

1 CASE NO.: CR-FP-18-7207
2 DEPT: 2

FILED

2021 NOV 12 AM 10:51

4th JUDICIAL DISTRICT COURT
CLERK Nov 16 2021 01:25 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

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

8
9 THE STATE OF NEVADA,

10 Plaintiff,

NOTICE OF APPEAL

11 vs.

12 SARAH ELIZABETH GRAVELLE,

13 Defendant.

14 TO: TYLER INGRAM, Elko County District Attorney.

15 NOTICE is hereby given that SARAH ELIZABETH GRAVELLE, defendant above
16 named, hereby appeals to the Supreme Court of Nevada from the Judgment of Conviction filed on
17 October 15, 2021, in the above-entitled action.

18 This appeal is to all issues of fact and law.

19 DATED this 12 day of November, 2021.

20
21 MATTHEW PENNELL
22 ELKO COUNTY PUBLIC DEFENDER
23 569 Court Street (Physical Address)
24 571 Idaho Street (Mailing Address)
25 Elko, NV 89801
26 (775) 738-2521

27 By: RHS
28 ROGER H. STEWART
29 Chief Deputy Public Defender
NV Bar Number 3823

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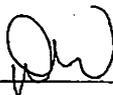
CERTIFICATE OF SERVICE

I hereby certify, pursuant to the provisions of NRCP 5(b), that on the 12 day of November 2021, I served the foregoing NOTICE OF APPEAL, by delivering or causing to be delivered a copy of said document, to the following:

HONORABLE ALVIN R. KACIN
District Judge, Department 2
Elko County Courthouse
Elko NV 89801

ELKO COUNTY DISTRICT ATTORNEY'S OFFICE
540 Court Street
Elko NV 89801

OFFICE OF THE ATTORNEY GENERAL
100 N. Carson Street
Carson City NV 89701-4717



CERTIFICATE OF MAILING

I hereby certify, pursuant to the provisions of NRCP 5(b), that on the 12 day of November 2021 I mailed, postage prepaid, a copy of the foregoing NOTICE OF APPEAL, to the following:

SARAH ELIZABETH GRAVELLE
NNCC



FILED

2021 NOV 12 AM 10:49

4th JUDICIAL DISTRICT COURT
CLERK _____ DEPUTY *[Signature]*

1 CASE NO.: CR-FP-18-7207

2 DEPT. NO.: II

3
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6 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,
10 Plaintiff,

11 vs.

12 SARAH ELIZABETH GRAVELLE,
13 Defendant.

CASE APPEAL STATEMENT

14 1. **Name of appellant filing this case appeal statement:** The name of the
15 Appellant is SARAH ELIZABETH GRAVELLE.

16
17 2. **Identify the judge issuing the decision, judgment, or order appealed**
18 **from:** The judge who issued the Judgment of Conviction to be appealed from is the
19 Honorable Alvin R. Kacin of the Fourth Judicial District Court of the State of Nevada, in
20 and for the County of Elko.

21
22 3. **Identify each appellant and the name and address of counsel for each**
23 **appellant:** The sole appellant in this case is SARAH ELIZABETH GRAVELLE,
24 Counsel for appellant is ROGER H. STEWART, Chief Criminal Deputy Public Defender,
25 571 Idaho St. (mailing) 569 Court St. (physical), Elko, Nevada, 89801. Counsel's telephone
26 number is (775) 738-2521.
27
28
29

1 **4. Identify each respondent and the name and address of appellate counsel,**
2 **if known, for each respondent:** The sole respondent in this case is the State of Nevada.
3
4 Counsel for the Respondent is JEFFREY C. SLADE, Deputy District Attorney, 540 Court
5 St., Elko, Nevada 89801 (775) 738-3101, and Aaron Ford, Attorney General, 100 N. Carson
6 Street, Carson City, Nevada, 89701 (775) 684-1100.
7

8 **5. Indicate whether any attorney identified above in response to question 3**
9 **or 4 is not licensed to practice law in the State of Nevada:** Attorneys for the Appellant
10 and Respondent are licensed to practice law in the State of Nevada.
11

12 **6. Indicate whether appellant was represented by appointed or retained**
13 **counsel in the district court:** Appellant was represented by appointed counsel in the
14 district court.
15

16 **7. Indicate whether appellant is represented by appointed or retained**
17 **counsel on appeal:** Appellant is represented by appointed counsel on appeal.
18

19 **8. Indicate whether appellant was granted leave to proceed in forma**
20 **pauperis, and the date of entry of the district court order granting such leave:** The
21 parties stipulated that appellant may proceed in forma pauperis on appeal. The Court signed
22 the order to proceed in forma pauperis on November 3, 2021.
23

24 **9. Indicate the date the proceedings commenced in the district court:** The
25 Criminal Information was filed in the District Court on October 1, 2018.
26

27 **10. Provide a brief description of the nature of the action and result in the**
28 **district court, including the type of judgment or order being appealed and the relief**
29 **granted by the district court:** The State of Nevada filed a Criminal Information which

1 charged the Defendant with COUNT 1: POSSESSION OF A CONTROLLED
2 SUBSTANCE, A CATEGORY E FELONY AS DEFINED BY NRS 453.336.

3
4 After filing the Criminal Information the State filed notices of intent to use evidence
5 of other crimes and wrongs, to use an expert, and to impeach Defendant as a convicted
6 felon. The last two were not opposed. Most of the evidence of other crimes and wrongs
7 were opposed and ruled inadmissible. The State asked for clarification of the court's ruling
8 and the defense sought to keep out her statements to two officers.
9

10 The Defendant filed motion to suppress and dismiss. Both were opposed and denied.

11 After a jury trial Defendant was found guilty.

12
13 Defendant then filed a motion for a mistrial because excluded evidence had reached
14 the jury. This was denied.

15
16 Defendant also filed a second motion for a mistrial alleging one juror was not
17 sufficiently competent at English to serve. This was opposed and denied.

18
19 The District Court sentenced the Defendant on October 11, 2021, on Count I to a
20 term of forty eight (48) months in prison with minimum parole eligibility after nineteen (19)
21 months with 172 days served as of October 11, 2021. Another sentence was made
22 concurrent with this. The Judgment of Conviction was filed on October 15, 2021.

23
24 **11. Indicate whether the case has previously been the subject of an appeal to**
25 **or original writ proceeding in the Supreme Court and, if so, the caption and Supreme**
26 **Court docket number of the original proceeding:** This case has not previously been the
27 subject of an appeal or original writ proceeding.
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12. Indicate whether this appeal involves child custody or visitation: This appeal does not involve child custody or visitation.

13. If this is a civil case, indicate whether this appeal involves the possibility of settlement: This case involves a criminal action.

DATED this 12 day of November, 2021.

MATTHEW PENNELL
ELKO COUNTY PUBLIC DEFENDER
569 Court Street (Physical Address)
571 Idaho Street (Mailing Address)
Elko, NV 89801
(775) 738-2521

By: RHS

ROGER H. STEWART
Chief Criminal Deputy Public Defender
NV Bar Number 3823

FILED

2021 NOV 12 AM 10:50

4th JUDICIAL DISTRICT CLERK
DEPUTY *[Signature]*

1 CASE NO.: CR-FP-18-7207

2 DEPT. NO.: II

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

8
9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

12 SARAH ELIZABETH GRAVELLE,

13 Defendant.

ROUGH DRAFT TRANSCRIPT REQUEST

14 TO: TONJA LEMICH.

15 SARAH ELIZABETH GRAVELLE, Defendant named above, requests preparation of a
16 rough draft transcript of certain portions of the proceedings before the district court, as follows:

17 **JURY TRIAL HELD ON FEBRUARY 19 THROUGH 20, 2019**

18 **MOTIONS HEARING ON MISTRIAL HELD ON JUNE 27, 2019**

19 I recognize that I must personally serve a copy of this form on the above named court
20 reporter and opposing counsel, and that the above named court reporter shall have twenty-one (21)
21 days from the receipt of this notice to prepare and submit to the district court the rough draft
22 transcript requested herein.

23
24 ///

25 ///

26 ///

27 ///

28 ///

29 ///

1 DATED this 12 day of November, 2021.

2 MATTHEW PENNELL
3 ELKO COUNTY PUBLIC DEFENDER
4 571 Idaho Street (Mailing Address)
5 Elko, NV 89801
6 (775) 738-2521

7 By: 
8 ROGER H. STEWART
9 Chief Criminal Deputy Public Defender
10 NV Bar Number 3823

11 CERTIFICATE OF SERVICE

12 I hereby certify, pursuant to the provisions of NRCP 5(b), that I am an employee of the Elko
13 County Public Defender's Office, and that on the 12 day of November, 2021, I served the
14 foregoing ROUGH DRAFT TRANSCRIPT REQUEST, by delivering or causing to be delivered a
15 copy of said document, to the following:

16 TONJA LEMICH
17 Department I
18 Elko County Courthouse
19 Elko NV 89801

20 HONORABLE ALVIN R. KACIN
21 District Judge, Department II
22 Elko County Courthouse
23 Elko NV 89801

24 ELKO COUNTY DISTRICT ATTORNEY'S OFFICE
25 540 Court Street
26 Elko NV 89801

27 OFFICE OF THE ATTORNEY GENERAL
28 100 N. Carson Street
29 Carson City, NV 89701-4717



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CERTIFICATE OF MAILING

I hereby certify, pursuant to the provisions of NRCP 5(b), that I am an employee of the Elko County Public Defender's Office, and that on the 12 day of November, 2021, I mailed, postage prepaid, a copy of the foregoing ROUGH DRAFT TRANSCRIPT REQUEST, to the following:

SARAH ELIZABETH GRAVELLE
NNCC



Case Summary

ECDC-CRFP-18-7207 - STATE OF NEVADA VS. GRAVELLE, SARAH ELIZABETH

Court: ECDC-CRFP-18-7207
Prosecution: F-18-02300

Agency: Elko County Clerk's Office

Type: Criminal
Status: Closed

CaselD: 18-2012
Received Date: 9/26/2018
Status Date: 10/15/2021

Age: 1146 days Active Age: 1141 days

Involvements

PORTER, NANCY Judge, Inactive
HILL, KRISTON Judge, Inactive
SIMONS, MASON Judge, Inactive
KACIN, ALVIN Judge
SLADE, JEFFREY Prosecution Attorney
GRAVELLE, SARAH Defendant
LEAMON, PHILLIP Defense Attorney, Inactive
ELKO COUNTY PUBLIC DEFENDER'S OFFICE, Defense Attorney
NEVADA, STATE OF Plaintiff

