

IN THE SUPREME COURT OF THE STATE OF NEVADA

SAMANTHA MARIE GRAHAM)	Supreme Ct No. 83416	
Appellant )	District Ct No. CR 20-7157	
vs. )		Electronically Filed
		Sep 24 2021 09:44 a.m.
		Elizabeth A. Brown
		Clerk of Supreme Court
STATE OF NEVADA )		
Respondent )		

**APPELLANT'S APPENDIX**

---

Appeal from Judgment of Conviction  
Sixth Judicial District Court, County of Humboldt  
The Honorable Michael Montero

---

ATTORNEY FOR APPELLANT      ATTORNEY FOR RESPONDENT

Humboldt County Public Defender  
Matt Stermitz, NSB # 3610  
Drawer 309  
Winnemucca, Nevada 89445  
775-623-6550

Humboldt County DA  
Michael Macdonald  
Drawer 909  
Winnemucca, Nevada 89445  
775-623-6363

## TABLE OF CONTENTS

Judgement of Conviction	1
Amended Judgment of Conviction	5
Notice of Appeal	12
Case Summary	14
Rough Draft Transcript	16

Case No. CR 20-7157

Dept. No. 2

FILED  
2020 DEC 21 AM 10:10

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

-oOo-

THE STATE OF NEVADA,

Plaintiff,

vs.

**JUDGMENT OF CONVICTION**

SAMANTHA MARIE GRAHAM,

Defendant. /

WHEREAS, on the 1<sup>st</sup> day of December, 2020, the Defendant entered her plea of no contest to the charge of CONSPIRACY TO POSSESS A CONTROLLED SUBSTANCE, a Gross Misdemeanor, and the matter having been submitted before the Honorable Michael R. Montero.

At the time Defendant entered the plea of no contest, this Court informed the Defendant of the privilege against compulsory self-incrimination, the right to a speedy trial, the right to a trial by jury, the right to compulsory process to compel witnesses to testify on behalf of the Defendant and the right to confront the accusers. That after being so advised, the Defendant stated that these rights were understood and still desired this Court to accept the plea of guilty.

The parties stipulated to waive the Pre-Sentence Investigation Report and requested to proceed to sentencing. Upon stipulation of the parties the Court waived the requirement of the Pre-Sentence Investigation and proceeded to sentencing on the 15<sup>th</sup> day of December 2020.



1 Furthermore, at the time Defendant entered the plea of no contest and at the time of  
2 sentencing, Defendant was represented by attorney, MATT STERMITZ, Humboldt County  
3 Public Defender; also present in Court were TAMI RAE SPERO, Humboldt County Court Clerk  
4 or her designated agent; and MICHAEL MACDONALD, Humboldt County District Attorney or  
5 his designated agent, representing the State of Nevada.

6 The Defendant having appeared on the 15<sup>th</sup> day of December, 2020, represented by  
7 counsel and Defendant having been given the opportunity to exercise the right of allocution and  
8 having shown no legal cause why judgment should not be pronounced at this time.

9 The above-entitled Court having pronounced the Defendant, SAMANTHA MARIE  
10 GRAHAM, guilty of CONSPIRACY TO POSSESS A CONTROLLED SUBSTANCE a Gross  
11 Misdemeanor, in violation of NRS 199.480, 193.140 and 453.336 on the 15<sup>th</sup> day of December,  
12 2020, thereby ordered the Defendant to pay a \$25.00 administrative assessment fee, a \$3.00  
13 DNA collection fee, and a \$60.00 forensic fee, payable to the Humboldt County Clerk of the  
14 Court. Further, the Defendant is ordered to serve three hundred and sixty-four (364) days in the  
15 Humboldt County Detention Center with credit for time served of ninety-two (92) days. Said  
16 sentence is suspended and the Defendant is placed on court supervised probation for a period of  
17 fourteen (14) days, with the following conditions:

- 18 1. That the Defendant remain in contact with Denni Byrd of Pretrial Services;
- 19 2. That the Defendant provide proof of her residency in Utah to the Court within  
20 fourteen (14) days of the Defendant's court supervised probation grant;
- 21 3. That the Defendant pay a \$3.00 DNA collection fee, a \$25.00 administrative  
22 assessment fee, and a \$60.00 forensic fee, payable to the Humboldt County Clerk of  
23 the Court within thirty (30) days of the Defendant's court supervised probation grant;

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

MATT STERMITZ, Humboldt County Public Defender, represented the Defendant

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1 during all stages of the proceedings;

2 MICHAEL MACDONALD, Humboldt County District Attorney or his designated agent,  
3 represented the State of Nevada at all stages of these proceedings.

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

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

7 DATED this 21<sup>st</sup> day of December, 2020, in the City of Winnemucca, County  
8 of Humboldt, State of Nevada.

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11 MICHAEL R. MONTERO  
12 DISTRICT COURT JUDGE  
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**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that I am an employee of the Sixth Judicial District Court, and that on the 21 day of December, 2020, I delivered at Winnemucca, Nevada, by the following means, a copy of the **JUDGMENT OF CONVICTION** to:

Humboldt County District Attorney's Office  
501 S. Bridge Street  
Winnemucca, Nevada 89445  
(DCT Box)

MATT STERMITZ  
Humboldt County Public Defender  
P.O. Box 309  
Winnemucca, Nevada 89446  
(DCT Box)

  
ELISHA FORMBY  
Judicial Assistant

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Case No. CR 2007157

Dept. No. II

FILED

2021 AUG 13 AM 11:35

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

-000-

THE STATE OF NEVADA,

Plaintiff,

vs.

**AMENDED JUDGMENT  
OF CONVICTION**

SAMANTHA MARIE GRAHAM,

Defendant. /

WHEREAS, on the 1<sup>st</sup> day of December, 2020, the Defendant entered her plea of NO CONTEST to the charge of CONSPIRACY TO POSSESS A CONTROLLED SUBSTANCE, a Gross Misdemeanor, and the matter having been submitted before the Honorable Michael R. Montero.

At the time Defendant entered the plea of no contest, this Court informed the Defendant of the privilege against compulsory self-incrimination, the right to a speedy trial, the right to a trial by jury, the right to compulsory process to compel witnesses to testify on behalf of the Defendant and the right to confront the accusers. That after being so advised, the Defendant stated that these rights were understood and still desired this Court to accept the plea of guilty.

The parties stipulated to waive the Pre-Sentence Investigation Report and requested to proceed to sentencing. Upon stipulation of the parties the Court waived the requirement of the Pre-Sentence Investigation and proceeded to sentencing on the 15<sup>th</sup> day of December, 2020.

Furthermore, at the time Defendant entered the plea of no contest and at the time of

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1 sentencing, Defendant was represented by attorney, MATT STERMITZ, Humboldt County Public  
2 Defender; also present in Court were TAMI RAE SPERO, Humboldt County Court Clerk or her  
3 designated agent; and MICHAEL MACDONALD, Humboldt County District Attorney or his  
4 designated agent, representing the State of Nevada.

