

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * * *

TERESA ANN GREVELLE,

Appellant,

VS.

THE STATE OF NEVADA,

Respondent.

Electronically Filed
Apr 08 2022 03:05 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case No. 83579

APPELLANT'S APPENDIX

RENDAL B. MILLER, ESQ.
Attorney for Appellant
Nevada Bar No. 12257
115 West 5th Street, Box 7
Winnemucca, Nevada 89445
(775) 623-5000

INDEX – CHRONOLOGICAL

1.	Judgement of Conviction.....	Page 2
2.	Parole and Probation Violation Report.....	Page 9
3.	Petition and Order to Discharge	Page 14
4.	Civil Confession of Judgment	Page 17
5.	Letters from Victim	Page 20
6.	Transcript of Proceedings; Sep. 11, 2018.....	Page 26
7.	Hearing Minutes; Sep. 20, 2018	Page 67
8.	Order Vacating Petition and Order to Discharge	Page 69
9.	Defendant’s Motion to Discharge.....	Page 79
10.	State’s Opposition to Motion to Discharge	Page 120
11.	Order Vacating Hearing and Requiring Submission of Evidence of Restitution Payments	Page 125
12.	Delivery of Restitution Payments.....	Page 129
13.	Order Denying Motion to Discharge	Page 150
14.	Petition for Writ of Habeas Corpus	Page 154
15.	Request for Submission of Writ of Habeas Corpus	Page 172
16.	Attorney General’s Response to Petition for Writ of Habeas Corpus..... Page175	
17.	State’s Response to Petition for Writ of Habeas Corpus.....	Page 182

18.	Notice of Hearing on Petition for Writ of Habeas Corpus	Page 191
19.	Transcript of Proceedings; May 18, 2021	Page 195
20.	Order for Dismissal.....	Page 214
21.	Motion for Reconsideration and/or Clarification	Page 218
22.	Attorney General’s Non-Opposition and Joinder to Motion for Reconsideration and/or Clarification.....	Page 224
23.	Order Clarifying Order for Dismissal dated June 21, 2021	Page 228
24.	Notice of Appeal.....	Page 232
25.	Docket Log	Page 235

INDEX – ALPHABETICAL TO COMPLY WITH NRAP 30(c)(2)

1.	Attorney General’s Non-Opposition and Joinder to Motion for Reconsideration and/or Clarification.....	Page 224
2.	AG’s Response to Petition for Writ of Habeas Corpus.....	Page 175
3.	Civil Confession of Judgment	Page 17
4.	Defendant’s Motion to Discharge.....	Page 79
5.	Delivery of Restitution Payments.....	Page 129
6.	Docket Log	Page 235
7.	Hearing Minutes; Sep. 20, 2018	Page 67
8.	Judgement of Conviction.....	Page 2
9.	Letters from Victim	Page 20
10.	Motion for Reconsideration and/or Clarification	Page 218
11.	Notice of Appeal.....	Page 232
12.	Notice of Hearing on Petition for Writ of Habeas Corpus	Page 191
13.	Order Clarifying Order for Dismissal dated June 21, 2021	Page 228
14.	Order Denying Motion to Discharge.....	Page 150
15.	Order for Dismissal.....	Page 214
16.	Order Vacating Hearing and Requiring Submission of Evidence of Restitution Payments	Page 125
17.	Order Vacating Petition and Order to Discharge	Page 69

18.	Parole and Probation Violation Report.....	Page 9
19.	Petition and Order to Discharge	Page 14
20.	Petition for Writ of Habeas Corpus	Page 154
21.	Request for Submission of Writ of Habeas Corpus	Page 172
22.	State’s Opposition to Motion to Discharge	Page 120
23.	State’s Response to Petitioner’s Petition for Writ of Habeas.....	Page 182
24.	Transcript of Proceedings; May 18, 2021	Page 195
25.	Transcript of Proceedings; Sep. 11, 2018.....	Page 26

I APPENDIX

I APPENDIX

1 Case No. CR12-6043

2 Dept. No. 1

FILED**AUG 19 2014**

TAMI RAE SPERO
DIST COURT CLERK

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

9 -oOo-

10 THE STATE OF NEVADA,

11 Plaintiff,

12 vs.

JUDGMENT OF CONVICTION

13 TERESA GRAVELLE

14 DOB: 08/15/1955

15 Defendant. /

16 WHEREAS, on the 18th day of March, 2014, the Defendant
17 entered her plea of guilty to the charge of COUNT I-
18 EMBEZZLEMENT, a Category C Felony, COUNT II-CONSPIRACY TO COMMIT
19 EMBEZZLEMENT, a Gross Misdemeanor, and the matter having been
20 submitted before the Honorable Judge Richard A. Wagner.
21

22 At the time Defendant entered the plea of guilty, this
23 Court informed the Defendant of the privilege against compulsory
24 self-incrimination, the right to a speedy trial, the right to a
25 trial by jury, the right to compulsory process to compel
26 witnesses to testify on behalf of the Defendant and the right to
27 confront the accusers. That after being so advised, the
28

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

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

HUMBOLDT COUNTY DISTRICT ATTORNEY

P.O. Box 909

Winnemucca, Nevada 89446

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

- 3 1. That the Defendant submit to a search of the Defendant's
4 person, property, vehicle, residence or any area and /or
5 things under the defendant's control, at any time of the
6 day or night without a warrant, for evidence of any crime
7 or evidence of any violation of probation by a Parole and
8 Probation Officer or Peace Officer acting under their
9 direction during the entire term of the Defendant's
10 probation;
11
- 12 2. That the Defendant pay the outstanding balance of
13 restitution, in the amount of \$65,000.00, payable through
14 the Humboldt County District Attorney's Office, in
15 monthly payments of no less than \$1,500.00;
16
- 17 3. That the Defendant make a payment of \$30,000.00, within
18 90 days of her probation grant. If the Defendant fails to
19 make this payment a Status Hearing will be set up so
20 Defendant can explain why she has not made her payment;
21
- 22 4. That if the Defendant fails to pay her restitution as
23 ordered then the Defendant will be violating her
24 probation grant and it will be reported as a violation of
25 probation;
26
- 27 5. The Defendant must, pursuant to NRS 176.0913, submit a
28 biological specimen under the direction of the Division
of Parole and Probation to determine the Defendant's

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

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

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

17
18 Sherburne Macfarlan, represented the Defendant during all
19 stages of the proceedings;

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

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

26 //

27 //

28

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 DISTRICT JUDGE
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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 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

Eric S. [Signature]

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

II APPENDIX

II APPENDIX



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

0010

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

III APPENDIX

III APPENDIX

FILED

2017 DEC 18 AM 11:06

TAMI RAE SPENCER
CLERK OF THE DISTRICT COURT
STATE OF NEVADA

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

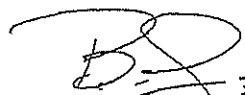
PETITION AND ORDER HONORABLY DISCHARGING PROBATIONER

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



Michael R. Montero, District Judge

IV APPENDIX

IV APPENDIX

Correct File Copy

FILED

Case No. CR12-6043

2018 APR -4 AM 10:44

Dept. No. II

SAE SPERRY
COURT CLERK

E. Tomly

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 
MICHAEL R. MONTERO, District Judge

V APPENDIX

V APPENDIX

John M. Doyle

ATTORNEY AT LAW

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

POST OFFICE BOX 1190

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.

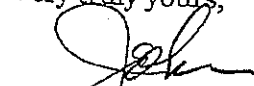
It appears according to our records that the last payment Mrs. Gravelle made was in August of 2016 and that the balance, excluding interest, is \$22,700! I was advised the matter would be addressed immediately. I have heard nothing.

0020

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

0021

John M. Doyle

ATTORNEY AT LAW

*530 Melankey 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

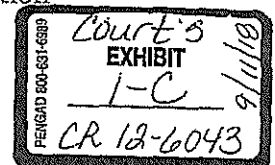
As you are aware, I represent Steve Lucas and Lucas Livestock Sandhill Feedlot, LLC. I have recently become aware of the honorable discharge from probation of Teresa Ann Gravelle and have discussed this with both District Judge Michael R. Montero and Chief Deputy District Attorney Kevin Pasquale.

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



0022

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.

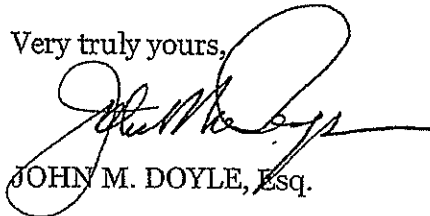
As you can imagine both Steve Lucas and I are befuddled as to how this could have happened without notice or hearing.

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,

A handwritten signature in black ink, appearing to read "John M. Doyle", is written over the typed name.

JOHN M. DOYLE, Esq.

JMD/bd

Enclosure

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

VI APPENDIX

VI APPENDIX

FILED

2022 MAR 10 PM 3:03

TAMI RAE SPERO
COURT CLERK

IN THE SIXTH JUDICIAL DISTRICT
OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF HUMBOLDT
BEFORE THE HONORABLE MICHAEL MONTERO, DISTRICT JUDGE

-oOo-

STATE OF NEVADA,

Plaintiff,

Case No. CR 12-6043

V.

Dept. No. II

TERESA ANN GRAVELLE,

Defendant.

COPY

Transcript of proceedings

Status Hearing

September 11, 2018

Winnemucca, Nevada

Transcribed By: Kathy Jackson, CSR - (775) 745-2327

Nevada Dictation-(775)745-2327

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A P P E A R A N C E S

For the State: Anthony Gordon, Esq.
Humboldt County District Attorney's
Office
P.O. Box 909
Winnemucca, Nevada 89445

For the Victim: John M. Doyle, Esq.
P.O. Box 1190
Winnemucca, Nevada 89446

For Parole and Probation: Bryan Waters
Probation Officer

-oOo-

I N D E X

WITNESSES ON BEHALF OF THE STATE:	PAGE
SERGEANT BRYAN WATERS	
Direct Examination by Mr. Gordon	10
Cross-Examination by Mr. Doyle	12
Examination by The Court	18
Redirect Examination by Mr. Gordon	22
Recross-Examination by Mr. Doyle	22
JACOB HARP	
Direct Examination by Mr. Gordon	24
Cross-Examination by Mr. Doyle	28
Examination by The Court	31

1 SEPTEMBER 11, 2018, WINNEMUCCA, NEVADA

2 -oOo-

3 THE COURT: Are both present today. Mr. Lucas is
4 the victim in this matter. And Mr. Doyle had written a
5 letter to the Court copying, actually a letter to the
6 district attorney's office and the Court and the division of
7 parole and probation concerning the defendant's discharge
8 from probation.

9 This is a little bit unusual because I have a
10 party who's -- well, an individual who is not a party to the
11 criminal matter who had requested this. I don't have the
12 defendant I don't think. Is the defendant present today? I
13 don't even -- I have no idea who she is nor her attorney.

14 So I'm interested in hearing the arguments. I
15 would also like to hear procedurally though if there's going
16 to be a request for relief, how that procedurally can occur
17 in the absence of the defendant or counsel.

18 Mr. Gordon, are you prepared to proceed?

19 MR. GORDON: Yes, Your Honor.

20 THE COURT: You may.

21 MR. GORDON: Your Honor, this case obviously is
22 about seven years old. And my understanding is from the last
23 time we were in court the -- excuse me, the status of the
24 case, I can put Mr. Waters on. But the defendant has already

1 been -- was released from probation. And subsequent to that
2 there was a, probation did obtain from her a civil confession
3 of judgment. So that's pretty well where we're at.

4 I have a question regarding whether the Court and
5 probation already distinguished whether the district court
6 has jurisdiction on the matter. But that basically is the
7 update. I have Mr. Waters to testify at the Court's
8 convenience about the background of the case, and.

9 THE COURT: Mr. Doyle, do you wish to make an
10 opening comment and then we'll determine where we're going
11 from there?

12 MR. DOYLE: Yes, Your Honor, I would. As the
13 Court has indicated, I sent a letter to Your Honor as well as
14 to Kevin Pasquale of the district attorney's office, who I've
15 discussed this case with several times. Obviously, I'm
16 disappointed he's not here today.

17 I also requested from the department of parole
18 and probation that Ms. Natalie Wood be present today.
19 Obviously she's not. The reason I wanted that is because she
20 is the one that filed this petition with the Court to have
21 the defendant honorably released from probation one and a
22 half years prior to the time that probation was to expire
23 when she still owed a balance of \$22,700 in restitution.

24 I don't know if the district attorney is aware of

1 the letters that I sent. I would hope that the Court has
2 read those. They are short letters. Could I read them into
3 the record. I think that sets forth what the factual
4 situation is.

5 THE COURT: Are you referring to your letter of
6 April 30th of 2018. And then attached to that you have the
7 March 12th, 2018 letter?

8 MR. DOYLE: Yes.

9 THE COURT: And a -- I think those are the only
10 two that I'm familiar with.

11 MR. DOYLE: Those are the only two, Your Honor.

12 THE COURT: Okay. You know, I think the Court is
13 going to just ask that these be marked and admitted into
14 evidence.

15 MR. DOYLE: Okay.

16 THE COURT: So they are part of the record.

17 MR. DOYLE: Part of that I didn't understand.

18 THE COURT: I'm just marking them and having them
19 admitted into evidence.

20 MR. DOYLE: Okay.

21 THE COURT: Okay. So they're part of the record.

22 MR. DOYLE: So would you prefer --

23 THE COURT: If you would like to read excerpts
24 from them you may. I don't know that I need the whole thing

1 read because I'm very familiar with them.

2 MR. DOYLE: I know you're familiar with them. I
3 don't know if the district attorney's office is nor the
4 department of parole and probation.

5 THE COURT: Let me take a look at that exhibit.
6 Thank you. Okay. The March 12th, 2018 letter is addressed
7 specifically to Kevin Pasquale, chief deputy district
8 attorney. And the salutation is Dear Kevin, page and one
9 paragraph.

10 Mr. Gordon, are you familiar with that letter?

11 MR. GORDON: That letter I am, Your Honor.

12 THE COURT: Do you have a copy of that?

13 MR. GORDON: No. Because there was an issue with
14 the file. But I'm aware of that letter when it came in. I
15 read it and I talked to the, Mr. Pasquale at the time came
16 in.

17 THE COURT: And, Sergeant Waters, are you
18 familiar with that?

19 SERGEANT WATERS: I'm not familiar with that
20 letter. I am familiar with the secondary letter that he did
21 write.

22 THE COURT: The April 30th, 2018 letter?

23 SERGEANT WATERS: Yes.

24 THE COURT: You may read the March 12th letter if

1 you would like.

2 MR. DOYLE: Thank you, Your Honor. As you've
3 indicated, Your Honor, this is a letter addressed to Kevin
4 Pasquale of the Humboldt County District Attorney's
5 Association. Dear Kevin, I'm writing to you on behalf of my
6 client, Steve Lucas, concerning the status of the Teresa
7 Gravelle conviction and order of restitution regarding her
8 conviction in 2014.

