

1 CASE NO.: DC-CR-21-126

2 DEPT. NO.: 1

FILED

2021 OCT 11 AM 9:54

4th JUDICIAL DISTRICT COURT  
Clerk  
Electronically Filed  
Oct 22 2021 11:43 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

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5 IN THE FOURTH JUDICIAL DISTRICT COURT  
6 OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO

7  
8 THE STATE OF NEVADA,

9 Plaintiff,

10 vs.

11 SHANELL CATHRINE MARTIN,

12 Defendant.

NOTICE OF APPEAL

13  
14  
15 TO: The Elko County District Attorney's Office.

16 NOTICE is hereby given that the above-named Defendant, SHANELL  
17 CATHRINE MARTIN, hereby appeals to the Supreme Court of Nevada from the  
18 JUDGMENT OF CONVICTION entered in this action on the 15th day of September,  
19 2021. This appeal is to all issues of law and fact.  
20

21 DATED this 10th day of October, 2021.  
22

23 BEN GAUMOND LAW FIRM, PLLC

24  
25 By: 

26 BENJAMIN C. GAUMOND, ESQ.  
27 Nevada Bar Number 8081  
28 495 Idaho Street, Suite 209  
29 Elko, Nevada 89801  
(775)388-4875 (phone)  
(800)466-6550 (facsimile)

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FILED

2021 OCT 11 AM 9:54

4th JUDICIAL DISTRICT COURT  
CLERK DEPUTY

Case No. DC-CR-21-126

Dept. No. 1

IN THE FOURTH JUDICIAL DISTRICT COURT  
OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO

THE STATE OF NEVADA,

Plaintiff

v.

SHANELL CATHRINE MARTIN,

Defendant.

CASE APPEAL STATEMENT

1. Name of appellant filing case appeal statement: The name of the Appellant is Shanell Cathrine Martin.

2. Identify the judge issuing the decision, judgment, or order appealed from: The judge who issued the JUDGMENT OF CONVICTION was the Honorable Kriston N. Hill, Fourth Judicial District Court of the State of Nevada, in and for the County of Elko, Department One.

3. Identify of each appellant and the name and address of counsel for each appellant. The sole appellant in this case is Shanell Cathrine Martin. Counsel for Appellant is Benjamin C. Gaumond, Ben Gaumond Law Firm, PLLC, 495 Idaho Street, Suite 209, Elko, Nevada 89801.

4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent. The sole respondent in this

1 case is the State of Nevada. Counsel for the Respondent are Tyler J. Ingram and  
2 Ryan I. McCormick, Elko County District Attorney's Office, 540 Court Street, Second  
3 Floor, Elko, Nevada 89801. Also, counsel for the Respondent is Aaron Ford, Nevada  
4 Attorney General, 100 North Carson Street, Carson City, Nevada 89701-4717.  
5

6 **5. Indicate whether any attorney identified above in response to**  
7 **questions 3 or 4 is not licensed to practice law in the State of Nevada:**  
8 **Attorneys for Appellant and Respondent are all licensed to practice law in the State**  
9 **of Nevada.**  
10

11 **6. Indicate whether appellant was represented by appointed or**  
12 **retained counsel in the district court:** Shanell Cathrine Martin was  
13 represented by appointed counsel at the district court level. Undersigned counsel  
14 was appointed to represent Ms. Martin at the justice court level.  
15

16 **7. Indicate whether appellant was represented by appointed or**  
17 **retained counsel on appeal:** Shanell Cathrine Martin is being represented by  
18 appointed counsel on appeal. Undersigned counsel shall continue to represent Ms.  
19 Martin on appeal.  
20

21 **8. Indicate whether appellant was granted leave to proceed in**  
22 **forma pauperis, and the date of entry of the district court order granting**  
23 **such leave:** On September 29, 2021, Shanell Cathrine Martin was granted leave to  
24 proceed on appeal in forma pauperis.  
25

26 **9. Indicate the date the proceedings commenced in the district**  
27 **court:** The Criminal Information was filed in the District Court on May 4, 2021.  
28  
29

1           **10. Provide a brief description of the nature of the action and**  
2 **result in the district court, including the type of judgment or order being**  
3 **appealed and the relief granted by the district court:** Shanell Cathrine  
4 Martin appeals from the JUDGMENT OF CONVICTION that the District Court  
5 issued on September 15, 2021. The district court sentenced Ms. Martin to twelve to  
6 thirty (12-30) months in the Nevada Department of Corrections with credit for  
7 twenty-four (24) days served as of September 13, 2021.

