

Case No. CR 20-7157

Dept. No. 2

FILED

2021 AUG 24 AM 8:45
E. D. Dumond

Electronically Filed
Aug 25 2021 09:33 a.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.

SAMANTHA MARIE GRAHAM,

Defendant.

NOTICE OF APPEAL

Samantha Marie Graham, defendant, by and through her attorney, the Humboldt County Public Defender, appeals to the Nevada Supreme Court from the Amended Judgment of Conviction filed herein on the 13th day of August, 2021, and attached hereto.

Dated this 23rd day of August, 2021.

Matt Stermitz
Matt Stermitz, Bar # 03610
Humboldt County Public Defender
Drawer 309
Winnemucca, Nevada 89445
775-623-6550

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Matt Stermitz
Matt Stermitz

Case No. CR 2007157

Dept. No. II

FILED

2021 AUG 13 AM 11:35

CLERK OF DISTRICT COURT
HUMBOLDT COUNTY, NEVADA

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

-000-

THE STATE OF NEVADA,

Plaintiff,

vs.

SAMANTHA MARIE GRAHAM,

Defendant. /

AMENDED JUDGMENT
OF CONVICTION

WHEREAS, on the 1st day of December, 2020, the Defendant entered her plea of NO CONTEST to the charge of CONSPIRACY TO POSSESS A CONTROLLED SUBSTANCE, a Gross Misdemeanor, and the matter having been submitted before the Honorable 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 parties stipulated to waive the Pre-Sentence Investigation Report and requested to proceed to sentencing. Upon stipulation of the parties the Court waived the requirement of the Pre-Sentence Investigation and proceeded to sentencing on the 15th day of December, 2020.

Furthermore, at the time Defendant entered the plea of no contest and at the time of

1 sentencing, Defendant was represented by attorney, MATT STERMITZ, Humboldt County Public
2 Defender; also present in Court were TAMI RAE SPERO, Humboldt County Court Clerk or her
3 designated agent; and MICHAEL MACDONALD, Humboldt County District Attorney or his
4 designated agent, representing the State of Nevada.

5 The Defendant having appeared on the 15th day of December, 2020, represented by counsel
6 and Defendant having been given the opportunity to exercise the right of allocution and having
7 shown no legal cause why judgment should not be pronounced at this time.

8 The above-entitled Court having pronounced the Defendant, SAMANTHA MARIE
9 GRAHAM, guilty of CONSPIRACY TO POSSESS A CONTROLLED SUBSTANCE a Gross
10 Misdemeanor, in violation of NRS 199.480, 193.140 and 453.336 on the 15th day of December,
11 2020, thereby ordered the Defendant to pay a \$25.00 administrative assessment fee, a \$3.00 DNA
12 collection fee, and a \$60.00 forensic fee, payable to the Humboldt County Clerk of the Court.
13 Further, the Defendant is ordered to serve three hundred and sixty-four (364) days in the Humboldt
14 County Detention Center with credit for time served of ninety-two (92) days. Said sentence is
15 suspended and the Defendant is placed on court supervised probation for a period of fourteen (14)
16 days, with the following conditions:

- 16 1. That the Defendant remain in contact with Denni Byrd of Pretrial Services;
- 17 2. That the Defendant provide proof of her residency in Utah to the Court within fourteen
18 (14) days of the Defendant's court supervised probation grant;
- 19 3. That the Defendant pay a \$3.00 DNA collection fee, a \$25.00 administrative
20 assessment fee, and a \$60.00 forensic fee, payable to the Humboldt County Clerk of
21 the Court within thirty (30) days of the Defendant's court supervised probation grant;
- 22 Furthermore, bail, if any, is hereby exonerated.

23 The Defendant having appeared on the 3rd day of August, 2021 for a Show Cause Hearing
24 before the Honorable Michael R. Montero and in regards to an Order to Show Cause entered by this

1 Court on April 20, 2021 for Defendant's failure to appear for a status hearing scheduled for April 20,
2 2021 and an Order to Show Cause entered by this Court on June 24, 2021 for Defendant's failure to
3 appear for a status hearing scheduled for May 18, 2021, and the Court having found Defendant in
4 violation of the terms of probation outlined above, Defendant stipulated to amending her Judgment
5 of Conviction entered on December 21, 2020 to include an additional ninety (90) days credit for time
6 served, twelve (12) months of formal probation, and completion of the Mental Health Court program
7 if Defendant qualifies.