Filed Charge - Criminal Information

1. NRS 453.336.2a - Possess Schedule I, ii, iii Or Iv Controlled Substance, First Or Second Offense Occurred: 8/22/2018

Felony Felony - Drugs Category E 10/1/2018 12:00:00 PM

Count History: NRS 453.336.2a-Possess Schedule I, ii, iii Or Iv Controlled Substance, First Or Second Offense
Change Date: 10/19/2021 Change Type: Dispo Dispo: Disposition (Converted)
CNVCHARGE-Charge (Conversion) Change Date: 8/14/2020 Change Type: Statute
Disposition: Jury Trial Conviction Dispo Date: 10/15/2021

Notes: Code: NRS

Charge Number: 453.336(F)

Description: POSSESS A C/S-METH

Crime Type: FP

Date Charged: 08/22/2018

Notes: PCN: NVELSO4004619 C

Case History

Date	Event Type Desc	Status
	Pending - Case Status	
	CI FILED	
	Sentencing Hearing - Event	
4/27/2020	4/27/2020 1:30 PM	4/27/2020 1:30:00 PM
	1:30:00 PM	

Re-set due to Defendant now being out of custody

Case Summary

	Sentencing Hearing - Event	5/18/ 5/18/2020 2020 3:00: 00 PM	3:00 PM	5/18/2020 3:00:00 PM
	Inactive - Case Status BW ISSUED			
	Reactivated - Case Status BW FILED			
	Sentencing Hearing - Event	6/28/ 6/28/2021 2021 8:30: 00 AM	8:30 AM	6/28/2021 8:30:00 AM
	Sentencing Hearing - Event	8/9/2 8/9/2021 021 8:30: 00 AM	8:30 AM	8/9/2021 8:30:00 AM
	Sentencing Hearing - Event	10/11 10/11/2021 /2021 8:30: 00 AM	8:30 AM	10/11/2021 8:30:00 AM
	Closed - Case Status JOC FILED			
8/22/2018	Proceedings (Converted) - Event	For: 8/22/2018	2:51 PM	
	Event Type Code: B08 Event Type Description: BOOKING INFORMTN RPT			
8/23/2018	ORDER APPOINTING OFFICE OF THE ELKO COUNTY PUBLIC DEFENDER TO REPRESENT INDIGENT DEFENDANT - Document			
8/23/2018	Proceedings (Converted) - Event	For: 8/23/2018	2:51 PM	
	Event Type Code: A95 Event Type Description: APPL FOR APPT ATTY Note: APPLICATION FOR APPOINTMENT OF ATTORNEY			
8/23/2018	Proceedings (Converted) - Event	For: 8/23/2018	2:51 PM	
	Event Type Code: Q24 Event Type Description: ORD APPOINTING ATTY			
8/30/2018	CRIMINAL COMPLAINT - Document			

Case Summary

8/30/2018	Proceedings (Converted) - Event Event Type Code: C40 Event Type Description: CRIMINAL COMPLAINT	For: 8/30/2018	2:51 PM	
9/17/2018	Proceedings (Converted) - Event Event Type Code: M49 Event Type Description: MOT TO RELEASE ON OR	For: 9/17/2018	2:52 PM	
9/17/2018	Proceedings (Converted) - Event Event Type Code: Z32 Event Type Description: ORD SHORTENING TIME	For: 9/17/2018	2:52 PM	
9/20/2018	Proceedings (Converted) - Event Event Type Code: C44 Event Type Description: COMMITMENT	For: 9/20/2018	2:52 PM	
9/20/2018	Proceedings (Converted) - Event Event Type Code: Q38 Event Type Description: ORD BINDING OVER -DC	For: 9/20/2018	2:53 PM	
9/25/2018	Surety Bond - District Court - BOND For: GRAVELLE, SARAH ELIZABETH Amount \$5,000.00 ELKO BAIL BONDS CERTIFICATE AS5 1245402-FORFEITURE PAID 7/9/21	For:		GRAVELLE, SARAH ELIZABETH
9/26/2018	BOOKING SHEET, BOOKED 8.22.18, CONTAINS SS NUMBER AND NV ID NUMBER - Document			
9/26/2018	Proceedings (Converted) - Event Event Type Code: F24 Event Type Description: FILE OPEN - DC CRIM Note: FILE OPENED - DC CRIMINAL	For: 9/26/2018	2:51 PM	
9/26/2018	Proceedings (Converted) - Event Event Type Code: R10 Event Type Description: RECORD OF CT PROC.	For: 9/26/2018	2:53 PM	
10/1/2018	Proceedings (Converted) - Event Event Type Code: C41 Event Type Description: CRIMINAL INFORMATION Note: Certified copy issued	For: 10/1/2018	11:50 AM	
10/1/2018	CRIMINAL INFORMATION - Document			

Case Summary

10/2/2018 Proceedings (Converted) - Event For: 10/2/2018 1:16 PM
Event Type Code: F15
Event Type Description: FILE CHECKED OUT BY:
Note: DC I for review/signature WITH A BOND

10/12/2018 Calendared Event (Converted) - Event 11/26 11/26/2018 3:00 PM 11/26/2018 3:00:00 PM
/2018
3:00:
00 PM
Event Date: 11/26/2018 15:00
Event Type Code: A
Event Type Description: ARRAIGNMENT (DC)

10/15/2018 Proceedings (Converted) - Event For: 10/15/2018 12:00 AM
Event Type Code: B01
Event Type Description: BAIL BOND
Note: AS5 1245402

10/15/2018 BAIL BOND CERTIFICATE AS5 1245402 FOR
\$5,000 - Document

10/15/2018 Proceedings (Converted) - Event For: 10/15/2018 4:44 PM
Event Type Code: F16
Event Type Description: FILE CHECKED IN BY:

10/15/2018 Proceedings (Converted) - Event For: 10/15/2018 4:46 PM
Event Type Code: R02
Event Type Description: RECEIPT(S)
Note: 27121

10/15/2018 Proceedings (Converted) - Event For: 10/15/2018 4:46 PM
Event Type Code: A76
Event Type Description: AGREEMENT TO APPEAR
Note: and Waive Extradition

10/23/2018 Proceedings (Converted) - Event For: 10/23/2018 8:20 AM
Event Type Code: T19
Event Type Description: TRANSCRIPT-PRELIM
Note: HEARING HELD ON SEP 19, 2018

11/19/2018 Proceedings (Converted) - Event For: 11/19/2018 1:48 PM
Event Type Code: F15
Event Type Description: FILE CHECKED OUT BY:
Note: DC I for review/signature

11/19/2018 Proceedings (Converted) - Event

For: 11/19/2018 1:48 PM

Case Summary

Event Type Code: F15
Event Type Description: FILE CHECKED OUT BY:
Note: DC I for review/signature

- 11/26/2018 Proceedings (Converted) - Event For: 11/26/2018 11:49 AM
Event Type Code: H51
Event Type Description: HRG - DC1-ARRAIGN
- 11/27/2018 Proceedings (Converted) - Event For: 11/27/2018 2:46 PM
Event Type Code: R48
Event Type Description: REQUEST - DISCLOSURE
Note: BY DEF OF EVIDENCE RELATING TO DEFENSE (FILE CHECKED OUT SENT PLEADING TO DC 1)
- 11/30/2018 Calendared Event (Converted) - Event 1/16/ 1/16/2019 3:30 PM 1/16/2019 3:30:00 PM
2019
3:30:
00 PM
Event Date: 01/16/2019 15:30
Event Type Code: ECC
Event Type Description: EARLY CASE CONF.
- 11/30/2018 Calendared Event (Converted) - Event 2/19/ 2/19/2019 9:00 AM 2/19/2019 9:00:00 AM
2019
9:00:
00 AM
Event Date: 02/19/2019 09:00
Event Type Code: J1
Event Type Description: JURY TRIAL -- DAY1
Note: JURY TRIAL - DAY1
- 11/30/2018 Calendared Event (Converted) - Event 2/20/ 2/20/2019 9:00 AM 2/20/2019 9:00:00 AM
2019
9:00:
00 AM
Event Date: 02/20/2019 09:00
Event Type Code: J2
Event Type Description: JURY TRIAL AD'L DAYS
Note: JURY TRIAL ADDITIONAL DAYS
- 11/30/2018 Calendared Event (Converted) - Event 2/21/ 2/21/2019 9:00 AM 2/21/2019 9:00:00 AM
2019
9:00:
00 AM
Event Date: 02/21/2019 09:00
Event Type Code: J2
Event Type Description: JURY TRIAL AD'L DAYS
Note: JURY TRIAL ADDITIONAL DAYS

Case Summary

12/12/2018	Proceedings (Converted) - Event	For: 12/12/2018	4:02 PM
	Event Type Code: P47		
	Event Type Description: PRETRIAL ORDER		
12/12/2018	Proceedings (Converted) - Event	For: 12/12/2018	4:02 PM
	Event Type Code: F16		
	Event Type Description: FILE CHECKED IN BY:		
12/28/2018	Proceedings (Converted) - Event	For: 12/28/2018	2:59 PM
	Event Type Code: O08		
	Event Type Description: OFFER OF PROOF		
	Note: CONCERNING OTHER CRIMES OR WRONGS COMMITTED BY DEFENDANT		
12/28/2018	Proceedings (Converted) - Event	For: 12/28/2018	3:35 PM
	Event Type Code: N23		
	Event Type Description: NOTICE OF INTENT		
	Note: TO USE EXPERT WITNESS		
12/28/2018	Proceedings (Converted) - Event	For: 12/28/2018	3:37 PM
	Event Type Code: O08		
	Event Type Description: OFFER OF PROOF		
	Note: CONCERNING IMPEACHMENT OF DEFENDANT WITH PRIOR FELONY CONVICTIONS		
1/3/2019	Proceedings (Converted) - Event	For: 1/3/2019	3:36 PM
	Event Type Code: O10		
	Event Type Description: OPPOSITION		
	Note: TO STATE'S OFFER OF PROOF CONCERNING OTHER CRIMES OR WRONGS COMMITTED		
1/4/2019	Proceedings (Converted) - Event	For: 1/4/2019	7:28 AM
	Event Type Code: M57		
	Event Type Description: MOT TO SUPPRESS		
	Note: EVIDENCE		
1/4/2019	Proceedings (Converted) - Event	For: 1/4/2019	3:39 PM
	Event Type Code: M17		
	Event Type Description: MOT TO DISMISS		
1/8/2019	Proceedings (Converted) - Event	For: 1/8/2019	10:07 AM
	Event Type Code: R19		
	Event Type Description: REPLY TO OPPOSITION		
	Note: TO STATE'S OFFER OF PROOF CONCERNING OTHER CRIMES OR WRONGS COMMITTED BY DEF		
1/11/2019	Proceedings (Converted) - Event	For: 1/11/2019	8:58 AM