8  
9  
10           **11. Indicate whether the case has previously been the subject of an**  
11 **appeal or original writ proceeding in the Supreme Court and, if so, the**  
12 **caption and Supreme Court docket number of the original proceeding:** The  
13 case has never been the subject of an appeal or writ proceeding in the Supreme  
14 Court.

15  
16           **12. Indicate whether this appeal involves child custody or**  
17 **visitation:** This appeal does not involve child custody or visitation.

18  
19           **13. If this is a civil case, indicate whether this appeal involves the**  
20 **possibility of settlement:** This is not a civil case.

21  
22           DATED this 10th day of October, 2021.

23           BEN GAUMOND LAW FIRM, PLLC

24  
25           By: 

26           BENJAMIN C. GAUMOND, ESQ.  
27           Nevada Bar Number 8081  
28           495 Idaho Street, Suite 209  
29           Elko, Nevada 89801  
              (775)388-4875 (phone)  
              (800)466-6550 (facsimile)

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**Elko County District Attorney's Office**  
**540 Court Street**  
**Second Floor**  
**Elko, NV 89801**

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Aaron Ford  
Nevada Attorney General  
100 N. Carson Street  
Carson City, Nevada 89701-4717



# Case Summary

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## DC-CR-21-126 - STATE OF NEVADA VS. MARTIN, SHANELL CATHRINE

Court: DC-CR-21-126

Agency: Elko County Clerk's Office

Type: Criminal

CaseID: 21-861

Received Date: 5/3/2021

Status: Closed

Status Date: 9/15/2021

Age: 165 days    Active Age: 165 days

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### Involvements

HILL, KRISTON Judge

MCCORMICK, RYAN Prosecution Attorney

MARTIN, SHANELL Defendant

PENNELL, MATTHEW Defense Attorney, Inactive

GAUMOND, BENJAMIN Court Appointed Attorney

### Name Attributes

For: SHANELL CATHERINE MARTIN

AKA: SHANELL CATHRINE MARTIN

### Filed Charge - Criminal Information

#### 1. NRS 453.336.2a - Possess Schedule I, II, III Or IV Controlled Substance, First Or Second Offense Occurred: 4/11/2011

Felony    Felony - Drugs    Category E    5/4/2021 12:00:00 PM

Plea: Guilty    Plea Date: 6/7/2021    Disposition: Guilty Plea (Before Trial)    Dispo Date: 9/15/2021

Notes: EL-JC-CR-F-21-2075

Notes: PCN: NVELSO4009492 C

### Case History

Date	Event Type Desc	Status
	Awaiting Charging Decision - Case Status	
	Case Status Change	
	Pending - Case Status	
	CRIMINAL INFO FILED	
Arraignment Hearing - Event	5/24/ 5/24/2021    3:00 PM 2021 3:00: 00 PM	5/24/2021 3:00:00 PM
	Inactive - Case Status	
	DC1 ISSUED BW	
	Reactivated - Case Status	
	BW FILED	

## Case Summary

Arraignment Hearing - Event	5/28/ 5/28/2021 2021 3:30: 00 PM	3:30 PM	5/28/2021 3:30:00 PM
Motion Hearing - Event	5/28/ 5/28/2021 2021 3:30: 00 PM	3:30 PM	5/28/2021 3:30:00 PM
Motion to quash bench warrant			
Arraignment Hearing - Event	6/7/2 6/7/2021 021 1:15: 00 PM	1:15 PM	6/7/2021 1:15:00 PM
Contempt Hearing - Event	6/7/2 6/7/2021 021 1:15: 00 PM	1:15 PM	6/7/2021 1:15:00 PM
Sentencing Hearing - Event	8/9/2 8/9/2021 021 1:15: 00 PM	1:15 PM	8/9/2021 1:15:00 PM
Sentencing Hearing - Event	8/9/2 8/9/2021 021 3:00: 00 PM	3:00 PM	8/9/2021 3:00:00 PM
Inactive - Case Status			
DC1 ISSUED BW			
Reactivated - Case Status			
BW FILED			
Sentencing Hearing - Event	9/13/ 9/13/2021 2021 1:15: 00 PM	1:15 PM	9/13/2021 1:15:00 PM
Contempt Hearing - Event	9/13/ 9/13/2021 2021 1:15: 00 PM	1:15 PM	9/13/2021 1:15:00 PM
Closed - Case Status			
JOC FILED			



