40:39 PM Mr. Wheable objects; compound and confusing; Court directs Mr. Sears to rephrase

3:44:22 PM Mr. Wheable objects; counsel is testifying; Court states that's a fair question

3:46:42 PM Mr. Wheable objects; outside the scope; Court sustains

3:50:17 PM Deputy Caleb Sumrall makes hand motions to demonstrate HGN

3:51:59 PM Mr. Wheable objects; let the witness finish answering

3:54:07 PM Mr. Wheable objects- not a fair question; Court hears the question again

4:06:08 PM Mr. Wheable objects; no evidence of that at all; Court over rules

4:09:32 PM Clerk marks Defendant's Exhibit A; Clerk marks Defendant's Exhibit B

4:16:10 PM Mr. Wheable-objection, Court sustains

4:18:20 PM Clerk marks Defendant's Exhibit C

4:20:37 PM Mr. Wheable objects; argumentative; Court allows

4:25:31 PM Mr. Wheable re- direct examines Deputy Caleb Sumrall

4:28:40 PM Mr. Sears objects; foundation; Court allows

4:31:09 PM Mr. Sears re- cross examines Deputy Caleb Sumrall

4:32:26 PM Mr. Wheable objects; compound and condiluted; Court allows; Mr. Sears rephrases the question

4:33:57 PM Mr. Wheable; asked and answered

4:34:38 PM Mr. Wheable objects; not testimony today; Court directs Mr. Sears to continue

4:37:01 PM Court orders Deputy Caleb Sumrall to answer the question

4:39:37 PM Court excuses Deputy Caleb Sumrall at this time; Mr. Wheable advises the Court if they can glve Mr. Sumrall a phone call if needed to come back to testify

4:39:50 PM Ms. Gianoli calls Horace Herrin for direct examination
Note: Wells, Leia Horace Herrin is duly sworn

4:53:13 PM Mr. Herrin demonstrates opening the box, the contents inside of the box, and closing the box

4:56:59 PM Ms. Gianoli continues to direct examine Horace Herrin

5:03:33 PM Ms. Gianoli moves to admit State's Exhibit 3; Mr. Sears has no objection
Note: Wells, Leia Court admits State's Exhibit 3

5:09:47 PM Mr. Herrin demonstrates opening the box, the contents of the box, and how the paperwork is attached to the bag