9 A brief review shows that Teresa Gravelle was
10 convicted on March 18th, 2014 for embezzlement, a felony, and
11 was sentenced 12 to 32 months in prison. She was placed on
12 probation for five years. A condition of probation was that
13 she pay restitution in the amount of \$65,000 in monthly
14 payments of no less than \$1,500.

15 Please review the transcript of the sentencing
16 which was held on July 7th, 2014. It is very telling in
17 several aspects, including the lengthy time it took the
18 Humboldt County District Attorney's Office to prosecute the
19 case as well as the attitude of the defendant which Judge
20 Wagner commented on at length.

21 Judge Wagner made it clear that he expected
22 complete restitution to be made. And if restitution was not
23 timely made he would consider it a failure of probation.
24 Over the past several years I have contacted the district

1 attorney's office on many occasions to inquire as to the
2 total lack of follow-up on this case.

3 I last spoke with Nancy Gerard in September of
4 2017. She assured me that she would have this matter
5 addressed. At that time I advised for Ms. Gravelle's current
6 address and last employer Humboldt Drilling. Her last known
7 address is 4575 Westmoreland, Winnemucca.

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

13 I've reached out to you, Kevin, because you
14 interceded before when it was evident the ball had been
15 dropped. I believe this matter must be addressed within your
16 office as well as with the department of parole and
17 probation. I trust that you will give this attention and get
18 back to me on this how this matter will be resolved.

19 And then, Your Honor, you've indicated that you
20 marked the follow-up letter of April 30th and that, again,
21 points out basically the factual manner. But what transpired
22 between the letter to Kevin Pasquale in March and the
23 April 30th is we found that the defendant had been honorably
24 discharged from probation. There have not been any notice to

1 the district attorney's office according to Mr. Pasquale nor
2 had there been any notice to us.

3 That the -- in the order or in the petition that
4 was filed by Ms. Wood it said that the petitioner has
5 satisfactorily completed all of the conditions of probation
6 or has demonstrated fitness for honorable discharge but
7 because of economic hardship verified by the division has
8 been unable to make restitution as ordered by the Court.

9 And then I go on to question how did this happen.
10 What did they do to verify this and where do we go from here.

11 THE COURT: Mr. Gordon, did you have some
12 evidence that you wish to offer in regards to what efforts
13 were made to demonstrate fitness for honorable discharge from
14 the division of parole and probation?

15 MR. GORDON: Yes, Your Honor, I have two
16 witnesses. I have Mr. Waters as well as Jacob Harp from Elko
17 from P and P.

18 THE COURT: Okay. I would like to hear briefly
19 from them.

20 MR. GORDON: Okay.

21 THE COURT: Sergeant Waters, if you'll come
22 forward.

23 SERGEANT: Yes, sir.

24 THE COURT: Please come forward. Raise your

1 right hand and face the clerk.

2

3

SERGEANT BRYAN WATERS,

4

called as a witness on behalf of the

5

State having been first duly sworn,

6

was examined and testified as follows:

7

8

THE COURT: Please take the witness stand.

9

DIRECT EXAMINATION

10

BY MR. GORDON:

11

Q. Mr. Waters, do you -- where are you employed?

12

A. I'm a sergeant for the division of parole and
13 probation.

14

Q. And did you have under your supervision Teresa
15 Gravelle?

16

A. Yeah, I did for approximately six months, maybe a
17 little more.

18

Q. And what -- what period was that initially or at
19 the end?

20

A. It was at the end.

21

Q. Okay. Are you familiar with her case?

22

A. I am.

23

Q. Okay. And you heard Mr. Doyle read into the

24

record the March 18th, two, excuse me, the March of this year

1 letter, March 12th, 2018?

2 A. I did.

3 Q. Okay. Could you briefly explain to the Court the
4 issue in regards to the restitution?

5 A. The restitution -- just for the record, I'm the
6 one who signed the discharge petition for -- for Chief
7 Natalie Wood. I'm the one who did the discharge on her if
8 that is my signature on that.

9 I spoke with Ms. Gravelle each month requesting
10 her to pay restitution. And each month she would say -- from
11 the time that I received it she told me that her husband was
12 out of work, that he was on disability and that she was the
13 only person paying the bills in her household.

14 I verified through her pay stubs that she was
15 working at the time for Hydro Resources. Towards the end I
16 received a call from Nancy Gerard stating that she had not
17 paid her restitution and that she wanted to speak with
18 Ms. Gravelle. I stated I informed Ms. Gravelle that
19 Ms. Gerard needed to speak to her and she needed to report to
20 her. From what I heard she never did report to her. So due
21 to her not being able to pay the restitution because of her
22 fees is why I signed off on that discharge.

23 Q. And, Mr. Waters, were you able to verify what the
24 income was?

1 A. Yes. She provided -- each month she provided a
2 paycheck stub for her proof of her employment with Hydro
3 Resources which it used to be Humboldt Drilling.

4 Q. Okay. And then did you this year obtain a civil
5 conviction of judgment?

6 A. I did. I found out that just prior to her
7 discharge that there was not one signed. I personally
8 completed one, had her sign it. Come to find out I did not
9 fill it out correctly. I had to redo it. And, of course,
10 that was after she discharged. However, after she discharged
11 she still signed it, signed the civil confession of the
12 judgment.

13 MR. GORDON: Okay. I have no questions for the
14 witness, Your Honor.

15 THE COURT: Mr. Doyle?

16 MR. DOYLE: Thank you, Your Honor.

17 CROSS-EXAMINATION

18 BY MR. DOYLE:

19 Q. Sergeant Waters, was Ms. Gravelle ever cited into
20 court to show cause why she should not be held for violation
21 of probation?

22 A. No, sir.

23 Q. Why not?

24 A. I believe that at that time we probably dropped

1 the ball on that one. Yes, sir. I do not know.

2 Q. Is that standard practice?

3 A. It is.

4 Q. Okay. Even when you got to the end of this thing
5 you were aware that there was a significant amount of money
6 that was still owed?

7 A. At the very end, yes, Your Honor, or, sir.

8 Q. And you're aware that you authorized an honorable
9 discharge one and a half years prior to the time that it was
10 to be over?

11 A. I did because her -- under NRS she received good
12 time credit for paying her fees and working.

13 Q. But she had not paid -- did you read the
14 transcript?

15 A. She did not pay her restitution, yes, I
16 understand that. Yes, I did. I did afterwards.

17 Q. Yeah, that's been established. Did you read the
18 transcript of the sentencing?

19 A. No, I did not.

20 Q. You weren't here during the sentencing, were you?

21 A. No, I was not.

22 Q. I would represent to you at the time that Deputy
23 Okuma was representing the department of parole and
24 probation.

1 A. Okay.

2 Q. One of the things that she entered -- stated in
3 the record was that she wanted a civil confession of judgment
4 at the time.

5 A. Yes.

6 Q. But it's your testimony you didn't -- you guys
7 didn't do that until after she was already discharged?

8 A. We initially did one before she was discharged
9 but it was done incorrectly and had to be redone.

10 Q. Okay. But that wasn't in 2014?

11 A. No, that's right.

12 Q. In your dealing with -- I would also represent
13 this to you that Ms. Gravelle was very reluctant to take any
14 blame in this matter. Are you -- you've dealt with her?

15 A. Yes, sir.

16 Q. Is that still the case?

17 A. I believe so. Yes, sir.

18 Q. That she was reluctant to take any?

19 A. Yes.

20 Q. -- fault in this matter?

21 A. Yes, sir.

22 Q. In spite of that you felt it was the proper thing
23 to do to recommend that she be honorably discharged from
24 probation?

1 A. Due to the economic hardship, yes, sir.

2 Q. Talking about the economic hardship, what else
3 did you do to determine her ability to pay?

4 A. I just verified her paychecks. She was the only
5 one being paid. You know, her husband was not working. I
6 spoke with her husband and he said he wasn't working.

7 Q. How long had he been out of work?

8 A. That I don't know, sir. Like I said, I got it in
9 June. I think I did a home contact and spoke with him
10 somewhere around August and found this out.

11 Q. You don't know how long he had been out of work?

12 A. No.

13 Q. What's the nature of the illness or disability
14 that he couldn't work?

15 A. I did not ask him that.

16 Q. So it could be that he might have been going back
17 to work the following week.

18 A. It's possible.

19 Q. You didn't look into that?

20 A. No, sir.

21 Q. All right. Did you look into any other assets
22 that they may have?

23 A. No, sir.

24 Q. Okay. You were -- you were the guy in charge of

1 this probation to make this determination?

2 A. Yes, sir.

3 Q. But you didn't look into any other assets?

4 A. No. I do know they own a home on that address
5 that you have listed.

6 Q. Are you aware, sergeant, that on September the
7 16th, 2014, which would be two months after she was sentenced
8 in this felony crime of embezzlement that she along with her
9 husband purchased that home on Westmoreland Road for
10 \$279,000?

11 A. I did not know that.

12 Q. Didn't -- don't you think it would be part of
13 your responsibility to determine something more than you did
14 in this case?

15 A. I could have followed up with, you know, with her
16 husband to see if he was able to help her out. But that's --
17 I mean, I don't go through their financial statements or
18 anything like that. I didn't personally ask him how much
19 they paid for their house or anything like that. Again, they
20 purchased this house before -- I mean, before I even -- I
21 didn't even know -- when I was given the case she was living
22 in that house. I didn't know anything about the purchase of
23 that house. That was just a house to me.

24 Q. Yeah, but when you -- when you verify or you

1 represent that you verified to the Court as to her inability
2 to pay this restitution you didn't -- you didn't feel you had
3 a responsibility to look at any other assets?

4 A. I wouldn't know how to go about doing that. I've
5 never done that before. I only went by -- I only go by what
6 they make through their paychecks. I've never, you know,
7 gone through their financial statements or anything like
8 that.

9 Q. Why knowing that it was a year and a half early
10 did you terminate it, because she had demonstrated good
11 credits? Is that -- that was your testimony?

12 A. Her time is calculated per NRS. And then as she
13 pays her fees and stuff like that, it's automatically
14 deducted from her time through our computer system. And so
15 when the time is up we do a discharge on her and so she
16 receives 20 days a month for paying her fees and having a
17 job.

18 Q. But what about the failure to pay the restitution
19 on a monthly basis, does that have any effect?

20 A. Yes, sir. It should have been addressed, yes,
21 sir. It should have been addressed prior to her discharge.

22 Q. Should have been?

23 A. Yes.

24 Q. Okay. If you had to do over again would you

1 address that?

2 A. I would address that.

3 Q. Would you address what -- what the status of her
4 employment is, what the status of her husband's employment is
5 and what potential assets there are?

6 A. Yes, sir. I would follow through --

7 Q. Would you do those kind of things?

8 A. -- more accurately, yes, sir.

9 Q. Okay. And interestingly enough, on August the
10 27th of 2018, shortly after this hearing was set,
11 Ms. Gravelle filed a homestead declaration on that home. Are
12 you aware of that?

13 A. No, sir.

14 Q. Okay. So your office didn't contact her about
15 this hearing, about filing a homestead declaration or
16 anything like that?

17 A. No, sir.

18 MR. DOYLE: No further questions, Your Honor.

19 EXAMINATION

20 BY THE COURT:

21 Q. Sergeant Waters?

22 A. Yes, sir.

23 Q. You're the highest ranking official in the parole
24 and probation office here in Winnemucca?

1 A. Yes, sir.

2 Q. You're the sergeant?

3 A. Yes, sir.

4 Q. Okay. And there's a letter, this letter of
5 March 12th between Mr. Doyle and Mr. Kevin Pasquale, the
6 chief deputy district attorney. Did the district attorney's
7 office or the chief deputy district attorney ever talk to you
8 specifically about this issue?

9 A. I received a call from Nancy Gerard I believe
10 around November, September, November in regards to this. And
11 this is when I told Ms. Gravelle that she needs to speak with
12 the D.A.'s office and get the financial stuff taken care of.

13 Q. Other than Nancy Gerard did you speak with
14 anybody else in the district attorney's office about this?

15 A. No, sir.

16 Q. So anybody -- did anybody else attempt to contact
17 you about this?

18 A. No, sir.

19 Q. With regards to the petition and order honorably
20 discharging probationer, when those petitions are filed what
21 is the division of parole and probation's policy or procedure
22 with regards to giving notice of the defendant and the State?

23 A. Giving notice to the State.

24 Q. That you filed a petition. I just -- I don't

1 know the answer to this. I see a lot of these come across my
2 desk. I don't know what notice because that's been a
3 question that's been raised today.

4 A. Right.

5 Q. Is that the State and the defendant didn't --
6 well, I don't know about the defendant but the State did not
7 receive notice of or the victim which I don't know the victim
8 would be, but the State did not give notice of this. Do
9 you --

10 A. I sent it. They received a copy of the -- of the
11 discharge.

12 Q. How do we know that? I mean, I'm looking at this
13 file.

14 A. To tell you the truth, sir, I only send it to the
15 Court. And where it goes from there I do not know where, if
16 a copy gets made. So it's sent directly to you, sir.

17 Q. So as the petitioner making a request to the
18 Court it's not served on anyone else?

19 A. No, just to the Court.

20 Q. When you signed this petition did you know the
21 amount that was still owed?

22 A. At the time I received from Nancy Gerard I
23 created that JOC and I don't remember the exact, I mean the
24 total confession of judgment. The amount on the civil

1 confession of judgment is the amount I received from Nancy
2 Gerard.

3 Q. Hmm. I question that because the order honorably
4 discharging was filed on December 18, 2017.

5 A. Uh-huh.

6 Q. The civil confession of judgment didn't come
7 until much later, April 4th of --

8 A. Right. Like I said, I created the first one and
9 it was not done correctly and so I had to redo -- I had to
10 have it redone.

11 Q. So my question is just much simpler. Did you
12 know the amount that was still owed, the amount of
13 restitution still owed when you filed the petition?

14 A. Yes.

15 Q. And that's not including any of them. Is there
16 any particular reason why that wouldn't be included? It says
17 here because of economic hardship verified by the division
18 has been unable to make restitution as ordered by the Court.
19 It doesn't say restitution still owing in the amount of
20 \$22,000. That's a number that would probably get somebody's
21 attention.

22 A. Right. Right. It's just a form letter, Your
23 Honor. And I may have added the restitution into that, what
24 was owed or anything like that.

1 Q. Okay.

2 Further questions, Mr. Gordon?

3 MR. GORDON: Just a couple, Your Honor.

4 REDIRECT EXAMINATION

5 BY MR. GORDON:

6 Q. Sergeant Waters, do you -- have you had other
7 cases where defendants have been discharged, honorably
8 discharged and they still owe restitution?

9 A. Yes, sir.

10 Q. And in all those cases you made determinations of
11 economic hardship?

12 A. Yes.

13 Q. And is there any -- do you have any ability to
14 hold a person on probation after the credit and time has been
15 extinguished?

