

Case No. CR 20-7222

Dept. No. 2

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

FILED
2021 DEC 16 AM 10:14

E. Diamond

Electronically Filed

Dec 21 2021 03:03 p.m.

Elizabeth A. Brown

Clerk of Supreme Court

STATE OF NEVADA,

Plaintiff,

vs.

STEPHEN ALLEN FREDRICK,

Defendant.

NOTICE OF APPEAL

Stephen Allen Fredrick, defendant, by and through his attorney, Matt Stermitz, the Humboldt County Public Defender, appeals to the Nevada Supreme Court from the Judgment of Conviction entered herein on the 23rd day of November, 2021, and attached hereto.

Dated this 15th day of December, 2021.

Matt Stermitz

Matt Stermitz, Bar # 03610
Humboldt County Public Defender
Drawer 309
Winnemucca, Nevada 89445
775-623-6550

CERTIFICATE OF SERVICE

Pursuant to applicable appellate rules, on the 15th day of December, 2021, the undersigned mailed a true and correct copy of the foregoing, addressed to: Humboldt County District Attorney, Drawer 909, Winnemucca, Nevada 89445, and Stephen Allen Fredrick, # 1250806, NNCC, P.O. Box 7000, Carson City, Nevada 89701.

Maureen Macdonald

Maureen Macdonald

Case No. CR 200722

Dept. No. II

FILED

NOV 23 2021

TAMI RAE SPERO
DIST. COURT CLERK

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

-oOo-

THE STATE OF NEVADA,

Plaintiff,

vs.

JUDGMENT OF CONVICTION

STEPHEN ALLEN FREDRICK,

Defendant. /

WHEREAS, on the 29th day of March, 2021, the Defendant entered a plea of guilty to the charge of TRANSPORTING A CONTROLLED SUBSTANCE, a Category C Felony, and the matter having been submitted before the Honorable Judge Michael R. Montero.

At the time Defendant entered the plea of guilty, this Court informed the Defendant of the privilege against compulsory self-incrimination, the right to a speedy trial, the right to a trial by jury, the right to compulsory process to compel witnesses to testify on behalf of the Defendant and the right to confront the accusers. That after being so advised, the Defendant stated that these rights were understood and still desired this Court to accept the plea of guilty.

The Court having accepted the Defendant's plea of guilty, set the date of the 18th day of May, 2021, at the hour of 9:30 a.m. as the date and time for imposing judgment and sentence. The Defendant failed to appear and a bench warrant was issued. The Court then set the date of

1 the 16th day of November, 2021, at the hour of 9:30 a.m. as the date and time for imposing
2 judgment and sentence

3 Furthermore, at the time Defendant entered the plea of guilty and at the time of sentencing,
4 Defendant was represented by attorney, MATT STERMITZ, Humboldt County Public Defender;
5 also present in Court were TAMI RAE SPERO, Humboldt County Court Clerk or her designated
6 agent; MIKE ALLEN, Sheriff of Humboldt County or his designated agent; DEBBIE OKUMA,
7 representing the Division of Parole and Probation; and MICHAEL MACDONALD, Humboldt
8 County District Attorney or his designated agent, representing the State of Nevada.

9 The Defendant having appeared on 16th day of November, 2021, represented by
10 counsel and Defendant having been given the opportunity to exercise the right of allocution and
11 having shown no legal cause why judgment should not be pronounced at this time.

12 The above-entitled Court having pronounced STEPHEN ALLEN FREDRICK, guilty
13 of TRANSPORTING A CONTROLLED SUBSTANCE, a Category C Felony, in violation of
14 NRS 453.321 (2) (A), on the 16th day of November, 2021, the Defendant was thereby ordered by
15 the Court to serve a minimum term of twenty-four (24) months and a maximum term of sixty
16 (60) months in the Nevada Department of Corrections, with credit for time served of one
17 hundred-seventeen (117) days. Said sentence imposed is to run consecutive to the sentence
18 imposed in CR 20-7199.

19 The Defendant is ordered to pay an administrative assessment fee in the amount
20 of \$25.00, a forensic fee in the amount of \$60.00, a DNA assessment fee in the amount of \$3.00,
21 and a public defender fee in the amount of \$500.00, payable to the Humboldt County Clerk of
22 the Court.

