

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVEN LAWRENCE DIXON

Appellant

vs.

STATE OF NEVADA

Respondent

) Supreme Ct No. 77535

) District Ct No. 18-6963

) Electronically Filed  
) Dec 28 2018 01:26 p.m.  
) Elizabeth A. Brown  
) Clerk of Supreme Court

**APPELLANT'S FAST TRACK APPENDIX**

---

Appeal from Judgment of Conviction  
Sixth Judicial District Court, County of Humboldt  
The Honorable Michael Montero, District Judge

---

**ATTORNEY FOR APPELLANT**

Humboldt County Public Defender  
Matt Stermitz, NSB # 3610  
Drawer 309  
Winnemucca, Nevada 89445  
775-623-6550

**ATTORNEY FOR RESPONDENT**

Humboldt County DA  
Michael Macdonald  
Drawer 909  
Winnemucca, Nevada 89445  
775-623-6363

## TABLE OF CONTENTS

**Criminal Information**

**1**

**Judgment of Conviction**

**6**

**Trial Transcript**

**10**

NO. CR 18-6903

FILED

2018 JAN 12 AM 10:36

TAMI RAE SPERO  
DIST. COURT CLERK

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF HUMBOLDT.

-oOo-

STATE OF NEVADA,

Plaintiff,

vs.

INFORMATION

STEVEN LAWRENCE DIXON  
DOB: 01/29/1977,

Defendant(s) ./

MICHAEL MACDONALD, District Attorney of Humboldt County,  
Nevada, in the name and by the authority of the State of Nevada,  
informs the Court:

COUNT I

ARSON-FOURTH DEGREE,  
A CATEGORY D FELONY  
AS DEFINED BY NRS 205.025

That the Defendant did willfully and maliciously  
attempt to set fire to or attempt to burn or to aid,  
counsel or procure the burning of an of the buildings  
or property, or who commits any act preliminary  
thereto or in furtherance thereof, in the following  
manner, to-wit: That on or about the 13th day of

1 December, 2017, at or near the location of 3465 Ivan  
2 Drive, County of Humboldt, State of Nevada, the  
3 Defendant did willfully and maliciously attempt to set  
4 fire to and/or attempt to burn and/or attempt to cause  
5 to be burned the mirror and/or wall of 3465 Ivan  
6 Drive, a dwelling house and/or structure and/or mobile  
7 home.

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

COUNT II

CHILD ABUSE, NEGLECT, OR ENDANGERMENT,  
A GROSS MISDEMEANOR  
AS DEFINED BY NRS 200.508.

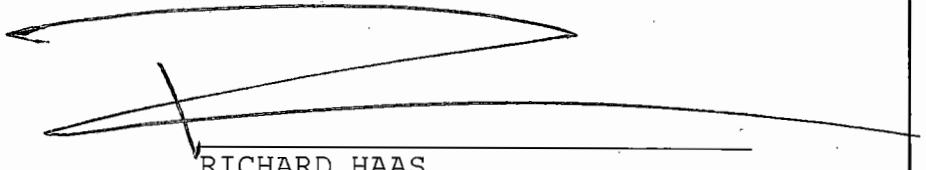
That the Defendant did knowingly, willfully and unlawfully cause a child, who is less than eighteen (18) years of age to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect or to be placed in a situation where the child may suffer physical pain or mental suffering as a result of the abuse or neglect in the following manner, to-wit: That on or about the 13th day of December, 2017, at or near the location of 3465 Ivan Drive, County of Humboldt, State of Nevada, the Defendant a person who is responsible for the safety and welfare of a child pursuant to NRS 432B.130 permitted or allowed that child to wit; a known but unnamed 9 year old juvenile to be placed in a situation where the child may suffer physical pain or mental suffering as a result of abuse or neglect in the following manner to-wit; by throwing a beer bottle at a vehicle that the child was in and/or setting fire to the dwelling that the child was in.

All of which is contrary to the form of the statute in such cases made and provided and against the peace and dignity of the State of Nevada.

That the names of all witnesses who will testify for the State of Nevada in said action that are known to the District Attorney at the time of the filing of this Information are

1 listed with addresses on the annexed Exhibit "A" and the names  
2 of all other witnesses who will testify for the State of Nevada  
3 that become known to the District Attorney before time of trial  
4 will be endorsed hereon by subsequent Exhibit.

