

1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

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5 JOAN KATHRYN WENGER,
6 Appellant,

7 vs.

8 STATE OF NEVADA,
9 Respondent.

Electronically Filed
Jun 07 2022 02:56 p.m.
Case No. 84003
Elizabeth A. Brown
Clerk of Supreme Court

10 _____ /
11 **APPENDIX TO APPELLANT'S OPENING BRIEF**
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Douglas County
District Court Clerk

BOBBIE R. WILLIAMS
CLERK

BY C. W. Adams DEPUTY

Case No. 2021-CR-00114

Dept. No. II

DA 0046506

This document does not contain personal information of any person

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF DOUGLAS

THE STATE OF NEVADA,

Plaintiff,

v.

INFORMATION

JOAN KATHRYN WENGER,

Defendant.

A.J. Hames, Deputy District Attorney, within and for the County of Douglas, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court that Joan Kathryn Wenger has committed the crime of VEHICULAR HOMICIDE, a violation of NRS 484C.130(1) and NRS 484C.440(1), a category A felony.

The defendant, on or about February 28, 2020, and before the filing of this Information, at and within the County of Douglas, State of Nevada,

COUNT ONE: VEHICULAR HOMICIDE, a violation of NRS 484C.130(1) and NRS 484C.440(1), a category A felony

willfully and unlawfully drove a vehicle on or off the highway while under the influence of intoxicating liquor; and/or while having a concentration of alcohol of 0.08 or more in her blood; and/or was found by measurement within 2 hours after driving a vehicle to have a concentration of alcohol of 0.08 or more in her blood; and proximately caused the death of another person while so driving, to-wit: Laura Staugaard, all of which occurred on U.S. Highway 395 in the area of Johnson Lane, in the County of Douglas, State of Nevada;

it is further alleged that the defendant has previously been convicted of at least three violations of NRS 484C.110, 484C.120 or 484C.430, or a

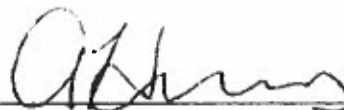
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violation of law of any other jurisdiction that prohibits the same or similar conduct, as follows:

DATE OF OFFENSE DATE OF CONVICTION	COURT COUNTY, STATE
On or about August 16, 2009 On or about November 17, 2009	Tahoe Township Justice Court Douglas County, Nevada
On or about October 17, 2011 On or about June 7, 2012	Ely Municipal Court White Pine County, Nevada
On or about August 26, 2018 On or about October 30, 2018	Reno Township Justice Court Washoe County, Nevada

against the peace and dignity of the State of Nevada. Complainant prays the Defendant be dealt with according to law.


A.J. Hames
Deputy District Attorney

Douglas County District Attorney
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Minden, NV 89423
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1 The following are the names of such witnesses as are known to me at the time of filing
2 the within Information:

3		
4	David Charles Alexander	3289 Penrod Lane #11 Gardnerville, NV 89410
5		
6	Sherry A Ramsey	5777 Crooked Stick Way Sparks, NV 89436
7		
8	Kayla Rose Mercer	110 Shoreline Circle #423 San Ramon, CA 94582
9		
10	Cynthia Nunez	7235 Provence Circle Reno, NV 89523
11		
12	Brandi Nicole Bailey	6900 Sharlands Avenue #713 Reno, NV 89523
13		
14	Terri Jay	1412 Downs Drive Minden, NV 89423
15		
16	Thomas John Staugaard	115 Northpointe Circle Dayton, NV 89403
17		
18	Deputy Justin Clifford	Lyon County Sheriff's Office 911 Harvey Way #1 Yerington, NV 89447
19		
20	Trooper Max Davis	Nevada Highway Patrol 555 Wright Way Carson City, NV 89711
21		
22	Trooper Sal Navarro	Nevada Highway Patrol 555 Wright Way Carson City, NV 89711
23		
24	Trooper Amanda Powell	Nevada Highway Patrol 555 Wright Way Carson City, NV 89711
25		
26	Trooper Mitchell Graham	Nevada Highway Patrol 555 Wright Way Carson City, NV 89711
27		
28		

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1	Sergeant John Dodge	Nevada Highway Patrol 555 Wright Way Carson City, NV 89711
2		
3	Sergeant Josh Koski	Nevada Highway Patrol 555 Wright Way Carson City, NV 89711
4		
5	Phlebotomist Gemma Roberts	Renown Medical Center 1155 Mill Street Reno, NV 89502
6		
7		
8	Doctor Katherine Callahan	Washoe County Regional Medical Examiner's Office 990 East Ninth Street Reno, NV 89512
9		
10		
11	Investigator Dana Pirtle	Washoe County Regional Medical Examiner's Office 990 East Ninth Street Reno, NV 89512
12		
13		
14	Forensic Toxicologist Donna Papsun	NMS Labs 200 Welsh Road Horsham, PA 19044
15		
16	Criminalist Nadia Castellanos	Washoe County Sheriff's Office Forensic Science Division 911 Parr Blvd. Reno, NV 89512
17		
18		
19	Deputy Christopher Wiggins	Douglas County Sheriff's Office 1038 Buckeye Road Minden, NV 89423
20		
21		
22	Deputy Mark Dickens	Douglas County Sheriff's Office 1038 Buckeye Road Minden, NV 89423
23		
24	Sergeant Rick Koontz	Douglas County Sheriff's Office 1038 Buckeye Road Minden, NV 89423
25		
26		
27	Deputy Conner Michitarian	Douglas County Sheriff's Office 1038 Buckeye Road Minden, NV 89423
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Captain Ron Michitarian

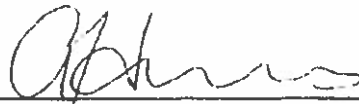
Douglas County Sheriff's Office
1038 Buckeye Road
Minden, NV 89423

Sergeant Ron Miller

Douglas County Sheriff's Office
1038 Buckeye Road
Minden, NV 89423

Deputy Richard Rodriguez

Douglas County Sheriff's Office
1038 Buckeye Road
Minden, NV 89423


A.J. Hames
Deputy District Attorney

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District Court Clerk

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BOBBIE R. WILLIAMS
CLERK

BY *W. Williams* DEPUTY

1 Case No. 2021-CR-00114

2 Dept No. II

3 DA 0046506

4 This document does not contain personal information of any person

5
6 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF DOUGLAS
8

9 THE STATE OF NEVADA,

10 Plaintiff,

11 v.

12 GUILTY PLEA AGREEMENT

13 JOAN KATHRYN WENGER,

14 Defendant.

15 I hereby agree to plead guilty to: VEHICULAR HOMICIDE, a violation of NRS
16 484C.130(1) and NRS 484C.440(1), a category A felony, as more fully alleged in the
17 Information which I have read and reviewed with my attorney.

18 My decision to plead guilty is based upon the plea agreement in this case which is as
19 follows: In exchange for my plea of guilty to VEHICULAR HOMICIDE, a violation of NRS
20 484C.130(1) and NRS 484C.440(1), a category A felony, the State has agreed to pursue no
21 additional charges comprised of the facts set forth in Nevada Highway Patrol case number
22 200202163. Further, with regard to sentencing, the parties have agreed to mutually recommend
23 that I be sentenced to serve a definite term of 25 years in prison, with eligibility for parole
24 beginning when a minimum of 10 years has been served.

25 I understand that, at the time of sentencing, the State may present arguments, facts,
26 and/or witnesses in support of the plea agreement. I understand that the State also reserves the
27 right at sentencing to provide the court with relevant information that may not be in the court's
28

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1 possession; to call victims to make a victim impact statement; to question my character
2 witnesses; to comment on the circumstances of the crime and my criminal history; and to
3 correct factual misstatements made by me or my character witnesses.

4 CONSEQUENCES OF THE PLEA

5 I understand that, by pleading guilty, I admit the facts which support all the elements of
6 the offense to which I now plead as more fully alleged in the Information, a copy of which I
7 have received and the contents of which I have reviewed with my attorney. I admit that the
8 State possesses sufficient evidence which would result in my conviction.

9 I understand that, as a consequence of my plea of guilty, I may be imprisoned in the
10 state prison for either: (a) life with the possibility of parole, with eligibility for parole beginning
11 when a minimum of 10 years has been served; or (b) a definite term of 25 years, with eligibility
12 for parole beginning when a minimum of 10 years has been served. I understand that the law
13 also requires me to pay an administrative assessment fee.