16 A. No.

17 MR. GORDON: I have no further questions, Your
18 Honor.

19 THE COURT: Mr. Doyle.

20 RECROSS-EXAMINATION

21 BY MR. DOYLE:

22 Q. Sergeant, you testified that because the credits
23 that she had earned you had to discharge her a year and a
24 half early. That's not your testimony, is it?

1 A. That is my testimony. Her date was up, sir.

2 Q. Her date was up?

3 A. Her expiration date came up and we did a
4 discharge on her expiration date.

5 Q. And that's the standard procedure?

6 A. Yes, sir.

7 MR. DOYLE: Okay. No further questions, Your
8 Honor.

9 THE COURT: You may step down.

10 (Witness excused.)

11 THE COURT: Mr. Gordon.

12 MR. GORDON: Your Honor, the State would call
13 Jacob Harp.

14 THE COURT: Good morning, sir.

15 MR. HARP: Good morning, sir.

16 THE COURT: Would you raise your right hand and
17 face the clerk.

18

19 JACOB HARP,

20 called as a witness on behalf of the

21 State having been first duly sworn,

22 was examined and testified as follows:

23

24 THE COURT: You may take the witness stand.

1 Mr. Gordon.

2 MR. GORDON: Thank you, Your Honor.

3 DIRECT EXAMINATION

4 BY MR. GORDON:

5 Q. Mr. Harp where are you presently employed?

6 A. I'm with the Nevada Division of Parole and
7 Probation in Elko, Nevada.

8 Q. And what is your position?

9 A. I'm currently the lieutenant over Northeastern
10 Nevada.

11 Q. And does that -- does the Winnemucca office fall
12 within your jurisdiction?

13 A. Yes, sir.

14 Q. Okay. Are you personally familiar with the
15 Gravelle case?

16 A. I have made myself aware of it. I reviewed Mr.
17 Doyle's letters. I looked into the case, case notes and
18 researched as much as I could with the resources that I have
19 to make a good attempt today to address the concerns that
20 were brought up by Mr. Doyle in this case.

21 Q. And did you come to any conclusions on that?

22 A. I have.

23 Q. And what are they?

24 A. To get straight to the -- to the meat of the

1 matter. In a case like this it is our division's instruction
2 and direction when there's restitution owed at the end of a
3 supervision like this we would request a hearing so that all
4 parties could present the information to the Court so that we
5 can get direction on the, where to go with the discharge.

6 We don't have a lot of authority on the good time
7 credits to change those. We have to apply them. We don't
8 have the authority not to apply them under statute. But it's
9 our direction to bring the matter to the Court prior to
10 discharge so that the Court has an obligation or an
11 opportunity to view the information.

12 And the Court also has an option to revoke the
13 good time credits under statute so the offender can serve out
14 the term of their supervision and be given an opportunity to
15 pay more on the restitution.

16 The Court also has the authority to give guidance
17 to the division on whether to pursue an honorable or
18 dishonorable discharge through our division but that has to
19 be prior to the division date -- to the discharge date
20 actually occurring. Unfortunately that ship has somewhat
21 sailed in this incident.

22 In reviewing this, I would note to the Court
23 that -- that if Sergeant Waters' testimony for economic
24 hardship is not to the Court's satisfaction that the division

1 be requested to petition a dishonorable discharge and revoke
2 the honorable discharge in this case if the Court sees fit.

3 Q. In regards to the honorable discharges, what --
4 what is the policy for your officers underneath you to go
5 about try to verify?

6 A. They should do as much as they can which at times
7 is limited with a lot of our offenders. Typically it's with
8 their pay stubs, go into the house and verify what they are
9 saying is true for the most part. We are limited with our
10 authority to do that. You know, we can't go to the bank and
11 dig into their bank accounts without subpoenas and such. So
12 it's a matter of footwork for the officer that is supervising
13 that individual to make the best effort to determine whether
14 or not they are truly in economic hardship that would prevent
15 them from making the payments on their court ordered fees
16 and/or restitution.

17 Q. Okay. You don't have any -- other than subpoenas
18 you don't have any inherent authority to go and pull
19 financial records?

20 A. No, sir. We're still limited under the search
21 and seizure laws that every other law enforcement agency is.

22 Q. Okay. And then in regards to the civil
23 confession and judgment what is the policy on regards to
24 those?

1 A. We typically try to get those the day of their
2 sign-up so that we -- when we have a body in the office we
3 can have that notarized and signed because a lot of these
4 people on parole and probation disappear on us, and we may
5 never see them again.

6 In this particular case we were fortunate that
7 Ms. Gravelle was still in the area when we had a final number
8 that she still owed the 22,000 and she signed for that
9 amount.

10 Q. What is the overall purpose of those in general?

11 A. The overall purpose of the civil confession of
12 judgment, we call it a CCOJ so when they are discharged the
13 victim in the case has a tool to go back and retrieve the
14 remainder of the money owed via civil suit and/or garnishment
15 of wages so that they can get their money. That's kind of
16 our safety net. For the most part we don't -- we don't see a
17 lot of restitution paid off in our world that we --

18 Q. So there is an avenue of relief in this case?

19 A. Yes, sir.

20 MR. GORDON: I have no further questions, Your
21 Honor.

22 THE COURT: Mr. Doyle.

23

24

1 CROSS-EXAMINATION

2 BY MR. DOYLE:

3 Q. Mr. Gordon asked you about not having the right
4 to get into bank accounts without subpoenas and that kind of
5 thing. During the time that you have that person on
6 probation you certainly have the right to ask her questions,
7 do you not?

8 A. Absolutely.

9 Q. Okay. You can ask her questions about her
10 income, about disability?

11 A. Absolutely.

12 Q. You can ask her a question, do you have \$100,000
13 in the bank?

14 A. Yes, sir, we could.

15 Q. None of that was done, was it?

16 A. I would leave that up to the testimony of
17 Sergeant Waters. Through the notes that I read specific
18 questioning in an appointment with a defender is, every
19 question is not listed in those notes. So I would have to
20 rely on Sergeant Waters' testimony as to his personal
21 interactions with Ms. Gravelle.

22 Q. Okay. You said it's the policy of the department
23 to make the best effort to determine whether or not there
24 truly is an inability to pay?

1 A. Yes, sir.

2 Q. In your opinion did your sergeant make the best
3 effort to do that?

4 A. It sounds like he could have done a better job in
5 that area.

6 Q. Did a what?

7 A. A better job in that area.

8 Q. Could have done a better job?

9 A. Yes, sir.

10 Q. Now one of the things that you testified to is
11 that if the Court desired there could be a hearing and
12 possibly the Court could then rather than give an honorable
13 discharge give a dishonorable discharge. Is that your
14 testimony?

15 A. Yes, sir. If the Court finds that our
16 explanation for economic hardship does not meet the
17 qualifications for honorable discharge under statute we would
18 certainly entertain the Court's request to resubmit a
19 petition for dishonorable discharge.

20 Q. Okay. What about resubmitting a request or
21 submitting a request that the discharge from probation be
22 revoked?

23 A. It's my --

24 Q. What's your position on that?

1 A. My position on that, having done a few of these
2 cases is that's a much more difficult thing to do. And we
3 don't believe that the division has the authority to reverse
4 the discharge under the application of the good time credits
5 of 176A.500. So going back on a discharge or more or less
6 trying to, it would be more or less trying to resentence that
7 individual which I'm sure the Court understands is a -- is a
8 difficult prospect to do. Going back on a discharge is
9 somewhat unheard of.

10 Q. As far as the department of parole and probation
11 doing that?

12 A. Yes.

13 Q. Okay. What about the Court ordering that?

14 A. Obviously, the Court, it's the Court's
15 prerogative to do what the Court wants to do. Reversing a
16 discharge at this point in the process is -- would be a very
17 difficult thing. It is something that would probably have to
18 go to the Attorney General's office to be reviewed.

19 Q. And it would -- your testimony is it is your
20 normal procedure that in a case similar to this when there is
21 still restitution that is owed that you give notice to the
22 parties, including the district attorney's office, including
23 the victim, including the defendant to have a hearing, a
24 status hearing?

1 A. That was not my testimony. My testimony was that
2 we would request a hearing most likely through the district
3 attorney's office because that is our local representative in
4 a hearing such as this to, so that all parties could address
5 the -- the potential discharge to see what direction we would
6 like to go with that. We don't have a standard procedure to
7 advise all parties involved. That typically comes from the
8 Court or the district attorney's office.

9 Q. But that didn't happen in this case?

10 A. No, sir.

11 MR. DOYLE: No further questions.

12 THE COURT: I got questions.

13 THE WITNESS: Yes, sir.

14 EXAMINATION

15 BY THE COURT:

16 Q. It seems like in this case, and you've reviewed
17 the file, it seems like the victim had brought this through
18 these letters or letter to the attention of the district
19 attorney's office. The district attorney's office had some
20 contact with your local office but that hearing was never
21 set. Can you explain from your review of the file as to why
22 it never came to the Court.

23 A. I certainly don't want to cast blame where it
24 shouldn't be but it seems there were multiple failures in the

1 communication of this case. The only communication that I
2 know of was from a representative of the D.A.'s office. I
3 can't remember her name. It was mentioned here earlier
4 regarding a snafu in the amount that was owed that
5 Ms. Gravelle needed to iron out in the D.A.'s office. Other
6 than that we heard nothing.

7 Typically if there's a hearing to be held on one
8 of our, we get that notice from the D.A.'s office or we see
9 it on the Court calendar of the week ahead of it.

10 Q. But there's also this mechanism for filing an
11 incident report or a probation violation report, correct?

12 A. Yes, sir.

13 Q. And neither of those things were done?

14 A. There actually was one done after the very
15 beginning of this case, I want to say in 2015.

16 Q. Sure.

17 A. It was so long ago and Ms. Gravelle was brought
18 back before the Court because she didn't immediately pay the
19 full amount.

20 Q. In the terms of probation modified, that was
21 December 13, 2014?

22 A. Gotcha. Yes, sir, that sounds right.

23 Q. From 2014 to 2018 no -- no notice by the division
24 in the way of an incident report or violation.

1 A. Correct. And that's -- so there are twofolds
2 here in reviewing this. That probably should have happened.
3 One could have been in the form of violation report or an
4 incident report to the Court so that hearing could be set.
5 The other would have been from the district attorney's office
6 after receiving those letters, hey, red flag. We need to sit
7 down and have a conference about this and have a hearing.
8 Neither one of those happened.

9 Q. Was -- when the petition was actual actually
10 requesting the honorable discharge was that after her
11 expiration date I'll call it? I mean, I'm not talking about
12 expiration date very leisurely because it's not the
13 expiration date that's contained in her original terms of
14 probation. It's the expiration date with the good times --
15 good time credit apply?

16 A. Correct. I don't recall if it was prior to the
17 good time credit date or not. Typically we try to -- we try
18 to put them two to three months prior to their adjusted date
19 to give the Court an opportunity to review it, an attorney
20 has an opportunity to review it.

21 Q. Adjusted date, so we don't know when the adjusted
22 date.

23 A. I would have to review the file.

24 Q. Okay. Because the --

1 A. It would be the date that is listed on that
2 petition should be the end all adjusted date. I believe it
3 was in December of '17 maybe.

4 Q. Does this, and I'm showing the witness the
5 petition. Does that petition include the adjusted date?

6 A. It does not. It only shows the date that
7 Sergeant Waters appeared, currently drafted this and/or
8 signed it.

9 Q. So the adjusted date could have already come and
10 gone?

11 A. It could have. It could have.

12 Q. So this may have been -- there may not have been
13 the ability to set it for a hearing or request a hearing
14 because of the adjusted date?

15 A. That is possible. We try to avoid that under any
16 circumstances for obvious reasons.

17 Q. Okay. Well, I hope you understand my concern
18 here too. I'm the judge who receives this case. After all
19 of the history is from 2014 under another district court
20 judge. This is the document I get right here. It doesn't
21 indicate the amount of restitution that still remains. In
22 fact, when this comes to me it doesn't come with the entire
23 file.

24 What my staff does is my staff reviews the

1 computer system here in the courthouse and that computer
2 system, and I'm happy to share this with counsel, has the
3 fees that are owed. And this AS400 report shows under the --
4 under the box restitution zero. So my office staff which is
5 our standard operating procedure looks at this petition,
6 looks it up in the computer and says zero. I sign it.

7 What it doesn't have here though, which obviously
8 this case has a significant history. What it doesn't have
9 here, it doesn't have that there's significant restitution
10 still owed. No one brought that to the Court's attention. I
11 feel like -- I feel like I was put in the middle of a very
12 contentious situation without it being given all of the
13 information. So -- so that's why I asked a few of these
14 questions. Maybe there needs to be a way to improve this
15 system.

16 I also received a printout from the comptroller's
17 office or actually the treasurer's office, in a note that
18 accompanies that says there's some confusion because in the
19 beginning of this case the restitution was actually being
20 collected by the D.A.'s office. And then at some point it
21 transferred to the treasurer's office. So this system is
22 really really concerning to me. And then we have a victim
23 who -- who has not been paid \$22,700 or something to that
24 effect.

1 The -- and I completely understand the issue of a
2 civil confession of judgment. It does give the victim an
3 opportunity to pursue a civil action. But a civil confession
4 of judgment that was provided to the Court after the
5 defendant was discharged from probation honorably, I have --
6 I have no idea how that happened.

7 This sentencing, the judgment of conviction was
8 filed August 19, 2014, and I was the one that sent the civil
9 confession judgment back because the language in the original
10 was so confusing. I didn't even understand it. And I didn't
11 understand it because this is a person who had already been
12 discharged from probation. I frankly didn't even know why I
13 was getting it, of course also not knowing the case.

14 So I just wanted my observations noted here today
15 and why I'm concerned about this. I appreciate you being
16 here, but I'm not sure we in any way found a way to -- to
17 remedy this problem. And I think that's what Mr. Doyle is
18 asking for.

19 But I think, Mr. Doyle, you're asking for it
20 without the person, I mean the one other person that -- two
21 other people that really need to be here. Your conversations
22 were with the chief deputy district attorney. I have not
23 heard anything about what he did in his office to attempt to
24 bring this to the Court's attention.

1 I'm also not hearing from the defendant. She's
2 not here nor her counsel. And I've looked through the file
3 to see if I could find a notice of withdrawal, a very simple
4 document that's filed by an attorney when they withdraw.
5 It's not here. So maybe the right people weren't put on
6 notice.

7 I do want to consider at a minimum a dishonorable
8 discharge from probation. The division of parole and
9 probation knows very well in this jurisdiction if I get one
10 of these and there's an issue with a payment of fees or
11 restitution I send it back. And I send it back with
12 instructions that, well, you better call them and you better
13 find out why they haven't paid.

14 And I have had many instances where I have been
15 told, well, it's too late. We can't do anything or this
16 person no longer exists or has disappeared and there may be
17 circumstances where I sign them. That didn't happen in this
18 case. It did not happen in this case. And I'm troubled by
19 all that by not having this case until my first contact
20 according to what I see here was this petition for honorable
21 discharge, the first time I ever saw this case.

