

Joan Kathryn Wenger

(Name)
1250827

(I.D. No.)

Northern Nevada Correctional Center
Post Office Box 7000
Carson City, Nevada 89702

RECEIVED

DEC 20 2021

Douglas County
District Court Clerk

FILED

2021 DEC 20 PM 4:05

BOBBIE R. WILLIAMS

CLERK

Electronically Filed
Dec 30 2021 11:02 AM
Elizabeth A. Brown
Clerk of Superior Court

IN THE 9th JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF Douglas

Joan Kathryn Wenger

Petitioner/Plaintiff,

vs.

State of Nevada

Respondent/Defendant

Case No.: 2021-CR-00114

Dept. No. 11

NOTICE OF APPEAL - UNFAIR sentence

NOTICE IS HEREBY GIVEN that I, Joan Kathryn Wenger appeal the
Judgment / Order entered on the 15 day of December, 2021 by this
court.

Dated this 15 day of December, 2021.

Joan Kathryn Wenger

(Signature)

CERTIFICATE OF SERVICE BY MAIL

Pursuant to NRCP Rule 5(b), I hereby certify that I am the Defendant named herein and that on this 15 day of December, 20 , I mailed a true and correct copy of the foregoing NOTICE OF APPEAL to the following:

Douglas County District Attorney
1038 Buckeye Rd.
Minden, NV 89423

Jean Kathryn Wenger

(Signature)

AFFIRMATION PURSUANT TO NRS 239B.030

** I certify that the foregoing document DOES NOT contain the social security number of any persons.

12/15/01
(Date)

Jean Kathryn Wenger
(Signature)

Form 2. Case Appeal Statement

RECEIVED

No. 2021-CR-00114

Dept. No. II

FILED

DEC 22 2021

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE
OF NEVADA IN AND FOR THE COUNTY OF DOUGLAS

2021 DEC 23 AM 9:16

Douglas County
District Court Clerk

SENE R. WILLIAMS
CLERK
BY *[Signature]* DEPUTY

JOAN KATHRYN WENGER,

Appellant,

vs

THE STATE OF NEVADA,

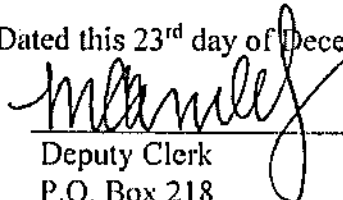
Respondent.

CASE APPEAL STATEMENT

1. Name of appellant filing this case appeal statement:
Joan Kathryn Wenger
2. Identify the judge issuing the decision, judgment, or order appealed from:
Honorable Thomas W. Gregory.
3. Identify each appellant and the name and address of counsel for each appellant:
Joan Kathryn Wenger #1250827 N.N.C.C. P.O. Box 7000, Carson City, Nevada 89702 – In Proper Person
4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent (if the name of a respondent's appellate counsel is unknown, indicate as much and provide the name and address of that respondent's trial counsel):
The State of Nevada, represented by the Douglas County Attorney's Office, P.O. Box 218, Minden, NV 89423
5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so, whether the district court granted that attorney permission to appear under SCR 42 (attach a copy of any district court order granting such permission):
N/A.
6. Indicate whether appellant was represented by appointed or retained counsel in the district court: N/A
Appellant was represented by Brian Filter, Esq.
7. Indicate whether appellant is represented by appointed or retained counsel on appeal:
Unrepresented.
8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave:
N/A
9. Indicate the date the proceedings commenced in the district court (e.g., date complaint, indictment, information, or petition was filed):
The Information was filed July 29, 2021.