Case Summary

Event Type Code: F15
Event Type Description: FILE CHECKED OUT BY:
Note: DC I for review/signature

1/14/2019	Proceedings (Converted) - Event	For: 1/14/2019	3:23 PM
	Event Type Code: O11 Event Type Description: OPPOSITION TO MOTION Note: TO DISMISS (FILE CHECKED OUT SENT PLEADING TO DC 1)		
1/14/2019	Proceedings (Converted) - Event	For: 1/14/2019	3:24 PM
	Event Type Code: O11 Event Type Description: OPPOSITION TO MOTION Note: TO SUPPRESS (FILE CHECKED OUT SENT PLEADING TO DC 1)		
1/16/2019	Proceedings (Converted) - Event	For: 1/16/2019	2:10 PM
	Event Type Code: HB8 Event Type Description: HRG - DC1 CRHRG Note: EARLY CASE CONFERENCE AND STATUS HEARING		
2/1/2019	Proceedings (Converted) - Event	For: 2/1/2019	10:18 AM
	Event Type Code: L10 Event Type Description: LIST OF WITNESSES Note: JOINT (FILE CHECKED OUT SENT PLEADING TO DC 1)		
2/1/2019	Proceedings (Converted) - Event	For: 2/1/2019	4:39 PM
	Event Type Code: F16 Event Type Description: FILE CHECKED IN BY:		
2/1/2019	Proceedings (Converted) - Event	For: 2/1/2019	4:43 PM
	Event Type Code: O47 Event Type Description: ORD DENYING MOTION Note: TO SUPPRESS EVIDENCE		
2/1/2019	Proceedings (Converted) - Event	For: 2/1/2019	4:43 PM
	Event Type Code: O47 Event Type Description: ORD DENYING MOTION Note: TO DISMISS		
2/1/2019	Proceedings (Converted) - Event	For: 2/1/2019	4:44 PM
	Event Type Code: O12 Event Type Description: ORDER Note: GRANTING IN PART AND DENYING IN PART PLAINTIFFS OFFER OF PROOF CONCERNING OTHER CRIMES OR WRONGS COMMITTED BY THE DEFENDANT		
2/5/2019	Proceedings (Converted) - Event	For: 2/5/2019	3:00 PM

Case Summary

Event Type Code: M10
Event Type Description: MOTION
Note: FOR PARTIAL RECONSIDERATION OF CLARIFICATION OF ORDER GRANTEING IN PART AND DENYING IN PART PLAINTIFFS OFFER OF PROOF CONCERNING OTHER CRIMES OR WRONGS COMMITTED BY DEFENDANT

2/13/2019	Proceedings (Converted) - Event	For: 2/13/2019	8:16 AM
	Event Type Code: F15 Event Type Description: FILE CHECKED OUT BY: Note: DC I for review/signature		
2/19/2019	Proceedings (Converted) - Event	For: 2/19/2019	12:19 PM
	Event Type Code: R29 Event Type Description: REQUEST FOR REVIEW Note: OF PENDING MOTIONS GAVE TO ANGIE TO GIVE TO THE JUDGE Action Date: 05/10/2019 Action Code: R99 Action Description: RESPONSE/ORDER Action Comment: Order Setting Hearing 6/27/19		
2/19/2019	Proceedings (Converted) - Event	For: 2/19/2019	1:27 PM
	Event Type Code: J16 Event Type Description: JURY TRIAL BEGAN		
2/19/2019	Proceedings (Converted) - Event	For: 2/19/2019	1:27 PM
	Event Type Code: J14 Event Type Description: JURY PANEL Note: FILED IN OPEN COURT AT 11:57 AM		
2/19/2019	Proceedings (Converted) - Event	For: 2/19/2019	3:11 PM
	Event Type Code: H66 Event Type Description: HRG - DC1-JURY TRIAL		
2/20/2019	Proceedings (Converted) - Event	For: 2/20/2019	8:44 AM
	Event Type Code: S38 Event Type Description: SUPPLEMENTAL Note: BRIEFING. FILED IN OPEN COURT AT 8:41 AM. COPY GIVEN TO THE DA AND THE PUBLIC DEF IN COURT.		
2/20/2019	Proceedings (Converted) - Event	For: 2/20/2019	12:01 PM
	Event Type Code: J24 Event Type Description: JURY NOTES Note: JURY QUESTION RCVD DURING DELIBERATION. NOT ANSWERED. FILED IN OPEN COURT AT 6:02 PM.		
2/20/2019	Proceedings (Converted) - Event	For: 2/20/2019	12:02 PM

Case Summary

Event Type Code: M65
Event Type Description: MISC PLEADING
Note: COPY OF THE EXHIBIT LIST SENT BACK WITH THE EXHIBITS TO THE JURY DURING DELIBERATION. FILED IN OPEN COURT AT6:02 PM.

2/20/2019 Proceedings (Converted) - Event For: 2/20/2019 12:04 PM

Event Type Code: J12
Event Type Description: JURY INSTRUCTIONS
Note: NO 1-35. FILED IN OPEN COURT AT6:06 PM.

2/20/2019 Proceedings (Converted) - Event For: 2/20/2019 12:04 PM

Event Type Code: J26
Event Type Description: JURY VERDICT-GUILTY
Note: OF COUNT 1: POSSESSION OF A CONTROLLED SUBSTANCE FILED IN OPEN COURT AT6:06 PM.

2/20/2019 VERDICT, GUILTY- Document

COUNT 1: POSSESSION OF A CONTROLLED SUBSTANCE

2/20/2019 Proceedings (Converted) - Event For: 2/20/2019 3:20 PM

Event Type Code: J13
Event Type Description: JURY OFFERED INSTRTN
Note: PROPOSED JURY INSTRUCTION OFFERED BY THE DEFENSE AND REFUSED BY THE COURT. FILE IN OPEN COURT AT2:45 PM.

2/27/2019 Proceedings (Converted) - Event For: 2/27/2019 4:28 PM

Event Type Code: M37
Event Type Description: MOT TO
Note: DECLARE A MISTRIAL OR IN THE ALTERNATIVE MOTION TO TO ASIDE VERDICT (FILE CHECKED OUT SENT PLEADING TO DC 1)

3/6/2019 Proceedings (Converted) - Event For: 3/6/2019 3:14 PM

Event Type Code: O11
Event Type Description: OPPOSITION TO MOTION
Note: TO DECLARE A MISTRIAL OR IN THE ALTERNATIVE MOTION TO SET ASIDE VERDICT PLACED IN DC1 BOX

3/19/2019 Proceedings (Converted) - Event For: 3/19/2019 3:43 PM

Event Type Code: R29
Event Type Description: REQUEST FOR REVIEW
Note: OF THE MOTION TO DECLARE A MISTRIAL (FILE CHECKED OUT SENT PLEADING TO DC1)
Action Date: 05/10/2019
Action Code: R99
Action Description: RESPONSE/ORDER
Action Comment: ORDER SETTING HEARING

5/10/2019 Proceedings (Converted) - Event For: 5/10/2019 9:58 AM

Case Summary

Event Type Code: F16
Event Type Description: FILE CHECKED IN BY:

5/10/2019 Proceedings (Converted) - Event For: 5/10/2019 9:58 AM
Event Type Code: Z9
Event Type Description: ORD SETTING HEARING

5/10/2019 Calendared Event (Converted) - Event 6/27/ 6/27/2019 2:30 PM 6/27/2019 2:30:00 PM
2019
2:30:
00 PM
Event Date: 06/27/2019 14:30
Event Type Code: HM
Event Type Description: HEARING ON MOTION
Note: HEARING ON MOTION

5/14/2019 Proceedings (Converted) - Event For: 5/14/2019 8:21 AM
Event Type Code: A94
Event Type Description: AMENDED ORDER
Note: DOES NOT CLOSE CASE SETTING HEARING

6/27/2019 Proceedings (Converted) - Event For: 6/27/2019 2:12 PM
Event Type Code: HB8
Event Type Description: HRG - DC1 CRHRG
Note: MOTION TO DECLARE A MISTRIAL; MOTION TO SET ASIDE VERDICT.

6/27/2019 Proceedings (Converted) - Event For: 6/27/2019 4:03 PM
Event Type Code: E31
Event Type Description: E-MAIL
Note: EMAIL FROM TYLER INGRAM TO PHILLIP LEAMON, KRISTON HILL AND DANIEL ROCHE
DATED FEBRUARY 25, 2019. FILED IN OPEN COURT AT 3:47 PM.

