

IN THE SUPREME COURT OF THE STATE OF NEVADA

TERESA ANN GREVELLE,

Appellant,

VS.

THE STATE OF NEVADA,

Respondent.

Electronically Filed
Nov 09 2021 02:37 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case No. 83579

**APPELLANT’S RESPONSE TO THE NEVADA
SUPREME COURT’S ORDER TO SHOW CAUSE AS TO THE
COURT’S JURISDICTION**

COMES NOW, appellant, Teresa Ann Grevelle in response to the October 20, 2021 Nevada Supreme Court's Order to Show Cause as to the Court's jurisdiction as set out herein.

TABLE OF CONTENTS

NRAP 26.1 DISCLOSURE	i
TABLE OF AUTHORITIES	ii
Exhibits	iii
MEMORANDUM OF POINTS AND AUTHORITIES STATEMENT OF THE FACTS	1
ARGUMENT	3
I. The District Court's Order filed September 8, 2021 constitutes a final appealable judgment.....	3
CERTIFICATE OF MAILING.....	6

NRAP 26.1 DISCLOSURE

The undersigned counsel of record certifies that the following are persons and entities as described in NRAP 26.1(a), and must be disclosed. These representations are made in order that the judges of this court may evaluate possible disqualification or recusal.

Miller Law, Inc. and Rendal B. Miller, Esq. are present counsel for Appellant and have been for all post-conviction issues. Miller Law, Inc. has no parent corporations.

Sherburne MacFarlan, Esq. was counsel through sentencing for Appellant in 2014.



RENDAL B. MILLER, ESQ.
Attorney for Appellant
Nevada Bar No. 12257
115 West 5th Street
Winnemucca, NV 89445
(775) 623-5000

TABLE OF AUTHORITIES

STATUTES AND OTHER LAW

NRS 34.575(1) 3

Exhibits

Judgment of Conviction	Exhibit 1
Petition and Order Honorably Discharging Probationer	Exhibit 2
Court Minutes, September 20, 2018	Exhibit 3
Order dated May 10, 2019	Exhibit 4
Defendant's Motion to Discharge From Probation	Exhibit 5
State's Opposition to Defendant's Motion to Discharge	Exhibit 6
Order, dated August 14, 2020	Exhibit 7
Petition for Writ of Habeas Corpus	Exhibit 8
Notice of Entry of Order, July 30, 2021	Exhibit 9
Motion for Reconsideration and/or Clarification	Exhibit 10
Order Clarifying Order for Dismissal Entered June 21, 2021	Exhibit 11

MEMORANDUM OF POINTS AND AUTHORITIES

STATEMENT OF THE FACTS

Petitioner was convicted of one count of Embezzlement, a category C felony; the Judgement of Conviction (hereinafter “JOC”) was filed on August 19, 2014 under case number CR12-6043, in the Sixth Judicial District Court. Exhibit 1. Petitioner was sentenced to serve a minimum of twelve (12) months with a maximum of thirty-two (32) months in the Nevada Department of Corrections (NDOC). The sentence was suspended, and Petitioner was placed on probation for sixty (60) months with special conditions. Exhibit 1.

On December 8, 2017, a *Petition and Order Honorably Discharging Probationer* was signed by the Chief Parole and Probation Officer and the District Court Judge; it was filed shortly thereafter. This petition and order state “The Probationer has satisfactorily completed all of the conditions of probation or has demonstrated fitness for honorable discharge, but because of economic hardship, verified by the Division, has been unable to make restitution as ordered by the court.” Exhibit 2.

On September 20, 2018, a status hearing was held at the **victim’s** request without Appellant. Exhibit 3.

On May 10, 2019, an Order was filed by the District Court Judge vacating the Order Honorably Discharging Probationer. Exhibit 4. This Order was entered without notice to Appellant and without an opportunity for Appellant to appear and defend her case. Notice was sent only to the Department of Parole and Probation, and to the District Attorney, who ostensibly would provide Petitioner with notice. See Exhibit 4, Certificate of Mailing. Petitioner retained counsel on May 30, 2019.

On August 28, 2019, Appellant filed *Defendant's Motion to Discharge from Probation*, asking the court to once again discharge Appellant from probation. There, Appellant reiterated that she was discharged without completely satisfying restitution due to financial hardship, and she also asserted that the maximum amount of time that one may be on probation had already elapsed. Exhibit 5.

On September 5, 2019, the State opposed Petitioner's Motion and argued that Petitioner should have her probation revoked and the original prison sentence reinstated because, *inter alia*, "further probation would be in excess of sixty (60) mo[n]ths (sic)." Exhibit 6.

Finally, on August 14, 2020, the District Court filed an Order denying Defendant/Petitioner's Motion to Discharge Defendant. Exhibit 7.

Appellant would have been placed back on probation on October 15, 2020, for a term of nineteen (19) more months. Said term will result in Defendant's term of probation being artificially extended from July or August, 2014, to May 15, 2022

– a period of approximately ninety three (93) months – thirty three (33) months beyond the maximum limit set by NRS 176A.500.

A Petition for Writ of Habeas Corpus was filed in the District Court on December 17, 2020. Exhibit 8. The Court held a hearing on May 18, 2021 and issues an Order from that hearing on June 21, 2021; Order for Dismissal. Exhibit 9. The Order failed to resolve the issues before the Court. A Motion for Reconsideration and/or Clarification was filed on July 27, 2021. Exhibit 10. The Court filed an Order Clarifying Order For Dismissal Entered June 21, 2021. Exhibit 11. This is the only time the Petition for Writ of Habeas Corpus was denied.

ARGUMENT

I. The District Court's Order filed September 8, 2021 constitutes a final appealable judgment.

Pursuant to NRS 34.575(1), an individual who files a Petition for Writ of Habeas Corpus with the District Court, and whose application for the writ is denied, may appeal the denial to an appellate court of competent jurisdiction within thirty (30) days after service by the court of written notice of the entry. In this case, Appellant filed a Writ of Habeas Corpus on December 17, 2020, and a hearing was held on May 18, 2021. As a result of that hearing, the District Court issued an Order for Dismissal on June 21, 2021; however, the order failed to unambiguously

establish what portions of the matter were actually being dismissed. No where in the order did it state or provide inference that the Writ of Habeas Corpus was denied. Therefore, the Order left matters open in District Court and could not be a final order.

Due to the ambiguity, Appellant filed a Motion for Reconsideration and/or Clarification on July 27, 2021. The Court responded to this motion on August 31, 2021, by filing an Order Clarifying the Order for Dismissal Entered June 21, 2021. This is the first order in which the Court unequivocally stated that the Appellant's Petition for Writ of Habeas Corpus was denied. The Order was received via certified service by Appellant's attorneys on September 8, 2021.

Pursuant to the requirements of NRS 34.575(1), an appellant must submit an appeal for a denial for a Writ of Habeas Corpus within thirty (30) days after service of written notice of the denial. In this case, Appellant was required to file her appeal by October 7, 2021—within thirty (30) days of the Order Clarifying the Order for Dismissal Entered June 21, 2021, that was entered by the District Court on August 31, 2021, and served on September 8—and did so on October 4, 2021. The Notice of Appeal was served on October 4, 2021, or three (3) days before the last day possible for Appellant to file an appeal.

Though attorneys for Appellant's received notice that the required Case Appeal Statement was not filed with the original Notice of Appeal, this oversight was also corrected prior to Appellant's deadline to file an appeal, on October 5, 2021.

In sum, Appellant is appealing from the final decision of the District Court to dismiss her Petition for Writ of Habeas Corpus, as entered by the District Court on August 31, 2021, and served on September 8, 2021. Appellant currently has no criminal action pending against her, has had her Petition for Writ of Habeas Corpus denied, and filed a Notice of Appeal within thirty (30) days of receipt of the denial of the writ. Accordingly, Appellant has satisfied all the requirements of NRS 34.575(1) to vest jurisdiction in this Court.

Furthermore, the Order for Dismissal entered on June 21, 2021, did not unambiguously deny Appellant's Writ of Habeas Corpus, and should thus not be considered for purposes of determining jurisdiction. In fact, the Writ was not dismissed until the Order Clarifying and as such was not ripe for appeal.

DATED this 9 day of November, 2021



RENDAL B. MILLER, ESQ.
Attorney for Appellant
Nevada Bar No. 12257
115 West 5th Street
Winnemucca, NV 89445
(775) 623-5000

CERTIFICATE OF MAILING

I certify that on the 9 day of November, 2021, I deposited a true and correct copy of the foregoing Appellant's Response to the Nevada Supreme Court's Order to Show Cause as to the Court's Jurisdiction, in the U.S. Mail, first class postage, prepaid, addressed to the following:

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

Nathan L. Hastings, Esq.
Senior Deputy Attorney General
555 Wright Way
Carson City, Nevada 89711



RENDAL B. MILLER, ESQ.

Exhibit 1

Exhibit 1

Case No. CR12-6043

Dept. No. 1

FILED

AUG 19 2014

TAMI RAE SPERO
DIST COURT CLERK

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

-oOo-

THE STATE OF NEVADA,

Plaintiff,

vs.

JUDGMENT OF CONVICTION

TERESA GRAVELLE

DOB: 08/15/1955

Defendant. /

WHEREAS, on the 18th day of March, 2014, the Defendant entered her plea of guilty to the charge of COUNT I-EMBEZZLEMENT, a Category C Felony, COUNT II-CONSPIRACY TO COMMIT EMBEZZLEMENT, a Gross Misdemeanor, and the matter having been submitted before the Honorable Judge Richard A. Wagner.

At the time Defendant entered the plea of guilty, this Court informed the Defendant of the privilege against compulsory self-incrimination, the right to a speedy trial, the right to a trial by jury, the right to compulsory process to compel witnesses to testify on behalf of the Defendant and the right to confront the accusers. That after being so advised, the

1 Defendant stated that these rights were understood and still
2 desired this Court to accept the plea of guilty.

3 The Court having accepted Defendant's plea of guilty, set
4 the date of the 7th day of July, 2014, at the hour of 9:30 a.m.
5 as the date and time for imposing judgment and sentence.

6 Furthermore, at the time Defendant entered the plea of
7 guilty and at the time of sentencing, Defendant was represented
8 by attorney, SHERBURNE MACFARLAN; also present in Court were
9 TAMI RAE SPERO, Humboldt County Court Clerk or her designated
10 agent; ED KILGORE, Sheriff of Humboldt County or his designated
11 agent; BRYAN WATERS, representing the Division of Parole and
12 Probation; and RICHARD HAAS, Deputy District Attorney
13 representing the State of Nevada.
14

15 The Defendant having appeared on the 7th day of July, 2014,
16 represented by counsel and Defendant having been given the
17 opportunity to exercise the right of allocution and having shown
18 no legal cause why judgment should not be pronounced at this
19 time.
20

21 The above-entitled Court having pronounced Teresa Ann
22 Gravelle guilty of COUNT I-EMBEZZLEMENT, a Category C Felony, in
23 violation of NRS 205.300.
24

25 The Defendant was thereby ordered by the Court to serve for
26 COUNT I-EMBEZZLEMENT, a maximum of thirty-two (32) months, but
27 no less than twelve (12) months in the Nevada Department of
28 Corrections, said sentence is suspended and Defendant is placed

on probation for a term of sixty (60) months with the following special conditions:

1. That the Defendant submit to a search of the Defendant's person, property, vehicle, residence or any area and /or things under the defendant's control, at any time of the day or night without a warrant, for evidence of any crime or evidence of any violation of probation by a Parole and Probation Officer or Peace Officer acting under their direction during the entire term of the Defendant's probation;
2. That the Defendant pay the outstanding balance of restitution, in the amount of \$65,000.00, payable through the Humboldt County District Attorney's Office, in monthly payments of no less than \$1,500.00;
3. That the Defendant make a payment of \$30,000.00, within 90 days of her probation grant. If the Defendant fails to make this payment a Status Hearing will be set up so Defendant can explain why she has not made her payment;
4. That if the Defendant fails to pay her restitution as ordered then the Defendant will be violating her probation grant and it will be reported as a violation of probation;
5. The Defendant must, pursuant to NRS 176.0913, submit a biological specimen under the direction of the Division of Parole and Probation to determine the Defendant's

genetic markers. Further, pursuant to NRS 176.0915, in addition to any other penalty, the Defendant must pay a \$150 DNA fee, payable to the Humboldt County Clerk of the Court, and may not be deducted from any other fines or fees imposed by the Court, to be paid within 90 days of Defendant's probation grant;

6. That the Defendant pay a \$25 administrative assessment fee pursuant to NRS 176.062 and a \$3 DNA collection fee, payable to the Humboldt County Clerk of the Court, to be paid within 30 days of Defendant's probation grant.

COUNT II-CONSPIRACY TO COMMIT EMBEZZLEMENT, a Gross Misdemeanor, in violation of NRS 193.330 and NRS 205.300, was dismissed by the Court at the time of sentencing pursuant to the Guilty Plea Agreement filed on March 6, 2013.

Furthermore, bail, if any, is hereby exonerated.

Sherburne Macfarlan, represented the Defendant during all stages of the proceedings;

Richard Haas, Deputy District Attorney, represented the State of Nevada at all stages of these proceedings.

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

//

//

HUMBOLDT COUNTY DISTRICT ATTORNEY


P.O. Box 909

Winnemucca, Nevada 89446

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

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

DATED this 18th day of Aug., 2014, in the City of Winnemucca, County of Humboldt, State of Nevada:


DISTRICT JUDGE

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the Humboldt County District Attorney's Office, and that on the 19 day of August, 2014, I delivered at Winnemucca, Nevada, by the following means, a copy of the JUDGMENT OF CONVICTION to:

Sherburne Macfarlan
919 Idaho Street
Elko, NV 89801

- (xx) U.S. Mail
() Certified Mail
() Hand-delivered
() Placed in box at DCT
() Via Fax

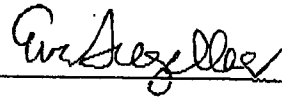


Exhibit 2

Exhibit 2

11-11-11

2017 DEC 18 AM 11:06

ESTATE OF NEVADA
COURT CLERK

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

THE STATE OF NEVADA,

Plaintiff

vs.

GRAVELLE, TERESA

Defendant

Case No. CR12-6043

Department No. 1

PETITION AND ORDER HONORABLY DISCHARGING PROBATIONER

To the Honorable Judge Michael R. Montero, of the Sixth Judicial District Court of the State of Nevada, in and for the County of Humboldt, the Undersigned Chief Probation Officer for the State of Nevada now reports as follows concerning the above Defendant: Said Defendant was placed on probation by order of the Court for a term of 60 months, said Order being dated the 7th day of July, 2014. Said Probationer has satisfactorily completed all of the conditions of probation or has demonstrated fitness for honorable discharge, but because of economic hardship, verified by the Division, has been unable to make restitution as ordered by the court.

THEREFORE, the undersigned petitions and recommends that said Probationer be Honorably discharged and released from further supervision in accordance with NRS 176A.850.

Pursuant to NRS 239B.030, the undersigned hereby affirms this document does not contain the social security number of any person. Attached are documents explaining restoration of Civil Rights and Sealing of records.

Dated this 8th day of December, 2017.

Natalie A. Wood, Chief Parole and Probation Officer

ORDER HONORABLY DISCHARGING PROBATIONER
In accordance with NRS 176A.850

In this cause it appearing that the above-named Defendant was heretofore placed on probation under the Chief Parole and Probation Officer of the State of Nevada, and it further appearing from the petition of said Probation Officer that the period of such probation expires upon Judge's signature.

IT IS HEREBY ORDERED that said Probationer be honorably discharged from said probation.

Dated this 18th day of Dec, 2017



Michael R. Montero, District Judge

Exhibit 3

Exhibit 3

CR 12-6043

State of Nevada vs. Teresa Gravella

Judge: Michael R. Montero

Clerk: Elisha Formby

SEPTEMBER 20, 2018

STATUS HEARING

PRESENT: Anthony Gordon, Deputy District Attorney. Steve Lucas, present with counsel John Doyle. Bryan Waters, Division of Parole and Probation.

Gordon stated that the Defendant has already been honorably discharged from probation and the Defendant signed a Civil Confession of Judgment.

Doyle sent a letter to the District Attorney and the Court regarding this unpaid restitution still owing by the Defendant. Doyle also stated that the letter was sent to Natalie Woods, Chief Parole and Probation Officer and requested that she be present for today's hearing and she is not here, as well as Kevin Pasqaule, Chief Deputy DA who is also not present. Woods was the Officer that released the Defendant from probation knowing that the Defendant still owed \$22,000 in restitution. The Court directed the Clerk of the Court to mark, letter from John M. Doyle as Court's Exhibit C-1. The Court asked for any objections to Doyle reading the letter in open court. No objections. Doyle reads letter.

Bryan Waters, Parole and Probation Officer, duly sworn and testified under the direct examination of Gordon. Waters stated the Defendant was honorably discharged from probation with restitution still owing because the Defendant was experiences financial hardship. Cross by Doyle. Waters answered questions put to him by the Court. Re-direct by Gordon. Re-cross by Doyle.

Jason Harp, Parole and Probation Officer of Elko County, duly sworn and testified under the direct examination of Gordon. Cross by Doyle. Harp answered questions put to him by the Court. Discussion ensued about the Defendants adjusted date.

The Court explains that AS400 computer showed that the restitution amount was 0, that Court was later advised that the restitution was at one time collected by the District Attorney's Office and now is collected through the Treasurer's Office. The Court is unable to find a way to remedy this issue as the balanced appeared to be 0. The Court was not the initial Judge on this case. The Court did not become involved until the signing of the Order Discharging from Probation. The Court is concerned that Pasqaule and Ms. Woods are not here today. The Court is inclined to consider a dishonorable discharged from probation. The Court directed the State to calendar that hearing with his staff and be sure that Pasqaule and the Defendant are noticed. The Court is inclined to also revisit the Defendant's financial hardship at that hearing.

Doyle understands the Courts order but dishonorably discharging the Defendant does not do Mr. Lucas any good. There has been fraud perpetrated on the Court in this case. Doyle motioned the Court to rescind Order Honorably Discharging Probationer and place the Defendant back on probation.

The Court stated he hears what Doyle is requesting, the relief needs to come from the State. Mr. Doyle and his client are not a party to this case.

Exhibit 4

Exhibit 4

1 CASE NO. CR 12-6043

2 DEPT. NO. 2

FILED

2019 MAY 10 AM 10:45

TAMI RAE SPERO
DIST. COURT CLERK

3
4
5
6
7 IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
8 IN AND FOR THE COUNTY OF HUMBOLDT

-o0o-

9
10 STATE OF NEVADA,

11 Plaintiff,

12 vs

ORDER

13 TERESA ANN GRAVELLE,

14 Defendant. /

15 On December 18, 2017, this Court signed an Order discharging Defendant, Teresa
16 Ann Gravelle from probation. This Court was under the false impression that Defendant
17 had satisfied her probation condition which required her to pay all restitution owed. The
18 Court's false impression was initially created after a review of a *Case File Update* provided
19 by the Court's docket log system indicating that no restitution was owed. (See attached:
20 Exhibit 1). This false belief was further confirmed by a lack of factual input from the
21 Department of Parole and Probation and Humboldt County District Attorney's Office.

22 It was not until the Department of Parole and Probation submitted a *Civil Confession*
23 *of Judgment* for this Court's approval on or about March 30, 2018, that this Court was
24

1 made aware that Defendant had failed to pay the entire amount of restitution owed to the
2 victim, Lucas Livestock, and specifically, that such a substantial amount, \$22,700, was still
3 owed. In the *Petition for Honorable Discharge*, submitted by Natalie A. Wood, Chief
4 Parole and Probation Officer, it was alleged that Defendant had “satisfactorily completed
5 all of the conditions of probation or ha[d] demonstrated fitness for honorable discharge,
6 but because of economic hardship, verified by the Division, ha[d] been unable to make
7 restitution as ordered by the court.” (emphasis added).

8 Prior to realignment of the judicial districts, this matter had previously been
9 assigned to Judge Wagner, and consequently, this Court was unfamiliar with the procedural
10 history of the case, the significance of the restitution still owed, or the status of the
11 Defendant’s payments. Defendant’s alleged “economic hardship” was inconsistent with
12 this Court’s incorrect impression that restitution had been paid in full. Nonetheless, this
13 Court signed the *Order* discharging Defendant from probation because the “stock”
14 language of the *Petition for Honorable Discharge* indicated that Defendant had completed
15 all conditions of probation, which was an assertion consistent with this Court’s docket log
16 system.

17 In an effort to clear this matter up, and at the request of the victim, this Court held
18 a Status Hearing on September 20, 2018. At the hearing, this Court affirmed its prior
19 discovery that Defendant still owed approximately \$22,700 in restitution. Victim’s
20 Counsel, in a letter admitted into evidence, also indicated that he had spoken with and Chief
21 Deputy District Attorney, Kevin Pasquale about this matter. However, on September 20,
22 2018, the State was represented by Deputy District Attorney Anthony Gordon, not Mr.
23
24

1 Pasquale. Further inhibiting the proceeding was the absence of Ms. Wood on behalf of the
2 Department of Parole and Probation, who had submitted the *Petition for Honorable*
3 *Discharge*.

4 As a result of the evidence presented to the Court on September 20, 2018, as well
5 as the failure to have persons with knowledge of the details of this case present, the State
6 was directed to calendar a hearing in which the Defendant and Chief Deputy District
7 Attorney, Kevin Pasquale were noticed to appear. (See attached: Exhibit 2). As of the date
8 of this **ORDER**, the State has taken no action.

9 "Failure to comply with the terms of an order for restitution is a violation of a
10 condition of probation." NEV. REV. STAT. 176A.430(6). However, if a defendant fails to
11 pay restitution because of "economic hardship," the violation of the condition of probation
12 may be excusable. NEV. REV. STAT. 176A.430(6). Because of this Court's prior
13 understanding of the status of the unpaid restitution, this Court never reached a conclusion
14 as to Defendant's ability to pay restitution in full. Defendant is entitled to a hearing to show
15 the existence of such a hardship prior to being released from probation. NEV. REV. STAT.
16 176A.430(6).

17 Therefore, this Court **VACATES** its December 18, 2017, *Order Honorably*
18 *Discharging Probationer* on account of the incomplete information provided to the Court
19 by the State and the Department of Parole and Probation regarding restitution and
20 Defendant's ability to pay.

21 Because the State has failed to follow this Court's instructions to schedule a hearing,
22 this Court, *sua sponte* set this matter for a hearing on May 29, 2019. However, this Court
23
24

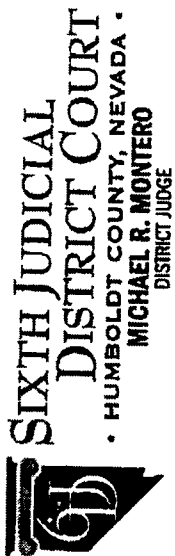
1 now VACATES that hearing. Any further proceedings regarding Defendant's
2 reinstatement of probation shall be scheduled by the parties.

3 The State is **HEREBY NOTICED** of its responsibilities under Article 1, Section
4 8A, of the Constitution of the State of Nevada. Specifically, the State must inform victims
5 of the rights enumerated in Section 8A, including, and most importantly here, providing
6 notice of public proceedings to the victims of crimes. NEV. CONST. art. 1, § 8A.

7 IT IS SO ORDERED.

8 DATED: May 10, 2019.

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



CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Honorable Michael R. Montero, District Court Judge, Sixth Judicial District Court and am not a party to, nor interested in, this action; and that on May 10, 2019, I caused to be served a true and correct copy of the enclosed **ORDER** upon the following parties:

Kevin Pasquale
Humboldt County Deputy District Attorney
P.O. Box 909
Winnemucca, NV 89446
Hand-delivered to Humboldt County Courthouse, DCT Box

John M. Doyle
P.O. Box 1190
Winnemucca, NV 86446
Via U.S. Mail

Natalie A. Wood
Chief Parole and Probation Officer
1445 Old Hot Springs Road, Ste. 104
Carson City, Nevada 89701
Via U.S. Mail

Teresa Gravelle
C/O Humboldt County District Attorney
P.O. Box 909
Winnemucca, NV 89446
Hand-delivered to Humboldt County Courthouse, DCT Box

Teresa Gravelle
C/O Department of Parole and Probation
Winnemucca Nevada 89445
Hand-delivered to Humboldt County Courthouse, DCT Box

SHANE M. BELL
LAW CLERK

Exhibit 5

Exhibit 5

1 Case No. CR 12-6043

2 Dept No. 2

3 This document does not contain
4 Social Security Numbers

FILED

2019 AUG 26 PM 3:14

TAMI RAE SMITH
DIST. COURT CLERK

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

8 -oOo-

9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

12 TERESA ANN GRAVELLE,


13 Defendant. /

DEFENDANT'S MOTION TO
DISCHARGE FROM PROBATION

14 COMES NOW, the Defendant, TERESA ANN GRAVELLE, by and through her attorneys,
15 MILLER LAW, INC. and RENDAL B MILLER, ESQ., and hereby moves the Court to Discharge
16 Defendant from probation. This motion is based on the following Points and Authorities:

17 DATED this 26 day of August, 2019.

18 MILLER LAW, INC.

19 
20 RENDAL B. MILLER, ESQ.
21 Attorney for TERESA ANN GRAVELLE
22 Nevada Bar No. 12257
23 115 West 5th Street, Box 7
24 Winnemucca, Nevada 89445
25 775-623-5000
26
27
28

1 POINTS AND AUTHORITIES

2 Defendant was convicted of embezzlement and sentenced to sixty (60) months of probation
3 on July 7, 2014 and ordered to make restitution payments to Lucas Livestock. Exhibit 1.