- 1 10. Provide a brief description of the nature of the action and result in the district court,
2 including the type of judgment or order being appealed and the relief granted by the
3 Court: This is a criminal matter in which the Judgment of Conviction was filed on
4 November 29, 2021.
5 11. Indicate whether the case has previously been the subject of an appeal to or original writ
6 proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number
7 of the prior proceeding:
8 No.
9 12. Indicate whether this appeal involves child custody or visitation:
10 No.
11 13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:
12 N/A.
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28

Dated this 23rd day of December 2021



Deputy Clerk
P.O. Box 218
Minden, Nevada 89423
775-782-9820

Douglas County District Court

Case Summary Report

Case #: 2021-CR-00114
Case Title: State of Nevada vs. Joan Kathryn Wenger
Filed: 07/23/2021
Cause: Felony: Crimes Against Persons DV: N

Case Status: Disposed Date: 11/29/2021

Archived: 12/12/2021, 12/01/2021, 11/22/2021, 11/19/2021, 10/13/2021, 08/27/2021, 08/24/2021,

Parties

<u>Party</u>	<u>Name</u>	<u>Status</u>
Defendant	Wenger, Joan Kathryn	
Also Known As:	Joan Kathryn Graziade	
Plaintiff	State of Nevada	

<u>Party</u>	<u>Name</u>	<u>Bar #</u>	<u>Status</u>	<u>Representing</u>
Attorney	Attorney, District		Current	

Charge/Sentence Information

<u>CNT</u>	<u>Section Code</u>	<u>Charge Description</u>
1	484C.130	Vehicular homicide

Events

<u>Date/Time</u>	<u>Type</u>	<u>Result</u>	<u>Reason</u>
08/09/2021	Arraignment	Concluded	
08/16/2021	Arraignment	Concluded	
08/23/2021	Arraignment	Concluded	
10/18/2021	Sentencing Hearing	Concluded	
11/29/2021	Sentencing Hearing	Concluded	

Documents

2021-CR-00114

<u>Date</u>	<u>Code</u>	<u>Description</u>
07/23/2021	DOCO	Order and Commitment
07/29/2021	DINF	Information
08/04/2021	DAPTC	Appointment of Counsel (Criminal Adult)
08/09/2021	DOSH	Order Setting Hearing
08/09/2021	1DDBL	Order Concerning Bail
08/16/2021	DOSH	Order Setting Hearing
08/20/2021	DGPA	Guilty Plea Agreement
08/23/2021	1DDBL	Order Concerning Bail
08/24/2021	DOSH	Order Setting Hearing
08/26/2021	DTRN	Transcript of Proceedings - Continued Arraignment
08/30/2021	DTRN	Transcript of Proceedings - Continued Sentencing Monday, August 16, 2021
09/02/2021	DTRN	Transcript of Proceedings - Arraignment 08/23/2021
10/01/2021	DCOS	Certificate of Service - Douglas DA
10/01/2021	DCOS	Certificate of Service - B. Filter
10/01/2021	DPIR	(Sealed) - CONFIDENTIAL Pre-Sent. Investigation - Presentence Investigation Report
10/15/2021	DCOS	Certificate of Service
10/15/2021	DCOS	Certificate of Service
10/15/2021	DCIN	Confidential Information Identifying - Victim Impact Statement and Medical Statements from Victim's Son, Parole and Probation
10/25/2021	DTRN	Transcript of Proceedings - Sentencing Hearing Monday October 18, 2021
11/23/2021	DMIS	Misc. Document - Submission of Substance Use Evaluation

11/29/2021	DJOC	Judgment of Conviction
12/02/2021	DTRN	Transcript of Proceedings - Sentencing Hearing Monday, November 29, 2021 Minden, Nevada
12/07/2021	DBIO	Breath Ignition Interlock Device Order
12/20/2021	DNOA	Notice of Appeal
12/23/2021	DCAP	Case Appeal Statement

RECEIVED

FILED

Case No. 2021-CR-00114

NOV 29 2021

2021 NOV 29 PM 2:32

Dept. No. II

Douglas County
District Court Clerk

BOBBIE R. WILLIAMS
CLERK

BY *W. Williams* DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF DOUGLAS

THE STATE OF NEVADA,
Plaintiff,

vs.

JUDGMENT OF CONVICTION

JOAN KATHRYN WENGER,
Defendant.

On the 23rd day of August, 2021, Defendant entered a plea of guilty to the following offense contained within the Information: Vehicular Homicide, a violation of NRS 484C.130(1) and NRS 484C.440(1), a category A felony committed on or about February 28, 2020.