8 The Court thereby ordered the Judgment of Conviction to be amended to read as follows:

9 The above-entitled Court having pronounced the Defendant, SAMANTHA MARIE
10 GRAHAM, guilty of CONSPIRACY TO POSSESS A CONTROLLED SUBSTANCE a Gross
11 Misdemeanor, in violation of NRS 199.480, 193.140 and 453.336 on the 15th day of December,
12 2020, thereby ordered the Defendant to pay a \$25.00 administrative assessment fee, a \$3.00 DNA
13 collection fee, and a \$60.00 forensic fee, payable to the Humboldt County Clerk of the Court.
14 Defendant is ordered to serve three hundred and sixty-four (364) days in the Humboldt County
15 Detention Center with credit for time served of one hundred eighty-two (182) days. Said sentence
16 is suspended and the Defendant is placed on probation for a period of twelve (12) months, with
17 the following conditions:

- 18 1. That the Defendant completely abstain from the use, consumption, purchase or
19 possession of alcoholic beverages or controlled substances, to include marijuana in
20 any form, whatsoever;
- 21 2. That the Defendant completely abstain from huffing, sniffing, or snorting any
22 inhalants, chemicals or substances that alters or impairs their mind or body
23 functioning;
- 24 3. That the Defendant completely abstain from the use, consumption, purchase, or
possession of any drug, inhalant, chemical, poison, or solvent, with the intent to



1 induce euphoria, hallucinations, or impairs mind, or bodily functioning,
2 whatsoever;

3 4. That the Defendant completely abstain from being present in any cocktail lounge,
4 bar, liquor store, casino or any establishment where alcoholic beverages are the
5 primary source of revenue, whatsoever;

6 5. That the Defendant completely abstain from being present in any smoke shop, vape
7 shop, or marijuana dispensary, whatsoever;

8 6. That the Defendant completely abstain from the use, consumption, purchase or
9 possession of any over-the-counter medications that contain alcohol or narcotics,
10 unless prescribed by a licensed medical professional, and with prior approval of the
11 Defendants supervising officer and Mental Health Court personnel;

12 7. That the Defendant complete a mental health evaluation, and if diagnosed with a
13 mental health disorder, that Defendant successfully complete the Humboldt County
14 Mental Health Court Program. The Defendant shall be subject to the terms and
15 conditions of the Mental Health Court, which shall include, but are not limited to
16 the following;

- 17 a. Random testing of the Defendant's blood, breath,
18 saliva, hair, or urine to detect the presence of
19 controlled substances and/or alcohol;
20 b. Participation in an inpatient or an outpatient program
21 of treatment and rehabilitation, which may include
22 hospitalization, group and individual counseling, and
23 self-help meetings;
24 c. Participation in a program of education, job skills
training and/or personal counseling;
d. Mandatory attendance in Mental Health Court hearings as ordered
by the Court to monitor the Defendant's compliance
with all conditions of the program.

Noncompliance by the Defendant with any condition of the Mental Health Court program
may result in the following consequences, as deemed appropriate in the discretion of the Court;

- i. Modification of the program to include as appropriate

- different or additional conditions;
- ii. Imposition of sanctions, including by not limited to jail time. Furthermore, any jail sanction shall not be considered by the Court as credit for time served should the Defendant be terminated from the program and sentenced to serve time in prison or jail;
- iii. House arrest, community service, travel or other Personal restrictions;
- iv. Termination from the Mental Health Court program.

The Defendant shall fully execute a Mental Health Court Agreement and Waivers as required by the Mental Health Court Judge, and shall follow all terms and conditions as contained therein.

8. That the Defendant pay a \$3.00 DNA collection fee, a \$25.00 administrative assessment fee and a \$60.00 forensic fee, payable to the Humboldt County Clerk of the Court within thirty (30) days of her grant of probation;
9. That the Defendant submit a biological specimen, under the Direction of the Division of Parole and Probation, and pay a \$150.00 DNA fee, payable to the Humboldt County Clerk of the Court within ninety (90) days of Defendant's probation grant;
10. That the Defendant pay a \$250.00 public defender fee, payable to the Humboldt County Clerk of the Court within six (6) months of her grant of probation;
11. That the Defendant not be granted any good time credits or an early release from probation unless all court-ordered and supervision fines and fees are paid in full and all conditions of probation are met;
12. That the Defendant resolve her outstanding warrants in West Wendover, Nevada and provide proof of the resolution to her probation officer;
13. That the Defendant pay a \$150.00 fine payable to the Humboldt County Clerk of the Court within twelve (12) months of her grant of probation.