4 On December 15, 2014, a status hearing was held regarding the \$30,000.00 initial restitution
5 payment. On December 23, 2014, an Order Modifying Terms of Probation was filed. Exhibit 2.
6 This order ordered the Defendant to transfer a parcel of land in Paradise Valley, Nevada to the
7 Steve Lucas that was valued at \$15,000.00. The transferring of this parcel would be credited to the
8 Defendant as a restitution payment along with a payment of \$10,000.00 and monthly payments of
9 \$1,500.00 would continue until the restitution of \$65,000.00 was paid in full.

10 A Petition and Order Honorably Discharging Probationer was signed and filed with his
11 court on December 18, 2017. This petition and order states, "The Probationer has satisfactorily
12 completed all of the conditions of probation or has demonstrated fitness for honorable discharge,
13 but because of economic hardship, verified by the Division, has been unable to make restitution as
14 ordered by the court." Exhibit 3.

15 On April 4, 2018, A Civil Confession of Judgment was signed and filed with this court
16 regarding the unpaid restitution. It was ordered by the District Judge of this court that a civil
17 judgment was awarded against the Defendant in favor of Lucas Livestock. Exhibit 4.

18 On September 20, 2018, a Status hearing held and was requested by the victim of this case.
19 Exhibit 5.

20 On May 10, 2019, an Order was filed by the District Court Judge vacating the Order
21 Honorably Discharging Probationer. Exhibit 6.

22 LEGAL ARGUMENT

23 Pursuant to NRS 176A.430(6):

24 "Failure to comply with the terms of an order for restitution is a violation of a
25 condition of probation or suspension of sentence unless the defendant's failure was
26 // caused by economic hardship resulting in his or her inability to pay the amount due.
27 // The defendant is entitled to a hearing to show the existence of such a hardship."
28 //

1 Pursuant to NRS 176A.850(1)(c):

2 "Has demonstrated fitness for honorable discharge but because of economic
3 hardship, verified by the Division, has been unable to make restitution as ordered
4 by the court, may be granted an honorable discharge from probation by order of the
court."

5 Because of the Defendant's financial hardship, the Defendant was unable to make the rest
6 of the restitution payments which was verified by the Division of Parole and Probation.

7 Additionally, the Judgment of Conviction filed on August 19, 2014 states the Defendant be
8 placed on probation for a term of sixty (60) months. The time for the Defendant to be on probation
9 as expired.

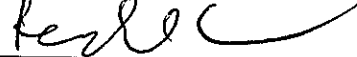
10 WHEREFORE, Defendant prays for an Order of this Court as follows:

11 **First.** That the Defendant be honorably discharged from probation;

12 **Second.** For such other and further relief as to the Court may appear just and proper.

13 DATED this 26 day of August, 2019.

14 MILLER LAW, INC.

15 

16 RENDAL B MILLER, ESQ.

17 Attorney for TERESA ANN GRAVELLE

18 Nevada Bar No. 12257

19 115 West Fifth Street, Box 7

20 Winnemucca, Nevada 89445

21 775-623-5000

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

VERIFICATION

STATE OF NEVADA)
):ss
COUNTY OF HUMBOLDT)

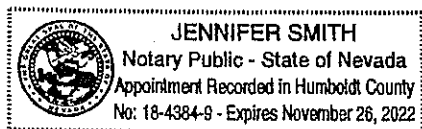
I, TERESA ANN GRAVELLE, an individual and Defendant herein, being first duly sworn,
deposes and says:

That I am the Defendant in the above entitled action, that I have read the foregoing Motion
to Dismiss and know the contents thereof, that the same is true of my knowledge, except those
matters therein stated on information or belief, and that as to those matters, I believe them to be
true.


TERESA ANN GRAVELLE

SUBSCRIBED AND SWORN to before me, a notary public, this 27 day of August, 2019,
by TERESA ANN GRAVELLE.


NOTARY PUBLIC



CERTIFICATE OF MAILING

I, SAMANTHA DRAPER, hereby certify that I am a legal assistant of RENDAL B. MILLER, and that on the 28 day of August, 2019, I placed a true and correct copy of the foregoing or attached document in District Attorney's box at the Clerk's office, entitled MOTION TO DISMISS to:

Humboldt County District Attorney
PO Box 909
Winnemucca, Nevada 89446

DATED this 28 day of August, 2019.



SAMANTHA DRAPER

Exhibit 1

Exhibit 1

0 047

Case No. CR12-6043

Dept. No. 1

FILED

AUG 19 2014

TAMI RAE SPERO
DIST. COURT CLERK

[Signature]

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

TERESA GRAVELLE
DOB: 08/15/1955

Defendant. /

WHEREAS, on the 18th day of March, 2014, the Defendant entered her plea of guilty to the charge of COUNT I-EMBEZZLEMENT, a Category C Felony, COUNT II-CONSPIRACY TO COMMIT EMBEZZLEMENT, a Gross Misdemeanor, and the matter having been submitted before the Honorable Judge Richard A. Wagner.

At the time Defendant entered the plea of guilty, this Court informed the Defendant of the privilege against compulsory self-incrimination, the right to a speedy trial, the right to a trial by jury, the right to compulsory process to compel witnesses to testify on behalf of the Defendant and the right to confront the accusers. That after being so advised, the

0 048

1 Defendant stated that these rights were understood and still
2 desired this Court to accept the plea of guilty.

3 The Court having accepted Defendant's plea of guilty, set
4 the date of the 7th day of July, 2014, at the hour of 9:30 a.m.
5 as the date and time for imposing judgment and sentence.
6

7 Furthermore, at the time Defendant entered the plea of
8 guilty and at the time of sentencing, Defendant was represented
9 by attorney, SHERBURNE MACFARLAN; also present in Court were
10 TAMI RAE SPERO, Humboldt County Court Clerk or her designated
11 agent; ED KILGORE, Sheriff of Humboldt County or his designated
12 agent; BRYAN WATERS, representing the Division of Parole and
13 Probation; and RICHARD HAAS, Deputy District Attorney
14 representing the State of Nevada.
15

16 The Defendant having appeared on the 7th day of July, 2014,
17 represented by counsel and Defendant having been given the
18 opportunity to exercise the right of allocution and having shown
19 no legal cause why judgment should not be pronounced at this
20 time.

21 The above-entitled Court having pronounced Teresa Ann
22 Gravelle guilty of COUNT I-EMBEZZLEMENT, a Category C Felony, in
23 violation of NRS 205.300.
24

25 The Defendant was thereby ordered by the Court to serve for
26 COUNT I-EMBEZZLEMENT, a maximum of thirty-two (32) months, but
27 no less than twelve (12) months in the Nevada Department of
28 Corrections, said sentence is suspended and Defendant is placed

on probation for a term of sixty (60) months with the following special conditions:

1. That the Defendant submit to a search of the Defendant's person, property, vehicle, residence or any area and /or things under the defendant's control, at any time of the day or night without a warrant, for evidence of any crime or evidence of any violation of probation by a Parole and Probation Officer or Peace Officer acting under their direction during the entire term of the Defendant's probation;
2. That the Defendant pay the outstanding balance of restitution, in the amount of \$65,000.00, payable through the Humboldt County District Attorney's Office, in monthly payments of no less than \$1,500.00;
3. That the Defendant make a payment of \$30,000.00, within 90 days of her probation grant. If the Defendant fails to make this payment a Status Hearing will be set up so Defendant can explain why she has not made her payment;
4. That if the Defendant fails to pay her restitution as ordered than the Defendant will be violating her probation grant and it will be reported as a violation of probation;
5. The Defendant must, pursuant to NRS 176.0913, submit a biological specimen under the direction of the Division of Parole and Probation to determine the Defendant's

genetic markers. Further, pursuant to NRS 176.0915, in addition to any other penalty, the Defendant must pay a \$150 DNA fee, payable to the Humboldt County Clerk of the Court, and may not be deducted from any other fines or fees imposed by the Court, to be paid within 90 days of Defendant's probation grant;

6. That the Defendant pay a \$25 administrative assessment fee pursuant to NRS 176.062 and a \$3 DNA collection fee, payable to the Humboldt County Clerk of the Court, to be paid within 30 days of Defendant's probation grant.

COUNT II-CONSPIRACY TO COMMIT EMBEZZLEMENT, a Gross Misdemeanor, in violation of NRS 193.330 and NRS 205.300, was dismissed by the Court at the time of sentencing pursuant to the Guilty Plea Agreement filed on March 6, 2013.

Furthermore, bail, if any, is hereby exonerated.

Sherburne Macfarlan, represented the Defendant during all stages of the proceedings;

Richard Haas, Deputy District Attorney, represented the State of Nevada at all stages of these proceedings.

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

//

//

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

4 DATED this 18th day of Aug., 2014, in the
5 City of Winnemucca, County of Humboldt, State of Nevada:

6 
7
8 DISTRICT JUDGE
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the Humboldt County District Attorney's Office, and that on the 19 day of August, 2014, I delivered at Winnemucca, Nevada, by the following means, a copy of the JUDGMENT OF CONVICTION to:

Sherburne Macfarlan
919 Idaho Street
Elko, NV 89801

- (xx) U.S. Mail
() Certified Mail
() Hand-delivered
() Placed in box at DCT
() Via Fax

W. Seizell

Exhibit 2

Exhibit 2

Page 8 of 054

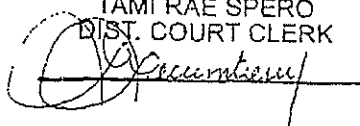
Case No. CR12-6043

Dept. No. I

FILED

DEC 23 2014

TAMI RAE SPERO
DIST. COURT CLERK



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

-oOo-

THE STATE OF NEVADA,

Plaintiff,

vs.

ORDER MODIFYING
TERMS OF PROBATION

TERESA GRAVELLE,

Defendant. /

WHEREAS, on the 15th day of December, 2014, a Status Hearing was heard before the Honorable Richard A. Wagner to consider the failure of the Defendant to pay \$30,000 (from a total of \$65,000 owed) in restitution within the first 90 days of her original probation grant (with a \$1,500/monthly restitution schedule for the remaining balance of \$35,000).

The Court having heard from counsel in this matter and having considered the request of the victim that is owed the above-mentioned restitution and good cause appearing therefore:

1 It is hereby ORDERED that the Defendant's original
2 probation be modified as follows:

3 1. In lieu of paying \$30,000 in restitution during
4 the first 90 days of probation, she shall be given credit for
5 \$10,000 in restitution made in addition to payments made
6 pursuant to her payment schedule and shall receive an additional
7 credit of \$15,000 in exchange for transferring a known parcel of
8 land located in Paradise Valley, Humboldt County, Nevada, to
9 Steve Lucas.
10

11 It is further ordered that the Defendant's
12 \$1,500/month payment schedule shall be extended until such time
13 as the complete amount of restitution has been paid.

14 DATED this 22nd day of December, 2014, in the
15 City of Winnemucca, County of Humboldt, State of Nevada.
16

17
18 
19 DISTRICT JUDGE
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

Pursuant to NRCp 5(b), I certify that I am an employee of the Humboldt County District Attorney's Office, and that on this date I deposited for mailing at Winnemucca, Nevada, a true copy of the ORDER to:

RENDAL MILLER
115 W. Fifth Street
Winnemucca, NV 89445
(via DCT box)

JOHN DOYLE
Attorney at Law
PO Box 1190
Winnemucca, NV 89446
(via U.S. mail)

[Handwritten signature]

HUMBOLDT COUNTY DISTRICT ATTORNEY
P.O. Box 909
Winnemucca, Nevada 89446

Exhibit 3

Exhibit 3

FILED

2017 DEC 18 AM 11:06

TAMI RAE SPENCER
STATE OF NEVADA
COURT CLERK

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

THE STATE OF NEVADA,

Plaintiff

vs.

GRAVELLE, TERESA

Defendant

Case No. CR12-6043

Department No. 1

PETITION AND ORDER HONORABLY DISCHARGING PROBATIONER

To the Honorable Judge Michael R. Montero, of the Sixth Judicial District Court of the State of Nevada, in and for the County of Humboldt, the Undersigned Chief Probation Officer for the State of Nevada now reports as follows concerning the above Defendant: Said Defendant was placed on probation by order of the Court for a term of 60 months, said Order being dated the 7th day of July, 2014. Said Probationer has satisfactorily completed all of the conditions of probation or has demonstrated fitness for honorable discharge, but because of economic hardship, verified by the Division, has been unable to make restitution as ordered by the court.

THEREFORE, the undersigned petitions and recommends that said Probationer be Honorably discharged and released from further supervision in accordance with NRS 176A.850.

Pursuant to NRS 239B.030, the undersigned hereby affirms this document does not contain the social security number of any person. Attached are documents explaining restoration of Civil Rights and Sealing of records.

Dated this 8th day of December, 2017.


Natalie A. Wood, Chief Parole and Probation Officer

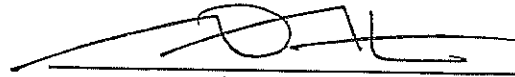
ORDER HONORABLY DISCHARGING PROBATIONER

In accordance with NRS 176A.850

In this cause it appearing that the above-named Defendant was heretofore placed on probation under the Chief Parole and Probation Officer of the State of Nevada, and it further appearing from the petition of said Probation Officer that the period of such probation expires upon Judge's signature.

IT IS HEREBY ORDERED that said Probationer be honorably discharged from said probation.

Dated this 18th day of Dec, 2017



Michael R. Montero, District Judge



DIVISION OF PAROLE AND PROBATION

HEADQUARTERS
1445 Old Hot Springs Road, Suite 104
Carson City, NV 89706

December 08, 2017

Teresa Gravelle
4575 WESTMORELAND
WINNEMUCCA, NV 89445

Case Number: CR12-6043
Re: Outstanding Financial Obligations
BIN Number: 1003387231

Mr. or Mrs. GRAVELLE:

You discharged/expired your term on . Your remaining unpaid balance due and payable within 30 days from the date of this letter is listed below:

Supervision Fees:	\$0.00
House Arrest:	\$0.00
Drug Test:	\$0.00
Psych Test:	\$0.00
Extradition:	\$0.00
DNA fee:	\$0.00
Total Amount Due:	\$0.00

Please remit payment in the form of a Money Order, Cashier's Check, or personal check made payable to: Division of Parole and Probation. Do not leave the payee line or the "Pay to the Order of" line blank. Alternatively, you may pay by e-check by calling (775) 684-2614 during the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday (closed on all public holidays). Please have your bank account and routing number available. Do not make payments with cash. Keep a copy of your payment for your records. Print your name and BIN number under your signature for proper identification.

Mail your payment to:

Division of Parole and Probation
1445 Old Hot Springs Rd., # 104
Carson City, NV 89706

If the above total amount is not received by the Division of Parole and Probation within 30 days from the date of this letter, your account will be turned over to the State Controller and/or an independent collection agency as allowed by Nevada Revised Statutes (NRS) Chapter 353C. In addition, pursuant to NRS 353C.135, a collection agency may charge collection costs and fees up to 35% of the debt owed or \$50,000.00, which ever is less.

This is your final notice from the Division of Parole and Probation.

Respectfully,

Nevada Division of Parole & Probation
Fiscal Services

0061

DISCHARGE

NRS 176A.850 Honorable discharge from probation: When granted; restoration of civil rights; effect; documentation.

- 1) A person who:
 - a) Has fulfilled the conditions of probation for the entire period thereof;
 - b) Is recommended for earlier discharge by the Division; or
 - c) Has demonstrated fitness for honorable discharge but because of economic hardship, verified by the Division, has been unable to make restitution as ordered by the court,
 - i) may be granted an honorable discharge from probation by order of the court.
- 2) Any amount of restitution remaining unpaid constitutes a civil liability arising upon the date of discharge.
- 3) Except as otherwise provided in subsection 4, a person who has been honorably discharged from probation:
 - a) Is free from the terms and conditions of probation.
 - b) Is immediately restored to the following civil rights:
 - i) The right to vote; and
 - ii) The right to serve as a juror in a civil action.
 - c) Four years after the date of honorable discharge from probation, is restored to the right to hold office.
 - d) Six years after the date of honorable discharge from probation, is restored to the right to serve as a juror in a criminal action.
 - e) If the person meets the requirements of NRS 179.245, may apply to the court for the sealing of records relating to the conviction.
 - f) Must be informed of the provisions of this section and NRS 179.245 in the person's probation papers.
 - g) Is exempt from the requirements of chapter 179C of NRS, but is not exempt from the requirements of chapter 179D of NRS.
 - h) Shall disclose the conviction to a gaming establishment and to the State and its agencies, departments, boards, commissions and political subdivisions, if required in an application for employment, license or other permit. As used in this paragraph, "establishment" has the meaning ascribed to it in NRS 463.0148.
 - i) Except as otherwise provided in paragraph (h), need not disclose the conviction to an employer or prospective employer.
- 4) Except as otherwise provided in this subsection, the civil rights set forth in subsection 3 are not restored to a person honorably discharged from probation if the person has previously been convicted in this State:
 - a) Of a category A felony.
 - b) Of an offense that would constitute a category A felony if committed as of the date of the honorable discharge from probation.
 - c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.
 - d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of honorable discharge from probation.
 - e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

- i) A person described in this subsection may petition a court of competent jurisdiction for an order granting the restoration of civil rights as set forth in subsection 3.
- 5) The prior conviction of a person who has been honorably discharged from probation may be used for purposes of impeachment. In any subsequent prosecution of the person, the prior conviction may be pleaded and proved if otherwise admissible.
- 6) Except for a person subject to the limitations set forth in subsection 4, upon honorable discharge from probation, the person so discharged must be given an official document which provides:
 - a) That the person has received an honorable discharge from probation;
 - b) That the person has been restored to his or her civil rights to vote and to serve as a juror in a civil action as of the date of honorable discharge from probation;
 - c) The date on which the person's civil right to hold office will be restored pursuant to paragraph (c) of subsection 3; and
 - d) The date on which the person's civil right to serve as a juror in a criminal action will be restored pursuant to paragraph (d) of subsection 3.
- 7) Subject to the limitations set forth in subsection 4, a person who has been honorably discharged from probation in this State or elsewhere and whose official documentation of honorable discharge from probation is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore the person's civil rights pursuant to this section. Upon verification that the person has been honorably discharged from probation and is eligible to be restored to the civil rights set forth in subsection 3, the court shall issue an order restoring the person to the civil rights set forth in subsection 3. A person must not be required to pay a fee to receive such an order.
- 8) A person who has been honorably discharged from probation in this State or elsewhere may present:
 - a) Official documentation of honorable discharge from probation, if it contains the provisions set forth in subsection 6; or
 - b) A court order restoring the person's civil rights,
 - i) as proof that the person has been restored to the civil rights set forth in subsection 3.
 - c) (Added to NRS by 1967, 1436; A 1989, 1983; 1993, 1517; 1997, 1672; 2001, 1639, 1690; 2003, 67, 2685; 2005, 81, 2354)

Sealing of Records

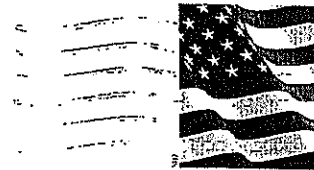
NRS 179.245 Sealing records after conviction: Persons eligible; petition; notice; hearing; order.

- 1) Except as otherwise provided in subsection 5 and NRS 176A.265, 176A.295, 179.259, 453.3365 and 458.330, a person may petition the court in which the person was convicted for the sealing of all records relating to a conviction of:
 - a) A category A or B felony after 15 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;
 - b) A category C or D felony after 12 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;
 - c) A category E felony after 7 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;
 - d) Any gross misdemeanor after 7 years from the date of release from actual custody or discharge from probation, whichever occurs later;
 - e) A violation of NRS 484C.110 or 484C.120 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later; or
 - f) Any other misdemeanor after 2 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later.
 - 2) A petition filed pursuant to subsection 1 must:
 - a) Be accompanied by current, verified records of the petitioner's criminal history received from:
 - i) The Central Repository for Nevada Records of Criminal History; and
 - ii) The local law enforcement agency of the city or county in which the conviction was entered;
 - b) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and
 - c) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed.
 - 3) Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and:
 - a) If the person was convicted in a district court or justice court, the prosecuting attorney for the county; or
 - b) If the person was convicted in a municipal court, the prosecuting attorney for the city.
- *The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.*
- 4) If, after the hearing, the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of the court, of another court in the State of Nevada or of a public or private agency, company or official in the State of Nevada, and may also order all such criminal identification records of the petitioner returned to the file of the court where the proceeding was commenced from, including, but not limited to, the Federal Bureau of Investigation, the California Bureau of Criminal Identification and Information, sheriffs' offices and all other law enforcement agencies reasonably known by either the petitioner or the court to have possession of such records.
 - 5) A person may not petition the court to seal records relating to a conviction of a crime against a child or a sexual offense.
 - 6) If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.

7) As used in this section:

- a) "Crime against a child" has the meaning ascribed to it in NRS 179D.0357.
- b) "Sexual offense" means:
 - i) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.
 - c) Sexual assault pursuant to NRS 200.366.
 - d) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.
 - e) Battery with intent to commit sexual assault pursuant to NRS 200.400.
 - f) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.
 - g) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.
 - h) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.
 - i) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.
 - j) Incest pursuant to NRS 201.180.
 - k) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.
 - l) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.
 - m) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.
 - n) Lewdness with a child pursuant to NRS 201.230.
 - o) Sexual penetration of a dead human body pursuant to NRS 201.450.
 - p) Luring a child or a person with mental illness pursuant to NRS 201.560, if punishable as a felony.
 - q) An attempt to commit an offense listed in subparagraphs (1) to (15), inclusive.
- 8) (Added to NRS by 1971, 955; A 1983, 1088; 1991, 303; 1993, 38; 1997, 1673, 1803, 3159; 1999, 647, 648, 649; 2001, 1167, 1692; 2001 Special Session, 261; 2003, 312, 316, 319, 1385; 2005, 2355; 2007, 2751; 2009, 105, 418, 1884)

Parole and Probation
Reception Way #5
Winnemucca, NV 89445



Teresa Gravelle
4575 Westmoreland
Winnemucca, NV 89445

8944588037 H004

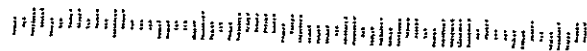


Exhibit 4

Exhibit 4

8 067

FILED

Case No. CR12-6043

2018 APR -4 AM 10:44

Dept. No. II

SAE SPERO
COURT CLERK

E. J. M. L.

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

THE STATE OF NEVADA

Plaintiff,

CIVIL CONFESSION OF JUDGMENT

vs.

TERESA ANN GRAVELLE

Defendant

TERESA ANN GRAVELLE, hereby authorizes the entry of a Civil Judgment against her in the above-entitled action in the amount of \$22,700.00, and costs, to Lucas Livestock, the victim in this case. The sum represents the balance currently owed on the Judgment entered July 7, 2014, ordering restitution in the criminal proceedings entitled the State of Nevada in and for the County of Humboldt vs. Teresa Ann Gravelle.

TERESA ANN GRAVELLE, admits that the total sum confessed is justly due to the victim in this matter. The sum confessed represents monies owed to Lucas Livestock as a result of the actions of the Defendant.

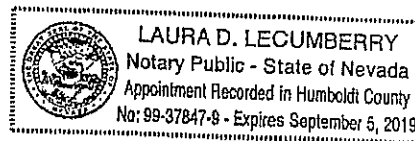
DATED THIS 30 DAY OF March, 2018.

By *Teresa Gravelle*
Teresa Ann Gravelle, Defendant

State of Nevada,
County of Humboldt

SUBSCRIBED and SWORN
to before me, a Notary Public,
this 30th day of March, 2018.

Laura D. Lecumberry
NOTARY PUBLIC



1 IT IS HEREBY ORDERED that a Civil Judgment is awarded against the Defendant, Teresa Ann
2 Gravelle, and in favor of Lucas Livestock, the victim in this matter, in the amount of
3 \$ 22,700.⁰⁰, and costs.

4
5 DATED THIS 4th DAY OF April, 2018.

6
7 
8 MICHAEL R. MONTERO, District Judge
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit 5

Exhibit 5

8 070

CR 12-6043

State of Nevada vs. Teresa Gravella

Judge: Michael R. Montero

Clerk: Elisha Formby

SEPTEMBER 20, 2018

STATUS HEARING

PRESENT: Anthony Gordon, Deputy District Attorney. Steve Lucas, present with counsel John Doyle. Bryan Waters, Division of Parole and Probation.