14 I understand that, if appropriate, I will be ordered to make restitution to the victims of
15 the offense to which I am pleading guilty and to the victims of any related offenses which are
16 being dismissed or not prosecuted pursuant to this agreement. I will also be ordered to
17 reimburse the State of Nevada for expenses related to my extradition, if any.

18 I understand that I will be ordered to attend in person, at my own expense, a live
19 meeting of a panel of persons who have been injured or had members of their families or close
20 friends injured or killed by a person who was driving or in actual physical control of a vehicle
21 while under the influence of intoxicating liquor or a controlled substance.

22 I understand that, before my sentencing, I must be evaluated by a certified or licensed
23 alcohol and drug abuse counselor, psychologist or physician to determine whether I am an
24 abuser of alcohol or other drugs and whether I can be treated successfully for such condition,
25 and that the results of said evaluation will be forwarded to the Nevada Department of
26 Corrections.

27 I understand that, by pleading guilty, the Department of Motor Vehicles may revoke or
28 suspend my driver's license, driving privileges, and/or the registration of my vehicle(s). I

1 understand that I will be ordered to install in any motor vehicle I own or operate, at my own
2 expense, a breath ignition interlock device as defined in NRS 484C.450, for a period of not less
3 than 12 months, as a condition of obtaining a restricted license or having my driving privileges
4 reinstated

5 I understand that I am not eligible for probation for the offense to which I am pleading
6 guilty. I understand that, except as otherwise provided by statute, the question of whether I
7 receive probation is in the discretion of the sentencing judge.

8 I understand that, except as otherwise provided by statute, if more than one sentence of
9 imprisonment is imposed, the sentencing judge has the discretion to order the sentences to be
10 served concurrently or consecutively. My attorney has explained the terms concurrent and
11 consecutive and I understand their meaning as it relates to sentencing.

12 I understand that this plea and resulting conviction may have adverse effects upon my
13 residency in this country if I am not a United States citizen.

14 I understand and agree that the State, at its discretion, is entitled to either withdraw from
15 this agreement and proceed with the prosecution of the original offenses or be free to argue for
16 an appropriate sentence at the time of the sentencing hearing if I: (1) fail to appear at any
17 scheduled court proceeding in this matter; (2) am arrested for a violation of law in any
18 jurisdiction prior to my sentencing hearing; (3) violate any of my bail conditions; (4) fail to
19 cooperate fully with the Division of Parole and Probation in the preparation of the presentence
20 investigation report in this case if said report is ordered by the court; or (5) fail to comply with
21 any other condition stated herein. I understand and agree that the occurrence of any of these
22 acts constitutes a material breach of my guilty plea agreement with the State. I further agree to
23 waive any right I may have to remand this matter to Justice Court should this agreement be set
24 aside for any reason.

25 I understand that information regarding offenses not filed, dismissed offenses or
26 offenses to be dismissed pursuant to this agreement may be considered by the judge at
27 sentencing.

28 //

1 I have not been promised or guaranteed any particular sentence by anyone. I know that
2 my sentence is to be determined by the court within the limits prescribed by statute. I
3 understand that if my attorney, the State of Nevada, or both recommend any specific
4 punishment to the court, the court is not obligated to accept the recommendation.

5 I understand that the Division of Parole and Probation of the Department of Public
6 Safety may or will prepare a report for the sentencing judge before sentencing. This report will
7 include matters relevant to the issue of sentencing, including my criminal history. I understand
8 that this report may contain hearsay information regarding my criminal history and the facts
9 and circumstances related to the offense. My attorney and I will each have the opportunity to
10 comment on the information contained in the report at the time of sentencing.

11 WAIVER OF RIGHTS

12 By entering my plea of guilty, I understand that I have waived the following rights and
13 privileges:

14 1. The constitutional privilege against self-incrimination, including the right to refuse
15 to testify at trial, in which event the prosecution would not be allowed to comment to the jury
16 about my refusal to testify.

17 2. The constitutional right to a speedy and public trial by an impartial jury, free of
18 excessive pretrial publicity prejudicial to the defense, at which trial I would be entitled to the
19 assistance of an attorney, either appointed or retained. At trial, the State would bear the burden
20 of proving beyond a reasonable doubt each element of the offense charged.

21 3. The constitutional right to confront and cross-examine any witnesses who would
22 testify against me.

23 4. The constitutional right to subpoena witnesses to testify on my behalf.

24 5. The constitutional right to testify in my own defense.

25 6. The right to appeal the conviction, with the assistance of an attorney, either
26 appointed or retained, unless the appeal is based upon reasonable constitutional, jurisdictional
27 or other grounds that challenge the legality of the proceedings and except as otherwise provided
28 in subsection 3 of NRS 174.035.

VOLUNTARINESS OF PLEA

I have discussed the elements of all the original offenses against me with my attorney and I understand the nature of these offenses against me.

I understand that the State would have to prove each element of the offenses against me at trial.

I have discussed with my attorney any possible defenses and circumstances which might be in my favor.

All of the foregoing elements, consequences, rights and waiver of rights have been thoroughly explained to me by my attorney.

I believe that pleading guilty and accepting this plea bargain is in my best interest and that a trial would be contrary to my best interest.

I am signing this agreement voluntarily, after consultation with my attorney, and I am not acting under duress or coercion or by virtue of any promises of leniency, except for those set forth in this agreement.


I am not now under the influence of intoxicating liquor, a controlled substance or other drug which would in any manner impair my ability to comprehend or understand this agreement or the proceedings surrounding my entry of this plea.

My attorney has answered all my questions regarding this guilty plea agreement and its consequences to my satisfaction, and I am satisfied with the services provided by my attorney.

Dated this 20 day of August, 2021.


Joan Kathryn Wenger
Defendant

Agreed to this 29 day of July, 2021.


A.J. Hames
Deputy District Attorney

CERTIFICATE OF COUNSEL

I, the undersigned, as the attorney for the defendant named herein and as an officer of the court hereby certify:

1. I have fully explained to the defendant the allegations contained in the charges to which guilty or guilty but mentally ill pleas are being entered.

2. I have advised the defendant of the penalties for each charge and the restitution that the defendant may be ordered to pay.

3. All pleas of guilty or guilty but mentally ill offered by the defendant pursuant to this agreement are consistent with all the facts known to me and are made with my advice to the defendant and are in the best interest of the defendant.

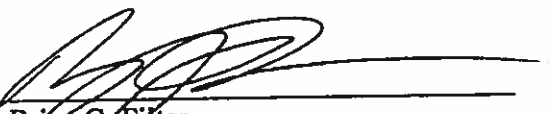
4. To the best of my knowledge and belief, the defendant:

a. Is competent and understands the charges and the consequences of pleading guilty or guilty but mentally ill as provided in this agreement.

b. Executed this agreement and will enter all guilty or guilty but mentally ill pleas pursuant hereto voluntarily.

c. Was not under the influence of intoxicating liquor, a controlled substance or other drug at the time of the execution of this agreement.

Dated this 29 day of August, 2021.


Brian G. Eiler
Attorney for Defendant

Douglas County District Attorney
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Case No. 2021-CR-00114
Dept. No. 2

DEC - 2 2021

Douglas County
District Court Clerk

DOUGLAS P. WILLIAMS

CLERK

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF
NEVADA IN AND FOR THE COUNTY OF DOUGLAS
THE HONORABLE THOMAS GREGORY, DISTRICT JUDGE

-o0o-

STATE OF NEVADA,)
)
Plaintiff,)
)
vs.)
)
JOAN KATHRYN WENGER,)
)
Defendant.)
)

TRANSCRIPT OF PROCEEDINGS
SENTENCING HEARING
MONDAY, NOVEMBER 29, 2021
MINDEN, NEVADA

For the State: A.J. Hames, Esq.
Deputy District Attorney

For the Defendant: Brian Filter, Esq.

The Defendant: Joan Kathryn Wenger

For P&P: Chantel Ewing

Reported by: Capitol Reporters
Nicole J. Hansen, Nevada CCR #446

CAPITOL REPORTERS (775) 882-5322

1 MINDEN, NEVADA; MONDAY, NOVEMBER 29, 2021; A.M. SESSION
2 -ooo-
3

4 THE COURT: The court is in session on Case
5 Number 21-CR-114: State of Nevada versus Joan Kathryn
6 Wenger. I show the appearance of A.J. Hames, on behalf
7 of the State. Good morning, Mr. Hames.

