

IN THE SUPREME COURT OF THE STATE OF NEVADA

COLE DUANE ENGELSON

Appellant,

vs.

THE STATE OF NEVADA

Respondent.

Docket No. 82691

Appeal From A Judgment of Conviction (Jury Trial)
Fifth Judicial District Court
The Honorable Robert Lane, District Judge
Court No. CR9226

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No. CR0009226

Dept. No. 2

IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF NYE

THE HONORABLE ROBERT W. LANE, DISTRICT JUDGE

-oOo-

ORIGINAL

THE STATE OF NEVADA,

Plaintiff,

vs.

COLE DUANE ENGELSON,

Defendant.

TRANSCRIPT OF PROCEEDINGS
SENTENCING HEARING

MARCH 8, 2021

11:05 A.M.

PAHRUMP, NEVADA

APPEARANCES:

For the State:

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DISTRICT ATTORNEY
KIRK D. VITTO, ESQ.
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For the Defendant:

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The Defendant:

(via BlueJeans -
Pahrump Jail)

COLE DUANE ENGELSON

Reported by: CECILIA D. THOMAS, RPR, CCR No. 712

1 PAHRUMP, NYE COUNTY, NEVADA, MONDAY, MARCH 8, 2021

2 11:05 A.M.

3 -oOo-

4 P R O C E E D I N G S

5
6 THE COURT: Okay. The last matter on for
7 today is Cole Engelson, 9226. I'm kind of tired.
8 Maybe we should continue this a couple of weeks. We
9 have Ms. Boskovich and Mr. Martinez, the attorneys for
10 Mr. Engelson. He's on the screen from the Pahrump
11 Jail.

12 We have a PSI dated January 14th, 2021,
13 showing First Degree Murder, category A felony. He
14 can be sentenced to 20 to life, 50 to life with parole
15 beginning at 20 years, or for life without the
16 possibility. So 20 to life, 50 to life, or life
17 without.

18 We're going to hear from Mr. Martinez and
19 Ms. Boskovich, and then we'll hear from Mr. Engelson,
20 and then we'll hear from the State. And both sides
21 are free to call any pertinent witnesses and so forth.

22 Mr. Martinez?

23 MR. MARTINEZ: Thank you, Judge.

24 Your Honor, big decision I think the Court
25 has to make today is whether or not Mr. Engelson will

1 ever have the opportunity of parole and the
2 opportunity to get released from custody. And I say
3 it that way, Judge, because if this Court does say
4 that he can be eligible for parole in 20 years, that
5 doesn't necessarily mean that he's going to get
6 parole, and that doesn't necessarily mean that's going
7 to happen in 20 years. Those are decisions ultimately
8 that are going to be up to the Nevada Department of
9 Corrections, his behavior while he's in prison, any
10 programs he avails himself of.

11 That is exactly what I'm asking the Court
12 to do today is to give Mr. Engelson that opportunity
13 and sentence him to the opportunity of parole when he
14 has served 20 years.

15 THE COURT: And I misspoke. It's life
16 without, life with 20 years eligibility for parole, or
17 50 years with 20 years eligibility.

18 MR. MARTINEZ: Yes, Judge.

19 Your Honor, as I go through Engelson's
20 Presentence Investigation Report, as I speak with
21 Mr. Engelson, he certainly isn't a defendant that, for
22 lack of a better term, fits the description of this
23 sort of offense, Your Honor. A lot of times when we
24 have someone that they are charged and convicted with
25 an offense of this type, we go through their PSI and

1 it is just littered with red flags -- that they come
2 from a broken home, that they have a history of
3 domestic violence or child abuse, that they themselves
4 have been abused while they were growing up, that we
5 can see it coming, that their behavior continually
6 escalates. We can see it coming. We can see it
7 coming. And then finally the big one hits, and that's
8 all she wrote. That's not the case with Mr. Engelson.

9 He comes from a good home. He held a
10 steady job for 17 years, a job he would probably still
11 hold today if he hadn't been incarcerated. That's
12 something else we can't say about most of the people
13 that come before Your Honor, about any industry that
14 someone would hold the same job for 17 years. But
15 Mr. Engelson did do that. Mr. Engelson is someone who
16 had sole custody of his only son prior to being in
17 jailed on this offense. He is someone that still has
18 support.

19 I know that we heard some jail phone calls
20 during the trial in this case, Your Honor.
21 Conversations with those people still happen. He
22 still has people that talk to him, that care about
23 him, that hopefully want to be able to see him out of
24 handcuffs, out of jail attire one day. His son
25 certainly wants that.

1 This is a situation, Your Honor, where
2 there are no winners. I know that the State I'm sure
3 is going to be arguing for life without the
4 possibility of parole and saying that's a win. There
5 are no winners in this situation. We obviously have a
6 deceased three-year-old, Yessenia Camp, and it has
7 ripped everybody's life apart -- her family's,
8 Mr. Engelson's -- obviously. It has affected
9 Mr. Engelson's mother, who is present in the courtroom
10 here today to support him. It has affected his son,
11 who has taken it emotionally who has partly blamed
12 himself for reasons that are unclear.

13 One of the biggest things that I think we
14 can offer everybody, including Cole Jr. in this case,
15 I think would be hope, which it may help people drive
16 forward to give them that closure. For Cole, for his
17 family, for his supporters, that hope comes in the --
18 it comes in the form of the possibility of being
19 paroled in the future, that "Hey, I have something
20 that I could look forward to, that we can work toward
21 that will keep me -- help me going in my own life,
22 keep me going in my personal life so it will benefit
23 everybody later on down the line.

24 A big part of what the Court is going to do
25 today is not only the penalty phase, but I always

1 argue to Your Honor, the rehabilitation phase; to look
2 to the root cause of why this happened and make sure
3 it's not going to happen again.

4 And again, if we look through the PSI,
5 everything that we heard during the trial is crystal
6 clear -- it's not an excuse -- but that demon that is
7 in the bottle, that alcohol is the underlying reason
8 for all of this, Your Honor. While Mr. Engelson was
9 on a pill to make him stop drinking, he never got the
10 in-depth treatment that he needed anytime in his life
11 in order to -- you never fully recover from being an
12 alcoholic, but to give him the tools necessary in
13 order for him to stop drinking. While he's been in
14 custody, he's began to avail himself of those tools in
15 the form of Alcoholics Anonymous; in the form of
16 religion, which almost always goes hand and hand with
17 the Alcoholics Anonymous. The three-and-a-half years
18 now that he has spent incarcerated is probably the
19 longest he has ever gone, since he was 14 and took his
20 first sip of alcohol, without drinking. Obviously,
21 that's because he's incarcerated.