Furthermore, bail, if any, is hereby exonerated.

1 MATT STERMITZ, Humboldt County Public Defender, represented the Defendant during
2 all stages of the proceedings;

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

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

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

9 **DATED** this 13th day of August, 2021, in the City of Winnemucca, County of
10 Humboldt, State of Nevada.

11 

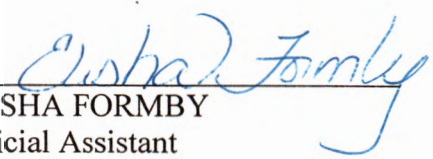
12 MICHAEL R. MONTERO
13 DISTRICT COURT JUDGE
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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the Sixth Judicial District Court, and that on the 13 day of August, 2021, I delivered at Winnemucca, Nevada, by the following means, a copy of the **AMENDED JUDGMENT OF CONVICTION** to:

Humboldt County District Attorney's Office
501 S. Bridge Street
Winnemucca, Nevada 89445
(DCT Box)

MATT STERMITZ
Humboldt County Public Defender
P.O. Box 309
Winnemucca, Nevada 89446
(DCT Box)


ELISHA FORMBY
Judicial Assistant

Case No. CR 20-7157

Dept. No. 2

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

STATE OF NEVADA,

Plaintiff,

vs.

SAMANTHA MARIE GRAHAM,

Defendant.

CASE APPEAL STATEMENT

1. Name of appellant filing case appeal statement: Samantha Marie Graham.
2. Identify the judge issuing the decision, judgment or order appealed from:
Michael Montero.
3. Identify all parties to the proceedings in district court: Samantha Marie Graham, represented by the Humboldt County Public Defender, Drawer 309, Winnemucca, Nevada 89445, 775-623-6550. The State of Nevada, represented by the Humboldt County District Attorney, Drawer 909, Winnemucca, Nevada 89445, 775-623-6363.
4. Identify all parties to this appeal: Samantha Marie Graham and the State of Nevada.
5. Indicate whether appellant was represented by appointed or retained counsel in the district court: Appointed counsel.
6. Indicate whether appellant is represented by appointed or retained counsel on appeal: Appointed counsel.
7. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave. The

1 Humboldt County Public Defender was appointed to represent Samantha
2 Marie Graham from the inception of the case and remains attorney of record.

3 8. Indicate the date the proceedings commenced in the district court.

4 Proceedings commenced in district court on or about the 25th day of
5 February, 2020.

6 9. Provide a brief description of the nature of the action and result in the district
7 court, including the type of judgment or order being appealed and the relief
8 granted by the district court: Samantha Marie Graham plead no contest to
9 conspiracy to possess a controlled substance. Samantha Graham was
10 sentenced on or about the 21st day of December, 2020, to 364 days in the
11 Humboldt County Detention Center, and the sentenced with suspended and
12 Samantha Graham was placed on court supervised probation for 14 days.
13 On or about the 13th day of August, 2021, the court amended the judgement
14 of conviction and placed Samantha Marie Graham on 12 months of
15 probation.

16 10. Indicate whether the case has previously been the subject of an appeal to or
17 original writ proceeding in the Supreme Court and, if so, the caption and
18 Supreme Court docket number of the prior proceeding: This case has not
19 been the subject of an appeal or other proceeding in the Supreme Court.

20 11. Indicate whether this appeal involves child custody or visitation: This case
21 does not involve child custody or visitation.

22 12. If this is a civil case, indicate whether this appeal involves the possibility of
23 settlement. N/A.

24 Dated this 23rd day of August, 2021.

25 Matt Stermitz

26 Matt Stermitz, Bar # 03610
27 Humboldt County Public Defender
28 Drawer 309
Winnemucca, Nevada 89445
775-623-6550

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CERTIFICATE OF SERVICE

Pursuant to applicable appellate rules, on the 24th day of August, 2021, the undersigned mailed a copy of the foregoing to: Humboldt County District Attorney, Drawer 909, Winnemucca, Nevada 89445, and Attorney General, 100 N. Carson Street, Carson City, NV 89701.

Matt Stermitz
Matt Stermitz

Case No. CR 20-7157

Dept. No. 2

FILED

2021 AUG 24 AM 8:46

E. Dumond

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

STATE OF NEVADA,

Plaintiff,

vs.

SAMANTHA MARIE GRAHAM,

Defendant.