8 MR. HAMES: Good morning, Your Honor.

9 THE COURT: Brian Filter is appearing, on
10 behalf of the defendant. Good morning, Mr. Filter.

11 MR. FILTER: Good morning, Your Honor.

12 THE COURT: And also appearing is the
13 defendant, Ms. Wenger. Good morning, Ms. Wenger.

14 THE DEFENDANT: Good morning, Your Honor.

15 THE COURT: We're here today for a sentencing
16 hearing. Last time we were here, we went through the
17 presentence investigation report. I believe we do need
18 to update that report now as it regards credit for time
19 served.

20 Specifically, at page six, we had previously
21 determined credit for time served of 208 days as of
22 October 18th, 2021. We need to update that to today's
23 date. And I am coming up with an additional 42 days.

24 Mr. Filter, do you agree with that?

1 MR. FILTER: I agree, Your Honor. I
2 discussed it with Mr. Hames this morning, and we both
3 agree that that is the correct number.

4 THE COURT: So I'm going to add that into the
5 presentence report. All right. The presentence
6 investigation report now reflects credit for time served
7 of 250 days.

8 The other thing I wanted to ask about is at
9 page four of the presentence investigation report, the
10 last entry indicates an arrest in Washoe County and it's
11 for the instant offense. And I'm wondering if that needs
12 to be changed to Douglas County.

13 Mr. Hames?

14 MR. HAMES: Your Honor, the arrest actually
15 was not made at the time of this incident. Ms. Wenger
16 was transported to Washoe County where ultimately, that's
17 where the blood draw occurred, some of the evidence was
18 gathered. I think that's why Washoe County is reflected
19 there. But the offense certainly occurred here in
20 Douglas County.

21 THE COURT: Okay. So we can leave it, I
22 think, as-is.

23 Mr. Filter, are you good with that?

24 MR. FILTER: I am, Your Honor. I believe

1 that's accurate.

2 THE COURT: Okay. Thank you. Are there any
3 other issues with the presentence report before we move
4 on? Mr. Filter?

5 MR. FILTER: Your Honor, I just wanted to
6 confirm. Honestly, it was a while ago and I don't have a
7 transcript from our last hearing. I provided the court,
8 I believe, the release agreement with regard to the
9 restitution. Does the Court have that still?

10 THE COURT: The release agreement.

11 MR. FILTER: Your Honor, there was an
12 insurance claim through the Hartford Insurance and then a
13 release agreement fully satisfying any restitution or
14 costs and liabilities with regard to the accident.

15 THE COURT: Mr. Filter, do you have another
16 copy of that? I would suggest we go ahead and make that
17 part of the record just to be clear.

18 MR. FILTER: Your Honor, just so the record
19 is clear, I've got a letter from the Hartford. It's one
20 exhibit, and I've got a copy of the release agreement.
21 I'll show it to Mr. Hames.

22 THE COURT: We'll have those marked as
23 defense exhibit next in order. We can mark it as one
24 exhibit.

1 Mr. Hames, do you have any objection?

2 MR. HAMES: No, Your Honor.

3 THE COURT: The insurance release will be
4 admitted. We'll give the court clerk a moment.

5 The Court has reviewed defendant's Exhibit D,
6 which has been admitted. The Court has also received,
7 since we were here last time, the substance abuse
8 evaluation.

9 Mr. Hames, have you received that?

10 MR. HAMES: Yes, I have, Your Honor.

11 THE COURT: Okay. Mr. Filter, any other
12 issues with the presentence report or evidentiary issues
13 before we proceed with argument?

14 MR. FILTER: No, Your Honor.

15 THE COURT: Mr. Hames, how about for the
16 State?

17 MR. HAMES: No, Your Honor.

18 THE COURT: Mr. Filter, are you prepared to
19 make your sentencing recommendation?

20 MR. FILTER: I am.

21 THE COURT: You may do so.

22 MR. FILTER: Your Honor, just with regard to
23 I believe that with the documents presented to the Court
24 and restitution is satisfied by that. Nonetheless, I do

1 want to note that Ms. Wenger regrets her behavior and
2 there is additional restitution for her extradition, but
3 she's not trying to evade it or avoid paying restitution
4 or anything like that. I, as her attorney, have tried to
5 make sure that the Court is fully informed about the
6 process, and that's why I think that she is not trying to
7 evade anything.

8 Your Honor, one other kind of housekeeping
9 thing. As far as the report, Ms. Wenger disagrees with
10 some of the assertions in there. Some things are
11 mistaken. The outcome of the recommendation is that she
12 needs help and she's got a pretty severe alcohol problem.

13 Your Honor, that being said, Ms. Wenger has
14 got a pretty severe alcohol problem as I know, but
15 nonetheless, she made some terrible decisions, and those
16 decisions led to terrible consequences in this case.

17 As the Court knows from the information
18 included in the presentence report, she suffered her own
19 tragedies in her life. That part led to the poor
20 decision she made in this case. It's not an excuse but
21 it is a (unintelligible.)

22 We are asking the Court to sentence her to
23 ten to 25 years. She is 66 years old, Your Honor.
24 Actually -- excuse me -- she's 67 now, I believe. If the

1 Court sentenced her to ten to 25, she won't be able to
2 parole until at the earliest she's 76 years of age and
3 can be held until she's 91 years of age. If the Court
4 sentences her to 25 to life, she won't be eligible for
5 parole until she's 91 years old. It's essentially a life
6 without parole sentence given her health and her
7 circumstances, Your Honor.

8 Ten to 25, ten to 25 sentence, we submit to
9 the Court, is sufficient under the circumstances to
10 afford appropriate punishment and community protection.
11 We believe that it is the sentence that the Court should
12 order. It allows her, Your Honor, and we've talked about
13 -- Ms. Wenger and I have talked about her getting help
14 while she's in prison. The report from CCC clearly
15 indicates she needs help with her alcohol issues. We've
16 talked about some of the options that would be available
17 to her there and upon her release to get treatment and to
18 get help.

19 Your Honor, the sentence that we're
20 recommending would allow her at least some opportunity to
21 be a contributing member of society again, to make
22 whatever restitution the Court may order and to make
23 amends. This is a tragic situation. No question about
24 it. Ms. Wenger, as noted, made terrible decisions. But

1 nonetheless, she's not irredeemable, Your Honor.

2 We're asking this Court for a modicum of
3 mercy in this case. Ms. Wenger, the Court will hear from
4 her. She'll express her regrets and her apologies.
5 We're asking the Court to show her that mercy and
6 sentence to ten to 25, Your Honor. And with, that I'll
7 submit it to the Court.

8 THE COURT: Mr. Filter, a question. The
9 Court has two sentencing options here. It's my
10 understanding that under either option, the minimum
11 parole eligibility term would be the same. Do you agree
12 with that? It sounded like you were making an argument
13 that the parole eligibility would be different.

14 MR. FILTER: Your Honor, I am mistaken about
15 that. I apologize. She would have -- I misspoke. I
16 apologize.

17 THE COURT: Okay.

18 MR. HAMES: Thank you.

19 MR. FILTER: She would have parole
20 eligibility after ten years either way.

21 THE COURT: All right. Thank you, Mr.
22 Filter.

23 Ms. Wenger, the law affords you an
24 opportunity to personally address the Court and offer any

1 evidence in mitigation. Would you like to address the
2 Court?

3 THE DEFENDANT: I would, Your Honor.

4 THE COURT: You may do so. Please stand.
5 And it's okay with me if you remove your mask or if you
6 leave it on. Either is fine with the Court.

7 THE DEFENDANT: Thank you. I'm going to try
8 to get through this. I thank you for this opportunity to
9 speak, Your Honor. I've been told that you have my P&P
10 statement, and I thank you for reading it. One document
11 which is my proof that I was not fleeing and did not run
12 did not arrive by the deadline for my P&P. I have it
13 with me right here. I can quickly summarize it or hand
14 it to you for your viewing.

15 THE COURT: All right. Please share that
16 with Mr. Filter. And then, Mr. Filter, if it's something
17 you want the Court to look at, I'm happy to do so.

18 MR. FILTER: I'm seen it, Your Honor. I
19 think it would be appropriate for the Court to see it.

20 THE COURT: Go ahead and hand that to the
21 bailiff, Your Honor.

22 MR. HAMES: Your Honor, I don't know if I
23 have seen that.

24 THE COURT: All right. Let's show it to

1 Mr. Hames.

2 MR. FILTER: Your Honor, if I could.

3 THE COURT: Yes. Ms. Wenger, if there's
4 anything else, documents that you want me to consider,
5 now would be a good time to share them also with the
6 State.