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

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

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

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

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

9 DATED this 23 day of November, 2021, in the City of Winnemucca, County
10 of Humboldt, State of Nevada.



11 MICHAEL R. MONTERO
12 DISTRICT COURT JUDGE
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MICHAEL MACDONALD
Humboldt County District Attorney
501 S. Bridge Street
Winnemucca, Nevada
(DCT Box)

Elisha Formby
ELISHA FORMBY
Judicial Assistant

Case No. CR 20-7222

Dept. No. 2

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

STATE OF NEVADA,

Plaintiff,

vs.

STEPHEN ALLEN FREDRICK,

Defendant.

CASE APPEAL STATEMENT

1. Name of appellant filing case appeal statement: Stephen Allen Fredrick.
2. Identify the judge issuing the decision, judgment or order appealed from:
Michael Montero.
3. Identify all parties to the proceedings in district court: Stephen Allen Fredrick, represented by the Humboldt County Public Defender, Drawer 309, Winnemucca, Nevada 89445, 775-623-6550. The State of Nevada, represented by the Humboldt County District Attorney, Drawer 909, Winnemucca, Nevada 89445, 775-623-6363.
4. Identify all parties to this appeal: Stephen Allen Fredrick and the State of Nevada.
5. Indicate whether appellant was represented by appointed or retained counsel in the district court: Appointed counsel.
6. Indicate whether appellant is represented by appointed or retained counsel on appeal: Appointed counsel.
7. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave. The

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TAMI RAE SPERO
DISTRICT CLERK

1 Humboldt County Public Defender was appointed to represent Stephen Allen
2 Fredrick from the inception of the case and remains attorney of record.

3 8. Indicate the date the proceedings commenced in the district court.

4 Proceedings commenced in district court on or about the 18th day of
5 November, 2020.

6 9. Provide a brief description of the nature of the action and result in the district
7 court, including the type of judgment or order being appealed and the relief
8 granted by the district court: Stephen Allen Frederick plead guilty to one
9 count of transporting a controlled substance, a category C felony, in violation
10 of NRS 453.321 and NRS 193.130. The district court sentenced Stephen
11 Allen Fredrick to a minimum term of twenty-four months and a maximum
12 term of sixty months in the Nevada Department of Corrections. Stephen
13 Allen Fredrick appeals from the judgment of conviction.

14 10. Indicate whether the case has previously been the subject of an appeal to or
15 original writ proceeding in the Supreme Court and, if so, the caption and
16 Supreme Court docket number of the prior proceeding: This case has not
17 been the subject of an appeal or other proceeding in the Supreme Court.

18 11. Indicate whether this appeal involves child custody or visitation: This case
19 does not involve child custody or visitation.

20 12. If this is a civil case, indicate whether this appeal involves the possibility of
21 settlement. N/A.

22 Dated this 15th day of December, 2021.

23 Matt Stermitz

24 Matt Stermitz, Bar # 03610
25 Humboldt County Public Defender
26 Drawer 309
27 Winnemucca, Nevada 89445
28 775-623-6550

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CERTIFICATE OF SERVICE

Pursuant to applicable appellate rules, on the 16th day of December, 2021,
the undersigned mailed a copy of the foregoing to: Humboldt County District Attorney,
Drawer 909, Winnemucca, Nevada 89445.



Maureen Macdonald

Case No. CR 20-7222

Dept. No. 2

FILED

2021 DEC 16 AM 10:14
E. Diamond
TAMI RAE SPERO
DIST. COURT CLERK

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

STATE OF NEVADA,

Plaintiff,

vs.

STEPHEN ALLEN FREDRICK,

Defendant.

REQUEST FOR TRANSCRIPT

TO: Elisha Formby, Court Transcriber/Recorder Person, Sixth Judicial District Court,
50 W. 5th, Humboldt County Courthouse, Winnemucca, Nevada 89445

Stephen Allen Fredrick requests preparation of the transcripts from the
sentencing hearing on the 16th day of November, 2021.

Dated this 15th day of December, 2021.

Matt Stermitz

Matt Stermitz, Bar # 03610
Humboldt County Public Defender
Drawer 309
Winnemucca, Nevada 89445
775-623-6550

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CERTIFICATE OF SERVICE

Pursuant to applicable appellate rules, on the 15th day of December, 2021,
the undersigned hand delivered a copy of the foregoing to Elisha Formby, Sixth Judicial
District Court, 50 W. 5th, Humboldt County Courthouse, Winnemucca, Nevada 89445.