REQUEST FOR TRANSCRIPT

TO: Elisha Formby, Judicial Assistant, Sixth Judicial District Court, 50 W. 5th,
Winnemucca, Nevada 89445.

Samantha Graham, by and through her attorney, Matt Stermitz, the Humboldt
County Public Defender, requests (1) preparation of a transcript of the proceeding on
the 3rd day of August, 2021.

Dated this 23rd day of August, 2021.

Matt Stermitz

Matt Stermitz, Bar # 03610
Humboldt County Public Defender
Drawer 309
Winnemucca, Nevada 89445
775-623-6550

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CERTIFICATE OF SERVICE

Pursuant to applicable appellate rules, on the 24th day of August 2021, the undersigned mailed a true and correct copy of the foregoing, addressed to: Humboldt County District Attorney, Drawer 909, Winnemucca, Nevada 89445 and Attorney General, 100 N. Carson Street, Carson City, NV 89702.

Matt Stermitz
Matt Stermitz

Sixth Judicial District Court - Humboldt County

Run: 08/24/2021
9:08:03

Case Summary

Page 1

Case #: CR2007157

Judge: MONTERO, MICHAEL R.

Date Filed: 02/25/2020 Department:

Case Type: DRUG CHARGE

Plaintiff(s)

NEVADA, THE STATE

Attorney(s)

DISTRICT ATTORNEY

Defendant(s)

GRAHAM, SAMANTHA MARIE

Attorney(s)

PUBLIC DEFENDER

Fees:

Date Assessed:	Fee	Total	Paid	Waived	Outstanding
12/21/2020	ADMIN	\$25.00	\$25.00	\$0.00	\$0.00
08/13/2021	ATTYFEE	\$250.00	\$0.00	\$0.00	\$250.00

Charge: NRS 199.480 & 453.336 CONSPIRACY TO POSSESS A CS G/ Count 1

Sent:

Disp/Judgment: Date:

Hearings:

Date	Time	Hearing
04/07/2020	9:15AM	ARRAIGNMENT
05/19/2020	9:00AM	ARRAIGNMENT
12/01/2020	9:00AM	ARRAIGNMENT
12/15/2020	9:00AM	SENTENCING HEARING
01/12/2021	9:00AM	HEARING
04/20/2021	9:00AM	HEARING
05/18/2021	9:00AM	SHOW CAUSE HEARING
08/03/2021	9:00AM	SHOW CAUSE HEARING

Filings:

Date	Filing
02/25/2020	PROSECUTOR: DISTRICT ATTORNEY ASSIGNED
02/25/2020	DEFENSE ATTORNEY: PUBLIC DEFENDER ASSIGNED
02/25/2020	JUDGE MONTERO, MICHAEL R.: ASSIGNED
02/25/2020	JUSTICE COURT PROCEEDINGS
02/25/2020	INFORMATION
02/26/2020	PLEA AGREEMENT
02/26/2020	WRITTEN NOTICE OF APPLICATION FOR TREATMENT
02/27/2020	AMENDED INFORMATION
04/02/2020	ARRAIGNMENT SET FOR 04/07/2020 AT 9:15 AM IN C1/ , JDG: MONTERO, MICHAEL R.
05/14/2020	ARRAIGNMENT SET FOR 05/19/2020 AT 9:00 AM IN C1/ , JDG: MONTERO, MICHAEL R.