22 During the voir dire, I asked a lot about
23 whether potential jurors believe that addiction is a
24 disease or a choice. There was overwhelming evidence
25 that it absolutely is a disease; that when someone

1 becomes addicted to alcohol or any controlled
2 substance, it causes physiologic changes in their
3 body. It changes the way their mind perceives things.
4 It changes their decision making. I know Your Honor
5 used to run the Drug Court; so you know a lot about
6 this as well. In order for somebody to fully get past
7 that and get their body back to normal, they need to
8 go for a period of at least a year without having used
9 that controlled substance in order for them to get
10 back to normal. Mr. Engelson, again, in the nature of
11 being incarcerated is to that point now.

12 I do believe that he's going to continue to
13 avail himself of the programs that are available to
14 him while he is in prison to continue to treat that
15 problem. I know he is going to do his best to remain
16 in contact with his son, with his mother, with all the
17 of those that still care about him. So if he's given
18 the opportunity on parole, when he hits that parole
19 board, he will have a plan in place, he can do
20 everything that he can to show everyone that he can
21 still be a contributing member of society.

22 Prior to this offense, Your Honor, I don't
23 think anyone would argue that he wasn't a contributing
24 member of society. He was working. He was raising
25 these kids, mostly staying out of trouble, aside from

1 a couple of misdemeanor DUI cases. He's not someone
2 we would regularly see in the court. He's not someone
3 that we would point at and say "that person is a drain
4 on society; we would certainly be much better if he
5 wasn't around.

6 And I believe that that would continue if
7 he ever gets the opportunity to be out of custody
8 again, Your Honor. He's going to be a contributing
9 member of society. He's going to take care of those
10 closest to him. And we'll never see him again in
11 front of Your Honor.

12 So again, Your Honor, I am asking you to
13 just give him a chance at parole in this case. That
14 doesn't mean he's necessarily going to get parole.
15 That decision will be made later on by the Nevada
16 Department of Corrections. But that's what I'm asking
17 the Court to do today, to give him that chance at
18 parole.

19 Thank you.

20 THE COURT: Thank you, sir.

21 Ms. Boskovich, was there anything you would
22 like to add?

23 MS. BOSKOVICH: No, Your Honor.

24 THE COURT: Mr. Engelson, is there anything
25 you would like to say?

1 THE DEFENDANT: Yes, sir. You're a little
2 glitchy on this end. Can you hear me okay?

3 THE COURT: Yes.

4 THE DEFENDANT: Before I get started, I do
5 have a quick question of the Court. Since I believe
6 wholeheartedly that as soon as the Supremes get ahold
7 of my direct appeal, this is coming back for another
8 round, can anything I say today be used against me in
9 another trial?

10 THE COURT: What did he say?

11 MR. MARTINEZ: He asked if anything he said
12 today could be used against him in a potential second
13 trial.

14 THE COURT: I do not believe so.
15 Mr. Vitto, Mr. Arabia, do you have any opinion on him
16 making a statement today having that affect a future
17 trial.

18 MR. ARABIA: Your Honor, I think without
19 knowing what he's going to say, it's kind of
20 difficult. I don't think it's going to matter one way
21 or the other.

22 THE COURT: Mr. Engelson, I don't know what
23 you're going to say, and I don't know if or not it can
24 be used against you in a future trial. What's your
25 attorney say?

1 THE DEFENDANT: I will go a little shorter
2 then.

3 THE COURT: Counsel, did you make a
4 recommendation?

5 MR. MARTINEZ: Judge, my belief, my belief
6 would firmly -- would be that, firmly, nothing
7 Mr. Engelson says today would be able to be used
8 against him in any potential second trial. The same
9 consideration we have about everything, Your Honor --
10 whether or not it's relevant, which I would argue that
11 it's not relevant at the time of any second trial; and
12 whether or not it's more prejudicial than probative,
13 which again, it would be hard to say that given the
14 circumstances we are here for sentencing.

15 And in those cases where they have gone to
16 trial, a defendant has been sentenced and then come
17 back for a second trial because it's been overturned,
18 I've have never heard of the defendant's own testimony
19 at the sentencing coming in to be use against him at
20 the time of a second trial in my career. So I don't
21 think it --

22 THE COURT: I've been doing this 27 years,
23 and I've never seen it happen either.

24 And, Mr. Vitto, you've been doing it
25 30 years. Have you ever heard of a sentencing

1 statement being used at a trial?

2 MR. VITTO: It's not like anybody expects
3 the defendant to sit and admit he did it. He's going
4 to say a lot of things. He's going to have the
5 opportunity to say a lot of things. None of those
6 things are going to be "I'm so sorry I murdered
7 Yessenia." I don't know what he could possibly say
8 that would be relevant. I would be -- you know, with
9 the confidence level that he has that it's coming
10 back, we have the same confidence level that it isn't.

11 THE COURT: Any objection to limited
12 immunity so we can assure him?

13 MR. VITTO: We can't give any kind of
14 immunity for anything; that's not something that we're
15 prepared to do under any circumstances.

16 THE COURT: All right. So you've heard us
17 all say I've been doing this 27 years, Kirk 30, we've
18 never heard of a sentencing statement being used at a
19 retrial. Your attorneys are confident that it can't
20 be used at a retrial. We don't know what you're going
21 to say. You'll have to decide for yourself based on
22 what the attorneys just said today.

23 THE DEFENDANT: Okay. Your Honor, I will
24 just -- I'll bypass (inaudible). As far as sentencing
25 is concerned, I'm a little lost and confused.

1 Probably for the last four months, I've been waiting
2 in limbo for this type of sentences. According to
3 NRS 175.552, in every case where a defendant is found
4 guilty of Murder in the First Degree, whether or not
5 the death penalty is sought, there should be a
6 separate penalty hearing conducted before the trial
7 jurors. At that time it should be practical -- as
8 soon as practical, and the jury is supposed to decide
9 my fate. So I'm a little confused why this is not
10 going that way.

11 THE COURT: Mr. Martinez, what's the point
12 he's trying to make?

13 MR. MARTINEZ: Judge, the point he's trying
14 to make is that Mr. Engelson believes the jury is
15 supposed to be the one that sentenced him, not
16 Your Honor.

17 THE COURT: Really?

18 All right. That motion is denied. Is
19 there anything else you would like to say?

20 THE DEFENDANT: Yes, Your Honor. As far as
21 the actual sentencing part itself, I understand that
22 there's no other aggravating factors besides the
23 aggravating offense itself. I believe there's a lot
24 more mitigating facts on my behalf. And I do believe
25 I should get an opportunity to see the parole board,

1 if I can even live to be another 20 years older. I
2 just beg mercy of the Court, not for myself but for my
3 son just to give him a little hope that maybe his dad
4 will (inaudible).

