

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

**INDICATE FULL CAPTION:**

TERESA ANN GREVELLE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 83579

**DOCKETING STATEMENT  
CRIMINAL APPEALS**

(Including appeals from pretrial and post-conviction  
rulings and other requests for post-conviction relief)

Electronically Filed  
Mar 03 2022 10:42 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**GENERAL INFORMATION**

Appellants must complete this docketing statement in compliance with NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, identifying issues on appeal, assessing presumptive assignment to the Court of Appeals under NRAP 17, scheduling cases for oral argument, classifying cases for expedited treatment and assignment to the Court of Appeals, and compiling statistical information.

**WARNING**

This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to fill out the statement completely or to file it in a timely manner constitutes grounds for the imposition of sanctions.

Revised December 2015

Docket 83579 Document 2022-06780

1. Judicial District Sixth Judicial County Humboldt

Judge Michael R. Montero District Ct. Case No. CR1206043

2. If the defendant was given a sentence,

(a) what is the sentence?

Min. 12 months, Max. 32 months in NDOC, Suspended. Probation, 60 months with Special Conditions. \$25 administrative assessment, \$3 DNA fee payable to Clerk of Court within 30 days of Probation Grant. \$150 DNA fee payable to the Clerk of Court within 90 days of Probation Grant.

(b) has the sentence been stayed pending appeal?

No.

(c) was defendant admitted to bail pending appeal?

No.

3. Was counsel in the district court appointed ☐ or retained ☒ ?

4. **Attorney filling this docketing statement:**

Attorney Rendal B. Miller, Esq. Telephone (775) 623-5000

Firm Miller Law, Inc.

Address: 115 West 5th Street  
Winnemucca, NV 89445

Client(s) Teresa Ann Grevelle

5. Is appellate counsel appointed ☐ or retained ☒ ?

**If this is a joint statement by multiple appellants, add the names and addresses of other counsel on an additional sheet accompanied by a certification that they concur in the filing of this statement.**

**6. Attorney(s) representing respondent(s):**

Attorney Anthony Gordon, Esq.

Telephone (775) 623-6363

Firm Humboldt County District Attorney's Office

Address: 501 S Bridge Street, Suite 1  
Winnemucca, NV 89445

Client(s) The State of Nevada

Attorney Nathan L. Hastings, Esq.

Telephone (775) 684-1100

Firm Nevada Attorney General's Office

Address: 100 North Carson Street  
Carson City, NV 89701

Client(s) The State of Nevada

(List additional counsel on separate sheet if necessary)

**7. Nature of disposition below:**

☐ Judgment after bench trial

☐ Judgment after jury verdict

☐ Judgment upon guilty plea

☐ Grant of pretrial motion to dismiss

☐ Parole/probation revocation

☐ Motion for new trial

☐ grant ☐ denial

☐ Motion to withdraw guilty plea

☐ grant ☐ denial

☐ Grant of pretrial habeas

☐ Grant of motion to suppress evidence

☒ Post-conviction habeas (NRS ch. 34)

☐ grant ☒ denial

☐ Other disposition (specify):

**8. Does this appeal raise issues concerning any of the following:**

☐ death sentence

☐ juvenile offender

☐ life sentence

☐ pretrial proceedings

**9. Expedited appeals:** The court may decide to expedite the appellate process in this matter. Are you in favor of proceeding in such manner?

☒ Yes

☐ No

**10. Pending and prior proceedings in this court.** List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal (e.g., separate appeals by co-defendants, appeal after post-conviction proceedings):

Teresa Gravelle v. The Sixth Judicial District Court of the State of Nevada, in and for the County of Humboldt; Anne K. Carpenter; and the Honorable Michael Montero, District Judge; No. 81977 in the Supreme Court of the State of Nevada.

**11. Pending and prior proceedings in other courts.** List the case name, number and court of all pending and prior proceedings in other courts that are related to this appeal (e.g., habeas corpus proceedings in state or federal court, bifurcated proceedings against co-defendants):

The State of Nevada v. Teresa Ann Gravelle; CR12-6043; Original Criminal Proceeding

The State of Nevada v. Teresa Ann Gravelle; CV0022478; Petition for Writ of Habeus Corpus.

**12. Nature of action.** Briefly describe the nature of the action and the result below:

Appellant plead guilty to one count of conspiracy to commit embezzlement under NRS 193.330/205.300 and received a suspended sentence on August 19, 2014. Appellant was placed on probation for a period of sixty (60) months and was honorably discharged on December 18, 2017. On May 10, 2019, the Sixth Judicial District Court vacated the honorable discharge and reinstated Appellant on probation. Appellant filed a motion to discharge and a motion to stay probation; both were denied. A petition for writ of habeus corpus was submitted on January 28, 2021, and an Order for Dismissal was entered June 21, 2021. A motion for reconsideration or clarification of the Order was filed, and an Order Clarifying Order for Dismissal was entered on September 8, 2021. This appeal follows.