5:13:20 PM Court admonishes the panel of 13 and breaks for tomorrow

5:14:10 PM Session Ended



Session Report - Standard

CR1304037

THE STATE OF NEVADA v STELLA L.
SINDELAR

Judge: Steve L. Dobrescu

Clerk: Nichole H Baldwin; Elizabeth Becker; Leia Wells

Bailiff: Visilio C Casarez; Rachel Paddock

Date:	Type:	Location:	Department:
7/1/2015	Criminal Jury Trial	Courtroom 1	Department 1
Event Time	Log Event		
8:43:48 AM	Session Started		
8:43:49 AM	Appearing in Court Note: Wells, Leia Defendant represented by Rich Sears; Michael Wheable and Angela Gianoli representing the State of Nevada; The Panel of 13 are not present in the Courtroom		
8:43:51 AM	Judge Steve L. Dobrescu presiding		
8:43:54 AM	Session Paused		
9:29:07 AM	Session Resumed		
9:29:12 AM	Court is in session; Continuation of a Jury Trial Note: Wells, Leia Defendant and all counsel are present. Panel of 13 are not present		
9:29:47 AM	Mr. Sears is heard in support of his motion to suppress evidence Note: Wells, Leia Mr. Wheable will stipulate to the admission of State's Exhibit 7 for the purposes of legal motions. Court admits State's Exhibit 7		
9:37:36 AM	Court takes a brief recess		
9:37:53 AM	Session Paused		
9:51:58 AM	Session Resumed		
9:52:10 AM	Court is in session; Judge Steve L. Dobrescu presiding Note: Wells, Leia Defendant and all counsel are present, the panel of 13 are not present; Continuation of a Jury Trial		
9:52:32 AM	Court addresses both parties regarding Defendant's motion to suppress evidence and State's Exhibit #7 Note: Wells, Leia Court denies Defendant's motion to suppress		
9:57:51 AM	Jury is now being seated into the Courtroom		
9:58:50 AM	Ms. Gianoli calls Horace Herrin for direct examination Note: Wells, Leia Court reminds Mr. Herrin that he is still under oath		
10:02:28 AM	State motions to admit Exhibit 4; Mr. Sears has no objections; Court admits Exhibit #4		
10:06:32 AM	Mr. Sears re-cross examines Mr. Herrin		
10:09:02 AM	Ms. Gianoli re-direct examines Mr. Herrin		
10:09:58 AM	Court excuses Mr. Herrin and is free to go		
10:10:11 AM	Ms. Gianoli calls Richard Bell for direct examination Note: Wells, Leia Richard Bell is duly sworn		
10:25:06 AM	Ms. Gianoli moves to admit Mr. Bell as an expert; Mr. Sears has no objection; Court admits Mr. Bell as an expert witness		
10:31:20 AM	Ms. Gianoli moves to admit States Exhibit #5; Mr. Sears has no objections; Court admits States Exhibit #5		
10:59:46 AM	Ms. Gianoli moves to admit States Exhibit 6; Mr. Sears has no objections; Court admits State's Exhibit #6		
11:01:19 AM	Mr. Sears cross examines Mr. Bell		
11:01:46 AM	Mr. Bell is excused and leaves the Courtroom		
11:02:09 AM	Court admonishes the panel of 13 and grants a short recess		
11:02:48 AM	Session Paused		
11:24:48 AM	Session Resumed		

11:24:54 AM Court is in session; Steve L. Dobrescu presiding
Note: Wells, Leia Defendant and all counsel are present, the panel of 13 are not present; Continuation of a Jury Trial

11:25:13 AM Court advises the parties regarding a juror asking the law clerk a question

11:26:08 AM Court advises Ms. Sindelar regarding her rights to testify

11:26:29 AM Jury is now being brought into the Courtroom

11:28:30 AM Defense rests

11:29:22 AM Court admonishes the panel of 13 and grants a lunch break
Note: Wells, Leia Jury and Alternate have left the Courtroom

11:31:10 AM Court advises the parties of the jury instructions
Note: Wells, Leia Neither party has any objection or changes to the Jury instructions

11:37:39 AM Both counsel request the Court to read instructions prior to closing arguments

11:39:17 AM Court takes a brief recess

11:39:45 AM Session Paused

1:18:58 PM Session Resumed

1:19:05 PM Session Paused

1:20:52 PM Session Resumed

1:20:58 PM Court is in session; Judge Steve L. Dobrescu presiding

1:21:16 PM Appearing in Court
Note: Wells, Leia Defendant and all counsel are present, the panel of 13 are present; time and place for Continuation of a Jury Trial

1:21:18 PM Court addresses the panel of 13 regarding the proceedings and advises them of the jury instructions

1:31:06 PM Mr. Wheable is heard in closing arguments

1:47:13 PM Mr. Sears is heard in closing arguments

1:50:42 PM Mr. Wheable objects-not proper. Court advises Mr Sears of instruction #8

2:01:21 PM Mr. Wheable is heard in final closing argument

2:14:39 PM Clerk swears in Bailiff

2:15:52 PM The panel of 13 leaves the Courtroom for deliberation and Court grants a recess

2:16:15 PM Session Paused

2:34:53 PM Session Resumed

2:35:00 PM Court is in session; Judge Steve L. Dobrescu presiding

2:35:30 PM Appearing in Court
Note: Wells, Leia Defendant and all counsel are present, panel of 13 are present. Time and place for Continuation of a Jury Trial

2:37:07 PM Clerk reads verdict-guilty

2:38:40 PM Clerk polls jurors

2:39:42 PM Court enters formal judgement, the Defendant is guilty

2:40:17 PM Court sets sentencing for 8/31/15 at 9:30 am

2:40:55 PM Court orders the Clerk of the Court to prepare a Presentence Investigation Report

2:41:57 PM Appearing in Court

2:42:03 PM Session Paused

3:09:04 PM Session Resumed

3:09:20 PM Court is in session; Judge Steve L. Dobrescu presiding
Note: Wells, Leia Defendant and all counsel are present, time and place for Continuation of a Jury Trial