5 Thank you.

6 THE COURT: Thank you, sir.

7 Mr. Arabia?

8 MR. ARABIA: Your Honor, the State would
9 like to call Nickole Robinson to the stand, please.

10 THE COURT: All right. Ms. Robinson.

11 THE BAILIFF: Will you please face madam
12 clerk, raise your right hand.

13 Whereupon,

14 NICKOLE ROBINSON,
15 called as a witness on behalf of the State, was sworn
16 and testified as follows:

17 THE WITNESS: I do.

18 THE COURT: Thank you. Have a seat, and
19 the attorneys are going to take turns asking you
20 questions.

21 Counsel?

22 MR. ARABIA: Thank you.

23 DIRECT EXAMINATION

24 BY MR. ARABIA:

25 Q. Good morning, Nickole. Could you please

1 state and spell your first and last name?

2 A. Nickole Robinson, N-i-c-k-o-l-e,
3 R-o-b-i-n-s-o-n.

4 Q. Are you related to the victim in this case?

5 A. Yes.

6 Q. Okay. And how are you related?

7 A. She's my little sister.

8 Q. What's her name?

9 A. Yessenia Camp.

10 Q. Would you like to -- I know you spoke on
11 February 1st -- would you like to give some additional
12 comments?

13 A. Yes.

14 Q. Okay. Please proceed.

15 A. I was 14 years old when she -- when I
16 walked into that room and saw my little sister lying
17 on the floor beaten, bruised. I don't know any other
18 14 year old who has gone through that. I have blamed
19 myself countless times because I begged my mom to go
20 out that day, and she was sick so she had to stay
21 home. I've told myself multiple times it should have
22 been me, but in this case it shouldn't have been. It
23 shouldn't have been her. It shouldn't have been my
24 brother. Shouldn't have been me. Shouldn't have been
25 my mom.

1 I had to start high school, my high school
2 career as a 14-year-old child with clinical depression
3 and anxiety because of this. It was the summer of my
4 eighth grade year going into freshman year. I got to
5 sit in that classroom, and we would talk about
6 tragedies, we would talk about death, and any poetry
7 book, whatever, and my mind always related back to
8 that.

9 I have been self-harming, and it has never
10 been as bad as it was when she passed away because I
11 blamed myself. And that's all I have to say.

12 Q. Thank you. Do you have any thoughts on
13 what you would like to see happen here today?

14 A. Life without parole.

15 Q. All right. Anything else you would like to
16 add?

17 A. No.

18 MR. ARABIA: Thank you.

19 THE COURT: Counsel, any questions?

20 MR. MARTINEZ: No.

21 THE COURT: Thank you.

22 Did you mute the jail?

23 THE BAILIFF: No.

24 MR. ARABIA: Your Honor, at this point we
25 would like to call Dwight Camp.

1 THE COURT: All right. Dwight.

2 THE BAILIFF: Do you want me to tell the
3 jail to mute it?

4 THE COURT: No.

5 Raise your right hand and be sworn.
6 Whereupon,

7 DWIGHT CAMP,
8 called as a witness on behalf of the State, was sworn
9 and testified as follows:

10 THE WITNESS: I do.

11 THE COURT: Thank you. Have a seat. The
12 attorneys will take turns asking you questions.

13 DIRECT EXAMINATION

14 BY MR. ARABIA:

15 Q. Good morning, sir?

16 A. Good morning.

17 Q. Can you please spell -- state your name and
18 spell your last name for the record?

19 A. Dwight Camp, C-a-m-p.

20 Q. Okay. This morning I just want to ask you
21 how you feel about what's going on today and if you
22 have anything you want to say about this case, the
23 situation, that sort of thing. Please speak clearly.

24 A. Okay. So I can start?

25 Q. I'm sorry. Can you speak up?

1 A. I said, "Can I read."

2 Q. Yeah. As long as the Judge is okay with
3 that.

4 MS. REPORTER: Loud and clear, please.

5 THE WITNESS: Okay. First thing, I think
6 the defendant should get life without parole because
7 this has not only affected me --

8 MS. REPORTER: I can't hear him.

9 THE BAILIFF: Hold on. Pahrump Jail, can
10 you mute your mike. We're getting an echo.

11 THE WITNESS: First thing, I think the
12 defendant should get life without parole because he
13 has not only affected me, it has also affected every
14 single person who has known Yessenia. I am in 8th
15 grade, and all throughout junior high, it has been a
16 terrible experience because of how much depression and
17 anxiety I have had because of the passing of my
18 sister. And I bet it won't stop there, because I
19 still have high school and college to go to. But at
20 least this is all over after these three long years.
21 It has finally come to an end. No more time. No more
22 continuations. This is it. Justice for Yessenia.

23 MR. ARABIA: Your Honor, I'm concerned that
24 the court reporter might be having trouble. I want to
25 make sure that Dwight's words are accurately rendered

1 in the record. I'm just expressing my concern; not
2 really suggesting what should be done about it.

3 THE COURT: Cecilia, are you getting
4 everything he's saying?

5 MS. REPORTER: No, I did get anything he
6 said, just the first couple of words.

7 (A note for the record: In transcribing
8 and listening to the audio recording from JAVs
9 Recording System, I was able to decipher what
10 the witness said.)

11 MR. MARTINEZ: Judge, I just had your
12 bailiff lower the volume on the TV. If we lower the
13 volume, the jail can still hear us, but it's going to
14 reduce the echo coming from the TV. And I think we're
15 already doing better already.

16 THE COURT: Yeah. I asked him a minute ago
17 if he lowered the volume and he said he did. So is it
18 lowered all the way now?

19 THE BAILIFF: It's lowered. I was worried
20 about him hearing.

21 Q. (By Mr. Arabia) Dwight, I'm sorry to have
22 to do this, but we're having audio things going on; so
23 I would ask that you -- if you're willing to, that you
24 repeat your statement and speak in a nice loud voice.

25 A. Okay. First thing, I think the defendant

1 should get life without parole because he has not only
2 affected me, it has affected every single person that
3 has known Yessenia. I am in 8th grade, and all
4 throughout junior high, it has been a terrible
5 experience because of how much depression and anxiety
6 I've had because of the passing of Yessenia. And I
7 bet it won't stop there, because I still have high
8 school and college to go through. But at least this
9 is all over. After three long years, It has finally
10 come to an end. No more time, No more continuations.
11 This is it. Justice for Yessenia.

12 Q. All right. And my understanding is that
13 the first thing you said is you would like a sentence
14 of life without parole; is that correct?

15 A. Yes, sir.

16 Q. Okay. Do you have anything else you want
17 to add?

18 A. No.

19 MR. ARABIA: All right. Thank you very
20 much.

21 THE COURT: Counsel, anything you would
22 like to ask?

23 MS. BOSKOVICH: No, Your Honor.

24 THE COURT: All right. Thank you. You can
25 step down.

1 Mr. Arabia?

2 MR. ARABIA: Your Honor, we're going to be
3 calling Victoria Schlick, and Mr. Vitto will be doing
4 the questioning.

5 THE COURT: Thank you.

6 I just told the clerks -- go ahead.

7 Whereupon,

8 VICTORIA SCHLICK,
9 called as a witness on behalf of the State, was sworn
10 and testified as follows:

11 THE WITNESS: Yes.

12 THE COURT: Thank you. Have a seat.

13 I just told the clerk that we will try and
14 experiment. For some reason, I'm not echoing. She
15 is. If she talks and it echoes and we have a hard
16 time understanding, we might mute her mike and see if
17 everybody can hear her fine without the microphone on.
18 But we'll give it a shot first. The attorneys are
19 going to take turns asking questions.