7 THE DEFENDANT: That's the one document that
8 came in late, Your Honor.

9 THE COURT: Okay. Let's pause for a moment
10 then.

11 MR. FILTER: Your Honor, if I could explain.

12 THE COURT: Yes.

13 MR. FILTER: This is a letter that Ms. Wenger
14 wrote to the folks that she left her horse with in
15 Flagstaff, Arizona. And I don't want to step out of
16 turn, but just so the Court understands that she was in
17 Flagstaff to drop off the horse, and her statement to the
18 Court is that she was on her way here and that was part
19 of the delay of her getting back.

20 THE COURT: Okay. Thank you.

21 MR. FILTER: Is that accurately stated?

22 THE DEFENDANT: Yes.

23 THE COURT: Mr. Hames, any objection?

24 MR. HAMES: No.

1 THE COURT: We're going to have that letter
2 then marked as Defendant's Exhibit C. And it is a letter
3 from whom?

4 THE DEFENDANT: It is a letter, Your Honor,
5 from myself to the managers of the equine facility where
6 I had my horse, and I could just summarize it real quick.

7 THE COURT: I'm going to read it here in just
8 a moment.

9 THE DEFENDANT: Oh.

10 THE COURT: I just wanted to have an idea of
11 what it was so the clerk could mark it, so just hold on
12 for a minute.

13 THE DEFENDANT: Yes, sir.

14 THE COURT: And we're going to have it
15 admitted, and then I'm going to read it in the full and
16 then you can continue.

17 THE DEFENDANT: Thank you.

18 THE COURT: You're welcome. And if you'd
19 like to have a seat while I do that, that's fine.

20 THE DEFENDANT: Thank you.

21 THE COURT: Thank you. The Court has read
22 and considered Exhibit C.

23 Ms. Wenger, you may continue.

24 THE DEFENDANT: Thank you, Your Honor. I

1 appreciate you and thank you for accepting that document.
2 It's important for me for you to understand that you have
3 a conscience and I know what a horrific, tragic deadly
4 decision I made on February 28th of last year. I know
5 what -- I knew what my consequences would be. I felt I
6 needed to use the last of my time getting my personal
7 affairs in order which included getting my animals
8 settled in their forever homes as mine was now gone.

9 It was my choice to re-home my animals where
10 I did, and I made the best choices for them which meant
11 traveling to Arizona and Colorado. Almost to the day
12 after I achieved this, I was made aware of charges about
13 to be filed against me.

14 I was quickly taking care of my last matter
15 and heading back here when I got a flat tire and was
16 arrested in Colorado. I was allowed to bail. I did have
17 to wait three weeks for funds to retrieve my vehicle to
18 travel. With my attorney's permission, I started back
19 only to be re-arrested on a new warrant in Arizona where
20 I stayed until I was extradited here. I just wanted to
21 clear all of that up of where I was and when I was.

22 During my incarcerations in these three
23 different states, I have been able to put my life in
24 order, realize my serious shortcomings, face my serious

1 family matters, and that was what I put into the original
2 statement that you have read.

3 And along the way, I have gained some wisdom
4 and I have been able to help some younger women, looked
5 at some opportunities for them and some options, maybe
6 choosing their children over the drugs or the alcohol,
7 and it's given me insight to how I might be able to help
8 people during my sentence and down the road if there was
9 an option for me to do something to help younger women
10 with these types of problems because it is quite an
11 epidemic, and I did learn a lot about that during my
12 incarceration. And I wanted to say also that I have no
13 words -- this is to the family now -- my remorse, my
14 regret and my own suffering.

15 Not a day goes by that I don't relive that
16 day and the circumstances that led up to my horrific
17 deadly decision to drive. I pray daily that this was all
18 a very bad nightmare and that I'd wake up and this never
19 happened. Of course it did. I made it happen.

20 I take full responsibility for the death of
21 Laura Staugaard and injuries with her son. I would do
22 anything to trade places. Saying that I'm still here on
23 this earth wishing it wasn't me, wishing it was Laura, I
24 don't know how people take their lives. I'm way too much

1 of a coward, so I will live in this Hell and take my
2 sentence.

3 I know my words are empty. Way too little
4 way too late. What I did is my existence now and is what
5 absolutely defines me. I have no words and I question my
6 existence. I find strength to pray, as it is all I have
7 left in me. I pray constantly daily for Laura Staugaard,
8 a beautiful person and all of her family. Thank you.

9 THE COURT: Thank you, Ms. Wenger. You may
10 have a seat.

11 Mr. Hames, what does the State recommend?

12 MR. HAMES: Your Honor, we are standing by
13 the joint recommendation in this case for Ms. Wenger.
14 Ten to 25 and ten to life are very similar, essentially
15 the same. She's likely to spend the rest of her days in
16 prison, and that is the State's recommendation. We're
17 also recommending, Your Honor, restitution. I have a
18 request from the Attorney General's Office -- the defense
19 has seen this -- for extradition costs in the amount of
20 \$136.88.

21 THE COURT: We're going to have that marked
22 as State's exhibit next in order.

23 Mr. Filter, do you have any objection?

24 MR. FILTER: No objection, Your Honor.

1 THE COURT: All right. We'll give the clerk
2 a moment.

3 THE COURT: It's been marked and admitted as
4 State's Exhibit Number 4. I have reviewed it and I will
5 consider it for the purpose of sentencing.

6 Mr. Hames, you may continue.

7 MR. HAMES: Your Honor, we're also requesting
8 as restitution \$36,000 or \$36,299.18. That amount is set
9 forth in the victim impact statement that was provided by
10 Parole and Probation in the report dated October 12th. I
11 want to make sure the Court has a copy of that.

12 THE COURT: I do. Thank you.

13 MR. HAMES: And the Staugaards are present
14 here in the courtroom today, and they can address
15 specifically that request for restitution and explain why
16 that request is being made at this time.

17 But, Your Honor, I just for the rest of my
18 time to speak, I do just want to focus on the fact that
19 this was a crime with victims. And it was refreshing to
20 hear Ms. Wenger recognized that in her statement today.
21 I don't think that that was really demonstrated in her
22 statement to P&P, her written statement, nor was it
23 really apparent in her substance abuse evaluation that
24 she's really aware that she's not the victim in this

1 case.

2 Things have happened to her that were bad and
3 certainly tragedy in her family and whatnot, but that
4 doesn't justify the decisions that she made in this case,
5 specifically the decision to drink and then the decision
6 to drive. And this wasn't of course the first time that
7 she drank and drove.

8 As an element of this crime, of course, the
9 State has alleged and I believe the Court has the priors
10 already marked, but she was previously convicted of this
11 exact crime: Driving while intoxicated. So the reason
12 she's in this situation today is because she continued to
13 make that decision, and any type of tragedy that may have
14 befell her prior to that doesn't justify what she did in
15 this case nor does it justify the pain and the difficulty
16 and the deaths that she's caused in the Staugaard family.

17 Laura Staugaard was a loved mother,
18 grandmother, great grandmother. Her family has been
19 present throughout these proceedings because they miss
20 her. They miss her dearly and they want to see that this
21 Court is aware of that. They're here today. I believe
22 there are some additional family members who want to make
23 statements. They've provided me, Your Honor, with some
24 exhibits which I'd like to present to the Court at this

1 time.

2 THE COURT: We're going to have the
3 photographs marked as -- we can do one exhibit unless
4 there's going to be an objection.

5 Mr. Filter, any objection?

6 MR. FILTER: No objection, Your Honor.

7 THE COURT: All right. They will be marked
8 as one exhibit. I believe it will be State's Exhibit 5,
9 and it is admitted.

10 MR. HAMES: Your Honor, you'll see in those
11 photographs, I think the first two photographs there are
12 just further demonstrating the love that Laura
13 Staugaard's family felt for her. You can see in those
14 photographs pictures of great grandchildren,
15 grandchildren, people who will now not have the benefit
16 of her presence.

17 And certainly, she was somebody who was very
18 well loved, very well appreciated within her family, and
19 the fact that she is now gone has hurt that family
20 significantly. They're without their matriarch, a woman
21 that they relied on and cared about deeply.

22 You'll see also in that packet of
23 photographs, Your Honor, the damage to the Staugaard
24 vehicle.

1 This wasn't an accident. This was a reckless
2 and intentional act by Ms. Wenger. The circumstances of
3 the crash, Your Honor, I think it's clear in the PSI, she
4 was driving recklessly. Witnesses witnessed her in
5 different lanes, on the shoulder, moving in and out of
6 travel, speeding down the highway. And when she struck
7 Thomas Staugaard's vehicle, it was actually driving. She
8 rear-ended a vehicle as it was driving on 395. And so
9 this wasn't just some accident that happened. This was a
10 reckless, dangerous and intentional act by Ms. Staugaard
11 (sic).

