

IN THE SUPREME COURT OF THE STATE OF NEVADA

TENNILLE RAE WHITAKER,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

Docket No. 83049 Electronically Filed
Sep 15 2021 02:39 p.m.
Dist. Ct. Case No. DC-CV-20-09
Elizabeth A. Brown
Clerk of Supreme Court

CASE APPEAL STATEMENT (CRIMINAL)

1. Name of appellant filing this case disclosure statement:

TENNILLE RAE WHITAKER.

2. Judge issuing judgment of conviction:

The Honorable Kriston Hill, Elko

3. Name/ associations of KARLA K. BUTKO, ESQ.

Appellant herein is TENNILLE RAE WHITAKER.

Counsel for Appellant are:

KARLA K. BUTKO, ESQ., is an employee of KARLA K. BUTKO, LTD. KARLA K. BUTKO, LTD. is a Nevada professional corporation duly licensed to conduct business in the State of Nevada and is owned entirely by Karla K. Butko. At this point in time, there is no reasonable belief that other counsel will appear on behalf of Ms. Whitaker in this appellate litigation.

4. **Identity of the Respondent, all parties to the proceedings in the district court:**

Respondent is the State of Nevada, represented by Tyler Ingram, District Attorney for Elko County represented the State of Nevada by and through Chad B. Thompson, Deputy District Attorney for Elko County District Attorney's Office at the trial stage and represents the State on this direct appeal; Byron Bergeron, Esq., privately retained counsel, represented Ms. Whitaker at the plea and sentencing stage of the case and was co-counsel on the direct appeal; Gary Woodbury, privately retained counsel represented Ms. Whitaker at the district court stage of the postconviction proceedings; Karla K. Butko, Esq. was retained as private counsel to represent Ms. Whitaker on this appeal.

5. **Licensed Attorneys:** All attorneys are licensed in Nevada to practice law.

6. Appellant has been represented by privately retained counsel throughout the case at the district court proceedings.


7. Appellant is represented by privately retained counsel on direct appeal.

8. N/A
9. The Criminal Information was filed November 16, 2017. The judgment of conviction entered October 5, 2018. The postconviction was filed on July 28, 2020. The Order denying postconviction relief was filed on April 27, 2021 and entered by the clerk of April 28, 2021. The notice of appeal was filed on May 27, 2021.
10. Tennille Rae Whitaker was convicted after a nolo contendere plea, to four counts of violation of NRS 201.540, Sexual Conduct between a School Employee and a Pupil, Category C felonies. The district court by way of its judgment of conviction sentenced Ms. Whitaker to consecutive maximum sentences. The district court denied the petition summarily without allowing access to an evidentiary hearing to prove the allegations of the postconviction. Ms. Whitaker alleged that counsel was ineffective under the 6th & 14th Amendments at the sentencing stage of the case when counsel: failed to object to the court's review of a citizen petition of 70+ signatures seeking prison time for Ms. Whitaker; when trial counsel failed to update the psychosexual evaluation for the six month

period after plea but up to sentencing, which demonstrated that Ms. Whitaker was attending counseling and taking the case very seriously; when trial counsel failed to mitigate sentence; when trial counsel failed to object to the Department of Parole & Probation's upward deviation on the presentence report.

11. The direct appeal was found in Nevada Supreme Court: *Tennille Rae Whitaker v. State* is Docket 77294.


Dated this 15th day of September, 2021.


KARLA K. BUTKO, ESQ.
State Bar No. 3307
P. O. Box 1249
Verdi, NV 89439
(775) 786-7118

I, Karla K. Butko, Esq., hereby certify that on this date I caused to be delivered by way of the E FLEX DELIVERY SYSTEM of the Nevada Supreme Court, the foregoing document, addressed to the following:

Tyler Ingram
Chad Thompson
Elko County District Attorney's Office
540 Court Street, Second Floor
Elko, NV 89801

DATED this 15th day of September, 2021.



KARLA K. BUTKO, ESQ.