20 Counsel?

21 MR. VITTO: Thank you, Your Honor.

22 DIRECT EXAMINATION

23 BY MR. VITTO:

24 Q. Victoria, good morning. Please state your
25 name for the record, spelling your last name.

1 A. Victoria Schlick, S-c-h-l-i-c-k.

2 Q. Victoria, this is your opportunity to
3 address the Court, your opportunity to express the
4 impact of this crime upon your life, and how you would
5 have the Court sentence the defendant. The floor is
6 yours.

7 A. I start off with what I really should say
8 when I address the Court. I've been racking my brain
9 for weeks now not knowing what to say and I'm just
10 angry. It's as simple as I can put it. This man
11 doesn't deserve not one second more of leniency.
12 Twelve of his peers found him guilty within two hours
13 of deliberation because of the overwhelming evidence.
14 He really doesn't deserve the air he's breathing right
15 now. He took the life of an innocent, loving,
16 vibrant, trusting, spunky, beautiful three-year-old
17 girl, my daughter. He took my daughter. She's one
18 third of my whole world.

19 It's so hard to explain how I feel on a
20 daily basis. I stand alone in this battle. The only
21 person that would completely understand who is not
22 with us physically is her father. No child should go
23 to heaven alone; so he was chosen to go be with her.

24 If you could look into my eyes and see the
25 hurt and broken pieces, my heartache, and my

1 loneliness, you can also see my strength and my
2 courage. Because this is one fight I will never back
3 down from. Until my last breath, I will make sure
4 that this man will stay in prison and never see the
5 light of day.

6 And, Judge, I sit here in front of you now
7 and tell you, it should be a life for a life. He
8 needs to spend the rest of his life in prison and have
9 to live with what he did. He should never be able to
10 get out, and every day he should remember I will never
11 be able to hold her, never be able to kiss her and
12 cuddle her. I will never get to see her
13 accomplishments and her struggles. Never see her
14 graduate high school. I will never get to see her
15 fall in love or wipe her tears from her first
16 heartbreak. I will never get to see her get married
17 or have the children she was meant to have. So in the
18 same breath, he shouldn't be able to see that either.

19 Everything I will miss with Yessenia, he
20 should miss with his son. A life for a life. A
21 moment for a moment. He deserves life without parole.
22 That's all I have.

23 MR. VITTO: We have no questions, Judge.

24 THE COURT: Mr. Martinez.

25 MR. MARTINEZ: Nothing Judge.

1 THE COURT: Thank you. You can step down.

2 MR. VITTO: Your Honor, I understand there
3 are a couple of other people who would like to address
4 the Court; is that correct?

5 (Ms. Schlick nods.)

6 MR. VITTO: We've got to get the -- I don't
7 know the familial -- it may fit under the statute.

8 THE BAILIFF: Face madam clerk and a raise
9 your right hand.

10 Whereupon,

11 RYAN MONROE,
12 called as a witness on behalf of the State, was sworn
13 and testified as follows:

14 THE DEFENDANT: I do.

15 THE COURT: Thank you. Have a seat. The
16 attorneys will take turns asking you questions.

17 MR. VITTO: Thank you, Your Honor.

18 DIRECT EXAMINATION

19 BY MR. VITTO:

20 Q. Please state your name for the record,
21 spelling your last name.

22 A. My name is Ryan Monroe, M-o-n-r-o-e.

23 Q. And what is your relation to Yessenia?

24 A. Her uncle. I'm her uncle.

25 MR. VITTO: Your Honor, as I recall the

1 statutes, who a victim is, who a relative is, the
2 definitions, I believe that an uncle fits within that
3 definition. I would leave it to the discretion of the
4 Court. Obviously, Counsel may have something to say?

5 MR. MARTINEZ: Judge, if I recall the
6 statute, it's one of the vague ones that they often
7 give us where it simply says a relative of the
8 deceased or the victim can speak, and that has been
9 clarified in case law. My recollection -- and I could
10 be wrong here -- is that it's supposed to be immediate
11 family members, not getting into extended family
12 members.

13 THE COURT: Does it give a degree³ of
14 consanguinity?

15 MR. MARTINEZ: I'm sure it does somewhere,
16 Judge. But it's been a long time since I did that
17 research; so I don't have the answer off the top of my
18 head.

19 THE COURT: You want to take a recess and
20 look up the degree of consanguinity.

21 MR. VITTO: I think Mr. Martinez and I can
22 do that very quickly.

23 MR. MARTINEZ: I think so too, Judge.

24 THE COURT: All right. We'll take a short
25 recess.

1 THE BAILIFF: All rise.

2 (A short recess is taken.)

3 THE BAILIFF: All rise.

4 THE COURT: Thank you. Please be seated.

5 We took a recess for the attorneys to look
6 into the law on consanguinity of victim testimony.

7 Did you find anything?

8 MR. VITTO: Judge, we've looked at
9 different things. What we haven't frankly done is
10 taken a comprehensive look at Marsy's law and the
11 applicability thereof. Under NRS 176.015, under
12 subsection (6), when it's talking about persons having
13 the opportunity to address the Court at sentencing,
14 section (6) says, "This section does not restrict the
15 authority of the court to consider any reliable and
16 relevant evidence at the time of sentencing." It goes
17 on to define what a relative is, what a victim is.
18 We've looked at different -- we've looked at a couple
19 of different cases. We've looked at different
20 definitions of what a victim is.

21 Ultimately, Your Honor, I think a great
22 deal of this is going to be -- if a hundred people
23 came in, I think we would be looking at a difficult
24 time if the sentencing were to be challenged. In this
25 case what we have is the victim's uncle, the brother

1 of her father, and the reason that it's the brother of
2 her father is because a year after Yessenia was
3 murdered, her father succumbed to the ravages of
4 cancer. That's why he's not here today; so we have
5 the uncle.

6 Your Honor, I think you have the discretion
7 under section (6), but obviously, I would leave it to
8 your judgment. And obviously, Defense Counsel would
9 like to address.

10 THE COURT: Mr. Martinez.

11 MR. MARTINEZ: Judge, subsection (6) deals
12 with evidence. I don't believe that a victim witness
13 speaker falls under that legal definition of evidence;
14 so I don't believe that it gives the Court that
15 discretion. That same statute defines a relative as a
16 spouse, parent, grandparent, or stepparent, a natural
17 born child, stepchild, or adopted child, a grandchild,
18 brother, sister, half brother, or half sister, or a
19 parent from a spouse.