Maureen Macdonald
Maureen Macdonald

Sixth Judicial District Court - Humboldt County

Run: 12/16/2021
11:10:11

Case Summary

Page 1

Case #: CR2007222
Judge: MONTERO, MICHAEL R.
Date Filed: 11/09/2020 **Department:**
Case Type: DRUG CHARGE

Plaintiff(s)

NEVADA, THE STATE

Attorney(s)

DISTRICT, ATTORNEY

Defendant(s)

FREDERICK, STEPHEN ALLEN

Attorney(s)

PUBLIC DEFENDER

Fees:

Date Assessed:	Fee	Total	Paid	Waived	Outstanding
11/18/2021	ADMIN	\$25.00	\$0.00	\$0.00	\$25.00

Charge: NRS 453.321 TRANSPORTING A CONTROLLED SUBSTANCE F/B Count 1

Sent:

Disp/Judgment: **Date:**

Hearings:

Date	Time	Hearing
12/01/2020	9:00AM	ARRAIGNMENT
12/15/2020	9:00AM	ARRAIGNMENT
01/12/2021	9:00AM	ARRAIGNMENT
03/23/2021	9:00AM	HEARING
03/29/2021	1:30PM	MOTION HEARING
05/18/2021	9:30AM	SENTENCING HEARING
11/16/2021	9:30AM	SENTENCING HEARING

Filings:

Date	Filing
11/09/2020	PROSECUTOR: DISTRICT, ATTORNEY ASSIGNED
11/09/2020	DEFENSE ATTORNEY: PUBLIC DEFENDER ASSIGNED
11/09/2020	JUDGE MONTERO, MICHAEL R.: ASSIGNED
11/09/2020	JUSTICE COURT PROCEEDINGS (20 CR 00526)
11/16/2020	ARRAIGNMENT SET FOR 12/01/2020 AT 9:00 AM IN C1/ , JDG: MONTERO, MICHAEL R.
11/18/2020	INFORMATION
12/01/2020	ARRAIGNMENT SET FOR 12/15/2020 AT 9:00 AM IN C1/ , JDG: MONTERO, MICHAEL R.
12/01/2020	CONTINUED
12/01/2020	MINUTES - ARRAIGNMENT HEARING
12/15/2020	AMENDED INFORMATION
12/16/2020	DEFENDANT ENTERED PLEA OF NGU SEQ 1

Run: 12/16/2021
11:10:16

Case Summary

Page 2

12/17/2020 ARRAIGNMENT SET FOR 01/12/2021 AT 9:00 AM IN C1/ , JDG: MONTERO, MICHAEL R.

12/29/2020 SURETY BOND 001036 POSTED \$45,000.00

01/12/2021 PRE-TRIAL CONFERENCE SET FOR 05/04/2021 AT 9:00 AM IN C1/ , JDG: MONTERO, MICHAEL R.

01/12/2021 JURY TRIAL SET FOR 06/02/2021 AT 9:00 AM IN C1/ , JDG: MONTERO, MICHAEL R.

01/12/2021 3 DAYS

01/12/2021 MINUTES - ARRAIGNMENT HEARING

02/08/2021 MOTION TO SUPPRESS

02/18/2021 STATE'S OPPOSITION TO DEFENDANT'S MOTION TO SUPPRESS

02/22/2021 REQUEST FOR SUBMISSION AND REQUEST FOR HEARING

02/23/2021 MOTION HEARING SET FOR 05/18/2021 AT 1:30 PM IN C1/ , JDG: MONTERO, MICHAEL R.

03/12/2021 SUBPOENA FILED OFFICER SALVADOR OCHOA WPD

03/12/2021 SUBPOENA FILED OFFICER TOM MERSCHER WPD

03/17/2021 NOTICE OF WITNESSES

03/17/2021 NOTICE OF EXPERT WITNESSES, AVAILABILITY OF DISCOVERY AND REQUEST FOR DISCOVERY

03/22/2021 HEARING SET FOR 03/23/2021 AT 9:00 AM IN C1/ , JDG: MONTERO, MICHAEL R.

03/23/2021 MOTION HEARING SET FOR 03/29/2021 AT 1:30 PM IN C1/ , JDG: MONTERO, MICHAEL R.

03/23/2021 JURY TRIAL SET FOR 03/31/2021 AT 9:00 AM IN C1/ , JDG: MONTERO, MICHAEL R.

03/23/2021 JURY TRIAL SET FOR 03/31/2021 AT 9:00 AM IN C1/ , JDG: MONTERO, MICHAEL R.