12 The force that she struck that vehicle that
13 she was already driving was enough to flip the vehicle on
14 over onto the top, and you'll see that in one of those
15 photographs there. Of course as the vehicle flipped,
16 Laura Staugaard was ejected from the vehicle and
17 ultimately died because of her injuries. None of this
18 would have happened if it wasn't for the actions of
19 Ms. Wenger.

20 Those photographs, Your Honor, you'll also
21 see some of the injuries to Thomas Staugaard, Laura 's
22 son. You'll see that he was injured. There's some
23 pictures of his hands. There's also an x-ray showing
24 some damage to his neck. He was considerably injured

1 during this accident.

2 He himself is a victim of this crime, had to
3 take considerable time off of work, was unable to go
4 about his normal activities. And so I would ask the
5 Court consider that as well. I also just have one other
6 exhibit, Your Honor, that I'd like to have marked for the
7 Court's consideration at this time.

8 THE COURT: That will be marked as State's
9 exhibit next in order.

10 Mr. Filter, any objection?

11 MR. FILTER: No objection, Your Honor.

12 THE COURT: The exhibit is admitted.

13 MR. HAMES: The next photograph, Your Honor,
14 that you'll see there is a photograph of the significant
15 damage to the vehicle that Ms. Wenger was driving,
16 further demonstrating the force with which she struck a
17 vehicle, a vehicle that was already moving forward, and
18 yet despite the fact that Mr. Staugaard was driving, she
19 rear-ended him and did significant damage to her own
20 vehicle based on her speed and the reckless activity that
21 she was engaged in.

22 Finally, Your Honor, I would move to admit
23 Exhibit 7, I believe, which is a letter that Mr. Thomas
24 Staugaard wrote to his mother shortly after the accident,

1 and I would ask that it be part of the record, but I'd
2 also like to read it and then I will finish my remarks.
3 And I just want the Court to be aware there are victims
4 here who would also like to address the Court when I'm
5 finished.

6 THE COURT: Mr. Filter, any objection to
7 State's Exhibit 7?

8 MR. FILTER: No objection.

9 THE COURT: Seven is admitted.

10 Mr. Hames, you may proceed.

11 MR. HAMES: Again, this is a letter that
12 Mr. Staugard wrote to his mother shortly after this
13 accident. Not this accident. This crime.

14 "Dear Mom, I know I never said it or even
15 expressed it in my actions, but I do love you. I miss
16 you so much. I know it's too late to tell you in person,
17 but hopefully you're looking down on me and BooBoos. I'm
18 trying to stay strong, but it's hard. John, Pam, Johnny
19 Lewis and Connie came up to get stuff in order. John
20 took care of all of the money stuff so I didn't have to
21 worry about it."

22 "I saw the headlight coming, but there wasn't
23 any time to warn you. I did black out in the beginning
24 after you grabbed my arm and started to scream. I rolled

1 in the car about four to six times. When it stopped, I
2 looked over and you weren't there. I knew instantly what
3 happened. I crawled out of the car and went to your side
4 to check on you. Several other people were with me, and
5 I rolled you over hoping for something, but I knew the
6 result already."

7 "I got on the phone with dispatch and asked
8 for Care Flight for you but knowing they were not going
9 to use it. I watched as several bystanders worked on
10 you. At some point, they declared it, put a blanket over
11 you. I was then taken to the ambulance for treatment. I
12 looked at you for a second but I do regret it now. Not
13 stopping for one last minute. And I'm sorry. BooBoos
14 didn't know until she got to the hospital."

15 "So far, we are okay. I lose it at times,
16 and Bells know when it's coming and comes to my side. I
17 just hope you didn't feel any pain and it was quick.
18 Hopefully, you are in a place now and will keep watching
19 over us as we go along. Hopefully you and Gram my can
20 find peace together and watch over all of us. Please
21 show us that you too are there every now and then. Love
22 and miss you."

23 THE COURT: Are there members of Laura
24 Staugaard's family that wish to provide victim impact

1 testimony here today? If so, show me a hand. All right.
2 Looks like two hands. It doesn't matter to me which
3 order we go in. Whoever would like to go first, please
4 step forward.

5 And, sir, I'm first going to have you sworn.
6 Please raise your right hand, face the court clerk.

7 (The witness was sworn.)

8 THE COURT: Thank you. Please come on up
9 here to witness stand.

10 BRIAN STAUGAARD: I have it on my phone. I
11 didn't print it out.

12 THE COURT: All right, sir. What is your
13 name?

14 BRIAN STAUGAARD: Brian.

15 THE COURT: What is your last name?

16 BRIAN STAUGAARD: Staugaard.

17 THE COURT: And what is your relationship to
18 Laura?

19 BRIAN STAUGAARD: One of the oldest
20 grandchildren.

21 THE COURT: Okay. Mr. Filter, any objection
22 to him providing victim impact testimony?

23 MR. FILTER: No, Your Honor.

24 THE COURT: The Court finds that Brian

1 Staugaard is a victim as defined by statute.

2 Sir, you do get an opportunity here to
3 provide a victim impact statement. That means letting
4 the Court know how this case has impacted you and make
5 any requests for sentencing and/or for restitution. I
6 think you made a comment that you had it on your phone.
7 Does that mean you have a statement you would like to
8 read?

9 BRIAN STAUGAARD: Yeah.

10 THE COURT: Okay. You can go ahead and pull
11 up the statement on your phone, and then you may read it
12 when you're ready.

13 BRIAN STAUGAARD: My name is Brian. I'm the
14 second oldest of all of the grandchildren. I was
15 privileged enough to have a relationship with Laura as an
16 adult. The relationship was undoubtedly the largest
17 impact on me in the formation of myself.

18 THE COURT: Take your time, sir.

19 BRIAN STAUGAARD: Thanks. Hames did a good
20 job reading that letter. The woman that my grandmother
21 matured into was someone to respect in very high regard.
22 No subject was off limits during conversations, and there
23 were many instances that we would talk for hours, many
24 hours. She had to be so selfless to live her life the

1 way she did, especially continuously helping my father
2 even though she knew it was draining her. Financially
3 and emotionally, it drained her.

4 She lived with my uncle for most of her life
5 in his adult years. Despite their sometimes rocky
6 relationship, they were inseparable together with my
7 Cousin Michelle, who has grown into her own self as an
8 admirable woman. I tell you these things to paint the
9 picture that was started by the other Staugards at our
10 previous meeting.

11 I'm here to give you an impact statement and
12 the impact that this has had has taken me time to
13 process. I've lost family before. '14, my mom's dad.
14 And 18, we lost Laura's mom, Virginia. Later, my mom's
15 step dad and all of these had huge impacts on my whole
16 family, but losing Laura so abruptly and so unsightly has
17 shaken -- has really shaken and simultaneously both
18 brought our family together and separated us.

19 My grandmother was the glue that held our
20 family together from all sides, and she divorced her
21 husband after having my uncle, and then my father. She
22 changed her name back to Staugard, a name that I and my
23 entire family are deeply proud to present, a name that's
24 older than this country. And now almost two years after

1 her passing, the death of the family has hit me hard.

2 I now have no one to give me an honest and
3 sometimes sobering opinions to my questions and my wife
4 and I have both a maturing as humans both turning 26 and
5 are finally mostly fully formed adults and meeting after
6 five years, we're different people than when we met.

7 Having a daughter of my own, I have questions and
8 concerns, and I can ask plenty of people, but anyone who
9 knew Laura can testify that she answered questions in a
10 way no one else did.

11 Just before this thing happened, I had a
12 conversation of mortality with her. She was going to
13 turn 71 and was actually excited to do so. She was
14 crafting her life, living on her own and completing
15 projects she's been hoarding in her closet for years.
16 She was proud of her stuff. And surprising to all of us,
17 she was working on losing some weight.

18 So during my visit, we spoke of her
19 mortality, and I questioned if she thought she might make
20 it to see Greenley's children. Greenley is my daughter.
21 She might see my daughter's children in 20 years. We
22 sadly left that conversation unfinished intentionally
23 because we were going to come back to it and expand on
24 the subject.

1 So now the defendant's attorney asks us to
2 consider this woman's mortality of essentially life in
3 prison because of her age, conditions and sentencing
4 term, but I was robbed of the conversation from my
5 grandmother who was undoubtedly my best friend and the
6 strongest person in my corner and definitely the most
7 selfless woman time and time again.