20 Aunts, uncles, cousins, the extended family
21 is not included in the statutory definition,
22 Your Honor, so I do not believe that there's any
23 authority or any legal right for the uncle to speak
24 today at sentencing.

25 THE COURT: Have you found anything on

1 point that says there isn't, and it isn't up to the
2 Judge's discretion, that we have to stick to the
3 second degree consanguinity or less? Have you found
4 anything?

5 MR. MARTINEZ: I didn't find anything on
6 point there, Your Honor. We found a -- Ms. Boskovich
7 found a case from December 2020 from the Court of
8 Appeals here in Nevada. That was a situation where
9 they allowed dozens, if not hundreds of letters from
10 people claiming to know the victim and be associated
11 with the victim and not have even any relationship to
12 them. And the Court overruled that saying it didn't
13 fit the statutory definition of a relative; so it
14 needs to be sent back down and the defendant needs to
15 be resentenced.

16 THE COURT: All right. The fancy legal
17 term they use for relatives is consanguinity. When
18 you go to law school, that's the phrase they use.
19 Meaning the first degree of consanguinity is your
20 children, the second degree is grandchildren, the
21 third is great grandchildren, and so forth. The first
22 degree is parents, second degree is brothers and
23 sisters, third degree is nephews and nieces. As you
24 can see, when you start getting down to the third and
25 fourth degree, you're really starting to spread out to

1 nephews and nieces and grandnephews and nieces.

2 Second degree of consanguinity is the
3 grandparents. Third degree are the aunts and uncles.
4 So when you use a consanguinity chart, spreading the
5 family tree out, by the time you hit third degree,
6 which is great grandchildren, nephews and nieces,
7 aunts and uncles, great grandparents, you're kind of
8 going far away from the tree.

9 Normally, using my discretion, I would say
10 we don't need to go that far out on the family tree to
11 the third degree of consanguinity and out. However,
12 Mr. Vitto noted that the father of the child, the
13 natural father is not here to testify. And somebody
14 should represent what his feelings were of regarding
15 the nature of this, why we're here today.

16 And based on Mr. Vitto's representations of
17 family, first, second, third, fourth, and fifth degree
18 of consanguinity have all agreed that his brother
19 should be the one to represent the father's thoughts
20 on this matter. So using my discretion, I'm going to
21 allow the uncle to say a few words about the father's
22 feelings, assuming that you knew what the father's
23 feelings were. So be honest; you're under oath. If
24 you say, "Well, I haven't talked to my brother in 20
25 years," then you wouldn't know, and it wouldn't be

1 relevant.

2 THE BAILIFF: Did we swear him in?

3 THE COURT: You're still under oath, sir.
4 Has he been sworn?

5 THE CLERK: Yes, he has.

6 THE COURT: You're still under oath. Go
7 ahead and have a seat, and we'll let the attorneys ask
8 you pertinent questions beginning with: Do you know
9 how your brother felt?

10 MR. VITTO: Thank you, Your Honor.

11 DIRECT EXAMINATION (RESUMES)

12 BY MR. VITTO:

13 Q. And did I represent to the Court accurately
14 your relation to this case?

15 A. Yes, sir.

16 Q. And who was your brother?

17 A. Yancey Camp, Yessenia's father.

18 Q. And was I correct that he had passed away
19 to cancer roughly a year, almost the anniversary of
20 Yessenia's death?

21 A. Yes. One year and two weeks.

22 Q. And did you live in close physical
23 proximity to him?

24 A. Yes, I did.

25 Q. Did you speak to him on daily basis?

1 A. I actually lived with him when she passed.

2 Q. Okay. So you were able to observe
3 firsthand his reaction, his thoughts, those kinds of
4 things?

5 A. Absolutely.

6 Q. Now, do you believe that you're in a
7 position to be able to articulate to the Court how
8 this offense impacted his life and what he would want
9 happen as a result?

10 A. Yes.

11 Q. This is your opportunity?

12 A. So I prepared a statement, a lot of that is
13 in here. So I would like to just read my statement.

14 "As you know, my name is Ryan Monroe. I am
15 Yessenia's uncle. And it's beyond difficult to put
16 into words the effects her loss has had on myself, my
17 brother, our whole family. The lasting effects of
18 losing Yessenia Violet Camp are in fact infinite.
19 Personally, the lasting effects can best be described
20 by sounds and pictures. And these are not the kinds
21 of sounds and pictures you would ever want to see or
22 hear. So I will give you a quick example of each.

23 The sound that I will never forget are
24 those repeated sounds of my big brother Yancey, her
25 father, not crying, but wailing in anguish over the

1 loss of his youngest daughter. These are sounds of
2 which I have never heard from a grown man, the kind of
3 sounds that I hope to never hear again.

4 Except I do hear it. That painful sound
5 never fully goes away. It pops into my head, maybe at
6 the stoplight on the way driving to work or going for
7 a run at night, eating lunch at work on a random
8 Thursday.

9 And then there's the pictures. I've
10 honestly not taken a shower the same since the
11 evidence presented at trial. There's not a single
12 shower I've taken without the inevitable mental
13 pictures surfacing of my brother's baby girl's last
14 moments.

15 I also think we should ask not just
16 ourselves what the affect of losing Yessenia has, but
17 what about the community? Yessenia could have grown
18 up to be a teacher, a lawyer, a judge, a scientist to
19 cure cancer, a senator. The possibilities for her
20 were endless, and thinking about those possibilities
21 are extremely and perpetually painful, Your Honor.

22 As far as what sentence I would recommend,
23 and I know the sentence that my brother would
24 recommend, is simple and straightforward. I ask and
25 he would ask that the defendant get sentenced to life

1 in prison with no possibility of parole. In my mind,
2 the only appropriate sentence available to the Court.

3 If the defendant is given the possibility
4 of parole no matter how slim of a chance or no matter
5 how long of a period, that will give him something he
6 absolutely does not deserve. That is hope, hope that
7 someday he can possibly get out. And hope is a very
8 powerful thing. And that hope would only add a silver
9 lining to make his sentence easier, even if that hope
10 would never come to fruition.

11 Myself and my family do not have the option
12 to hold out hope that Yessenia comes back in 25 to 50
13 years; so I ask for my brother and my whole family
14 that the Court show no leniency. He offered my niece
15 zero leniency. I ask the Court show no compassion,
16 because he showed absolutely zero compassion to
17 Yessenia.

18 And lastly, it was 1,333 days ago that the
19 defendant handed down his sentence to Yessenia and her
20 family. So today I ask the Court hand down a sentence
21 in the exact same manner, and that's to the punishment
22 that is the most severe. And most importantly, just
23 like the punishment he gave Yessenia, the punishment
24 that is undoubtedly permanent.