Gordon stated that the Defendant has already been honorably discharged from probation and the Defendant signed a Civil Confession of Judgment.

Doyle sent a letter to the District Attorney and the Court regarding this unpaid restitution still owing by the Defendant. Doyle also stated that the letter was sent to Natalie Woods, Chief Parole and Probation Officer and requested that she be present for today's hearing and she is not here, as well as Kevin Pasqaule, Chief Deputy DA who is also not present. Woods was the Officer that released the Defendant from probation knowing that the Defendant still owed \$22,000 in restitution. The Court directed the Clerk of the Court to mark, letter from John M. Doyle as Court's Exhibit C-1. The Court asked for any objections to Doyle reading the letter in open court. No objections. Doyle reads letter.

Bryan Waters, Parole and Probation Officer, duly sworn and testified under the direct examination of Gordon. Waters stated the Defendant was honorably discharged from probation with restitution still owing because the Defendant was experiences financial hardship. Cross by Doyle. Waters answered questions put to him by the Court. Re-direct by Gordon. Re-cross by Doyle.

Jason Harp, Parole and Probation Officer of Elko County, duly sworn and testified under the direct examination of Gordon. Cross by Doyle. Harp answered questions put to him by the Court. Discussion ensued about the Defendants adjusted date.

The Court explains that AS400 computer showed that the restitution amount was 0, that Court was later advised that the restitution was at one time collected by the District Attorney's Office and now is collected through the Treasurer's Office. The Court is unable to find a way to remedy this issue as the balanced appeared to be 0. The Court was not the initial Judge on this case. The Court did not become involved until the signing of the Order Discharging from Probation. The Court is concerned that Pasqaule and Ms. Woods are not here today. The Court is inclined to consider a dishonorable discharged from probation. The Court directed the State to calendar that hearing with his staff and be sure that Pasqaule and the Defendant are noticed. The Court is inclined to also revisit the Defendant's financial hardship at that hearing.

Doyle understands the Courts order but dishonorably discharging the Defendant does not do Mr. Lucas any good. There has been fraud perpetrated on the Court in this case. Doyle motioned the Court to rescind Order Honorably Discharging Probationer and place the Defendant back on probation.

The Court stated he hears what Doyle is requesting, the relief needs to come from the State. Mr. Doyle and his client are not a party to this case.

0 0770

Exhibit 6

Exhibit 6

SIXTH JUDICIAL
DISTRICT COURT
• HUMBOLDT COUNTY, NEVADA •
MICHAEL R. MONTERO
DISTRICT JUDGE

1 CASE NO. CR 12-6043

2 DEPT. NO. 2

FILED

2019 MAY 10 AM 10:45

TAMI RAE SPERO
DIST. COURT CLERK

3
4
5
6
7 IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
8 IN AND FOR THE COUNTY OF HUMBOLDT

-o0o-

9
10 STATE OF NEVADA,

11 Plaintiff,

12 vs

ORDER

13 TERESA ANN GRAVELLE,

14 Defendant. /

15 On December 18, 2017, this Court signed an Order discharging Defendant, Teresa
16 Ann Gravelle from probation. This Court was under the false impression that Defendant
17 had satisfied her probation condition which required her to pay all restitution owed. The
18 Court's false impression was initially created after a review of a *Case File Update* provided
19 by the Court's docket log system indicating that no restitution was owed. (See attached:
20 Exhibit 1). This false belief was further confirmed by a lack of factual input from the
21 Department of Parole and Probation and Humboldt County District Attorney's Office.

22 It was not until the Department of Parole and Probation submitted a *Civil Confession*
23 of Judgment for this Court's approval on or about March 30, 2018, that this Court was
24

1 made aware that Defendant had failed to pay the entire amount of restitution owed to the
2 victim, Lucas Livestock, and specifically, that such a substantial amount, \$22,700, was still
3 owed. In the *Petition for Honorable Discharge*, submitted by Natalie A. Wood, Chief
4 Parole and Probation Officer, it was alleged that Defendant had “satisfactorily completed
5 all of the conditions of probation or ha[d] demonstrated fitness for honorable discharge,
6 but because of economic hardship, verified by the Division, ha[d] been unable to make
7 restitution as ordered by the court.” (emphasis added).

8 Prior to realignment of the judicial districts, this matter had previously been
9 assigned to Judge Wagner, and consequently, this Court was unfamiliar with the procedural
10 history of the case, the significance of the restitution still owed, or the status of the
11 Defendant’s payments. Defendant’s alleged “economic hardship” was inconsistent with
12 this Court’s incorrect impression that restitution had been paid in full. Nonetheless, this
13 Court signed the *Order* discharging Defendant from probation because the “stock”
14 language of the *Petition for Honorable Discharge* indicated that Defendant had completed
15 all conditions of probation, which was an assertion consistent with this Court’s docket log
16 system.

17 In an effort to clear this matter up, and at the request of the victim, this Court held
18 a Status Hearing on September 20, 2018. At the hearing, this Court affirmed its prior
19 discovery that Defendant still owed approximately \$22,700 in restitution. Victim’s
20 Counsel, in a letter admitted into evidence, also indicated that he had spoken with and Chief
21 Deputy District Attorney, Kevin Pasquale about this matter. However, on September 20,
22 2018, the State was represented by Deputy District Attorney Anthony Gordon, not Mr.

1 Pasquale. Further inhibiting the proceeding was the absence of Ms. Wood on behalf of the
2 Department of Parole and Probation, who had submitted the *Petition for Honorable*
3 *Discharge*.

4 As a result of the evidence presented to the Court on September 20, 2018, as well
5 as the failure to have persons with knowledge of the details of this case present, the State
6 was directed to calendar a hearing in which the Defendant and Chief Deputy District
7 Attorney, Kevin Pasquale were noticed to appear. (See attached: Exhibit 2). As of the date
8 of this **ORDER**, the State has taken no action.

9 "Failure to comply with the terms of an order for restitution is a violation of a
10 condition of probation." NEV. REV. STAT. 176A.430(6). However, if a defendant fails to
11 pay restitution because of "economic hardship," the violation of the condition of probation
12 may be excusable. NEV. REV. STAT. 176A.430(6). Because of this Court's prior
13 understanding of the status of the unpaid restitution, this Court never reached a conclusion
14 as to Defendant's ability to pay restitution in full. Defendant is entitled to a hearing to show
15 the existence of such a hardship prior to being released from probation. NEV. REV. STAT.
16 176A.430(6).

17 Therefore, this Court **VACATES** its December 18, 2017, *Order Honorably*
18 *Discharging Probationer* on account of the incomplete information provided to the Court
19 by the State and the Department of Parole and Probation regarding restitution and
20 Defendant's ability to pay.

21 Because the State has failed to follow this Court's instructions to schedule a hearing,
22 this Court, *sua sponte* set this matter for a hearing on May 29, 2019. However, this Court
23
24

1 now VACATES that hearing. Any further proceedings regarding Defendant's
2 reinstatement of probation shall be scheduled by the parties.

3 The State is **HEREBY NOTICED** of its responsibilities under Article 1, Section
4 8A, of the Constitution of the State of Nevada. Specifically, the State must inform victims
5 of the rights enumerated in Section 8A, including, and most importantly here, providing
6 notice of public proceedings to the victims of crimes. NEV. CONST. art. 1, § 8A.

7 IT IS SO ORDERED.

8 DATED: May 10, 2019.

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

SIXTH JUDICIAL
DISTRICT COURT
• HUMBOLDT COUNTY, NEVADA •
MICHAEL R. MONTERO
DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Honorable Michael R. Montero, District Court Judge, Sixth Judicial District Court and am not a party to, nor interested in, this action; and that on May 10, 2019, I caused to be served a true and correct copy of the enclosed **ORDER** upon the following parties:

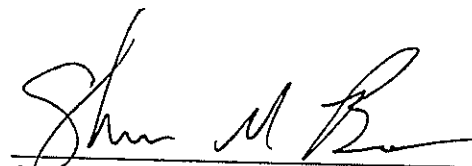
Kevin Pasquale
Humboldt County Deputy District Attorney
P.O. Box 909
Winnemucca, NV 89446
Hand-delivered to Humboldt County Courthouse, DCT Box

John M. Doyle
P.O. Box 1190
Winnemucca, NV 86446
Via U.S. Mail

Natalie A. Wood
Chief Parole and Probation Officer
1445 Old Hot Springs Road, Ste. 104
Carson City, Nevada 89701
Via U.S. Mail

Teresa Gravelle
C/O Humboldt County District Attorney
P.O. Box 909
Winnemucca, NV 89446
Hand-delivered to Humboldt County Courthouse, DCT Box

Teresa Gravelle
C/O Department of Parole and Probation
Winnemucca Nevada 89445
Hand-delivered to Humboldt County Courthouse, DCT Box



SHANE M. BELL
LAW CLERK

Exhibit 6

Exhibit 6

Case No. CR12-6043

Dept. No. 2

FILED

2019 SEP -5 PM 3:13

TAMARA S. S. S.
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.

TERESA ANN GRAVELLE,

Defendant. /

**STATE'S OPPOSITION TO
DEFENDANT'S MOTION TO
DISCHARGE FROM PROBATION**

COMES NOW, the State of Nevada, by and through Kevin Pasquale, Chief Deputy District Attorney for Humboldt County, and opposes the Defendant's Motion to Discharge from Probation in this matter.

This opposition is made and based upon all the papers and pleadings on file herein, the points and authorities submitted herewith, the affidavit supporting this opposition and any testimony and oral argument heard by this Court at the time of hearing of this motion.

DATED this 5 day of September, 2019.



KEVIN PASQUALE
Chief Deputy District Attorney

POINTS AND AUTHORITIES

RELEVANT FACTS

The Defendant herein was convicted of stealing a significant sum of money on August 19, 2014. Pursuant to her conviction she was sentenced to a term of twelve (12) months to thirty-two (32) months in the Nevada Department of Corrections. That sentence was suspended and the Defendant was placed on a formal probation that included (among others) a special condition that she make restitution for the money she stole. Restitution was to be made within the sixty (60) month probationary period that was ordered; and, the Defendant's failure to pay restitution was to be considered a probation violation.


By Order of the Court, the Defendant was Honorably Discharged from probation on December 18, 2017. The Court having entered that Order on the mistaken belief that restitution, if any, had been paid. Subsequently, upon learning that restitution, as ordered, had not been paid, the Court, on May 10, 2019, vacated its previous Order honorably discharging the Defendant from probation thereby re-imposing her probation.

LEGAL AUTHORITY AND ARGUMENT

As of this time, as correctly noted by the Defendant, the original grant of probation for a period of sixty (60) months has expired. Additionally, as conceded by the Defendant, she has failed to pay restitution as ordered, and has thereby violated the terms of her probation grant.

Accordingly, as the Defendant cannot satisfy her requirement to pay restitution within sixty (60) months, as ordered, this Court should revoke her probation (either for failing to meet her restitution requirement or because further probation would be in excess of sixty (60) months) and impose her original sentence.

DATED this 5 day of September, 2019.



KEVIN PASODALE
Chief Deputy District Attorney

AFFIDAVIT

STATE OF NEVADA)
 : ss.
COUNTY OF HUMBOLDT)

KEVIN PASQUALE, being first duly sworn, upon oath, and under penalty of perjury,
deposes and says:

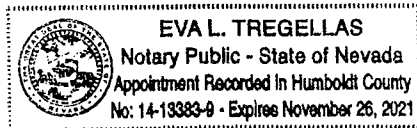
1. That Affiant is an attorney duly licensed in the State of Nevada and is currently the Humboldt County Chief Deputy District Attorney.
2. That the foregoing factual assertions are true and correct based upon information and belief.

DATED this 5 day of September, 2019.



KEVIN PASQUALE

SUBSCRIBED AND SWORN to me on this 5 day of September, 2019.





Notary Public

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the Humboldt County District Attorney's Office, and that on the 5th day of September, 2019, I deposited for mailing at Winnemucca, Nevada, a true copy of the **STATE'S OPPOSITION TO DEFENDANT'S MOTION TO DISCHARGE FROM PROBATION** to:

RENDAL B. MILLER
115 West Fifth Street, Box 7
Winnemucca, Nevada 89445
(Placed in box in DCT)



Exhibit 7

Exhibit 7

1 CASE NO. CR 12-6043

2 DEPT. NO. 2

FILED

2020 AUG 14 PM 3:05

CLERK OF COURT

3
4
5
6
7 IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
8 IN AND FOR THE COUNTY OF HUMBOLDT

-o0o-

9
10 STATE OF NEVADA,

11 Plaintiff,

12 vs.

ORDER

13 TERESA ANN GRAVELLE,


14 Defendant. /

15 Before this Court is the Defendant's, Teresa Ann Gravelle, by and through
16 her attorney, Rendal Miller, Esq., *Motion to Discharge Defendant from Probation*, filed,
17 August 28, 2019. The State of Nevada's Opposition to *Motion to Discharge Defendant*
18 *from Probation*. After reviewing the file and all related filings, the Court finds that no
19 evidence of any new or additional payments on restitution have been provided. The Court
20 further finds that the Division of Parole and Probation have provided no information of
21 efforts to recover the remaining restitution amount.
22
23
24

1 The Court respectfully, **DENIES** the Motion to Discharge Defendant from Probation.

2 **IT IS SO ORDERED.**

3 DATED: August 14th, 2020.

4 
5 _____
6 HONORABLE MICHAEL R. MONTERO
7 DISTRICT JUDGE
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
5
7
8
9

2
3
4
5
6
7
8
9
0
1
2
3
4
5
5
7
8
9

6
7
8

90

2
3

556

Exhibit 8

Exhibit 8

Case No. 22,478
CR 12-6043

Dept No. 2

This document does not contain
Social Security Numbers

FILED
2020 DEC 17 PM 3:21

RECEIVED
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.

PETITION FOR WRIT OF
HABEAS CORPUS

TERESA ANN GRAVELLE,

Defendant. /

COMES NOW, Petitioner, TERESA GRAVELLE, represented by JEFF R. MILLER, ESQ.
and MILLER LAW, INC., and hereby Petitions this court for a Writ of Habeas Corpus.

This Petition is based on the following information as contained within the form provided
in NRS 34.735.

DATED this 17 day of December, 2020.

MILLER LAW, INC.

JEFF R. MILLER, ESQ.
Attorney for TERESA GRAVELLE
Nevada Bar No. 15603
115 West 5th Street, Box 7
Winnemucca, Nevada 89445
775-623-5000

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

2
3
4
5
6

7
8
9
10

12

12

14

15
16
1718
1920
21

22

23

24

25

26

27

28

1 (d) Nolo contendere _____

2 9. If you entered a plea of guilty or guilty but mentally ill to one count of an indictment
3 or information, and a not guilty plea to another count of an indictment or information, or if a plea
4 of guilty or guilty but mentally ill was negotiated, give details: Not Applicable.

5 10. If you were found guilty after a plea of not guilty, was the finding made by: (check
6 one)

7 (a) Jury Not applicable.

8 (b) Judge without a Jury Not applicable.

9 11. Did you testify at the trial? Not applicable.

10 12. Did you appeal from the judgment of conviction? Yes _____ No X

11 13. If you did appeal, answer the following:

12 (a) Name of Court: Not applicable.

13 (b) Case number or citation: Not applicable.

14 (c) Result: Not applicable.

15 (d) Date of Result: Not applicable.

16 (e) Date of Remittitur: Not applicable.

17 14. If you did not appeal, explain briefly why you did not: Petitioner does not challenge
18 the underlying conviction or probationary period; only the legality of the re-imposition of said
19 probation after being once discharged.

20 15. Other than a direct appeal from the judgment of conviction and sentence, have you
21 previously filed any petitions, applications or motions with respect to this judgment in any court,
22 state or federal? Yes X No _____

23 16. If your answer to No. 15 was "yes," give the following information:

24 (a) See below.

25 1. Name of Court: Sixth Judicial District Court

26 2. Nature of proceeding: Motion; Motion denied.

27 3. Grounds raised: 1) impropriety of replacing Petitioner on probation
28 for failure to pay restitution in light of economic hardship, and 2) Illegality of re-imposing probation

1 because said imposition would result in a term of probation lasting longer than five years as limited
2 by NRS 176A.500.

3 4. Did you receive an evidentiary hearing on your petition, application
4 or motion? Yes ___ No X

5 5. Result: Motion denied.

6 6. Date of Result: August 14, 2020.

7 7. If known, citations of any written opinion or date of orders entered
8 pursuant to such result: Order, August 14, 2020 (attached hereto as XII ROA).

9 (b) As to any second petition, application or motion, give the same information:
10 Not applicable.

11 1. Name of court: Not applicable.

12 2. Nature of proceeding: Not applicable.

13 3. Grounds raised: Not applicable.

14 4. Did you receive an evidentiary hearing on your petitioner,
15 application or motion? Not applicable.

16 5. Yes ___ No ___

17 6. Result: Not applicable.

18 7. Date result: Not applicable.

19 8. If known, citations of any written opinion or date orders entered
20 pursuant to such result: Not applicable.

21 (c) As to any third or subsequent additional applications or motions, give the
22 same information as above, list them on a separate sheet and attach. Not applicable.

23 (d) Did you appeal to the highest state or federal court having jurisdiction, the
24 result or action taken on any petition, application or motion? Not applicable.

25 (1) First petition, application or motion? Not applicable.

26 Yes ___ No ___

27 Citation or date of decision: Not applicable.

28 (2) Second petition, application or motion? Not applicable.

Yes___ No___

Citation or date Not applicable.

(3) Third or subsequent petitions, applications or motions?

Yes___ No___

Citation or date of decision: Not applicable.

(e) If you did not appeal from the adverse action of any petition, application or motion, explain briefly why you did not. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 ½ by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.) The Order Petitioner seeks to appeal was entered on May 10, 2019. Petitioner timely moved that court to dismiss the Order, but was subsequently denied. A Petition for Writ of Habeas appears to be the appropriate remedy for such an occurrence.

17. Has any ground being raised in this petition been previously presented to this or any other court by way of petition for habeas corpus, motion, application or any other post-conviction proceeding? If so, identify: Yes, to the Sixth Judicial District Court by way of motion.

(a) Which of the grounds is the same: Both. The re-imposition of probation violates NRS 176A.500 under these facts, and failure to pay restitution is not adequate grounds for such re-imposition.

(b) The proceedings in which these grounds were raised:

(c) Briefly explain why you are again raising these grounds. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 ½ by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.) Petitioner again raises these grounds because the District Court erred in denying Petitioner's motion and represents a manifest injustice. A Petition for Writ of Habeas Corpus to the District Court would be futile because that Court issued the Order Petitioner seeks relief from.

18. If any of the grounds listed in Nos. 23(a), (b), (c) and (d), or listed on any additional pages you have attached were not previously presented in any other court, state or federal, list briefly what grounds were not so presented, and give your reasons for not presenting them. (You

1 must relate specific facts in response to this question. Your response may be included on paper
2 which is 8 ½ by 11 inches attached to the petition. Your response may not exceed five handwritten
3 or typewritten pages in length.) Not Applicable.

4 19. Are you filing this petition more than 1 year following the filing of the judgment of
5 conviction or the filing of a decision on direct appeal? If so, state briefly your reasons for delay.
6 (You must relate specific facts in response to this question. Your response may be included on
7 paper which is 8 ½ by 11 inches attached to the petition. Your response may not exceed five
8 handwritten or typewritten pages in length.) Petitioner submits this Petition approximately six
9 years following the entry of the Judgment of Conviction, and one year since the Order re-imposing
10 probation, because Petitioner had not received notice of the District Court's Order for some time,
11 and when Petitioner did get notice, she motioned the District Court to discharge her. Just over one
12 month has elapsed since the Court denied Petitioner's motion for discharge. Petitioner humbly
13 submits that her Petition in this Court was timely.

14 20. Do you have any petition or appeal now pending in any court, either state or federal,
15 as to the judgment under attack? Yes___ No X

16 21. Give the name of each attorney who represented you in the proceeding resulting in
17 your conviction and on direct appeal: Sherburne Macfarlan Esq. represented Petitioner at trial and
18 sentencing. Miller Law, Inc., and Rendal B. Miller, Esq. have represented Petitioner on these
19 probation matters.

20 22. Do you have any future sentences to serve after you complete the sentence imposed
21 by the judgment under attack? Yes___ No X

22 23. State concisely every ground on which you claim that you are being held unlawfully.
23 Summarize briefly the facts supporting each ground. If necessary you may attach pages stating
24 additional grounds and fact supporting same.

25 (a) GROUND ONE: The re-imposition of probation years after being once
26 honorably discharged is in violation of NRS 176A.500 and is therefore an illegal sentence.

27 (1) Petitioner was found guilty of embezzlement and was sentenced to
28 12-32 months in NDOC, sentence suspended, and was then placed on probation for five years. A

1 special condition of her probation was that she pay restitution in the amount of \$65,000.00, with
2 monthly payments of \$1,500.00, and with \$30,000.00 due within ninety (90) days of being placed
3 on probation.

4 (2) Petitioner made a good faith effort to repay the restitution, resulting
5 in approximately \$43,975.00 being paid to the victim. Petitioner encountered financial hardship,
6 verified by Parole and Probation, and was unable to pay more. Petitioner had otherwise been a
7 model probationer, and was recommended for discharge by Parole and Probation, who also noted
8 that Petitioner had not paid all restitution due to financial hardship; the Court signed the Order on
9 December 18, 2017 and honorably discharged Petitioner.

10 (3) The Court was contacted by the victim on or about April 30, 2018,
11 who requested a status hearing regarding the Defendant's (Petitioner's) ability to pay. The Court
12 did set the hearing, and those in attendance included representatives from the District Attorney's
13 office, Parole and Probation, the victim and his counsel. The Defendant was not noticed, was not
14 present, and was unrepresented at the time. The Court then entered an Order on May 10, 2018,
15 vacating the prior Order to Honorably Discharge Defendant, thereby re-placing Defendant on
16 probation. Furthermore, the Court only noticed Petitioner by sending copies of the Order to Parole
17 and Probation, and to the District Attorney's Office. Defendant had been discharged for nearly one
18 year at this point and was not under the supervision of either organization – one of which is hostile
19 to her interests. It is unclear why the District Court noticed Petitioner in this way.

20 (4) Counsel attempted to resolve the issue with a *Motion to Discharge*
21 *Defendant from Probation*, filed August 28, 2019. In that Motion, Petitioner argued that she should
22 not be re-placed on probation because more than five years had elapsed, and because the Court's
23 error on the issue of restitution should not be the basis of vacating an Order to Discharge.
24 Nevertheless, the Court denied the motion on August 14, 2020, because Defendant had failed to
25 pay restitution.

26 (5) Petitioner will be required to reenter probation on October 15, 2020,
27 and serve an additional one year and seven months, per a telephone conversation with Parole and
28 Probation. By the time Petitioner finishes the new sentence in May of 2022, seven years and nine

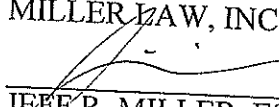
1 months would have elapsed since the entry of her JOC and initial placement on probation in July
2 or August of 2014.

3 (6) Petitioner humbly requests that this court review the argument and
4 procedural history attached hereto as a Memorandum of Points and Authorities. The exhibits
5 attached therein show that the replacement of Petitioner on probation is manifestly unjust and
6 counter to the intent of the legislature.

7 WHEREFORE, Petitioner prays for a Writ of Habeas Corpus, thus releasing Petitioner
8 from the custody of Parole and Probation, as Ordered by this Court.

9 DATED this 17 day of December, 2020.

11 MILLER LAW, INC.

12 
13 JEFF R. MILLER, ESQ.
14 Attorney for TERESA GRAVELLE
15 Nevada Bar No. 15603
16 115 West 5th Street, Box 7
17 Winnemucca, Nevada 89445
18 775-623-5000
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

MEMORANDUM OF POINTS AND AUTHORITIES

Petitioner, Teresa Gravelle, hereby files this Petition for Writ of Habeas Corpus (Postconviction) for relief from an Order issued by this Court. Said Order placed Petitioner on probation for a period of time in excess of the five (5) year limitation for felonies as set forth in NRS 176A.500(1)(b) and therefore constitutes an illegal sentence.

Petitioner was convicted of one count of Embezzlement, a category C felony; the Judgement of Conviction (hereinafter "JOC") was filed on August 19, 2014 under case number CR12-6043, in the Sixth Judicial District Court. See EXHIBIT 1. Petitioner was sentenced to serve a minimum of twelve (12) months with a maximum of thirty-two (32) months in the Nevada Department of Corrections (NDOC). The sentence was suspended, and Petitioner was placed on probation for sixty (60) months with special conditions. EXHIBIT 1. The JOC Special Conditions are, in pertinent part, as follows:

Special condition number two states "That the Defendant pay the outstanding balance of restitution, in the amount of \$65,000.00, payable through the District Attorney's office, in monthly payments of no less than \$1,500.00." EXHIBIT 1.

Special condition number three states "That the Defendant make a payment of \$30,000.00, within 90 days of her probation grant. If the Defendant fails to make this payment a Status Hearing will be set up so Defendant can explain why she has not made her payment." EXHIBIT 1.