Run: 08/24/2021
9:08:07

Case Summary

Page 2

05/19/2020 MINUTES-ARRAIGNMENT (FTA)
10/12/2020 BENCH WARRANT RETURNED (DAY AND NIGHT)
11/05/2020 ARRAIGNMENT SET FOR 12/01/2020 AT 9:00 AM IN C1/ , JDG: MONTERO,
MICHAEL R.
12/01/2020 SENTENCING HEARING SET FOR 12/15/2020 AT 9:00 AM IN C1/ , JDG:
MONTERO, MICHAEL R.
12/01/2020 MINUTES - ARRAIGNMENT HEARING
12/15/2020 MINUTES-SENTENCING HEARING
12/21/2020 HEARING SET FOR 01/12/2021 AT 9:00 AM IN C1/ , JDG: MONTERO,
MICHAEL R.
12/21/2020 ORDER TO RELEASE DEFENDANT ON OWN RECOGNIZANCE
12/21/2020 JUDGMENT OF CONVICTION
01/12/2021 MINUTES - STATUS HEARING
01/15/2021 BENCH WARRANT ATTESTED (FTA)
03/09/2021 BENCH WARRANT (DAY AND NIGHT)
03/22/2021 HEARING SET FOR 04/20/2021 AT 9:00 AM IN C1/ , JDG: MONTERO,
MICHAEL R.
03/31/2021 MOTION TO RELEASE
04/05/2021 STATE OF NEVADA'S OPPOSITION TO DEFENDANT'S MOTION TO RELEASE
04/20/2021 SHOW CAUSE HEARING SET FOR 05/18/2021 AT 9:00 AM IN C1/ , JDG:
MONTERO, MICHAEL R.
04/20/2021 ORDER TO SHOW CAUSE
04/20/2021 MINUTES-HEARING
05/18/2021 MINUTES-SHOW CAUSE HEARING (FTA)
05/19/2021 BENCH WARRANT ATTESTED
06/03/2021 BENCH WARRANT (DAY AND NIGHT)
06/22/2021 SHOW CAUSE HEARING SET FOR 07/27/2021 AT 9:30 AM IN C1/ , JDG:
MONTERO, MICHAEL R.
06/22/2021 CONTINUED
06/24/2021 ORDER TO SHOW CAUSE
07/16/2021 NOTICE OF RECEIPT OF ATTACHED LETTER
07/22/2021 SHOW CAUSE HEARING SET FOR 08/03/2021 AT 9:00 AM IN C1/ , JDG:
MONTERO, MICHAEL R.
07/22/2021 AMENDED ORDER TO SHOW CAUSE
08/06/2021 ORDER TO RELEASE AND REPORT TO HUMBOLDT COUNTY SPECIALTY COURTS
COORDINATOR
08/13/2021 AMENDED JUDGMENT OF CONVICTION
08/16/2021 PAYMENT \$18.00 RECEIPT #2630
08/20/2021 PAYMENT \$20.00 RECEIPT #2647
08/24/2021 NOTICE OF APPEAL
08/24/2021 REQUEST FOR TRANSCRIPT
08/24/2021 CASE APPEAL STATEMENT

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Case No. CR 2007157
Dept. No. II

FILED
2021 AUG 13 AM 11:35
TAMI RAE SPERO
DIST. COURT CLERK

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

-o0o-

THE STATE OF NEVADA,
Plaintiff,

vs.

SAMANTHA MARIE GRAHAM,

Defendant. /

AMENDED JUDGMENT
OF CONVICTION

WHEREAS, on the 1st day of December, 2020, the Defendant entered her plea of NO
CONTEST to the charge of CONSPIRACY TO POSSESS A CONTROLLED SUBSTANCE, a Gross
Misdemeanor, and the matter having been submitted before the Honorable 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 parties stipulated to waive the Pre-Sentence Investigation Report and requested to
proceed to sentencing. Upon stipulation of the parties the Court waived the requirement of the
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Furthermore, at the time Defendant entered the plea of no contest and at the time of

1 sentencing, Defendant was represented by attorney, MATT STERMITZ, Humboldt County Public
2 Defender; also present in Court were TAMI RAE SPERO, Humboldt County Court Clerk or her
3 designated agent; and MICHAEL MACDONALD, Humboldt County District Attorney or his
4 designated agent, representing the State of Nevada.

5 The Defendant having appeared on the 15th day of December, 2020, represented by counsel
6 and Defendant having been given the opportunity to exercise the right of allocution and having
7 shown no legal cause why judgment should not be pronounced at this time.

8 The above-entitled Court having pronounced the Defendant, SAMANTHA MARIE
9 GRAHAM, guilty of CONSPIRACY TO POSSESS A CONTROLLED SUBSTANCE a Gross
10 Misdemeanor, in violation of NRS 199.480, 193.140 and 453.336 on the 15th day of December,
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22 the Court within thirty (30) days of the Defendant's court supervised probation grant;

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2 2021 and an Order to Show Cause entered by this Court on June 24, 2021 for Defendant's failure to
3 appear for a status hearing scheduled for May 18, 2021, and the Court having found Defendant in
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6 served, twelve (12) months of formal probation, and completion of the Mental Health Court program
7 if Defendant qualifies.