25 Thank you.

1 THE COURT: Any other questions for this
2 witness?

3 MR. VITTO: No questions.

4 THE COURT: You can step down. Thank you.

5 MR. VITTO: May I have the Court's
6 indulgence for a moment, Your Honor?

7 THE COURT: Yes.

8 MR. VITTO: Your Honor, we have no more
9 witnesses to call this morning. I do have a couple of
10 remarks, and I know that Mr. Arabia does as well.

11 I don't believe that anything I could
12 possibly say is going to change what this Court is
13 going to do. We know that a life and death struggle
14 occurred in a shower stall at the defendant's home,
15 and only two people were there. I echo some of the
16 comments we just heard shall. The Defense is asking
17 for an opportunity, and he should get that
18 opportunity. He should get the same exact opportunity
19 that he gave a little three-year-old baby girl in that
20 shower stall, which was nothing; no opportunity.
21 Yessenia had no opportunity to live. The defendant
22 should have no opportunity to ever be out. The
23 defendant sentenced Yessenia's entire family to life
24 without her, and he should be sentenced to life in
25 prison without the possibility of parole.

1 The Defense talked about the demon in the
2 bottle. Well, what's important is that the defendant
3 Cole Duane Engelson alone determines by choice when to
4 release that demon, as we heard during the trial. He
5 made that choice. He decides when to go off his
6 medication so that he can drink. He decides. He
7 determines. He chose. He chose. And the results of
8 that choice are the consequences that bring us here
9 today.

10 This was monstrous. What the family has
11 had to endure -- the pictures, the autopsy, setting up
12 Dwight to forever remember having to touch, the last
13 time he would touch, his little sister in the manner
14 that that was done.

15 And I know that the District Attorney wants
16 to address the Court as well, Your Honor.

17 MR. ARABIA: Your Honor, obviously,
18 Yessenia's family articulated much more effectively
19 than I ever could what was lost here. It's
20 unimaginable. I do want to state for the record that
21 I've come to know Victoria, Dwight, and Nickole, and I
22 really admire them, their courage, and their grace.
23 May God bless them. I join them in speaking for
24 Yessenia, also known as you may remember as "My Little
25 Tiny." That's what Nickole used to call her.

1 But I'm also here because I represent the
2 community, and I'm hear to speak for the community.
3 Your Honor, you presided over the trial. You know
4 what happened here. This was one that was so bad that
5 it made ER nurses were crying, people who see injured
6 children and adults all the time.

7 I'm sure everyone remembers how long it
8 took to speed read her injuries. There were so many,
9 it was absolutely unbelievable. The evidence was
10 overwhelming; that's why the jury was back in two
11 hours.

12 And this Cole Engelson showed no remorse.
13 You may remember we had testimony about all of the
14 jail tapes, and we're talking hundreds of hours; never
15 actually stated her name. No remorse at all. In
16 fact, he at one point characterized his incarceration
17 as the best thing that ever happened to him because it
18 was helping him achieve his weight loss objectives.

19 And it's been articulated by a couple of
20 people. He didn't just kill Yessenia. He imposed
21 life sentences on Victoria. You heard the 911 call.
22 It's got to be tough to live after experiencing
23 something like that. You heard Nickole testify today
24 that she blames herself. This guy murders her little
25 sister, and she's racked with guilt because it was her

1 idea for Victoria and Nickole to go out that day.

2 And Dwight, in a period of less than 24
3 hours, goes from getting squirted with a rubber ducky
4 by his little sister, who at that moment had a life
5 expectancy of 80 years -- it turns out it was 18
6 hours -- and he has to live knowing that he went back
7 out and played with his phone while his sister was in
8 the bedroom on the bed dead next to the man who killed
9 her.

10 I really hope and pray that that family has
11 many happy days ahead, but they are going to carry
12 this tragedy, this horrible unspeakably evil crime
13 with them forever. And there's no parole board they
14 can go to; okay. When Dwight is 33 or 38 or whatever,
15 he can't go to a parole board and have this all fixed,
16 just like those other people said. The biggest thing
17 is beyond justice for Yessenia and justice for the
18 family and justice between the defendant and the State
19 of Nevada is to make sure that this never happens
20 again.

21 And you just heard about the sounds that
22 were made by Yessenia's late father; the kind of
23 sounds that no one would ever want to hear. And it
24 made me think of the 911 call. And, Your Honor, you
25 have the power to make sure that this defendant is

1 never in a position where someone else has to make
2 that 911 call. And it's about the most important
3 thing that I think a Judge can do.

4 So for everyone involved, and for
5 Yessenia Camp, we ask for justice. And justice is
6 life without parole. Thank you.

7 THE COURT: Thank you, sir.

8 MR. VITTO: Your Honor, a little
9 housekeeping matter. Just wanted to be sure to
10 include, ask for at least, the restitution figure.
11 Hopefully, the defendant gets a job and so that he can
12 remember every time they take money out of his check,
13 what he's paying for. And I think that figure was
14 some 11,000. It's in the PSI, Judge.

15 THE COURT: The bottom of page 6, the
16 restitution figure, was there any objection to the
17 number set forth?

18 MR. VITTO: \$11,803.86.

19 MR. MARTINEZ: Judge, my only question is
20 that it notes in here the State of Nevada victims of
21 crime, prove \$10,000 to be paid to the victims for the
22 funeral expenses. As of January 12th, 2021, nothing
23 had been paid. Is there any update on that; has
24 anything been paid?

25 MR. VITTO: Any payments that are made

1 would obviously defray the amount of restitution
2 ordered, and I don't have any information regarding
3 whether anything has been paid to date.

4 THE COURT: At some point if we order
5 restitution and they go to take the money out of his
6 account to pay restitution, we're going to have to
7 find out whether or not they were compensated. Do you
8 have a way to do that?

9 MR. VITTO: I will track that, Judge.

10 THE COURT: Thank you, sir.

11 (Mr. Vitto inquires of the victims
12 regarding any restitution received.)

13 MR. VITTO: To date, nothing paid,
14 Your Honor.

15 THE COURT: All right. Without objection,
16 we'll set the restitution figure at \$11,803.86 with
17 the understanding Nevada victims of crime may
18 recompense ten grand of it, and if they do so, the
19 State will make sure the books reflect it.

20 MR. VITTO: Thank you, Your Honor.

21 THE COURT: Okay. So like Mom, I've been
22 thinking what to say. And like Mom, I can't think of
23 enough to say, because what can you say in this
24 situation. I'm not that eloquent. I don't know what
25 to say either. I would say go out and help other

1 families in similar situations. By serving others, it
2 will help you to get through life. That's what I
3 would say.