22 So I would like the district attorney's office to
23 calendar with my staff a hearing to consider the issue of a
24 dishonorable discharge. The defendant must be placed on

1 notice.. The division of parole and probation must be placed
2 on notice.

3 I don't find today, now maybe additional evidence
4 will be presented at that hearing, I don't find that the
5 evidence today was sufficient to warrant the verification of
6 economic hardship. Okay. So we'll revisit that and in a
7 subsequent hearing.

8 You may step down.

9 THE WITNESS: Thank you.

10 (Witness excused.)

11 THE COURT: Anything further? Anything further?

12 MR. GORDON: No, Your Honor.

13 MR. DOYLE: I understand the order of the Court,
14 Your Honor. But just so you know where I'm coming from and I
15 think you probably do know where I'm coming from is that this
16 idea of a dishonorable discharge from probation, that's fine
17 and dandy, and maybe we better clean up the way we go through
18 the process. That doesn't do Mr. Lucas any good.

19 As far as I'm concerned, Your Honor, there's been
20 a fraud. It's been perpetrated on the Court and have that
21 order signed. And I think on that basis that order should be
22 rescinded. Ms. Gravelle should be put back on probation.

23 THE COURT: I hear you loud and clear and I think
24 that should that relief be sought that relief must be sought

1 by the district attorney's office.

2 MR. DOYLE: Okay. I understand that.

3 THE COURT: That's where it has to be.

4 MR. DOYLE: We're not a party.

5 THE COURT: You're not a party.

6 MR. DOYLE: The problem -- well, it's evident and
7 I think Your Honor realizes this. I had to hound the
8 district attorney's office for two years before we even got
9 the thing into court.

10 THE COURT: Well, you wouldn't have gotten into
11 court today had it not been for your letter addressed to me.

12 MR. DOYLE: I understand that.

13 THE COURT: And that petition though, if there is
14 such a petition made, that can't come from you. I -- I hope
15 you respectfully understand that you're not a party.

16 MR. DOYLE: I do understand that, Your Honor.

17 THE COURT: Okay.

18 MR. DOYLE: Just so you know our --

19 THE COURT: I do understand. Thank you. We'll
20 be in recess.

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1 STATE OF NEVADA,)
2 CARSON CITY.)

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I, KATHY JACKSON, do hereby certify:

That on September 11, 2018, a hearing was held in
the within-entitled matter in the District Court of Humboldt
County, Winnemucca, Nevada;

That said hearing was recorded by a recording
system, and said recording was delivered to me for
transcription;

That the foregoing transcript, consisting of
pages 1 through 40 is a full, true and correct transcript of
said recording performed to the best of my ability.

Dated at Carson City, Nevada, this 2nd day of
March, 2022.

/s/ Kathy Jackson
KATHY JACKSON, CCR
Nevada CCR #402

VII APPENDIX

VII APPENDIX

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.

VIII APPENDIX

VIII APPENDIX



1 CASE NO. CR 12-6043

2 DEPT. NO. 2

FILED

2019 MAY 10 AM 10:45

TAMI RAE SPERO
DIST. COURT CLERK

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

-000-

9
10 STATE OF NEVADA,

11 Plaintiff,

12 vs

ORDER

13 TERESA ANN GRAVELLE,

14 Defendant. /

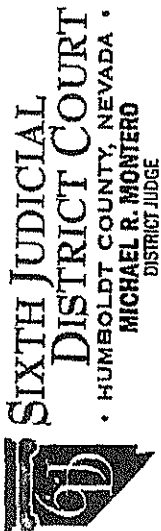
15 On December 18, 2017, this Court signed an Order discharging Defendant, Teresa
16 Ann Gravelle from probation. This Court was under the false impression that Defendant
17 had satisfied her probation condition which required her to pay all restitution owed. The
18 Court's false impression was initially 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.



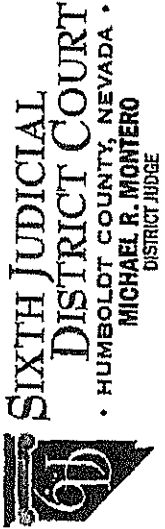
1 Pasquale. Further inhibiting the proceeding was the absence of Ms. Wood on behalf of the
2 Department of Parole and Probation, who had submitted the *Petition for Honorable*
3 *Discharge*.

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



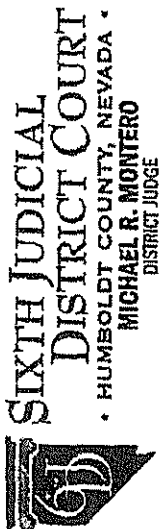
1 now VACATES that hearing. Any further proceedings regarding Defendant's
2 reinstatement of probation shall be scheduled by the parties.

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
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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	Case File Update		DC0100B																																													
Cancel	Case Number CR 1206043																																															
Save & Exit	<div style="display: flex; justify-content: space-between;"> <div> Case Type FCPRO + FELONY CR AGAINST PROPERTY </div> <div> Dept Judge 2 MRM </div> <div> Prosecuting Attorney SA + DISTRICT ATTORNEY </div> <div> Case Folder 0 </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div> Confidential <input type="checkbox"/> Sealed <input type="checkbox"/> Jury <input type="checkbox"/> Child Involved <input type="checkbox"/> Self-Represent <input type="checkbox"/> </div> <div> Evidence Folder 1 </div> </div>																																															
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	<div style="display: flex; justify-content: space-between; font-size: small;"> Charges/Offenses Party Allys/Interpret Party Hearings Party Filings Case Events Party Balances Party Financial History </div> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 5px;"> <thead> <tr> <th></th> <th style="text-align: right;">Initial Amount</th> <th style="text-align: right;">Remaining Bal</th> <th style="text-align: right;">Payment Due</th> <th style="text-align: center;">Uncollectable</th> </tr> </thead> <tbody> <tr> <td>FINE</td> <td style="text-align: right;">.00</td> <td style="text-align: right;">.00</td> <td></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>ADMIN ASSESSMENT</td> <td style="text-align: right;">25.00</td> <td style="text-align: right;">.00</td> <td></td> <td></td> </tr> <tr> <td>FORENSIC</td> <td style="text-align: right;">.00</td> <td style="text-align: right;">.00</td> <td></td> <td></td> </tr> <tr> <td>ATTORNEY/PUBLIC DEFENDER</td> <td style="text-align: right;">.00</td> <td style="text-align: right;">.00</td> <td></td> <td></td> </tr> <tr> <td>DNA AND DNA 3</td> <td style="text-align: right;">153.00</td> <td style="text-align: right;">.00</td> <td></td> <td></td> </tr> <tr> <td>RESTITUTION</td> <td style="text-align: right;">.00</td> <td style="text-align: right;">.00</td> <td></td> <td></td> </tr> <tr> <td>DOMESTIC ADMIN</td> <td style="text-align: right;">.00</td> <td style="text-align: right;">.00</td> <td></td> <td></td> </tr> <tr> <td>MISCCT</td> <td style="text-align: right;">.00</td> <td style="text-align: right;">.00</td> <td></td> <td></td> </tr> </tbody> </table>				Initial Amount	Remaining Bal	Payment Due	Uncollectable	FINE	.00	.00		<input type="checkbox"/>	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		
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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.

IX APPENDIX

IX APPENDIX

1 Case No. CR 12-6043

2 Dept No. 2

3 This document does not contain
4 Social Security Numbers

FILED

2019 AUG 28 PM 3:14

TAMI RAE SEPT 2
DIST. COURT 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.

DEFENDANT'S MOTION TO
DISCHARGE FROM PROBATION


12 TERESA ANN GRAVELLE,

13 Defendant. /

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 Discharged
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
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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
5 court."

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

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

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

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

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

14 DATED this 26 day of August, 2019.

15 MILLER LAW, INC.

16 

17 RENDAL B MILLER, ESQ.

18 Attorney for TERESA ANN GRAVELLE

19 Nevada Bar No. 12257

20 115 West Fifth Street, Box 7

21 Winnemucca, Nevada 89445

22 775-623-5000

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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



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Humboldt County District Attorney
PO Box 909
Winnemucca, Nevada 89446


SAMANTHA DRAPER

Exhibit 1

Exhibit 1

FILED

AUG 19 2014

TAMI RAE SPERO
DIST COURT CLERK

Case No. CR12-6043

Dept. No. 1

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

HUMBOLDT COUNTY DISTRICT ATTORNEY

P.O. Box 909
Winnemucca, Nevada 89446

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

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

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

- 3 1. That the Defendant submit to a search of the Defendant's
4 person, property, vehicle, residence or any area and /or
5 things under the defendant's control, at any time of the
6 day or night without a warrant, for evidence of any crime
7 or evidence of any violation of probation by a Parole and
8 Probation Officer or Peace Officer acting under their
9 direction during the entire term of the Defendant's
10 probation;
11
- 12 2. That the Defendant pay the outstanding balance of
13 restitution, in the amount of \$65,000.00, payable through
14 the Humboldt County District Attorney's Office, in
15 monthly payments of no less than \$1,500.00;
16
- 17 3. That the Defendant make a payment of \$30,000.00, within
18 90 days of her probation grant. If the Defendant fails to
19 make this payment a Status Hearing will be set up so
20 Defendant can explain why she has not made her payment;
21
- 22 4. That if the Defendant fails to pay her restitution as
23 ordered than the Defendant will be violating her
24 probation grant and it will be reported as a violation of
25 probation;
26
- 27 5. The Defendant must, pursuant to NRS 176.0913, submit a
28 biological specimen under the direction of the Division
of Parole and Probation to determine the Defendant's

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

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

16
17 Furthermore, bail, if any, is hereby exonerated.

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

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

22
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

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 19th day of Aug., 2014, in the
5 City of Winnemucca, County of Humboldt, State of Nevada.

6 
7
8 DISTRICT JUDGE

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 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

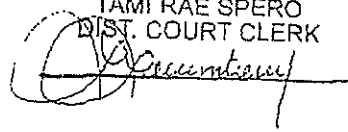
1 Case No. CR12-6043

2 Dept. No. I

FILED

DEC 23 2014

TAMI RAE SPERO
DIST. COURT CLERK



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

9 -oOo-

10 THE STATE OF NEVADA,

11 Plaintiff,

12 vs.

13 ORDER MODIFYING
14 TERMS OF PROBATION

15 TERESA GRAVELLE,

16 Defendant. /

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

23
24 The Court having heard from counsel in this matter and
25 having considered the request of the victim that is owed the
26 above-mentioned restitution and good cause appearing therefore:
27
28

WINNEBOLDT 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.

Richard A. Wagner
DISTRICT JUDGE

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
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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)

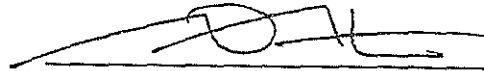
Natalie A. Wood, Chief Parole and Probation Officer

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



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

0098

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
ruction Way #5
a, NV 89445



Teresa Gravelle
4575 Westmoreland
Winnemucca, NV 89445

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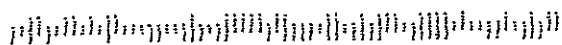


Exhibit 4

Exhibit 4

Court File Copy

FILED

Case No. CR12-6043

2018 APR -4 AM 10:44

Dept. No. II

SAE SPENCER
COURT CLERK

Etomly

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.

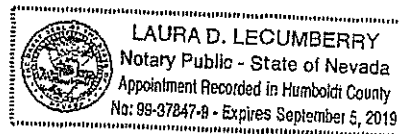
By

Teresa Ann 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.

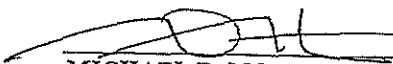
6
7 
MICHAEL R. MONTERO, District Judge

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.

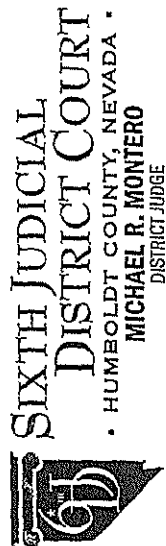
The Court explains that AS400 computer showed that the restitution amount was 0, that Court was later advised that the restitution was at one time collected by the District Attorney's Office and now is collected through the Treasurer's Office. The Court is unable to find a way to remedy this issue as 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



1 CASE NO. CR 12-6043

2 DEPT. NO. 2

FILED

2019 MAY 10 AM 10:45

TAMI RAE SPERO
DIST. COURT CLERK

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

-000-

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

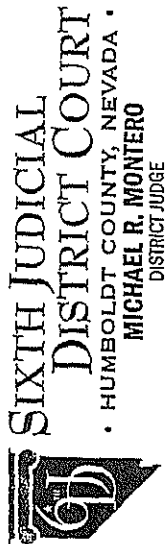
1 now VACATES that hearing. Any further proceedings regarding Defendant's
2 reinstatement of probation shall be scheduled by the parties.

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
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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

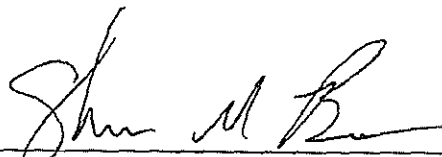

SHANE M. BELL
LAW CLERK

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 PROPERTY 2 **MRM** + **DA** + DISTRICT ATTORNEY Case Folder **0**
 Confidential ☐ Sealed ☐ Jury ☐ Child Involved ☐ Self-Represent ☐ Evidence Folder **1**

Captions

The State of Nevada, Plaintiff,

vs.

Teresa Ann Gravelle, Defendant.

Comments

Reminders

FCPRO-GUILTY

8/19/14

Prev

Defendant 001 of 001

Next

Name (L,F) **GRAVELLE, TERESA ANN** Party Typ **DEF** SSN Lst4 **[REDACTED]** Bail **20,000** 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

	Initial Amount	Remaining Bal	Payment Due	Uncollectable
FINE	.00	.00		<input type="checkbox"/>
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 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.

X APPENDIX

X APPENDIX

Case No. CR12-6043

Dept. No. 2

FILED

2019 SEP -5 PM 3:13

TAMI RAE SHERIDAN
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)
COUNTY OF HUMBOLDT) ss.

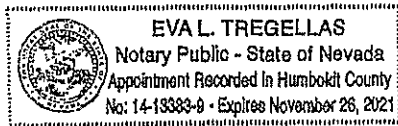
KEVIN PASQUALE, being first duly sworn, upon oath, and under penalty of perjury,
deposes and says:

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.B. Quad

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

XI APPENDIX

XI APPENDIX

1 CASE NO. CR 12-6043

2 DEPT. NO. 2

FILED

2020 APR 23 PM 4:41

TAMI RAE SPERO
DIST. COURT CLERK

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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 her
16 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*. The Court **ORDERS** the following:

- 19 1. That the evidentiary hearing scheduled for April 21, 2020 at 1:30 p.m. be vacated
20 due to the COVID-19 pandemic and the Courts inability to hold such a hearing at
21 this time;
22 2. That the Defendant provide sufficient evidence of all restitution payments made in
23 this matter and that be provided to the Court within thirty (30) days of this Order;
24

- 1 3. That the Division of Parole and Probation provide any updates to the Court on
2 efforts used, if any, to recover any restitution;
3 4. Upon the Courts review of said evidence the Court will determine if a hearing will
4 be necessary.