7/5/2019 Proceedings (Converted) - Event For: 7/5/2019 9:26 AM
Event Type Code: M37
Event Type Description: MOT TO
Note: SECOND MOTION TO DECLARE A MISTRIAL OR IN THE ALTERNATIVE MOTION TO SET ASIDE
VERDICT

7/12/2019 Proceedings (Converted) - Event For: 7/12/2019 10:10 AM
Event Type Code: O11
Event Type Description: OPPOSITION TO MOTION
Note: TO DECLARE A MISTRIAL OR IN THE ALTERNATIVE SET ASIDE VERDICT

1/13/2020 Proceedings (Converted) - Event For: 1/13/2020 3:52 PM
Event Type Code: O47
Event Type Description: ORD DENYING MOTION
Note: FOR MISTRIAL/SET ASIDE VERDICT FILED ON FEB 27, 2019

Case Summary

1/13/2020 Proceedings (Converted) - Event For: 1/13/2020 3:53 PM
Event Type Code: O47
Event Type Description: ORD DENYING MOTION
Note: FOR MISTRIAL/SET ASIDE VERDICT FILED ON JULY5, 2019

2/7/2020 Open - Case Status
CRIMINAL INFO FILED

2/8/2020 Bond Summary (Converted) - Case Notes For: 10/15/2018 4:46 PM
BOND Name: GRAVELLE, SARAH ELIZABETH
Bond Date: 09/25/2018
Agency: ELKO BAIL BONDS
Receipt: 27121
Bond Amount: 5000.00
Surety: SB
Address1: 1246 RIVER ST
City: ELKO
State: NV
Zip: 89801
Original Amount: 5000.00
PO Name: ELKO BAIL BONDS
Def Date: 09/25/2019
Note: A55 1245402
Org Date: 10/15/2010

2/21/2020 ORDER FOR PRE-SENTENCE
INVESTIGATION REPORT AND ORDER
SETTING SENTENCING - Document

4/14/2020 SUBMISSION OF STIP AND ORDER TO
CONTINUE SENTENCING - Document No Action Taken
3 COPIES PROVIDED BY THE PD'S OFFICE

4/15/2020 SUBMISSION OF STIPULATION AND ORDER
TO CONTINUE SENTENCING - Document Order Filed
3 COPIES PROVIDED BY PD'S OFFICE
FILE CHECKED OUT PLACED IN DC1 P/U BOX @ 3:32PM.

4/17/2020 STIPULATION AND ORDER TO CONTINUE
SENTENCING - Document
2 COPIES PLACED IN PD'S P/U BOX @ 1:37 PM.

5/18/2020 5.18.20 DC1 Sentencing Minutes - FAIL TO
APPEAR - Document
FAIL TO APPEAR - BENCH WARRANT ISSUED

6/1/2020 NOTICE FORFEITING BOND; ORDER
ISSUING BENCH WARRANT; AND ORDER TO
SHOW CAUSE - Document

6/1/2020 ISSUED BENCH WARRANT - Document

Case Summary

8/17/2020 COPIES PREPARED FOR ELKO BAIL BONDS - Document
E-MAILED TO ELKO BAIL BONDS ON 8/18/2020

3/22/2021 ORDER OF RECUSAL AND REQUEST FOR ASSIGNMENT - Document
TO DEPT 3

4/2/2021 SUBMISSION OF ORDER FOR FORFEITURE OF BAIL BOND - Document Order Filed

4/2/2021 MOTION FOR WITHDRAWAL AS ATTORNEY OF RECORD AND SUBMISSION - Document
PLACED IN DC3 BOX

4/15/2021 ORDER OF RECUSAL AND REQUEST FOR ASSIGNMENT TO DEPT 2 - Document

4/16/2021 ORDER FOR FORFEITURE OF BAIL BOND - Document
CERT MAIL TO ELKO BAIL BONDS & AMERICAN SURETY CO, COPIES IN DA & PD BOXES 4/19/21

4/26/2021 CERTIFIED MAIL RECEIPTS (ORDER FOR FORFEITURE) - Document
ORDER FOR FORFEITURE RECEIVED BY ELKO BAIL BONDS & AMERICAN SURETY ON 4/23/21

5/11/2021 SUBMISSION OF ORDER FOR WITHDRAWAL OF ATTORNEY - Document Order Filed
3 COPIES PROVIDED BY THE PUBLIC DEFENDER'S OFFICE

5/11/2021 ORDER FOR WITHDRAWAL OF ATTORNEY- Document
3 COPIES PLACED IN PUBLIC DEFENDER'S PICKUP BOX.

6/1/2021 BENCH WARRANT FILED - Document

6/1/2021 ECSO COURT WARRANT RETURN SHEET - Document
COPY MADE AND PLACED IN THE ECSO P/U BOX @5:00 P.M.

6/3/2021 BOOKING SHEET 06.03.2021 - Document
BOOKED 05/28/21, BENCH WARRANT

6/9/2021 ORDER RESETTING SETENCING HEARING; ORDER APPOINTING OFFICE OF THE ELKO COUNTY PUBLIC DEFENDER TO REPRESENT DEFENDANT; - Document
ORDER TO SHOW CAUSE RE: CONTEMPT HRG ON 6.28.21 AT 8:30AM.

6/25/2021 SENTENCING MEMORANDUM - Document
PLACED IN DC2 BOX

6/28/2021 6.28.21 HRG - SENTENCING - Document

Case Summary

EMAILED TO P&P 6/29/21

6/28/2021 STIPULATION AND ORDER TO CONTINUE
SENTENCING 6.28.2021 - Document

NO COPIES PROVIDED

6/29/2021 MOTION TO RELEASE ON OWN
RECOGNIZANCE OR IN THE ALTERNATIVE
TO REDUCE BAIL; MOTICE OF MOTION; -
Document

EX PARTE MOTION FOR ORDER SHORTENING TIME

6/29/2021 SUBMISSION OF ORDER SHORTENING TIME
- Document

No Action Taken

2 COPIES PROVIDED BY THE PUBLIC DEFENDER'S OFFICE

7/1/2021 ORDER DENYING MOTION FOR RELEASE ON
OWN RECOGNIZANCE, OR IN THE
ALTERNATIVE, TO REDUCE BAIL-
Document

7/9/2021 GRAVELLE TREASURER RECEIPT
FORFEITURE PAID - Document

7/9/2021 GRAVELLE CERTIFICATE OF DISCHARGE
BOND FORFEITURE PAID - Document

CERTIFICATE OF DISCHARGE BOND WAS PROCESSED IN JALAN

7/27/2021 CONFIDENTIAL FILING LETTER FROM NEW
FRONTIER - Document

8/10/2021 CONFIDENTIAL FILING - Document
WITH ENVELOPE ATTACHED

8/10/2021 CONFIDENTIAL FILING 2 - Document
WITH ENVELOPE ATTACHED

8/10/2021 CONFIDENTIAL FILING 3 - Document
WITH ENVELOPE ATTACHED

8/24/2021 MOTION FOR FURLOUGH - Document

8/25/2021 ORDER DENYING MOTION FOR FURLOUGH
- Document

10/11/2021 10.11.21 HRG - SENTENCING - Document
EMAILED TO P&P 10/14/21

10/15/2021 JUDGMENT OF CONVICTION (GUILTY PLEA)
- Document

Case Summary

Case Obligations

Obligation	Pay By	Due Date	Obligation Amount	Amount Paid	Balance Due
DC2 Admin Assessment Fee: 453.336.2a NRS 176.062 \$20	1--GRAVELLE, SARAH-NRS	11/18/2021	\$20.00	\$0.00	\$20.00
DC2 Admin Assessment Fee: 453.336.2a NRS 176.062 \$5	1--GRAVELLE, SARAH-NRS	11/18/2021	\$5.00	\$0.00	\$5.00
DC2 Genetic Admin Assessment Fee: NRS 176.0623 \$3	1--GRAVELLE, SARAH-NRS 453.336.2a	11/18/2021	\$3.00	\$0.00	\$3.00
DC2 Forensic Fee: NRS 453.575 \$60	1--GRAVELLE, SARAH-NRS 453.336.2a	11/18/2021	\$60.00	\$0.00	\$60.00
Total Personal Obligation(s):			\$88.00	\$0.00	\$88.00
Total Case Obligation(s):			\$88.00	\$0.00	\$88.00

NO. EL-IC-CR- F-18-7207
M-18-7208

FILED

2018 AUG 23 PM 5:07

In The Justice's/Municipal Court of Elko Township,
County of Elko, State of Nevada

CLERK _____ DEPUTY _____

THE STATE OF NEVADA,
Plaintiff,

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

vs.

Sarah Gravelle 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.¹ A

¹ 2016 FEDERAL POVERTY LEVEL

Persons in Family	Federal Poverty Guideline
1	\$11,770
2	\$15,930
3	\$20,090
4	\$24,250
5	\$28,410
6	\$32,570
7	\$36,730
8	\$40,890

defendant is presumed to have a substantial hardship if he or 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, or other good cause appears, another attorney may be appointed to represent the Defendant. Id.

The Court will not permit the withdrawal of the Elko County Public Defender's Office 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 Elko County Public Defender, and the new attorney consent by their respective signatures to substitution of the new attorney in place of the Elko County Public Defender's Office; or (c) the Court issues a written Order Granting the Elko County Public Defender's Motion to Withdraw as Attorney of Record or a stipulation thereto. See NRS 7.115.

No Order Granting Elko County Public Defender's 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. NRS 171.188(3).

DATED this 23 day of August, 2018.



Justice of the Peace

FILED

1 CASE NO. CR-FP-18-7207

2021 OCT 15 AM 9:00

2 DEPT. NO. 2

4th JUDICIAL DISTRICT COURT
CLERK _____

3
4
5
6 **IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT**
7 **OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO**

8
9 * * * * *

10 _____
11 THE STATE OF NEVADA,

12 Plaintiff,

13 vs.

JUDGMENT OF CONVICTION

14 SARAH ELIZABETH GRAVELLE,

15 Defendant.
16 _____ /

17 On February 20, 2019, a jury found Defendant SARAH ELIZABETH GRAVELLE (date
18 of birth: January 17, 1990; place of birth: Silverton, ID) guilty to **COUNT 1: POSSESSION OF**
19 **A CONTROLLED SUBSTANCE, A CATEGORY E FELONY AS DEFINED BY NRS 453.336**
20 **(NOC 51127)**, which crime(s) occurred on or about August 22, 2018. The court held a
21 sentencing hearing on October 11, 2021 and sentenced Defendant as follows:

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

24 **IT IS FURTHER ORDERED Defendant shall pay an administrative**
25 **assessment of \$25.00.**

26 **IT IS FURTHER ORDERED that Defendant shall pay the forensic fee of**
27 **\$60.00.**
28

1 For Count 1, Defendant shall serve a maximum term of 48 months and
2 a minimum term of 19 months in prison. Defendant shall have credit
3 for 172 days served as of October 11, 2021.

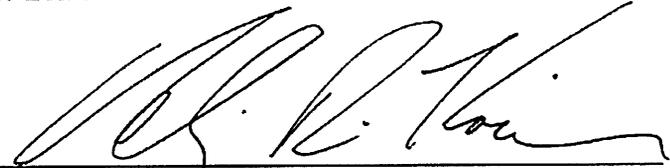
4 IT IS FURTHER ORDERED that the Defendant shall serve 25 days in the Elko County
5 Jail as a punishment for contempt of court for her failure to appear for sentencing on May 18,
6 2020.