4 One of the things I do in life, and I
5 always feel guilty about it, is this isn't the first
6 child beaten to death case I've done. I do them
7 regularly. I compartmentalize them, do them, and then
8 forget about them so I'm not thinking about them every
9 night in my life. You can't do that when it's your
10 own child. I can do it to survive mentally. I tell a
11 lot of jokes in court, and people say, "Why do you
12 joke in court?" And I say, "So I'm not crying." And
13 that's how I handle it. You have to find a way to
14 handle it for yourself, you and your family.

15 This is what they call a "malum in se"
16 crime, two kinds of crime -- malum prohibitum, which
17 is a speeding ticket, malum prohibitum; or malum in
18 se, which means something that is so bad that society
19 doesn't have to get together and debate to the
20 legislature whether or not killing a three-year-old
21 child, beating them to death is against the law. We
22 all know it's malum in se.

23 So while everybody was talking, I was
24 thinking to myself what crimes are worse? Because I
25 always say to attorneys -- I have for 20 years in the

1 sentencing -- if you did not do a bad crime and you
2 won't stop committing crimes, you're probably going to
3 get hammered. Alternatively, if you've never done a
4 crime in your life, but the crime you do is so malum
5 in se, you're probably going to get hammered. And
6 obviously that's this case.

7 And I sat through the trial too, and I was
8 a little shocked each step of the way. The day we
9 started, I knew nothing about the case. And I'm
10 watching as we go along, and I honestly thought to
11 myself those defense attorneys did one of the best
12 jobs I've ever seen. Because you have a man at home
13 with a three-year-old, and the three-year-old gets
14 beaten to death, what's your defense going to be? It
15 can't be alcohol. Alcohol is no defense. We have
16 people in our town get drunk and get high every day of
17 the year, and nobody has beaten three year olds to
18 death; that's not a defense.

19 And so I watched them do an excellent job,
20 the defense attorneys in this case, one of the best
21 I've ever seen in a trial with how little they had to
22 do such a thorough and good job. And of course, the
23 State did a great job; we all saw that. We sat
24 through it.

25 So I'm watching the trial, and like the

1 State's attorneys, District Attorneys, noted, I kept
2 waiting for that moment when the defendant was going
3 to do what normal people do. You go to work or you go
4 to a party or you go to the park, whatever, and
5 somebody comes up to you and says, "You know that
6 three-year-old you were home with last night all by
7 yourself, the child was beaten to death while you were
8 with them." And your defense, "I don't remember
9 that." So how do you react? You don't remember
10 beating that three-year-old to death, what does a
11 normal person do?

12 "I beat a three-year-old to death?" And
13 there's in ton of emotion that comes out of the normal
14 person, whether they're high or drunk or whatever.
15 Just think about it for a moment. What does a normal
16 person do when you find out you beat a three-year-old
17 to death? And they call the family and tell them.
18 And then the cops are called, and then the cops come
19 and emergency comes, and then they do an interview.
20 And then a week or two later or six months later, they
21 call their family to talk about it. What's the
22 emotion you show when you find out you beat a
23 three-year-old to death? Still waiting to see it. I
24 thought maybe it would be today. Still no normal
25 reaction that all of the rest of us would do if we

1 were in that boat. No remorse, as the State said.

2 So as everybody has said from the beginning
3 again and again, I admire the defense attorneys for
4 doing such a good job. Life without is the obvious
5 sentence. There is no other sentence you could do in
6 this situation. Restitution, fines and fees as set
7 forth in the statutes and the court. Anything else?

8 MS. BOSKOVICH: No, Your Honor.

9 MR. ARABIA: Thank you, Your Honor.

10 THE COURT: Court's adjourned.

11 THE BAILIFF: All rise.

12 -oOo-

13

14 ATTEST: FULL, TRUE AND ACCURATE TRANSCRIPT OF THE
15 PROCEEDINGS.

16

17

18

Cecilia D. Thomas

19

Cecilia D. Thomas
RPR, CCR No. 712

20

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23

24

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Case No. CR 9226

MAR 12 2021

Dept. No. 2P

Nye County Clerk

Judy Ayotte Deputy

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF NYE

THE STATE OF NEVADA,

Plaintiff,

-v-

JUDGMENT OF CONVICTION

COLE DUANE ENGELSON,

Defendant.

On the 16th day of November 2020, the above-named defendant, appeared before the Court, in custody, with his counsel, DANIEL MARTINEZ, ESQ. and RONNI BOSKOVICH, ESQ., and was found guilty by a jury of the crime of FIRST DEGREE MURDER, a violation of NRS 200.010/NRS 200.030 a category "A" felony. The state was represented by CHRIS ARABIA, District Attorney and KIRK VITTO, ESQ., Chief Deputy District Attorney.

On the 8th day of March 2020, the defendant appeared personally, in custody, with his counsel DANIEL MARTINEZ, ESQ. and RONNI BOSKOVICH, ESQ., for entry of judgment. The state was represented by CHRIS ARABIA, District Attorney and KIRK VITTO, ESQ., Chief Deputy District Attorney. No sufficient legal cause was shown by the Defendant as to why judgment should not be pronounced against him, the Court adjudged the Defendant guilty of the crime(s) of FIRST DEGREE MURDER, a violation of NRS 200.010/NRS 200.030a category "A" felony..

The Court then sentenced the Defendant to imprisonment in the Nevada Department of Corrections for a term of *Life Imprisonment without the possibility of parole.*

That the Defendant shall pay to the Clerk of this Court a sum of \$25.00 as an Administrative Assessment fee.





That the Defendant shall pay to the Clerk of this Court a sum of \$150.00 as a DNA fee.

That the Defendant shall pay to the Clerk of this Court the sum of \$3.00 as a DNA Administrative Assessment fee.

That the Defendant shall pay to the Clerk of this Court a sum of \$500.00 in attorney fees.

That the Defendant shall pay to Nye County the sum of \$400.00 for preparation of pre-sentence investigation report.

That the Defendant shall pay restitution in the amount of \$11,803.86.

That the Defendant sign a civil confession of judgment for the amount of restitution fees owed and pay all applicable fees associated with the filing of the judgment, if any.

That the Defendant shall receive credit for one thousand three hundred thirty-three (1,333) days pre-sentence time served.

IT IS FURTHER ORDERED that any bond in this matter be exonerated, unless previously ordered by this court for forfeiture or any other purpose.

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

DATED this 12th day of March 2020.