8 You are asking us to consider her mortality
9 in prison but this is not the first offense. And if she
10 served a full sentence from the last offense, we wouldn't
11 be having this impact statement. I would be taking my
12 grandmother -- talking to my grandmother about her
13 eventual demise and not Mrs. Wenger's.

14 I got nothing from the settlement. I didn't
15 agree to take the financial gain to ease my transition
16 into life without my grandmother. So I sit here with my
17 final sentence asking you if she considered anyone's
18 mortality during her drive back from Mammoth. Also,
19 since it was a road trip, were you drinking and driving
20 or did you get drunk and then drive because both are
21 illegal and premeditated as far as I'm concerned.

22 THE COURT: Thank you, sir. Are you
23 requesting a certain amount of restitution?

24 BRIAN STAUGAARD: No. It doesn't do

1 anything. I'm going to be a business owner soon, and I'm
2 doing pretty well myself.

3 THE COURT: All right. Thank you.

4 Mr. Hames, do you have any questions for the
5 Mr. Staugaard?

6 MR. HAMES: No, Your Honor.

7 THE COURT: Mr. Filter?

8 MR. FILTER: No, Your Honor.

9 THE COURT: All right. Thank you, sir. You
10 can go ahead and have a seat in the back. And I thought
11 I saw one other hand. If you'd like to come up. Two
12 more. Please raise your right hand, face the court clerk
13 to be sworn.

14 (The witness was sworn.)

15 THE COURT: Thank you. Please come up to the
16 witness stand. Go ahead and have a seat. What is your
17 name?

18 MS. PARSONS: My name is Rebecca Parsons.

19 THE COURT: Rebecca, what was the last name?

20 MS. PARSONS: Parsons.

21 THE COURT: Can you spell that, please?

22 MS. PARSONS: P-A-R-S-O-N-S.

23 THE COURT: And how are you related to Laura?

24 MS. PARSONS: I was going to be her future --

1 my son is with her granddaughter. So but I was there
2 when everything happened, and I kind of want to give more
3 of a story of what I saw.

4 THE COURT: Okay. I'm sorry I did not
5 understand your relationship with her. Can you --

6 MS. PARSONS: My son is engaged to her
7 granddaughter.

8 THE COURT: Okay. Thank you. Mr. Filter, do
9 you have any objection to Ms. Parsons providing a victim
10 impact statement?

11 MR. FILTER: Your Honor, could I have a
12 moment with my client?

13 THE COURT: You may.

14 (WHEREUPON, an off-the-record discussion ensued.)

15 MR. FILTER: Your Honor, we don't object.

16 THE COURT: No objection?

17 MR. FILTER: No.

18 THE COURT: All right. It is my assessment
19 that this witness does not fall within the definition of
20 victim. However, Mr. Filter has indicated no objection
21 to providing testimony. I do want to make sure that
22 Ms. Wenger is okay with that.

23 MR. FILTER: I just wanted to make a record.
24 I did discuss that with her that we likely could object

1 to her speaking, but Ms. Wenger does not want to.

2 THE COURT: Does not wish to object?

3 MR. FILTER: She does not wish to object.
4 She does wish to allow her to speak.

5 THE COURT: Okay. Ms. Wenger, is that
6 correct?

7 THE DEFENDANT: It is, Your Honor.

8 THE COURT: So I'm going to allow her to make
9 a statement. Are you okay with that?

10 THE DEFENDANT: Yes, I am, Your Honor.

11 THE COURT: Mr. Hames, do you have any
12 objection?

13 MR. HAMES: No, Your Honor.

14 THE COURT: All right, Ms. Parsons. Go
15 ahead.

16 MS. PARSONS: The night that all of this
17 happened, I was there with her granddaughter. I was
18 there when she got the phone call. I was there when I
19 took her to the hospital.

20 I do have first responder background.
21 Everything that they were telling me, I knew what was
22 going on because of my background. To watch her have
23 hope that when we got to the hospital that her
24 grandmother was going to be okay. When we knew there was

1 only two people that were transported and we had already
2 talked to her dad, it was heartbreaking to watch this
3 young lady have that hope and the hope be just stricken
4 from her.

5 I watched her break in front of me and then
6 try to be strong to go into the hospital room with her
7 dad because we didn't know whether or not he knew. He
8 knew, which was a little bit of a relief. And how can
9 you have relief in a situation like this? And it was the
10 hardest thing to watch this family break in front of me,
11 and there's absolutely nothing I could do to help but try
12 to be there for them and support them.

13 He was in such a position that he couldn't do
14 the things that he had planned to do. My family was
15 there to help them move all of her stuff out of her
16 apartment. This wasn't just a thing that broke a family.
17 People watched it. People watched these people break,
18 and there was nothing anybody could do to help them but
19 to try to support them.

20 I've never -- I don't know how he did it, to
21 be honest with you. I know that he had planned to work
22 on his house and to do yard work, and he was adamant he
23 needed to get it done, and I was not going to let him do
24 it by himself. And my sons and I went over there and we

1 helped him. We watched. We supported. We tried to make
2 food for them. We really were there. We were a family.
3 We still are.

4 I just want to be known that this didn't just
5 hurt this family. It hurt a community, and I watched it.
6 And I couldn't do anything but be a bystander and
7 hopefully give some support. And I really hope that she
8 understands that, and I hope the Courts understand that,
9 and I honestly hope I never have to watch a family break
10 like that ever.

11 It was the hardest thing. And I've gone
12 through a lot. And I have seen a lot, and this was by
13 far one of the worst things I've ever gone through. And
14 it wasn't even me going through it. And I just hope you
15 guys take that into consideration that it wasn't just --
16 it affected a lot of people not just the family but the
17 community and so I hope you can take that.

18 THE COURT: Thank you. Mr. Hames, do you
19 have any questions?

20 MR. HAMES: I don't.

21 THE COURT: Mr. Filter?

22 MR. FILTER: No, Your Honor.

23 THE COURT: All right, ma'am. Thank you.

24 MS. PARSONS: Thank you.

1 THE COURT: All right. I believe there was
2 one other person that would like to give a victim impact
3 statement. You may step forward. Thank you.

4 (The witness was sworn.)

5 THE COURT: Sir, please state your name.

6 THOMAS STAUGAARD: Thomas Staugaard.

7 THE COURT: Mr. Staugaard, how are you
8 related to Laura?

9 THOMAS STAUGAARD: Her son. The driver.

10 THE COURT: All right.

11 THOMAS STAUGAARD: The victim.

12 THE COURT: Would you like to make a victim
13 impact statement?

14 THOMAS STAUGAARD: Oh, yeah.

15 THE COURT: You may do so. Go ahead.

16 THOMAS STAUGAARD: I just got out of the
17 hospital last night.

18 THE COURT: Take your time, sir.

19 THOMAS STAUGAARD: Let's address Defense
20 Exhibit A, the settlement agreement from Hartford. I
21 know what I signed because I need money. I was flat
22 broke. I had \$500 in my account and a business still to
23 run. So yeah, signed what I had to get me my money. And
24 it's not even her money. It was her friend's money that

1 she was driving the car for. At least they had enough
2 brains to have good insurance on the car. So yeah, I
3 know what I signed.

4 Your Honor, you want restitution? Great.
5 I'll take it. But let's be honest here. Do I really
6 think I'm going to get a penny out of her? Probably not.
7 She, in her 70 years of existence on this earth, she
8 hasn't given a crap what any other judge says. So what's
9 going to make this different? And yes, I'm very pissed.
10 I waited damn near two years for this.

11 Even if you give her the minimum years, the
12 nine years now with time served and whatever -- and I
13 forgot the defense name, sorry, but so she can be a
14 productive member of society? She's had 60 years to do
15 that. I think she's already failed. The only thing she
16 can be productive member of society is in a prison cell,
17 and even that's too good for her.

18 She needs the maximum. And you say dying at
19 91 in prison would be a bad thing? How about dying in
20 the middle of 395 on a dark night? Might be a little
21 worse, I think. At least if she's in prison, she has a
22 nice hospital bed to sit in.

23 I know I read in the report somewhere blood
24 alcohol was .308. Granted I went to school in L.A. and

1 my math ain't that great, but that's damn near four
2 times. Talking with a bunch of paramedics friends, cop
3 friends, my who family is L.A. PD, she shouldn't even
4 have been walking and talking let alone being able to
5 operate a car of any type. She should have been laying
6 somewhere passed out. And at .308, she has a problem, a
7 big problem. And I don't think prison is going to fix
8 it.