5 The Defendant having appeared on the 15<sup>th</sup> day of December, 2020, represented by counsel  
6 and Defendant having been given the opportunity to exercise the right of allocution and having  
7 shown no legal cause why judgment should not be pronounced at this time.

8 The above-entitled Court having pronounced the Defendant, SAMANTHA MARIE  
9 GRAHAM, guilty of CONSPIRACY TO POSSESS A CONTROLLED SUBSTANCE a Gross  
10 Misdemeanor, in violation of NRS 199.480, 193.140 and 453.336 on the 15<sup>th</sup> day of December,  
11 2020, thereby ordered the Defendant to pay a \$25.00 administrative assessment fee, a \$3.00 DNA  
12 collection fee, and a \$60.00 forensic fee, payable to the Humboldt County Clerk of the Court.  
13 Further, the Defendant is ordered to serve three hundred and sixty-four (364) days in the Humboldt  
14 County Detention Center with credit for time served of ninety-two (92) days. Said sentence is  
15 suspended and the Defendant is placed on court supervised probation for a period of fourteen (14)  
16 days, with the following conditions:

- 17 1. That the Defendant remain in contact with Denni Byrd of Pretrial Services;
- 18 2. That the Defendant provide proof of her residency in Utah to the Court within fourteen  
19 (14) days of the Defendant's court supervised probation grant;
- 20 3. That the Defendant pay a \$3.00 DNA collection fee, a \$25.00 administrative  
21 assessment fee, and a \$60.00 forensic fee, payable to the Humboldt County Clerk of  
22 the Court within thirty (30) days of the Defendant's court supervised probation grant;

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

24 The Defendant having appeared on the 3<sup>rd</sup> day of August, 2021 for a Show Cause Hearing  
before the Honorable Michael R. Montero and in regards to an Order to Show Cause entered by this

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1 Court on April 20, 2021 for Defendant's failure to appear for a status hearing scheduled for April 20,  
2 2021 and an Order to Show Cause entered by this Court on June 24, 2021 for Defendant's failure to  
3 appear for a status hearing scheduled for May 18, 2021, and the Court having found Defendant in  
4 violation of the terms of probation outlined above, Defendant stipulated to amending her Judgment  
5 of Conviction entered on December 21, 2020 to include an additional ninety (90) days credit for time  
6 served, twelve (12) months of formal probation, and completion of the Mental Health Court program  
7 if Defendant qualifies.

8 The Court thereby ordered the Judgment of Conviction to be amended to read as follows:

9 The above-entitled Court having pronounced the Defendant, SAMANTHA MARIE  
10 GRAHAM, guilty of CONSPIRACY TO POSSESS A CONTROLLED SUBSTANCE a Gross  
11 Misdemeanor, in violation of NRS 199.480, 193.140 and 453.336 on the 15<sup>th</sup> day of December,  
12 2020, thereby ordered the Defendant to pay a \$25.00 administrative assessment fee, a \$3.00 DNA  
13 collection fee, and a \$60.00 forensic fee, payable to the Humboldt County Clerk of the Court.  
14 Defendant is ordered to serve three hundred and sixty-four (364) days in the Humboldt County  
15 Detention Center with credit for time served of one hundred eighty-two (182) days. Said sentence  
16 is suspended and the Defendant is placed on probation for a period of twelve (12) months, with  
17 the following conditions:

- 18 1. That the Defendant completely abstain from the use, consumption, purchase or  
19 possession of alcoholic beverages or controlled substances, to include marijuana in  
20 any form, whatsoever;
- 21 2. That the Defendant completely abstain from huffing, sniffing, or snorting any  
22 inhalants, chemicals or substances that alters or impairs their mind or body  
23 functioning;
- 24 3. That the Defendant completely abstain from the use, consumption, purchase, or  
possession of any drug, inhalant, chemical, poison, or solvent, with the intent to





1 induce euphoria, hallucinations, or impairs mind, or bodily functioning,  
2 whatsoever;

3  
4 4. That the Defendant completely abstain from being present in any cocktail lounge,  
5 bar, liquor store, casino or any establishment where alcoholic beverages are the  
6 primary source of revenue, whatsoever;

7 5. That the Defendant completely abstain from being present in any smoke shop, vape  
8 shop, or marijuana dispensary, whatsoever;

9 6. That the Defendant completely abstain from the use, consumption, purchase or  
10 possession of any over-the-counter medications that contain alcohol or narcotics,  
11 unless prescribed by a licensed medical professional, and with prior approval of the  
12 Defendants supervising officer and Mental Health Court personnel;

13 7. That the Defendant complete a mental health evaluation, and if diagnosed with a  
14 mental health disorder, that Defendant successfully complete the Humboldt County  
15 Mental Health Court Program. The Defendant shall be subject to the terms and  
16 conditions of the Mental Health Court, which shall include, but are not limited to  
17 the following;

- 18 a. Random testing of the Defendant's blood, breath,  
19 saliva, hair, or urine to detect the presence of  
20 controlled substances and/or alcohol;  
21 b. Participation in an inpatient or an outpatient program  
22 of treatment and rehabilitation, which may include  
23 hospitalization, group and individual counseling, and  
24 self-help meetings;  
25 c. Participation in a program of education, job skills  
26 training and/or personal counseling;  
27 d. Mandatory attendance in Mental Health Court hearings as ordered  
28 by the Court to monitor the Defendant's compliance  
29 with all conditions of the program.

30 Noncompliance by the Defendant with any condition of the Mental Health Court program  
31 may result in the following consequences, as deemed appropriate in the discretion of the Court;

- 32 i. Modification of the program to include as appropriate

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- ii. different or additional conditions; Imposition of sanctions, including by not limited to jail time. Furthermore, any jail sanction shall not be considered by the Court as credit for time served should the Defendant be terminated from the program and sentenced to serve time in prison or jail;
- iii. House arrest, community service, travel or other Personal restrictions;
- iv. Termination from the Mental Health Court program.

The Defendant shall fully execute a Mental Health Court Agreement and Waivers as required by the Mental Health Court Judge, and shall follow all terms and conditions as contained therein.

8. That the Defendant pay a \$3.00 DNA collection fee, a \$25.00 administrative assessment fee and a \$60.00 forensic fee, payable to the Humboldt County Clerk of the Court within thirty (30) days of her grant of probation;
9. That the Defendant submit a biological specimen, under the Direction of the Division of Parole and Probation, and pay a \$150.00 DNA fee, payable to the Humboldt County Clerk of the Court within ninety (90) days of Defendant's probation grant;
10. That the Defendant pay a \$250.00 public defender fee, payable to the Humboldt County Clerk of the Court within six (6) months of her grant of probation;
11. That the Defendant not be granted any good time credits or an early release from probation unless all court-ordered and supervision fines and fees are paid in full and all conditions of probation are met;
12. That the Defendant resolve her outstanding warrants in West Wendover, Nevada and provide proof of the resolution to her probation officer;
13. That the Defendant pay a \$150.00 fine payable to the Humboldt County Clerk of the Court within twelve (12) months of her grant of probation.