7 IT IS FURTHER ORDERED that the contempt sentence shall be concurrent
8 to the sentence on Count 1.

9 Throughout these proceedings, Defendant was represented by the Elko County Public
10 Defender's Office.

11 THEREFORE, the Clerk is directed to enter this Judgment of Conviction as part of the
12 record in this matter.

13
14 DATED this 12 day of October 2021.

15
16
17 
18 ALVIN R. (AL) KACIN
19 District Court Judge
20
21
22
23
24
25
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27
28

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I certify that I am an employee of the Fourth Judicial District
3 Court, Department 2, and that on this 15 day of October 2021, I served by hand delivery
4 by placing a copy of said document in the agency box located in the Elko County Clerk's Office,
5 a true copy of the foregoing document to:

6
7 Elko County District Attorney
8 Elko County Public Defender's Office
9 State of Nevada, Division of Parole & Probation
10 Elko County Sheriff

11 
12 _____
13 LUIZ CARLOS NUNES

14 **CERTIFICATE OF SERVICE**

15 Pursuant to NRCP 5(b), I certify that I am an employee of the Fourth Judicial District
16 Court, Department 2, and that on this _____ day of October 2021, I served by regular U.S.
17 Mail, a true copy of the foregoing document to:

18 Nevada Department of Corrections
19 Offender Management Division,
20 Sentence Management
21 PO Box 7011
22 Carson City, NV 89702

23 
24 _____
25 LUIZ CARLOS NUNES
26
27
28

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

RECORD OF COURT PROCEEDINGS

Present - Honorable NANCY PORTER, District Judge,
and Officers of the Court.

STATE OF NEVADA,

VS.

Plaintiff,

Date: 11/26/18

Case No.: CR-FP-18-0007207

Dept: 1

SARAH ELIZABETH GRAVELLE,

Defendant.

State of Nevada represented by Tyler J. Ingram, Esq.
Defendant present, not in custody, and represented by
Phillip Leamon, Esq.
Division of Parole and Probation represented by Michelle Gavorsky.
Court Clerk, Darla Malotte, present.

ARRAIGNMENT – NOT GUILTY

The Court noted the presence of the parties.

The matter was before the Court for an arraignment on the charge alleged in a Criminal Information filed on October 1, 2018. All parties indicated they were ready to proceed.

A certified copy of the Criminal Information was presented to the Defendant and the formal reading was waived by the defense.

The name of the Defendant was correctly stated.

The Court inquired if the Defendant had been advised by Counsel regarding non citizenship.

Defendant advised he had been advised by Counsel.

The Court read the charging portion of the Criminal Information.

The Defendant understood the charge, was satisfied with the legal services rendered to date and was ready to proceed.

The Court asked the Defendant to enter a plea to COUNT 1: POSSESSION OF A CONTROLLED SUBSTANCE, A CATEGORY E FELONY AS DEFINED BY NRS 453.336. (NOC 51127). The Defendant entered a plea of not guilty.

The Court advised the Defendant of her right to be tried within 60 days.

The Defendant waived the sixty-day rule.

The Court **ORDERED** a jury trial be set to begin on February 19, 2019, at 9:30 a.m. as a second setting. Three days were set aside for the trial. A status hearing/early settlement conference was set for January 16, 2019 at 3:30 p.m.

Court adjourned.

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

RECORD OF COURT PROCEEDINGS

Present - Honorable NANCY PORTER, District Judge,
and Officers of the Court.

STATE OF NEVADA,

Plaintiff,

Date: 01/16/19

VS.

Case No.: CR-FP-18-7207

Dept: 1

SARAH ELIZABETH GRAVELLE,

Defendant.

State of Nevada represented by Daniel M. Roche, Esq.
Defendant present, not in custody, and represented by
Phillip Leamon, Esq.
Court Clerk, Angelina DeMars, present.

CRIMINAL HEARING

Court convened at 3:40 p.m.

The Court noted the presence of the parties.

This was the date and time set by the Court for an early case conference and a status hearing.

The Court made a record of the case and inquired if a resolution had been reached.

Defense counsel stated that there had not been.

The Court noted that an Offer of Proof concerning impeachment of the Defendant with prior felonies had been filed and the Defense had not filed an Opposition.

Defense counsel stated that it did not question the validity of the prior convictions.

The Court requested clarification regarding the prior convictions.

The State addressed the Court.

The Court believed the Defendant had plead guilty to Count 2, but was unsure. The Court noted that there were unsigned documents included in the priors.

Further discussion was held regarding the prior convictions.

The Court noted that the State had filed a Notice of Expert witness and inquired if there was an opposition from the Defense.

Defense counsel did not oppose the expert witness.

The Court noted that the State had filed an Offer of proof concerning other crimes or wrongs and inquired if Defense was still contesting that.

Defense counsel stated that it was opposing parts of the offer as noted in the opposition

The Court noted that the Defense had filed a Motion to suppress and a Motion to dismiss. The Court inquired if any witnesses would be called for the Motion to Dismiss.

Defense counsel stated that it did not have any, but thought the State had a witness.

The State concurred and provided the name of the witness.

The Court inquired if either party would be calling witness for the Offer of Proof or the Motion to suppress.

The State noted that the parties would stipulate to the Court reviewing the preliminary hearing for purposes of deciding those motions.

The Court noted that it had to make a finding that by allowing the evidence in it had been proven by clear and convincing evidence. The Court inquired if the parties would be stipulating to that.

Defense counsel noted it would not stipulate to the white syringe cap.

The Court advised that it would review the preliminary hearing transcripts in deciding the Offer of Proof and the Motion to suppress. The Court directed the State to call its first witness.

Captain Tyler Wayne Trouten was sworn and examined on direct by the State. Cross examination by Defense counsel. No re-direct. Witness examined by the Court. No follow up. Witness excused.

The Court directed Defense to present argument.

Defense counsel argued the Motion to dismiss stating that the officer acted in bad faith and had been negligent.

The State presented rebuttal argument stating that the officers had not been issued body cameras by their department and therefore could not be deemed negligent. The State also argued that the officers did not act in bad faith.

Defense counsel argued that there were two important distinctions cited by the State. Counsel noted the failure to preserve evidence instead of failure to gather. Defense counsel presented argument regarding internal policies and materiality.

The Court directed the parties to present argument regarding the Offer of Proof and stated that it would take the items one at a time. The Court inquired about the positions of the parties regarding the white syringe plunger cap, the ID and debit cards, the container with methamphetamine residue, a receipt with the Defendant's name listed, orange syringe cap, pipe from the backpack, memory and sims card.

Both parties presented their argument.

The Court directed the parties to present argument regarding the Motion to suppress.

Defense counsel argued that the Defendant was stopped for a minor violation and that the stop should have been quick. As soon as the officer saw who it was, it turned into a drug case. The officer didn't take any steps to effectuate the traffic stop.

The State argued that the officer did not delay the stop, but due to questioning the officer felt there was suspicion to believe that other criminal activity was taking place.

Defense counsel argued that the Defendant was answering the questions and not delaying the officer.

The Court advised that it would take the matters under consideration and issue written orders.

Court adjourned at 5:08 p.m.

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

RECORD OF COURT PROCEEDINGS

Present - Honorable NANCY PORTER, District Judge,
and Officers of the Court.

STATE OF NEVADA,

Plaintiff.

Date: 02/19-20/19

VS.

Case No.: CR-FP-18-7207

Dept: 1

SARAH ELIZABETH GRAVELLE,

Defendant.

State of Nevada represented by Daniel M. Roche, Esq.
Defendant present, not in custody, and represented by
Phillip Leamon, Esq.
Court Clerk, Angelina DeMars, present.

JURY TRIAL

Day One – February 19, 2019

Court convened at 9:21 a.m.

This was the date and time set by the Court for a jury trial on a Criminal Information filed October 1, 2018 charging COUNT 1: POSSESSION OF A CONTROLLED SUBSTANCE, A CATEGORY E FELONY AS DEFINED BY NRS 453.336 (NOC 51127).

The Court introduced counsel to the prospective jurors and defense counsel introduced the Defendant.

All prospective jurors were present except as follows: Zackary Atohnwa Adkins, Jose Aguilar-Martinez, Krista Lynn Anderson, Monica R. Barnum, Norman Carbury, Holly Carter, Courtney M. Congdon, Rojelio Cornejo, Jose Correa, Dorothy J. Dexter, Jose Escobedo-Moran, Arvil Foster, Michael Gallegos, Cesar Garza, Lisa Rene Gentry, Kelly Lynn Glenn, Naomi Rose Goudy, Colette Guerrero, Christina Harding, Jeanette Gray Hunter, Sean Taylor Kerr, Brynn Logan Knarr, Elijah Gabriel Lavender, Esther Martinez Botello, Juan Martinez, Dylan Michel, Edward Obrien Valencia, Bailey Powell, Edwin Neal Pritchard II, Donald Rosenauer, Elizabeth Salazar, Sergio Sanchez-Benitez,

Patricia Smith, Kimberly Thompson, Emigdio Torres-Armenta, Carissa Mae Turner, Isidro Velasco, Michael Vellieux, Rosalina Villarreal, Catherynne M. Watkins and Michael D. Woodland.

The Court made a statement to the jury venire describing the importance of their service as prospective jurors.

The Clerk read the charging portion of the Criminal Information.

The Court informed the jury venire of the presumption of innocence pursuant to NRS 175.191 and of the definition of a reasonable doubt pursuant to NRS 175.211.

The entire jury panel was sworn on their voir dire.

The Clerk called the following 24 names: Demery Johnson, Sharon F. Sutherland, Carrie Ann Gregory, Jeffrey S. Cummins, Breanna Heard-Marino, Brian Glen Iverson, Justin Olson, Arthur Craig Doescher, Teresa Thomas, Jesse Dillon Graham, Brenda Penrod, Alicia Monique Chaves, Stanley Steiber, Susan Cue Sunderland, Leanne Free, Jack Dooley, Len E. Wilcox, Jody Smith-Tiske, Dora Beatriz Torres, Jacob Carpenter, Bradley John Frandsen, Kassandra Gray, Sterling Andrew Hill and Jannette L. Ritchie.

The Court explained the jury selection process and asked general questions of the potential jurors.