Special condition number four states "That if the Defendant fails to pay her restitution as ordered than(sic) the Defendant will be violating her probation grant and it will be reported as a violation of probation." EXHIBIT 1.

Petitioner did violate the terms of special condition number 3 by failing to pay \$30,000.00 within 90 days of entry of the JOC. EXHIBIT 2. That same document established that Petitioner had maintained contact with the Division of Parole and Probation (hereinafter "the Division") and had paid all other fees on time, had obtained full-time employment, and was "compliant with the rules and special conditions of her community supervision." *Id.* Furthermore, the document expressly states that "Ms. Gravelle has not taken her financial obligations frivolously and has

1 expressed much concern being able to meet this obligation.” *Id.* The Court found similarly at a
2 subsequent hearing on the matter and did not revoke probation.

3 On December 8, 2017, a *Petition and Order Honorably Discharging Probationer* was
4 signed by the Chief Parole and Probation Officer and the District Court Judge; it was filed shortly
5 thereafter. This petition and order state “The Probationer has satisfactorily completed all of the
6 conditions of probation or has demonstrated fitness for honorable discharge, but because of
7 economic hardship, verified by the Division, has been unable to make restitution as ordered by the
8 court.” EXHIBIT 3.

9 On April 4, 2018, A *Civil Confession of Judgment* was signed and filed with the District
10 Court regarding the unpaid restitution. EXHIBIT 4.

11 On September 20, 2018, a sentencing hearing was held at the victim’s request. EXHIBIT
12 5. See also, EXHIBIT 8 at 2, *infra*, (“in an effort to clear this matter up, and at the request of the
13 victim, this court held a status hearing on September 20, 2018...”). There is no reference to such
14 a meeting on the Court’s Docket log on that date. EXHIBIT 6. At that hearing, the Court
15 introduced letters from victim’s counsel addressed to the Court and the District Attorney.
16 EXHIBIT 7. Said letters admonished the Court for discharging Petitioner prior to paying the
17 restitution in full, and requested that the Court set a hearing between the parties, without the
18 Defendant present – this is what occurred.

19 The Defendant was not present for the sentencing hearing. The record from that sentencing
20 hearing shows that the Deputy District Attorney was present, along with the victim and his counsel,
21 and a representative from the Division of Parole and Probation. EXHIBIT 5. Based on the content
22 of the hearing outlined in the minutes, its purpose was to determine whether to place Petitioner
23 back on probation and how to get money for the victim. *Id.* Ms. Gravelle, Petitioner, was never
24 noticed that the hearing was taking place, was not present, and was not even represented by counsel
25 at that time. To her knowledge, she had been honorably discharged from probation for about one
26 year.

27 On May 10, 2019, an Order was filed by the District Court Judge vacating the Order
28 Honorably Discharging Probationer. EXHIBIT 8. This Order was entered without notice to

1 Petitioner and without an opportunity for Petitioner to appear and defend the case. Notice was sent
2 only to the Department of Parole and Probation, and to the District Attorney, who ostensibly would
3 provide Petitioner with notice. See EXHIBIT 8, Certificate of Mailing. Petitioner retained counsel
4 on May 30, 2019.

5 On August 28, 2019, Petitioner filed *Defendant's Motion to Discharge from Probation*,
6 asking the court to once again discharge Petitioner from probation. There, Petitioner reiterated that
7 she was discharged without completely satisfying restitution due to financial hardship, and she also
8 asserted that the maximum amount of time that one may be on probation had already elapsed.
9 EXHIBIT 9.

10 On September 5, 2019, the State opposed Petitioner's Motion and argued that Petitioner
11 should have her probation revoked and the original prison sentence reinstated because, *inter alia*,
12 "further probation would be in excess of sixty (60) mo[n]ths (sic)." EXHIBIT 10. The State would
13 have Petitioner go to Debtor's prison.

14 On April 23, 2020, the District Court filed an *Order* vacating the hearing set on the matter
15 and requiring parties to submit evidence of restitution payments.

16 On May 11, 2020, Defendant/Petitioner submitted a *Delivery of Restitution* to the District
17 Court, showing that she had made a total of \$43,950.00 in restitution payments prior to her
18 discharge. EXHIBIT 11.

19 Finally, on August 14, 2020, the District Court filed an Order denying
20 Defendant/Petitioner's Motion to Discharge Defendant because "no evidence of any new or
21 additional payments on restitution have been provided." EXHIBIT 12.

22 Following a conversation between the Department of Parole and Probation and Petitioner's
23 counsel, Petitioner shall be placed back on probation on October 15, 2020, for a term of nineteen
24 (19) months. Said term will result in Defendant's term of probation being artificially extended
25 from July or August, 2014, to May 15, 2022 – a period of approximately ninety three (93) months
26 – thirty three (33) months beyond the maximum limit set by NRS 176A.500. Petitioner is still
27 experiencing financial hardship, and will still be unable to pay.
28 //

LAW AND ARGUMENT

NRS 176A.500 [Effective through June 30, 2020.]

1. The period of probation or suspension of sentence may be indeterminate or may be fixed by the court and may at any time be extended or terminated by the court, but the period, including any extensions thereof, must not be more than:

(a) Three years for a:

(1) Gross misdemeanor; or

(2) Suspension of sentence pursuant to NRS 176A.260, 176A.290 or 453.3363; or

(b) Five years for a felony.

The law is clear that probation must not be more than five (5) years for a felony; Petitioner was convicted of such a felony and was placed on probation with her sentence suspended, therefore the statute applies and a Writ of Habeas is available. See generally, EXHIBIT 1. As the procedural history will show, Petitioner was sentenced on July 7, 2014 and the JOC was filed August 19, 2014, more than one month later. EXHIBIT 1. Defendant made significant payments to the victim, but due to a property deal falling through, could not meet the deadline imposed by the court; \$30,000.00 due within ninety days. Nevertheless, Petitioner made good faith efforts while on probation (EXHIBIT 2) and ultimately paid \$43,950.00 in restitution payments by the time of her discharge in December of 2017. EXHIBIT 11. The District Court Judge's reliance on Petitioner's failure to pay restitution should not be the basis to reinstate probation and potentially subject Petitioner to prison time.

The District Court has misinterpreted and overextended the verbiage of NRS 176A.500. The issue at hand appears to be the calculation of time, when it begins and when time is tolled. Under the District Court's apparent reading, the five year maximum probationary period may be broken up and applied piecemeal at the discretion of the court, so long as it does not exceed five years in the aggregate. Such an interpretation cannot be upheld. A judge would be able to place an individual on probation for years, discharge that person, and then reinstate probation years later by revoking the prior order. Probation and the threat thereof, which includes the possibility of prison time for any violations, could last for a decade or more. This is not a hypothetical – this is the case at hand if this Court does not overturn the District Court's Order.

1 The legislature could not reasonably have intended such a result. A reasonable
2 interpretation of NRS 176A.500 would be that probation must terminate five years from the date
3 of sentencing or entry of the JOC or thereabouts. The current version of the statute, applicable July
4 of 2020, indirectly reinforces the proposition that the legislature does not intend to retain category
5 C felony defendants on probation for nearly a decade. The current version of NRS 176A.500
6 provides that an individual may not be on probation longer than twenty four (24) months for a
7 category C felony, which Petitioner herein was convicted of. Simply put, a brief look at the statute
8 will show that the Order vacating Petitioner's honorable discharge is contrary to both the law
9 applicable at the time, and the intent of the legislature.

10 Furthermore, even if the legislature did intend a five year aggregate probationary period, it
11 should not matter. The District Court vacated its prior order discharging Petitioner from probation,
12 thereby rendering the underlying Order void. Since the Order was void, Petitioner was never
13 actually discharged from probation. Since Petitioner was never actually discharged, her time would
14 therefore run from the initial sentencing date of either July or August, 2014, and continue to this
15 present date; Petitioner has therefore been on probation over six years. Petitioner has satisfied the
16 sentence. The District Court's interpretation is flawed and Petitioner should be permanently
17 discharged on these grounds alone; however, several other facts have come to light over the
18 pendency of the case which raise further alarm.

19 The re-imposition of probation is not driven by society's interests in rehabilitation or even
20 retribution; this manifest injustice is driven by the victim who is not a party to the case. The District
21 Court Judge received a letter from the victim's attorney indicating that the victim had not received
22 outstanding restitution in the amount of \$22,700.00. EXHIBIT 7. Said letter requested a status
23 hearing be set to determine, *inter alia*, the financial hardship of defendant, and that the Division of
24 Parole and Probation, the District Attorney, and John Doyle, Esq., attorney for the victim, be
25 present. The court did grant the hearing, and as alluded to earlier, did not notice Defendant, did not
26 advise Defendant to retain counsel, did not furnish the contents of the letter to Defendant, and
27 otherwise took no action to include Defendant in the hearing. This was a secret meeting called by
28 someone who is not a party to the case, which excluded someone who was a party to the case, and

1 the Court improperly entertained such an event. This "status hearing" on September 20, 2018, was
2 actually a sentencing hearing (EXHIBIT 6) and resulted in an Order vacating the Judge's prior
3 decision and placing Defendant back on probation. In short, Petitioner's resentencing took place
4 at the behest of a private individual; still worse yet, this individual was already entitled to a
5 Confession of Civil Judgment so that he could collect the outstanding amount owed – he had
6 already been granted reasonable relief.

7 The District Court's actions effectively turned the Division of Parole and Probation into a
8 debt collection agency at the request of a private citizen. The Division noted that Petitioner had
9 been making good faith payments, had been gainfully employed, and was zealously pursuing the
10 restitution payments. EXHIBIT 2. This is not a situation where the Defendant remained
11 intentionally unemployed to deprive the victim of restitution, was not cooperative with the
12 Division, or was otherwise acting in bad faith and requiring supervision. Petitioner was by all
13 accounts a model probationer – she simply did not have more than \$43,000.00 by which to pay.
14 Imposing probation with a monetary amount due which the court knows she will be unable to pay
15 is simply a way to retain Petitioner on probation and use Parole and Probation as a debt collector.
16 This cannot stand.

17 CONCLUSION

18 Petitioner asserts that the District Court has imposed an illegal detention upon Petitioner by
19 reinstating her probation. The District Court has misapplied and overextended NRS 176A.500
20 resulting in an absurd situation where a defendant will be on probation for nearly a decade. The
21 Court never noticed Petitioner on the sentencing hearing which resulted in her revocation of
22 probation. The resentencing was driven by a private individual and does not benefit the state as a
23 whole. What is more, the victim has already obtained a Confession of Judgment by which he may
24 obtain what is owed. The District Court's role has ended, and Petitioner must be released from
25 probation.

26 //

27 //

28 //

1 WHEREFORE, Petitioner prays for a Writ of Habeas Corpus thus releasing Petitioner from
2 the custody of Parole and Probation, as previously ordered by this Court.

3 DATED this 17 day of December, 2020.

4 MILLER LAW, INC.

5
6 JEFF R. MILLER, ESQ.
7 Attorney for TERESA GRAVELLE
8 Nevada Bar No. 15603
9 115 West 5th Street, Box 7
10 Winnemucca, Nevada 89445
11 775-623-5000
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 VERIFICATION

2 STATE OF NEVADA)

3):ss

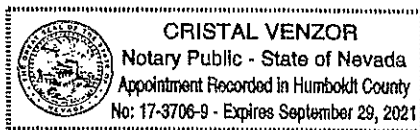
4 COUNTY OF HUMBOLDT)

5
6 I, JEFF R. MILLER, ESQ., attorney for Defendant herein, being first duly sworn, deposes
7 and says:

8 That I am the Attorney for Defendant in the above entitled action, that Petitioner herein has
9 authorized me to file this Petition for *Writ of Habeas Corpus Postconviction*, that I have read the
10 foregoing *Petition for Writ of Habeas Corpus Postconviction* and know the contents thereof, that
11 the same is true of my knowledge, except those matters therein stated on information or belief, and
12 that as to those matters, I believe them to be true.

13
14 
JEFF R. MILLER, ESQ.

15
16 SUBSCRIBED AND SWORN to before me, a notary public, this 17th day of
17 December, 2020, by JEFF R. MILLER, ESQ.



21 
22 NOTARY PUBLIC
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

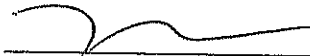
CERTIFICATE OF MAILING

I, MICHELLE MILLER, hereby certify, that on this 18 day of the month of December,
of the year 2020, I mailed a true and correct copy of the foregoing PETITION FOR WRIT OF
HABEAS CORPUS addressed to:

Anne Carpenter
Nevada DPS Parole and Probation
1445 Old Hot Springs Road, Suite 104
Carson City, NV 89703

Humboldt County District Attorney
P.O. Box 909
Winnemucca, NV 89446

DATED this 17 day of December, 2020.



MICHELLE MILLER, Legal Assistant

Exhibit 1

Exhibit 1

Case No. CR12-6043

Dept. No. 1

FILED

AUG 19 2014

TAMI RAE SPERO
DIST. COURT CLERK

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

-oOo-

THE STATE OF NEVADA,

Plaintiff,

vs.

JUDGMENT OF CONVICTION

TERESA GRAVELLE
DOB: 08/15/1955

Defendant. /

WHEREAS, on the 18th day of March, 2014, the Defendant entered her plea of guilty to the charge of COUNT I-EMBEZZLEMENT, a Category C Felony, COUNT II-CONSPIRACY TO COMMIT EMBEZZLEMENT, a Gross Misdemeanor, and the matter having been submitted before the Honorable Judge Richard A. Wagner.

At the time Defendant entered the plea of guilty, this Court informed the Defendant of the privilege against compulsory self-incrimination, the right to a speedy trial, the right to a trial by jury, the right to compulsory process to compel witnesses to testify on behalf of the Defendant and the right to confront the accusers. That after being so advised, the

1 Defendant stated that these rights were understood and still
2 desired this Court to accept the plea of guilty.

3 The Court having accepted Defendant's plea of guilty, set
4 the date of the 7th day of July, 2014, at the hour of 9:30 a.m.
5 as the date and time for imposing judgment and sentence.
6

7 Furthermore, at the time Defendant entered the plea of
8 guilty and at the time of sentencing, Defendant was represented
9 by attorney, SHERBURNE MACFARLAN; also present in Court were
10 TAMI RAE SPERO, Humboldt County Court Clerk or her designated
11 agent; ED KILGORE, Sheriff of Humboldt County or his designated
12 agent; BRYAN WATERS, representing the Division of Parole and
13 Probation; and RICHARD HAAS, Deputy District Attorney
14 representing the State of Nevada.
15

16 The Defendant having appeared on the 7th day of July, 2014,
17 represented by counsel and Defendant having been given the
18 opportunity to exercise the right of allocution and having shown
19 no legal cause why judgment should not be pronounced at this
20 time.

21 The above-entitled Court having pronounced Teresa Ann
22 Gravelle guilty of COUNT I-EMBEZZLEMENT, a Category C Felony, in
23 violation of NRS 205.300.
24

25 The Defendant was thereby ordered by the Court to serve for
26 COUNT I-EMBEZZLEMENT, a maximum of thirty-two (32) months, but
27 no less than twelve (12) months in the Nevada Department of
28 Corrections, said sentence is suspended and Defendant is placed

on probation for a term of sixty (60) months with the following special conditions:

1. That the Defendant submit to a search of the Defendant's person, property, vehicle, residence or any area and /or things under the defendant's control, at any time of the day or night without a warrant, for evidence of any crime or evidence of any violation of probation by a Parole and Probation Officer or Peace Officer acting under their direction during the entire term of the Defendant's probation;
2. That the Defendant pay the outstanding balance of restitution, in the amount of \$65,000.00, payable through the Humboldt County District Attorney's Office, in monthly payments of no less than \$1,500.00;
3. That the Defendant make a payment of \$30,000.00, within 90 days of her probation grant. If the Defendant fails to make this payment a Status Hearing will be set up so Defendant can explain why she has not made her payment;
4. That if the Defendant fails to pay her restitution as ordered than the Defendant will be violating her probation grant and it will be reported as a violation of probation;
5. The Defendant must, pursuant to NRS 176.0913, submit a biological specimen under the direction of the Division of Parole and Probation to determine the Defendant's

1 genetic markers. Further, pursuant to NRS 176.0915, in
2 addition to any other penalty, the Defendant must pay a
3 \$150 DNA fee, payable to the Humboldt County Clerk of the
4 Court, and may not be deducted from any other fines or
5 fees imposed by the Court, to be paid within 90 days of
6 Defendant's probation grant;
7

8 6. That the Defendant pay a \$25 administrative assessment
9 fee pursuant to NRS 176.062 and a \$3 DNA collection fee,
10 payable to the Humboldt County Clerk of the Court, to be
11 paid within 30 days of Defendant's probation grant.
12

13 COUNT II-CONSPIRACY TO COMMIT EMBEZZLEMENT, a Gross
14 Misdemeanor, in violation of NRS 193.330 and NRS 205.300, was
15 dismissed by the Court at the time of sentencing pursuant to the
16 Guilty Plea Agreement filed on March 6, 2013.

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

18 Sherburne Macfarlan, represented the Defendant during all
19 stages of the proceedings;
20

21 Richard Haas, Deputy District Attorney, represented the
22 State of Nevada at all stages of these proceedings.

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

26 //

27 //

28

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

DATED this 18th day of Aug., 2014, in the City of Winnemucca, County of Humboldt, State of Nevada.


DISTRICT JUDGE

HUMBOLDT COUNTY DISTRICT ATTORNEY
P.O. Box 909
Winnemucca, Nevada 89446

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the Humboldt County District Attorney's Office, and that on the 19 day of August, 2014, I delivered at Winnemucca, Nevada, by the following means, a copy of the JUDGMENT OF CONVICTION to:

Sherburne Macfarlan
919 Idaho Street
Elko, NV 89801

- (xx) U.S. Mail
() Certified Mail
() Hand-delivered
() Placed in box at DCT
() Via Fax

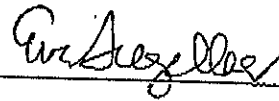


Exhibit 2

Exhibit 2



Code 3702



VIOLATION REPORT
Date Report Prepared: 12/10/2014

TO THE HONORABLE RICHARD WAGNER
SIXTH JUDICIAL DISTRICT COURT
DEPARTMENT I
HUMBOLDT COUNTY, NEVADA

NAME: GRAVELLE, TERESA
FILE #: W15-0001
CC #: CR12-6043

SUPERVISION GRANT: 07/07/2014
ORIGINAL EXPIRATION: 07/07/2019

CRIME: EMBEZZLEMENT, \$2500+ (F)
SENTENCE: 12-32 MONTHS NEVADA DEPARTMENT OF CORRECTIONS, NO CREDIT TIME
SERVED, SUSPENDED, 5 YEARS PROBATION, \$3 DNA COLLECTION FEE, \$25 ADMINISTRATIVE
ASSESSMENT FEE, \$150 DNA FEE, \$65,000 RESTITUTION, SUBMIT DNA

I. VIOLATION:

Financial Obligations, Special Condition (1) – That the Defendant pay the outstanding balance of restitution in the amount of \$65,000, payable through the Humboldt County District Attorney's Office, in monthly payments of no less than \$1500.00. In addition, the Defendant must pay \$30,000.00 restitution to the victim within 90 days of her probation grant:

Ms. Gravelle has failed to pay \$30,000.00 in restitution within 90 days of her sentencing as ordered on July 7, 2014. Ms. Gravelle has stated that she has made several plans to address her obligations but these have not yet come to fruition.

II. RESPONSE TO SUPERVISION:

Ms. Gravelle has been on community supervision since July 7, 2014. Since this time she has maintained contact with the Division of Parole and Probation, paid her supervision fees and made payments toward her restitution of \$1500.00 per month, she had gained full time employment, and maintained a stable residence. Generally, Ms. Gravelle has been compliant with the rules and special conditions of her community supervision.

NAME: GRAVELLE, TERESA

CC#: CR12-6043

FILE#: W15-0001

PAGE 2

Ms. Gravelle has not had the ability to pay \$30,000.00 as ordered at sentencing within 90 days. The Division must note Mr. Gravelle has not taken her financial obligation frivolously and has expressed much concern being able to meet this obligation. None the less, the Division must produce a violation report as her Court ordered obligation has not fulfilled at this time. As such, the Division of Parole and Probation must defer judgment to the Sixth Judicial District Court in this instance and offers the following recommendation.

III. WHEREABOUTS AND AVAILABILITY:

The subject resides at 4575 Westmoreland Drive, Winnemucca, Nevada, 89445.

As of December 10, 2014, credit for time served is 0 day(s).

IV. RECOMMENDATION:

It is recommended that the subject appear before Your Honor in a non-custody status to show cause why probation should not be revoked.

Due to the above violation this offender will not have their probationary period reduced pursuant to NRS 176A.500(5).

As of December 10, 2014, if no further serious infractions occur, the projected discharge date will be July 7, 2014.

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

Respectfully submitted:



John Gresock, DPS Sergeant

Division of Parole and Probation

Northern, Command, Winnemucca, NV

STATE OF NEVADA
DEPARTMENT OF PUBLIC SAFETY
DIVISION OF PAROLE AND PROBATION

PRIOR NOTICE OF CHARGES AND RECEIPT FOR DOCUMENTS

I, Teresa Gravelle do hereby acknowledge that the following charges have been brought against me:

Alleged Violations

Financial Obligations, Special Condition (1) – That the Defendant pay the outstanding balance of restitution
in the amount of \$65,000, payable through the Humboldt County District Attorney's Office, in monthly
payments of no less than \$1500.00. In addition, the Defendant must pay \$30,000.00 restitution to the victim
within 90 days of grant of probation

I, _____ do hereby acknowledge that I have been informed that due to one or more of the following reasons listed below, my violation case is not entitled to be heard at an informal preliminary inquiry, but will be taken directly before the Court/Parole Board for a formal revocation hearing.

1. ☒ Defendant is not being held in detention by Parole and Probation on any of the violations charged above.
2. ☐ Defendant has one or more new convictions, which are included in the violations charged above. (NRS 176A.580 (4) / NRS 213.1511 (4))
3. ☒ Other (Describe) Ms. Gravelle has a status hearing on December 15, 2014 at 11:45 AM

I, _____ do hereby acknowledge that I have received the following documents:

- (1) A copy of the Violation Report, and
- (2) A copy of the Prior Notice of Charges and Receipt of Documents.

John Gravelle
Witness

Teresa Gravelle
Defendant

12/12/2014
Date

State of Nevada
DEPARTMENT OF PUBLIC SAFETY
Division of Parole and Probation



WAIVER OF PRELIMINARY INQUIRY HEARING

Having been informed of my right to have a Preliminary Inquiry Hearing, which is scheduled for _____

I now request to waive that right and wish to appear directly before the Board of Parole Commissioners or Court of Record.

Signature *[Handwritten Signature]*

Date 12/12/2014

[Handwritten Signature]
Witness

Witness

Exhibit 3

Exhibit 3

2017 DEC 18 AM 11:06

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

1

1

1

1

!

,

1

PETITION AND ORDER HONORABLY DISCHARGING PROBATIONER

To the Honorable Judge Michael R. Montero, of the Sixth Judicial District Court of the State of Nevada, in and for the County of Humboldt, the Undersigned Chief Probation Officer for the State of Nevada now reports as follows concerning the above Defendant: Said Defendant was placed on probation by order of the Court for a term of 60 months, said Order being dated the 7th day of July, 2014. Said Probationer has satisfactorily completed all of the conditions of probation or has demonstrated fitness for honorable discharge, but because of economic hardship, verified by the Division, has been unable to make restitution as ordered by the court.

THEREFORE, the undersigned petitions and recommends that said Probationer be Honorably discharged and released from further supervision in accordance with NRS 176A.850.

Pursuant to NRS 239B.030, the undersigned hereby affirms this document does not contain the social security number of any person. Attached are documents explaining restoration of Civil Rights and Sealing of records.

Dated this 8th day of December, 2017.

Natalie A. Wood, Chief Parole and Probation Officer

ORDER HONORABLY DISCHARGING PROBATIONER
In accordance with NRS 176A.850

In this cause it appearing that the above-named Defendant was heretofore placed on probation under the Chief Parole and Probation Officer of the State of Nevada, and it further appearing from the petition of said Probation Officer that the period of such probation expires upon Judge's signature.

IT IS HEREBY ORDERED that said Probationer be honorably discharged from said probation.

Dated this 18th day of Dec, 2017



Michael R. Montero, District Judge

Exhibit 4

Exhibit 4

Correct File Copy

FILED

Case No. CR12-6043

2018 APR -4 AM 10:44

Dept. No. II

SAE SPERN
COURT CLERK *E. J. M. Ly*

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

THE STATE OF NEVADA

Plaintiff,

vs.

CIVIL CONFESSION OF JUDGMENT

TERESA ANN GRAVELLE

Defendant

TERESA ANN GRAVELLE, hereby authorizes the entry of a Civil Judgment against her in the above-entitled action in the amount of \$22,700.00, and costs, to Lucas Livestock, the victim in this case. The sum represents the balance currently owed on the Judgment entered July 7, 2014, ordering restitution in the criminal proceedings entitled the State of Nevada in and for the County of Humboldt vs. Teresa Ann Gravelle.