Furthermore, bail, if any, is hereby exonerated.

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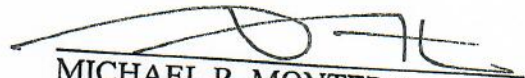
1 MATT STERMITZ, Humboldt County Public Defender, represented the Defendant during  
2 all stages of the proceedings;

3 MICHAEL MACDONALD, Humboldt County District Attorney or his designated agent,  
4 represented the State of Nevada at all stages of these proceedings.

5 Therefore, the clerk of the above-entitled Court is hereby directed to enter this Amended  
6 Judgment of Conviction as a part of the record in the above-entitled matter.

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

9 DATED this 13<sup>th</sup> day of August, 2021, in the City of Winnemucca, County of  
10 Humboldt, State of Nevada.

11   
12 MICHAEL R. MONTERO  
13 DISTRICT COURT JUDGE  
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**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that I am an employee of the Sixth Judicial District Court, and that on the 13 day of August, 2021, I delivered at Winnemucca, Nevada, by the following means, a copy of the **AMENDED JUDGMENT OF CONVICTION** to:

Humboldt County District Attorney's Office  
501 S. Bridge Street  
Winnemucca, Nevada 89445  
(DCT Box)

MATT STERMITZ  
Humboldt County Public Defender  
P.O. Box 309  
Winnemucca, Nevada 89446  
(DCT Box)

*Elisha Formby*  
ELISHA FORMBY  
Judicial Assistant



1 Case No. CR 20-7157

2 Dept. No. 2

FILED

2021 AUG 24 AM 8:45

3  
4 IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
5 IN AND FOR THE COUNTY OF HUMBOLDT  
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7 STATE OF NEVADA,  
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9 Plaintiff,

10 vs.

11 SAMANTHA MARIE GRAHAM,  
12

13 Defendant.  
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NOTICE OF APPEAL

15 Samantha Marie Graham, defendant, by and through her attorney, the Humboldt  
16 County Public Defender, appeals to the Nevada Supreme Court from the Amended  
17 Judgment of Conviction filed herein on the 13<sup>th</sup> day of August, 2021, and attached  
18 hereto.

19 Dated this 23<sup>rd</sup> day of August, 2021.

20 Matt Stermitz  
21 Matt Stermitz, Bar # 03610  
22 Humboldt County Public Defender  
23 Drawer 309  
24 Winnemucca, Nevada 89445  
25 775-623-6550  
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CERTIFICATE OF SERVICE

Pursuant to applicable appellate rules, on the 23<sup>rd</sup> day of August, 2021, the undersigned mailed a true and correct copy of the foregoing, addressed to: Humboldt County District Attorney, Drawer 909, Winnemucca, Nevada 89445 and Attorney General, 100 N. Carson Street, Carson City, NV 89701, and Samantha Graham, c/o HCDC, 801 E. Fairgrounds Road, Winnemucca, NV 89445.

Matt Stermitz  
Matt Stermitz

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Run: 08/24/2021  
 9:38:02

Sixth Judicial District Court - Humboldt County  
 Case Summary

Page 1

Case #: CR2007157

Judge: MONTERO, MICHAEL R.

Date Filed: 02/25/2020 Department:

Case Type: DRUG CHARGE

Plaintiff(s)  
 NEVADA, THE STATE

Attorney(s)  
 DISTRICT ATTORNEY

Defendant(s)  
 GRAHAM, SAMANTHA MARIE

Attorney(s)  
 PUBLIC DEFENDER

Fees:

Date Assessed:	Fee	Total	Paid	Waived	Outstanding
12/21/2020	ADMIN	\$25.00	\$25.00	\$0.00	\$0.00
08/13/2021	ATTYFEE	\$250.00	\$0.00	\$0.00	\$250.00

Charge: NRS 199.480 & 453.336 CONSPIRACY TO POSSESS A CS G/ Count 1

Sent:

Disp/Judgment: Date:

Hearings:

Date	Time	Hearing
04/07/2020	9:15AM	ARRAIGNMENT
05/19/2020	9:00AM	ARRAIGNMENT
12/01/2020	9:00AM	ARRAIGNMENT
12/15/2020	9:00AM	SENTENCING HEARING
01/12/2021	9:00AM	HEARING
04/20/2021	9:00AM	HEARING
05/18/2021	9:00AM	SHOW CAUSE HEARING
08/03/2021	9:00AM	SHOW CAUSE HEARING

Filings:

Date	Filing
02/25/2020	PROSECUTOR: DISTRICT ATTORNEY ASSIGNED
02/25/2020	DEFENSE ATTORNEY: PUBLIC DEFENDER ASSIGNED
02/25/2020	JUDGE MONTERO, MICHAEL R.: ASSIGNED
02/25/2020	JUSTICE COURT PROCEEDINGS
02/25/2020	INFORMATION
02/26/2020	PLEA AGREEMENT
02/26/2020	WRITTEN NOTICE OF APPLICATION FOR TREATMENT
02/27/2020	AMENDED INFORMATION
04/02/2020	ARRAIGNMENT SET FOR 04/07/2020 AT 9:15 AM IN C1/ , JDG: MONTERO, MICHAEL R.
05/14/2020	ARRAIGNMENT SET FOR 05/19/2020 AT 9:00 AM IN C1/ , JDG: MONTERO, MICHAEL R.