03/23/2021 3 DAYS

03/23/2021 MINUTES - STATUS HEARING

03/24/2021 STATE OF NEVADA AND DEFENDANT'S STIPULATION TO EXCHANGE TRIAL DATES

03/26/2021 ORDER TO EXCHANGE TRIAL DATES AND SUPPRESSION HEARING

03/26/2021 MOTION TO CONTINUE AND MOTION TO SHORTEN TIME

03/26/2021 SECOND AMENDED INFORMATION

03/26/2021 STATE OF NEVADA AND DEFENDANT'S STIP TO FILE SECOND AMENDED INFORMATION AND ORDER

03/29/2021 STATE'S OPPOSITION TO DEFENDANT'S MOTION TO CONTINUE AND TO SHORTEN TIME AND MOTION TO REVOKE BAIL

03/29/2021 SUBPOENA-TOM MERSCHER

03/29/2021 SUBPOENA-SALVADOR OCHOA

03/29/2021 THIRD AMENDED INFORMATION

03/29/2021 PLEA AGREEMENT

03/29/2021 MINUTES-ARRAIGNMENT HEARING

03/30/2021 SENTENCING HEARING SET FOR 05/18/2021 AT 9:30 AM IN C1/ , JDG: MONTERO, MICHAEL R.

03/31/2021 FORM

04/15/2021 PRE-SENTENCE INVESTIGATION REPORT

05/14/2021 STATE'S SENTENCING MEMORANDUM

05/18/2021 MINUTES-SENTENCING HEARING (FTA)

05/20/2021 NOTICE OF INTENT TO FORFEIT

05/24/2021 BENCH WARRANT ATTESTED

Run: 12/16/2021
11:10:16

Case Summary

Page 3

07/01/2021 EMAIL SENT TO REGARDING SERVICE OF COURT DOCUMENT - CR2007222,
THE STATE OF NEVADA VS. FREDERICK, STEPHEN ALLEN WITH 2
ATTACHMENTS FROM DOCKETS FREETYPE-5/20/2021,FREETYPE-5/18/2021

10/22/2021 MOTION: REQUEST FOR BOND EXONERATION; DEFENDANT IN CUSTODY
AWAITING EXTRADITION ON THE NO BAIL WARRANT

11/01/2021 BENCH WARRANT

11/03/2021 ORDER (EXONERATION OF BAIL BOND)

11/03/2021 SURETY BOND 001036 () RELEASED (MAILED TO AALLIE'S BAIL BONDS)

11/03/2021 SENTENCING HEARING SET FOR 11/16/2021 AT 9:30 AM IN C1/ , JDG:
MONTERO, MICHAEL R.

11/10/2021 STATES SUPPLEMENTAL SENTENCING MEMORANDUM

11/16/2021 NOTICE OF INTENT TO WITHDRAW BOND FORFEITURE

11/16/2021 MINUTES-SENTENCING HEARING

11/16/2021 CHARGE CNT 2 SENTENCING NOTES: DEF PRONOUNCED GUILTY OF
TRANSPORTING A C/S SENTENCED TO 24-60 MONTHS NDOC 117 DAYS CTS TO
RUN CONSECUTIVE TO SENTENCE IMPOSED IN CR20-7199 DEF ORDERED TO
PAY \$25AA, \$3DNA/3, \$60 FF, \$500 PUB DEF PAYABLE TO HUMBOLDT
COUNTY CLERK

11/23/2021 JUDGMENT OF CONVICTION

11/29/2021 DEFENDANT ENTERED PLEA OF GPLEA SEQ 2

11/29/2021 GREETINGS AND CHECK OFF LIST

12/01/2021 EMAIL SENT TO REGARDING SERVICE OF COURT DOCUMENT - CR2007222,
THE STATE OF NEVADA VS. FREDERICK, STEPHEN ALLEN WITH 1
ATTACHMENTS FROM DOCKETS FREETYPE-11/23/2021 - COPY OF JOC SENT TO
P&P

12/16/2021 NOTICE OF APPEAL

12/16/2021 CASE APPEAL STATEMENT

12/16/2021 REQUEST FOR TRANSCRIPT

SIXTH JUDICIAL
DISTRICT COURT
• HUMBOLDT COUNTY, NEVADA •
MICHAEL R. MONTERO
DISTRICT JUDGE

Case No. CR 2007222

Dept. No. II

FILED

NOV 23 2021

TAMI RAE SPERO
DIST. COURT CLERK

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

-oOo-

THE STATE OF NEVADA,

Plaintiff,

vs.

