

Evenson Law Office
Steve E. Evenson, Esq., PC
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Fallon, Nevada 89406
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Case Nos.: CR 2107239

Dept. No. II

The undersigned hereby affirms this document
does not contain a social security number.

FILED

2021 AUG 19 PM 3:42

Electronically Filed
Aug 20 2021 01:33 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

STATE OF NEVADA,

Plaintiff,

vs.


TEODOMIRO ESQUIVEL,

Defendant.

NOTICE OF APPEAL

COMES NOW, Defendant, TEODOMIRO ESQUIVEL, by and through his appellate attorney STEVE E. EVENSON, Esq., PC and hereby appeals the Conviction of CHILD ABUSE, NEGLECT OR ENDANGERMENT, a category B Felony, in violation of NRS 200.508(1)(a)(2), pronounced by the Court on July 13, 2021 and formally entered in a Judgement of Conviction filed on July 21, 2021. Defendant was sentenced to a minimum of 8 years and a maximum of 20 years in the Nevada State Prison, to pay various assessments and fees and to register as a sex offender upon release.

Dated this 19th day of August, 2021.


STEVE E. EVENSON, Esq., PC
State Bar No.: 4596
101 N. Maine Street
Fallon, Nevada 89406
Attorney for Defendant

Evenson Law Office
Steve E. Evenson, Esq., PC
101N. Maine Street
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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Evenson Law Office, and that on the 19th day of August, 2021, I served a true and correct copy of the **NOTICE OF APPEAL** by the following:

[X] MAIL: By placing an original or true copy in a sealed envelope, postage fully prepaid, in a U.S. Postal Service mailbox at Fallon, Nevada, addressed to the individual(s) and/or address(es) below:

Humboldt County District Attorney
P.O. Box 909
Winnemucca, NV 89445

Dated this 19th day of August, 2021.


Evenson Law Office

Sixth Judicial District Court - Humboldt County

Run: 08/19/2021
15:50:39

Case Summary

Page 1

Case #: CR2107239

Judge: MONTERO, MICHAEL R.

Date Filed: 03/31/2021 Department:

Case Type: FELONY/PERSON

Plaintiff(s)

NEVADA, THE STATE

Attorney(s)

DISTRICT ATTORNEY

Defendant(s)

ESQUIVEL, TEODOMIRO

Attorney(s)

EVENSON, STEVE

Fees:

Date Assessed:	Fee	Total	Paid	Waived	Outstanding
07/21/2021	ADMIN	\$25.00	\$0.00	\$0.00	\$25.00
07/21/2021	DNA/3	\$3.00	\$0.00	\$0.00	\$3.00

Charge: NRS 200.366(2A)SEXUAL ASSAULT F/A Count 1

Sent: minimum term of 96 mths and a maximum term of 240 mths in NDOC w/credit for time served of 19 days; Defendant is further ordered to pay an Administrative Assessment of \$25, a DNA Assessment of \$3.00 and a Genetic Marker Testing Fee of \$150 payable to the Clerk of the Court; the Court further ordered that the Defendant must register as a sex offender w/i 48 hours of release and imposed a special sentence of lifetime supervision to commence after the term of imprisonment and/or release upon parole.

Disp/Judgment: GUILTY PLEA WITH Date: 07/21/2021
SENTENCE BEFORE
TRIAL

Hearings:

Date	Time	Hearing
04/20/2021	9:00AM	ARRAIGNMENT
07/13/2021	9:30AM	SENTENCING HEARING

Filings:

Date	Filing
03/31/2021	JUSTICE COURT PROCEEDINGS (20-CR-00472)
04/01/2021	PROSECUTOR: DISTRICT ATTORNEY ASSIGNED
04/01/2021	DEFENSE ATTORNEY: LOCKIE, DAVID B ASSIGNED
04/01/2021	JUDGE MONTERO, MICHAEL R.: ASSIGNED
04/01/2021	SURETY BOND 001039 POSTED \$50,000.00
04/05/2021	ARRAIGNMENT SET FOR 04/20/2021 AT 9:00 AM IN C1/ , JDG: MONTERO, MICHAEL R.
04/05/2021	DEFENDANT ENTERED PLEA OF SEQ 2
04/05/2021	NOLO CONTENDRE PLEA AGREEMENT
04/06/2021	INFORMATION