5 **IT IS SO ORDERED.**

6 DATED: April 23, 2020.

7
8 
9 _____
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 April 23, 2020, 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 89446
Via U.S. Mail

Rendal Miller, Esq.
Miller Law
115 W. 5th Street, 207
Winnemucca, Nevada 89445
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


ELISHA FORMBY
ADMINISTRATIVE SPECIALIST

XII APPENDIX

XII APPENDIX

1 Case No.: CR 12-6043

2 Dept. No. 02

3 This document contains no
4 Social Security Numbers

FILED

2020 MAY 11 PM 3:48

TAMARA SUTTO
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

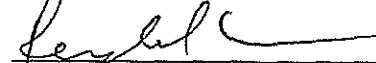
12 TERESA ANN GRAVELLE,

13 Defendant.

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

20 DATED this 11 day of May, 2020.

21 MILLER LAW, INC.

22 

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

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CERTIFICATE OF MAILING

I, MICHELLE MILLER, do hereby certify that I am a legal assistant to RENDAL B. MILLER, ESQ. and that on the 11 day of May, 2020, I placed a true and correct copy of the foregoing or attached document in District Attorney's box at the Humboldt County Clerk's office, entitled REQUEST FOR SUBMISSION to:

Humboldt County District Attorney
Hartoch Building
Winnemucca, Nevada 89445

via email

DATED this 11 day of May, 2020.


MICHELLE MILLER

Rhona Lecumberry
Treasurer

(775) 623-6444 • Fax: (775) 623-6440

Humboldt County

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

TREASURER

May 8, 2020

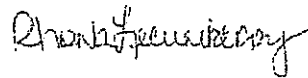
Rendal Miller, Esq.
Miller Law, Inc.
115 West 5th St., Box 7
Winnemucca, NV 89445

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

0131

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
10,000.00	Payments received from:			
	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	Amount
401	WELLS FARGO BANK	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. 1590
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	Amount
401	WELLS FARGO BANK	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's Receipt
HUMBOLDT COUNTY
GINA RACKLEY

No. 2290
Date: 04/29/15

50 W. 5TH STREET
WINNEMUCCA, NEVADA 89445

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 RESTITUTION	1,500.00CR
1,500.00	Payments received from:			
	TERESA GRAVELLE	CASH		

Receipt No. 2290 Fiscal Year: 2015

*****1,500.00

Bank	Bank Description	Amount
401	WELLS FARGO BANK	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. Ylitis
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	Amount
401	WELLS FARGO BANK	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 4/6/15

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 RESTITUTON	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

F. Williams

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 *****720.00
Fund Fund Description Account Description Amount
718 COURT ORDERED RESTITUTION 718-043-34009-000 COURT ORDERED RESTITUTION 720.00CR

Payments received from:
20.00 DANIELE LANDRY CASH
700.00 TERESA GRAVELLE CASH
Receipt No. 480 Fiscal Year: 2016 *****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. Rackley

Deputy

Treasurer's 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	Amount
401	WELLS FARGO BANK	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. Y. Lewis
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 RESTITUTON	500.00CR

Payments received from:
500.00 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

Deputy

0143

Treasurer's 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 RESTITUTION	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

K. L. Jones
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

*****100.00

Fund	Fund Description	Account	Description	Amount
718	COURT ORDERED RESTITUTION	718-043-34009-000	COURT ORDERED RESTITUTON	100.00CR

100.00 Payments received from:
THERESA GRAVELLE CASH

Receipt No. 813 Fiscal Year: 2017

*****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:

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)

\$ 12A

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



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.

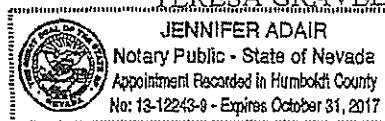
THE UNDERSIGNED HEREBY AFFIRMS THAT THIS DOCUMENT SUBMITTED FOR RECORDING DOES NOT CONTAIN A SOCIAL SECURITY NUMBER.

DATED this 19 day of December, 2014.

Michael Gravelle
MICHAEL GRAVELLE

Teresa Gravelle
TERESA GRAVELLE

STATE OF NEVADA)
):ss
COUNTY OF HUMBOLDT)



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

0147

HUMBOLDT COUNTY DISTRICT ATTORNEY

RESTITUTION PROGRAM

P.O. BOX 909

WILLEMICA, NV 89416

(775) 623-6304

CASH
RECEIPT

Date 7/25/14

002200

Received From Laura Brancello

Address

Fifteen Hundred & North

Dollars \$1500.00

For Restitution CR12-6643

ACCOUNT	PAID
AMOUNT	CASH
1500.00	1500.00
DATE PAID	DATE PAID
7/25/14	7/25/14

By MIB

XIII APPENDIX

XIII APPENDIX

1 CASE NO. CR 12-6043

2 DEPT. NO. 2

FILED

2020 AUG 14 PM 3:05

CLERK OF COURT
HUMBOLDT COUNTY, NEVADA

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

8 -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

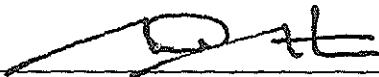
1 The Court respectfully, **DENIES** the Motion to Discharge Defendant from Probation.

2 **IT IS SO ORDERED.**

3 DATED: August 14th, 2020.

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HONORABLE MICHAEL R. MONTERO
DISTRICT JUDGE

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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

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

3

XIV APPENDIX

XIV APPENDIX

FILED

2020 DEC 17 PM 3:21

CLERK OF DISTRICT COURT

Case No. 22,478 CR 12-6043

Dept No. 2

This document does not contain
Social Security Numbers

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

[illegible]

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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

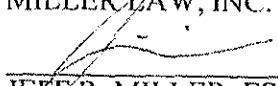
1 months would have elapsed since the entry of her JOC and initial placement on probation in July
2 or August of 2014.

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.

10
11 MILLER LAW, INC.

12 
13 _____
14 JEFF R. MILLER, ESQ.
15 Attorney for TERESA GRAVELLE
16 Nevada Bar No. 15603
17 115 West 5th Street, Box 7
18 Winnemucca, Nevada 89445
19 775-623-5000
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1 MEMORANDUM OF POINTS AND AUTHORITIES

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

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

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

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

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

22 Petitioner did violate the terms of special condition number 3 by failing to pay \$30,000.00
23 within 90 days of entry of the JOC. EXHIBIT 2. That same document established that Petitioner
24 had maintained contact with the Division of Parole and Probation (hereinafter "the Division) and
25 had paid all other fees on time, had obtained full-time employment, and was "compliant with the
26 rules and special conditions of her community supervision." *Id.* Furthermore, the document
27 expressly states that "Ms. Gravelle has not taken her financial obligations frivolously and has
28

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 //

1 LAW AND ARGUMENT

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

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

7 (a) Three years for a:

8 (1) Gross misdemeanor; or

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

11 (b) Five years for a felony.

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

23 The District Court has misinterpreted and overextended the verbiage of NRS 176A.500.
24 The issue at hand appears to be the calculation of time, when it begins and when time is tolled.
25 Under the District Court's apparent reading, the five year maximum probationary period may be
26 broken up and applied piecemeal at the discretion of the court, so long as it does not exceed five
27 years in the aggregate. Such an interpretation cannot be upheld. A judge would be able to place
28 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 //

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

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


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VERIFICATION

STATE OF NEVADA)
):ss
COUNTY OF HUMBOLDT)

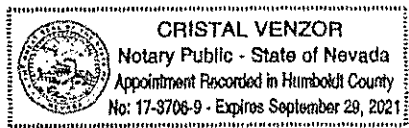
I, JEFF R. MILLER, ESQ., attorney for Defendant herein, being first duly sworn, deposes and says:


That I am the Attorney for Defendant in the above entitled action, that Petitioner herein has authorized me to file this Petition for *Writ of Habeas Corpus Postconviction*, that I have read the foregoing *Petition for Writ of Habeas Corpus Postconviction* 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.



JEFF R. MILLER, ESQ.

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





NOTARY PUBLIC

1 CERTIFICATE OF MAILING

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

5 Anne Carpenter
6 Nevada DPS Parole and Probation
7 1445 Old Hot Springs Road, Suite 104
8 Carson City, NV 89703

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

12 DATED this 17 day of December, 2020.

13 
14 MICHELLE MILLER, Legal Assistant
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XV APPENDIX

XV APPENDIX

1 Case No. CR 12-6043

2 Dept No. 2

3 This document does not contain
4 Social Security Numbers

FILED

2021 JAN 28 PM 2:19

JAMI RAE SPERO
DIST COURT 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.

REQUEST FOR SUBMISSION OF WRIT
OF HABEAS CORPUS

12 TERESA ANN GRAVELLE,

13 Defendant. /

14 COMES NOW, TERESA ANN GRAVELLE, represented by his attorney's MILLER
15 LAW, INC. and JEFFRIE R. MILLER, ESQ., and requests that the *Petition For Writ Of Habeas*
16 *Corpus*, be submitted to the Judge for decision.

17 DATED this 28 day of January, 2021.

18 MILLER LAW, INC.

19
20 JEFFRIE R. MILLER, ESQ.
Attorney for TERESA GRAVELLE
Nevada Bar No. 15603
115 West 5th Street, Box 7
Winnemucca, Nevada 89445
775-623-5000
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1 CERTIFICATE OF MAILING

2 I, CRISTAL VENZOR, hereby certify that I am a legal assistant employed by
3 MILLER LAW, INC., and that on the 28th day of January, 2021, I mailed a true and correct copy
4 of the foregoing or attached document in the U.S. Mail, in Winnemucca, Nevada, Request For
5 Submission, to:

6 Anne Carpenter
7 Nevada DPS Parole and Probation
8 1445 Old Hot Springs Road, Suite 104
9 Carson City, NV 89703

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

13 DATED this 28th day of January, 2021.

14 
15 CRISTAL VENZOR

XVI APPENDIX

XVI APPENDIX

1 CASE NO. CR 12-6043

2 DEPT. NO. 2

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

9 STATE OF NEVADA,

10 Plaintiff,

11 vs.

12 TERESA ANN GRAVELLE,

13 Defendant.

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**RESPONSE TO PETITION FOR WRIT OF
HABEAS CORPUS**

15 The Nevada Department of Public Safety, Division of Parole and Probation (Division), by and
16 through its attorneys AARON D. FORD, Attorney General of the State of Nevada and NATHAN L.
17 HASTINGS, Senior Deputy Attorney General, files the following points and authorities, in response to
18 Petitioner's Petition for Writ of Habeas Corpus, pursuant to this Court's February 3, 2021, Order to
19 Respond.

20 **A. Background and Scope of the Division's Response.**

21 Petitioner bases her claims for relief on two central allegations and/or arguments: 1 – that on
22 September 20, 2018, the Court improperly held a hearing at the request of a victim in the underlying
23 criminal matter, at which the victim and prosecutor were present and represented by counsel, but
24 Petitioner was not given notice and was not present or represented, and that this hearing resulted in her
25 being improperly placed back on probation (*see* Petition at 10-11, 13-14); and 2 – that her probation
26 cannot properly be extended beyond the statutory 5-year maximum period for which she was placed on
27 probation at the time of conviction and sentencing (*see* Petition at 9, 11-13).

28 ///

1 As to the first issue, the Division did not have a role in seeking the 9/20/18 hearing. At that point,
2 the discharge the Division sought had already been granted, and the Division was not supervising
3 Petitioner. The Division does not have standing nor does it represent the court for purposes of defending
4 the hearing having been held as alleged. Therefore, the Division's brief will not address that issue. The
5 Division's brief will focus only on implications of Petitioner's second argument regarding the maximum
6 period of her term of probation.

7 **B. Time Credit Calculation and/or Forfeiture**

8 Calculation of time credits is governed by NRS 176A.500(5), (6). Pursuant to those sections, as
9 they read at the time the Division requested and Petitioner was originally granted discharge in 2017, a
10 person on probation was required to be allowed a 10-day deduction from the sentenced probation period
11 for each month in which the person is current with any supervision fees and made the minimal restitution
12 payment, and an additional 10-day deduction for each month in which the person is employed or enrolled
13 in an approved education or rehabilitation program. (See NRS 176A.500(5), (6), 2017 Statutes of
14 Nevada, pp. 3313-2214). Sub-section 6 of the statute emphasized that the appropriate deductions must
15 be allowed regardless of whether the person on probation completes one or both of the fee/restitution
16 and/or employment/program requirements. (*Id.*). No language in NRS 176A.500 or any other statute
17 provides/ed the Division with unilateral discretion or authority to remove any 10 day credit that the person
18 "must be allowed" (assuming employment and fee/restitution compliance) once it has been awarded.

19 Pursuant to the time credit statute as effective in 2017, based on employment records provided
20 during the period of supervision¹, as well as payment of supervision fees², the Division ultimately
21 calculated and applied 10-day deductions towards Petitioner's probation period reflected in a requested
22 reduction from an original expiration date of 07/07/2019 to 12/08/2017, for purposes of the original
23 discharge request.

24 ///

25
26 ¹ Following Petitioner's discharge from probation, her file was purged pursuant to Division policy, and
the Division no longer possesses those employment records.

27 ² Restitution was not collected by the Division, but rather by the County (District Attorney and/or
28 Treasurer). So the Division did not track monthly restitution payments for Petitioner, but was aware of
the total amount of \$43,950.00 which had been paid during the term of supervision prior to discharge.

1 Forfeiture of credits earned pursuant to NRS 176A.500 is governed by NRS 176A.635. If a
2 person is brought before the court for revocation proceedings stemming from NRS 176A.500(2), (3), or
3 NRS 176A.630, the court may, in its discretion, provide that the probationer forfeits all or part of credits
4 earned, upon proof of the violation and notice to the probationer. (NRS 176A.635(1), (2)). In this case,
5 in connection with the discharge request, the Division informed the Court that restitution had not been
6 paid in full. At that time, the Court could have ordered the forfeiture of the credits the Division had
7 calculated in connection with restitution-related grounds for revocation under the statutes just cited; or
8 alternatively, the Court could have denied the discharge request and ordered credits forfeited based on
9 restitution having not been fully paid. Apart from these pre-expiration avenues for forfeiture of credits,
10 the Division is not aware of any statutory authority to order forfeiture of time credits after discharge or
11 the expiration of the period of probation.

12 **C. Duration of the Period of Probation**

13 The Nevada Supreme Court has held that “[t]he power of the trial court to terminate, modify, or
14 revoke probation flows directly from the statutory grant. . .”. (*Sherman v. Warden, Nevada State Prison*,
15 94 Nev. 412, 413, 581 P.2d 1278, 1278 (1978)). For purposes of this matter, the statutory grant governing
16 the period of Petitioner’s probation is NRS 176A.500(1),(5), and (6).