On the 18th day of October, 2021 and continuing to the 29th day of November, 2021, Defendant appeared for sentencing. Finding no legal cause why judgment should not be pronounced, judgment was rendered as follows: Vehicular Homicide, a violation of NRS 484C.130(1) and NRS 484C.440(1), a category A felony, imprisonment in the Nevada Department of Corrections for a term of life with parole eligibility beginning when a minimum of ten (10) years have been served.

Defendant shall complete a victim impact panel.

1 Prior to reinstatement of driving privileges, Defendant shall
2 have an interlock device installed and inspected on any motor
3 vehicle she owns or operates at her own expense.

4 Defendant shall pay restitution in the amount of one hundred
5 thirty-six dollars and eighty-eight cents (\$136.88) to the Nevada
6 Attorney General's Office and thirty-six thousand, two hundred and
7 ninety-nine dollars and eighteen cents (\$36,299.18) to Thomas
8 Staugaard.

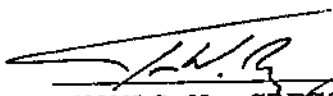
9 Defendant shall pay statutory fees and assessments of \$25.00
10 (NRS 176.062), \$3.00 (NRS 176.0623), \$150.00 (NRS 176.0915), and
11 \$60.00 (NRS 453.575). Any cash bail shall be exonerated and shall
12 be applied to fines and fees.

13 Defendant is granted two hundred fifty (250) days credit for
14 time served.

15 Defendant shall appear on the first Monday following her
16 release from incarceration at 9:00 a.m. to arrange a payment
17 schedule for all ordered fines and fees, completion of the victim
18 impact panel and installation of the interlock device.

19 This judgment constitutes a lien in like manner as a judgment
20 rendered in a civil action. NRS 176.275.

21 DATED this 29th day of November, 2021.

22
23 
24 THOMAS W. GREGORY
25 DISTRICT JUDGE
26
27
28

CASE NO: 2021-CR-00114

DEPT NO. II

State of Nevada

v.

Joan Kathryn Wenger

DATE: 11/29/2021

JUDGE: Thomas W. Gregory

CLERK: Courtni Walker

COURT REPORTER: Nicole Hansen - Capitol Reporters

PLAINTIFFS COUNSEL: A.J. Hames

DEFENDANTS COUNSEL: Brian Filter

LAW CLERK: Ian Worrell

BAILIFFS: Eric Lindsay/George Schramm

PAROLE & PROBATION: Chantel Ewing/ Andrea Senda

The above-entitled matter was before the Court this being the time set for SENTENCING. The defendant was present in court and represented by counsel.

DEFENDANT'S EXHIBITS MARKED AND ADMITTED:
B, C

STATE'S EXHIBITS MARKED AND ADMITTED:
4, 5, 6, 7, 8

WITNESSES SWORN AND TESTIFIED:
Brian Staugaard
Rebecca Parsons
Thomas Staugaard
Linda Kubany
Thomas Kubany

The Pre-sentence Report is on file with the Court; copies were received and acknowledged. Mr.

Filter advised the Court of the factual errors contained in the report.

The Court inquired of anything in mitigation or aggravation.

Mr. Filter request the defendant be sentenced to 10-25 years in prison with parole eligibility after 10 years.

Mr. Hames requested the defendant be sentenced to 10-25 years in prison and ordered to pay restitution in the amount of \$36,299.18 and \$136.88 in extradition costs.

The defendant addressed the Court on her own behalf.

No sufficient legal cause was shown by the defendant as to why judgment should not be pronounced against her. The Court adjudged the defendant guilty of the crime of Vehicular Homicide, a violation of NRS 484C.130(1) and NRS 484C.440(1), a category A felony.