5  
6 Furthermore, pursuant to NRS 239B.030., the undersigned hereby  
7 affirms this document does not contain the social security  
8 number of any person.



9  
10 RICHARD HAAS  
11 Deputy District Attorney  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

EXHIBIT "A"  
INFORMATION

Names and Addresses Known to the  
District Attorney at the time of  
Filing of the Information

DEPUTY MARIO MURILLO  
Humboldt County Sheriff's Office  
Winnemucca, NV 89445

SHEILA MARIE SWEARINGEN  
3465 Ivan Drive  
Winnemucca, NV 89445

JASON MAYDEN  
3465 Ivan Drive  
Winnemucca, NV 89445

MELISSA MAYDEN  
3465 Ivan Drive  
Winnemucca, NV 89445

JORDAN ISIAHA MAYDEN  
3465 Ivan Drive  
Winnemucca, NV 89445

CERTIFICATE OF SERVICE

Pursuant to NRCF 5(b), I certify that I am an employee of  
the Humboldt County District Attorney's Office, and that on the

12<sup>TH</sup> day of January, 2018, I delivered a true copy of the

INFORMATION to:

MATT STERMITZ  
Humboldt County Public Defender  
Humboldt County Courthouse  
Winnemucca, NV 89445

- ( ) U.S. Mail  
( ) Certified Mail  
( ) Hand-delivered  
(☒) Placed in Dct/Jct Box  
( ) Via Facsimile

*A. J. J. J.*

Case No. CR 18-6963

Dept. No. 2

FILED

2018 NOV 19 PM 4:01

CLERK OF DISTRICT COURT

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF HUMBOLDT.

-oOo-

THE STATE OF NEVADA,

Plaintiff,

vs.

**JUDGMENT OF CONVICTION**

STEVEN LAWRENCE DIXON,

Defendant. /

WHEREAS, on the 16<sup>th</sup> day of January, 2018, the Defendant entered his plea of not guilty to the charge of Count I - ARSON- FOURTH DEGREE, a Category D Felony, and Count II - CHILD ABUSE, NEGLECT OR ENDANGERMENT, a Gross Misdemeanor, the matter having been submitted before the Honorable Michael R. Montero.

At the time Defendant entered the plea of not guilty, this Court informed the Defendant of the privilege against compulsory self-incrimination, the right to a speedy trial, the right to a trial by jury, the right to compulsory process to compel witnesses to testify on behalf of the Defendant and the right to confront the accusers. That after being so advised, the Defendant stated that these rights were understood and still desired this Court to accept the plea of not guilty.





1 The Court having accepted Defendant's plea of not guilty, set the date of the 2<sup>nd</sup> day of  
2 May, 2018, at the hour of 9:00 a.m. as the date and time for jury trial. The jury trial was  
3 rescheduled to the 19<sup>th</sup> day of September, 2018, at the hour of 9:00 a.m. On the 20<sup>th</sup> day of  
4 September, 2018, Defendant was found guilty of Count I - ARSON- FOURTH DEGREE,  
5 charged within the Information, filed on the 12<sup>th</sup> day of January, 2018. The Court set the 13<sup>th</sup>  
6 day of November, 2018, at the hour of 9:30 a.m. as the date and time for Sentencing.

7 The Defendant having appeared on the 13<sup>th</sup> day of November, 2018, represented by  
8 counsel and Defendant having been given the opportunity to exercise the right of allocution and  
9 having shown no legal cause why judgment should not be pronounced at this time.

10 The above-entitled Court having pronounced STEVEN LAWRENCE DIXON guilty of  
11 Count I - ARSON- FOURTH DEGREE, a Category D Felony, in violation of NRS 205.025 on  
12 the 13<sup>th</sup> day of November, 2018. The Defendant was thereby ordered by the Court to pay a  
13 \$25.00 administrative fee, and a \$3.00 DNA collection fee, and a \$1,500.00 public defender fee,  
14 payable to the Humboldt County Clerk of the Court. The Defendant was further ordered to serve  
15 a minimum term of twelve (12) months, with a maximum term of thirty-four (34) months in the  
16 Nevada Department of Corrections, with credit for time served of twenty-two (22) days.

17 Furthermore, bail, if any, is hereby exonerated.

18 MATTHEW STERMITZ, Humboldt County Public Defender, represented the Defendant  
19 during all stages of the proceedings;

20 MICHAEL MACDONALD, Humboldt County District Attorney or his designated agent,  
21 represented the State of Nevada at all stages of these proceedings.