17 Based the authority cited above governing forfeiture of time credits, if Petitioner’s probation
18 period expired in December of 2017, based on prior application or awarding of time deduction credits
19 pursuant to NRS 176A.500(5), (6), and credits were not previously ordered forfeited pursuant to NRS
20 176A.635 during a revocation or discharge proceeding, then NRS 176A.500(2) in conjunction with NRS
21 176A.630 and *Sherman*, appears not to allow for forfeiture of credits or revocation³ at this stage.

22 Additionally, pursuant to NRS 176A.500(1)(b), as it applied at the time of Petitioner’s conviction,
23 the period of her probation, including any extension, was not permitted to be more than five years, or in
24 this case, until July 7, 2019. The Division is not aware of any authority which allows for this period of
25 time to be tolled during a period of discharge. In contrast, even in the current version of NRS


26
27 ³ NRS 176A.500 (2), (3) are the provisions specific to violation of probation conditions; the requirement
28 appears to be that arrest or warrant issuance must initiate the revocation proceeding during the probation
period – in this case, prior to July 7, 2019.

1 176A.500(2), a court's authority to extend a period of probation (which still can't exceed the statutory
2 maximum period), is limited to facilitating completion of a specialty court program, not to require
3 payment of restitution. It is the Division's position that as of July 7, 2019, any supervision of Petitioner
4 is not supported by statutory authority.

5 Discharge from probation is governed by NRS 176A.850. Under that statute, either as it read in
6 2017 or its current version, upon discharge a person is released from all obligations except the obligation
7 to pay any unpaid restitution as a civil liability subject to a civil judgment. In this case, upon discharge
8 Petitioner was subject to a civil confession of judgment, which appears to be the statutory remedy for a
9 victim who has not received all restitution prior to discharge. The statute does not provide for
10 reinstatement after discharge as a tool to collect remaining unpaid restitution.

11 DATED this 18th day of March, 2021.

12 AARON D. FORD
13 Attorney General

14
15 By:  /FOR/
16 NATHAN L. HASTINGS (Bar No. 11593)
17 Senior Deputy Attorney General
18 555 Wright Way
19 Carson City, NV 89711
20 (775) 684-4606 (phone)
21 Attorneys for Plaintiff
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AFFIRMATION
(Pursuant to NRS 239B.030)

The undersigned does hereby affirm that the preceding document, RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS, does not contain the social security number of any person.

DATED this 18th day of March, 2021.

AARON D. FORD
Attorney General

By: Nathan L. Hastings (Bar. No. 11593)
Senior Deputy Attorney General

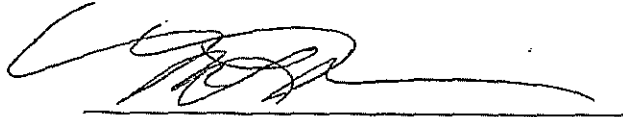
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CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on March 18, 2021, I deposited a copy of the foregoing document for mailing in the United States Mail, first-class postage prepaid, at Carson City, Nevada to the following:

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

Jeff R. Miller, Esq.
Miller Law, Inc.
115 W. 5th Street, Box 7
Winnemucca, NV 89445



M. Neumann, an employee of
the office of the Nevada Attorney General

XVII APPENDIX

XVII APPENDIX

Case No. CV 12-6043

FILED
2021 MAR 22 PM 4:50
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-

TERESA ANN GRAVELLE,

Petitioner,

vs.

STATE'S RESPONSE TO
PETITIONER'S PETITION
FOR WRIT OF HABEAS
CORPUS (POST-CONVICTION)

THE STATE OF NEVADA

Respondent.

COMES NOW, the County of Humboldt, Plaintiff, by and through Anthony R. Gordon, Humboldt County Deputy District Attorney, and hereby responds to the Petitioner's Petition for Writ of Habeas Corpus Post-Conviction. This Response is based upon the attached Points and Authorities and all the pleadings and papers on file herein.

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

DATED this 22nd day of March, 2021.


ANTHONY R. GORDON
Deputy District Attorney

POINTS AND AUTHORITIES

I.
FACTS

On July 7, 2014, the Petitioner was convicted and sentenced to a term of twelve (12) months to thirty-two (32) months in the Nevada Department of Corrections for Embezzlement in violation of *NRS 205.300*, which was suspended and the Defendant was placed on probation for a period of sixty (60) months; and was ordered to make restitution payments to the victim in this matter Steve Lucas/Lucus Livestock, to whom the embezzlement was from, in the amount of \$65,000 in monthly payments of no less than \$1,500.00 per month.

Subsequently, on May 10, 2020, an Order was filed by this Court vacating the previously filed Order, entered on December 18, 2017, Honorably Discharging the Petitioner from probation, as the Court found that it had entered the December 18, 2017 Discharge Order, on the mistaken belief that restitution, if any, had been fully paid, and there after re-imposed probation on the Petitioner. The current balance owed by the Petitioner is approximately \$22,700.00, as shown by the Civil Confession of Judgment filed in this case on April 4, 2018.

On August 28, 2019, the Petitioner filed a Motion to Discharge the probation placed on her, where this Court found that there was no evidence of any new or additional payments of restitution to the victim in this matter, and that the State Division of Parole and Probation has not provided to the Court any efforts to recover the remaining restitution amount, which still is outstanding. (*See District Court Order dated August 14, 2020*). The Petitioner then sought a stay of this probation to litigate a Petition for Writ of Habeas Corpus filed with the Nevada Supreme Court on October 22, 2020, which was denied by the Nevada Supreme Court on November 12, 2020, with the Nevada Supreme Court issuing a Notice in Lieu of Remitter on December 7, 2021.

Petitioner now files the present Writ of Habeas Corpus (Post-Conviction) before this

1 Court on December 17, 2020, to avoid having her probation extended for a continuation term of
2 nineteen (19) months starting on October 15, 2020, which is approximately the period of
3 probation she had mistakenly avoided by being honorably discharged early from probation.

4
5 **II.**
6 **LEGAL ARGUMENT**

7 As grounds for the Petitioner's present Petition for Writ of Habeas Corpus (Post-
8 Conviction), Petitioner pleads one main ground, essentially that the Court cannot impose a
9 sentence of probation for a felony beyond five years pursuant to *NRS 176A.500 (b)*. With the
10 backdrop that the Petitioner had been mistakenly released approximately nineteen (19) to twenty
11 (20) months early from probation, Petitioner's Grounds are procedurally barred for several
12 reasons, all of which she has failed to make the requisite showings to overcome these procedural
13 bars. Moreover, the Nevada Supreme Court has held in *McConnell v. State*, 125 Nev. 243, 212
14 P.3d 307 (2009), that a post-conviction habeas petitioner is entitled to a post-conviction
15 evidentiary hearing when they assert claims supported by specific factual allegations not belied
16 by the record that, if true, would entitle them to relief. *See Mann v. State*, 118 Nev. 351, 353, 46
17 P.3d 1228, 1229 (2002); *see Hargrove v. State*, 100 Nev. 498, 503, 686 P.2d 222, 225 (1984).
18 This is not the case here because a review of Petitioner's allegations in her Writ of Habeas
19 Corpus (Post-Conviction) are groundless and are not supported factually by the record in this
20 case or legally under any relevant Nevada statutory and Federal and State Constitutional law
21

22 Initially, NRS 34.800 states as followed:

23 **NRS 34.800 Dismissal of petition for delay in filing.**
24

25 1. A petition may be dismissed if delay in the filing of the petition:

26 (a) Prejudices the respondent or the State of Nevada in responding
27 to the petition, unless the petitioner shows that the petition is based upon grounds
28 of which the petitioner could not have had knowledge by the exercise of
reasonable diligence before the circumstances prejudicial to the State occurred; or

1 (b) Prejudices the State of Nevada in its ability to conduct a retrial
2 of the petitioner, unless the petitioner demonstrates that a fundamental miscarriage
3 of justice has occurred in the proceedings resulting in the judgment of conviction
4 or sentence.

5 2. A period exceeding 5 years between the filing of a judgment of
6 conviction, an order imposing a sentence of imprisonment or a decision on direct
7 appeal of a judgment of conviction and the filing of a petition challenging the
8 validity of a judgment of conviction creates a rebuttable presumption of prejudice
9 to the State. In a motion to dismiss the petition based on that prejudice, the
10 respondent or the State of Nevada must specifically plead laches. The petitioner
11 must be given an opportunity to respond to the allegations in the pleading before a
12 ruling on the motion is made.

13 In the present case, since more than five years have occurred since the sentencing in this
14 case on July 7, 2014, and the subsequently entered Judgment of Conviction on August 18, 2014,
15 prejudice would result to the Respondent under *NRS 34.800(b)*, if the Respondent had to
16 relitigate this matter a second time. Additionally, the Respondent specifically pleads laches in
17 this matter under *NRS 34.800 (2)*.

18 Additionally, under *NRS 34.810 (1)(A)*, this Court must dismiss a Petition for Writ of
19 Habeas Corpus (Post- Conviction) if it determines that a Petitioner plead guilty and the petition is
20 not based on 1) an involuntarily or unknowingly entered plea, or 2) the plea was entered without
21 effective assistance of counsel. *See NRS 34.810(1)(a)*. Furthermore, under *NRS 34.810(2)*, this
22 Court must dismiss a second or successive petition if it determines: 1) that the petition "fails to
23 allege new or different grounds for relief and that the prior determination was on the merits" or 2)
24 that if new and different grounds are alleged, that the petitioner's failure to assert those grounds
25 in the first petition constitutes an abuse of the writ. *See NRS 34.810(2)*. Moreover, under *NRS*
26 *34.810(3)*, the Petitioner has the burden of pleading and proving specific facts that show good
27 cause for failing to present the claim previously, or presenting it again, and specific facts
28 demonstrating actual prejudice to the petitioner. *See NRS 34.810(3)*. The District Court will

1 review a defaulted claim if failure to review the claim would cause a fundamental miscarriage of
2 justice. *See Mazzan v. Whitley*, 112 Nev, 838, 843, 921 P.2d 920, 923 (1996).

3 In the present case, Petitioner current claim is barred under both *NRS 34.810(1)(a)*
4 because Petitioner has not shown that her actual guilty plea was involuntarily or unknowingly
5 entered or that her plea was entered without effective assistance of counsel. In fact, she does not
6 even allege these grounds to avoid dismissal in her Petition for Writ of Habeas Corpus (Post-
7 Conviction), as her current issue is outside the scope of *NRS 34.810(1)(a)*, and thus, procedurally
8 barred.
9

10 Moreover, under *NRS 34.810(2)*, Petitioner has already raised the exact same ground now
11 in her presently filed Petition for Writ of Habeas Corpus (Post-Conviction), that she had done in
12 her previously filed Motion to Discharge from Probation on August 28, 2019, namely that the
13 time for the Petitioner to be on probation has expired pursuant to *NRS 176A.500(1)(b)*, with this
14 issue being decided against her by this *Court Order on August 14, 2020*. (*See District Court*
15 *Order dated August 14, 2020*). Petitioner is essentially arguing the exact same issue a second
16 time, and has failed to meet her burden by proving specific facts that show good cause for
17 presenting it again, as well as failing to cite any specific facts demonstrating actual prejudice to
18 her, as the Petitioner. *See NRS 34.810(3)*.¹
19

20 In the present case, the Petitioner was convicted of stealing a significant amount of
21 money which she plead guilty to on March 18, 2014, , and pursuant to her duly entered Judgment
22 of Conviction on August 19, 2014, she was sentenced to a term of twelve (12) months to thirty-
23 two (32) months in the Nevada Department of Corrections with that sentence suspended, and the
24 Petitioner being placed on formal probation that included a special condition that she make
25

26
27 ¹ Finally, it should also be pointed out that Petitioner's present Writ of Habeas Corpus is filed in violation of *NRS*
28 *34.726(1)*, as it was filed beyond the one-year date of the Judgment of Conviction in his case, dated August 19,
2014, and no appeal was ever filed in this case.

1 restitution for the money that was stolen within the sixty (60) month probationary period that was
2 then ordered, including making thirty-thousand dollar (\$30,000) payment within ninthly (90)
3 days of her original grant of probation, and with the failure to do so would be considered a
4 probation violation, a special probation term which she is still in violation of. (*See Judgment of*
5 *Conviction dated August 19, 2014*).

6
7 Thereafter, when this Court later entered an order to discharge the Petitioner from
8 Probation, it was on the mistaken belief that her restitution had in fact been fully paid, but after
9 subsequently learning that not all of the Petitioner's restitution was in fact paid in full, this Court
10 then on May 10, 2019, vacated its previous Order Honorably Discharging the Petitioner from
11 Probation, and legally re-imposed it, which was not done, contrary to Petitioner's assertions, at a
12 second sentencing hearing without her being present. Moreover, Petitioner cites no law that
13 would not allow the Court to break up a period of probation under *NRS 176A.500*, especially
14 since it was mistakenly terminated nineteen (19) to twenty (20) months early. In fact, contrary to
15 Petitioner's assertions, the current version of *NRS 176A.500* actually allows an extension of time
16 in a certain instance, showing some latitude given to the Courts by the Nevada Legislature in
17 sentencing defendants. *See NRS 176A.500(2)*.(Extension of time of probation allowed for
18 completion of time in Specialty Courts).

19
20 As a result, what we have in this case is a victim that still suffers a significant
21 economic damage of an amount that the Petitioner has admitted to, at least the amount of
22 approximately \$22,700.00, who was mistakenly discharged early from her probation. To allow
23 the Petitioner to be released without all her probation time actually being served under *NRS*
24 *176A.500(1)(b)*, and not paying any further restitution in this matter, as a condition of her
25 probation, would not be in the interests of justice, and would cause an undue and
26 unnecessary burden on the victim in this case, Steve Lucas/Lucas Livestock, who has
27
28

1 already waited nearly seven years at this point to be fully restored financially for their loss
2 at the hands of the Petitioner.

3 CONCLUSION

4 Based on the above legal arguments and all facts and pleadings herein, the Petitioner has
5 failed on her allegations of Nevada statutory law alleged in her Petition for Writ of Habeas
6 Corpus (Post-Conviction). Accordingly, it is respectfully requested that this Court deny the
7 Petitioner's Petition for Writ of Habeas Corpus (Post-Conviction) in this entirety, as well as
8 denying any evidentiary hearing in this matter.
9

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

12 DATED this 22nd day of March 2021.

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14 
15 ANTHONY R. GORDON
16 Deputy District Attorney
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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 22nd day of March, 2021, I delivered a copy of the STATE'S RESPONSE TO PETITIONER'S PETITION FOR WRIT OF HABEAS CORPUS POST-CONVICTION to:

RENDAL B. MILLER, ESQ.
MILLER LAW, INC.
115 W. Fifth St, Box 2
Winnemucca, NV 89445
(Via DCT Box)

AARON FORD
Nevada Attorney General
100 N. Carson Street
Carson City, NV 89701
(Via U.S. Mail)

- ☒ (X) U.S. Mail
☐ () Certified Mail
☐ () Hand-delivered
☒ (X) Placed in DCT Box
☐ () Via Facsimile

Anthony R. Gordon

XVIII APPENDIX

XVIII APPENDIX

1 CASE NO. CR 1206043

2 DEPT. NO. II

FILED

2021 APR -1 AM 10:47

TAMI RAE SPERO
DIST. COURT CLERK

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

-000-

10 TERESA ANN GRAVELLE,

11 Petitioner,

NOTICE OF HEARING

12 vs.