Alicia Monique Chaves, juror number 12 was excused for cause and replaced by Ronda K. Holland.

Ronda K. Holland, juror number 12 was excused for cause and replaced by Sara Beth Fleischman.

Sara Beth Fleischman, juror number 12 was excused for cause and replaced by Vicki Wilky.

Sharon F. Sutherland, juror number 2 was excused for cause and replaced by Kimberly Kehoe.

Len E. Wilcox, juror number 17 was excused for cause and replaced by Eugene Schain.

Stanley Steiber, juror number 13 was excused for cause and replaced by Robert J. Wines.

Robert J. Wines, juror number 13 was excused for cause and replaced by Maria Flores.

The Court concluded general questions.

The potential jurors introduced themselves using the Jury Introduction Form.

The State examined the potential jurors on supplemental examination.

The State challenged Brenda Penrod for cause.

Defense counsel examined Ms. Penrod on voir dire.

The Court excused Brenda Penrod, juror number 11, for cause and was replaced by Juan Vera.

The Court admonished the potential jurors pursuant to NRS 175.121.

Court recessed at 10:23 a.m. for the morning break.

Court reconvened at 10:45 a.m.

The Court noted the presence of the parties.

Mr. Vera was asked general questions by the Court and introduced himself.

The State continued with supplemental examination of the potential jurors.

The State passed the panel for cause.

Defense counsel examined the potential jurors on supplemental examination.

Defense counsel passed the panel for cause.

The Court explained the peremptory challenge process to the prospective jury panel and excused the panel so that Counsel could exercise their peremptory challenges.

The Court admonished the potential jurors pursuant to NRS 175.12.

Court recessed at 11:01 a.m.

Court reconvened at 11:24 a.m.

Court reconvened with Counsel and the Defendant present outside the presence of the potential jurors for the purpose of exercising peremptory challenges.

The State's first peremptory challenge was juror number 5, Breanna Heard-Marino.

Defense counsel's first peremptory challenge was juror number 14, Susan Cue Sunderland.

The State's second peremptory challenge was juror number 23, Sterling Andrew Hill.

Defense counsel's second peremptory challenge was juror number 12, Vicki Wilky.

The State's third peremptory challenge was juror number 7, Justin Olson.

Defense counsel's third peremptory challenge was juror number 22, Kassandra Gray.

The State's fourth peremptory challenge was juror number 3, Carrie Ann Gregory.

Defense counsel's fourth peremptory challenge was juror number 1, Demery Johnson.

The State's alternate peremptory challenge was juror number 17, Eugene Schain.

Defense counsel's alternate peremptory challenge was juror number 11, Juan Vera.

The Court stated that it would like to get the jury seated, sworn and Jury Instructions No. 1 and 2 read before breaking for the lunch hour. The Court inquired about the position of the parties.

The State agreed and requested to have a hearing on the record prior to beginning.

The Court inquired what the issue was.

Defense counsel noted the items that the State had listed in their Offer of Proof. Counsel stated that there was testimony given at the Preliminary Hearing about the Defendant's admission to using a couple days before. Defense counsel argued that if the State wanted to elicit that testimony during trial either a Petrocelli hearing would have been required or the State should have included that item in their Offer of Proof. Counsel argued that the State should not be able to elicit that testimony at trial.

The State argued that it wasn't a prior bad act that it was offering to prove, but the Defendant's knowledge and familiarity with methamphetamine. The State argued that if the Defense didn't want the testimony to come out in Court it could have filed a Motion to suppress which it didn't.

Defense counsel stated that it was the burden of the party that wanted to present the evidence to file. Counsel stated that the testimony was only relevant if the underlying bad act was true and had happened. Counsel also argued that the Defendant didn't claim the substance to be anything other than methamphetamine, she simply denied ownership.

The Court advised that it would take the matter under consideration and inform the parties of its ruling after the lunch break. The Court inquired if there was anything else to discuss.

Defense counsel stated that a ruling hadn't been made yet regarding the issue of gross negligence.

The Court found that gross negligence did not occur in terms of the body cam. The Court advised that it would consider whether to admit testimony regarding the Defendant's admission to using methamphetamine a few days prior. The Court inquired if there was anything else to discuss.

The State noted that it had filed a Motion for reconsideration and added that an opposition had not been filed. The State inquired if the Court had made a ruling.

The Court stated that a Request for Review had not been filed and therefore the Motion was not before the Court. The Court stated that it had not even reviewed the pleading and would not be making a ruling at this time.

Court recessed at 11:35 a.m.

Court reconvened at 11:48 a.m.

Court reconvened outside the presence of the potential jury.

The Court noted that during the break it had been brought to its attention that juror number 7, Jack Dooley, was disqualified from serving on the jury and placed the reasons on the record. The Court

inquired if either party objected to having alternate 1 take his place and then proceed with only one alternate.

Neither party objected.

The Court inquired if the parties wished to have the jury and the alternate sworn now or after the lunch break.

Defense counsel submitted the matter to the Court.

The State requested to have them sworn after the break.

Court recessed at 11:49 a.m.

Court reconvened at 11:51 a.m.

The Court noted the presence of the parties.

The Clerk called the names of the 12 trial jurors and the alternate, to wit: Jeffrey S. Cummins, Brian Glen Iverson, Arthur Craig Doescher, Teresa Thomas, Jesse Dillon Graham, Leanne Free, Kimberly Kehoe, Jody Smith-Tiske, Dora Beatriz Torres, Jacob Carpenter, Bradley John Frandsen, Jannette L. Ritchie and Maria Flores.

The Court thanked and excused the remaining jurors. The Court admonished the potential jurors pursuant to NRS 175.12.

Court recessed at 11:56 a.m. for lunch.

Court reconvened at 1:34 p.m.

Court reconvened with Counsel and the Defendant present outside the presence of the jury for the purpose of addressing the Request for Review filed during the break.

The Court stated its findings and noted that the Request for Review filed during the break was premature. The Court found that the statements made by the Defendant were not to be deemed prior bad acts. The Court advised that it had to determine if the statements were made in custodial interrogation. The Court advised the parties of the way they would need to proceed with laying the foundation. The Court inquired if Defense counsel had something else to offer.

Defense counsel addressed the Court and offered additional information regarding testimony of Officer Pinkham.

The State argued that the information was not relevant, presented argument and opposed the testimony coming in.

Defense counsel disagreed and presented argument to the Court.

The Court stated its findings and ruled the evidence admissible and would permit it to be brought in. The Court noted that it still had not made a decision regarding the statements made by the Defendant.

The State addressed the Court regarding the statements.

The Court stated that it wouldn't be relevant unless the Defendant admitted to it being hers.

Court recessed at 1:41 p.m.

Court reconvened at 1:43 p.m.

The Court noted the presence of the parties and Counsel stipulated to the presence of the jury and the alternate.

The 13 jurors were sworn by the Clerk to try the case.

The Court advised that the Bailiff would be available to accommodate them in any way.

The Court informed the jury and the alternates of their right to take notes pursuant to NRS 175.131.

The Court explained the trial process to the jury and the alternate and advised them that they would each receive a Jury Questionnaire following the trial.

The Clerk read the entire Criminal Information and stated the plea of the Defendant.

The Court read Jury Instructions No. 1 and No. 2.

The Court advised the jury and the alternate of the evidentiary process.

The State made its opening statement.

Defense counsel made its opening statement.

The Court invoked the Rule of Exclusion, admonished and excused all potential witnesses from the courtroom. The Court directed the State to call its first witness.

Officer Joshua Taylor was sworn and examined on direct by the State. The witness identified the Defendant. Direct examination continued. Defense counsel objected based on the Court's previous ruling and provided argument.

Counsel approached the bench for a sidebar.

Defense counsel examined the witness on voir dire. Witness examined by the State. The Court questioned the witness. The Court stated its findings and ruled that the statements made by the Defendant would not be admissible. Direct examination continued by the State. Defense counsel objected based on relevance and provided argument.

Counsel approached the bench for a sidebar.

The Court **OVERRULED** the objection. Direct examination continued by the State. The State offered Plaintiff's Exhibit 7, photo (DSCN3306) eyeglass case, for identification. Direct examination continued. The State moved for the admission of Plaintiff's Exhibit 7. There being no objection, the Court **ORDERED** Plaintiff's Exhibit 7 admitted. The State offered Plaintiff's Exhibit 1, Juicy Couture eyeglass case and contents, for identification. Direct examination continued. The State moved for the admission of Plaintiff's Exhibit 1. There being no objection, the Court **ORDERED** Plaintiff's Exhibit 1 admitted with the stipulation that the eye glass case would not be opened. Direct examination continued. The State offered Plaintiff's Exhibit 11, photo (DSCN3310) baggie of white crystals, for identification. Direct examination continued. The State offered Plaintiff's Exhibit 9, photo (DSCN3308) closed container with white crystals, and Plaintiff's Exhibit 10, photo (DSCN3309) open container and baggie of white crystals. Direct examination continued. The State moved for the admission of Plaintiff's Exhibits 9, 10 and 11. There being no objection, the Court **ORDERED** Plaintiff's Exhibits 9, 10 and 11 admitted. Direct examination continued. The State offered Plaintiff's Exhibit 2, baggie with methamphetamine, for identification. Direct examination continued. The State offered Plaintiff's Exhibit 3, baggie with less methamphetamine. Direct examination continued. The State moved for the admission of Plaintiff's Exhibit 2 and 3. There being no objection, the Court **ORDERED** Plaintiff's Exhibit 2 and 3 admitted. Direct examination continued. The State offered Plaintiff's Exhibit 5, photo (DSCN3302) receipt from Terri Jim to Sarah Gravelle, and Plaintiff's Exhibit 6, photo (DSCN3305) receipt with Sarah Gravelle's name on it, for identification. Direct examination continued. Defense counsel objected based on hearsay. The State presented argument. The Court **SUSTAINED** the objection. The State moved for the admission of Plaintiff's Exhibit 5 and 6. Defense counsel did not object, but requested a limiting instruction be given based on a prior ruling of the Court. The State addressed the Court.

Counsel approached the bench for a sidebar.