## Case Summary

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4/12/2021	NEVADA PRETRIAL RISK ASSESSMENT - Document
4/12/2021	BOOKING SHEET, BOOKED 4.11.21, CONTAINS SS NUMBER AND NV ID NUMBER - Document
4/12/2021	BOOKING SHEET, BOOKED 4.11.21, REDACTED - Document
4/12/2021	DECLARATION OF PROBABLE CAUSE - Document
4/13/2021	BOOKING SHEET, REVISED, BOOKED 4.11.21, CONTAINS SS NUMBER AND NV ID NUMBER - Document
4/13/2021	BOOKING SHEET, REVISED BOOKED 4.11.21, REDACTED - Document
4/13/2021	CRIMINAL COMPLAINT - Document
4/13/2021	APPLICATION FOR APPOINTMENT OF ATTORNEY - Document
4/13/2021	APPLICATION FOR APPOINTMENT OF ATTORNEY, REDACTED- Document
4/13/2021	ORDER APPOINTING OFFICE OF THE ELKO COUNTY PUBLIC DEFENDER TO REPRESENT DEFENDANT - Document
4/16/2021	EX PARTE MOTION TO WITHDRAW AS COUNSEL OF RECORD BY PENNELL AND FOR APPOINTMENT OF NEW COUNSEL - Document
4/16/2021	ESCO RECEIPT FOR \$1,000.00 BOND - Document
4/16/2021	BAIL BOND - Document

## Case Summary

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4/19/2021 ORDER GRANTING EX PARTE MOTION TO  
WITHDRAW AS COUNSEL AND FOR THE  
APPOINTMENT OF BEN GAUMOND AS NEW  
- Document

4/29/2021 WAIVER PRELIMINARY HEARING ON THE  
ADVICE OF COUNSEL - Document

4/30/2021 ORDER BINDING DEFENDANT OVER TO  
FOURTH JUDICIAL DISTRICT COURT ON  
WAIVER OF PRELIMINARY HEARING -  
Document  
CONTINUED RELEASED ON BOND

5/3/2021 EJC CASE SUMMARY - Document

5/5/2021 Surety Bond - District Court - BOND For: MARTIN, SHANELL  
CATHERINE  
For: MARTIN, SHANELL CATHERINE  
Amount  
\$1,000.00  
ELKO BAIL BONDS / EXONERATED CERTIFICATES AS5 1398311 AND 13916393 MAILED TO ELKO  
BAIL BONDS 1246 RIVER ST, ELKO, NV 89801 PURSUANT TO JOC FILED 9/15/2021

5/5/2021 CRIMINAL INFORMATION - Document

5/21/2021 GUILTY PLEA AGREEMENT - Document  
PLACED IN DC1 BOX

5/24/2021 MOTION TO QUASH BENCH WARRANT;  
MOTION FOR ORDER SHORTENING TIME ON  
RESPONSE TO MOTION - Document  
PLACED IN DC1 BOX

5/24/2021 SUBMISSION OF ORDER - ORDER GRANTING  
MOTION TO QUASH BENCH WARRANT -  
Document  
COPIES PROVIDED BY GAUMOND LAW OFFICE; PLACED IN DC1 BOX

5/24/2021 05.24.21 HRG - ARRAIGNMENT - FTA -  
BENCH WARRANT - Document  
EMAILED TO P&P 05/24/21

5/25/2021 SUBMISSION BY THE STATE OF THE  
MOTION TO QUASH BENCH WARRANT -  
Document

5/25/2021 BENCH WARRANT ISSUED - Document

## Case Summary

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5/25/2021	NOTICE FORFEITING BOND; ORDER ISSUING BENCH WARRANT - Document AND ORDER SHOWING CAUSE		
5/28/2021	ECISO WANTED PERSON TABLE - Document		
5/28/2021	BENCH WARRANT FILED - Document PLACED I DC 1 PICKUP BOX.		
5/28/2021	05.28.21 HRG - ARRAIGNMENT - Document		
6/3/2021	NPRA QUESTIONNAIRE - Document		
6/7/2021	FIRST AMENDED GUILTY PLAE AGREEMENT- FILED IN OPEN COURT - Document FILED IN OPEN COURT		
6/7/2021	6.7.21 DC1 Arraignment Minutes - Document		
6/8/2021	DC PSI Request - Document		
6/8/2021	ORDER GRANTING BAIL REDUCTION - Document		
6/10/2021	Surety Bond - District Court - BOND	For:	MARTIN, SHANELL CATHERINE
	For: MARTIN, SHANELL CATHERINE Amount \$5,000.00 ELKO BAIL BONDS / EXONERATED CERTIFICATES AS5 1398311 AND 13916393 MAILED TO ELKO BAIL BONDS 1246 RIVER ST, ELKO, NV 89801 PURSUANT TO JOC FILED 9/15/2021		
6/10/2021	BAIL BOND - AS51398311 - Document \$5000.00		
6/10/2021	ECISO RECEIPT - Document #29948		
6/10/2021	COURT APPEARANCE NOTIFICATION - Document		
6/10/2021	BOOKING SHEET 06.10.21 - Document BOOKED 05/26/21, BENCH WARRANT		
8/6/2021	8.9.21 DC1 SENTENCING MINUTES - FTA - BENCH WARRANT ISSUED - Document		