9 When I got out of the car and I knew my mom
10 was dead, I went after her. I could not get the door
11 open because I tell you what. I was pissed. She's the
12 third drunk I've been hit by in my career. I drive a tow
13 truck on these freeways that nobody gives a damn about.

14 This accident also ended my 15-year
15 firefighting career. Thank you very much. It's the only
16 thing I wanted since high school. There's not enough --
17 I don't have enough time to tell you everything I want to
18 tell you. And if I keep going, I'll probably get a
19 contempt of court charge what I really want to tell you.
20 I cry all the time. Done.

21 THE COURT: Mr. Hames, do you have any
22 questions for Mr. Staugaard?

23 MR. HAMES: I don't. Thank you.

24 THE COURT: Mr. Filter?

1 MR. FILTER: No, Your Honor.

2 THE COURT: Mr. Staugaard, thank you.

3 THOMAS STAUGAARD: Will you provide that as
4 an exhibit?

5 THE COURT: Yes. Counsel, he's handed me a
6 written statement. I haven't read it yet. I'd ask that
7 counsel first look at it.

8 MR. FILTER: No objection, Your Honor.

9 THE COURT: We're going to have the letter
10 marked as State's exhibit next in order even though it is
11 victim impact. I recognize it as such. State's Exhibit
12 8 is admitted. I'm going to take a moment to review it.

13 Are there any other members of Laura's family
14 that wish to make a statement? All right, ma'am, you can
15 step forward, please. Please raise your right hand.

16 (The witness was sworn.)

17 THE COURT: Come on up here to the witness
18 stand, please. Please state Your Honor name.

19 MS. KUBENY: Linda Kubeny: K-U-B-E-N-Y.

20 THE COURT: And your relationship to Laura?

21 MS. KUBENY: I am married to her ex-husband.

22 THE COURT: Okay.

23 MS. KUBENY: That's kind of stepson, step
24 granddaughter. It's basically a personal thing that I

1 wanted to say.

2 THE COURT: All right. Mr. Filter, do you
3 have any objection to Ms. Kubeny providing a statement?

4 MR. FILTER: Your Honor, if I could have a
5 moment.

6 THE COURT: You may. Take your time.

7 (WHEREUPON, an off-the-record discussion ensued.)

8 MR. FILTER: Your Honor, we don't believe
9 that she comes within a definition, and we would actually
10 object to her testifying.

11 THE COURT: Okay. Mr. Hames, do you wish to
12 make any argument that she fits within the definition of
13 victim?

14 MR. HAMES: Your Honor, she is -- in addition
15 to being the wife of Ms. Staugaard's ex-husband, she is
16 therefore also mother of these -- the stepmother of
17 Mr. Thomas Staugaard, who has spoken. I do believe that
18 she therefore, based on that relationship, does qualify
19 as a victim in this case.

20 THE COURT: Ms. Kubeny, there is a legal
21 definition of victim, and it is my assessment that you do
22 not meet that definition. That does not mean, however,
23 you are not a victim in the general sense of the word,
24 and I understand you may very well have suffering and

1 things that you would like to say as well. But in this
2 context, the Court is not going to allow you to make a
3 statement. And that's based on the Nevada Revised
4 Statutes, so I thank you for coming in today.

5 MS. KUBENY: Thank you.

6 THE COURT: And I'd ask that you go ahead and
7 have a seat in the back.

8 Are there any other members of Laura's family
9 who wish to make a victim impact statement? Sir? Please
10 raise your right hand, face the court clerk to be sworn.

11 (The witness was sworn.)

12 THE COURT: Sir, please state your name.

13 MR. KUBENY: Thomas Kubeny.

14 THE COURT: And your relationship to Laura?

15 MR. KUBENY: I'm her former husband and the
16 father of Thomas Staugaard.

17 THE COURT: Mr. Filter, any objection?

18 MR. FILTER: Your Honor, if I could have a
19 moment?

20 THE COURT: Yes.

21 (WHEREUPON, an off-the-record discussion ensued.)

22 MR. FILTER: Your Honor, sorry, but we would
23 object to his testimony. We don't believe it comes
24 within the definition.

1 THE COURT: As the father to Tom, the Court
2 does find that Mr. Kubeny meets the definition of a
3 victim pursuant to statute.

4 Mr. Filter, if you wish to make any argument
5 on that, I will hear it.

6 MR. FILTER: No, Your Honor. Thank you.

7 THE COURT: Okay. Mr. Hames, any objection
8 to Mr. Kubeny providing a statement?

9 MR. HAMES: No, Your Honor.

10 THE COURT: All right. Mr. Kubeny, go ahead.

11 MR. KUBENY: Your Honor, thank you. I'm here
12 in support of my son. My former wife was a good friend,
13 and I want to see this woman go to jail for life. She
14 took everything away from our family. She's been charged
15 numerous times for DUI, and she has done nothing in the
16 past to rectify the situation. And to kill somebody and
17 now she wants mercy. I don't want to see it. I really
18 don't. I could say other things, but I won't. I'll be
19 like my son. I'll end up in court. I thank you.

20 THE COURT: All right, sir. Anything else?

21 MR. KUBENY: No.

22 THE COURT: Mr. Hames, any questions for
23 Mr. Kubeny?

24 MR. HAMES: No, Your Honor.

1 THE COURT: Mr. Filter?

2 MR. FILTER: No, Your Honor.

3 THE COURT: All right. Thank you,
4 Mr. Kubeny. Any other victim impact testimony? I see no
5 hands.

6 Mr. Filter, any reason why judgment should
7 not now be imposed?

8 MR. FILTER: No legal cause, Your Honor.

9 THE COURT: Ms. Wenger, please stand.

10 Ms. Wenger, the Court adjudicates you guilty of the crime
11 contained within the Information for which you previously
12 entered a plea of guilty. Specifically, vehicular
13 homicide, a category A felony, for which the Court is now
14 prepared to impose sentence.

15 The Court previously reviewed and admitted
16 the prior convictions which render this a category A
17 felony. The Court is now prepared to impose sentence.
18 Ms. Wenger, the Court finds that based upon your history
19 and the facts and circumstances of this case that the
20 maximum penalty that the law allows is appropriate in
21 this case.

22 As we've talked about at the time of your
23 arraignment and other times, the Court really has two
24 options here. The Court follows and chooses the most

1 serious option. You've heard some of the facts and
2 circumstances here, but I highlight your prior
3 convictions for driving under the influence and your
4 blood alcohol level in this case, which is a .308.

5 You are ordered to pay an administrative
6 assessment fee of \$25, a chemical analysis fee of \$60, a
7 DNA fee of \$150, and a DNA administrative assessment fee
8 of \$3. You are ordered to pay extradition costs in the
9 amount of \$136.88. You are ordered to pay restitution to
10 the victims in the amount of \$36,299.18. Of course the
11 insurance company here would have a right of subrogation
12 as to any amounts that are collected.

13 You are sentenced to serve life in the
14 Department of Corrections with minimum parole eligibility
15 beginning when ten years have been served. You are
16 ordered to attend a victim impact panel. You are ordered
17 to have an Interlock device installed on any vehicle that
18 you drive in the future.

19 You are scheduled or you are ordered to
20 appear before this Court the first Monday following your
21 release from prison to set up a payment plan and you
22 shall also show compliance with the victim impact panel
23 and the Interlock device. You are granted 250 days
24 credit for time served. Any previously imposed bail, if

1 any, is exonerated.

2 Mr. Hames, anything further?

3 MR. HAMES: No, Your Honor.

4 THE COURT: Mr. Filter?

5 MR. FILTER: No, Your Honor.

6 THE COURT: That is the Court's order.

7 -o0o-

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1 STATE OF NEVADA)

2)

3 COUNTY OF DOUGLAS)

4

5 I, Nicole J. Hansen, Certified Shorthand
6 Reporter of the Ninth Judicial District Court of the
7 State of Nevada, in and for the County of Douglas, do
8 hereby certify:

9 That I was present in Department No. 2 of the
10 above-entitled Court and took stenotype notes of the
11 proceedings entitled herein, and thereafter transcribed
12 the same into typewriting as herein appears;

13 That the foregoing transcript is a full, true
14 and correct transcription of my stenotype notes of said
15 proceedings.