22 Therefore, the clerk of the above-entitled Court is hereby directed to enter this Judgment  
23 of Conviction as a part of the record in the above-entitled matter.

24 //  
//  
//

1 Pursuant to NRS 239B.030, the undersigned hereby affirms this document does not  
2 contain the social security number of any person.

3 DATED this 19<sup>th</sup> day of November, 2018, in the City of Winnemucca, County  
4 of Humboldt, State of Nevada.

5 

6 MICHAEL R. MONTERO  
7 DISTRICT COURT JUDGE  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24

Betsy Guerrero  
BETSY GUERRERO  
Administrative Assistant

**FILED**

2018 DEC 28 AM 9:29

TAMI RAE SPERO  
DIST. COURT CLERK

4185

SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

THE HONORABLE MICHAEL R. MONTERO, DISTRICT JUDGE

--oOo--

STATE OF NEVADA,

Case No. CR18-6963

Plaintiff,

Dept. No. 11

vs.

STEVEN LAWRENCE DIXON,

Defendant.

**COPY**

---

TRANSCRIPT OF PROCEEDINGS  
JURY TRIAL (Partial Proceedings)  
WEDNESDAY, SEPTEMBER 19, 2018

## APPEARANCES:

For the Plaintiff: Max A. Stovall, Esq.  
Deputy District Attorney  
501 Bridge Street #1  
Winnemucca, Nevada 89445

For the Defendant: Matthew J. Stermitz, Esq.  
Humboldt County Public Defender  
Drawer 309  
Winnemucca, Nevada 89445

Reported By: Leslie R. Rosenthal, CCR #819

1 -oOo-

2 RENO, NEVADA, WEDNESDAY, SEPTEMBER 19, 2018, 10:55 A.M.

3 -oOo-

4 THE COURT: All right. Very good.

5 For the record, the prosecution and the  
6 defense have both passed for cause.

7 So ladies and gentlemen, what that means is  
8 now the attorneys get to exercise their peremptory  
9 challenges; they get to exercise their five challenges to  
10 this panel.

11 So -- and when we do this, I'm going to  
12 excuse you, I'm going to let you go back out into the  
13 hallway, so everybody has to leave the courtroom for a  
14 few moments. We're going to do that outside of your  
15 presence.

16 When you come back in -- when you come back  
17 in the courtroom, just take a seat in the back, okay?  
18 And we will call up here only those 13 jurors who will be  
19 seated for this trial. Okay?

20 So I don't expect this will last more than  
21 about 15 minutes, so you're welcome to, you know, roam to  
22 the -- maybe to the ramp outside, but don't go further  
23 than that. Okay? And I'll have Deputy Sjoblom kind of  
24 start rounding people up as soon as we're done here in

1 the courtroom.

2 Again, during this break, please do not  
3 discuss this case amongst yourselves or with anyone else.  
4 Should anyone approach you and attempt to discuss this  
5 case with you, immediately remove yourself from that  
6 situation, and at the first possible opportunity notify  
7 Deputy Sjoblom.

8 Do not do any independent investigation of  
9 the law or the facts of this case. Do not read, watch,  
10 listen to any news accounts of this case, should there be  
11 any, and do not form or express any opinion regarding the  
12 guilt or innocence of the defendant.

13 With that, I think let's go ahead and go into  
14 recess. Oh, that's what I was going to say, that's why I  
15 hesitated for a moment. Do I just have two of you? Two  
16 of you? Yes, stay for the next 15 minutes, thank you,  
17 and then I will excuse you. Okay. You're all excused  
18 for a moment. Thank you.

19 (Jury excused.)

20 THE COURT: Let's go back on the record in  
21 Case CR18-6963, State of Nevada, plaintiff, versus Steven  
22 Lawrence Dixon, defendant.

23 Let the record reflect the presence of the  
24 defendant and counsel in a meeting outside the presence

1 of the jury veneer so that counsel may exercise their  
2 preemptory challenges.

3 And just so that to make sure we're clear on  
4 the numbering, when I seat a new juror, they go to the  
5 end of the list. So juror number 20 -- let me renumber  
6 them really quickly.