The Court **ORDERED** Plaintiff's Exhibit 5 admitted. The Court directed the State to publish the exhibit and instructed the jury and the alternate that it was admitted for the purpose of showing that it was located in the backpack with the eyeglass case. Direct examination continued. The State offered Plaintiff's Exhibit 4, receipts, for identification. Direct examination continued. The State moved for the admission of Plaintiff's Exhibit 4. There being no objection, the Court **ORDERED** Plaintiff's Exhibit

4 admitted with the same instruction that was given for Plaintiff's Exhibit 5. Direct examination continued. The State offered Plaintiff's Exhibit 15, Officer Joshua Taylor's initial report, for identification. Direct examination continued. The State offered Plaintiff's Exhibit 2 and 3 again for identification purposes. Direct examination continued. Witness examined on cross by the Defense. No Redirect. The Court inquired if there were any jury question. No questions were received. Witness retained.

The Court admonished the potential jurors pursuant to NRS 175.12.

Court recessed at 2:59 p.m. for the afternoon break.

Court reconvened at 3:26 p.m. with Counsel and the Defendant present outside the presence of the jury and the alternate.

The Court noted that it had been advised that the State wished to conduct a hearing outside the presence of the jury and the alternate.

The State presented argument and requested that the Court reconsider its decision to suppress every statement given by the Defendant from the initiation of the traffic stop. The State argued that it was mandatory that the Motion to Suppress be filed prior to trial. The State noted that the Court had made a ruling and if the Court was not inclined to reconsider its decision, the State would request a stay in order to appeal the issue.

The Court advised that it had not been able to conduct research and stated that a Motion to Suppress was to be filed prior to trial. The Court inquired about the position of the Defense.

Defense counsel stated that it had not had the opportunity to conduct research either and provided argument to the Court. Counsel requested that the Court uphold its original ruling.

The Court advised that it would recess for the remainder of the day to allow all parties to research the pending issue. The Court directed the State to provide the law clerk and Defense counsel with a copy of the citations. The Court also directed the parties to appear at 9:00 a.m. tomorrow morning to argue the issue and to have any witnesses they intend to call ready to testify.

Court recessed at 3:30 p.m. for the day.

Day Two – February 20, 2019

Court reconvened at 9:01 a.m. with Counsel and the Defendant present outside the presence of the jury and the alternate for a hearing on the admissibility of the Defendant's statements to the police.

The Court noted that the Defense had submitted a brief and inquired if the State had received a copy and if the State had anything to add.

The State noted that it had received a copy and advised that it did not have anything to submit in writing.

The Court inquired if there were any witnesses.

The State noted that Officer Taylor was present, but wasn't sure if the Court wished to hear from him again.

The Court stated that it needed additional information in order to make its ruling. The Court stated that it had reviewed the Preliminary Hearing Transcripts numerous times because it did not include enough information for the Court to make a decision. The Court advised the parties of the research it had done and inquired if the parties wished to make oral argument.

The State presented argument to the Court.

Defense counsel presented argument on behalf of the Defendant.

The State gave rebuttal argument.

The Court stated its findings and ruled that the Defendant's statements would be admissible. The Court inquired if Officer Taylor would testify again today.

The State advised that it would call Officer Pinkham and then possibly recall Officer Taylor.

The Court also found that the probative value was not exceeded by the danger of unfair prejudice of this evidence.

Court recessed at 9:43 a.m.

Court reconvened at 9:52 a.m.

The Court noted the presence of the parties and Counsel stipulated to the presence of the jury and the alternate.

Officer Dean Pinkham sworn and examined on direct by the State. The State offered Plaintiff's Exhibit 1, Juicy Couture eyeglass case and contents, for identification. Direct examination continued. The State offered Plaintiff's Exhibit 9, photo (DSCN3308) closed container with white crystals, Plaintiff's Exhibit 10, photo (DSCN3309) open container and baggie of white crystals, and Plaintiff's Exhibit 11, photo (DSCN3310) baggie of white crystals, for identification. Direct examination continued. The State offered Plaintiff's Exhibit photo (DSCN3302) receipt from Terri Jim to Sarah Gravelle, and Plaintiff's Exhibit 6, photo (DSCN3305) receipt with Sarah Gravelle's name on it, for

identification. Direct examination continued. Witness examined on cross by the Defense. Redirect. The State offered Defendant's Exhibit A, Declaration of Probable Cause for Nicholas Done, for identification. Defense counsel objected and presented argument. The State questioned the Defendant on voir dire. The objection was overruled. Redirect continued by the State. No recross by the Defense. Witness examined by the Court. No follow-up by the parties. The Court inquired if there were any questions from the jury. No questions were submitted. The witness was excused.

Counsel approached the bench for a sidebar.

Officer Joshua Taylor was recalled to the stand and reminded that he was still under oath. Direct examination by the State. Cross examination by the Defense. Defense counsel offered Plaintiff's Exhibit 15, Officer Joshua Taylor's initial report, for identification. Cross examination continued by the Defense. Redirect by the State. No recross by the Defense. The Court inquired if there were any questions from the jury. No questions were submitted. The witness was excused.

The Court directed the State to call its next witness.

Brandin Smith was sworn and examined on direct by the State. The State offered Plaintiff's Exhibit 2, baggie with methamphetamine, and Plaintiff's Exhibit 3, baggie with less methamphetamine, for identification. Direct examination continued. No cross examination by the Defense. The Court inquired if there were any questions from the jury. No questions were submitted. The witness was excused.

The Court admonished the potential jurors pursuant to NRS 175.12.

Court recessed at 10:39 a.m. for the morning break.

Court reconvened 11:10 a.m.

The Court noted the presence of the parties and Counsel stipulated to the presence of the jury and the alternate.

Brad Taylor was sworn and examined on direct by the State. The State requested to have the witness testify as an expert in the area of controlled substances. No objection from the Defense. The Court granted the request. Direct examination continued. The State offered Plaintiff's Exhibit 2, baggie with methamphetamine, and Plaintiff's Exhibit 3, baggie with less methamphetamine, for identification. Direct examination continued. Cross examination by the Defense. Redirect by the State. No cross examination by the Defense. The Court inquired if there were any questions from the jury. No questions were submitted. The witness was excused.

The State rested its case-in-chief at 11:36 a.m.

The Court admonished the potential jurors pursuant to NRS 175.12.

Court recessed at 11:37 a.m.

Court reconvened at 11:42 a.m. with Counsel and the Defendant present outside the presence of the jury and the alternate.

The Court canvassed the Defendant regarding her right to testify.

The Defendant advised that she had sufficient time to discuss the matter with her attorney and was comfortable with her decision.

The Court addressed the parties regarding jury instructions.

Court recessed at 11:45 a.m. for the lunch break.

Court reconvened at 2:39 p.m. with Counsel present outside the presence of the jury and the alternate for the purpose of settling the Jury Instructions and Verdict Forms.

The Court inquired if Defense counsel was waiving the presence of the Defendant.

Defense counsel so waived.

The Court advised that proposed Jury Instructions No. 2-35 and two Verdict Forms had been provided to Counsel for review.

Neither party took exception to Jury Instructions No. 2-26.

The State did not take exception to Jury Instruction No. 27, but noted that it appeared to be a duplicate of Jury Instruction No. 12.

Defense counsel requested to include the instruction because Jury Instruction No. 12 did not talk about knowledge.

The Court **ORDERED** the instruction to be included and noted that it would be renumbered to Jury Instruction No. 13.

The Court inquired if Defense counsel wished to have Jury Instruction No. 28 included.

Defense counsel confirmed that it did.

Neither party took exception to Jury Instructions No. 28-35.

The Court inquired if the State had any instructions to offer.

The State did not.

The Court inquired if the Defense had any instructions to offer.

Defense counsel offered one proposed Jury Instruction.

The State objected to the instruction being included and provided argument.

Defense counsel presented argument and requested to have the instruction included.

The Court **SUSTAINED** Defense counsel's proposed Jury Instruction.

The Court inquired if either party objected to the proposed Verdict Forms.

Neither party took exception to the Verdict Forms.

The Defendant entered the Courtroom at 2:50 p.m.

Court recessed at 2:51 p.m.

Court reconvened at 3:14 p.m.

The Court noted the presence of the parties and Counsel stipulated to the presence of the jury and the alternate.

Defense counsel rested its case-in-chief at 3:14 p.m.

The Court advised that the evidentiary portion of the trial was closed. The Court advised that the Instructions and Verdict Forms were settled in open Court and that copies had been provided to the jurors. The Court stated that the Instructions must be read verbatim. The Court read Jury Instructions No. 3 through No. 35, advising that Jury Instructions No. 1 and No. 2 had been previously read.

The State gave closing argument.

Defense counsel gave closing argument.

The State gave rebuttal argument.

The Court disclosed that Maria Flores was the alternate juror and instructed her to remain at the courthouse.

The bailiff and the law clerk were sworn and the jury was released to begin deliberation.

Court recessed at 3:56 p.m. subject to the call of the jury.

A call was received at 4:53 p.m. that the jury had a question.

Court reconvened at 6:00 p.m. outside the presence of the jury and the alternate.

The Court read the question into the record. The Court made a record regarding the exhibits that had been marked and admitted. The Court noted that Plaintiff's Exhibit 8 had not been admitted. While the Court was researching the question, it had been advised by the bailiff a verdict had been reached. The Court inquired if the parties wished to have the verdict read and then weigh their options.

Both parties stated that was the way they wished to proceed.

The Court advised that it would have the clerk make the question and the exhibit list part of the record. Once the verdict had been read, the parties could address the Court.

The Court noted the presence of the parties.

The Clerk called the roll of the jury.

The Court asked the jury if they had reached a Verdict.

The foreman, Bradley John Frandsen, advised that a Verdict had been reached and provided the forms for the Court's review.

The Court requested that the Clerk read the Verdict into the record.

The Clerk stated the Verdict was **GUILTY OF COUNT 1: POSSESSION OF A CONTROLLED SUBSTANCE, A CATEGORY E FELONY AS DEFINED BY NRS 453.336 (NOC 51127).**

Both the State and Defense counsel waived the polling of the jury.

The Court thanked and excused the jury.

The jury was released at 6:08 p.m.

The Court inquired if the parties wished to have the Defendant taken into custody.

The State did not object to the Defendant being continued released.

Defense counsel concurred.

The Defendant was continued released on her previously posted bail.

Court adjourned at 6:10 p.m.

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

RECORD OF COURT PROCEEDINGS

Present - Honorable NANCY PORTER, District Judge,
and Officers of the Court.