## Case Summary

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EMAILED TO P&P

8/10/2021 BENCH WARRANT ISSUED 8.10.21 -  
Document

8/10/2021 NOTICE OF FORFEITING BOND -  
Document

ORDER ISSUING BENCH WARRANT AND ORDER TO SHOW CAUSE

8/30/2021 ECSO WANTED PERSON TABLE FILED  
8.30.21 - Document

8/30/2021 BENCH WARRANT FILED 8.30.21 -  
Document

8/31/2021 PROOF OF MAILING - Document

PLACED IN DE1'S P/U BOX

9/1/2021 ECSO NPRA QUESTIONNAIRE - Document

PLACED IN DC1 P/U BOX

9/1/2021 BOOKING SHEET, BOOKED 8.26.21 ON A  
BW, CONTAINS SS NUMBER AND NV ID  
NUMBER - Document

9/1/2021 BOOKING SHEET, BOOKED 8.26.21 ON A  
BW, REDACTED - Document

PLACED IN DC1 P/U BOX

9/13/2021 9.13.21 DC1 SENTENCING HEARING  
MINUTES - Document

EMAILED TO P&P

9/15/2021 JUDGMENT OF CONVICTION (GUILTY PLEA)  
- Document

COUNT 1: POSSESSION OF A CONTROLLED SUBSTANCE, A CATEGORY E FELONY AS DEFINED BY  
NRS 453.336 (NOC 51127)  
\$25 ADMIN FEE; \$3 GENETIC ADMIN ASSESSMENT; \$60 FORENSIC FEE;  
TO SERVE 12 TO 30 MOS IN NDOC WITH CREDIT FOR 24 DAYS SERVED.  
3 PGS

9/17/2021 MOTION TO ALLOW DEFENDANT TO  
PROCEED ON APPEAL IN FORMA PAUPERIS-  
Document

MOTION FOR ORDER SHORTENING TIME ON RESPONSE

9/17/2021 SUBMISSION OF ORDER - ORDER  
SHORTENING TIME ON RESPONSE TO  
MOTION TO ALLOW DEFENDANT TO  
PROCEED IN FORMA PAUPERIS - Document

COPIES PROVIDED BY BEN GAUMOND OFFICE

## Case Summary

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9/17/2021 ORDER SHORTENING TIME ON RESPONSE  
TO MOTION - Document  
ORDER SHORTENING TIME ON RESPONSE TO MOTION TO ALLOW DEFENDANT TO PROCEED ON  
APPEAL IN FORMA PAUPERIS  
PLACED IN DC1'S PICK UP BOX

9/17/2021 2 BONDS EXONERATED CERTIFICATES AS5  
1398311 AND 13916393 - Document  
EXONERATED CERTIFICATES AS5 1398311 AND 13916393 MAILED TO ELKO BAIL BONDS 1246  
RIVER ST, ELKO, NV 89801

9/17/2021 TRANS CONF RPT - DPS - Document  
BOOKING SHEET, CRIMINAL INFORMATION AND JOC FAXED TO DPS

9/21/2021 NON-OPPOSITION TO MOTION TO ALLOW  
DEFENDANT TO PROCEED ON APPEAL IN  
FORMA PAUPERIS - Document  
PLACED IN DC1 BOX

9/29/2021 ORDER ALLOWING DEFENDANT TO  
PROCEED ON APPEAL IN FORMA PAUPERIS-  
Document  
COPY PLACED IN GAUMOND'S P/U BOX

10/11/2021 NOTICE OF APPEAL - Document

10/11/2021 CASE APPEAL STATEMENT- Document

10/11/2021 REQUEST FOR ROUGH DRAFT TRANSCRIPTS  
- Document

10/15/2021 CLERK'S CERTIFICATION - Document  
SIGNED AND SEALED. COPIES OF FILE E-FILED WITH THE SUPREME COURT. COPES EMAILED TO  
DA, B. GAUMOND AND TO THE ATTORNEY GENERAL

### Bonds

For	Bond Dt	Bond Type	Bond Status	Modified DT	Amount
1 - SHANELL CATHERINE MARTIN	5/5/2021	Surety Bond - District Court	Exonerated	9/17/2021	\$1,000.00

**Conditions**  
Power Number : AS5 1391693  
Power Number : AS5 1391693

**History**

Bond Dt	For	Type	Status	Amount
5/5/2021	SHANELL CATHERINE MARTIN	Surety Bond - District Court	Posted	\$1,000.00