8 The Court thereby ordered the Judgment of Conviction to be amended to read as follows:

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21 inhalants, chemicals or substances that alters or impairs their mind or body
22 functioning;
- 23 3. That the Defendant completely abstain from the use, consumption, purchase, or
24 possession of any drug, inhalant, chemical, poison, or solvent, with the intent to

1 induce euphoria, hallucinations, or impairs mind, or bodily functioning,
2 whatsoever;

3 4. That the Defendant completely abstain from being present in any cocktail lounge,
4 bar, liquor store, casino or any establishment where alcoholic beverages are the
5 primary source of revenue, whatsoever;

6 5. That the Defendant completely abstain from being present in any smoke shop, vape
7 shop, or marijuana dispensary, whatsoever;

8 6. That the Defendant completely abstain from the use, consumption, purchase or
9 possession of any over-the-counter medications that contain alcohol or narcotics,
10 unless prescribed by a licensed medical professional, and with prior approval of the
11 Defendants supervising officer and Mental Health Court personnel;

12 7. That the Defendant complete a mental health evaluation, and if diagnosed with a
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14 Mental Health Court Program. The Defendant shall be subject to the terms and
15 conditions of the Mental Health Court, which shall include, but are not limited to
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20 b. Participation in an inpatient or an outpatient program
21 of treatment and rehabilitation, which may include
22 hospitalization, group and individual counseling, and
23 self-help meetings;
24 c. Participation in a program of education, job skills
training and/or personal counseling;
d. Mandatory attendance in Mental Health Court hearings as ordered
by the Court to monitor the Defendant's compliance
with all conditions of the program.

22 Noncompliance by the Defendant with any condition of the Mental Health Court program
23 may result in the following consequences, as deemed appropriate in the discretion of the Court;

- 24 i. Modification of the program to include as appropriate

- different or additional conditions;
- ii. Imposition of sanctions, including by not limited to jail time. Furthermore, any jail sanction shall not be considered by the Court as credit for time served should the Defendant be terminated from the program and sentenced to serve time in prison or jail;
- iii. House arrest, community service, travel or other Personal restrictions;
- iv. Termination from the Mental Health Court program.

The Defendant shall fully execute a Mental Health Court Agreement and Waivers as required by the Mental Health Court Judge, and shall follow all terms and conditions as contained therein.

8. That the Defendant pay a \$3.00 DNA collection fee, a \$25.00 administrative assessment fee and a \$60.00 forensic fee, payable to the Humboldt County Clerk of the Court within thirty (30) days of her grant of probation;
9. That the Defendant submit a biological specimen, under the Direction of the Division of Parole and Probation, and pay a \$150.00 DNA fee, payable to the Humboldt County Clerk of the Court within ninety (90) days of Defendant's probation grant;
10. That the Defendant pay a \$250.00 public defender fee, payable to the Humboldt County Clerk of the Court within six (6) months of her grant of probation;
11. That the Defendant not be granted any good time credits or an early release from probation unless all court-ordered and supervision fines and fees are paid in full and all conditions of probation are met;
12. That the Defendant resolve her outstanding warrants in West Wendover, Nevada and provide proof of the resolution to her probation officer;
13. That the Defendant pay a \$150.00 fine payable to the Humboldt County Clerk of the Court within twelve (12) months of her grant of probation.

Furthermore, bail, if any, is hereby exonerated.

1 MATT STERMITZ, Humboldt County Public Defender, represented the Defendant during
2 all stages of the proceedings;

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

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

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

9 DATED this 13th day of August, 2021, in the City of Winnemucca, County of
10 Humboldt, State of Nevada.



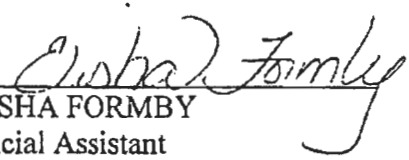
MICHAEL R. MONTERO
DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the Sixth Judicial District Court, and that on the 13 day of August, 2021, I delivered at Winnemucca, Nevada, by the following means, a copy of the **AMENDED JUDGMENT OF CONVICTION** to:

Humboldt County District Attorney's Office
501 S. Bridge Street
Winnemucca, Nevada 89445
(DCT Box)

MATT STERMITZ
Humboldt County Public Defender
P.O. Box 309
Winnemucca, Nevada 89446
(DCT Box)


ELISHA FORMBY
Judicial Assistant

CR2007157

The State of Nevada VS. Samantha Marie Graham

Judge: Michael R. Montero

Clerk: Mikayla Mecham

May 18, 2021

SHOW CAUSE HEARING

PRESENT: Kevin Pasquale and Anthony Gordon, Deputy District Attorneys, present on behalf of the State. Debbie Okuma, DPS Specialist III, present (via Zoom) on behalf of the Division of Parole and Probation. Matt Stermitz, Humboldt County Public Defender, present on behalf of the Defendant, who was not present. Denni Byrd, Pre-Trial Services Coordinator, also present.