**13. Issues on appeal.** State specifically all issues in this appeal (attach separate sheets as necessary):

(1) Whether it was improper for the Sixth Judicial District Court to reinstate Appellant on probation for failure to pay restitution, as required by the special conditions of her probation sentence, in light of economic hardship.

(2) Whether the re-imposition of Appellant's probation constitutes an illegal sentence, as the imposition results in a term of probation lasting longer than the five (5) year limit imposed by NRS 176A.500.

**14. Constitutional issues:** If the State is not a party and if this appeal challenges the constitutionality of a statute or municipal ordinance, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

☒ N/A

☐ Yes

☐ No

If not, explain: N/A

**15. Assignment to the Court of Appeals or retention in the Supreme Court.** Briefly set forth whether the matter is presumptively retained by the Supreme Court or assigned to the Court of Appeals under NRAP 17, and cite the subparagraph(s) of the Rule under which the matter falls. If appellant believes that the Supreme Court should retain the case despite its presumptive assignment to the Court of Appeals, identify the specific issue(s) or circumstance(s) that warrant retaining the case, and include an explanation of their importance or significance:

Presumptively assigned to the Court of Appeals under NRAP 17, subparagraphs:

(b)(3) - postconviction appeal that involve a challenge to a sentence for offenses that are not category A felonies.

(b)(4) - postconviction appeal that involve a challenge to the computation of time served under a judgment of conviction, or a motion to correct an illegal sentence.

**16. Issues of first impression or of public interest.** Does this appeal present a substantial legal issue of first impression in this jurisdiction or one affecting an important public interest?

First impression: ☐ Yes ☒ No

Public interest: ☒ Yes ☐ No

**17. Length of trial.** If this action proceeded to trial or evidentiary hearing in the district court, how many days did the trial or evidentiary hearing last?

0 days

**18. Oral argument.** Would you object to submission of this appeal for disposition without oral argument?

☐ Yes ☒ No

### TIMELINESS OF NOTICE OF APPEAL

19. Date district court announced decision, sentence or order appealed from 09/08/2021
20. Date of entry of written judgment or order appealed from 09/08/2021  
(a) If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:  
N/A - written judgment or order was filed in the district court.
21. If this appeal is from an order granting or denying a petition for a writ of habeas corpus, indicate the date written notice of entry of judgment or order was served by the district court  
(a) Was service by delivery ☒ or by mail ☐
22. If the time for filing the notice of appeal was tolled by a post judgment motion,  
(a) Specify the type of motion, and the date of filing of the motion:
- |                                       |            |            |            |
|---------------------------------------|------------|------------|------------|
| Arrest judgment                       | <u>N/A</u> | Date filed | <u>N/A</u> |
| New trial (newly discovered evidence) | <u>N/A</u> | Date filed | <u>N/A</u> |
| New trial (other grounds)             | <u>N/A</u> | Date filed | <u>N/A</u> |
- (b) Date of entry of written order resolving motion N/A
23. Date notice of appeal filed October 4, 2021
24. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(b), NRS 34.560, NRS 34.575, NRS 177.015(2), or other  
NRS 34.575(1) Appeal from order of district court granting or denying writ.

### SUBSTANTIVE APPEALABILITY

25. Specify statute, rule or other authority that grants this court jurisdiction to review from:

NRS 177.015(1)(b) _____	NRS 34.560 _____
NRS 177.015(1)(c) _____	NRS 34.575(1) <u>X</u> - Writ denial by district court _____
NRS 177.015(2) _____	NRS 34.560(2) _____
NRS 177.015(3) _____	Other (specify) _____
NRS 177.055 _____	

### VERIFICATION

I certify that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief.

Teresa Ann Gravelle

\_\_\_\_\_  
Name of appellant

3/3/22  
Date

Rendal B. Miller, Esq.

\_\_\_\_\_  
Name of counsel of record

Rendal B. Miller  
Signature of counsel of record

### CERTIFICATE OF SERVICE

I certify that on the March 3 day of 20 22, I served a copy of this completed docketing statement upon all counsel of record:

☐ By personally serving it upon him/her; or

☒ By mailing it by first class mail with sufficient postage prepaid to the following address(es):

Nevada Attorney General  
100 W. Carson St.  
Carson City NV 89701

Humboldt County D.A.  
PO Box 909  
Winnemucca NV 89445

Dated this 3 day of March, 20 22.

Rendal B. Miller  
Signature