3:09:40 PM Mr. Wheable is heard in support of his request to remand Defendant into custody pending sentencing
Note: Wells, Leia Mr Sears is heard in opposition to the motion

3:16:52 PM Court orders Defendant be in custody pending Mr Sears being approved for Robo-Cuff
Note: Wells, Leia Defendant is remanded into custody

3:22:33 PM Session Ended



Judge: Steve L. Dobrescu

Clerk: Nichole H Baldwin; Elizabeth Becker; Maggie O'Brien; Leia Wells

Bailiff: Visilio C Casarez; Rachel Paddock

Date:	Type:	Location:	Department:
9/3/2015	Sentencing	Courtroom 1	Department 1

Event Time	Log Event
9:52:36 AM	Session Started
9:52:37 AM	Appearing in Court Note: O'Brien, Maggie Defendant, is represented by Richard Sears; Angela Gianoli, representing The State of Nevada, Stacy Rice from Parole and Probation.
9:52:37 AM	Judge Steve L. Dobrescu presiding
9:52:39 AM	Court is in session Note: O'Brien, Maggie Time and Place for a Sentencing Hearing
9:54:10 AM	Clerk marks Defendant's exhibit A Note: O'Brien, Maggie Ms. Gianoli moves to admit Defendant's Exhibit A. Court admits the Exhibit.
9:54:44 AM	Mr. Sears advises the Court that he has some factual errors on the Presentence Investigation Report Note: O'Brien, Maggie Court changes through interlineation
9:59:12 AM	Mr. Sears is heard in mitigation Note: O'Brien, Maggie and asks for 24-60 months in NDOC
10:05:00 AM	Ms. Gianoli recommends Note: O'Brien, Maggie 48-120 months in NDOC
10:12:26 AM	Mr. Sears objects-advises the Court that he had given the Court incorrect information Note: O'Brien, Maggie Court sustains
10:13:13 AM	Mr. Sears objects-misstatement Note: O'Brien, Maggie Court overrules
10:15:29 AM	Court formally enters judgment of guilty of the offense of Driving Under the Influence, a category B Felony, a third offense. Note: O'Brien, Maggie Court Orders, \$25 Administrative Assessment fee, \$3 GMA fee, \$150 DNA fee, 30-75 months NDOC and given credit for time served.
10:23:23 AM	Defendant is remanded into custody
10:23:40 AM	Session Paused
10:24:39 AM	Session Ended

CR-1304037
Dept. 01

THE STATE OF NEVADA VS. STELLA SINDELAR

CRIMINAL JURY TRIAL
JUDGE STEVE L. DOBRESCU PRESIDING

LIST OF STATE'S EXHIBITS

STATE'S

EX. #	DESCRIPTION OF EVIDENCE					ADMITTED
1	Lapel Cam video					6/30
2	Booking DVD					
3	redacted tox summittal form					6/30
4	Herrin Affidavit					7/1
5	forensic report					7/1
6	Expanded Forensic Report					7/1
7	Picture of car				only for the hearing and not the jury	7/1
8	Picture of car console					
9	Picture of empty Alcohol Bottles					
10	Lab Kit					
11	Police Report					
12						
13						
14						
15						

SEP 09 2015

Case No. CR-1304037

Dept. No.

FILED

2015 SEP -9 PM 1:59

NICHOLE BALDWIN
WHITE PINE COUNTY CLERK

BY _____
DEPUTY

IN THE SEVENTH JUDICIAL DISTRICT COURT

STATE OF NEVADA, COUNTY OF WHITE PINE

• • • • •

STATE OF NEVADA,
PLAINTIFF,

VS.

STELLA LOUISE SINDELAR,
DEFENDANT.