STATE OF NEVADA,

Plaintiff,

Date: 06/27/19

VS.

Case No.: CR-FP-18-7207

Dept.: 1

SARAH ELIZABETH GRAVELLE,

Defendant.

State of Nevada represented by Daniel M. Roche, Esq.
Defendant not present, not in custody, and represented by
Phillip C. Leamon, Esq.
Court Clerk, Angelina DeMars, present.

CRIMINAL HEARING

Court convened at 2:32 p.m.

The Court noted the presence of the parties.

This was the date and time set by the Court for a criminal hearing regarding a Motion to declare a mistrial, or in the alternative a Motion to set aside verdict filed February 27, 2019.

The Court inquired if Defense counsel would waive the Defendant's appearance.

Defense counsel waived her appearance.

The Court made a record of the case and invoked the rule of exclusion. The Court inquired which juror the parties wished to call first.

Neither party had an opinion.

Jeffrey Scott Cummins, juror number 1, was sworn and examined by the Court. Witness examined by Defense counsel. The State declined to examine the witness. The witness was excused.

Brian Glen Iverson, juror number 2, was sworn and examined by the Court. Witness examined by Defense counsel. The State declined to examine the witness. The witness was excused.

Arthur Craig Doescher, juror number 3, was sworn and examined by the Court. Witness examined by Defense counsel. The State declined to examine the witness. The witness was excused.

Teresa Thomas, juror number 4, was sworn and examined by the Court. Witness examined by Defense counsel. The State declined to examine the witness. The witness was excused.

Jesse Dillon Graham, juror number 5, was sworn and examined by the Court. Witness examined by Defense counsel. The State declined to examine the witness. The witness was excused.

Jannette L. Ritchie, juror number 12, was sworn and examined by the Court. Witness examined by Defense counsel. The State examined the witness. The witness was excused.

Kimberly Kehoe, juror number 7, was sworn and examined by the Court. Witness examined by Defense counsel. The State declined to examine the witness. The witness was excused.

Jody Smith-Tiske, juror number 8, was sworn and examined by the Court. Witness examined by Defense counsel. The State declined to examine the witness. The witness was excused.

Dora Beatriz Torres, juror number 9, was sworn and examined by the Court. Witness examined by Defense counsel. The State examined the witness. No follow up. The witness was excused.

Jacob Carpenter, juror number 10, was sworn and examined by the Court. Witness examined by Defense counsel. The State declined to examine the witness. The witness was excused.

Bradley John Frandsen, juror number 11 and the foreperson, was sworn and examined by the Court. Both parties declined to examine the witness. The witness was excused.

The Court directed Defense counsel to present his argument.

Defense counsel addressed the Court.

The State presented argument.

The Court noted that the first language for Juror number 9 was not English and inquired if either party wished to be heard.

The State addressed the Court.

Defense counsel addressed the Court and advised that it was not prepared to argue the language issue today.

The Court stated that it would take the matter under advisement.

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 NANCY PORTER, District Judge,
and Officers of the Court.**

STATE OF NEVADA,

Plaintiff,

Date: 02/27/2020

VS.

Case No.: CR-FP-18-7207

Dept.: 1

SARAH ELIZABETH GRAVELLE,

Defendant.

State of Nevada represented by Daniel M. Roche, Esq.
Defendant present, out of custody, and represented by
Phillip Leamon, Esq.

REQUEST FOR PRE-SENTENCE INVESTIGATION

Report Due Date: Two weeks before sentencing

Sentencing Date and Time: April 27, 2020 at 1:30 p.m.

CHARGES CONVICTED OF:

COUNT 1: POSSESSION OF A CONTROLLED SUBSTANCE, A CATEGORY E FELONY AS
DEFINED BY NRS 453.336 (NOC 51127).

Conviction obtained by: JURY VERDICT - GUILTY

Defendant's custody status: Released on \$5,000.00 Bond

Faxed to the Division of Parole and Probation on FEBRUARY 28, 2020

KRISTINE JAKEMAN, Elko County Clerk, by: LANI BROXON, Court Clerk.

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

RECORD OF COURT PROCEEDINGS

Present - Honorable NANCY PORTER, District Judge,
and Officers of the Court.

STATE OF NEVADA,

VS.

Plaintiff,

Date: May 18, 2020

Case No.: ECDC-CRFP-18-7207

Dept.: 1

SARAH E GRAVELLE,

Defendant.

State of Nevada represented by Justin M. Barainca, Esq.

Defendant not present, out of custody, and represented by

Phillip Leamon, Esq.

Division of Parole and Probation represented by Michelle Gavorsky.

Court Clerk, Lani Broxson, present.

SENTENCING HEARING -FAIL TO APPEAR – BENCH WARRANT ISSUED

Court Convened at 4:17 p.m.

The Court noted the presence of the parties and inquired as to the whereabouts of the Defendant.

Defense counsel advised it had no knowledge of the whereabouts of the Defendant.

The State advised it wished for the Defendants release to be revoked.

The Court **ORDERED** the Defendant's release revoked and a cash only bail set for \$5,000.00

Court adjourned at 4:20 p.m.

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

RECORD OF COURT PROCEEDINGS

Present - Honorable ALVIN R. KACIN, District Judge,
and Officers of the Court.

STATE OF NEVADA,

VS.

Plaintiff,

Date: June 28, 2021

Case No.: DC-CR-20-42

CR-FP-18-7207

Dept: 2 – Jail Courtroom

SARAH ELIZABETH
GRAVELLE,

Defendant.

State of Nevada represented by Walter Fick, Esq.
Defendant present, in custody, and represented by
Roger Stewart Esq.
Court Clerk, Annette Apodaca, present.
Tonja Lemich present as Court Reporter.

ARRAIGNMENT AND SENTENCING– CONTINUED

Court convened at 9:12 a.m.

The Court noted the presence of the parties.

This was the date and time set for an arraignment on the Criminal Information filed March 25, 2020, charging COUNT 1: POSSESSION OF A STOLEN MOTOR VEHICLE, A CATEGORY B FELONY AS DEFINED BY NRS 205.273. (NOC 56048) in case DC-CR-20-42 and Sentencing in case CR-FP-18-7207.

Defense counsel advised it was not ready to proceed and advised the Defendant was admitted to inpatient treatment further advised the Defendant was still contemplating accepting the State's offer.

The Court inquired of how counsel wished to proceed.

Defense counsel requested a continuance.

The Court noted a motion to withdraw as counsel filed by Defense counsel and inquired of Defense counsel if it wished to withdraw the motion.

Defense counsel advised it wished to withdraw the motion.

The Court advised the motion was now withdrawn.

The Stated stipulated to the continuance.

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

Court adjourned at 9:16 a.m.

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

RECORD OF COURT PROCEEDINGS

Present - Honorable ALVIN R. KACIN, District Judge,
and Officers of the Court.

STATE OF NEVADA,

Plaintiff,

Date: 10/11/21

VS.

Case No.: CR-FP-18-7207

Dept: 2

SARAH ELIZABETH
GRAVELLE,

Defendant.

State of Nevada represented by Jeffrey C. Slade, Esq.
Defendant present, in custody, and represented by
Roger H. Stewart, Esq.
Court Clerk, Darla Malotte, present.
Peggy Isom present as Court Reporter.

SENTENCING HEARING

Court convened at 9:13 a.m.

The Court noted the presence of the parties.

This was the date and time set for sentencing.

The Court noted the Defendant had been found guilty at trial on February 20, 2019.

All parties advised they were in receipt of the Presentence Investigation Report.

The Court noted the Defendant had been arrested in Reno Nevada on May 12, 2020 and also arrested in Las Vegas Nevada on May 18, 2021.

The State advised that it had copies of the last three pages of the Defendant's criminal history that was included in the Presentence Investigation Report for case DC-CR-20-42 and offer it as Plaintiff's Exhibit 1.

There being no objection, Court **ORDERED** Plaintiff's Exhibit 1, Criminal History, admitted.

The Court inquired if the State had the disposition of the Reno and Las Vegas arrests.

The State advised that it did not have the disposition.

The Court made the corrections to the Presentence Investigation Report by interlineation and advised that credit time served was 172 days.

Defense requested 10 additional days be added and presented a statement.

The Court and Counsel discussed credit time served.

Defense counsel did not make any further corrections to the report.

The Court made corrections to the report by interlineation.

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

The Defendant addressed the Court.

After being canvassed by the Court, both parties advised that there was no cause why formal judgment should not be entered at this time.

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 jury verdict entered on February 20, 2019.

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 48 months in the Nevada Department of Corrections with minimum parole eligibility after 19 months with credit for 172 days previously served.

The Court found the Defendant in contempt for previously failing to appear on May 18, 2020 and **ORDERED** the Defendant to serve 25 days in the Elko County Jail with credit for 25 days previously served, to be served concurrently with the sentence imposed in this case.

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

Court adjourned at 10:04 a.m.

ECDC-CRFP-18-7207 - STATE OF NEVADA VS. GRAVELLE, SARAH
ELIZABETH

CASE ID: 18-2012

JUDGE: ALVIN R KACIN

Number	Description	Location	Marked Dt	Admitted Dt
1	PRESENTENCE INVESTIGATION REPORT	Elko County Clerk's Office	10/11/2021	10/11/2021

Case No. CR-FP-18-7207
Dept. No. 2

FILED

2021 NOV 15 AM 9:04

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

CLERK _____ DEPUTY Am

SARAH ELIZABETH GRAVELLE,
Appellant,

vs.

THE STATE OF 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. CR-FP-18-7207 Dept. 2, SARAH ELIZABETH GRAVELLE, Appellant, vs. STATE OF NEVADA, Respondent, as appears on file and of record in my office.

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

KRISTINE JAKEMAN, ELKO COUNTY CLERK

By

Annette Marshall
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. CR-FP-18-7207 Dept. 2, SARAH ELIZABETH GRAVELLE, Appellant, vs. STATE OF NEVADA Respondent, as appears on file and of record in this Court, to the following:

Elko County District Attorney
canchondo@elkocountynv.net
csmith@elkocountynv.net
kdarby@elkocountynv.net
tyell@elkocountynv.net
jslade@elkocountynv.net

Roger H. Stewart
Elko County Public Defender
571 Idaho Street
Elko, NV 89801

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

DATED this 15th, day of November, 2021.



Annette Marshall, Deputy Clerk