Run: 08/19/2021
15:50:41

Case Summary

Page 2

04/20/2021 SENTENCING HEARING SET FOR 07/13/2021 AT 11:00 AM IN C1/ , JDG:
MONTERO, MICHAEL R.
04/20/2021 MINUTES-ARRAIGNMENT HEARING
04/22/2021 FORM
06/28/2021 PRE-SENTENCE INVESTIGATION REPORT
07/07/2021 SENTENCING HEARING SET FOR 07/13/2021 AT 11:00 AM IN C1/ , JDG:
MONTERO, MICHAEL R.
07/07/2021 SENTENCING HEARING SET FOR 07/13/2021 AT 11:00 AM IN C1/ , JDG:
MONTERO, MICHAEL R.
07/13/2021 LETTERS FOR CONSIDERATION AT SENTENCING ON BEHALF OF DEFENDANT
07/13/2021 MINUTES-SENTENCING HEARING
07/21/2021 JUDGMENT OF CONVICTION
07/21/2021 DEFENDANT ENTERED PLEA OF NOC SEQ 1
07/21/2021 GPWSBT SEQ: 1
07/21/2021 CHARGE CNT 1 SENTENCING NOTES: MINIMUM TERM OF 96 MTHS AND A
MAXIMUM TERM OF 240 MTHS IN NDOC W/CREDIT FOR TIME SERVED OF 19
DAYS; DEFENDANT IS FURTHER ORDERED TO PAY AN ADMINISTRATIVE
ASSESSMENT OF \$25, A DNA ASSESSMENT OF \$3.00 AND A GENETIC MARKER
TESTING FEE OF \$150 PAYABLE TO THE CLERK OF THE COURT; THE COURT
FURTHER ORDERED THAT THE DEFENDANT MUST REGISTER AS A SEX OFFENDER
W/I 48 HOURS OF RELEASE AND IMPOSED A SPECIAL SENTENCE OF LIFETIME
SUPERVISION TO COMMENCE AFTER THE TERM OF IMPRISONMENT AND/OR
RELEASE UPON PAROLE.
07/21/2021 SURETY BOND 001039 () RELEASED
07/21/2021 GREETINGS
07/30/2021 NOTICE OF WITHDRAWAL OF ATTORNEY (DAVID B. LOCKIE)
07/30/2021 DEFENSE ATTORNEY: HUNTER, TIMOTHY F. ASSIGNED
08/09/2021 NOTICE OF REPRESENTATION (STEVE EVENSON FOR TEODOMIRO ESQUIVEL)
08/19/2021 DEFENSE ATTORNEY: EVENSON, STEVE ASSIGNED
08/19/2021 NOTICE OF APPEAL

Case No. CR 2107239

Dept. No. II

FILED
2021 JUL 21 PM 1:30
TAMI NAE SPERO
DIST. COURT CLERK

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

TEODOMIRO ESQUIVEL,
Defendant. /

WHEREAS, on the 20th day of April, 2021, the Defendant entered his plea of no contest to the charge of CHILD ABUSE, NEGLECT OR ENDANGERMENT, a Category B Felony, and the matter having been submitted before the Honorable Judge Michael R. Montero.

At the time Defendant entered the plea of no contest, 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 guilty.

The Court having accepted the Defendant's plea of no contest, set the date of the 13th day of July, 2021, at the hour of 9:30 a.m. as the date and time for imposing judgment and sentence.

1 Furthermore, at the time Defendant entered the plea of no contest and at the time of
2 sentencing, Defendant was represented by attorney, DAVID LOCKIE, Esq.; also present in
3 Court were TAMI RAE SPERO, Humboldt County Court Clerk or her designated agent;
4 DEBBIE OKUMA, representing the Division of Parole and Probation; and MICHAEL
5 MACDONALD, Humboldt County District Attorney or his designated agent, representing the
6 State of Nevada.