**REQUEST FOR ROUGH DRAFT
TRANSCRIPT**

TO: Nichole Baldwin, White Pine County Clerk and to her Transcriptionist Designee
Stella Sindelar, defendant named above, requests preparation of a rough draft
transcript of certain portions of the proceedings before the district court, as follows:

District Court Arraignment

Criminal Motions Hearings

Criminal Jury Trial

Sentencing

Specific individual dates of proceedings for which transcripts are being requested (a
range of dates is not acceptable):

April 22, 2013---District Court Arraignment,

September, 24, 2013 --- Criminal Motions Hearing

June 30, 2015 --- Criminal Jury Trial and Motions

July 1, 2015 --- Criminal Jury Trial Day 2 and Motions

September 3, 2015 --- Sentencing

Specific portions of the transcript being requested (e.g., suppression hearing, trial, closing argument, etc.):

All portions of hearings and trial on the above listed dates, including opening and closing statements of all counsel at trial; and all motion hearings outside the presence of the jury during the trial and before the trial began. Reading of jury instructions and voir dire examinations of jurors are not requested.

This notice requests a transcript of only those portions of the district court proceedings that counsel reasonably and in good faith believes are necessary to determine whether appellate issues are present. Voir dire examination of jurors, opening statements and closing arguments of trial counsel, and the reading of jury instructions shall not be transcribed unless specifically requested above.

I recognize that I must serve a copy of this form on the above named court reporter and opposing counsel, and that the above named court reporter shall have twenty (20) days from the receipt of this notice to prepare and submit to the district court the rough draft transcript requested herein.

Date: Wednesday, September 9, 2015.



Richard W. Sears, 5489
457 Fifth Street,
Ely, Nevada 89301
(775) 289-3366

CERTIFICATE OF MAILING

I hereby certify that I am an employee of Richard W. Sears Law Firm and that on the date below written, I deposited in the United State Post Office, as Ely, Nevada, in a sealed envelope with first class postage fully paid, a true and correct copy of the above and foregoing Request for Rough Draft Transcript, dated and addressed as follows:

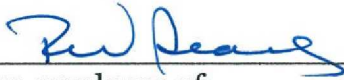
☒ By placing same to be deposited for mailing in the United States Mail, ^{to the AG.} in a sealed envelope upon which first class postage was prepaid in Ely, Nevada: and/or

☐ Via Facsimile; and/or

☒ To be hand-delivered to the ^{district} attorney listed below at the address indicated below:

Mr. Michael Wheable
White Pine County District Attorney
801 Clark Street, Suite 3
Ely, NV 89301

Date: Wednesday, September 9, 2015


An employee of
Richard W. Sears Law Firm



WHITE PINE COUNTY CLERK

September 10, 2015

THE HONORABLE TRACIE LINDEMAN
Clerk of the Supreme Court
Capitol Complex
Carson City, NV 89710

RE: CV-1304037, Dept. 01

STATE OF NEVADA,
Respondent,
vs.

STELLA LOUISE SINDELAR,
Appellant.

Dear Ms. Lindeman,

I am notifying you of the following deficiencies contained in this appeal:

- There was no Judgment and Sentence, and no Notice of Entry of Order filed in this case. Once filed, we will promptly e-file with your Court.

Thank you and have a nice day.

Sincerely,
Nichole Baldwin
White Pine County Clerk

A handwritten signature in blue ink that reads "Leia Wells".

By: Leia Wells
Deputy Court Clerk



**OFFICE OF
COUNTY CLERK and EX-OFFICIO CLERK
OF THE SEVENTH JUDICIAL DISTRICT COURT
IN AND FOR
WHITE PINE COUNTY, NEVADA**

STATE OF NEVADA, }ss.
COUNTY OF WHITE PINE,

I, Nichole Baldwin, County Clerk and ex-officio Clerk of the Seventh Judicial District Court of the State of Nevada, County of White Pine, do hereby certify that the above and foregoing is a full, correct and true copy of the original *Notice of Appeal, Case Appeal Statement, District Court Docket Entries, Minutes from District Court Proceedings, List of State's Exhibits, Request for Rough Draft Transcripts, and Cover Letter Notice Deficiencies to the Supreme Court* which now remains of record in my office at Ely, County of White Pine and State of Nevada, aforesaid.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of said Court, at my office in the City of Ely, this 10TH day of SEPTEMBER, 2015.

A handwritten signature in blue ink, reading "Nichole Baldwin", is written over a horizontal line.

County Clerk and Ex-Officio Clerk of
Said Court

A handwritten signature in blue ink, reading "Aria Wells", is written over a horizontal line.

By: Deputy Clerk