13 THE STATE OF NEVADA,

14 Respondent.

15 _____/_____
16 Before this Court is Petitioner, by and through her counsel of record Jeff R. Miller,
17 Esq., and her *Writ of Habeas Corpus* filed on December 17, 2020. An *Order to Respond* was
18 entered in this matter on February 3, 2021 ordering the State of Nevada and Nevada DPS
19 Parole and Probation to respond to said habeas writ. Both the State and Nevada DPS Parole
20 and Probation filed their respective responses on March 22, 2021.

21 //

22 //

23 //

1 This Court, having reviewed all filings, documents, and arguments herein, and good
2 cause appearing, has determined that a hearing is appropriate in this matter. Said hearing is
3 currently set for May 18, 2021 at 2 p.m.

4 IT IS FURTHER ORDERED that a representative for Nevada DPS Parole and
5 Probation, a District Attorney for the State of Nevada, and Petitioner, Ms. Gravelle, and her
6 counsel shall all appear before the Court at this hearing.

7 IT IS SO ORDERED.

8 DATED: This 1st day of April, 2021.

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12 HONORABLE MICHAEL R. MONTERO
13 DISTRICT JUDGE
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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 April 1st, 2021, I caused to be served a true and correct copy of the enclosed **ORDER** 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

XIX APPENDIX

XIX APPENDIX

FILED

2022 MAR 10 PM 3:03

IN THE SIXTH JUDICIAL DISTRICT COURT
TAMARA SPERO
DIST. COURT CLERK

OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF HUMBOLDT

BEFORE THE HONORABLE MICHAEL MONTERO, DISTRICT JUDGE

-oOo-

STATE OF NEVADA,

Plaintiff,

Case No. CR 12-6043

V.

Dept. No. II

TERESA ANN GRAVELLE,

Defendant.

COPY

Transcript of proceedings

Hearing

May 18, 2021

Winnemucca, Nevada

Transcribed By: Kathy Jackson, CSR - (775) 745-2327

Nevada Dictation-(775) 745-2327

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A P P E A R A N C E S

For the State:	Anthony Gordon, Esq. Humboldt County District Attorney's Office P.O. Box 909 Winnemucca, Nevada 89445
	Nathan Hastings, Esq. Senior Deputy Attorney General Carson City, Nevada
For the Defendant:	Rendal Miller, Esq. Attorney at Law 115 W. 5th Street Winnemucca, Nevada 89445
For Parole and Probation:	Bryan Waters Probation Officer

1 MAY 18, 2021, WINNEMUCCA, NEVADA

2 -oOo-

3 THE COURT: We are on the record in Case
4 CR126043, case captioned State of Nevada versus Teresa Ann
5 Gravelle, defendant. The record this afternoon will reflect
6 the presence of the defendant, Ms. Gravelle, with counsel,
7 Mr. Randy Miller. I have Mr. Anthony Gordon on behalf of the
8 State with the Humboldt County District Attorney's Office.
9 Nathan Hastings, Deputy, Senior Deputy Attorney representing
10 today the division of parole and probation, correct.

11 MR. HASTINGS: Yes. Thank you, Your Honor.

12 THE COURT: And seated with Mr. Hastings is
13 Sergeant Brian Waters with the division of parole and
14 probation. I would like the record also to reflect that in
15 the audience is Mr. Steve Lucas. Good afternoon, sir. And
16 Mr. John Doyle, counsel for Mr. Lucas, the victim in this
17 matter.

18 This case comes on the Court's calendar today for
19 a hearing on the defendant's writ of habeas corpus filed on
20 December 17th of 2020. The petition for habeas corpus comes
21 before this Court asking that Ms. Gravelle be discharged from
22 probation. I would like to take a few minutes this afternoon
23 to talk a little bit about the procedural history of this
24 case. I think it's important. It's been -- it's been

1 written about a lot. And -- and I think the fact that it's
2 been written a lot may mean something to me. But sometimes I
3 wonder if those words get lost in the larger translation here
4 to all of you.

5 So I appreciate all of you being here today. I
6 want to go back in history here a little bit. Back on
7 August 19th, 2014, Judge Richard Wagner, Department One at
8 the time in the Sixth Judicial District Court entered a
9 judgment of conviction in which Ms. Gravelle was the
10 defendant. And that judgment of conviction to one count of
11 embezzlement, a category C felony. And another count of
12 conspiracy to commit embezzlement, a gross misdemeanor.

13 Judge Wagner ordered a couple of things that I
14 think are important for this -- this history today. Part of
15 that was a sentence. And the Nevada Department of
16 Corrections on the felony of 12 to 32 months, Judge Wagner
17 suspended that sentence and placed the defendant,
18 Ms. Gravelle on probation for a period of 60 months, no
19 surprise to any of you here today.

20 As a further condition of that probation was this
21 amount of restitution of \$65,000. And the language of the
22 judgment of conviction is pretty clear. It was to be paid
23 through the district attorney's office in monthly payments of
24 no less than \$1,500, I'll be redundant, a month. Also as a

1 conditions of that probation there was a lump sum payment
2 that was ordered on that first payment was to be \$30,000
3 within 90 days of the judgment of conviction.

4 On that judgment of conviction specifically said
5 that failure to pay will be a violation of probation. Didn't
6 really leave it to the discretion of the division of parole
7 and probation to determine if a violation occurred, the judge
8 stated a failure to pay will be a violation of probation.
9 That was August 19th of 2014.

10 I think it's important to also emphasize that
11 this is -- this was a case that was being handled by Judge
12 Wagner. I had nothing to do with this case until the
13 judicial district was realigned. And when the judicial
14 district was realigned the Sixth Judicial became only
15 Humboldt County. Judge Wagner retired. The 11th Judicial
16 District Court was created, and all of those cases that were
17 in Department One upon that realignment became -- became my
18 cases.

19 In reviewing the file not only for this hearing
20 but for hearings that we've had previous to this, I recall
21 and I'll recite again that by December 10th of that same year
22 2014, so we moved from August 19th, judgment of conviction to
23 December 10th of 2014, the division of parole and probation
24 files a violation report then they file a violation report

1 for failure to pay. So at that time Ms. Gravelle had failed
2 to pay \$30,000 within 90 days of grant of probation.

3 Now the division of parole and probation I think
4 used some language back in those days. I don't think it
5 happens as much anymore. You know, when they're not looking
6 to have someone's probation revoked they use this language
7 appear and show cause. And that was what the division of
8 parole and probation at that time which recommended --
9 recommending, have Ms. Gravelle appear before the Court and
10 show cause why maybe she shouldn't be revoked for this
11 violation of her probation.

12 The hearing was held on that probation violation
13 and as a result there was an order modifying the terms of
14 probation and this was December 23rd of 2104 is the date the
15 order was filed of Gravelle modifying the terms of probation.

16 The significance in that to the Court and this
17 procedural history was a credit to Ms. Gravelle's account as
18 far as this restitution in the amount of \$15,000 for
19 transferring a piece of land in Paradise Valley to Mr. Lucas.

20 December 23rd, 2014, then the next -- the next
21 pleading, the very next thing, if you go through this
22 official file is 2017. Ironically, December of 2017, three
23 years later, three years later, the division of parole and
24 probation submits to the Court a petition and order honorably

1 discharging the probation.

2 Nothing, nothing in-between those three years.
3 This is a pretty standard, and I've looked at it many times,
4 of course, since this -- since this has been ongoing, that
5 discharge petition. I may -- I may see, I don't know, 15,
6 20, 30, 40 of these. I don't know how many there are a year
7 that come across my desk. I'm sure it's nothing like some of
8 the larger jurisdictions.

9 But I do remember one of the things I noticed, it
10 was a Judge Wagner case but that was fine. At that time
11 those cases were in my department. Probationer has
12 satisfactorily completed all of the conditions. I don't know
13 this case. I don't even know who the victim is. I don't
14 know what the amount of restitution is. I see an order come
15 across my desk to discharge the probationer for honorably
16 discharge of the probationer and it's a pretty routine
17 document.

18 We do a couple of things in my office. One of
19 the things we do is my staff checks the official case
20 management software to see if there are any outstanding fees,
21 fines, restitution. And that is -- that is an absolute
22 standard. And Sergeant Waters knows this because there's
23 many times I've called him up and said I'm not signing that
24 order. I'm not signing that order because there are X

1 dollars owed. You need to make an effort to collect that.

2 And then if it's un -- you know, if you're unable
3 to do that then there might be some further action taken on
4 it if there's some basis for it. This -- my staff did that
5 in this case. There was no restitution, no fees or fines
6 documented in the system. I signed the order on that same
7 day, December 18th, well, the date, the same day it was
8 filed, December 18th, 2017.

9 I think after that there's -- there's a few
10 things that are a little bit -- a little bit maybe, I don't
11 want to say blurry, but there are a few things that aren't as
12 clear to track. One is kind of out of the blue there was a
13 civil confession of judgment filed on April 4th, 2018. So
14 the discharge from probation was December 2017. By April of
15 the following year there's a civil confession of judgment
16 filed saying that the defendant owes Lucas Livestock \$22,700.
17 We're not talking -- you know, we're not talking pennies
18 here.

19 It comes to the Court's attention. I'm thinking
20 civil confession of judgment filed. \$22,000 owed. And
21 around that same time as this letter which has been admitted
22 into evidence at a hearing held on September 11th, 2018, a
23 letter addressed to the district attorney's office, to the
24 division of probation and the Court from John Doyle laying

1 out some three pages or so, two and a half pages of
2 procedural history of efforts to collect this or
3 conversations with the district attorney's office and the
4 division of parole and probation about -- about collecting
5 the unpaid balance of \$22,700.

6 I -- when I saw that letter I felt like I had
7 been duped. I had been -- I had been -- I had been misled by
8 a standard form honorable discharge order. And I would
9 welcome any of you to sit in this seat and know what it feels
10 like when -- when -- when you get this feeling of, you know,
11 someone that, you know, appears before you regularly and I'm
12 not saying just one, multiples who have not completely
13 represented the case. I actually think we have some ethical
14 canons on this issue.

15 And -- and I was offended, I still am to this day
16 by that fact that this order came across my desk. I signed
17 it, not knowing that there was 20, almost \$23,000 owed by
18 this defendant to this victim. I held a hearing when I
19 received that and issued an order. And I think it's
20 important to note that at that hearing that was held on
21 September 20th of 2018, I stand corrected. I think there was
22 one before that too. Let's see here. Yeah, no, it was
23 September 20th, 2018.

24 And I noticed that because I -- as I indicated, I

1 was offended and I wanted to get to the bottom of this. I
2 mean not so much maybe that there was going to be some
3 revelation at that hearing. But I felt like the parties to
4 this needed to come to court and tell me how this happened.
5 This was -- this is the type of thing that makes our court
6 system look like a joke. It really does. It really does.
7 And so -- so I brought you all together.

8 At that time, Sergeant Waters, you were here
9 because you took the witness stand and testified. It wasn't
10 as if, you know, the division of parole and probation wasn't
11 completely aware of my frustrations back in 2018, along with
12 a Jason Harp from the Elko office. I think maybe some type
13 of supervisor.

14 SERGEANT WATERS: Jacob Harp.

15 THE COURT: Jacob?

16 SERGEANT WATERS: Jacob Harp.

17 THE COURT: Jacob Harp, Okay. My minutes reflect
18 Jason but a Jacob Harp was here along with Mr. Lucas,
19 Mr. Doyle. Mr. Gordon was here. It was before Mr. Miller,
20 Ms. Gravelle did not attend that hearing. But I remember a
21 couple of take aways from that hearing is that the
22 communications seemed to be between Mr. Doyle and the Chief
23 Deputy District Attorney Kevin Pasquale who was -- who was
24 noticeably absent that day, noticeably absent that day. And

1 the other noticeably absent person was Natalie Wood, who was
2 the chief parole and probation officer who -- who had
3 submitted the petition under, maybe that was under Sergeant
4 Waters' signature but who had submitted that petition.

5 And so I had at that time ordered that -- that my
6 order of -- of December 18th, 2017 honorably discharging a
7 probationer was vacated. I vacated that and -- and
8 ultimately set another hearing on this because I wanted the
9 division of parole and probation, someone with the authority
10 to respond to the Court's question to appear. And I wanted
11 Chief Deputy District Attorney Kevin Pasquale to appear and
12 to respond. So I set a hearing after that.

13 And let's move to my next order here which I
14 think this is pretty telling too. Here we go. It was
15 April 23rd of 2020 we had set an evidentiary hearing for, it
16 was actually April 21st. And I vacated that hearing. I
17 vacated that hearing and I ordered the division of parole and
18 probation to provide updates to the Court on efforts used, if
19 any, to cover or to recover restitution.

20 And let's see, oh, I stand corrected. It was in
21 the -- it was in my order of May 10th, 2019, May 10th of
22 2019. So let's back up. I had signed the order reinstating
23 or vacating my order honorably discharging her. I ordered
24 that another hearing take place. And I vacated that hearing

1 because the State failed to -- the State failed to schedule
2 it. The State failed to schedule that hearing. And I'm
3 thinking to myself why am I doing all of the work here?

4 I mean, here I ordered that the State set another
5 hearing, make -- have these parties appear and they didn't do
6 it. So I'm like, well, why am I doing the work here. They
7 should come forward and explain what occurred. So there was
8 another order ordering the -- some -- the division of parole
9 and probation to show me why or what efforts they had made to
10 further collect restitution and to appear.

11 You know, I go back to something else here.
12 There's a couple of logs that have been provided of
13 restitution payments. And one of them is included in I think
14 the writ filed by Mr. Miller. And I see that the last
15 payment of any kind, 100 dollar payment was in October of
16 2016, \$100.

17 If we look at Judge Wagner's order that required
18 \$1,500 a month, I see one, two, three, four, five months
19 where 1,500 dollar payments were made, five months in from
20 2014 to 2017. I mean, it just boggles my mind that -- that
21 anyone could -- could -- could -- that is looking at those
22 restitution payments could -- could with all candor of the
23 Court say that that's in compliance with the terms of
24 probation.

1 But yet from -- from Judge Wagner's order
2 reinstating probation in December of 2014 there had been no
3 representation of the Court or other violation report or
4 incident or anything to indicate to this Court or any Court
5 that there was an effort to make restitution payment
6 according to that schedule that was ordered by Judge Wagner.