ELKO BAIL BONDS

## Case Summary

1 - SHANELL 6/10/2021 Surety Bond - District Exonerated 9/17/2021 \$5,000.00  
CATHERINE MARTIN Court

### Conditions

Power Number : A55 1398311

### History

Bond Dt	For	Type	Status	Amount
6/10/2021	SHANELL CATHERINE MARTIN	Surety Bond - District Court	Posted	\$5,000.00

ELKO BAIL BONDS

### Case Obligations

Obligation	Pay By	Due Date	Obligation Amount	Amount Paid	Balance Due
DC1 Admin	1--MARTIN, SHANELL-NRS	10/17/2021	\$20.00	\$0.00	\$20.00
Assessment Fee: 453.336.2a					
NRS 176.062 \$20					
DC1 Admin	1--MARTIN, SHANELL-NRS	10/17/2021	\$5.00	\$0.00	\$5.00
Assessment Fee: 453.336.2a					
NRS 176.062 \$5					
DC1 Genetic	1--MARTIN, SHANELL-NRS	10/17/2021	\$3.00	\$0.00	\$3.00
Admin 453.336.2a					
Assessment Fee:					
NRS 176.0623 \$3					
Total Personal Obligation(s):			\$28.00	\$0.00	\$28.00
Total Case Obligation(s):			\$28.00	\$0.00	\$28.00

DC-CR-21-126

CASE: EL-JC-CR-F-21-2075

DEPT: B

APR 13 2021  
MAY -3 PM 2:34

2021 APR 13 PM 4:19

CLERK

IN THE JUSTICE COURT OF ELKO TOWNSHIP  
COUNTY OF ELKO, STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

SHANELL CATHRINE MARTIN,

Defendant.

ORDER APPOINTING OFFICE OF  
THE ELKO COUNTY PUBLIC  
DEFENDER TO REPRESENT  
DEFENDANT

Having taken an oral request for the appointment of an attorney and considered the accompanying affidavit of the above-named Defendant in support of his/her written Application for Appointment of Attorney in the above-captioned case, and having conducted any inquiry regarding that Application as deemed necessary by the Court, and it appearing to the Court that the Defendant is without means of employing an attorney and has provided facts with sufficient particularity, definiteness and certainty concerning his/her financial disability, the Court hereby appoints the Office of the Elko County Public Defender to represent the Defendant in this case pursuant to NRS 171.188.

The Court specifically finds that the Defendant is without means of employing an attorney, meets the standard for determining indigency set forth in the Nevada Supreme Court Order entered January 4, 2008 under ADKT 411, and otherwise determines that representation is required.

Per that Nevada Supreme Court Order: "A person will be deemed 'indigent' who is unable, without substantial hardship to himself or his dependents, to obtain competent, qualified legal counsel on his or her own. 'Substantial hardship' is presumptively determined to include all defendants who receive public assistance, such as Food Stamps, Temporary Assistance for Needy Families, Medicaid, Disability Insurance, reside in public housing, or earn less than 200 percent of the Federal Poverty Guideline.<sup>1</sup> A defendant is presumed to have a substantial hardship if he or

1

Persons in Family	Federal Poverty Guideline
1	\$12,760
2	\$17,240
3	\$21,720
4	\$26,200
5	\$30,680
6	\$35,160
7	\$39,640
8	\$44,120

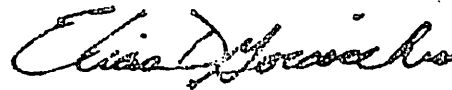
she is currently serving a sentence in a correctional institution or housed in a mental health facility. Defendants not falling below the presumptive threshold will be subjected to a more rigorous screening process to determine if their particular circumstances, including seriousness of charges being faced, monthly expenses and local private counsel rates, would result in a substantial hardship were they to seek to retain private counsel.

If no attorney employed by the Elko County Public Defender's Office is able to represent the Defendant in compliance with the Nevada Rules of Professional Conduct and/or other good cause appears to appoint another attorney to represent the Defendant in this case. Id.

The Court will not permit the withdrawal of the attorney appointed herein unless: (a) at the conclusion of this case, a Notice of Withdrawal is filed; (b) the Defendant employs another attorney to represent him/her in this case and that attorney files with the Court a paper providing that the Defendant, the attorney appointed herein, and the new attorney consent by their respective signatures to substitution of the new attorney in place of the appointed attorney; or (c) the Court issues a written Order Granting Motion to Withdraw as Attorney of Record or a stipulation thereto.

No Order Granting Motion to Withdraw as Attorney of Record shall be issued except upon a finding of good cause following the Court's review of a written Motion to Withdraw as Attorney of Record, or a stipulation thereto.