7 The Defendant having appeared on the 13th day of July, 2021, represented by counsel
8 and Defendant having been given the opportunity to exercise the right of allocution and having
9 shown no legal cause why judgment should not be pronounced at this time.

10 The above-entitled Court having pronounced TEODOMIRO ESQUIVEL guilty of
11 CHILD ABUSE, NEGLECT OR ENDANGERMENT, a Category B Felony, in violation of
12 NRS 200.508 (1) (a) (2), on the 13th day of July, 2021, the Defendant was thereby ordered by the
13 Court to serve a minimum term of ninety-six (96) months and a maximum term of two hundred-
14 forty (240) months in the Nevada Department of Corrections, with credit for time served of
15 nineteen (19) days.

16 The Defendant is ordered to pay an administrative assessment fee in the amount of
17 \$25.00, a DNA assessment fee in the amount of \$3.00, payable to the Humboldt County Clerk of
18 the Court. The Defendant is further ordered to pay a psychosexual evaluation fee in the amount
19 of \$1,350.00, payable to the Division of Parole and Probation. Further, pursuant to NRS
20 176.0913, the Defendant is ordered submit a biological specimen under the direction of the
21 Nevada Department of Corrections to determine the Defendant's genetic markers. Further,
22 pursuant to NRS 176.0915, in addition to any other penalty, the Defendant must pay a \$150.00
23 DNA fee, payable to the Humboldt County Clerk of the Court, and may not be deducted from
24 any other fines or fees imposed by the Court.

1 The Court further orders that pursuant to NRS 179D.460, the Defendant must register as
2 a sex offender within forty-eight (48) hours of sentencing or release of custody.

3 The Court further imposes the special sentence of lifetime supervision to commence after
4 any period of probation or any term of imprisonment and/or period of release upon parole.

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

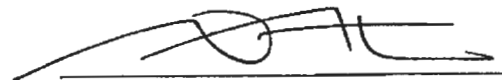
6 DAVID LOCKIE, Esq., represented the Defendant during all stages of the
7 proceedings;

8 MICHAEL MACDONALD, Humboldt County District Attorney, represented the
9 State of Nevada at all stages of these proceedings.

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

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

14 **DATED** this 19th day of July, 2021, in the City of Winnemucca, County of
15 Humboldt, State of Nevada.



16 MICHAEL R. MONTERO
17 DISTRICT COURT JUDGE
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MICHAEL MACDONALD
Humboldt County District Attorney
501 S. Bridge Street
Winnemucca, Nevada
(DCT Box)


ELISHA FORMBY
Judicial Assistant

CR2107239

The State of Nevada VS. Teodomiro Esquivel

Judge: Michael R. Montero

Clerk: Mikayla Mecham

July 13, 2021

SENTENCING HEARING

PRESENT: Kevin Pasquale, Chief Deputy District Attorney, present on behalf of the State. Elizabeth Hill, Parole and Probation Officer, and Debbie Okuma, DPS Specialist III, present on behalf of the Division of Parole and Probation. Defendant, present with counsel, David Lockie. Denni Byrd, pre-trial services coordinator, also present.

The record reflected that this matter comes before the Court for sentencing.

The Court informed the Defendant of the purpose of the hearing.

The Defendant stated his understanding.

The Defendant had previously pled GUILTY to the charge of CHILD ABUSE, NEGLECT, OR ENDANGERMENT, a Category B Felony, in violation of NRS200.508(1)(a)(2). Copies of the Pre-Sentence Investigation Report had been received, and Lockie provided corrections to the PSI Report regarding the Defendant's employment and income. The parties stipulated to allow the Court to modify the information contained in the PSI Report via interlineation.

Maria Munoz, duly sworn, testified under the direct examination of Lockie.

Saul Esquivel, duly sworn, testified under the direct examination of Lockie.

Pasquale informed the Court he had no evidence but there would be victim impact statements.