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Run: 08/24/2021  
9:38:03

Case Summary

Page 2

05/19/2020 MINUTES-ARRAIGNMENT (FTA)  
10/12/2020 BENCH WARRANT RETURNED (DAY AND NIGHT)  
11/05/2020 ARRAIGNMENT SET FOR 12/01/2020 AT 9:00 AM IN C1/ , JDG: MONTERO,  
MICHAEL R.  
12/01/2020 SENTENCING HEARING SET FOR 12/15/2020 AT 9:00 AM IN C1/ , JDG:  
MONTERO, MICHAEL R.  
12/01/2020 MINUTES - ARRAIGNMENT HEARING  
12/15/2020 MINUTES-SENTENCING HEARING  
12/21/2020 HEARING SET FOR 01/12/2021 AT 9:00 AM IN C1/ , JDG: MONTERO,  
MICHAEL R.  
12/21/2020 ORDER TO RELEASE DEFENDANT ON OWN RECOGNIZANCE  
12/21/2020 JUDGMENT OF CONVICTION  
01/12/2021 MINUTES - STATUS HEARING  
01/15/2021 BENCH WARRANT ATTESTED (FTA)  
03/09/2021 BENCH WARRANT (DAY AND NIGHT)  
03/22/2021 HEARING SET FOR 04/20/2021 AT 9:00 AM IN C1/ , JDG: MONTERO,  
MICHAEL R.  
03/31/2021 MOTION TO RELEASE  
04/05/2021 STATE OF NEVADA'S OPPOSITION TO DEFENDANT'S MOTION TO RELEASE  
04/20/2021 SHOW CAUSE HEARING SET FOR 05/18/2021 AT 9:00 AM IN C1/ , JDG:  
MONTERO, MICHAEL R.  
04/20/2021 ORDER TO SHOW CAUSE  
04/20/2021 MINUTES-HEARING  
05/18/2021 MINUTES-SHOW CAUSE HEARING (FTA)  
05/19/2021 BENCH WARRANT ATTESTED  
06/03/2021 BENCH WARRANT (DAY AND NIGHT)  
06/22/2021 SHOW CAUSE HEARING SET FOR 07/27/2021 AT 9:30 AM IN C1/ , JDG:  
MONTERO, MICHAEL R.  
06/22/2021 CONTINUED  
06/24/2021 ORDER TO SHOW CAUSE  
07/16/2021 NOTICE OF RECEIPT OF ATTACHED LETTER  
07/22/2021 SHOW CAUSE HEARING SET FOR 08/03/2021 AT 9:00 AM IN C1/ , JDG:  
MONTERO, MICHAEL R.  
07/22/2021 AMENDED ORDER TO SHOW CAUSE  
08/06/2021 ORDER TO RELEASE AND REPORT TO HUMBOLDT COUNTY SPECIALTY COURTS  
COORDINATOR  
08/13/2021 AMENDED JUDGMENT OF CONVICTION  
08/16/2021 PAYMENT \$18.00 RECEIPT #2630  
08/20/2021 PAYMENT \$20.00 RECEIPT #2647  
08/24/2021 NOTICE OF APPEAL  
08/24/2021 REQUEST FOR TRANSCRIPT  
08/24/2021 CASE APPEAL STATEMENT  
08/24/2021 NOTICE OF APPEAL PACKET

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2  
3 IN THE SIXTH JUDICIAL DISTRICT COURT  
4 OF THE STATE OF NEVADA,  
5 IN AND FOR THE COUNTY OF HUMBOLDT  
6 BEFORE THE HONORABLE MICHAEL MONTERO, DISTRICT JUDGE

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11 STATE OF NEVADA,

12 Plaintiff,

Case No. CR 20-7157

13 V.

Dept. No. II

14 SAMANTHA MARIE GRAHAM,

15 Defendant.  
16 \_\_\_\_\_/

**COPY**

17 Transcript of proceedings

18 Order to Show Cause

19  
20 August 3, 2021

21 Winnemucca, Nevada  
22

23 Transcribed By: Kathy Jackson, CSR - (775) 745-2327  
24

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2021 SEP 23 PM 1:01  
JAN PAE SI ETO  
DIST COURT CLERK

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A P P E A R A N C E S

For the Plaintiff: Kevin Pasquale, Esq.  
Humboldt County District Attorney's  
Office  
P.O. Box 909  
Winnemucca, Nevada 89445

For the Defendant: Matt Stermitz, Esq.  
Humboldt County Public Defender  
Drawer 309  
Winnemucca, Nevada 89445

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I N D E X

WITNESSES ON BEHALF OF THE PLAINTIFF: PAGE

None.

WITNESSES ON BEHALF OF THE DEFENDANT:

None.

EXHIBITS:		<u>MARKED</u>	<u>ADMITTED</u>
Defendant's A	Document		6
Defendant's B	Letter	25	25



1 AUGUST 3, 2021, WINNEMUCCA, NEVADA

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3 THE COURT: We're on the record in Case  
4 CR20-7157. The case caption, State of Nevada, plaintiff  
5 versus Samantha Marie Graham, defendant. The record this  
6 morning will reflect the presence of the defendant,  
7 Ms. Graham, appearing via Zoom from the Humboldt County  
8 Detention Center represented by counsel, Mr. Matthew  
9 Stermitz, who is present here in the courtroom. Mr. Kevin  
10 Pasquale on behalf of the State. Also Ms. Byrd with pretrial  
11 services. And Ms. Okuma with division of parole and  
12 probation.

13 This matter is on the Court's calendar for a show  
14 cause or a hearing on an order to show cause why the Court  
15 should not hold Ms. Graham in contempt for failing to follow  
16 this Court's order and that order is -- the order is the --  
17 back up here a little bit. The judgment of conviction, it  
18 was filed back on December 21st of 2020.

19 At that time of sentencing the defendant, if I  
20 recall correctly, had made some arrangements for some mental  
21 health treatment in the State of Utah. And so the Court was  
22 willing to -- willing to suspend the defendant's sentence of  
23 364 days in county jail. Of course, there was request for  
24 time served of 92 days if she followed through with her --

1 followed through with her agreement to provide this Court  
2 with proof of residency in Utah within 14 days of that grant  
3 of supervised probation.

4 While -- while Ms. Graham was waiting in jail for  
5 some arrangements to be made to transfer to Utah the jail  
6 released her on a medical with -- with -- the Court was  
7 informed, but there was a medical where she was I believe  
8 care-flighted to Reno.

9 And then Renown hospital called Ms. Byrd with  
10 pretrial services, I recall this very vividly, and basically  
11 accused Humboldt County of dumping Ms. Graham off on Washoe  
12 County and Renown because when she arrived there they  
13 apparently, and I'm not a doctor, but this is what was  
14 relayed to us, found nothing wrong with her. So it was -- it  
15 was as though she was released from jail and shipped to  
16 Washoe County as some form of a conspiracy by the Court. I  
17 was -- I was very offended by that.

18 But all of that resulted in Ms. Graham being  
19 released from custody, pretty convenient. And -- and then  
20 Ms. Graham never followed through with her promise to this  
21 Court that she would establish residency in Utah and undergo  
22 some mental health treatment.

23 Now, I think since that time, if I recall  
24 correctly, we've had a number of hearings scheduled.



1 Ms. Graham has failed to appear. So I think we've also got a  
2 failure to appear issue. I don't know if that's resulted in  
3 any new charges, but I do see that she's back in custody  
4 today. I -- I don't know why she's in custody. I don't -- I  
5 don't want to presume that it has anything to do with this  
6 case, but that may be something the attorneys can explain to  
7 me.

8 But what I want to know is why Ms. Graham should  
9 not serve her 364 days in county jail because it appears to  
10 this Court that she's never established residency in Utah as  
11 she promised this Court and as the Court order reflects.

12 So, Mr. Pasquale, do you wish, does the State  
13 wish to respond, comment or offer suggestions?

14 MR. PASQUALE: Very very briefly, Your Honor.  
15 There were very few conditions that the Court imposed on the  
16 defendant, that she was supposed to stay in contact with  
17 Ms. Byrd. She didn't do that. She was supposed to provide  
18 proof of her residency in Utah. She didn't do that. And she  
19 was supposed to pay her fees and she didn't do that. Judge,  
20 I think the 364 imposed is appropriate to give her back to do  
21 this time.