JUDGMENT OF CONVICTION

STEPHEN ALLEN FREDRICK,

Defendant. /

WHEREAS, on the 29th day of March, 2021, the Defendant entered a plea of guilty to the charge of TRANSPORTING A CONTROLLED SUBSTANCE, a Category C Felony, and the matter having been submitted before the Honorable Judge Michael R. Montero.

At the time Defendant entered the plea of guilty, this Court informed the Defendant of the privilege against compulsory self-incrimination, the right to a speedy trial, the right to a trial by jury, the right to compulsory process to compel witnesses to testify on behalf of the Defendant and the right to confront the accusers. That after being so advised, the Defendant stated that these rights were understood and still desired this Court to accept the plea of guilty.

The Court having accepted the Defendant's plea of guilty, set the date of the 18th day of May, 2021, at the hour of 9:30 a.m. as the date and time for imposing judgment and sentence. The Defendant failed to appear and a bench warrant was issued. The Court then set the date of

1 the 16th day of November, 2021, at the hour of 9:30 a.m. as the date and time for imposing
2 judgment and sentence

3 Furthermore, at the time Defendant entered the plea of guilty and at the time of sentencing,
4 Defendant was represented by attorney, MATT STERMITZ, Humboldt County Public Defender;
5 also present in Court were TAMI RAE SPERO, Humboldt County Court Clerk or her designated
6 agent; MIKE ALLEN, Sheriff of Humboldt County or his designated agent; DEBBIE OKUMA,
7 representing the Division of Parole and Probation; and MICHAEL MACDONALD, Humboldt
8 County District Attorney or his designated agent, representing the State of Nevada.

9 The Defendant having appeared on 16th day of November, 2021, represented by
10 counsel and Defendant having been given the opportunity to exercise the right of allocution and
11 having shown no legal cause why judgment should not be pronounced at this time.

12 The above-entitled Court having pronounced STEPHEN ALLEN FREDRICK, guilty
13 of TRANSPORTING A CONTROLLED SUBSTANCE, a Category C Felony, in violation of
14 NRS 453.321 (2) (A), on the 16th day of November, 2021, the Defendant was thereby ordered by
15 the Court to serve a minimum term of twenty-four (24) months and a maximum term of sixty
16 (60) months in the Nevada Department of Corrections, with credit for time served of one
17 hundred-seventeen (117) days. Said sentence imposed is to run consecutive to the sentence
18 imposed in CR 20-7199.

19 The Defendant is ordered to pay an administrative assessment fee in the amount
20 of \$25.00, a forensic fee in the amount of \$60.00, a DNA assessment fee in the amount of \$3.00,
21 and a public defender fee in the amount of \$500.00, payable to the Humboldt County Clerk of
22 the Court.

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

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

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

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

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

9 DATED this 23 day of November, 2021, in the City of Winnemucca, County
10 of Humboldt, State of Nevada.



11 MICHAEL R. MONTERO
12 DISTRICT COURT JUDGE
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MICHAEL MACDONALD
Humboldt County District Attorney
501 S. Bridge Street
Winnemucca, Nevada
(DCT Box)

MATT STERMITZ
Humboldt County Public Defender
50 W. Fifth Street
Winnemucca, Nevada 89445
(DCT Box)

Elisha Formby
ELISHA FORMBY
Judicial Assistant

CR2007199 and CR2007222

The State of Nevada VS. Stephen Allen Frederick

Judge: Michael R. Montero

Clerk: Mikayla Mecham

November 16, 2021

SENTENCING HEARING

PRESENT: Anthony Gordon, Deputy District Attorney, present on behalf of the State. Marni Pool, present (via Zoom) on behalf of the Division of Parole and Probation. Defendant, present (in custody via Zoom), with counsel Matt Stermitz, Humboldt County Public Defender. Denni Byrd, Pre-Trial Services Coordinator, also present.

The record reflected that these matters come before the Court for sentencing. The Court asked if any party had an objection to these cases being heard together; no objections were heard. The Defendant had previously failed to appear at his sentencing hearing on May 18, 2021, and a bench warrant was issued and executed. The Court was in receipt of a Pre-Sentence Investigation Report, filed on April 15, 2021, as well as an Amended Pre-Sentence Investigation Report in CR2007199, filed on May 18, 2021; copies had been received and there were no factual corrections besides the need for additional credit for time served.