Argument by Lockie.

Argument by Pasquale.

The Defendant exercised his right of allocution.

Riley Carpenter, duly sworn, gave her victim impact statement to the Court.

Scott Carpenter, duly sworn, gave his victim impact statement to the Court.

The Court pronounced the Defendant GUILTY of CHILD ABUSE, NEGLECT, OR ENDANGERMENT, and rendered judgment against him in the amount of \$3.00 for a DNA assessment fee, \$25.00 administrative assessment fee, \$150.00 DNA collection fee, and \$1,350.00 psycho sexual evaluation fee. The Court further ordered that the Defendant shall be subject to lifetime supervision and sex offender registration. The Court sentenced the Defendant to serve a minimum term of ninety-six (96) months and a maximum term of two hundred forty (240) months, with credit for time served in the amount of nineteen (19) days. The Defendant was remanded to the custody of the Sheriff to carry out his sentence.

CR2107239

The State of Nevada VS. Teodomiro Esquivel

Judge: Michael R. Montero

Clerk: Mikayla Mecham

April 20, 2021

ARRAIGNMENT

PRESENT: Kevin Pasquale, Chief Deputy District Attorney, present on behalf of the State. Debbie Okuma, DPS Specialist III, and Elizabeth Hill, Parole and Probation Officer, present (via Zoom) on behalf of the Division of Parole and Probation. Defendant, present with Counsel, David Lockie. Deni Byrd, Pre-Trial Services Coordinator, also present.

The record reflected that this matter comes before the Court for an arraignment.

The Court informed the Defendant of the purpose of the hearing.

The Defendant stated his understanding.

An Information, charging the crime of CHILD ABUSE, NEGLECT, OR ENDANGERMENT, a Category B Felony, in violation of NRS 200.508(1)(a)(2), had been filed against the Defendant on April 6, 2021. The Defendant's true and correct name stated.

The Court interrogated the Defendant. A Preliminary Hearing had been waived. Copies of the Information had been received and counsel waived a formal reading. The Court stated the Defendant's Constitutional Rights. A Plea Agreement had been filed on*. The Court stated the essential elements the State would have to prove should this matter go to trial as well as the possible penalties.

A discussion ensued regarding a possible fine and restitution.

The Court directed the Defendant to sign the plea agreement in open court due to the use of an electronic signature, without objection from the parties.

The Defendant entered his plea of NO CONTEST.

The Court examined the Defendant and accepted his plea.

The Court ordered that a Pre-Sentence Investigation Report be conducted and submitted to the Court prior to sentencing.

Lockie informed the Court that a risk evaluation would need to be completed prior to sentencing.

Okuma informed the parties that the Division would set up the evaluation.

The Court set this matter for sentencing on July 13, 2021 at 11 a.m.

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Certification of Copy

STATE OF NEVADA,

COUNTY OF HUMBOLDT,

I, TAMI RAE SPERO, the duly elected, qualifying and acting Clerk of Humboldt County, in the State of Nevada,
And Ex-Officio Clerk of the District Court, do hereby certify that the foregoing is a true, full and correct copy
of the original: Notice of Appeal; District Court Docket Entries; Judgement of Conviction; District Court Minutes;

THE STATE OF NEVADA,

Plaintiff,

vs.

CASE NO. CR 2107239

TEODOMIRO ESQUIVEL,

Defendant

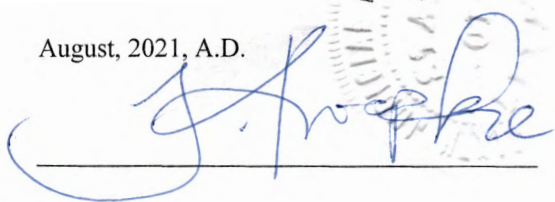
now on file and record in this office.

IN WITNESS THEREOF, I have hereunto set

My hand and affixed the seal of the Court at my

Office, Winnemucca, Nevada this 19th day of

August, 2021, A.D.



JESSICA KOEPKE, DEPUTY CLERK