DATED this 12 day of April, 2021.



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JUSTICE OF THE PEACE




1 CASE NO. DC-CR-21-126

2 DEPT. NO. 1

FILED

2021 SEP 15 PM 3:49

40 JUDICIAL DISTRICT COURT

CLERK \_\_\_\_\_ DEPUTY 

5

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IN THE FOURTH JUDICIAL DISTRICT COURT

7

OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO

8

9 THE STATE OF NEVADA,

JUDGMENT OF CONVICTION

10

Plaintiff,

11

V.

12

SHANELL CATHERINE MARTIN,

13

Defendant.

14

On June 7, 2021, above-named Defendant, SHANELL CATHERINE MARTIN [who is further described as follows: Date of birth: 03/29/1990; Place of birth: Elko, NV] was arraigned and entered a plea of guilty to the crime(s) of **COUNT I: POSSESSION OF A CONTROLLED SUBSTANCE, A CATEGORY E FELONY AS DEFINED BY NRS 453.336 (NOC 51127)**, which crime occurred on or about the 11<sup>th</sup> day of April, 2021. The court accepted the plea as entered knowingly, intelligently and voluntarily. The court held a sentencing hearing on September 13, 2021 and sentenced Defendant as follows:

21

**IT IS ORDERED that Defendant shall pay a genetic administrative assessment fee of \$3.00.**

22

23

**IT IS FURTHER ORDERED that Defendant pay an administrative fee of \$25.00.**

24

25

**IT IS FURTHER ORDERED that Defendant pay the forensic fee in the amount of \$60.00.**

26

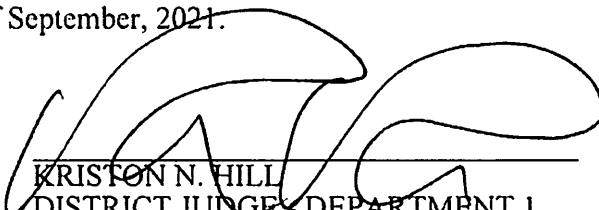
1 For Count 1, Defendant shall be sentenced to a maximum term of thirty (30)  
2 months in the Nevada Department of Corrections with minimum parole  
3 eligibility after twelve (12) months. Defendant is credited with twenty-four (24)  
4 days heretofore served as computed to and including the date of this sentencing  
(September 13, 2021).

5 IT IS HEREBY ORDERED that bail bond AS5-1391693 in the amount of One Thousand  
6 Dollars (\$1,000.00) and bail bond AS5-1398311 in the amount of Five Thousand Dollars  
(\$5,000.00) are hereby exonerated.

7 At the time Defendant entered her plea of guilty, and at the time she was sentenced, she was  
8 represented by Benjamin Gaumond, Esq.

9 THEREFORE, the Clerk of the Court is directed to enter this Judgment of Conviction as part  
10 of the record in the above-entitled matter.

11 SO ORDERED this 15<sup>th</sup> day of September, 2021.

12  
13   
14 KRISTON N. HILL  
DISTRICT JUDGE - DEPARTMENT 1

15 **CERTIFICATE OF HAND DELIVERY**

16 Pursuant to NRCP 5(b), I certify that I am an employee of the Fourth Judicial District Court,  
17 Department 1, and that on this 15<sup>th</sup> day of September, 2021, I personally hand delivered a file  
18 stamped copy of the foregoing **JUDGMENT OF CONVICTION** addressed to:

19 Dept. of Parole and Probation  
20 3920 E. Idaho Street  
Elko, NV 89801  
[Box in Clerk's Office]

Elko County Sheriff's Office  
775 W. Silver Street  
Elko, NV 89801  
[Box in Clerk's Office]

21 Tyler J. Ingram, Esq.  
22 Elko County District Attorney  
540 Court Street, 2<sup>nd</sup> Floor  
23 Elko, NV 89801  
[Box in Clerk's Office]

Benjamin Gaumond, Esq.  
495 Idaho Street, Suite 209  
Elko, NV 89801  
[Box in Clerk's Office]

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**CERTIFICATE OF ELECTRONIC SERVICE**

Pursuant to NRCP 5(b), I hereby certify that I am employee of the Fourth Judicial District Court, Department 1, Elko, Nevada, and that on the 19<sup>th</sup> day of September, 2021, I caused to be delivered via electronic-mail, a file stamped copy of the foregoing **JUDGMENT OF CONVICTION**, along with a copy of the Defendant's Pre-Sentence Investigation Report addressed to:

Nevada Department of Corrections  
Offender Management Division, Sentence Management  
Attn: Michael Johnson  
E-mail: micjohnson@doc.nv.gov  
Attn: Mary Gourlay  
E-mail: mgourlay@doc.nv.gov

*Norman*

**IN THE FOURTH JUDICIAL DISTRICT COURT  
IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA**

**RECORD OF COURT PROCEEDINGS**

Present - Honorable KRISTON N. HILL, District Judge,  
and Officers of the Court.