22 THE COURT: Mr. Stermitz?

23 MR. STERMITZ: If I may.

24 THE COURT: You may.



1 MR. PASQUALE: Your Honor, I've reviewed the  
2 exhibit that the defense just handed me. I have no  
3 objection.

4 MR. STERMITZ: Your Honor, what that is going to  
5 show is shortly after the defendant was entered here she did  
6 go down to Renown in Reno and was actually tested positive  
7 for COVID on the -- I think on the 17th of December 2020, and  
8 there's also some indications there that she's had some other  
9 medical difficulties and has been treated various times at  
10 Humboldt General Hospital for (unintelligible), but we would  
11 ask to admit those.

12 THE COURT: Hearing no objection from the State  
13 the Exhibit A will be admitted.

14 MR. STERMITZ: And I don't have anymore evidence.  
15 I think Ms. Graham wants to speak and explain this order to  
16 show cause.

17 THE COURT: Yeah, hold on. I just want to look  
18 at these, and I think also I need to -- I need to also  
19 indicate some further procedural history for the record.

20 MR. STERMITZ: As far as I know Ms. Graham is  
21 only in custody on this case because I haven't been appointed  
22 to represent her in anything else.

23 THE COURT: Okay. Okay. That's good for me to  
24 know. I wasn't sure. It looks like the -- I think I also

1 need to add this. The sentencing, it looked like we went  
2 from arraignment to sentencing I think all in one, the same  
3 day because there was this plan for her to engage in some  
4 treatment in Utah, and that judgment of conviction indicates  
5 sentencing on December 15th. So I'm looking at that  
6 sentencing date, the minutes, court minutes. At that time  
7 there was a plea agreement made reference to -- reference to  
8 mental health court.

9 At that time the Court did not have a mental  
10 health assessment giving any diagnosis from a physician, and  
11 it was at that point the discussion shifted to Ms. Graham's  
12 request to move to Utah where she was going to engage in some  
13 treatment there, mental health treatment. So then we have  
14 this issue which was December 15th. We have a medical record  
15 here from December 16th which is consistent with what I  
16 recall the jail asking that she be care-flighted or something  
17 to Reno for some emergency medical need.

18 That's interesting, Mr. Stermitz, that this has a  
19 positive detected. Are you telling me that this says she  
20 was -- she tested positive?

21 MR. STERMITZ: That's how Ms. Graham has  
22 explained it. I'm no doctor nor am I an expert in medical  
23 records review.

24 THE COURT: And it looks like it was a sample



1 collected.

2 MR. STERMITZ: If I misspoke it wasn't on  
3 purpose.

4 THE COURT: No, that's fine. I mean, I'm trying  
5 to understand it myself. It looks like she was maybe tested.  
6 It says important information regarding results and  
7 instructions can be found at website after your COVID-19  
8 test. Now, it's a little difficult to read and understand  
9 but I don't -- I don't know that I interpret that to be  
10 confirmation to a COVID test.

11 But, anyway, let's go back to the procedural  
12 history here. So then we had a hearing on April 20th and  
13 this was a hearing on this issue of Ms. Graham returning to  
14 Winnemucca apparently after her release from Renown. And the  
15 Court wanted an update as to why she had not followed through  
16 with her promise to engage in treatment services in Utah.

17 And it looks like Ms. Graham failed to appear at  
18 that hearing on April 20th. So it was set for a show cause  
19 May 18th, and at that time Ms. Graham didn't appear again.  
20 It's now April 20th, May 18th, two no shows. The -- there  
21 was a warrant issued for her arrest in -- and that was  
22 returned in June, so that's in this file too. So you may be  
23 correct, Mr. Stermitz, it may be that she's still in custody  
24 on that executed bench warrant for her failure to appear in



1 court on two occasions and then set for another show cause  
2 for today.

3 And so Ms. Graham is in custody. Ms. Graham,  
4 Mr. Stermitz indicates that you may wish to address the Court  
5 in regards to this matter and to be able to show cause why  
6 you should not be detained for the full 364 days.

7 THE DEFENDANT: Your Honor, I would like to say  
8 that when we had discussed Utah I had every intention of  
9 going. I did not intend to end up life-flighted to Renown.  
10 I had a partially -- I have a mass growing on my throat  
11 that's four inches by four inches and that's why I had been  
12 life-flighted because it's compromising my airway. And  
13 Mr. Stermitz has proof that I have a mass in my throat. I  
14 gave him medical records. At the time I could not have it  
15 removed due to the fact that I had tested positive for COVID.

16 And, yes, Your Honor, I did return to the county,  
17 but I returned to the county because I couldn't go anywhere.  
18 The social worker had told me -- from Renown told me she  
19 contacted Denni. But they tried to tell me to go to Utah and  
20 lie about having COVID, and I told them that I couldn't do  
21 that because I didn't want to face other charges. I was  
22 already in enough trouble.

23 So I don't know what the misunderstanding or what  
24 they are talking about me being dumped there, whatever. I'm

1 not sure what they all said to Denni because I wasn't part of  
2 that conversation, Your Honor.

3 But I have been trying to do what I can and I did  
4 get notified of the two court hearings. I had got arrested  
5 and I was in jail during April. But I ended up getting  
6 life-flighted a second time because I had a heart attack in  
7 the jail. So I'm still suffering heart issues, and I have a  
8 large mass in my throat which I need a surgeon for.

9 I never tried to disrespect your court, sir. I  
10 just -- I've just had a lot of issues, and I just want to --  
11 thank you. I've been seeking mental health services on my  
12 own through Health Psychology Associates in Reno. I've been  
13 going there for ten months which I have proof. They never  
14 got it faxed to Mr. Stermitz, but I have proof of it right  
15 here in my hand. I've been going there since -- I've been  
16 seeing them since October since I wasn't able to go to Utah  
17 because of my health conditions, and my doctors are here  
18 right now. My doctors are mainly in Reno.

19 And I just -- I'm asking you to please just allow  
20 me to go get out and continue to go to my doctors and then  
21 try to work to pay my court costs and stuff. I know I didn't  
22 pay my court costs. I admit to that, the \$88, but I've been  
23 trying to -- I've been in and out of the hospital so much I  
24 just didn't have the money right then, Your Honor.



1 THE COURT: Ms. Graham, let me stop you a minute.  
2 I know this is somewhat emotional for you. But sometimes I  
3 would like to just find a practical resolution of this.

4 So, Ms. Graham, you said that you -- you  
5 acknowledge that you didn't go to Utah and follow through  
6 with getting mental health services, but you're telling me  
7 today that you've engaged in some mental health services in  
8 Reno.

9 THE DEFENDANT: Yes, Your Honor. I have proof of  
10 in that my in hand.

11 THE COURT: Ms. Graham?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: Just listen for a second. When I'm  
14 ready for you to answer I'll ask you a question, okay?

15 THE DEFENDANT: I'm sorry.

16 THE COURT: Just listen for a second. You're  
17 telling me that you've engaged in some mental health services  
18 in Reno. What I want to know, I don't want no record that I  
19 can't read. I want a mental health assessment with a  
20 diagnosis. Do you have that?