TERESA ANN GRAVELLE, admits that the total sum confessed is justly due to the victim in this matter. The sum confessed represents monies owed to Lucas Livestock as a result of the actions of the Defendant.

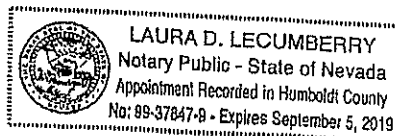
DATED THIS 30 DAY OF March, 2018.

By *Teresa Gravelle*
Teresa Ann Gravelle, Defendant

State of Nevada,
County of Humboldt

SUBSCRIBED and SWORN
to before me, a Notary Public,
this 30th day of March, 2018.

Laura D. Lecumberry
NOTARY PUBLIC



1 IT IS HEREBY ORDERED that a Civil Judgment is awarded against the Defendant, Teresa Ann
2 Gravelle, and in favor of Lucas Livestock, the victim in this matter, in the amount of
3 \$ 22,700.⁰⁰, and costs.
4

5 DATED THIS 4th DAY OF April, 2018.
6

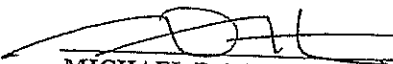
7 
MICHAEL R. MONTERO, District Judge
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit 5

Exhibit 5

CR 12-6043

State of Nevada vs. Teresa Gravella

Judge: Michael R. Montero

Clerk: Elisha Formby

SEPTEMBER 20, 2018

STATUS HEARING

PRESENT: Anthony Gordon, Deputy District Attorney. Steve Lucas, present with counsel John Doyle. Bryan Waters, Division of Parole and Probation.

Gordon stated that the Defendant has already been honorably discharged from probation and the Defendant signed a Civil Confession of Judgment.

Doyle sent a letter to the District Attorney and the Court regarding this unpaid restitution still owing by the Defendant. Doyle also stated that the letter was sent to Natalie Woods, Chief Parole and Probation Officer and requested that she be present for today's hearing and she is not here, as well as Kevin Pasqaule, Chief Deputy DA who is also not present. Woods was the Officer that released the Defendant from probation knowing that the Defendant still owed \$22,000 in restitution. The Court directed the Clerk of the Court to mark, letter from John M. Doyle as Court's Exhibit C-1. The Court asked for any objections to Doyle reading the letter in open court. No objections. Doyle reads letter.

Bryan Waters, Parole and Probation Officer, duly sworn and testified under the direct examination of Gordon. Waters stated the Defendant was honorably discharged from probation with restitution still owing because the Defendant was experiences financial hardship. Cross by Doyle. Waters answered questions put to him by the Court. Re-direct by Gordon. Re-cross by Doyle.

Jason Harp, Parole and Probation Officer of Elko County, duly sworn and testified under the direct examination of Gordon. Cross by Doyle. Harp answered questions put to him by the Court. Discussion ensued about the Defendants adjusted date.

The Court explains that AS400 computer showed that the restitution amount was 0, that Court was later advised that the restitution was at one time collected by the District Attorney's Office and now is collected through the Treasurer's Office. The Court is unable to find a way to remedy this issue as the balanced appeared to be 0. The Court was not the initial Judge on this case. The Court did not become involved until the signing of the Order Discharging from Probation. The Court is concerned that Pasqaule and Ms. Woods are not here today. The Court is inclined to consider a dishonorable discharged from probation. The Court directed the State to calendar that hearing with his staff and be sure that Pasqaule and the Defendant are noticed. The Court is inclined to also revisit the Defendant's financial hardship at that hearing.

Doyle understands the Courts order but dishonorably discharging the Defendant does not do Mr. Lucas any good. There has been fraud perpetrated on the Court in this case. Doyle motioned the Court to rescind Order Honorably Discharging Probationer and place the Defendant back on probation.

The Court stated he hears what Doyle is requesting, the relief needs to come from the State. Mr. Doyle and his client are not a party to this case.

Exhibit 6

Exhibit 6

Sixth Judicial District Court - Humboldt County
Case Summary

Run: 10/01/2020
10:19:09

Page 1

Case #: CR1206043
Judge: MONTERO, MICHAEL R.
Date Filed: 08/19/2014 Department:
Case Type: FELONY/PROPERTY

Plaintiff(s)
NEVADA, THE STATE

Attorney(s)
No *Attorney 1* Listed

Defendant(s)
GRAVELLE, TERESA ANN

Attorney(s)
MILLER, RENDAL

Fees:

Date Assessed:	Fee	Total	Paid	Waived	Outstanding
01/10/2012	DNA/3	\$153.00	\$153.00	\$0.00	\$0.00

Charge: NRS193.330/205.300 CONSPIRACY TO COMMIT EMBEZZLMNT G/ Count 1

Sent: MAX 32MTHS MIN 12MTHS NDOC. SUSPENDED. PROB. 60MTHS. W/SPEICAL CONDIT.
\$25AA, \$3DNA PAYABLE TO CLERK OF COURT W/IN 30DYS OF PROB. GRANT.
\$150DNA PAYABLE TO CLERK OF COURT W/IN 90DYS OF PROB. GRANT.

Disp/Judgment: NTGL Date: 08/19/2014

Hearings:

Date	Time	Hearing
04/16/2012	10:00AM	ARRAIGNMENT/PLEA
12/17/2012	2:00PM	SENTENCING HEARING
03/04/2013	1:45PM	PRE-TRIAL CONFERENCE
03/18/2013	3:15PM	HEARING
03/03/2014	11:15AM	SENTENCING HEARING
05/05/2014	10:00AM	SENTENCING HEARING
07/07/2014	9:30AM	SENTENCING HEARING
08/04/2014	1:15PM	SENTENCING HEARING
11/03/2014	1:15PM	SENTENCING HEARING
12/15/2014	11:45AM	SENTENCING HEARING
09/11/2018	9:30AM	SENTENCING HEARING
04/17/2019	12:00AM	HEARING
04/21/2020	1:30PM	MOTION HEARING

Filings:

Date	Filing
01/10/2012	JUSTICE COURT PROCEEDINGS (11-CR-00726)
01/12/2012	INFORMATION
03/02/2012	ORDER TO CONTINUE ARRAIGNMENT
03/02/2012	STIPULATION FOR CONTINUANCE
04/16/2012	MINUTES - CONTINUED ARRAIGNMENT HEARING - 04/16/12

Run: 10/01/2020
10:19:09

Case Summary

Page 2

04/23/2012	TRANSCRIPT OF PROCEEDINGS - CONTINUED ARRAIGNMENT
09/14/2012	STIPULATION & ORDER TO VACATE PRE-TRIAL CONFERENCE/CONT TRIA
12/17/2012	MINUTES - STATUS HEARING - 12/17/12
01/07/2013	TRANSCRIPT OF PROCEEDINGS - STATUS HEARING
01/08/2013	Legacy Images
02/07/2013	AMENDED INFORMATION
02/08/2013	Legacy Images
03/01/2013	STIPULATION TO VACATE PRE-TRIAL & SET CHANGE OF PLEA
03/06/2013	GUILTY PLEA AGREEMENT
03/06/2013	NOTICE OF HEARING
03/07/2013	Legacy Images
03/07/2013	Legacy Images
03/07/2013	Legacy Images
03/20/2013	MINUTES - CHANGE OF PLEA HEARING - 03/20/13
03/22/2013	Legacy Images
04/05/2013	TRANSCRIPT OF PROCEEDINGS - CHANGE OF PLEA
04/08/2013	Legacy Images
08/02/2013	PRE-SENTENCE INVESTIGATION REPORT (CONFIDENTIAL)
08/14/2013	STIPULATION & ORDER TO CONTINUE (SENTENCING)
08/15/2013	Legacy Images
03/03/2014	MINUTES - STATUS HEARING - 03/03/14
03/05/2014	Legacy Images
03/06/2014	TRANSCRIPT OF PROCEEDINGS - STATUS HEARING
03/07/2014	Legacy Images
05/05/2014	MINUTES - SENTENCING HEARING - 05/05/14
05/06/2014	Legacy Images
05/14/2014	TRANSCRIPT OF PROCEEDINGS - SENTENCING
05/15/2014	Legacy Images
07/07/2014	MINUTES - SENTENCING HEARING - 07/07/14
07/09/2014	Legacy Images
07/10/2014	NOTICE OF WITHDRAW OF ATTORNEY (MACFFARLAN)
07/11/2014	Legacy Images
07/28/2014	TRANSCRIPT OF PROCEEDINGS - FINAL SENTENCING
07/29/2014	Legacy Images
08/04/2014	ORDER ADMITTING DEFENDANT TO PROBATION & FIXING TERMS THEREO
08/04/2014	MINUTES - CONTINUED SENTENCING/STATUS HEARING - 08/04/14
08/05/2014	Legacy Images
08/06/2014	Legacy Images
08/14/2014	NOTICE OF WITHDRAWAL OF ATTORNEY (L&M)
08/15/2014	Legacy Images
08/18/2014	TRANSCRIPT OF PROCEEDINGS - STATUS HEARING
08/19/2014	JUDGMENT OF CONVICTION
08/19/2014	Legacy Images
08/21/2014	Legacy Images

Run: 10/01/2020
10:19:09

Case Summary

Page 3

11/03/2014	MINUTES - STATUS HEARING - 11/03/14
11/07/2014	Legacy Images
11/17/2014	TRANSCRIPT OF PROCEEDINGS - STATUS HEARING
11/20/2014	Legacy Images
12/12/2014	VIOLATION REPORT
12/12/2014	Legacy Images
12/15/2014	MINUTES - STATUS HEARING - 12/15/14
12/18/2014	Legacy Images
12/23/2014	ORDER MODIFYING TERMS OF PROBATION
12/24/2014	Legacy Images
01/02/2015	TRANSCRIPT OF PROCEEDINGS - STATUS HEARING
01/06/2015	Legacy Images
12/18/2017	PETITION AND ORDER HONORABLY DISCHARGING PROBATIONER
12/19/2017	Legacy Images
04/04/2018	CIVIL CONFESSION OF JUDGMENT (\$22,700.00)
04/05/2018	Legacy Images
09/21/2018	Legacy Images
04/18/2019	NOTICE OF HEARING
04/19/2019	Legacy Images
05/10/2019	ORDER (VACATES ORD. HONORABLY DISCHG PROB. & SET HEARING)
05/13/2019	Legacy Images
05/30/2019	NOTICE OF APPEARANCE (MILLER)
05/31/2019	Legacy Images
08/28/2019	DEFENDANT'S MOTION TO DISCHARGE FROM PROBATION
08/28/2019	Legacy Images
09/05/2019	STATE'S OPP TO DEF MOTION TO DISCHARGE FROM PROBATION
09/13/2019	REQUEST FOR SUBMISSION
12/05/2019	MOTION HEARING SET FOR 04/21/2020 AT 1:30 PM IN C1/ , JDG: MONTERO, MICHAEL R.
12/05/2019	NOTICE OF HEARING
04/20/2020	EMAIL SENT TO REGARDING SERVICE OF COURT DOCUMENT - CR1206043, THE STATE OF NEVADA VS. GRAVELLE, TERESA ANN WITH 1 ATTACHMENTS FROM DOCKETS LEGIM-8/28/2019
04/20/2020	EMAIL SENT TO REGARDING SERVICE OF COURT DOCUMENT - CR1206043, THE STATE OF NEVADA VS. GRAVELLE, TERESA ANN WITH 1 ATTACHMENTS FROM DOCKETS FREETYPE-9/5/2019
04/20/2020	EMAIL SENT TO REGARDING SERVICE OF COURT DOCUMENT - CR1206043, THE STATE OF NEVADA VS. GRAVELLE, TERESA ANN WITH 2 ATTACHMENTS FROM DOCKETS FREETYPE-9/5/2019,FREETYPE-9/13/2019
04/23/2020	ORDER (HEARING VACATED DUE TO COVID 19; RESTITUTION PAYMENTS TO BE MADE IN THIRTY DAYS, P/P TO PROVIDE UPDATES RE; RESTITUTION PAID
05/11/2020	DELIVERY OF RESTITUTION PAYMENTS
08/14/2020	ORDER

Exhibit 7

Exhibit 7

John M. Doyle

ATTORNEY AT LAW

*530 Melarkey Street - Suite 3
Winnemucca, Nevada 89446*

POST OFFICE BOX 1190

TEL. (775) 623-5051
FAX (775) 623-0273

April 30, 2018

The Honorable Michael R. Montero
6th Judicial District Court Judge
25 West 5th St. #212
Winnemucca, Nevada 89445

Kevin Pasquale
Chief Deputy District Attorney
P.O. Box 909
Winnemucca, Nevada 89446

Natalie A. Wood
Chief Parole and Probate Officer
1445 Old Hot Springs Road, Suite 104
Carson City, Nevada 89701

Re: Honorable Discharge From Probation
Teresa Ann Gravelle
Case No. CR-12-6043

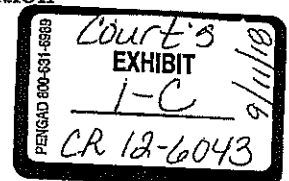
As you are aware, I represent Steve Lucas and Lucas Livestock Sandhill Feedlot, LLC. I have recently become aware of the honorable discharge from probation of Teresa Ann Gravelle and have discussed this with both District Judge Michael R. Montero and Chief Deputy District Attorney Kevin Pasquale.

A brief summary of the Teresa Ann Gravelle criminal case is as follows:

Teresa Ann Gravelle is charged in 2012 with Embezzlement (Felony) and Conspiracy to Commit Embezzlement (Gross Misdemeanor).

March 18, 2014, Defendant entered a plea of guilty to both Felony and Gross Misdemeanor charges.

July 7, 2014, Defendant was sentenced to 12 to 32 months in the Nevada State Prison. She was placed on probation for 60 months (5 years) with a specific condition of probation that she pay the balance of restitution in the amount of \$65,000.00 to the victim, Steve Lucas/Lucas Livestock. The restitution



Montero, Pasquale, Wood
April 30, 2018
Page 2

was to be paid at a minimum of \$1,500.00 per month. Restitution was paid sporadically over approximately 2 years in varying amounts, the last payment being made to Mr. Lucas on August 30, 2016. According to our records there remained an unpaid balance of \$22,700.00, exclusive of interest.

Over the past 3 years, I, on behalf of Steve Lucas, contacted the Humboldt County District Attorney's Office on several occasions inquiring as to the status of the Defendant's probation and requesting she be cited into Court for a status hearing to determine why she was not cited for a potential violation of probation for failure to timely pay the Court ordered restitution. I am unaware as to whether or not the Defendant was ever cited into Court.

In September of 2017 I again contacted the District Attorney's office and inquired into the status of the Defendant and her failure to comply with the mandatory terms of her probation. Six months after having heard nothing, I sent a letter to Chief Deputy District Attorney Kevin Pasquale asking for his help (a copy of that letter is enclosed herewith). Shortly after, Kevin advised me that much to his surprise and dismay, Mrs. Gravelle had been, in December of 2017, honorably discharged from her probation; this being in spite of the fact that she had made no effort to make any payment for approximately a year and a half and that her probation was not set to expire for another approximate 1 1/2 years.

The file shows that on December 8, 2017, Natalie A. Wood, Chief Parole and Probation Officer, filed a Petition and Order Honorably Discharging Probationer. In the Petition, Ms. Wood states that "... the Probationer has satisfactorily completed all of the conditions of probation or has demonstrated fitness for honorable discharge, but because of economic hardship, verified by the Division, has been unable to make restitution as ordered by the court." The Order honorably Discharging Mrs. Gravelle was signed on December 18, 2017.

Neither the Humboldt County District Attorney's Office nor the victim Steve Lucas was made aware of the Petition in spite of the fact that no attempt at any payment had been made for 1 1/2 years, that \$22,700.00 was still owed in restitution, and that 1 1/2 years were left on the term of probation.

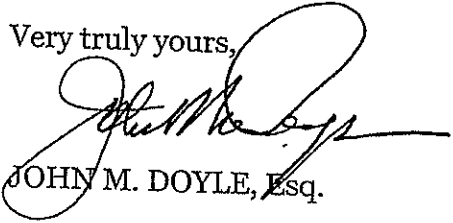
As you can imagine both Steve Lucas and I are befuddled as to how this could have happened without notice or hearing.

I would respectfully request that the Court arrange either a hearing or a conference be set to include a representative of the Division of Parole and Probation (preferably Ms. Natalie A. Wood), Kevin Pasquale and myself to inquire into the circumstances surrounding how this case was handled and specifically the nature of the economic hardship of the Defendant, as well as how the hardship was verified by the Division of Parole and Probation. In addition, I would also request that all parties review the transcript of the July 7, 2014, sentencing hearing.

Montero, Pasquale, Wood
April 30, 2018
Page 3

Thank you in advance for your consideration of this matter. Awaiting your reply, I remain

Very truly yours,



JOHN M. DOYLE, Esq.

JMD/bd

Enclosure

cc: Mr. Steve Lucas
P.O. Box 61
Paradise Valley, Nevada 89426

POST OFFICE BOX 1190

John M. Doyle
ATTORNEY AT LAW
530 Melankey Street - Suite 3
Winnemucca, Nevada 89446

TEL. (775) 623-5051
FAX (775) 623-0273

March 12, 2018

Kevin Pasquale
Chief Deputy District Attorney
Humboldt County District Attorney's Office.
P.O. Box 909
Winnemucca, Nevada 89446

Re: Teresa Gravelle Restitution to Steve Lucas

Dear Kevin:

I am writing to you on behalf of my client Steve Lucas concerning the status of the Teresa Gravelle conviction and order of restitution regarding her conviction in 2014.

A brief review shows that Teresa Gravelle was convicted on March 18, 2014, for Embezzlement, a felony, and was sentenced to 12-32 months in prison; she was placed on probation for 5 years. A condition of probation was that she pay restitution in the amount of \$65,000 in monthly payments of no less than \$1,500.

Please review the transcript of the Sentencing which was held on July 7, 2014. It is very telling in several aspects including the lengthy time it took the Humboldt County District Attorney's office to prosecute the case as well as the attitude of the Defendant (which Judge Wagner commented on at length.)

Judge Wagner made it clear that he expected complete restitution to be made and if restitution was not timely made, he would consider it a failure of probation.

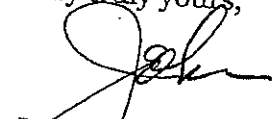
Over the past several years I have contacted the District Attorney's Office on many occasions to inquire as to the total lack of follow-up on this case. I last spoke with Nancy Jurad in September 2017 and she assured me she would have this matter addressed. At that time I advised her of Mrs. Gravelle's current address and last employer, Humboldt Drilling; her last known address is 4575 Westmoreland in Winnemucca.

It appears according to our records that the last payment Mrs. Gravelle made was in August of 2016 and that the balance, excluding interest, is \$22,700! I was advised the matter would be addressed immediately. I have heard nothing.

Humboldt County District Attorney's Office
March 12, 2018
Page 2

I have reached out to you Kevin because you interceded before when it was evident the ball had been dropped. I believe this matter must be addressed within your office as well as with the Department of Parole and Probation. I trust you will give this your prompt attention and get back to me with how this matter will be resolved.

Very truly yours,



JOHN M. DOYLE, Esq.
JMD/bd

cc: Mr. Steve Lucas
P.O. Box 61
Paradise Valley, Nevada 89426

Exhibit 8

Exhibit 8



1 CASE NO. CR 12-6043

2 DEPT. NO. 2

FILED

2019 MAY 10 AM 10:45

TAMI RAE SPERO
DIST. COURT CLERK

3
4
5
6
7 IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
8 IN AND FOR THE COUNTY OF HUMBOLDT

-o0o-

9
10 STATE OF NEVADA,

11 Plaintiff,

12 VS

ORDER

13 TERESA ANN GRAVELLE,

14 Defendant. /

15 On December 18, 2017, this Court signed an Order discharging Defendant, Teresa
16 Ann Gravelle from probation. This Court was under the false impression that Defendant
17 had satisfied her probation condition which required her to pay all restitution owed. The
18 Court's false impression was initially created after a review of a *Case File Update* provided
19 by the Court's docket log system indicating that no restitution was owed. (See attached:
20 Exhibit 1). This false belief was further confirmed by a lack of factual input from the
21 Department of Parole and Probation and Humboldt County District Attorney's Office.

22 It was not until the Department of Parole and Probation submitted a *Civil Confession*
23 *of Judgment* for this Court's approval on or about March 30, 2018, that this Court was
24

Exhibit 1

Exhibit 1

Actions

Cancel

Save & Exit

Submit (Enter)

Print Labels

Case File Update

DC0100B

Case Number CR 1206043

Case Type

FCPRO + FELONY CR AGAINST PROPERT 2 MRM + DA + DISTRICT ATTORNEY
 Confidential ☐ Sealed ☐ Jury ☐ Child Involved ☐ Self-Represent ☐

Case Folder

0

Evidence Folder

1

Captions

The State of Nevada, Plaintiff,

vs.

Teresa Ann Gravelle, Defendant.

Comments

Reminders

FCPRO-GUILTY

8/19/14

Prev

Name (L,F)

GRAVELLE, TERESA ANN

Party Type

DEF

Defendant

001 of 001

Next

SSN Lst4

Ball

Initial Filing

1/10/12

Deactivated

Address

7195 MARKET ST.

DOB

8/15/55

Bonds

1282

Reopened

Reactivated

WINNEMUCCA

NV

89445

Sex

F

Race

W

Own Recog ☐

Judgment

NTGL

+ 8/19/14

Comment

OFF:04/14/11

Charges/Offenses

Party Attys/Interprot

Party Hearings

Party Filings

Case Events

Party Balances

Party Financial History

FINE

Initial Amount

.00

Remaining Bal

.00

Payment Due

Uncollectable

ADMIN ASSESSMENT

25.00

.00

FORENSIC

.00

.00

ATTORNEY/PUBLIC DEFENDER

.00

.00

DNA AND DNA 3

153.00

.00

RESTITUTION

.00

.00

DOMESTIC ADMIN

.00

.00

MISCCT

.00

.00



Exhibit 2

Exhibit 2

CR 12-6043

State of Nevada vs. Teresa Gravella

Judge: Michael R. Montero

Clerk: Elisha Formby

SEPTEMBER 20, 2018

STATUS HEARING

PRESENT: Anthony Gordon, Deputy District Attorney. Steve Lucas, present with counsel John Doyle. Bryan Waters, Division of Parole and Probation.

Gordon stated that the Defendant has already been honorably discharged from probation and the Defendant signed a Civil Confession of Judgment.

Doyle sent a letter to the District Attorney and the Court regarding this unpaid restitution still owing by the Defendant. Doyle also stated that the letter was sent to Natalie Woods, Chief Parole and Probation Officer and requested that she be present for today's hearing and she is not here, as well as Kevin Pasquale, Chief Deputy DA who is also not present. Woods was the Officer that released the Defendant from probation knowing that the Defendant still owed \$22,000 in restitution. The Court directed the Clerk of the Court to mark, letter from John M. Doyle as Court's Exhibit C-1. The Court asked for any objections to Doyle reading the letter in open court. No objections. Doyle reads letter.

Bryan Waters, Parole and Probation Officer, duly sworn and testified under the direct examination of Gordon. Waters stated the Defendant was honorably discharged from probation with restitution still owing because the Defendant was experiences financial hardship. Cross by Doyle. Waters answered questions put to him by the Court. Re-direct by Gordon. Re-cross by Doyle.

Jason Harp, Parole and Probation Officer of Elko County, duly sworn and testified under the direct examination of Gordon. Cross by Doyle. Harp answered questions put to him by the Court. Discussion ensued about the Defendants adjusted date.

The Court explains that AS400 computer showed that the restitution amount was 0, that Court was later advised that the restitution was at one time collected by the District Attorney's Office and now is collected through the Treasurer's Office. The Court is unable to find a way to remedy this issue as the balanced appeared to be 0. The Court was not the initial Judge on this case. The Court did not become involved until the signing of the Order Discharging from Probation. The Court is concerned that Pasquale and Ms. Woods are not here today. The Court is inclined to consider a dishonorable discharged from probation. The Court directed the State to calendar that hearing with his staff and be sure that Pasquale and the Defendant are noticed. The Court is inclined to also revisit the Defendant's financial hardship at that hearing.

Doyle understands the Courts order but dishonorably discharging the Defendant does not do Mr. Lucas any good. There has been fraud perpetrated on the Court in this case. Doyle motioned the Court to rescind Order Honorably Discharging Probationer and place the Defendant back on probation.

The Court stated he hears what Doyle is requesting, the relief needs to come from the State. Mr. Doyle and his client are not a party to this case.