The Defendant had previously plead NO CONTEST to the charge of TRAFFICKING IN A CONTROLLED SUBSTANCE-LEVEL II, a Category B Felony, in violation of NRS 453.3385(1)(b) in CR2007199, and GUILTY to the charge of TRANSPORTING A CONTROLLED SUBSTANCE, a Category C Felony, in violation of NRS 453.321(2)(A) in CR2007222. Copies of the Pre-Sentence Investigation Report had been received.

Gordon addressed the State's Supplemental Sentencing Memorandum, filed on November 10, 2021.

Argument by Stermitz.

Argument by Gordon.

A discussion ensued regarding credit for time served. Pool informed the Court of an additional twenty-one (21) additional days credit for time served on CR2007199 for a total of fifty-three (53) days and an additional twenty-one (21) days credit for time served on CR2007222 for a total of (117) days.

The Defendant exercised his right of allocution.

As to CR2007199, the Court pronounced the Defendant GUILTY of TRAFFICKING IN A CONTROLLED SUBSTANCE-LEVEL II, a Category B Felony, and rendered judgment against the Defendant in the amount of \$3.00 DNA assessment fee, \$25.00 administrative assessment fee, \$60.00 forensic fee, \$150.00 DNA collection fee, and \$500.00 public defender fee. The Court further ordered that the Defendant serve a minimum term of seventy-two (72) and a maximum term of one hundred eighty (180) months in the Nevada Department of Corrections, with credit for time served in the amount of 53 days, and pay a \$100,000.00 fine.

As to CR2007222, the Court pronounced the Defendant GUILTY of TRANSPORTING A CONTROLLED SUBSTANCE, a Category C Felony, and rendered judgment against the Defendant in the amount of \$3.00 DNA assessment fee, \$25.00 administrative assessment fee, \$60.00 forensic fee, and a \$500.00 public

defender fee. The Court further ordered that the Defendant serve a minimum term of twenty-four (24) and a maximum term of sixty (60) months in the Nevada Department of Corrections, with credit for time served in the amount of one hundred seventeen (117) days. The Court ordered that the sentence imposed in CR2007222 shall run consecutive to the sentence imposed in CR2007199. The Defendant was remanded to the custody of the Sheriff to carry out his sentence.

CR2007199 and CR2007222

The State of Nevada VS. Stephen Allen Frederick

Judge: Michael R. Montero

Clerk: Mikayla Mecham

May 18, 2021

SENTENCING HEARING

PRESENT: Anthony Gordon and Kevin Pasquale, Deputy District Attorneys, present on behalf of the State. Debbie Okuma, DPS Specialist III, present (via Zoom) and Elizabeth Hill, Parole and Probation Officer, present on behalf of the Division of Parole and Probation. Matt Stermitz, Humboldt County Public Defender, present on behalf of the Defendant, who was not present. Denni Byrd, Pre-Trial Services Coordinator, also present.

The record reflected that this matter comes before the Court for a sentencing hearing, and that the Defendant was not present.

Stermitz informed the Court that he had met with his client last Thursday in person, and had expected his client to appear today.

The Court stated that the Division of Parole and Probation had faxed an Amended Pre-sentence Investigation Report to the Clerk's office, and provided a copy to counsel.

Gordon motioned the Court to issue a failure to appear bench warrant.

The Court would hold a warrant in abeyance to afford the Defendant the opportunity to appear by the end of the day. Should the Defendant fail to appear, his bail would be forfeited.

The parties re-convened at 2:56 p.m., and the Defendant was still not present.

The Court would issue a failure to appear, no bail hold, western states bench warrant.

CR2007222/CR2007199

The State of Nevada VS. Stephen Frederick

Judge: Michael R. Montero

Clerk: Mikayla Mecham

March 29, 2021

ARRAIGNMENT HEARING

PRESENT: Anthony Gordon, Deputy District Attorney, present on behalf of the State. Defendant, present with Counsel, Matthew Stermitz, Humboldt County Public Defender.

The record reflected that the matter comes before the Court for a hearing on the pending motions. The matter was scheduled for a jury trial, to commence on Wednesday, March 31, 2021. Prior to going on the record, the parties engaged in discussion and had come to a resolution in both of the Defendant's cases. The Court was in receipt of a Plea Agreement in both cases, as well as Amended Information's. The Court asked if this was the parties' understanding.

Stermitz concurred and asked the Court to take the Defendant's pleas today.

Gordon concurred.