STATE OF NEVADA,

VS.

Plaintiff,

Date: June 07, 2021

Case No.: DC-CR-21-126

Dept.: 1

SHANELL CATHERINE MARTIN,

Defendant.

State of Nevada represented by Justin M. Barainca, Esq.  
Defendant present via video, in custody, and represented by  
Benjamin Gaumond, Esq.  
Court Clerk, Lani Broxson, present.  
Tonja Lemich present as Court Reporter.

**ARRAIGNMENT – GUILTY PLEA AGREEMENT**

Court convened at 2:18 p.m.

The Court noted the presence of the parties and further noted the Defendant was appearing via video from the Elko County Jail Courtroom.

Defense counsel gave a statement in regards to a plea agreement.

The Court disclosed a potential conflict.

Defense counsel advised Defendant had no objection to the Court presiding on the case.

Defense counsel filed a plea agreement in open court.

This was the date and time set for an arraignment on the Criminal Information filed May 4, 2021, charging COUNT 1: POSSESSION OF A CONTROLLED SUBSTANCE, A CATEGORY E FELONY AS DEFINED BY NRS 453.336.(NOC 51127).

A certified copy of the Criminal Information was previously presented to the Defendant.

The name of the Defendant was corrected.

The Court canvassed the Defendant regarding her personal information.

The Defendant advised that she reviewed the Criminal Information with her attorney and was satisfied with legal representation to date.

Defense counsel waived the formal reading of the Criminal Information.

The Court read the charging portion of the Criminal Information and asked the Defendant to enter a plea.

The Defendant entered a plea of guilty to the charge.

The Court noted that a 7-page Memorandum of Plea Agreement was filed in open court on June 7, 2021, and canvassed the Defendant concerning the agreement.

The Court canvassed the Defendant regarding the elements of the crime, the potential defenses, and her constitutional rights.

Defense counsel placed the terms of the Plea Agreement on the record. All parties concurred.

The State cited the elements of the crime and the potential penalties involved.

The Court advised the Defendant that sentencing was wholly within the discretion of the Court.

The Court reviewed the Defendant's Constitutional Rights, and the Defendant waived the same.

The Defendant presented an explanation of the crime alleged in the Criminal Information.

The Defendant gave an explanation in regards to how the crime occurred.

The Court found that the Defendant's plea was offered voluntarily, knowledgeably, and intelligently, with full knowledge of her Constitutional Rights, and there was a factual basis for the plea, and the Defendant understood the consequences of her plea.

The Court noted a motion to quash bench warrant.

The State advised it was not ready to address the motion for bail reduction.

Defense counsel motioned to have the bail reduced or a release granted.

The State argued against a release.

The Court **ORDERED** the bail be made bondable; however, the bail amount to remain the same. The Court further **ORDERED** a sentencing hearing set for August 9, 2021, at 1:15p.m. The Court took no action on contempt for failure to appear.

The Defendant was remanded to the custody of the Elko County Sheriff's Department.

Court adjourned at 2:33 p.m.

**IN THE FOURTH JUDICIAL DISTRICT COURT  
IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA**

**RECORD OF COURT PROCEEDINGS**

Present - Honorable KRISTON N. HILL, District Judge,  
and Officers of the Court.

STATE OF NEVADA,

Plaintiff,

VS.

Date: August 09, 2021

Case No.: DC-CR-21-126

Dept.: 1

SHANELL CATHERINE MARTIN,

Defendant.

State of Nevada represented by Ty Morley

And Jeffrey C. Slade, Esq.

Defendant not present, out of custody, and represented by

Benjamin Gaumond, Esq.

Court Clerk, Lani Broxson, present.

Tonja Lemich present as Court Reporter.

**SENTENCING HEARING – FAIL TO APPEAR – BENCH WARRANT ISSUED**

Court convened at 3:46 p.m.

The Court noted the presence of the parties, and the absence of the Defendant.

The Court inquired of the Defense counsel if it had had contact with the Defendant.

Defense counsel advised that the Defendant had missed appointments with him, and she had not responded to his texts.

The State requested a bench warrant be issued.

Defense counsel submitted to the Court.

The Court **ORDERED** a \$25,000.00 cash only bench warrant be issued.

Court adjourned at 3:47 p.m.