The Court sentenced the defendant as follows:

- * Imprisonment with the Nevada Department of Corrections for a term of life with a minimum parole of eligibility of ten (10) years;
- * The defendant shall effect restitution in the amount of \$36,299.18;
- * The defendant shall pay extradition costs in the amount of \$136.88;
- * The defendant shall pay fines and fees to the District Court Clerk in the amount of three dollars (\$3.00) as an administrative assessment fee pursuant to NRS 176.0623(1) for obtaining and testing the genetic markers, one hundred fifty dollars (\$150.00) as a fee for obtaining and testing samples of blood and saliva to determine genetic markers pursuant to NRS 176.0915(1), twenty-five dollars (\$25.00) as an administrative assessment fee pursuant to NRS 176.062, and sixty dollars (\$60.00) as a lab fee pursuant to NRS 453.575;
- * The defendant shall attend a victim impact panel;
- * Per NRS 484C.460, the Defendant shall have an interlock device installed and inspected on any motor vehicle she owns or operates, at her expense, for a period of not less than twelve (12) months nor more than thirty-six (36) months, said period to commence after any period of imprisonment, residential confinement, confinement in a treatment facility or on parole or probation and all other applicable provisions of NRS 484C.340 and NRS 484C.460;
- * The defendant is ordered to appear the Monday after her release from incarceration to set up a payment schedule for the Court ordered fees and restitution.

The defendant is given credit for two hundred fifty (250) days pre-sentence confinement time.

The Court ordered any bail or bond to be exonerated.

The defendant was remanded to the custody of the Douglas County Sheriff.

The Court will prepare the Judgment of Conviction.

CASE NO: 2021-CR-00114

DEPT NO. II

State of Nevada

v.

Joan Kathryn Wenger

DATE: 10/18/2021

JUDGE: Thomas W. Gregory

CLERK: Courtni Walker

COURT REPORTER: Nicole Hansen - Capitol Reporters

PLAINTIFFS COUNSEL: AJ Hames

DEFENDANTS COUNSEL: Brian Filter

LAW CLERK: Ian Worrell

BAILIFFS: Eric Lindsay/George Schramm

PAROLE & PROBATION: Jennifer Pongasi

The above-entitled matter was before the Court this being the time set for SENTENCING. The defendant was present in court and represented by counsel.

SWORN AND TESTIFIED:

John Staugaard

Pam Staugaard Blanchard

DEFENDANT'S EXHIBITS MARKED AND ADMITTED:

A

COURT'S EXHIBITS MARKED AND ADMITTED:

1, 2

The Pre-Sentence Report is on file with the Court; copies were received and acknowledged. Mr. Hames advised the Court of the factual errors contained in the report. Mr. Filter advised the Court of the factual errors contained in the report.

The Court inquired of anything in mitigation or aggravation.

Mr. Filter recommended the defendant be sentenced to 10-25 years in prison but requested a continuance so the defendant can obtain a substance abuse evaluation.

The Court continued sentencing to November 29, 2021 at 9:00 a.m. and ordered the defendant to obtain the substance abuse evaluation and that Mr. Filter be provided funding of \$250.00 for the evaluation.

The defendant was remanded to the custody of the Douglas County Sheriff.

CASE NO: 2021-CR-00114

DEPT NO. II

State of Nevada

v.

Joan Kathryn Wenger

DATE: 08/23/2021

JUDGE: Thomas W. Gregory

CLERK: Courtni Walker

COURT REPORTER: Capitol Reporters - Kathy Jackson

PLAINTIFFS COUNSEL: AJ Hames

DEFENDANTS COUNSEL: Brian Filter

LAW CLERK: Ian Worrell

BAILIFFS: Eric Lindsay/George Schramm

PAROLE & PROBATION: Kris Thomas

The above-entitled matter was before the Court this being the time set for ARRAIGNMENT. The defendant was present in court in custody and her true name was ascertained. The Court affirmed the lower court's appointment of Brian Filter to represent the defendant in all further proceedings.

WITNESSES SWORN AND TESTIFIED:

Joan Kathryn Wenger

STATE'S EXHIBITS MARKED:

1, 2, 3

STATE'S EXHIBITS ADMITTED:

1, 2, 3

The Information was filed with the Court on July 29, 2021; copies were received and acknowledged and the defendant waived the formal reading thereof. The Information charges the defendant with VEHICULAR HOMICIDE, a violation of NRS 484C.130(1) and NRS

484C.440(1), a category A felony.