21 THE DEFENDANT: Yes, Your Honor, I do right here  
22 in my hand.

23 THE COURT: Wait. Wait. Wait. Hold that up to  
24 -- hold that up next to the camera. Okay. So you're telling



1 me that's a mental health assessment?

2 THE DEFENDANT: Yes, and it's signed in three  
3 places right here on the back, Your Honor, by all three of  
4 the psychology people.

5 THE COURT: Okay. Licensed psychologist, okay.  
6 Okay. I see that now. Now hold up the section that says  
7 diagnosis.

8 THE DEFENDANT: It's right here on the lower  
9 part. It says --

10 THE COURT: No, don't read it. Just --

11 THE DEFENDANT: With regards to diagnosis, the  
12 first line.

13 THE COURT: The first line, okay. Okay. Thank  
14 you.

15 Yeah, Mr. Stermitz, I think that would be an  
16 important document to see. And, Mr. Stermitz, I want to  
17 offer a solution here.

18 Originally this was a request for mental health  
19 court. It was a request for mental health court, but we  
20 didn't have a diagnosis. Ms. Graham may have a diagnosis  
21 now. And Ms. Graham is claiming that she engaged in some  
22 services in Reno. Maybe it's a good time to -- are you  
23 planning on if you get out of jail to live in Winnemucca?

24 THE DEFENDANT: I was planning to stay close to

1 my boys who are in the courtroom right now, my grand kids.

2 THE COURT: You didn't answer my question.

3 THE DEFENDANT: Yes, Your Honor, I would like to  
4 do that.

5 THE COURT: Okay. You would like to be in  
6 Winnemucca?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: You don't want to be -- you want to  
9 be in Winnemucca?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: And it appears that you have a mental  
12 health diagnosis here.

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: I've actually seen this document  
15 other than what you just showed me on Zoom.

16 THE DEFENDANT: Right. And I have the dates and  
17 times. I received therapy at the time.

18 THE COURT: Oh, oh. You keep wanting to talk  
19 over me.

20 THE DEFENDANT: Sorry.

21 THE COURT: Okay. And then I get frustrated. I  
22 don't want that.

23 THE DEFENDANT: Okay.

24 THE COURT: Okay. I want to -- I want to

1 consider reevaluating her original request to be admitted  
2 into our mental health court so that someone can supervise  
3 this treatment and medication if needed because what's  
4 happening is you're getting out of the hospital. You're  
5 getting out of jail and then you're ending up back in jail.  
6 This revolving door doesn't make any of us very happy.

7           So we need to break that chain, that cycle.  
8 Maybe if we can get you into mental health court and get you  
9 on some treatment and services that are monitored, maybe that  
10 would make -- make this work a little better. We're looking  
11 at possession of a controlled substance, a category E felony,  
12 pled down to it looks like amended information conspiracy to  
13 possess a controlled substance, a gross misdemeanor, and  
14 that's what you pled no contest to.

15           I see no reason why if you're going to live here  
16 in Winnemucca that you shouldn't be under some greater level  
17 of supervision rather than what you've been doing is rotating  
18 in and out of the Humboldt County Jail.

19           THE DEFENDANT: Yes.

20           THE COURT: Okay. Let me hear from the attorneys  
21 because this is kind of a major diversion from what we  
22 probably started out today talking about.

23           Ms. Graham, do you want to talk with Mr. Stermitz  
24 about that some more?



1 THE DEFENDANT: No, Your Honor. I have no  
2 problem doing the mental health diversion. I just want to be  
3 able to get out of jail and work at doing something better  
4 with my life because I had hit rock bottom and I admit to  
5 that, and I want to do better. I just -- I just -- my  
6 resources for medical and for health, mental health and stuff  
7 is limited from inside the jail, but I have also got myself  
8 on anxiety medication also.

9 THE COURT: Okay. Mr. Stermitz?

10 MR. STERMITZ: That's what her wish is and I  
11 think that's what I would be bound to advocate for. I don't  
12 know if we can go back and whether this is a condition of a  
13 probation that's going to be extended or whether we're going  
14 to withdraw her plea and start all over on the -- on the  
15 diversion. But either way we get the same. The point of  
16 that is getting her treatment and supervision, so I'm  
17 advocating for either.

18 THE COURT: Yeah. Thank you.

19 MR. STERMITZ: Condition of probation or withdraw  
20 her plea. I think the probation period has to be extended at  
21 the Court's convenience.

22 THE COURT: Yeah, and I'm actually thinking of  
23 formal probation for 12 months which would be the gross  
24 misdemeanor probation term 12 months. A condition of that be

1 Humboldt County Mental Health Court and that, you're right,  
2 Mr. Stermitz, considering that we're here on a show cause it  
3 may make more sense if we make this formal with a new  
4 sentencing which only can be accomplished I think with a  
5 withdrawal of the plea. I mean, it sounds like she's want to  
6 be here. I mean, she's got family here today. She wants to  
7 be here. This whole grand scheme or plan that she had to go  
8 to Utah, you know, I mean, you know, isn't going to happen  
9 now.

10 And if she's going to be a member of our  
11 community and she needs services I don't think that  
12 Ms. Graham, this is my opinion, is equipped to handle this  
13 without some supervision.

14 So, Mr. Pasquale, your thoughts?

15 MR. PASQUALE: Thank you, judge. I like for the  
16 Court to have a copy of what Ms. Graham was showing here.

17 THE COURT: Sure.

18 MR. PASQUALE: That you can evaluate whether it  
19 meets the criteria to get her into --

20 THE COURT: And if not, I'm thinking of ordering  
21 a mental health assessment. And maybe if this one that we  
22 have isn't -- doesn't meet the requirements that maybe we  
23 have that done while she's in custody.

24 MR. PASQUALE: I would agree, Your Honor. I



1 don't know that we have to reinvent the wheel. I think the  
2 Court could modify the judgment of conviction at this point  
3 from the violation of the terms that are in there and add  
4 these additional terms.

5 THE COURT: I'm comfortable doing that, but I  
6 don't want to be subject to collateral attack later when she,  
7 you know, if Ms. Graham doesn't perform, so.

8 MR. STERMITZ: So I guess my proposal and I think  
9 Ms. Graham needs to be part of this is that we stipulate to  
10 extending the term of her probation to a year and that is  
11 going to be formal probation.

12 THE COURT: Ms. Graham, do you understand that?

13 THE DEFENDANT: It's extended for a year?

14 THE COURT: Yeah. You would be placed on formal  
15 probation with the division of parole and probation for one  
16 year because this is a gross misdemeanor. And during that  
17 one year as a condition of your probation you'll enroll in  
18 and successfully complete the Humboldt County Mental Health  
19 Court Program if you qualify.

20 THE DEFENDANT: What about my 100 -- okay. Since  
21 I've done 182 days on this charge already where does that  
22 play in?