The record reflected that this matter comes before the Court for a show cause hearing as to the Defendant's failure to appear at a status hearing in April. The bailiff canvassed the hallway and indicated that the Defendant was not present.

Pasquale motioned the Court to issue a failure to appear bench warrant.

The Court granted the State's motion for a failure to appear bench warrant, no bail hold, Humboldt County only.

CR2007157

The State of Nevada VS. Samantha Marie Graham

Judge: Michael R. Montero

Clerk: Mikayla Mecham

April 20, 2021

HEARING

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. Matt Stermitz, Humboldt County Public Defender, present on behalf of the Defendant, who was not present. Denni Byrd, Pre-Trial Services Coordinator, also present.

The record reflected that this matter comes before the Court at the Court's request, due to information that the Defendant had returned to Winnemucca, after being ordered by this Court at sentencing to remain outside of Winnemucca for the entirety of her probation. The Court asked for any information from the parties.

Stermitz informed the Court that the Defendant had returned to Winnemucca despite this Court's order, had been arrested, and medically discharged from the jail due to health issues.

The Court reviewed the Defendants history in this case, and all of the excuses given to this Court by the Defendant. The Court set this matter for a show cause hearing on May 18, 2021 at 9 a.m.

CR0012007157

The State of Nevada, Plaintiff vs. SAMANTHA MARIE GRAHAM, Defendant

Judge: Michael R. Montero

Clerk: Jody Clark

JANUARY 12, 2021

STATUS HEARING

PRESENT via Zoom: Kevin Pasquale, Humboldt County Deputy District Attorney, present on behalf of the State. Defendant (OR) with counsel, Matthew Stermitz, Humboldt County Public Defender. Debbie Okuma, Parole and Probation Officer, present on behalf of the Adult Division of Parole and Probation Office. Denni Byrd, present with Pre-Trial Services.

The record reflected that this matter is set for status hearing. The Defendant had been sentenced on December 15, 2020. The Defendant plead No Contest and was sentenced to serve three hundred and sixty-four (364) days in the Humboldt County Detention Center with credit for time served in the amount of ninety-two (92) days. Said sentence was suspended the Defendant was placed on Court supervised probation for a period of fourteen (14) days with conditions.

The record further stated this hearing had been set to confirm the Defendant has established residency in Utah.

The Court stated on December 16, 2020, he received a call from Caption Lininger with the Humboldt County Detention Center that the Defendant had a collapsed trachea and would be transported to Renown. The Court would release the Defendant if transported. The Defendant was transported and got to Renown. The Defendant was released from Renown the next day. The Court does not currently know the whereabouts of the Defendant.

Byrd addressed the Court stating the Defendant had left Renown against medical advice. She has attempted to contact the Defendant via her cell phone and left a message of today's hearing.

Stermitz has not heard from the Defendant. Stermitz motioned the Court to issue a Nevada only warrant.

Pasquale concurred with Stermitz.

The Court ordered a Nevada only warrant be issued for failure to appear today and show compliance with the order of December 21, 2020.

State to prepare the warrant.

CR2007157

The State of Nevada VS. Samantha Marie Graham

Judge: Michael R. Montero

Clerk: Mikayla Mecham

December 15, 2020

SENTENCING HEARING

PRESENT: Michael Macdonald, Humboldt County District Attorney, present on behalf of the State. Debbie Okuma, DPS Specialist III, present on behalf of the Division of Parole and Probation. Denni Byrd, pre-trial services coordinator, present. Defendant, present (in custody), with Counsel, Matthew Stermitz, Humboldt County Public Defender. All parties were present via Zoom audio/video conference system, with prior permission from the Court.

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 her understanding.

The Defendant had previously pled NO CONTEST to the charge of CONSPIRACY TO POSSESS A CONTROLLED SUBSTANCE, a Gross Misdemeanor, in violation of NRS 199.480 and 453.336. The Court had previously waived the requirement of a Pre-Sentence Investigation Report.

Argument by Stermitz.

Argument by Macdonald.

The Defendant exercised her right of allocution.

The Court stated that the Plea Agreement contemplated mental health court, but the Court did not have a mental health diagnosis from a physician.

The parties discussed the Defendant's request to move to Utah.