Exhibit 9

Exhibit 9

1 Case No. CR 12-6043

2 Dept No. 2

3 This document does not contain
4 Social Security Numbers

FILED

2019 AUG 26 PM 3:14

TAMI DAE SHER
DIST COURT CLERK

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

8 -oOo-

9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

12 TERESA ANN GRAVELLE,


13 Defendant. /

DEFENDANT'S MOTION TO
DISCHARGE FROM PROBATION

14 COMES NOW, the Defendant, TERESA ANN GRAVELLE, by and through her attorneys,
15 MILLER LAW, INC. and RENDAL B MILLER, ESQ., and hereby moves the Court to Discharge
16 Defendant from probation. This motion is based on the following Points and Authorities:

17 DATED this 26 day of August, 2019.

18 MILLER LAW, INC.

19 
20 RENDAL B. MILLER, ESQ.
21 Attorney for TERESA ANN GRAVELLE
22 Nevada Bar No. 12257
23 115 West 5th Street, Box 7
24 Winnemucca, Nevada 89445
25 775-623-5000
26
27
28

1
2
3
4
5
6
7
8
9
1
1
1
1
1
1
1
1
1
2
2
2
2
2
2
2
2
2

2
3

4
5
6
7
8
9

1
1
1
1
1

1
1
1

1
1

22

2

2

2
2
2

2

2

2

1 Pursuant to NRS 176A.850(1)(c):

2 "Has demonstrated fitness for honorable discharge but because of economic
3 hardship, verified by the Division, has been unable to make restitution as ordered
4 by the court, may be granted an honorable discharge from probation by order of the
court."

5 Because of the Defendant's financial hardship, the Defendant was unable to make the rest
6 of the restitution payments which was verified by the Division of Parole and Probation.

7 Additionally, the Judgment of Conviction filed on August 19, 2014 states the Defendant be
8 placed on probation for a term of sixty (60) months. The time for the Defendant to be on probation
9 as expired.

10 WHEREFORE, Defendant prays for an Order of this Court as follows:

11 **First.** That the Defendant be honorably discharged from probation;

12 **Second.** For such other and further relief as to the Court may appear just and proper.

13 DATED this 26 day of August, 2019.

14 MILLER LAW, INC.

15 

16 RENDAL B MILLER, ESQ.
17 Attorney for TERESA ANN GRAVELLE
18 Nevada Bar No. 12257
115 West Fifth Street, Box 7
19 Winnemucca, Nevada 89445
20 775-623-5000
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

VERIFICATION

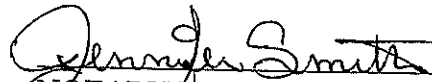
STATE OF NEVADA)
):ss
COUNTY OF HUMBOLDT)

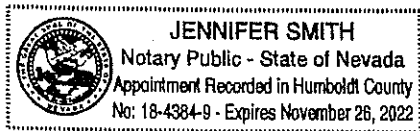
I, TERESA ANN GRAVELLE, an individual and Defendant herein, being first duly sworn,
deposes and says:

That I am the Defendant in the above entitled action, that I have read the foregoing Motion
to Dismiss and know the contents thereof, that the same is true of my knowledge, except those
matters therein stated on information or belief, and that as to those matters, I believe them to be
true.


TERESA ANN GRAVELLE

SUBSCRIBED AND SWORN to before me, a notary public, this 27 day of August, 2019,
by TERESA ANN GRAVELLE.


NOTARY PUBLIC



CERTIFICATE OF MAILING

I, SAMANTHA DRAPER, hereby certify that I am a legal assistant of RENDAL B. MILLER, and that on the 28 day of August, 2019, I placed a true and correct copy of the foregoing or attached document in District Attorney's box at the Clerk's office, entitled MOTION TO DISMISS to:

Humboldt County District Attorney
PO Box 909
Winnemucca, Nevada 89446

DATED this 28 day of August, 2019.



SAMANTHA DRAPER

2011-2012

Exhibit 1

Exhibit 1

Case No. CR12-6043

Dept. No. 1

FILED

AUG 19 2014

TAMI RAE SPERO
DIST. COURT CLERK

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

-oOo-

THE STATE OF NEVADA,

Plaintiff,

vs.

JUDGMENT OF CONVICTION

TERESA GRAVELLE

DOB: 08/15/1955

Defendant. /

WHEREAS, on the 18th day of March, 2014, the Defendant entered her plea of guilty to the charge of COUNT I-EMBEZZLEMENT, a Category C Felony, COUNT II-CONSPIRACY TO COMMIT EMBEZZLEMENT, a Gross Misdemeanor, and the matter having been submitted before the Honorable Judge Richard A. Wagner.

At the time Defendant entered the plea of guilty, this Court informed the Defendant of the privilege against compulsory self-incrimination, the right to a speedy trial, the right to a trial by jury, the right to compulsory process to compel witnesses to testify on behalf of the Defendant and the right to confront the accusers. That after being so advised, the

1 Defendant stated that these rights were understood and still
2 desired this Court to accept the plea of guilty.

3 The Court having accepted Defendant's plea of guilty, set
4 the date of the 7th day of July, 2014, at the hour of 9:30 a.m.
5 as the date and time for imposing judgment and sentence.
6

7 Furthermore, at the time Defendant entered the plea of
8 guilty and at the time of sentencing, Defendant was represented
9 by attorney, SHERBURNE MACFARLAN; also present in Court were
10 TAMI RAE SPERO, Humboldt County Court Clerk or her designated
11 agent; ED KILGORE, Sheriff of Humboldt County or his designated
12 agent; BRYAN WATERS, representing the Division of Parole and
13 Probation; and RICHARD HAAS, Deputy District Attorney
14 representing the State of Nevada.
15

16 The Defendant having appeared on the 7th day of July, 2014,
17 represented by counsel and Defendant having been given the
18 opportunity to exercise the right of allocution and having shown
19 no legal cause why judgment should not be pronounced at this
20 time.

21 The above-entitled Court having pronounced Teresa Ann
22 Gravelle guilty of COUNT I-EMBEZZLEMENT, a Category C Felony, in
23 violation of NRS 205.300.
24

25 The Defendant was thereby ordered by the Court to serve for
26 COUNT I-EMBEZZLEMENT, a maximum of thirty-two (32) months, but
27 no less than twelve (12) months in the Nevada Department of
28 Corrections, said sentence is suspended and Defendant is placed

on probation for a term of sixty (60) months with the following special conditions:

1. That the Defendant submit to a search of the Defendant's person, property, vehicle, residence or any area and /or things under the defendant's control, at any time of the day or night without a warrant, for evidence of any crime or evidence of any violation of probation by a Parole and Probation Officer or Peace Officer acting under their direction during the entire term of the Defendant's probation;
2. That the Defendant pay the outstanding balance of restitution, in the amount of \$65,000.00, payable through the Humboldt County District Attorney's Office, in monthly payments of no less than \$1,500.00;
3. That the Defendant make a payment of \$30,000.00, within 90 days of her probation grant. If the Defendant fails to make this payment a Status Hearing will be set up so Defendant can explain why she has not made her payment;
4. That if the Defendant fails to pay her restitution as ordered then the Defendant will be violating her probation grant and it will be reported as a violation of probation;
5. The Defendant must, pursuant to NRS 176.0913, submit a biological specimen under the direction of the Division of Parole and Probation to determine the Defendant's

1 genetic markers. Further, pursuant to NRS 176.0915, in
2 addition to any other penalty, the Defendant must pay a
3 \$150 DNA fee, payable to the Humboldt County Clerk of the
4 Court, and may not be deducted from any other fines or
5 fees imposed by the Court, to be paid within 90 days of
6 Defendant's probation grant;
7

8 6. That the Defendant pay a \$25 administrative assessment
9 fee pursuant to NRS 176.062 and a \$3 DNA collection fee,
10 payable to the Humboldt County Clerk of the Court, to be
11 paid within 30 days of Defendant's probation grant.
12

13 COUNT II-CONSPIRACY TO COMMIT EMBEZZLEMENT, a Gross
14 Misdemeanor, in violation of NRS 193.330 and NRS 205.300, was
15 dismissed by the Court at the time of sentencing pursuant to the
16 Guilty Plea Agreement filed on March 6, 2013.

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

18 Sherburne Macfarlan, represented the Defendant during all
19 stages of the proceedings;
20

21 Richard Haas, Deputy District Attorney, represented the
22 State of Nevada at all stages of these proceedings.

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

26 //

27 //

28

HUMBOLDT COUNTY DISTRICT ATTORNEY
P.O. Box 909
Winnemucca, Nevada 89446

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

4 DATED this 18th day of Aug., 2014, in the
5 City of Winnemucca, County of Humboldt, State of Nevada.

6
7 
8 DISTRICT JUDGE

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the Humboldt County District Attorney's Office, and that on the 19 day of August, 2014, I delivered at Winnemucca, Nevada, by the following means, a copy of the JUDGMENT OF CONVICTION to:

Sherburne Macfarlan
919 Idaho Street
Elko, NV 89801

- (xx) U.S. Mail
- () Certified Mail
- () Hand-delivered
- () Placed in box at DCT
- () Via Fax

[Signature]

HUMBOLDT COUNTY DISTRICT ATTORNEY

P.O. Box 909

Winnemucca, Nevada 89446

Exhibit 2

Exhibit 2

Case No. CR12-6043

Dept. No. I

FILED

DEC 23 2014

TAMI RAE SPERO
DIST. COURT CLERK

[Signature]

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.

ORDER MODIFYING
TERMS OF PROBATION

TERESA GRAVELLE,

Defendant. /

WHEREAS, on the 15th day of December, 2014, a Status Hearing was heard before the Honorable Richard A. Wagner to consider the failure of the Defendant to pay \$30,000 (from a total of \$65,000 owed) in restitution within the first 90 days of her original probation grant (with a \$1,500/monthly restitution schedule for the remaining balance of \$35,000).

The Court having heard from counsel in this matter and having considered the request of the victim that is owed the above-mentioned restitution and good cause appearing therefore:

WINTHROP COUNTY DISTRICT ATTORNEY
P.O. Box 909
Winnemucca, Nevada 89446

It is hereby ORDERED that the Defendant's original probation be modified as follows:

1. In lieu of paying \$30,000 in restitution during the first 90 days of probation, she shall be given credit for \$10,000 in restitution made in addition to payments made pursuant to her payment schedule and shall receive an additional credit of \$15,000 in exchange for transferring a known parcel of land located in Paradise Valley, Humboldt County, Nevada, to Steve Lucas.

It is further ordered that the Defendant's \$1,500/month payment schedule shall be extended until such time as the complete amount of restitution has been paid.

DATED this 22nd day of December, 2014, in the
City of Winnemucca, County of Humboldt, State of Nevada.

HUMBOLDT COUNTY DISTRICT ATTORNEY
P.O. Box 909
Winnemucca, Nevada 89446

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the Humboldt County District Attorney's Office, and that on this date I deposited for mailing at Winnemucca, Nevada, a true copy of the ORDER to:

RENDAL MILLER
115 W. Fifth Street
Winnemucca, NV 89445
(via DCT box)

JOHN DOYLE
Attorney at Law
PO Box 1190
Winnemucca, NV 89446
(via U.S. mail)

Handwritten signature

Exhibit 3

Exhibit 3

FILED

2017 DEC 18 AM 11:06

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

THE STATE OF NEVADA,

Plaintiff

vs.

GRAVELLE, TERESA

Defendant

)
)
)
)
)
)
)

Case No. CR12-6043

Department No. 1


PETITION AND ORDER HONORABLY DISCHARGING PROBATIONER

To the Honorable Judge Michael R. Montero, of the Sixth Judicial District Court of the State of Nevada, in and for the County of Humboldt, the Undersigned Chief Probation Officer for the State of Nevada now reports as follows concerning the above Defendant: Said Defendant was placed on probation by order of the Court for a term of 60 months, said Order being dated the 7th day of July, 2014. Said Probationer has satisfactorily completed all of the conditions of probation or has demonstrated fitness for honorable discharge, but because of economic hardship, verified by the Division, has been unable to make restitution as ordered by the court.

THEREFORE, the undersigned petitions and recommends that said Probationer be Honorably discharged and released from further supervision in accordance with NRS 176A.850.

Pursuant to NRS 239B.030, the undersigned hereby affirms this document does not contain the social security number of any person. Attached are documents explaining restoration of Civil Rights and Sealing of records.

Dated this 8th day of December, 2017.



3098 (for)
 Natalie A. Wood, Chief Parole and Probation Officer

ORDER HONORABLY DISCHARGING PROBATIONER

In accordance with NRS 176A.850

In this cause it appearing that the above-named Defendant was heretofore placed on probation under the Chief Parole and Probation Officer of the State of Nevada, and it further appearing from the petition of said Probation Officer that the period of such probation expires upon Judge's signature.

IT IS HEREBY ORDERED that said Probationer be honorably discharged from said probation.

Dated this 18th day of Dec, 2017

A handwritten signature in black ink, appearing to read 'Michael R. Montero', written over a horizontal line.

Michael R. Montero, District Judge



DIVISION OF PAROLE AND PROBATION

HEADQUARTERS
1445 Old Hot Springs Road, Suite 104
Carson City, NV 89706

December 08, 2017

Teresa Gravelle
4575 WESTMORELAND
WINNEMUCCA, NV 89445

Case Number: CR12-6043
Re: Outstanding Financial Obligations
BIN Number: 1003387231

Mr. or Mrs. GRAVELLE:

You discharged/expired your term on . Your remaining unpaid balance due and payable within 30 days from the date of this letter is listed below:

Supervision Fees:	\$0.00
House Arrest:	\$0.00
Drug Test:	\$0.00
Psych Test:	\$0.00
Extradition:	\$0.00
DNA fee:	\$0.00
Total Amount Due:	\$0.00

Please remit payment in the form of a Money Order, Cashier's Check, or personal check made payable to: Division of Parole and Probation. Do not leave the payee line or the "Pay to the Order of" line blank. Alternatively, you may pay by e-check by calling (775) 684-2614 during the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday (closed on all public holidays). Please have your bank account and routing number available. Do not make payments with cash. Keep a copy of your payment for your records. Print your name and BIN number under your signature for proper identification.

Mail your payment to:
Division of Parole and Probation
1445 Old Hot Springs Rd., # 104
Carson City, NV 89706

If the above total amount is not received by the Division of Parole and Probation within 30 days from the date of this letter, your account will be turned over to the State Controller and/or an independent collection agency as allowed by Nevada Revised Statutes (NRS) Chapter 353C. In addition, pursuant to NRS 353C.135, a collection agency may charge collection costs and fees up to 35% of the debt owed or \$50,000.00, which ever is less.

This is your final notice from the Division of Parole and Probation.

Respectfully,

Nevada Division of Parole & Probation
Fiscal Services

DISCHARGE

NRS 176A.850 Honorable discharge from probation: When granted; restoration of civil rights; effect; documentation.

- 1) A person who:
 - a) Has fulfilled the conditions of probation for the entire period thereof;
 - b) Is recommended for earlier discharge by the Division; or
 - c) Has demonstrated fitness for honorable discharge but because of economic hardship, verified by the Division, has been unable to make restitution as ordered by the court,
 - i) may be granted an honorable discharge from probation by order of the court.
- 2) Any amount of restitution remaining unpaid constitutes a civil liability arising upon the date of discharge.
- 3) Except as otherwise provided in subsection 4, a person who has been honorably discharged from probation:
 - a) Is free from the terms and conditions of probation.
 - b) Is immediately restored to the following civil rights:
 - i) The right to vote; and
 - ii) The right to serve as a juror in a civil action.
 - c) Four years after the date of honorable discharge from probation, is restored to the right to hold office.
 - d) Six years after the date of honorable discharge from probation, is restored to the right to serve as a juror in a criminal action.
 - e) If the person meets the requirements of NRS 179.245, may apply to the court for the sealing of records relating to the conviction.
 - f) Must be informed of the provisions of this section and NRS 179.245 in the person's probation papers.
 - g) Is exempt from the requirements of chapter 179C of NRS, but is not exempt from the requirements of chapter 179D of NRS.
 - h) Shall disclose the conviction to a gaming establishment and to the State and its agencies, departments, boards, commissions and political subdivisions, if required in an application for employment, license or other permit. As used in this paragraph, "establishment" has the meaning ascribed to it in NRS 463.0148.
 - i) Except as otherwise provided in paragraph (h), need not disclose the conviction to an employer or prospective employer.
- 4) Except as otherwise provided in this subsection, the civil rights set forth in subsection 3 are not restored to a person honorably discharged from probation if the person has previously been convicted in this State:
 - a) Of a category A felony.
 - b) Of an offense that would constitute a category A felony if committed as of the date of the honorable discharge from probation.
 - c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.
 - d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of honorable discharge from probation.
 - e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

- i) A person described in this subsection may petition a court of competent jurisdiction for an order granting the restoration of civil rights as set forth in subsection 3.
- 5) The prior conviction of a person who has been honorably discharged from probation may be used for purposes of impeachment. In any subsequent prosecution of the person, the prior conviction may be pleaded and proved if otherwise admissible.
- 6) Except for a person subject to the limitations set forth in subsection 4, upon honorable discharge from probation, the person so discharged must be given an official document which provides:
- a) That the person has received an honorable discharge from probation;
 - b) That the person has been restored to his or her civil rights to vote and to serve as a juror in a civil action as of the date of honorable discharge from probation;
 - c) The date on which the person's civil right to hold office will be restored pursuant to paragraph (c) of subsection 3; and
 - d) The date on which the person's civil right to serve as a juror in a criminal action will be restored pursuant to paragraph (d) of subsection 3.
- 7) Subject to the limitations set forth in subsection 4, a person who has been honorably discharged from probation in this State or elsewhere and whose official documentation of honorable discharge from probation is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore the person's civil rights pursuant to this section. Upon verification that the person has been honorably discharged from probation and is eligible to be restored to the civil rights set forth in subsection 3, the court shall issue an order restoring the person to the civil rights set forth in subsection 3. A person must not be required to pay a fee to receive such an order.
- 8) A person who has been honorably discharged from probation in this State or elsewhere may present:
- a) Official documentation of honorable discharge from probation, if it contains the provisions set forth in subsection 6; or
 - b) A court order restoring the person's civil rights,
 - i) as proof that the person has been restored to the civil rights set forth in subsection 3.
 - c) (Added to NRS by 1967, 1436; A 1989, 1983; 1993, 1517; 1997, 1672; 2001, 1639, 1690; 2003, 67, 2685; 2005, 81, 2354)

Sealing of Records

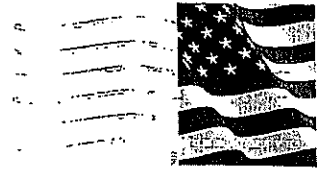
NRS 179.245 Sealing records after conviction: Persons eligible; petition; notice; hearing; order.

- 1) Except as otherwise provided in subsection 5 and NRS 176A.265, 176A.295, 179.259, 453.3365 and 458.330, a person may petition the court in which the person was convicted for the sealing of all records relating to a conviction of:
 - a) A category A or B felony after 15 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;
 - b) A category C or D felony after 12 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;
 - c) A category E felony after 7 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;
 - d) Any gross misdemeanor after 7 years from the date of release from actual custody or discharge from probation, whichever occurs later;
 - e) A violation of NRS 484C.110 or 484C.120 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later; or
 - f) Any other misdemeanor after 2 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later.
 - 2) A petition filed pursuant to subsection 1 must:
 - a) Be accompanied by current, verified records of the petitioner's criminal history received from:
 - i) The Central Repository for Nevada Records of Criminal History; and
 - ii) The local law enforcement agency of the city or county in which the conviction was entered;
 - b) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and
 - c) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed.
 - 3) Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and:
 - a) If the person was convicted in a district court or justice court, the prosecuting attorney for the county; or
 - b) If the person was convicted in a municipal court, the prosecuting attorney for the city.
- *The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.*
- 4) If, after the hearing, the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of the court, of another court in the State of Nevada or of a public or private agency, company or official in the State of Nevada, and may also order all such criminal identification records of the petitioner returned to the file of the court where the proceeding was commenced from, including, but not limited to, the Federal Bureau of Investigation, the California Bureau of Criminal Identification and Information, sheriffs' offices and all other law enforcement agencies reasonably known by either the petitioner or the court to have possession of such records.
 - 5) A person may not petition the court to seal records relating to a conviction of a crime against a child or a sexual offense.
 - 6) If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.

7) As used in this section:

- a) "Crime against a child" has the meaning ascribed to it in NRS 179D.0357.
- b) "Sexual offense" means:
 - i) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.
 - c) Sexual assault pursuant to NRS 200.366.
 - d) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.
 - e) Battery with intent to commit sexual assault pursuant to NRS 200.400.
 - f) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.
 - g) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.
 - h) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.
 - i) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.
 - j) Incest pursuant to NRS 201.180.
 - k) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.
 - l) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.
 - m) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.
 - n) Lewdness with a child pursuant to NRS 201.230.
 - o) Sexual penetration of a dead human body pursuant to NRS 201.450.
 - p) Luring a child or a person with mental illness pursuant to NRS 201.560, if punishable as a felony.
 - q) An attempt to commit an offense listed in subparagraphs (1) to (15), inclusive.
- 8) (Added to NRS by 1971, 955; A 1983, 1088; 1991, 303; 1993, 38; 1997, 1673, 1803, 3159; 1999, 647, 648, 649; 2001, 1167, 1692; 2001 Special Session, 261; 2003, 312, 316, 319, 1385; 2005, 2355; 2007, 2751; 2009, 105, 418, 1884)

Parole and Probation
Institution Way #5
Winnemucca, NV 89445



Teresa Gravelle
4575 Westmoreland
Winnemucca, NV 89445

8944588337 H004

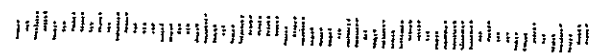


Exhibit 4

Exhibit 4

FILED

Case No. CR12-6043

2018 APR -4 AM 10:44

Dept. No. II

SAE SPENCER
COURT CLERK

E. J. M. L.

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

THE STATE OF NEVADA

Plaintiff,

CIVIL CONFESSION OF JUDGMENT

vs.

TERESA ANN GRAVELLE

Defendant

TERESA ANN GRAVELLE, hereby authorizes the entry of a Civil Judgment against her in the above-entitled action in the amount of \$22,700.00, and costs, to Lucas Livestock, the victim in this case. The sum represents the balance currently owed on the Judgment entered July 7, 2014, ordering restitution in the criminal proceedings entitled the State of Nevada in and for the County of Humboldt vs. Teresa Ann Gravelle.

TERESA ANN GRAVELLE, admits that the total sum confessed is justly due to the victim in this matter. The sum confessed represents monies owed to Lucas Livestock as a result of the actions of the Defendant.

DATED THIS 30 DAY OF March, 2018.

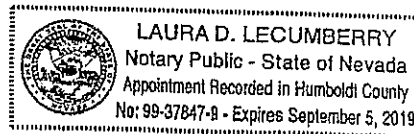
By

Teresa Gravelle
Teresa Ann Gravelle, Defendant

State of Nevada,
County of Humboldt


SUBSCRIBED and SWORN
to before me, a Notary Public,
this 30th day of March, 2018.

NOTARY PUBLIC



1 IT IS HEREBY ORDERED that a Civil Judgment is awarded against the Defendant, Teresa Ann
2 Gravelle, and in favor of Lucas Livestock, the victim in this matter, in the amount of
3 \$ 22,700.⁰⁰, and costs.
4

5 DATED THIS 4th DAY OF April, 2018.
6

7 
MICHAEL R. MONTERO, District Judge
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

11/11/11

Exhibit 5

CR 12-6043

State of Nevada vs. Teresa Gravella

Judge: Michael R. Montero

Clerk: Elisha Formby

SEPTEMBER 20, 2018

STATUS HEARING

PRESENT: Anthony Gordon, Deputy District Attorney. Steve Lucas, present with counsel John Doyle. Bryan Waters, Division of Parole and Probation.

Gordon stated that the Defendant has already been honorably discharged from probation and the Defendant signed a Civil Confession of Judgment.

Doyle sent a letter to the District Attorney and the Court regarding this unpaid restitution still owing by the Defendant. Doyle also stated that the letter was sent to Natalie Woods, Chief Parole and Probation Officer and requested that she be present for today's hearing and she is not here, as well as Kevin Pasqaule, Chief Deputy DA who is also not present. Woods was the Officer that released the Defendant from probation knowing that the Defendant still owed \$22,000 in restitution. The Court directed the Clerk of the Court to mark, letter from John M. Doyle as Court's Exhibit C-1. The Court asked for any objections to Doyle reading the letter in open court. No objections. Doyle reads letter.

Bryan Waters, Parole and Probation Officer, duly sworn and testified under the direct examination of Gordon. Waters stated the Defendant was honorably discharged from probation with restitution still owing because the Defendant was experiences financial hardship. Cross by Doyle. Waters answered questions put to him by the Court. Re-direct by Gordon. Re-cross by Doyle.

Jason Harp, Parole and Probation Officer of Elko County, duly sworn and testified under the direct examination of Gordon. Cross by Doyle. Harp answered questions put to him by the Court. Discussion ensued about the Defendants adjusted date.