In CR2007199, a Second Amended Information, charging the crime of TRAFFICKING IN A CONTROLLED SUBSTANCE-LEVEL I, a Category B Felony, in violation of NRS 453.3385(1)(b), had been filed against the Defendant on March 29, 2021. In CR2007222, a Third Amended Information, charging the crime of TRANSPORTING A CONTROLLED SUBSTANCE, a Category C Felony, in violation of NRS 453.321(2)(A), had been filed against the Defendant on March 29, 2021. The Defendant's true and correct name stated.

The Court interrogated the Defendant. A Preliminary Hearing had been waived. Copies of the Information had been received and counsel waived a formal reading. The Court stated the Defendant's Constitutional Rights. A Plea Agreement had been filed on March 29, 2021 in open court. The Court stated the essential elements the State would have to prove should this matter go to trial as well as the possible penalties.

The Defendant entered his plea of NO CONTEST to Count I in CR2007199 and GUILTY to Count I in CR2007222.

The Court examined the Defendant and accepted his pleas.

The Court ordered a Pre-Sentence Investigation Report and set this matter for sentencing on May 18, 2021. The Court directed the Defendant to work with the Division of Parole and Probation to complete the questionnaire. The Court placed the Defendant under the supervision of Pre-Trial services due to the information that the Defendant intended to move to Winnemucca. The Court vacated the trial currently scheduled to commence on Wednesday, March 29, 2021, as well as the trial scheduled in June 2021.

CR2007199 and ~~CR2007222~~

The State of Nevada vs. Stephen Allen Frederick

Judge: Michael R. Montero

Clerk: Jessica Koepke

MARCH 23, 2021

STATUS HEARING

PRESENT via ZOOM: Kevin Pasquale, Humboldt County Deputy District Attorney, present on behalf of the State. Anthony Gordon, Humboldt County Deputy District Attorney, present on behalf of the State. Matthew Stermitz, Humboldt County Public Defender, present on behalf of the defendant. Stephen Allen Frederick, defendant, not present.

The Record reflected that this matter comes before the Court for a Status Hearing.

Stermitz updated the Court that the Defendant was noticed only yesterday of this hearing.

The record reflected that the Court is in receipt of the State of Nevada and Defendant's Stipulation to Exchange Trial Dates, stipulating to moving the Trial for CR2007222 to start in place of CR2007199 and put the Trial of CR2007199 to the place of the CR2007222. Stermitz also addressed the need to switch the suppression hearings respectively.

Stermitz gave argument in favor of granting the stipulation due to availability of witnesses and the need to switch the trial dates.

Pasquale concurred with Stermitz and gave argument in favor of granting the stipulation to switch the trial dates.

The Court will grant the stipulation to exchange trial dates, moving the suppression hearing for CR2007222 to March 29, 2021 and the trial date for CR2007222 March 31, 2021. The suppression hearing will be moved to May 18, 2021 and the trial date for CR20071999 will be moved to June 2, 2021.

CR002007222

The State of Nevada, Plaintiff vs. STEPHEN ALLEN FREDERICK, Defendant

Judge: Michael R. Montero

Clerk: Jody Clark

JANUARY 12, 2021

ARRAIGNMENT HEARING

PRESENT via Zoom: Kevin Pasquale, Humboldt County Deputy District Attorney, present on behalf of the State. Defendant (Bail) with counsel, Matthew Stermitz, Humboldt County Public Defender. Debbie Okuma, DPS Specialist III, present on behalf of the Adult Division of Parole and Probation Office. Denni Byrd, present with Pre-Trial Services.

The record reflected that this matter was previously in Court on December 1, 2020.

The Court informed the Defendant of the purpose of today's hearing.

The Defendant stated his understanding.

An Amended Information, charging the crime of COUNT I - ELUDING A POLICE OFFICER IN A MANNER POSING DANGER TO PERSONS OR PROPERTY, a Category B Felony in violation of NRS 484B.550 (3). COUNT II - TRANSPORTING A CONTROLLED SUBSTANCE, a Category B Felony, in violation of NRS 453.321 (2) (A) and COUNT III - TRANSPORTING A CONTROLLED SUBSTANCE, a Category B Felony, in violation of NRS 453.321 (2) (A) had been filed against the Defendant. The Defendant's true and correct name stated.

The Court interrogated the Defendant. A Preliminary Hearing had been waived. Copies of the Amended Information had been received and counsel waived the formal reading. The Court stated the Defendant's Constitutional Rights. The Court further stated the essential elements the State would have to prove should this matter go to trial as well as the possible penalties.

The Defendant entered his pleas of Not Guilty on all three (3) counts.