The Guilty Plea Agreement is on file with the Court. The defendant advised that she understands its contents and that she entered into the agreement freely and voluntarily.

To the Information, the defendant entered a plea of GUILTY.

The Court advised the defendant of all her legal and constitutional rights, and of the elements of the offense. The defendant understands the maximum penalty as outlined in the Plea Agreement and that sentencing lies solely with the Court. The Court advised the defendant that it can consider all original charges when determining the appropriate sentence in this matter. The Court advised the defendant that payment of restitution may be ordered if deemed appropriate by the Court. The defendant stated her involvement in the matter.

The Court accepted the plea of the defendant as having been freely, voluntarily, and intelligently made and ordered it entered on the record.

Sentencing is set for October 18, 2021, at 9:00 a.m., and the matter was referred to the Division of Parole and Probation for a pre-sentence report and a substance abuse evaluation.

The Court ordered the defendant to appear at the time set for sentencing and advised the defendant that failure to appear would result in the issuance of a bench warrant and the filing of additional charges.

The defendant was remanded to the custody of the Douglas County Sheriff.

CASE NO: 2021-CR-00114

DEPT NO. II

State of Nevada

v.

Joan Kathryn Wenger

DATE: 08/16/2021

JUDGE: Thomas W. Gregory

CLERK: Courtni Walker

COURT REPORTER: Capitol Reporters - Kathy Jackson

PLAINTIFFS COUNSEL: A.J. Hames

DEFENDANTS COUNSEL: Brian Filter

LAW CLERK: Ian Worrell

BAILIFFS: Eric Lindsay/George Schramm

PAROLE & PROBATION: Andrea Senda

The above-entitled matter was before the Court this being the time set for CONTINUED ARRAIGNMENT. The defendant was present in court in custody and represented by counsel.

Mr. Filter requested this matter be continued for one week.

Hearing no objection the Court continued this matter to August 23, 2021, at 9:00 a.m.

The defendant was remanded to the custody of the Douglas County Sheriff.

CASE NO: 2021-CR-00114

DEPT NO. II

State of Nevada

v.

Joan Kathryn Wenger

DATE: 08/09/2021

JUDGE: Thomas W. Gregory

CLERK: Courtni Walker

COURT REPORTER: Capitol Reporters - Kathy Jackson

PLAINTIFFS COUNSEL: Erik Levin

DEFENDANTS COUNSEL: Brian Filter

LAW CLERK: Ian Worrell

BAILIFFS: Eric Lindsay/ George Schramm

PAROLE & PROBATION: Jennifer Pongasi

The above-entitled matter was before the Court this being the time set for ARRAIGNMENT. The defendant was present in court in custody. The Court affirmed the lower court's appointment of Brian Filter to represent the defendant in all further proceedings.

Mr. Filter requested a one-week continuance.

Hearing no objection, the Court continued the arraignment to August 16, 2021, at 9:00 a.m.

The Court ordered the defendant's bail remain as previously ordered and imposed the conditions as set forth in the order concerning bail.

The defendant was remanded to the custody of the Douglas County Sheriff.

DEFENDANT'S EXHIBIT LIST

CASE NAME: JOAN KATHRYN WENGER

CASE NUMBER: 2021-CR-00114

DATE OF HEARING: NOVEMBER 29, 2021

JUDGE: THOMAS W. GREGORY

DEPT NO: II

ATTORNEY: BRIAN FILTER

PURPOSE OF HEARING: SENTENCING HEARING

[illegible]

PURPOSE OF HEARING: SENTENCING HEARING

[illegible]

COURT'S EXHIBIT LIST

CASE NAME: STATE OF NEVADA VS. JOAN KATHRYN WENGER

CASE NUMBER: 2021-CR-00114

DATE OF HEARING: OCTOBER 18, 2021

JUDGE: THOMAS W. GREGORY

DEPT NO: II

ATTORNEY: BRIAN FILTER

PURPOSE OF HEARING: SENTENCING HEARING

[illegible]