7 One will be Asher. Two will be Herrera.  
8 Three is Hawkins. Four is Kenney. Five is Jackson. Six  
9 is Gilboy. Seven is Schaff. Reynosa is eight. Nine is  
10 Andrade. 10 is Brissenden. 11 is Burris. 12 is  
11 McClellan. 13 is Delong. 14 is Young. 15 is Ogburn.  
12 16 is Teede. 17 is McMillan. 18 Ellifritz. Dennis is  
13 19. Joe Nalivka is 20. Raul Lara is 21. Shelly Graham  
14 will be 22. And Danielle Delong is 23.

15 With that, so Mr. Stovall, are you prepared  
16 to exercise your first preemptory challenge?

17 MR. STOVALL: Yes, Your Honor, I just need to  
18 ask for the Court's indulgence. If you could go a little  
19 slow --

20 THE COURT: Pardon me?

21 MR. STOVALL: Through this process.

22 THE COURT: Okay. You need a moment.

23 MR. STOVALL: Slow down the process.

24 THE COURT: Yeah. Go ahead.

1 MR. STOVALL: Thank you.

2 THE COURT: Take your time. What we'll do  
3 is --

4 MR. STOVALL: Your Honor, we can go forward  
5 right now, just the whole process.

6 THE COURT: Okay.

7 MR. STOVALL: Sure.

8 THE COURT: I'll go as slow as we need to.  
9 Are you ready to exercise your first?

10 MR. STOVALL: Yes, Your Honor.

11 THE COURT: You may.

12 MR. STOVALL: Number five, Tyler Jackson.

13 THE COURT: Okay. The State exercises its  
14 first preemptory challenge as to juror number five, Tyler  
15 Jackson. Okay.

16 Mr. Stermitz, you may exercise your first  
17 preemptory.

18 MR. STERMITZ: Susan Hawkins.

19 THE COURT: Okay. The defense exercises its  
20 first preemptory challenge as against jury number three,  
21 Susan Hawkins.

22 MR. STOVALL: Thank you, Your Honor. Number  
23 14, Alex Young.

24 THE COURT: Okay. The State exercises its



1 second preemptory challenge as against juror number 14,  
2 Alex Young.

3 Mr. Stermitz?

4 MR. STERMITZ: Shauna Gilboy.

5 THE COURT: And the defense exercises its  
6 second preemptory challenge against juror number six,  
7 Shauna Gilboy.

8 Mr. Stovall, take your time, if you need some  
9 more time.

10 MR. STOVALL: Quick question, Your Honor.  
11 Can I get an out of order? We did 14. Can I bounce  
12 back?

13 THE COURT: Oh, yeah. You can go anywhere  
14 you want.

15 MR. STOVALL: Okay.

16 THE COURT: You've got the whole group.

17 MR. STOVALL: Thank you, Your Honor.

18 Your Honor, I'll -- number 16, Daniel Teede.

19 THE COURT: Okay. The State exercises its  
20 third preemptory challenge as to juror number 16, Daniel  
21 Teede.

22 Mr. Stermitz?

23 MR. STERMITZ: Ricky McClellan.

24 THE COURT: The defense exercises its third

1 preemptory challenge against number 12, Rick -- or Ricky  
2 McClellan.

3 So the State may exercise its fourth.

4 MR. STOVALL: Your Honor, number four, Evelyn  
5 Kenney.

6 THE COURT: The State exercises its fourth  
7 preemptory challenge as to juror number four, Evelyn  
8 Kenney.

9 Defense may exercise its fourth preemptory.

10 MR. STERMITZ: Patricia Ellifritz.

11 THE COURT: Defense exercise its fourth  
12 preemptory challenge as to juror number 18, Patricia  
13 Ellifritz.

14 So, counsel, your jury will consist of the  
15 following:

16 Juror number one will be Louis Asher.

17 Two will be Edward Herrera.

18 Three will be Samuel Schaaf.

19 Four will be Esperanza Reynoso.

20 Number five will be Eva Andrade.

21 Number six will be Thomas Brissenden.

22 Seven will be Sherry Burris.

23 Eight will be Todd Delong.

24 Nine will be Rena Ogburn.

1 Number ten will be Wendy McMillan.

2 11 will be Tyler Dennis.

