

Evenson Law Office  
Steve E. Evenson, Esq., PC  
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3 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

Electronically Filed  
Feb 11 2022 03:06 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

4  
5 TEODOMIRO ESQUIVEL,  
6 Appellant,

7 vs.

Case No. 83400  
District Court No. CR2107239

8 THE STATE OF NEVADA,  
9 Defendant,

10 \_\_\_\_\_ /  
11 **MOTION TO DISMISS APPEAL**

12 COMES NOW Appellant TEODOMIRO ESQUIVEL, by and through his  
13 counsel, STEVE E. EVENSON, Esq., and hereby moves this Court to Dismiss the  
14 Appeal filed in this matter for the reasons set forth below.

15 Dated this 11<sup>th</sup> day of February 2022.

16  
17 /s/ Steve E. Evenson, Esq.

18 STEVE E. EVENSON, ESQ., PC

19 Nevada State Bar No.: 4596

20 101 North Maine Street

21 Fallon, NV 89406

22 (775) 273-2529

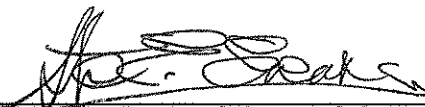
23 Attorney for Appellant  
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**STATEMENT OF COUNSEL**

Steve E. Evanson, Esq., PC attorney for Appellant TEODOMIRO ESQUIVEL hereby notifies this Court that the Appeal in this matter should be dismissed. This request is based upon the following facts:

1. I am the counsel of record for Appellant TEODOMIRO ESQUIVEL.
2. I was not the plea counsel for Mr. ESQUIVEL and was retained by his family after his sentencing by the District Court.
3. I had zero knowledge of the case at the time I was retained and wanted to make sure that all of Mr. ESQUIVEL's rights and abilities to obtain relief were protected. I had a short window to file the Notice of Appeal and did so in order to protect Mr. ESQUIVEL.
4. Upon reviewing all of the available legal documentation, the case file, talking with Mr. ESQUIVEL and his plea counsel, I have determined that this appeal is without merit. All of Mr. ESQUIVEL's claims regarding this matter are related to ineffective assistance of counsel assertions that are not plainly evident in the structure or record of the case before this Court.
5. Because there is nothing plainly evident in the structure of the plea or the other legal record of this Court, the case law requires assertions of ineffective assistance be made via Post Conviction relief.
6. It is therefore requested that this appeal be dismissed. I have personally talked to Mr. ESQUIVEL and explained to him in detail the reasons for doing this and why it has to be done and he concurs in my judgement and requests that this appeal be dismissed.

1 Dated this 11<sup>th</sup> day of February, 2022.

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3 STEVE E. EVENSON, ESQ., PC  
4 Nevada Bar No.: 4596  
5 101 N. Maine St.  
6 Fallon, NV 89406  
7 775 428-1967

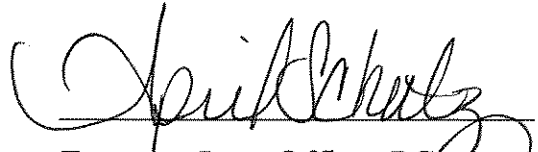
8 **CERTIFICATE OF SERVICE**

9 Pursuant to NRCP 5(b), I certify that I am an employee of the EVENSON  
10 LAW OFFICE and that on the date shown below, I caused service of the above  
11 document to be completed by:

- 12 ☒ Depositing for mailing in the U.S. mail with sufficient postage thereto  
13 ☒ Electronically, in compliance with the Court's electronic filing system a  
14 true and correct copy of the attached document addressed to

15 Humboldt County District Attorney  
16 P.O. Box 909  
17 Winnemucca, Nevada 89445

18 Dated this 11th day of February, 2022.

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