The Court explains that AS400 computer showed that the restitution amount was 0, that Court was later advised that the restitution was at one time collected by the District Attorney's Office and now is collected through the Treasurer's Office. The Court is unable to find a way to remedy this issue as the balanced appeared to be 0. The Court was not the initial Judge on this case. The Court did not become involved until the signing of the Order Discharging from Probation. The Court is concerned that Pasqaule and Ms. Woods are not here today. The Court is inclined to consider a dishonorable discharged from probation. The Court directed the State to calendar that hearing with his staff and be sure that Pasqaule and the Defendant are noticed. The Court is inclined to also revisit the Defendant's financial hardship at that hearing.

Doyle understands the Courts order but dishonorably discharging the Defendant does not do Mr. Lucas any good. There has been fraud perpetrated on the Court in this case. Doyle motioned the Court to rescind Order Honorably Discharging Probationer and place the Defendant back on probation.

The Court stated he hears what Doyle is requesting, the relief needs to come from the State. Mr. Doyle and his client are not a party to this case.

Exhibit 6

Exhibit 6

1 CASE NO. CR 12-6043

2 DEPT. NO. 2

FILED

2019 MAY 10 AM 10:45

TAMI RAE SPERO
DIST. COURT CLERK

3
4
5
6
7 IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
8 IN AND FOR THE COUNTY OF HUMBOLDT

-o0o-

9
10 STATE OF NEVADA,

11 Plaintiff,

12 VS

ORDER

13 TERESA ANN GRAVELLE,

14 Defendant. /

15 On December 18, 2017, this Court signed an Order discharging Defendant, Teresa
16 Ann Gravelle from probation. This Court was under the false impression that Defendant
17 had satisfied her probation condition which required her to pay all restitution owed. The
18 Court's false impression was initially created after a review of a *Case File Update* provided
19 by the Court's docket log system indicating that no restitution was owed. (See attached:
20 Exhibit 1). This false belief was further confirmed by a lack of factual input from the
21 Department of Parole and Probation and Humboldt County District Attorney's Office.

22 It was not until the Department of Parole and Probation submitted a *Civil Confession*
23 *of Judgment* for this Court's approval on or about March 30, 2018, that this Court was
24



1 made aware that Defendant had failed to pay the entire amount of restitution owed to the
2 victim, Lucas Livestock, and specifically, that such a substantial amount, \$22,700, was still
3 owed. In the *Petition for Honorable Discharge*, submitted by Natalie A. Wood, Chief
4 Parole and Probation Officer, it was alleged that Defendant had “satisfactorily completed
5 all of the conditions of probation or ha[d] demonstrated fitness for honorable discharge,
6 but because of economic hardship, verified by the Division, ha[d] been unable to make
7 restitution as ordered by the court.” (emphasis added).

8 Prior to realignment of the judicial districts, this matter had previously been
9 assigned to Judge Wagner, and consequently, this Court was unfamiliar with the procedural
10 history of the case, the significance of the restitution still owed, or the status of the
11 Defendant’s payments. Defendant’s alleged “economic hardship” was inconsistent with
12 this Court’s incorrect impression that restitution had been paid in full. Nonetheless, this
13 Court signed the *Order* discharging Defendant from probation because the “stock”
14 language of the *Petition for Honorable Discharge* indicated that Defendant had completed
15 all conditions of probation, which was an assertion consistent with this Court’s docket log
16 system.

17 In an effort to clear this matter up, and at the request of the victim, this Court held
18 a Status Hearing on September 20, 2018. At the hearing, this Court affirmed its prior
19 discovery that Defendant still owed approximately \$22,700 in restitution. Victim’s
20 Counsel, in a letter admitted into evidence, also indicated that he had spoken with and Chief
21 Deputy District Attorney, Kevin Pasquale about this matter. However, on September 20,
22 2018, the State was represented by Deputy District Attorney Anthony Gordon, not Mr.
23
24

1 Pasquale. Further inhibiting the proceeding was the absence of Ms. Wood on behalf of the
2 Department of Parole and Probation, who had submitted the *Petition for Honorable*
3 *Discharge*.

4 As a result of the evidence presented to the Court on September 20, 2018, as well
5 as the failure to have persons with knowledge of the details of this case present, the State
6 was directed to calendar a hearing in which the Defendant and Chief Deputy District
7 Attorney, Kevin Pasquale were noticed to appear. (See attached: Exhibit 2). As of the date
8 of this **ORDER**, the State has taken no action.

9 “Failure to comply with the terms of an order for restitution is a violation of a
10 condition of probation.” NEV. REV. STAT. 176A.430(6). However, if a defendant fails to
11 pay restitution because of “economic hardship,” the violation of the condition of probation
12 may be excusable. NEV. REV. STAT. 176A.430(6). Because of this Court’s prior
13 understanding of the status of the unpaid restitution, this Court never reached a conclusion
14 as to Defendant’s ability to pay restitution in full. Defendant is entitled to a hearing to show
15 the existence of such a hardship prior to being released from probation. NEV. REV. STAT.
16 176A.430(6).

17 Therefore, this Court **VACATES** its December 18, 2017, *Order Honorably*
18 *Discharging Probationer* on account of the incomplete information provided to the Court
19 by the State and the Department of Parole and Probation regarding restitution and
20 Defendant’s ability to pay.

21 Because the State has failed to follow this Court’s instructions to schedule a hearing,
22 this Court, *sua sponte* set this matter for a hearing on May 29, 2019. However, this Court
23
24

1 now VACATES that hearing. Any further proceedings regarding Defendant's
2 reinstatement of probation shall be scheduled by the parties.

3 The State is **HEREBY NOTICED** of its responsibilities under Article 1, Section
4 8A, of the Constitution of the State of Nevada. Specifically, the State must inform victims
5 of the rights enumerated in Section 8A, including, and most importantly here, providing
6 notice of public proceedings to the victims of crimes. NEV. CONST. art. 1, § 8A.

7 IT IS SO ORDERED.

8 DATED: May 10, 2019.

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

SIXTH JUDICIAL
DISTRICT COURT
HUMBOLDT COUNTY, NEVADA
MICHAEL R. MONTERO
DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Honorable Michael R. Montero, District Court Judge, Sixth Judicial District Court and am not a party to, nor interested in, this action; and that on May 10, 2019, I caused to be served a true and correct copy of the enclosed **ORDER** upon the following parties:

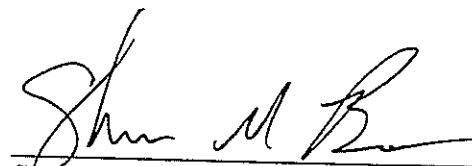
Kevin Pasquale
Humboldt County Deputy District Attorney
P.O. Box 909
Winnemucca, NV 89446
Hand-delivered to Humboldt County Courthouse, DCT Box

John M. Doyle
P.O. Box 1190
Winnemucca, NV 86446
Via U.S. Mail

Natalie A. Wood
Chief Parole and Probation Officer
1445 Old Hot Springs Road, Ste. 104
Carson City, Nevada 89701
Via U.S. Mail

Teresa Gravelle
C/O Humboldt County District Attorney
P.O. Box 909
Winnemucca, NV 89446
Hand-delivered to Humboldt County Courthouse, DCT Box

Teresa Gravelle
C/O Department of Parole and Probation
Winnemucca Nevada 89445
Hand-delivered to Humboldt County Courthouse, DCT Box



SHANE M. BELL
LAW CLERK

Exhibit 1

Exhibit 1

Actions

Cancel

Save & Exit

Submit (Enter)

Print Labels

Case File Update

DC0100B

Case Number CR 1206043

Case Type

FCPRO + FELONY CR AGAINST PROPERT

Dept Judge

2

MRM

Prosecuting Attorney

DA

+ DISTRICT ATTORNEY

Case Folder

0

Evidence Folder

1

Confidential ☐ Sealed ☐ Jury ☐ Child Involved ☐ Self-Represent ☐

Captions

The State of Nevada, Plaintiff,

vs.

Teresa Ann Gravelle, Defendant.

Comments

Reminders

FCPRO-GUILTY

8/19/14

Prev

Name (L,F)

GRAVELLE, TERESA ANN

Party Type

DEF

Defendant

001 of 001

SSN Lst4

Bail

20,000

Next

Initial Filing

1/10/12

Deactivated

Address

7195 MARKET ST.

DOB

8/15/55

Bonds

1282

Reopened

Reactivated

WINNEMUCCA

NV

89445

Sex

F

Race

W

Own Recog

Judgment

NTGL

+

8/19/14

Comment

OFF:04/14/11

Charges/Offenses

Party Attys/Interpret

Party Hearings

Party Filings

Case Events

Party Balances

Party Financial History

FINE

Initial Amount

.00

Remaining Bal

.00

Payment Due

Uncollectable

ADMIN ASSESSMENT

25.00

.00

FORENSIC

.00

.00

ATTORNEY/PUBLIC DEFENDER

.00

.00

DNA AND DNA 3

153.00

.00

RESTITUTION

.00

.00

DOMESTIC ADMIN

.00

.00

MISCCT

.00

.00





Exhibit 2

Exhibit 2

CR 12-6043

State of Nevada vs. Teresa Gravella

Judge: Michael R. Montero

Clerk: Elisha Formby

SEPTEMBER 20, 2018

STATUS HEARING

PRESENT: Anthony Gordon, Deputy District Attorney. Steve Lucas, present with counsel John Doyle. Bryan Waters, Division of Parole and Probation.

Gordon stated that the Defendant has already been honorably discharged from probation and the Defendant signed a Civil Confession of Judgment.

Doyle sent a letter to the District Attorney and the Court regarding this unpaid restitution still owing by the Defendant. Doyle also stated that the letter was sent to Natalie Woods, Chief Parole and Probation Officer and requested that she be present for today's hearing and she is not here, as well as Kevin Pasquale, Chief Deputy DA who is also not present. Woods was the Officer that released the Defendant from probation knowing that the Defendant still owed \$22,000 in restitution. The Court directed the Clerk of the Court to mark, letter from John M. Doyle as Court's Exhibit C-1. The Court asked for any objections to Doyle reading the letter in open court. No objections. Doyle reads letter.

Bryan Waters, Parole and Probation Officer, duly sworn and testified under the direct examination of Gordon. Waters stated the Defendant was honorably discharged from probation with restitution still owing because the Defendant was experiences financial hardship. Cross by Doyle. Waters answered questions put to him by the Court. Re-direct by Gordon. Re-cross by Doyle.

Jason Harp, Parole and Probation Officer of Elko County, duly sworn and testified under the direct examination of Gordon. Cross by Doyle. Harp answered questions put to him by the Court. Discussion ensued about the Defendants adjusted date.

The Court explains that AS400 computer showed that the restitution amount was 0, that Court was later advised that the restitution was at one time collected by the District Attorney's Office and now is collected through the Treasurer's Office. The Court is unable to find a way to remedy this issue as the balanced appeared to be 0. The Court was not the initial Judge on this case. The Court did not become involved until the signing of the Order Discharging from Probation. The Court is concerned that Pasquale and Ms. Woods are not here today. The Court is inclined to consider a dishonorable discharged from probation. The Court directed the State to calendar that hearing with his staff and be sure that Pasquale and the Defendant are noticed. The Court is inclined to also revisit the Defendant's financial hardship at that hearing.

Doyle understands the Courts order but dishonorably discharging the Defendant does not do Mr. Lucas any good. There has been fraud perpetrated on the Court in this case. Doyle motioned the Court to rescind Order Honorably Discharging Probationer and place the Defendant back on probation.

The Court stated he hears what Doyle is requesting, the relief needs to come from the State. Mr. Doyle and his client are not a party to this case.

Exhibit 10

Exhibit 10

Case No. CR12-6043

Dept. No. 2

FILED

2019 SEP -5 PM 3:13

TAMARA S. S. S.
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.

TERESA ANN GRAVELLE,

Defendant. /

**STATE'S OPPOSITION TO
DEFENDANT'S MOTION TO
DISCHARGE FROM PROBATION**

COMES NOW, the State of Nevada, by and through Kevin Pasquale, Chief Deputy District Attorney for Humboldt County, and opposes the Defendant's Motion to Discharge from Probation in this matter.

This opposition is made and based upon all the papers and pleadings on file herein, the points and authorities submitted herewith, the affidavit supporting this opposition and any testimony and oral argument heard by this Court at the time of hearing of this motion.

DATED this 5 day of September, 2019.



KEVIN PASQUALE
Chief Deputy District Attorney

RELEVANT FACTS

By Order of the Court, the Defendant was Honorably Discharged from probation on December 18, 2017. The Court having entered that Order on the mistaken belief that restitution, if any, had been paid. Subsequently, upon learning that restitution, as ordered, had not been paid, the Court, on May 10, 2019, vacated its previous Order honorably discharging the Defendant from probation thereby re-imposing her probation.

As of this time, as correctly noted by the Defendant, the original grant of probation for a period of sixty (60) months has expired. Additionally, as conceded by the Defendant, she has failed to pay restitution as ordered, and has thereby violated the terms of her probation grant.

DATED this 5 day of September, 2019.


KEVIN PASODALE
Chief Deputy District Attorney

AFFIDAVIT

STATE OF NEVADA)
 : ss.
COUNTY OF HUMBOLDT)

KEVIN PASQUALE, being first duly sworn, upon oath, and under penalty of perjury,
deposes and says:

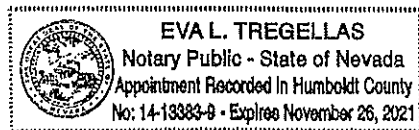
1. That Affiant is an attorney duly licensed in the State of Nevada and is currently the Humboldt County Chief Deputy District Attorney.
2. That the foregoing factual assertions are true and correct based upon information and belief.

DATED this 5 day of September, 2019.



KEVIN PASQUALE

SUBSCRIBED AND SWORN to me on this 5 day of September, 2019.





Notary Public

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the Humboldt County District Attorney's Office, and that on the 5TH day of September, 2019, I deposited for mailing at Winnemucca, Nevada, a true copy of the **STATE'S OPPOSITION TO DEFENDANT'S MOTION TO DISCHARGE FROM PROBATION** to:

RENDAL B. MILLER
115 West Fifth Street, Box 7
Winnemucca, Nevada 89445
(Placed in box in DCT)

W.H. Guead

Exhibit 11

Exhibit 11

1 Case No.: CR 12-6043

2 Dept. No. 02

3 This document contains no
4 Social Security Numbers

FILED

2020 MAY 11 PM 3:49

TAMI RAE SPEDO
DIST. COURT CLERK

6 IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

7 IN AND FOR THE COUNTY OF HUMBOLDT

8 -oOo-

9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

DELIVERY OF RESTITUTION
PAYMENTS

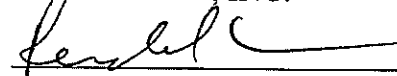
12 TERESA ANN GRAVELLE,

13 Defendant. /

14
15 COMES NOW, Defendant, TERESA ANN GRAVELLE, represented by MILLER LAW,
16 INC. and RENDAL B. MILLER, ESQ., attached is the payment record from the Humboldt County
17 Treasurer showing \$27,450.00 in restitution payments made by Defendant, a transfer of property
18 with a value of \$15,000.00 to Steven Lucas from Defendant as a restitution payment, and a cash
19 receipt from the Humboldt County District Attorney for \$1,500.00. Defendant has made a total of
20 \$43,950.00 in restitution payments.

21 DATED this 11 day of May, 2020.

22 MILLER LAW, INC.



23 RENDAL B. MILLER, ESQ.
24 Attorney for TERESA ANN GRAVELLE
25 Nevada Bar No. 12257
26 115 West 5th Street, Box 7
27 Winnemucca, Nevada 89445
28 775- 623-5000

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

2
3
4
5

6
7

8

9
10

Rhona Lecumberry
Treasurer

(775) 623-6444 • Fax: (775) 623-6440

Humboldt County
TREASURER

50 West Fifth Street
Winnemucca, NV 89445
email: treasurer@hcnv.us

May 8, 2020

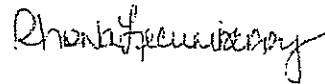
Rendal Miller, Esq.
Miller Law, Inc.
115 West 5th St., Box 7
Winnemucca, NV 89445

Dear Mr. Miller,

Enclosed are copies of the Treasurer receipts for restitution payments made by Ms. Teresa Ann Gravelle. Also enclosed is a spreadsheet created by Comptroller Gina Rackley detailing payments made by Ms. Gravelle to Humboldt County, and the payments then made to Mr. Steve Lucas.

If the Treasurer's office can help with anything further, please let me know.

Warm regards,



Rhona Lecumberry
Humboldt County Treasurer

Payments received from T. Gravelle Restitution

Date	Amount	Notes
11/25/14	\$ 6,000.00	Part of money brought over by DA prior to payments being made directly to the Treasurer's Office
12/12/14	\$ 10,000.00	Receipt #1274
12/24/14	\$ 1,500.00	Receipt #1340
01/29/15	\$ 1,500.00	Receipt #1590
04/29/15	\$ 1,500.00	Receipt #2290
06/30/15	\$ 1,500.00	Receipt #2782
08/04/15	\$ 800.00	Receipt #231
09/01/15	\$ 700.00	Receipt #480
10/01/15	\$ 1,500.00	Receipt #688
03/14/16	\$ 1,000.00	Receipt #1904
05/27/16	\$ 500.00	Receipt #2451
07/01/16	\$ 500.00	Receipt #4
08/23/16	\$ 350.00	Receipt #451
10/11/16	\$ 100.00	Receipt #813
	\$ 27,450.00	

Payments made to Steve Lucas for T. Gravelle Restitution

Date	Amount	Notes
12/15/14	\$ 6,000.00	Check #200466
02/17/15	\$ 11,500.00	Check #201477
04/06/15	\$ 1,500.00	Check #202315
06/15/15	\$ 1,500.00	Check #203444
07/13/15	\$ 1,500.00	Check #203845
08/27/15	\$ 800.00	Check #204408
12/21/15	\$ 2,200.00	Check #206342
04/04/16	\$ 1,000.00	Check #207946
09/06/16	\$ 300.00	Check #210243
09/06/16	\$ 500.00	Check #210243
09/06/16	\$ 500.00	Check #210243
	\$ 27,300.00	

\$ (150.00) diff

Treasurer' Receipt
HUMBOLDT COUNTY
GINA RACKLEY
50 W. 5TH STREET
WINNEMUCCA, NEVADA 89445

No. 1274
Date: 12/12/14

Received From:

DISTRICT ATTORNEY
PAMELA BROOKS

For: COURT ORDER REST/GRAVELLE

*****10,000.00

Fund	Fund Description	Account	Description	Amount
718	COURT ORDERED RESTITUTION	718-043-34009-000	COURT ORDERED RESTITUTON	10,000.00CR

Payments received from:
10,000.00 GRAVELLE, THERESA CHECK

Receipt No. 1274 Fiscal Year: 2015

*****10,000.00

Bank	Bank Description	Amount
401	WELLS FARGO BANK	10,000.00

Receipt No. 1274 Fiscal Year: 2015 Bank Account Total:

*****10,000.00

Total Cash: *****.00
Total Checks: *****10,000.00
Total Non Cash:*****.00
Total Other: *****.00

Treasurer

Deputy

Treasurer's Receipt
HUMBOLDT COUNTY
GINA RACKLEY
50 W. 5TH STREET
WINNEMUCCA, NEVADA 89445

No. 1340
Date: 12/24/14

Received From:
DISTRICT ATTORNEY

For: COURT ORDERED RESTITUTION

*****1,500.00

Fund	Fund Description	Account	Description	Amount
718	COURT ORDERED RESTITUTION	718-043-34009-000	COURT ORDERED RESTITUTION	1,500.00CR
1,500.00	Payments received from:			
	TERESA GRAVELLE	CASH		

Receipt No. 1340 Fiscal Year: 2015

*****1,500.00

Bank Bank Description
401 WELLS FARGO BANK

Amount
1,500.00

Receipt No. 1340 Fiscal Year: 2015 Bank Account Total:

*****1,500.00

Total Cash: *****1,500.00
Total Checks: *****.00
Total Non Cash: *****.00
Total Other: *****.00

Treasurer

Deputy

Treasurer Receipt
HUMBOLDT COUNTY
GINA RACKLEY

NO. 1550
Date: 01/29/15

50 W. 5TH STREET
WINNEMUCCA, NEVADA 89445

Received From:

RESTITUTION

For: T GRAVELLE RESTITUTION

*****1,500.00

Fund	Fund Description	Account	Description	Amount
718	COURT ORDERED RESTITUTION	718-043-34009-000	COURT ORDERED RESTITUTION	1,500.00CR

1,500.00 Payments received from:
TERESA GRAVELLE CASH

Receipt No. 1590 Fiscal Year: 2015

*****1,500.00

Bank Bank Description
401 WELLS FARGO BANK

Amount
1,500.00

Receipt No. 1590 Fiscal Year: 2015 Bank Account Total:

*****1,500.00

Total Cash: *****1,500.00
Total Checks: *****.00
Total Non Cash: *****.00
Total Other: *****.00

Treasurer

Deputy

Treasurer' Receipt
HUMBOLDT COUNTY
GINA RACKLEY
50 W. 5TH STREET
WINNEMUCCA, NEVADA 89445

No. 2290
Date: 04/29/15

Received From:
RESTITUTION/ADL

For: TERESA GRAVELLE RESTITUTN

*****1,500.00

Fund Fund Description	Account	Description	Amount
718 COURT ORDERED RESTITUTION	718-043-34009-000	COURT ORDERED RESTITUTON	1,500.00CR
1,500.00	Payments received from: TERESA GRAVELLE	CASH	

Receipt No. 2290 Fiscal Year: 2015

*****1,500.00

Bank Bank Description
401 WELLS FARGO BANK

Amount
1,500.00

Receipt No. 2290 Fiscal Year: 2015 Bank Account Total:

*****1,500.00

Total Cash: *****1,500.00
Total Checks: *****.00
Total Non Cash: *****.00
Total Other: *****.00

Treasurer

R. M. R. R. S.

Deputy

Treasurer' Receipt
HUMBOLDT COUNTY
GINA RACKLEY
50 W. 5TH STREET
WINNEMUCCA, NEVADA 89445

No. 2782
Date: 06/30/15

Received From:
RESTITUTION/ADL

For: T GRAVELLE RESTITUTION

*****1,500.00

Fund	Fund Description	Account	Description	Amount
718	COURT ORDERED RESTITUTION	718-043-34009-000	COURT ORDERED RESTITUTION	1,500.00CR
1,500.00	Payments received from:			
	TERESA GRAVELLE	CASH		

Receipt No. 2782 Fiscal Year: 2015

*****1,500.00

Bank Bank Description
401 WELLS FARGO BANK

Amount
1,500.00

Receipt No. 2782 Fiscal Year: 2015 Bank Account Total:

*****1,500.00

Total Cash: *****1,500.00
Total Checks: *****.00
Total Non Cash: *****.00
Total Other: *****.00

Treasurer

R. Harris

Deputy

Treasurer's Receipt
HUMBOLDT COUNTY
GINA RACKLEY
50 W. 5TH STREET
WINNEMUCCA, NEVADA 89445

No. 231
Date: 06/04/15

Received From:
RESTITUTION/ADL

For: T GRAVELLE/CT ORDRD REST

*****800.00

Fund Fund Description	Account	Description	Amount
718 COURT ORDERED RESTITUTION	718-043-34009-000	COURT ORDERED RESTITUTION	800.00CR

800.00 Payments received from:
TERESA GRAVELLE CASH

Receipt No. 231 Fiscal Year: 2016

*****800.00

Bank Bank Description	Amount
401 WELLS FARGO BANK	800.00

Receipt No. 231 Fiscal Year: 2016 Bank Account Total:

*****800.00

Total Cash: *****800.00
Total Checks: *****.00
Total Non Cash: *****.00
Total Other: *****.00

Treasurer

R. Rackley

Deputy

Treasurer's Receipt
HUMBOLDT COUNTY
GINA RACKLEY
50 W. 5TH STREET
WINNEMUCCA, NEVADA 89445

No. 480
Date: 09/01/15

Received From:
RESTITUTION/ADL

For: GRVELLE/LANDRY RESTITUTION

Fund	Fund Description	Account	Description	Amount
718	COURT ORDERED RESTITUTION	718-043-34009-000	COURT ORDERED RESTITUTION	720.00CR
	20.00	Payments received from:		
	700.00	DANIELLE LANDRY	CASH	
		TERESA GRAVELLE	CASH	

Receipt No. 480 Fiscal Year: 2016

*****720.00

*****720.00

Bank	Bank Description	Amount
401	WELLS FARGO BANK	720.00

Receipt No. 480 Fiscal Year: 2016 Bank Account Total:

*****720.00

Total Cash: *****720.00
Total Checks: *****.00
Total Non Cash: *****.00
Total Other: *****.00

Treasurer

Deputy

Treasurer' Receipt
HUMBOLDT COUNTY
GINA RACKLEY
50 W. 5TH STREET
WINNEMUCCA, NEVADA 89445

No. 688
Date: 10/01/15

Received From:
RESTITUTION/ADL

For: T GRAVELLE RESTITUTION

*****1,500.00

Fund	Fund Description	Account	Description	Amount
718	COURT ORDERED RESTITUTION	718-043-34009-000	COURT ORDERED RESTITUTION	1,500.00CR