3 And 12 will be Joe Nalivka.

4 MR. STERMITZ: Three to spare.

5 THE COURT: Yes, with three potential  
6 alternates, number 21, Raul Lara, 22, Shelly Graham, 23  
7 Danielle Delong.

8 State, you may exercise your preemptory as to  
9 alternates.

10 MR. STOVALL: 21, Raul Lara.

11 THE COURT: The State exercises its one  
12 alternate preemptory as to juror number 21, Raul Lara.

13 Mr. Stermitz?

14 MR. STERMITZ: We would make a Batson  
15 challenge. Mr. Lara is obviously Hispanic and I  
16 certainly didn't hear him say anything that would  
17 indicate he would be anything other than fair to both  
18 sides. By the State's silence, maybe an acquiescence.

19 THE COURT: Mr. Stovall, do you wish to  
20 respond to Mr. Stermitz?

21 MR. STOVALL: Yes, Your Honor. Your Honor,  
22 at the moment the jury is heavily weighted in favor of  
23 men. I'd like to have at least a female alternate on it.  
24 The other two, Ms. Graham and Ms. Delong, I think would

1 be favorable.

2 I don't know much about Mr. Lara; however, I  
3 do know enough about Ms. Graham and Ms. Delong. And I'd  
4 like to increase their chances of being on the jury,  
5 obviously, it has nothing to do with race.

6 MR. STERMITZ: Apparently it has something to  
7 do with gender. It's a slippery slope to the top.

8 THE COURT: Well, Mr. Stermitz, you've made a  
9 Batson challenge for race. Mr. Stovall has presented his  
10 explanation for that challenge. Do you wish to further  
11 respond?

12 MR. STERMITZ: Well, my response is that he's  
13 used gender, which is an impermissible basis in itself.  
14 So, you know, that's not permissible either.

15 THE COURT: Mr. Stermitz, I'm confused by  
16 this. I guess I have to ask, are you claiming because of  
17 your client's race that a --

18 MR. STERMITZ: No.

19 THE COURT: -- juror should not be stricken  
20 based on their race?

21 MR. STERMITZ: Just has to do with the juror  
22 himself.

23 THE COURT: The juror himself.

24 MR. STERMITZ: It doesn't attach to my

1 client's race or gender. Our allegation was that it was  
2 based on the fact that he was Hispanic, and could be  
3 because there didn't seem to be any disqualifiers in the  
4 voir dire.

5 And his response was, well, it's not race  
6 based, it's gender based. And gender based is not a --  
7 that's also a Batson violation. So I think Mr. Lara can  
8 stand, or you've got error.

9 THE COURT: You can take that up, if you  
10 want. But I'm going to find there was a mutual  
11 explanation that was clear and reasonably specific, and I  
12 find that there's no -- there's no -- the State is not  
13 striking Mr. Lara based on his race.

14 MR. STERMITZ: Just his gender. We would --

15 THE COURT: Those are your words, not mine.

16 Mr. Stermitz, do you wish to exercise another  
17 preemptory challenge?

18 MR. STERMITZ: Yes. Danielle Delong, if  
19 she's still a juror.

20 THE COURT: Okay. So defense exercises its  
21 preemptory challenge as to the alternates against juror  
22 number 23, Danielle Delong.

23 MR. STERMITZ: It's not gender based. She's  
24 self-employed, and has a business she has to run, and

1 probably is not going to be focused on this case.

2 THE COURT: So your alternate will be Shelly  
3 Graham, number -- juror number 13. Okay.

4 Let's go off the record for a moment.

5

6 (Partial proceedings concluded.)

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

1 STATE OF NEVADA )  
2 ) ss.

3 COUNTY OF WASHOE )

4 I, LESLIE R. ROSENTHAL, Certified Court  
5 Reporter in and for the State of Nevada, do hereby  
6 certify:

7 That the foregoing proceedings were taken by  
8 me at the time and place therein set forth; that the  
9 partial proceedings were recorded stenographically by me  
10 and thereafter transcribed via computer under my  
11 supervision; that the foregoing is a full, true and  
12 correct transcription of the partial proceedings to the  
13 best of my knowledge, skill and ability.

14 I further certify that I am not a relative  
15 nor an employee of any attorney or any of the parties,  
16 nor am I financially or otherwise interested in this  
17 action.

18 I declare under penalty of perjury under the  
19 laws of the State of Nevada that the foregoing statements  
20 are true and correct.

21 Dated this 19th day of December, 2018.

22 *Leslie R. Rosenthal* /s/  
23 /s/ Leslie R. Rosenthal  
24 Leslie R. Rosenthal, CCR #819