**IN THE FOURTH JUDICIAL DISTRICT COURT  
IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA**

**RECORD OF COURT PROCEEDINGS**

Present - Honorable KRISTON N. HILL, District Judge,  
and Officers of the Court.

STATE OF NEVADA,

VS.

Plaintiff,

Date: September 13, 2021

Case No.: DC-CR-21-126

Dept.: 1

SHANELL CATHERINE MARTIN,

Defendant.

State of Nevada represented by Justin Barainca, Esq.  
Defendant present, in custody, and represented by  
Benjamin Gaumond, Esq.  
Court Clerk, Lani Broxson, present.  
Tonja Lemich present as Court Reporter.

**SENTENCING HEARING**

Court convened at 1:39 p.m.

The Court noted the presence of the parties and further noted the Defendant was appearing via video from the Elko County Jail Courtroom.

This was the date and time set for the entry of judgment and imposition of sentencing.

The Court inquired if there were any corrections to the Presentence Investigation Report.

Defense counsel made corrections to the report.

The Defendant did not make any corrections to the report.

The Court advised the Defendant had credit for 24 days previously served.

The State did not made corrections to the report and inquired as to which plea agreement was in effect.

The Court gave the date of the amended plea agreement.

The State advised it did not have a file stamped copy of the plea agreement.

The Court inquired if either party had evidence to present for sentencing.

The State presented its position for sentencing.

Defense counsel presented a recommendation on behalf of the Defendant.

The Court inquired as to a substance abuse evaluation.

The State gave a statement in regards to treatment.

The Court advised the Defendant of her right to make a statement on her own behalf.

The Defendant addressed address the Court.

The Court inquired as to the Defendant's plan for treatment.

Ms. Martin gave a statement in regards to treatment.

The Court **ORDERED** a Judgment of Conviction be entered against the Defendant finding the Defendant guilty of COUNT 1: POSSESSION OF A CONTROLLED SUBSTANCE, A CATEGORY E FELONY AS DEFINED BY NRS 453.336.(NOC 51127), by guilty plea entered on June 7, 2021.

The matter being submitted;

The Court **ORDERED** the Defendant to pay a \$25.00 administrative assessment fee, \$3.00 genetic administrative assessment fee, \$60.00 chemical analysis fee, and be sentenced to serve a maximum of 30 months in the Nevada Department of Corrections with minimum parole eligibility after 12 months with credit for 24 days previously served.

The Defendant was remanded to the custody of the Elko County Sheriff's Department.

Court adjourned at 1:53 p.m.



Case No. DC-CR-21-126

Dept. No. 1

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT  
IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA

\_\_\_\_\_  
SHANELL CATHRINE MARTIN,  
Appellant,

vs.

THE STATE IF NEVADA,  
Respondent,  
\_\_\_\_\_ /

**CLERK'S CERTIFICATION**

I, KRISTINE JAKEMAN, the duly elected, acting and qualified County Clerk and Ex-Officio Clerk of the District Court of the Fourth Judicial District of the State of Nevada, in and for the County of Elko, do hereby certify that the annexed are true, full and correct copies of certain documents in Case No. DC-CR-21-126, Dept. 1, SHANELL CATHRINE MARTIN, Appellant, vs. THE STATE OF NEVADA, Respondent, as appears on file and of record in my office.

WITNESS My Hand and Seal of said Court on October 15, 2021.

KRISTINE JAKEMAN, ELKO COUNTY CLERK

By

  
\_\_\_\_\_  
Annette Marshall, DEPUTY CLERK

### CERTIFICATE OF SERVICE

I hereby certify that I caused to be sent electronically and/or mailed a certified copy of the annexed documents in Case No. DC-CR-21-126, Dept. 1, SHANELL CATHRINE MARTIN, Appellant, vs. THE STATE OF NEVADA, Respondent, as appears on file and of record in this Court, to the following:

Elko County District Attorney  
[canchondo@elkocountynv.net](mailto:canchondo@elkocountynv.net)  
[csmith@elkocountynv.net](mailto:csmith@elkocountynv.net)  
[kdarby@elkocountynv.net](mailto:kdarby@elkocountynv.net)  
[tyell@elkocountynv.net](mailto:tyell@elkocountynv.net)  
[islade@elkocountynv.net](mailto:islade@elkocountynv.net)

Benjamin Gaumond, Esq.  
495 Idaho Street, Suite 209  
Elko, Nevada 89801

Aaron Ford  
Nevada Attorney General  
Attn: Criminal Division  
100 North Carson Street  
Carson City, NV 89701-4717

DATED this 15<sup>th</sup>, day of October, 2021.

  
\_\_\_\_\_  
Annette Marshall, Deputy Clerk