The Defendant waived his right to a speedy trial.

The Court set this matter of a Jury Trial to commence on June 2, 2021, for three days with a Pre-Trial Conference on Tuesday, May 4, 2021, at 9:00 a.m.

The Court informed the Defendant he is required to appear at all Court hearings.

CR2007199 and CR2007222

The State of Nevada vs. Stephen Allen Frederick

Judge: Michael R. Montero

Clerk: Jody Clark

DECEMBER 01, 2020

ARRAIGNMENT HEARING

PRESENT: Richard Haas, Deputy Humboldt County District Attorney, present on behalf of the State. Defendant, present with counsel, Matthew Stermitz, Humboldt County Public Defender. Denni Byrd, present on behalf of Pre-Trial Services. Debbie Okuma, present on behalf of the Nevada Department of Parole and Probation.

The record reflected that these matters come before the Court for Arraignment Hearings.

The Court asked Stermitz if he and his client are ready to proceed to arraignment.

Stermitz stated that he does not believe that they can proceed with arraignment on both cases, the defendant is in possession of both plea agreements but only one has been signed and filed for case CR2007199, and the other has not been signed in case CR200722. Stermitz stated that his client does not agree with the plea agreement and expressed confusion over the signed and filed plea agreement.

Discussion ensued between the Court and counsel regarding the plea agreements.

Stermitz motioned the Court to proceed with letting the Defendant enter his plea in both cases, and set these matters for trial.

Haas stated that if the Defendant pleads not guilty, it will be the State's inclination to motion the Court to amend the information and charge the Defendant with the original charge in case.

The Court addressed the defendant regarding the charges filed against him in both cases.

The Defendant stated he understands the charges against him, but would like to inform the court that he has procured a new attorney and would motion the Court to continue these matters for two weeks.

The Court stated that today the Court, having no motion or order granted to withdraw Stermitz from these cases, the Court must proceed with arraignment and that the defendant is still represented by Stermitz. The Court asked if the Defendant is prepared to enter a plea.

The Defendant stated that he not prepared to enter a plea in either case.

The Court stated that the Court will not continue this matter and will grant the State's motion to amend the plea agreement, which was based on plea negotiations and that the State will have the opportunity to file an amended information in case **CR2007199**.

An Information in case **CR2007222**, charging the crime of ONE COUNT – TRANSPORTING A CONTROLLED SUBSTANCE, a category C Felony, in violation of NRS 453.321 (2) (A) had been filed against the Defendant.

The Court interrogated the Defendant and informed the Defendant of his constitutional rights.

The Court asked for a plea from the Defendant in case **CR2007222**.

The Defendant plead NOT GUILTY in case **CR2007222** and waived the right to speedy trial.

The Court examined the Defendant and accepted his plea in case **CR2007222**.

The Court set this matter, case **CR2007222**, for trial March 31, 2021 for 3 days, March 31st, April 1st, and April 2nd, 2021.

The Court set the matter, **CR2007222**, for a pre-trial conference on February 23, 2021.

Haas stated that the State will file an amended information today, December 1, 2020 in case **CR2007199**, and recommended that the Court set **CR2007199** first for trial if the Defendant will plead not guilty, as the charge that will be filed in the amended information would incur a significant prison sentence.

The Court continued the arraignment in case **CR2007199** to December 15, 2020.

Minutes Prepared by Jessica Koepke via ZOOM recording.

01/01/2021

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3 **Certification of Copy**

4 **STATE OF NEVADA,**

5 **COUNTY OF HUMBOLDT,**

6 I, TAMI RAE SPERO, the duly elected, qualifying and acting Clerk of Humboldt County, in the State of Nevada,

7 And Ex-Officio Clerk of the District Court, do hereby certify that the foregoing is a true, full and correct copy

8 of the original: Notice of Appeal; Case Appeal Statement; Request for Transcript; District Court Docket Entries;

9 Judgment of Conviction; District Court Minutes;

10 THE STATE OF NEVADA,

11 Plaintiff,

12 vs.

CASE NO. CR 20-7222

13 STEPHEN ALLEN FREDRICK,

14 Defendant

15 now on file and record in this office.

16 IN WITNESS THEREOF, I have hereunto set

17 My hand and affixed the seal of the Court at my

18 Office, Winnemucca, Nevada this 16th day of

19 December, 2021, A.D.

20
21 E. Dumond

22 EMMA DUMOND, DEPUTY CLERK
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CASE NO. CR 20-7222