The Court pronounced the Defendant GUILTY of CONSPIRACY TO POSSESS A CONTROLLED SUBSTANCE, a Gross Misdemeanor, and rendered judgment against the Defendant in the amount of \$25.00 for an administrative assessment fee, \$3.00 for a DNA assessment fee, and \$60.00 for a forensic fee. The Court further ordered that the Defendant serve three hundred and sixty-four (364) days in the Humboldt County Detention Center, with credit for time served in the amount of ninety-two (92) days. The Court would suspend said sentence for a period of fourteen (14) days and place the Defendant on court supervised probation to afford the Defendant an opportunity to make good on her promise to leave town. The Court ordered that the Defendant remain in communication with Denni Byrd and inform her of her efforts to get to Utah, as well as provide proof of her residency in Utah. The Court set a status hearing for January 12, 2021 at 9 a.m. The Court could have indigent services purchase the Defendant's train ticket.

CR2007157

The State of Nevada, Plaintiff vs. Samantha Marie Graham, Defendant

Judge: Michael R. Montero

Clerk: Jody Clark

DECEMBER 1, 2020

ARRAIGNMENT HEARING

PRESENT: Richard Haas, Deputy District Attorney, present on behalf of the State. Defendant (Custody) with counsel, Matthew Stermitz, Humboldt County Public Defender. Debbie Okuma, DPS Specialist III, present on behalf of the Division of Parole and Probation. Denni Bird, present with Pre-Trial Services.

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

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

The Defendant stated her understanding.

An Amended Information, charging the crime of CONSPIRACY TO POSSESS A CONTROLLED SUBSTANCE, a Gross Misdemeanor, in violation of NRS 199.480, 193.140 and 453.336 had been filed against the Defendant. 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 the formal reading. The Court stated the Defendant's Constitutional Rights. A Guilty Plea Agreement had been filed on February 26, 2020. The Court stated the essential elements the State would have to prove should this matter go to trial as well as the possible penalties.

The Defendant entered her plea of No Contest.

The Court examined the Defendant and accepted her plea.

Court referred the matter to Parole and Probation for a Pre-Sentence Report.

Stermitz motioned to waive the Pre-Sentence Report and move forward with sentencing.

Haas had no objections.

The Court will allow counsel to waive the Pre-Sentence Report.

The Court set this matter for a Sentencing Hearing on Tuesday, December 15, 2020, at 9:00 a.m.

CR2007157

The State of Nevada VS. Samantha Marie Graham

Judge: Michael R. Montero

Clerk: Mikayla Mecham

May 19, 2020

ARRAIGNMENT HEARING

PRESENT: Michael Macdonald, Humboldt County District Attorney, present on behalf of the State. Debbie Okuma, DPS Specialist III, present on behalf of the Division of Parole and Probation. Matt Stermitz, Humboldt County Public Defender, present on behalf of the Defendant, who was not present. The parties were present via Zoom audio/visual conference system, with prior permission from the Court due to the COVID-19 pandemic.

The record reflected that this matter comes before the Court for an arraignment, but that the Defendant was not present. The Court asked the parties how they wished to proceed.

Stermitz stated that a Stipulation and Order to Release was filed in Justice Court, and that the Defendant was supposed to contact Denni Byrd. He further stated that he had not heard from the Defendant since February 20, 2020. Stermitz stated that a Notice of Hearing had been sent to the Defendant's last known address on April 6, 2020.

Macdonald motioned the Court to issue a bench warrant.

The Court granted the State's oral motion and would issue a warrant for the Defendant's arrest. The Court directed the State to prepare a Nevada only bench warrant.

1
2 **Certification of Copy**

3 **STATE OF NEVADA,**

4 **COUNTY OF HUMBOLDT,**

5 I, TAMI RAE SPERO, the duly elected, qualifying and acting Clerk of Humboldt County, in the State of Nevada,

6 And Ex-Officio Clerk of the District Court, do hereby certify that the foregoing is a true, full and correct copy

7 of the original: Notice of Appeal; Case Appeal Statement; Request for Transcript; District Court Docket Entries;

8 Judgement of Conviction; District Court Minutes;

9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

CASE NO. CR 2007157

12 SAMANTHA MARIE GRAHAM,

13 Defendant

14 now on file and record in this office.
15

16 **IN WITNESS THEREOF**, I have hereunto set

17 My hand and affixed the seal of the Court at my

18 Office, Winnemucca, Nevada this 24th day of

19 August, 2021, A.D.

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21 

22 Emma Dumond, DEPUTY CLERK
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CASE NO. CR 2007157