1,500.00 Payments received from:
TERESA GRAVELLE CASH

Receipt No. 688 Fiscal Year: 2016

*****1,500.00

Bank	Bank Description	Amount
401	WELLS FARGO BANK	1,500.00

Receipt No. 688 Fiscal Year: 2016 Bank Account Total:

*****1,500.00

Total Cash: *****1,500.00
Total Checks: *****.00
Total Non Cash: *****.00
Total Other: *****.00

Treasurer

R. L. Lewis

Deputy

Treasurer' Receipt
HUMBOLDT COUNTY
GINA RACKLEY
50 W. 5TH STREET
WINNEMUCCA, NEVADA 89445

No. 1904
Date: 03/14/16

Received From:
RESTITUTION/ADL

For: T GRAVELLE RESTITUTION

*****1,000.00

Fund	Fund Description	Account	Description	Amount
718	COURT ORDERED RESTITUTION	718-043-34009-000	COURT ORDERED RESTITUTION	1,000.00CR

1,000.00 Payments received from:
THERESA GRAVELLE CASH

Receipt No. 1904 Fiscal Year: 2016

*****1,000.00

Bank Bank Description
401 WELLS FARGO BANK

Amount
1,000.00

Receipt No. 1904 Fiscal Year: 2016 Bank Account Total:

*****1,000.00

Total Cash: *****1,000.00
Total Checks: *****.00
Total Non Cash: *****.00
Total Other: *****.00

Treasurer

R. Harris

Deputy

Treasurer' Receipt
HUMBOLDT COUNTY
GINA RACKLEY
50 W. 5TH STREET
WINNEMUCCA, NEVADA 89445

No. 2451
Date: 05/27/16

Received From:
RESTITUTION/ADL

For: T GRAVELLE RESTITUTION

*****500.00

Fund Fund Description	Account	Description	Amount
718 COURT ORDERED RESTITUTION	718-043-34009-000	COURT ORDERED RESTITUTION	500.00CR
500.00	Payments received from: TERESA GRAVELLE	CASH	

Receipt No. 2451 Fiscal Year: 2016

*****500.00

Bank Bank Description	Amount
401 WELLS FARGO BANK	500.00

Receipt No. 2451 Fiscal Year: 2016 Bank Account Total:

*****500.00

Total Cash: *****500.00
Total Checks: *****.00
Total Non Cash: *****.00
Total Other: *****.00

Treasurer

R. Rackley

Deputy

Treasurer' Receipt
HUMBOLDT COUNTY
GINA RACKLEY
50 W. 5TH STREET
WINNEMUCCA, NEVADA 89445

No. 4
Date: 07/01/16

Received From:
RESTITUTION/ADL

For: D LANDRY, T GRAVELLE PYMT

*****550.00

Fund	Fund Description	Account	Description	Amount
718	COURT ORDERED RESTITUTION	718-043-34009-000	COURT ORDERED RESTITUTION	550.00CR
	Payments received from:			
50.00	DANIELLE LANDRY	CASH		
500.00	TERESA GRAVELLE	CASH		

Receipt No. 4 Fiscal Year: 2017

*****550.00

Bank	Bank Description	Amount
401	WELLS FARGO BANK	550.00

Receipt No. 4 Fiscal Year: 2017 Bank Account Total:

*****550.00

Total Cash: *****550.00
Total Checks: *****.00
Total Non Cash: *****.00
Total Other: *****.00

Treasurer

J. Rackley
Deputy

Treasurer' Receipt
HUMBOLDT COUNTY
GINA RACKLEY
50 W. 5TH STREET
WINNEMUCCA, NEVADA 89445

No. 451
Date: 08/23/16

Received From:
RESTITUTION/ADL

For: GRAVELLE, ARIAS RESTITUTI

*****350.00

Fund	Fund Description	Account	Description	Amount
718	COURT ORDERED RESTITUTION	718-043-34009-000	COURT ORDERED RESTITUTON	350.00CR
Payments received from:				
50.00	RICHARDO ARIAS	CHECK		
300.00	THERESA GRAVELLE	CASH		

Receipt No. 451 Fiscal Year: 2017

*****350.00

Bank	Bank Description	Amount
401	WELLS FARGO BANK	350.00

Receipt No. 451 Fiscal Year: 2017 Bank Account Total:

*****350.00

Total Cash: *****300.00
Total Checks: *****50.00
Total Non Cash: *****.00
Total Other: *****.00

Treasurer

Deputy

Treasurer' Receipt
HUMBOLDT COUNTY
GINA RACKLEY
50 W. 5TH STREET
WINNEMUCCA, NEVADA 89445

No. 813
Date: 10/11/16

Received From:
RESTITUTION/ADL

For: T GRAVELLE RESTITUTION

Fund	Fund Description	Account	Description	Amount
718	COURT ORDERED RESTITUTION	718-043-34009-000	COURT ORDERED RESTITUTION	100.00CR
100.00	Payments received from:			
	THERESA GRAVELLE	CASH		
Receipt No.	813	Fiscal Year:	2017	

*****100.00

Amount
100.00CR

*****100.00

Bank	Bank Description	Amount
401	WELLS FARGO BANK	100.00
Receipt No.	813	Fiscal Year: 2017 Bank Account Total:

*****100.00

Total Cash: *****100.00
Total Checks: *****.00
Total Non Cash: *****.00
Total Other: *****.00

Treasurer

R. Rackley

Deputy

State of Nevada
Declaration of Value

FOR RECORDERS OPTIONAL USE ONLY

Document/Instrument # 2014-4588

Book: Page:

Date of Recording: 12/23/2014

Notes: ju

1. Assessor Parcel Number(s)

a) 4239-26-100-001

b)

c)

d)

2. Type of Property:

a) ☒ Vacant Land b) ☐ Single Fam. Res.

c) ☐ Condo/Twnhse d) ☐ 2-4 Plex

e) ☐ Apt. Bldg. f) ☐ Comm'l/Ind'l

g) ☐ Agricultural h) ☐ Mobile Home

i) ☐ Other

3. Total Value/Sales Price of Property:

\$ 15,000.00

Deed in Lieu of Foreclosure Only (value of property)

\$ NA

Transfer Tax Value per NRS 375.010, Section 2:

\$ 0

Real Property Transfer Tax Due:

\$ 58.50

4. If Exemption Claimed:

a. Transfer Tax Exemption, per NRS 375.090, Section:

b. Explain Reason for Exemption:

5. Partial Interest: Percentage being transferred: %

The undersigned declares and acknowledges, under penalty of perjury, pursuant to NRS 375.060 and NRS 375.110, that the information provided is correct to the best of their information and belief, and can be supported by documentation if called upon to substantiate the information provided herein. Furthermore, the disallowance of any claimed exemption, or other determination of additional tax due, may result in a penalty of 10% of the tax due plus interest at 1% per month.

Pursuant to NRS 375.030, the Buyer and Seller shall be jointly and severally liable for any additional amount owed.

Signature Steven Lucas

Capacity Grantor

Signature

Capacity

SELLER (GRANTOR) INFORMATION

(REQUIRED)

Print Name: Michael and Teresa Gravelle

Address: 7195 Market Street

City: Winnemucca

State: Nevada

Zip: 89445

BUYER (GRANTEE) INFORMATION

(REQUIRED)

Print Name: Steven E. Lucas

Address: P.O. Box 61

City: Paradise Valley

State: Nevada

Zip: 89426

COMPANY REQUESTING RECORDING

(REQUIRED IF NOT THE SELLER OR BUYER)

Print Name:

Escrow #

Address:

City:

State:

Zip:

(AS A PUBLIC RECORD THIS FORM MAY BE RECORDED/MICROFILMED)

A.P.N.: 4239-26-100-001

HUMBOLDT COUNTY, NV

2014-04588

\$73.50

12/23/2014 02:40 PM

MILLER LAW, INC

Pgs=2

When Recorded Mail To:

Miller Law, Inc.
115 West 5th Street, #7
Winnemucca, Nevada 89445



00002689201400045880020025

MARY ANN HAMMOND, RECORDER

Mail Tax Statements To:

Steven E. Lucas
PO Box 61
Paradise Valley, NV 89445

QUIT CLAIM DEED

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, MICHAEL GRAVELLE and TERESA GRAVELLE, doe hereby, QUIT CLAIM to STEVEN E. LUCAS, a single man as his sole and separate property, all of their interest in the real property situate in the, County of Humboldt, State of Nevada, more particularly described as follows:

TOWNSHIP 42 NORTH RANGE 39 EAST, M.D.B.&M.

Section 26: NW ¼ of the SW ¼ of the NW 1/4 , consisting of 10.00 acres.

NOTE: Previously recorded on December 29th, 2010 as Document #2010-6956 of the Official Records of the Humboldt County Recorder, State of Nevada.

TOGETHER with all tenements, hereditaments and appurtenances, including easements and water rights, if any, thereto belonging or appertaining, and the reversion and reversions, remainders, rents, issues or profits thereof.

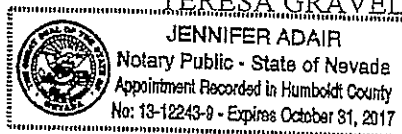
THE UNDERSIGNED HEREBY AFFIRMS THAT THIS DOCUMENT SUBMITTED FOR RECORDING DOES NOT CONTAIN A SOCIAL SECURITY NUMBER.

DATED this 19 day of December, 2014.

Michael Gravelle
MICHAEL GRAVELLE

Teresa Gravelle
TERESA GRAVELLE

STATE OF NEVADA)
COUNTY OF HUMBOLDT) :ss



On this 19 day of December, in the year 2014, before me, personally appeared MICHAEL GRAVELLE and TERESA GRAVELLE, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to this instrument, and acknowledged that he freely executed it.

Jennifer Adair
NOTARY PUBLIC

HUMBOLDT COUNTY DISTRICT ATTORNEY

RESTITUTION PROGRAM

P.O. Box 209

WINNEMUKCO, NV 89446

(775) 623-6304

**CASH
RECEIPT**

Date

7/25/14

002200

Received From

Theresa Bravelle

Address

Fifteen Hundred + No/10

For

Restitution CR12-6043

Dollars \$1500.00

ACCOUNT		HOW PAID	
AMT OF ACCOUNT		CASH	1500.00
AMT PAID		CHECK	
BALANCE DUE		MONEY ORDER	
		CREDIT CARD	

By

MB

Exhibit 12

Exhibit 12

1 CASE NO. CR 12-6043

2 DEPT. NO. 2

FILED

2020 AUG 14 PM 3:05

CLERK OF DISTRICT COURT
HUMBOLDT COUNTY, NEVADA

3
4
5
6
7 IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
8 IN AND FOR THE COUNTY OF HUMBOLDT

-o0o-

9
10 STATE OF NEVADA,

11 Plaintiff,

12 vs.

ORDER

13 TERESA ANN GRAVELLE,

14 Defendant. /

15 Before this Court is the Defendant's, Teresa Ann Gravelle, by and through
16 her attorney, Rendal Miller, Esq., *Motion to Discharge Defendant from Probation*, filed,
17 August 28, 2019. The State of Nevada's Opposition to *Motion to Discharge Defendant*
18 *from Probation*. After reviewing the file and all related filings, the Court finds that no
19 evidence of any new or additional payments on restitution have been provided. The Court
20 further finds that the Division of Parole and Probation have provided no information of
21 efforts to recover the remaining restitution amount.
22
23
24

1 The Court respectfully, **DENIES** the Motion to Discharge Defendant from Probation.

2 **IT IS SO ORDERED.**

3 DATED: August 14th, 2020.

4 
5 _____
6 HONORABLE MICHAEL R. MONTERO
7 DISTRICT JUDGE
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

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

Kevin Pasquale
Humboldt County Deputy District Attorney
P.O. Box 909
Winnemucca, NV 89446
Hand-delivered to Humboldt County Courthouse, DCT Box

Rendal Miller, Esq.
Miller Law
115 W. 5th Street, 207
Winnemucca, Nevada 89445
Via U.S. Mail

Elisha Formby
ELISHA FORMBY
ADMINISTRATIVE SPECIALIST

Exhibit 9

Exhibit 9

1 Case No. CR 12-6043

2 Dept No. 2

3 This document does not contain
4 Social Security Numbers

FILED
2021 JUL 30 PM 3:20

RECEIVED
DISTRICT CLERK

5
6 IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
7 IN AND FOR THE COUNTY OF HUMBOLDT
8

-oOo-

9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

NOTICE OF ENTRY OF ORDER

12 TERESA ANN GRAVELLE,


13 Defendant. /

14 To All Interested Parties:

15 Please take notice that on July 21, 2021, this Honorable Court entered an *Order for*
16 *Dismissal*. A copy is attached hereto.

17 DATED this 28 day of July, 2021.

18
19 MILLER LAW, INC.

20 
RENDAL B. MILLER, ESQ.

21 Attorney for TERESA ANN GRAVELLE
22 Nevada Bar No.12257
23 115 West 5th Street, Box 7
24 Winnemucca, Nevada 89445
25 775-623-5000
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF MAILING

I, MICHELLE MILLER, hereby certify that I am a paralegal of RENDAL B. MILLER, ESQ., and that on the 20 day of July, 2021 I placed a true and correct copy of the foregoing or attached document in the U.S. MAIL, in Winnemucca, Nevada, entitled *Notice of Entry of Order*, to:

Anne Carpenter
Nevada DPS Parole and Probation
1445 Old Hot Springs Road, Suite 104
Carson City, NV 89703

Humboldt County District Attorney
P.O. Box 909
Winnemucca, NV 89446

DATED this 20 day of July, 2021.


MICHELLE MILLER

CASE NO. CR 1206043

DEPT. NO. II

FILED

2021 JUN 21 AM 8:41

TAMI RAE SPERO
DIST. COURT CLERK

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

-000-

TERESA ANN GRAVELLE,

Petitioner,

vs.

ORDER FOR DISMISSAL

THE STATE OF NEVADA,

Respondent.


This matter having been submitted to the Court on January 28, 2021, and having come on for hearing on May 18, 2021; wherein the Petitioner, Teresa Ann Gravelle, was present and represented by Rendal B. Miller, Esq. and Miller Law, Inc., and having duly filed her Petition for Writ of Habeas Corpus; wherein Respondent, The State of Nevada, Department of Public Safety, Division of Parole and Probation, was present and represented by Nathan L. Hastings, Senior Deputy Attorney General; wherein Respondent, The State of Nevada, County of Humboldt, Office of the District Attorney, was present and represented by Michael Macdonald, Humboldt County District Attorney or his designated agent; and it

1
2 appearing to the satisfaction of the Court that proper notice of the hearing in this matter
3 having been duly given in the manner required by law, and GOOD CAUSE APPEARING
4 therefore:

5 **IT IS HEREBY ORDERED** that this matter is **DISMISSED**.

6 **IT IS SO ORDERED.**

7 **DATED** this 18th day of June, 2021.

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

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Honorable Michael R. Montero, District Court Judge, Sixth Judicial District Court and am not a party to, nor interested in, this action; and that on June 21, 2021, I caused to be served a true and correct copy of the enclosed **ORDER FOR DISMISSAL** upon the following parties:

Humboldt County Deputy District Attorney
P.O. Box 909
Winnemucca, NV 89445
Hand-delivered to Humboldt County Courthouse, DCT Box

Anne Carpenter
Nevada DPS Parole and Probation
1445 Old Hot Springs Road, Suite 104
Carson City, NV 89703
Via US Mail

Nathan L. Hastings, Esq.
Senior Deputy Attorney General
555 Wright Way
Carson City, NV 89711
Via US Mail

John M. Doyle
P.O. Box 1190
Winnemucca, NV 89446
Via US Mail

Jeff R. Miller, Esq.
115 West 5th Street, Box 7
Winnemucca, NV 89445
Hand-delivered to Humboldt County Courthouse, DCT Box



TAYLOR M. STOKES
LAW CLERK

Exhibit 10

Exhibit 10

1 Case No. CR 1206043

2 Dept. No. 2

3 This document contains
4 No Social Security Number

FILED

2021 JUL 27 PM 3:28

RECEIVED
DISTRICT CLERK

5
6 IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
7 IN AND FOR THE COUNTY OF HUMBOLDT

8 -oOo-

9 TERESA ANN GREVELLE,

10 Petitioner,

11 vs.

12 THE STATE OF NEVADA,

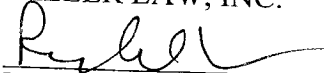
13 Mother. /

MOTION FOR RECONSIDERATION
AND/OR CLARIFICATION

14 COMES NOW, MILLER LAW, INC. and RENDAL B. MILLER, ESQ., attorneys for
15 TERESA ANN GREVELLE, and moves the Court on a Motion for Reconsideration and/or
16 Clarification of the Order for Dismissal. This motion is based on the following points and
17 authorities.

18 DATED this 27 day of July, 2021.

19 MILLER LAW, INC.

20 
21 RENDAL B. MILLER, ESQ.

22 Attorney for TERESA ANN GREVELLE
23 Nevada Bar No. 12257
24 115 West 5th Street
25 Winnemucca, Nevada 89445
26 775-623-5000
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

POINTS AND AUTHORITIES

Before the Court was a Petition for Habeas Corpus. This Court entered an Order on June 21, 2021, stating, "IT IS HEREBY ORDERED that this matter is DISMISSED." The parties are unclear about the meaning of the Order. Is the entire case dismissed, is the petition dismissed, or are the orders placing Ms. Gravelle back on probation dismissed.

Beets v. State, 110 Nev. 339, 341, 871 P.2d 357, 358 (1994) discusses the procedural rules to be used in habeas petitions and states:

"Habeas corpus is a proceeding which should be characterized as neither civil nor criminal for all purposes. It is a special statutory remedy which is essentially unique." *Hill v. Warden*, 96 Nev. 38, 40, 604 P.2d 807, 808 (1980). "This court may look to general civil or criminal rules for guidance only when the statutes governing habeas proceedings have not addressed the issue presented." *Mazzan v. State*, 109 Nev. 1067, 1070, 863 P.2d 1035, 1036 (1993).

As seen above, general civil rules of procedure can be used. NRCP 60 states as follows:

Rule 60. Relief From a Judgment or Order

(a) Corrections Based on Clerical Mistakes; Oversights and Omissions. The court may correct a clerical mistake or a mistake arising from oversight or omission whenever one is found in a judgment, order, or other part of the record. The court may do so on motion or on its own, with or without notice. But after an appeal has been docketed in the appellate court and while it is pending, such a mistake may be corrected only with the appellate court's leave.

(b) Grounds for Relief From a Final Judgment, Order, or Proceeding. On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons:

- (1) mistake, inadvertence, surprise, or excusable neglect;
- (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b);
- (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;
- (4) the judgment is void;
- (5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or
- (6) any other reason that justifies relief.

(c) Timing and Effect of the Motion.

(1) Timing. A motion under Rule 60(b) must be made within a reasonable time — and for reasons (1), (2), and (3) no more than 6 months after the date of the proceeding or the date of service of written notice of entry of the judgment or order, whichever date is later. The time for filing the motion cannot be extended under Rule 6(b).

(2) Effect on Finality. The motion does not affect the judgment's finality or suspend its operation.

1 (d) Other Powers to Grant Relief. This rule does not limit a court's
2 power to:

3 (1) entertain an independent action to relieve a party from a
4 judgment, order, or proceeding;

5 (2) upon motion filed within 6 months after written notice of entry
6 of a default judgment is served, set aside the default judgment against a
7 defendant who was not personally served with a summons and complaint
8 and who has not appeared in the action, admitted service, signed a waiver
9 of service, or otherwise waived service; or

10 (3) set aside a judgment for fraud upon the court.

11 (e) Bills and Writs Abolished. The following are abolished: bills of
12 review, bills in the nature of bills of review, and writs of coram nobis, coram
13 vobis, and audita querela.

14 It is necessary to reconsider and/or clarify the last Order as the parties are unsure how to
15 proceed. A Writ of Habeas is generally granted or denied. Simply stating the matter is dismissed
16 has left the parties questioning the outcome. We are asking for a more definite statement to the
17 Order so that all parties can unambiguously follow the order.

18 WHEREFORE, Petitioner prays for the following judgment:

19 First. That the Court reconsider and/or clarify the Court's Order dated June 21,
20 2021;

21 Second. That a decision be made with or without further hearing so as not to delay
22 this matter.

23 DATED this 27 day of July, 2021.

24 MILLER LAW, INC.

25 

26 RENDAL B. MILLER, ESQ.
27 Attorney for TERESA ANN GREVELLE
28 Nevada Bar No. 12257
115 West 5th Street, Box 7
Winnemucca, Nevada 89445
775-623-5000

AFFIDAVIT IN SUPPORT OF MOTION

STATE OF NEVADA

COUNTY OF HUMBOLDT

)
)ss.
)

I, TERESA ANN GREVELLE, under penalties of perjury, being first duly sworn, depose and says:

1. That I am the Petitioner in the above-entitled action; that I have read the foregoing Motion for Reconsideration and/or Clarification and know the contents thereof.

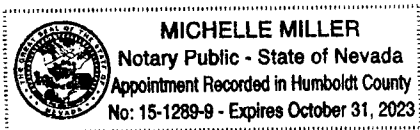
2. That the same is true of my own knowledge, except those matters therein stated on information or belief, and that as to those matters, I believe it to be true.

DATED this 27 day of July, 2021

Teresa A. Grevelle
TERESA ANN GREVELLE

SUBSCRIBED and SWORN to before me, a notary public, this 27 day of July, 2021 by TERESA ANN GREVELLE.

mm
NOTARY PUBLIC



CERTIFICATE OF MAILING

Michelle Miller
I, ~~APRIL SMITTCAMP~~

hereby certify that I am a legal assistant of RENDAL B. MILLER, ESQ, and that on the 27 day of July, 2021 I placed a true and correct copy of the foregoing or attached document in the U.S. Postal Service box in Winnemucca, Nevada, entitled Motion for Reconsideration and/or Clarification, to:

Humboldt County District Attorney
P.O. Box 909
Winnemucca, Nevada 89445
Hand delivered to DA's box in Clerk's Office

Anne Carpenter
Nevada DPS Parole and Probation
1445 Old Hotsprinds Road, Suite 104
Carson City, Nevada 89703
US Mail

Nathan L. Hastings, Esq.
Senior Deputy Attorney General
555 Wright Way
Carson City, Nevada 89711
US Mail

DATED this 27 day of July, 2021.

Michelle Miller
~~APRIL SMITTCAMP~~
Michelle Miller

Exhibit 11

Exhibit 11

1
2 CASE NO. CR 1206043

3 DEPT. NO. II
4
5
6
7

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

-o0o-

10 TERESA ANN GRAVELLE,

11 Petitioner,

12 vs.

13 THE STATE OF NEVADA,

14 Respondent.
15 _____/

ORDER CLARIFYING ORDER
FOR DISMISSAL ENTERED
JUNE 21, 2021

16 Having reviewed the *Motion for Consideration and/or Clarification* filed on July 27,
17 2021 by Petitioner, Teresa Ann Gravelle, by and through her counsel of record, Rendal B.
18 Miller, Esq. and Miller Law, Inc., and the *Non-Opposition and Joinder to Petitioner's*
19 *Motion for Reconsideration and/or Clarification* filed on August 5, 2021 by Respondent, the
20 State of Nevada, Department of Public Safety, Division of Parole and Probation
21 ("Division"), by and through its counsel of record, Aaron D. Ford, Attorney General of the
22 State of Nevada, and Nathan L. Hastings, Senior Deputy Attorney General, the Court hereby
23 **ORDERS** the following:
24

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

1. That Petitioner be **DISHONORABLY DISCHARGED** from probation.
2. That Petitioner's *Petition for Writ of Habeas Corpus* filed on December 17, 2020 is hereby **DENIED**.

IT IS SO ORDERED.

DATED this 31st day of August, 2021.



HONORABLE MICHAEL R. MONTERO
DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Honorable Michael R. Montero, District Court Judge, Sixth Judicial District Court and am not a party to, nor interested in, this action; and that on September 8, 2021, I caused to be served a true and correct copy of the enclosed **ORDER CLARIFYING ORDER FOR DISMISSAL ENTERED JUNE 21, 2021** upon the following parties:

Humboldt County Deputy District Attorney
P.O. Box 909
Winnemucca, NV 89445
Hand-delivered to Humboldt County Courthouse, DCT Box

Anne Carpenter
Nevada DPS Parole and Probation
1445 Old Hot Springs Road, Suite 104
Carson City, NV 89703
Via US Mail

Nathan L. Hastings, Esq.
Senior Deputy Attorney General
555 Wright Way
Carson City, NV 89711
Via US Mail

John M. Doyle
P.O. Box 1190
Winnemucca, NV 89446
Via US Mail

Jeff R. Miller, Esq.
115 West 5th Street, Box 7
Winnemucca, NV 89445
Hand-delivered to Humboldt County Courthouse, DCT Box



TAYLOR M. STOKES
LAW CLERK