23 THE COURT: That's credit for time served against  
24 your 364 days.



1 THE DEFENDANT: Okay.

2 THE COURT: You have 364 days sentence.

3 THE DEFENDANT: Right.

4 THE COURT: You have 100, whatever that amount  
5 is. I don't know. Whatever your credit for time served is  
6 I'll give you credit for time served, but you'll be placed on  
7 formal probation for 12 months, and there will be some other  
8 conditions. But one of those conditions is that you enter  
9 into and successfully complete mental health court.

10 THE DEFENDANT: Okay. But does it mean I get to  
11 go home to my family?

12 THE COURT: Where are you going to live if you're  
13 out of jail?

14 THE DEFENDANT: I have been staying on Ridge  
15 Drive with an elderly couple I help and I'm not sure. I may  
16 be able to stay with my son that's sitting in the courtroom.

17 THE COURT: Well, this is exactly why I want --

18 THE DEFENDANT: Because I have not been staying  
19 on the streets, Your Honor. I'm no longer staying on the  
20 streets.

21 THE COURT: This is exactly why I want you in  
22 mental health court. Then there's the ability to help with  
23 housing if needed and to monitor your housing so that we know  
24 where you're at.

1 THE DEFENDANT: Right.

2 THE COURT: So you're not living on the streets  
3 untreated.

4 THE DEFENDANT: I've been staying at 7205 Moose  
5 Drive, but I would like to probably stay with my son if I'm  
6 able, but I have been staying off the streets. I've been  
7 staying in a house.

8 THE COURT: Okay. So, Ms. Graham, let's make  
9 sure I understand. Are you willing to as Mr. Stermitz  
10 suggested as a -- as a way to resolve this, stipulate to  
11 amending your judgment of conviction to include 12 months of  
12 probation and mental health court if you qualify?

13 THE DEFENDANT: Yes, Your Honor. I just want to  
14 go home. I've done too much time here. I just want to go be  
15 with my family, and I'll agree to that because I want to make  
16 my life better for them.

17 THE COURT: Okay. I think this is a good way to  
18 help make your life better.

19 So the defendant has stipulated to the amending  
20 of her judgment of conviction to include whatever credit for  
21 time served she has. I think we need to calculate that. So  
22 we will give her her credit for time served, and we will  
23 place her on formal probation for one year. One condition is  
24 going to be mental health court and, of course, all of the

1 other standard conditions are going to apply as well, okay?

2 THE DEFENDANT: Okay.

3 MR. STERMITZ: If we could have the jail fax over  
4 that assessment so everybody has got it for Ms. Graham.

5 THE COURT: Yes, we would like -- Ms. Graham, I  
6 would like that to be sent over and we would like to examine  
7 that to see if that would be -- in fact, I'm going to kind of  
8 trail this on the calendar, I think we have one other case or  
9 maybe two, so that we can look at that and then -- and then  
10 determine if that's a sufficient mental health assessment for  
11 this mental health diversion, and if not we're going to have  
12 a conversation about getting an evaluation done, okay?

13 THE DEFENDANT: So does that mean I get to leave  
14 today?

15 THE COURT: Well, it kind of depends on what that  
16 paperwork says, okay. So the jail is going to send it over  
17 to Mr. Stermitz's office, okay?

18 THE DEFENDANT: Okay.

19 MR. STERMITZ: If she is released we probably  
20 want her meeting with Denni Byrd.

21 THE COURT: Yes.

22 MR. STERMITZ: Today before 5:00.

23 THE COURT: Yes. Absolutely.

24 THE DEFENDANT: Yes, I can do that.



1 THE COURT: And if you don't --  
2 THE DEFENDANT: I'll get picked back up.  
3 THE COURT: Exactly. Ms. Graham, you got it.  
4 You know what happens, okay.  
5 MR. STERMITZ: Has she ever been over here?  
6 THE COURT: Ms. Graham, have you met with  
7 Ms. Byrd before?  
8 THE DEFENDANT: Yes, Your Honor.  
9 THE COURT: Where at?  
10 THE DEFENDANT: At the courthouse on the second  
11 floor.  
12 THE COURT: You know where to go then, okay.  
13 THE DEFENDANT: Yes, Your Honor.  
14 THE COURT: Okay. Mr. Pasquale?  
15 MR. PASQUALE: And as this is going to be a  
16 formal probation I think we need to get the department of P  
17 and P involved too.  
18 THE COURT: Yeah. Ms. -- Ms. Okuma, you're  
19 listening in, correct?  
20 THE PROBATION OFFICER: Yes, Your Honor.  
21 THE COURT: Okay. And so I think as long as the  
22 division understands that we're amending the judgment of  
23 conviction to include this formal probation.  
24 THE PROBATION OFFICER: Yes, Your Honor. Is this

1 going to be on a diversion or an actual conviction of the  
2 gross misdemeanor?

3 THE COURT: You know what, I think we already  
4 have, let's take a look.

5 MR. STERMITZ: Plea agreements.

6 THE COURT: Yeah, there is a JOC. So it's a  
7 conviction.

8 THE PROBATION OFFICER: And, Your Honor, what is  
9 the charge?

10 THE COURT: It is -- the amended information is  
11 conspiracy to possess a controlled substance. Are there --

12 THE PROBATION OFFICER: Thank you.

13 THE COURT: Is there any other information you  
14 think would be important at this juncture?

15 THE PROBATION OFFICER: No, Your Honor. If she's  
16 being placed on formal probation then just let the division  
17 know that. Can you hear me?

18 THE COURT: You broke up just a little bit at the  
19 end there. Let the division what?

20 THE PROBATION OFFICER: Just the other special  
21 conditions that you would like to, for the division to put on  
22 the agreement.

23 THE COURT: Okay. I will include those and they  
24 are going to be pretty much the standards, no alcohol, no

1 drugs, no prescription medication containing narcotics  
2 without permission, no bars, liquor stores, casinos. You  
3 know, it will be kind of the standard stuff. I don't -- I  
4 don't anticipate anything. I think there will be under this  
5 term of probation on a gross misdemeanor, I believe there is  
6 the Court has the ability to extend that probation to  
7 successfully complete the program if needed.

8 THE PROBATION OFFICER: Yes, that's correct.

9 THE COURT: Okay. Okay.

10 THE PROBATION OFFICER: Your Honor?

11 THE COURT: Yes.

12 THE PROBATION OFFICER: I'm sorry, when is the --

13 THE COURT: And the payment of fees and fines  
14 which are in the judgment of conviction, those will remain  
15 the same.

16 THE PROBATION OFFICER: And, Your Honor, one  
17 suggestion.

18 THE COURT: Yes.

19 THE PROBATION OFFICER: That the defendant take  
20 all medications as prescribed by her treating physician, her  
21 medical professional.

22 THE COURT: Yes, that sounds good. We'll include  
23 that too.

24 THE PROBATION OFFICER: Thank you.



1 THE COURT: Very good. Thank you for that input.  
2 Okay. So we're going to get that -- we're going  
3 to get that medical report. As soon as we've had an  
4 opportunity to review that that will determine if Ms. Graham  
5 is released today. And then if she's released, when she's  
6 released, whether it be today or at another date, she'll  
7 immediately report to Ms. Byrd for further instructions on  
8 enrolling in Humboldt County Mental Health Court, okay?