7 You know what I find also troubling, the very
8 first response in all of these years to this from, you know,
9 at least two hearings, maybe three hearings that we've had
10 to, to my request for information from the division, the
11 first response I get from the division of parole and
12 probation was a response to the petition for writ of habeas
13 corpus March 22, 2021. That's the first time I get any
14 response from the division of parole and probation on this.

15 I mean, it's almost to the point of we don't care
16 what the Court says. We don't have to follow what the Court
17 says. We are -- I mean, you know, you have to realize coming
18 from my position it feels like myself as a judge, this
19 community as a victim, that the division of probation is
20 thumbing their nose at us.

21 And, Sergeant Waters, you know as well as I do
22 we've had a good working relationship over the years with the
23 local division of parole and probation office. It's
24 incomprehensible to me that we've had this significant of

1 breakdown on one case.

2 You know, there may be an instance where
3 restitution of \$1,000 or 500 or \$32.50 is ordered and it
4 can't be collected. But we're talking about a restitution
5 case of \$65,000 on -- on a well known individual in our
6 community. Not that it makes a difference whether it's, you
7 know, Joe, who's homeless under the bridge or if it's Steve
8 Lucas of Lucas Livestock but it's \$65,000 that -- that this
9 Court has -- has ordered some explanation and I have failed
10 to get it. I -- I have to tell you that doesn't go
11 unnoticed.

12 Ms. Gravelle, I don't know how you sleep at
13 night, smugly thumbing your nose at this process of not
14 paying. I -- I think at one point there was a motion, a
15 response to a motion filed by the district attorney's office
16 that was well, the remedy here is just revoke her probation
17 and put her in prison. You know, had this office brought
18 back to my attention earlier that would have happened and,
19 you know, I'm not ruling it out today. I'm just not ruling
20 it out today.

21 From -- from and I'm looking at records of the
22 Humboldt County Treasurer's Office and I just had a 100
23 dollar payment in October of 2017. You know, there may be
24 some -- there may be some explanations that would make my

1 robe fall off. But you know what, they have never been made.
2 No one has come here from that table and said this is why I
3 didn't make those payments. All it was this, you know, this
4 vague reference to financial hardship made by this office
5 that caused me to discharge your probation. Huge mistake,
6 huge mistake on my part and wish that had come to my
7 attention about, you know, five years earlier.

8 Here we are. This happened in 2014. What are
9 we, seven years later, seven years later we're four years
10 from the last time any payment was made at all. Over this
11 couple of years that we've been discussing this you have been
12 totally absent and still making no effort to explain. I
13 mean, Mr. Miller may file writs to the Supreme Court. He may
14 file writs to this Court but it's not explaining to me what
15 you're going to do to make this victim whole. And these
16 victims have rights in my courtroom.

17 And, you know, the district attorney's office
18 shouldn't go unscathed here either. I mean, the district
19 attorney's office has an obligation to victims in our
20 community as well. And I -- and I was truly appalled at some
21 of that representations, those representations that were made
22 to me by Mr. Doyle in that letter. You know, it's not a
23 victim that's absent and no longer cares about this. This is
24 a victim that's represented by competent counsel and who is

1 actively engaged in communicating with the division of parole
2 and probation and the D.A.'s office about this restitution
3 for what appears to be years.

4 You know, we've had a monumental breakdown in our
5 system, a monumental breakdown in our system. And -- and I
6 don't think I need to say it again but I am troubled by this.
7 I'm offended by this. This sends a message to our community
8 that, you know, this system doesn't work. And we have enough
9 going on in our world today that is critical of the judicial
10 system and -- and, you know, our way of -- our, you know, our
11 system of government as it is and I don't want to be -- I
12 don't want to be at the epicenter of that.

13 I don't know what I expected today except for to
14 have a conversation with all of you and express to all of you
15 my -- my frustration and disappointment. Unfortunately, I
16 don't think I can put you in prison as much as I would like.
17 There's a civil confession of judgment that now has been
18 filed. And I think there might be a civil remedy as limited
19 as that may be.

20 What I'm going to say to the division of parole
21 and probation, don't do this to me again. Do not do this to
22 me again because this was close to bordering on fraud on the
23 Court, okay. If I had the ability today to hold some people
24 in contempt, Sergeant Waters, your office would be on that

1 list. If I had the ability to hold some people in contempt I
2 think that the D.A.'s office would be on that list. And,
3 Ms. Gravelle, I would just flat out put you in prison.

4 I think I've said enough. Thank you. This case
5 is dismissed. We'll be in recess.

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1 STATE OF NEVADA,)
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2 CARSON CITY.)

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I, KATHY JACKSON, do hereby certify:

That on May 18, 2021, a hearing was held in the
within-entitled matter in the District Court of Humboldt
County, Winnemucca, Nevada;

That said hearing was recorded by a recording
system, and said recording was delivered to me for
transcription;

That the foregoing transcript, consisting of
pages 1 through 18 is a full, true and correct transcript of
said recording performed to the best of my ability.

Dated at Carson City, Nevada, this 2nd day of
March, 2022.

/s/ Kathy Jackson
KATHY JACKSON, CCR
Nevada CCR #402

XX APPENDIX

XX APPENDIX

1 CASE NO. CR 1206043

2 DEPT. NO. II

FILED

2021 JUN 21 AM 8:41

TAMI RAE SPERO
DIST. COURT CLERK

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

-000-

10 TERESA ANN GRAVELLE,

11 Petitioner,

ORDER FOR DISMISSAL

12 vs.

13 THE STATE OF NEVADA,

14 Respondent.

15 _____
16 This matter having been submitted to the Court on January 28, 2021, and having come
17 on for hearing on May 18, 2021; wherein the Petitioner, Teresa Ann Gravelle, was present
18 and represented by Rendal B. Miller, Esq. and Miller Law, Inc., and having duly filed her
19 Petition for Writ of Habeas Corpus; wherein Respondent, The State of Nevada, Department
20 of Public Safety, Division of Parole and Probation, was present and represented by Nathan
21 L. Hastings, Senior Deputy Attorney General; wherein Respondent, The State of Nevada,
22 County of Humboldt, Office of the District Attorney, was present and represented by
23 Michael Macdonald, Humboldt County District Attorney or his designated agent; and it
24

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 HONORABLE MICHAEL R. MONTERO
11 DISTRICT JUDGE
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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

XXI APPENDIX

XXI APPENDIX

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

TAMI RAE SPERO
DIST COURT 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.

MOTION FOR RECONSIDERATION
AND/OR CLARIFICATION

12 THE STATE OF NEVADA,

13 Mother. /

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

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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
power to:

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

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

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

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

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

12 WHEREFORE, Petitioner prays for the following judgment:

13 First. That the Court reconsider and/or clarify the Court's Order dated June 21,
14 2021;

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

17 DATED this 27 day of July, 2021.

18 MILLER LAW, INC.

19 

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

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AFFIDAVIT IN SUPPORT OF MOTION

STATE OF NEVADA i)
)ss.
COUNTY OF HUMBOLDT)

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.

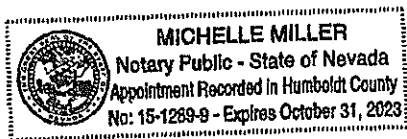
2. That the same is true of my own knowledge, except those matters therein stated on information or belief, and that as to those matters, I believe it to be true.

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



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CERTIFICATE OF MAILING

Michelle Miller
~~APRIL SMITTCAMP~~

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.

mm
~~APRIL SMITTCAMP~~
Michelle Miller

XXII APPENDIX

XXII APPENDIX

1 CASE NO. CR 12-6043

2 DEPT. NO. 2

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

9 TERESA ANN GRAVELLE,

10 Petitioner,

11 vs.

12 STATE OF NEVADA,

13 Respondent.

**NON-OPPOSITION AND JOINDER TO
PETITIONER'S MOTION FOR
RECONSIDERATION AND/OR
CLARIFICATION**

14 The State of Nevada, Department of Public Safety, Division of Parole and Probation (Division),
15 by and through its attorneys, AARON D. FORD, Attorney General of the State of Nevada, and NATHAN
16 L. HASTINGS, Senior Deputy Attorney General, hereby submits its Non-Opposition and Joinder to
17 Petitioner's Motion for Reconsideration and/or Clarification.

18 For the reasons stated in Petitioner's motion, the Division agrees that clarification of the Court's
19 'Order for Dismissal' dated June 18, 2021 and entered June 21, 2021, will allow the parties to proceed
20 appropriately. Consistent with Petitioner's Motion, an order 'Granting the Petition' would clarify what
21 the Division believes to be the Court's intent in this matter.

22 DATED this 9th day of August, 2021.

23 AARON D. FORD
24 Attorney General

25 By: 

26 NATHAN L. HASTINGS (Bar No. 11593)
27 Senior Deputy Attorney General
28 555 Wright Way
Carson City, NV 89711
(775) 684-4606 (phone)
Attorneys for Respondent

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AFFIRMATION
(Pursuant to NRS 239B.030)

The undersigned does hereby affirm that the preceding document, NON-OPPOSITION AND JOINDER TO PETITIONER'S MOTION FOR RECONSIDERATION AND/OR CLARIFICATION, does not contain the social security number of any person.

DATED this 4th day of August, 2021.

AARON D. FORD
Attorney General

By: 

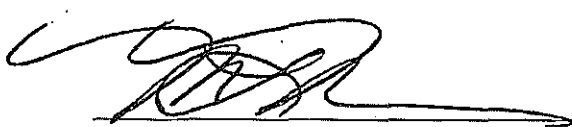
NATHAN L. HASTINGS (Bar. No. 11593)
Senior Deputy Attorney General
555 Wright Way
Carson City, NV 89711
(775) 684-4606 (phone)
Attorneys for Respondent

CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on August 4th, 2021, I deposited a copy of the foregoing document for mailing in the United States Mail, first-class postage prepaid, at Carson City, Nevada to the following:

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

Jeff R. Miller, Esq
Miller Law, Inc.
115 W. 5th Street, Box 7
Winnemucca, NV 89445


M. Neumann, an employee of
the office of the Nevada Attorney General

XXIII APPENDIX

XXIII APPENDIX

FILED

2021 SEP -8 PM 3:54

TAMI DAE SPEER
DIST. COURT CLERK

CASE NO. CR 1206043

DEPT. NO. II

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

-000-

TERESA ANN GRAVELLE,

Petitioner,

vs.

THE STATE OF NEVADA,

Respondent.

ORDER CLARIFYING ORDER
FOR DISMISSAL ENTERED
JUNE 21, 2021

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

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

XXIV APPENDIX

XXIV APPENDIX

1 Case No. CR 1206043

2 Dept. No. 2

3 This document contains
4 No. Social Security Number

FILED

2021 OCT -4 PM 2:38

TAMI RAE SPERS
DIST COURT 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.

NOTICE OF APPEAL

12 THE STATE OF NEVADA,

13 Mother. /

14 NOTICE is hereby given that TERESA ANN GREVELLE, Petitioner, hereby appeals to the
15 Nevada Supreme Court from the Order Clarifying Order For Dismissal Entered June 21, 2021
16 entered in this action on the September 8, 2021.

17 DATED this 30 day of September, 2021.

18 MILLER LAW, INC.

19 

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

CERTIFICATE OF MAILING

I, MICHELLE MILLER, hereby certify that I am a legal assistant of RENDAL B. MILLER, ESQ., and that on the 4 day of ^{Oct}September, 2021, I placed a true and correct copy of the foregoing or attached document, in the US Postal Service, entitled NOTICE OF APPEAL 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 4 day of ^{Oct}September, 2021.


MICHELLE MILLER

XXV APPENDIX

XXV APPENDIX

Sixth Judicial District Court - Humboldt County

Run: 10/06/2021
11:58:36

Case Summary

Page 1

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

Electronically Filed
 Oct 06 2021 12:14 p.m.
 Elizabeth A. Brown
 Clerk of Supreme Court

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
05/18/2021	2:00PM	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

Run: 10/06/2021
11:58:38

Case Summary.

Page 2

04/16/2012	MINUTES - CONTINUED ARRAIGNMENT HEARING - 04/16/12
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

0236

Run: 10/06/2021
11:58:38

Case Summary

Page 3

08/21/2014	Legacy Images
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
10/15/2020	MOTION TO STAY PROBATION
10/27/2020	RECEIPT FOR DOCUMENTS
11/06/2020	STATE'S OPPOSITION TO DEFENDANT'S MOTION TO STAY PROBATION

0237

Run: 10/06/2021
11:58:38

Case Summary

Page 4

11/16/2020	ORDER DENYING PETITION (SC NO. 81977)
12/08/2020	NOTICE IN LIEU OF REMITTITUR
01/28/2021	REQUEST FOR SUBMISSION OF WRIT OF HABEAS CORPUS
02/03/2021	ORDER TO RESPOND
03/22/2021	RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS
03/22/2021	STATE'S RESPONSE TO PETITIONERS PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)
03/30/2021	HEARING SET FOR 05/18/2021 AT 2:00 PM IN C1/ , JDG: MONTERO, MICHAEL R.
04/01/2021	NOTICE OF HEARING
05/18/2021	MINUTES-HEARING
06/21/2021	ORDER FOR DISMISSAL
06/29/2021	EMAIL SENT TO REGARDING SERVICE OF COURT DOCUMENT - CR1206043, THE STATE OF NEVADA VS. GRAVELLE, TERESA ANN WITH 1 ATTACHMENTS FROM DOCKETS FREETYPE-6/21/2021 - COPY OF ORDER TO P&P
07/27/2021	MOTION FOR RECONSIDERATION AND/OR CLARIFICATION
07/30/2021	NOTICE OF ENTRY OF ORDER
08/05/2021	NON-OPPOSITION AND JOINDER TO PETITIONER'S MOTION FOR RECONSIDERATION AND/OR CLARIFICATION
08/17/2021	REQUEST FOR SUBMISSION OF MOTION TO RECONSIDER
08/24/2021	REQUEST FOR SUBMISSION OF MOTION TO RECONSIDER
09/08/2021	ORDER CLARIFYING ORDER FOR DISMISSAL ENTERED JUNE 21, 2021
10/04/2021	NOTICE OF APPEAL
10/04/2021	APPEAL PACKET
10/05/2021	CASE APPEAL STATEMENT
10/05/2021	REQUEST FOR TRANSCRIPTS

1
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CERTIFICATION OF COPY

STATE OF NEVADA,
COUNTY OF HUMBOLDT,

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

The State of Nevada,)
)
Plaintiff,)
)
vs.)
)
Teresa Ann Gravelle,)
)
Defendant.)
_____)

CASE NO. CR12-6043

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
set my hand and affixed
the seal of the Court at my office,

Winnemucca, Nevada, this 6th
day of October, 2021, A.D.

TAMI RAE SPERO, CLERK

By: 
DEPUTY CLERK