DISTRICT JUDGE

CERTIFICATION OF SERVICE

The undersigned hereby certifies that on the 12th day of March 2020, she mailed (or hand/fleet delivered) copies of the foregoing to the following:

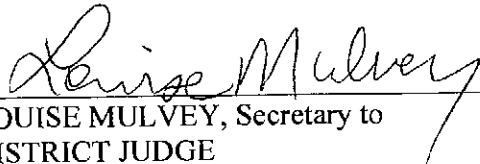
NYE COUNTY DISTRICT ATTORNEY
1520 E. BASIN AVE.
PAHRUMP, NV 89060
(HAND DELIVERED)

RONNI BOSKOVICH, ESQ.
3190 S. HWY. 160, SUITE H
PAHRUMP, NV 89048
(HAND DELIVERED)

DANIEL MARTINEZ, ESQ.
3190 S. HWY. 160, SUITE H
PAHRUMP, NV 89048
(HAND DELIVERED)

NYE COUNTY SHERIFF
TONOPAH, NV 89049
(FLEET DELIVERED)

NEVADA DIVISION OF PAROLE AND PROBATION
PAHRUMP, NV 89048
(HAND DELIVERED)


LOUISE MULVEY, Secretary to
DISTRICT JUDGE



FILED
FIFTH JUDICIAL DISTRICT

MAR 26 2021

Nye County Clerk
Brittani Smith Deputy

DANIEL E. MARTINEZ, ESQ.
Nevada Bar No. 12035
DANIEL MARTINEZ LAW, LLC
3199 E. Warm Spring Rd., Ste 100
Las Vegas, Nevada 89120
Telephone: 702-625-0610
Facsimile: 702-947-8068
Email: daniel@danielmartinezlaw.com
Attorney for Defendant/Appellant

IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE
OF NEVADA IN AND FOR THE COUNTY OF NYE

THE STATE OF NEVADA,
Plaintiff/Respondent

vs.

COLE DUANE ENGELSON,
Defendant/Appellant

District Court Case No. CR9226

Department No. 2


Supreme Court Case No:

NOTICE OF APPEAL

DANIEL E. MARTINEZ, ESQ. of the law firm of DANIEL MARTINEZ LAW, LLC. attorney for Defendant/Appellant, COLE DUANE ENGELSON, hereby gives notice of intent to appeal to the Supreme Court of Nevada from the final Judgment of Conviction entered the 12th day of March, 2021 in the above-captioned matter.

A copy of the Judgment of Conviction appealed from is attached to this Notice of Appeal as Exhibit "1" hereto.

DATED this 26th day of March, 2021


DANIEL E. MARTINEZ, ESQ.
Nevada Bar # 12035
3199 E. Warm Spring Rd., Ste 100
Las Vegas, Nevada 89120
Telephone: 702-625-0610
Attorney for Defendant/Appellant

CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of March, 2021, I, DANIEL E. MARTINEZ, ESQ., served the foregoing NOTICE OF APPEAL by depositing a copy in the U.S. Mail, first-class postage prepaid, addressed to the following person(s) at the following address(es):

NYE COUNTY DISTRICT ATTORNEY

Chris R. Arabia, Esq., District Attorney
Kirk D. Vitto, Esq. Chief Deputy District Attorney
1520 East Basin Avenue, Suite 107
Pahrump, Nevada 89060


DANIEL E. MARTINEZ, ESQ.

DANIEL MARTINEZ LAW

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EXHIBIT “1”

MAR 12 2021

Case No. CR 9226

Dept. No. 2P

Nye County Clerk

Judy Ayotte Deputy

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF NYE

THE STATE OF NEVADA,

Plaintiff,

-v-

COLE DUANE ENGELSON,

Defendant.

JUDGMENT OF CONVICTION

On the 16th day of November 2020, the above-named defendant, appeared before the Court, in custody, with his counsel, DANIEL MARTINEZ, ESQ. and RONNI BOSKOVICH, ESQ., and was found guilty by a jury of the crime of FIRST DEGREE MURDER, a violation of NRS 200.010/NRS 200.030 a category "A" felony. The state was represented by CHRIS ARABIA, District Attorney and KIRK VITTO, ESQ., Chief Deputy District Attorney.

On the 8th day of March 2020, the defendant appeared personally, in custody, with his counsel DANIEL MARTINEZ, ESQ. and RONNI BOSKOVICH, ESQ., for entry of judgment. The state was represented by CHRIS ARABIA, District Attorney and KIRK VITTO, ESQ., Chief Deputy District Attorney. No sufficient legal cause was shown by the Defendant as to why judgment should not be pronounced against him, the Court adjudged the Defendant guilty of the crime(s) of FIRST DEGREE MURDER, a violation of NRS 200.010/NRS 200.030a category "A" felony..

The Court then sentenced the Defendant to imprisonment in the Nevada Department of Corrections for a term of *Life Imprisonment without the possibility of parole.*

That the Defendant shall pay to the Clerk of this Court a sum of \$25.00 as an Administrative Assessment fee.

FIFTH JUDICIAL DISTRICT COURT
ESMERALDA AND NYE COUNTIES





1 That the Defendant shall pay to the Clerk of this Court a sum of \$150.00 as a DNA fee.

2 That the Defendant shall pay to the Clerk of this Court the sum of \$3.00 as a DNA
3 Administrative Assessment fee.

4 That the Defendant shall pay to the Clerk of this Court a sum of \$500.00 in attorney
5 fees.

6 -- That the Defendant shall pay to Nye County the sum of \$400.00 for preparation of pre-
7 sentence investigation report.

8 That the Defendant shall pay restitution in the amount of \$11,803.86.

9 That the Defendant sign a civil confession of judgment for the amount of restitution
10 fees owed and pay all applicable fees associated with the filing of the judgment, if any.

11 That the Defendant shall receive credit for one thousand three hundred thirty-three
12 (1,333) days pre-sentence time served.

13 IT IS FURTHER ORDERED that any bond in this matter be exonerated, unless
14 previously ordered by this court for forfeiture or any other purpose.

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

17 DATED this 12th day of March 2020.

18 
19 _____
20 DISTRICT JUDGE
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CERTIFICATION OF SERVICE

The undersigned hereby certifies that on the 12th day of March 2020, she mailed (or hand/fleet delivered) copies of the foregoing to the following:

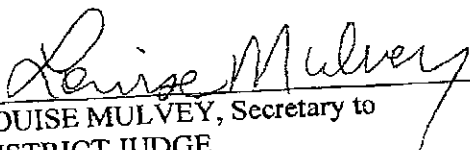
NYE COUNTY DISTRICT ATTORNEY
1520 E. BASIN AVE.
PAHRUMP, NV 89060
(HAND DELIVERED)

RONNI BOSKOVICH, ESQ.
3190 S. HWY. 160, SUITE H
PAHRUMP, NV 89048
(HAND DELIVERED)

DANIEL MARTINEZ, ESQ.
3190 S. HWY. 160, SUITE H
PAHRUMP, NV 89048
(HAND DELIVERED)

NYE COUNTY SHERIFF
TONOPAH, NV 89049
(FLEET DELIVERED)

NEVADA DIVISION OF PAROLE AND PROBATION
PAHRUMP, NV 89048
(HAND DELIVERED)


LOUISE MULVEY, Secretary to
DISTRICT JUDGE

FIFTH JUDICIAL DISTRICT COURT
ESMERALDA AND NYE COUNTIES