9 Anything else? Ms. Graham, any questions about  
10 that?

11 THE DEFENDANT: No, Your Honor.

12 THE COURT: Okay. Thank you. I appreciate your  
13 cooperation today. This has been I think a good resolution.

14 Mr. Stermitz, any questions?

15 MR. STERMITZ: No.

16 THE COURT: Mr. Pasquale?

17 MR. PASQUALE: No, Your Honor.

18 THE COURT: We have a question from the back, but  
19 I'm not going to take that on the record, okay.

20 Thank you. We're going to go off the record.

21 (After other matters on calendar were heard the  
22 following proceedings were had:)

23 THE COURT: So we're on the record again in  
24 CR20-7157, State of Nevada, plaintiff versus Samantha Marie

1 Graham, defendant, in the presence of counsel, without the  
2 presence of the defendant.

3 And, Mr. Stermitz, we can ask the jail to include  
4 her if we need at any time at your request. The Court has  
5 received, and I would like to have this marked as Defendant's  
6 Exhibit B. I think the State has been provided a copy. This  
7 was the letter that she was showing us through Zoom earlier.  
8 And, Mr. Stermitz, would you have any objection to that being  
9 admitted?

10 MR. STERMITZ: No.

11 THE COURT: Mr. Pasquale?

12 MR. PASQUALE: No, Your Honor.

13 THE COURT: Okay. It will be marked and admitted  
14 as exhibit -- Defendant's Exhibit B. It's helpful. Thank  
15 you. Ms. Deandri (phonetic) and Ms. Byrd informed me that --  
16 that they had -- were apparently aware that this is the  
17 mental health provider for the detention center. And -- and  
18 so what they had asked for, and I think it's a legitimate  
19 request is that if we have Ms. Graham sign an ROI, a release  
20 of information, we can contact Health Psychologist Associates  
21 in Reno and ask them for that, the original assessment.  
22 Because they indicate, but this is just a letter, to whom it  
23 may concern, and it's a faxed copy multiple times over it  
24 looks like. Maybe we can get the original assessment that

1 has that diagnosis. I would be more comfortable with that.  
2 Mr. Stermitz, any concerns?  
3 MR. STERMITZ: None.  
4 THE COURT: Mr. Pasquale?  
5 MR. PASQUALE: No, Your Honor.  
6 THE COURT: Okay. So we'll pursue that approach.  
7 We'll have -- I think maybe Ms. Diandri has already sent over  
8 or she was contacting the jail to send over an ROI.  
9 Ms. Graham signs that. We get this directly from Health  
10 Psychology Associates in Reno and we release her and we get  
11 her involved in treatment pursuant to the amended judgment of  
12 conviction.  
13 Anything else today?  
14 MR. STERMITZ: No, judge.  
15 MR. PASQUALE: No, Your Honor.  
16 THE COURT: Okay. Thank you. If there's any  
17 problem in obtaining the original assessment we'll reconvene  
18 on the record. Thank you. We'll be in recess.  
19 (Whereupon, a brief recess was taken.)  
20 THE COURT: I'm back on the record again in Case  
21 CR20-7157, State of Nevada, plaintiff versus Samantha Marie  
22 Graham, defendant.  
23 Ms. Okuma has informed the Court, and I want to  
24 inform you that Ms. Graham has, apparently has two



1 outstanding warrants in Wendover. Is that Wendover, Nevada,  
2 Ms. Okuma, or Wendover, East Wendover, Utah?

3 THE PROBATION OFFICER: It is -- well, it says  
4 West Wendover Police Department.

5 THE COURT: Okay.

6 THE PROBATION OFFICER: So it's Nevada I believe.

7 THE COURT: Yeah, that's Nevada. And you just  
8 indicated as I went off the record moments ago that something  
9 about transport. Do you want to share?

10 THE PROBATION OFFICER: Yes, Your Honor. It says  
11 both -- it says transportation, Elko will transport to West  
12 Wendover. So if the division transports her over to Elko  
13 then they would transport her from there.

14 THE COURT: Oh, okay. Well, that's out of my  
15 control again. I mean, I'm going to do what I can do here in  
16 Winnemucca. If we get an evaluation that is -- that provides  
17 a diagnosis that it appears it will from this letter, I still  
18 want to amend her judgment of conviction and grant her  
19 probation here. Then that would release her in Humboldt  
20 County and whatever Elko has to do or decides to do is up to  
21 them.

22 Mr. Pasquale?

23 MR. PASQUALE: I was interested if Ms. Okuma  
24 knows what the felony and misdemeanor is.

1 THE COURT: Ms. Okuma, you indicated one is a  
2 gross misdemeanor?

3 THE PROBATION OFFICER: Yes, I believe so. The  
4 charge is torture, injure, abandon, starve animal, first  
5 offense, and I do believe that that is a gross misdemeanor.  
6 I'm not positive.

7 THE COURT: Yeah.

8 MR. PASQUALE: When did she first show up here?  
9 She came to Wendover at one point.

10 THE COURT: Does it indicate how old it is or  
11 does that -- can you tell from what you have, Ms. Okuma?

12 THE PROBATION OFFICER: One of them was issued  
13 February 28th, 2017, and that's the one I just spoke about.  
14 And then the misdemeanor was issued January 5th, 2017 so it's  
15 been since 2017.

16 THE COURT: Oh, okay. Okay. Okay. Thank you  
17 for sharing that.

18 Any other questions? Not much I can do about  
19 that, so. Okay. It's on the record. I appreciate it.  
20 We'll go -- we'll be in recess again.

21  
22  
23  
24

1 STATE OF NEVADA, )  
2 CARSON CITY. )

3

4 I, KATHY JACKSON, do hereby certify:

5 That on August 3, 2021, an order to show cause  
6 was held in the within-entitled matter in the Humboldt  
7 County, Nevada District Court, Department No. 2;

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

11 That the foregoing transcript, consisting of  
12 pages 1 through 29 is a full, true and correct transcript of  
13 said recording performed to the best of my ability.

14

15 Dated at Carson City, Nevada, this 13th day of  
16 September, 2021.

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




IN THE SUPREME COURT OF THE STATE OF NEVADA

SAMANTHA MARIE GRAHAM	)	Supreme Ct. No.	83416
	)	District Ct. No.	CR 20-7157
Appellant	)		
	)		
vs.	)		
	)		
STATE OF NEVADA	)		
	)		
Respondent	)		

**CERTIFICATE OF SERVICE**

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Pursuant to applicable appellate rules, on the 24<sup>th</sup> day of September, 2021, the undersigned, an employee of the Humboldt County Public Defender's Office, delivered a copy of the Appellant's Appendix to Humboldt County District Attorney, P.O. Box 909, Winnemucca, NV 89446 and mailed a copy to Samantha Graham c/o General Delivery, 295 Old Hwy 40 E., Golconda, NV 89414.

  
Maureen Macdonald