16 DATED: At Reno, Nevada, 29th day of
17 November, 2021.

18

Nicole J. Hansen

19

Nicole J. Hansen, CCR, No. 446,
RPR, CRR, RMR

20

21

22

23

24

1 Nicole J. Hansen
2 Capitol Reporters
3 628 E. John St.
4 Carson City, NV. 89706
5 (775) 882-5322

6
7 IN THE NINTH JUDICIAL DISTRICT COURT
8 IN AND FOR THE COUNTY OF DOUGLAS, STATE OF NEVADA
9

10 THE STATE OF NEVADA,
11

12 Plaintiff,
13

14 v.
15

Case No. 2021-CR-00114
Dept. No. 2

16 JOAN KATHRYN WENGER,
17

18 Defendant.
19

20
21 **AFFIRMATION**
22

23 Pursuant to NRS 239B.030
24

25 The undersigned does hereby affirm that the
26 following document **DOES NOT** contain the Social Security
27 number of any person:
28
29
30
31
32
33
34

35 *Nicole J. Hansen*

36 Nicole J. Hansen

37 November 29, 2021

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Case No. 2021-CR-00114
Dept. No. II

RECEIVED

NOV 29 2021

Douglas County
District Court Clerk

FILED

2021 NOV 29 PM 2:32

ROBERT N. 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

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 20 2021 4:05 PM

Elizabeth A. Brown
Clerk of the 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

Joan Kathryn Weng
(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)

Joan Kathryn Weng
(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

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.

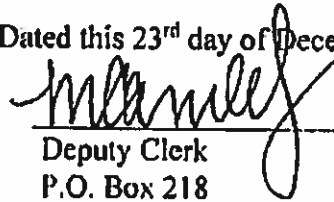
1 10. Provide a brief description of the nature of the action and result in the district court,
2 including the type of judgment or order being appealed and the relief granted by the
3 Court: This is a criminal matter in which the Judgment of Conviction was filed on
November 29, 2021.

4 11. Indicate whether the case has previously been the subject of an appeal to or original writ
5 proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number
of the prior proceeding:
No.

6 12. Indicate whether this appeal involves child custody or visitation:
No.

7 13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:
8 N/A.

9 Dated this 23rd day of December 2021

10 
11 Deputy Clerk
12 P.O. Box 218
13 Minden, Nevada 89423
14 775-782-9820

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 Ball
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

1 Case No. 2021-CR-00114

2 Dept. No. II

NOV 29 2021

2021 NOV 29 PM 2:32

Douglas County
District Court Clerk

ROBIE R. WILLIAMS
CLERK

BY *W. Williams* DEPUTY

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

9 THE STATE OF NEVADA,
10 Plaintiff,

11 vs.

JUDGMENT OF CONVICTION

12 JOAN KATHRYN WENGER,
13 Defendant.

14
15 On the 23rd day of August, 2021, Defendant entered a plea of
16 guilty to the following offense contained within the Information:
17 Vehicular Homicide, a violation of NRS 484C.130(1) and NRS
18 484C.440(1), a category A felony committed on or about February
19 28, 2020.

20 On the 18th day of October, 2021 and continuing to the 29th
21 day of November, 2021, Defendant appeared for sentencing. Finding
22 no legal cause why judgment should not be pronounced, judgment was
23 rendered as follows: Vehicular Homicide, a violation of NRS
24 484C.130(1) and NRS 484C.440(1), a category A felony, imprisonment
25 in the Nevada Department of Corrections for a term of life with
26 parole eligibility beginning when a minimum of ten (10) years have
27 been served.

28 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.

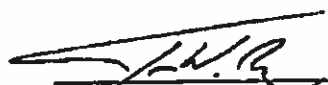
9 Defendant shall pay statutory fees and assessments of \$25.00
10 (NRS 176.062), \$3.00 (NRS 176.0623), \$150.00 (NRS 176.0915), and
11 \$60.00 (NRS 453.575). Any cash bail shall be exonerated and shall
12 be applied to fines and fees.

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]

STATE'S EXHIBIT LIST

CASE NAME: THE STATE OF NEVADA VS. JOAN KATHRYN WENGER

CASE NUMBER: 2021-CR-00114

DATE OF HEARING: NOVEMBER 29, 2021

JUDGE: THOMAS W. GREGORY

DEPT NO: II

ATTORNEY: A.J. HAMES

PURPOSE OF HEARING: SENTENCING HEARING

EXHIBIT NO.	DESCRIPTION	MARKED FOR ID	ADMITTED	NOT ADMITTED
4	Office of the Attorney General Extradition Cost	X	X	
5	7 Photos	X	X	
6	Defendant's Car After Accident	X	X	
7	Letter from Victim	X	X	
8	Letter from Victim	X	X	

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

EXHIBIT NO.	DESCRIPTION	MARKED FOR ID	ADMITTED	NOT ADMITTED
A	Release Agreement	X	X	

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

EXHIBIT NO.	DESCRIPTION	MARKED FOR ID	ADMITTED	NOT ADMITTED
1	2011-DU-000596 White Pine, NV Judgment and Sentence	X	X	
2	Reno Criminal Case Summary Case No. RCR2018-098226	X	X	
3	Tahoe Justice Court 09-0682 Judgment and Order (D.U.I. or Reckless Driving)	X	X	



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.

~~BOBBIE R. WILLIAMS~~
Clerk of the Court

[Signature]
Deputy Clerk

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOAN KATHRYN WENGER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 84003

FILED

JAN 18 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

**ORDER OF LIMITED REMAND
FOR DESIGNATION OF COUNSEL**

This is a pro se appeal from a judgment of conviction. This appeal is remanded to the district court for the limited purpose of securing counsel for appellant. *See Evitts v. Lucey*, 469 U.S. 387 (1985). If appellant is indigent, the district court shall have 28 days from the date of this order to appoint counsel for appellant. Otherwise, within 28 days from the date of this order, the district court shall order that appellant must retain counsel and that retained counsel must enter an appearance in the district court on appellant's behalf within 28 days from the date of the district court's order. Within 7 days from the appointment or appearance of counsel, the district court clerk shall transmit to the clerk of this court (1) a copy of the district court's written or minute order appointing appellate counsel; or (2) a copy of the notice of appearance filed by retained counsel.

It is so ORDERED.

, C.J.

cc: Hon. Thomas W. Gregory, District Judge
Joan Kathryn Wenger
Attorney General/Carson City
Douglas County District Attorney/Minden
Douglas County Clerk

FILED

1 Case No. 2021-CR-00114

2 Dept. No. II

RECEIVED

FEB - 2 2022

Douglas County
District Court Clerk

2022 FEB - 3 PM 2:20

BORRER WILLIAMS-

Electronically Filed

Feb 03 2022 02:50 p.m.

BY Elizabeth A. Brown

Clerk of Supreme Court

6 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7 IN AND FOR THE COUNTY OF DOUGLAS

8
9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

ORDER APPOINTING COUNSEL

12 JOAN KATHRYN WENGER,

13 Defendant.

14

15 The Nevada Supreme Court remanded this matter for the limited
16 purpose of securing counsel for JOAN KATHRYN WENGER to represent
17 her on her appeal in this case, Nevada Supreme Court case number
18 84003. This court previously determined that JOAN KATHRYN WENGER
19 was an indigent person based on her financial status, and now
20 determines that she remains without means of employing an
21 attorney. Good cause appearing,

22
23 This matter was referred to the Douglas County Indigent
24 Defense Services Coordinator for assignment of counsel, pursuant
25 to the Douglas County Plan for Indigent Defense Services. The
26 Indigent Defense Services Coordinator has assigned as appellate
27

28

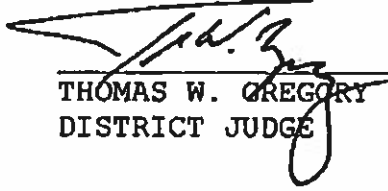
1 attorney, the Nevada State Public Defender's Office, to represent
2 the Defendant in all further proceedings in this appeal.

3 IT IS HEREBY ORDERED that:

4 1. The selection of counsel by the Indigent Defense
5 Services Coordinator is confirmed.

6
7 2. The Nevada State Public Defender's Office is confirmed
8 as attorney of record, and shall represent the Defendant in all
9 further proceedings in her appeal in Nevada Supreme Court case
10 number 84003.

11 Dated this 3rd day of February 2022.

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15 THOMAS W. GREGORY
16 DISTRICT JUDGE
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Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

MARK B. JACKSON
DOUGLAS COUNTY DISTRICT ATTORNEY
DOUGLAS CO. JUDICIAL & LAW & ENFORCEMENT BLDG.
1038 BUCKEYE RD.
MINDEN, NV 89423

FMWCC #1250827
4370 SMILEY RD.
Las Vegas, NV 89115

SIGNED: /s/ Dawn Wholey
Employee of Nevada State Public Defender