DEFENDANT'S EXHIBIT LIST

CASE NAME: STATE OF NEVADA VS. JOAN KATHRYN WENGER

CASE NUMBER: 2021-CR-00114

DATE OF HEARING: OCTOBER 18, 2021

JUDGE: THOMAS W. GREGORY

DEPT NO: II

ATTORNEY: BRIAN FILTER

PURPOSE OF HEARING: SENTENCING HEARING

[illegible]

STATE'S EXHIBIT LIST

CASE NAME: STATE OF NEVADA VS. JOAN KATHRYN WENGER

CASE NUMBER: 2021-CR-00114.

DATE OF HEARING: AUGUST 23, 2021

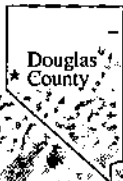
JUDGE: THOMAS W. GREGORY

DEPT NO: II

ATTORNEY: AJ HAMES

PURPOSE OF HEARING: CONTINUED ARRAIGNMENT

[illegible]



BOBBIE R. WILLIAMS
CLERK OF COURT
COURT ADMINISTRATOR
JURY COMMISSIONER

District Court Clerk's Office
(775) 782-9820
Tahoe Justice Court
(775) 586-7200
East Fork Justice Court
(775) 782-9955

Transmittal to the Supreme Court

To: Nevada Supreme Court
210 South Carson Street
Carson City, Nevada 89710

Date: December 23, 2021

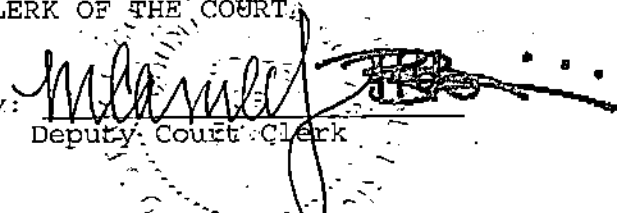
Re: District Court Case #: 2021-CR-00114

District Court Case Name: JOAN KATHRYN WENGER VS STATE OF NEVADA

The following documents are transmitted to the Supreme Court pursuant to the July 22, 1996 revisions to the Nevada Rules of Appellate Procedure. Checked items are NOT included in this appeal:

- ☐ Notice of Appeal
- ☐ Case Appeal Statement
- ☒ Certificate That No Transcript Is Being Requested
- ☒ Defendant's Request for Transcript of Proceedings
- ☒ Notice of Posting of Appeal Bond
- ☐ District Court Docket entries
- ☐ Judgment(s) or order(s) appealed from
- ☒ Order (NRAP FORM 4)
- ☒ Notice of entry of the judgment(s) or order(s) appealed from
- ☒ Certification order directing entry of judgment pursuant to NRCP 54(b)
- ☐ District Court Minutes
- ☐ Exhibit Lists
- ☒ Supreme Court filing fee (\$250.00), if applicable

Respectfully,
BOBBIE WILLIAMS
CLERK OF THE COURT

By: 
Deputy Court Clerk

RECEIVED

DEC 23 2021

FILED

Douglas County
District Court Clerk

2021 DEC 23 AM 9:56

STATE OF NEVADA)

) SS

COUNTY OF DOUGLAS)

BOBBIE R. WILLIAMS
CLERK

BY *[Signature]* DEPUTY

I, BOBBIE R. WILLIAMS, Clerk of the Ninth Judicial District Court, State of Nevada, in and for the said County of Douglas; said Court being a Court of Record, having common law jurisdiction, and a Clerk and a Seal, do hereby certify that the foregoing are the full, true copies of the NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; JUDGMENT OF CONVICTION; DISTRICT COURT MINUTES and EXHIBIT LIST'S in Case No. 2021-CR-00114 (JOAN KATHRYN WENGER VS. THE STATE OF NEVADA).

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal at Minden, in said County and State this 23rd day of December, A.D., 2021.

[Signature]
Clerk of the Court

[Signature]
Deputy Clerk