

IN THE SUPREME COURT OF THE STATE OF NEVADA

SARAH ELIZABETH GRAVELLE,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

Electronically Filed  
NO. 83781 2022 05:28 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**JOINT APPENDIX TO APPELLANT'S OPENING BRIEF VOL I**

MATTHEW PENNELL  
Elko County Public Defender  
569 Court Street (Physical Address)  
571 Idaho Street (Mailing Address)  
Elko, NV 89801  
NV Bar Number 13298

AARON FORD  
Nevada Attorney General  
100 North Carson Street  
Carson City, NV 89701  
NV Bar Number 7704

ROGER H. STEWART  
Chief Criminal Deputy Public Defender  
Elko County Public Defender  
569 Court Street (Physical Address)  
571 Idaho Street (Mailing Address)  
Elko, NV 89801  
NV Bar Number 3823

TYLER J. INGRAM  
Elko County District Attorney  
540 Court Street  
Second Floor  
Elko, NV 89801  
NV Bar Number 11819

*Attorneys for Appellant*

WALTER F. FICK  
Deputy District Attorney  
Elko County District Attorney  
540 Court Street  
Second Floor  
Elko, NV 89801  
NV Bar Number 14193

*Attorneys for Respondent*

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1 RESPECTFULLY SUBMITTED this 25 day of January 2022.

2  
3 MATTHEW PENNELL  
4 ELKO CO. PUBLIC DEFENDER  
5 569 Court Street (Physical Address)  
6 571 Idaho Street (Mailing Address)  
7 Elko, Nevada 89801

8 By: RHS  
9 ROGER H. STEWART  
10 Chief Criminal Deputy Public Defender  
11 Nevada Bar Number 3823  
12 rstewart@elkocountynv.net

13 RESPECTFULLY SUBMITTED this 25<sup>th</sup> day of January 2022.

14 TYLER J. INGRAM  
15 ELKO CO. DISTRICT ATTORNEY  
16 540 Court Street 2<sup>nd</sup> Floor (Mailing Address)  
17 Elko, Nevada 89801

18 By: Walter F. Fick  
19 WALTER F. FICK  
20 Deputy District Attorney  
21 Nevada Bar Number 14193  
22 wfick@elkocountynv.net

1                                    CERTIFICATE OF SERVICE BY ELECTRONIC FILING

2                    I hereby certify, pursuant to the provisions of NRAP 25, that I am an employee  
3 of the Elko County Public Defender's Office, and that on the 25 day of January  
4 2022, I electronically filed a copy of the foregoing, Appendix to Appellant's Fast  
5 Track Statement, and the following parties have consented to receive electronic  
6 filings in this matter:

7                                    CLERK OF THE SUPREME COURT  
8                                    Supreme Court Building  
9                                    201 S Carson Street  
10                                   Carson City, NV 89701-4702

11                                   OFFICE OF THE ATTORNEY GENERAL  
12                                   100 N. Carson Street  
13                                   Carson City, NV 89701-4717

14                                   WALTER F. FICK  
15                                   ELKO COUNTY DISTRICT ATTORNEY'S OFFICE  
16                                   540 Court Street Second Floor  
17                                   Elko NV 89801

18                                   

19                                   CERTIFICATE OF MAILING

20                    I hereby certify, pursuant to the provisions of NRAP 25, that I am an employee  
21 of the Elko County Public Defender's Office, and that on the 25 day of January  
22 2022, I mailed and postage prepaid, a copy of the foregoing Appendix to Appellant's  
23 Fast Track Statement to the following:

24                                   SARAH ELIZABETH GRAVELLE  
25                                   FMWCC  
26                                   4370 Smiley Road  
27                                   Las Vegas NV 89115

28                                   

FILED  
ELKO TOWNSHIP  
JUSTICE/MUNICIPAL COURT  
2018 AUG 30 PM 3:07

CLERK 102

CASE NO. EL-JC-CR-F-18-7207

IN THE ELKO JUSTICE COURT  
IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

SARAH ELIZABETH GRAVELLE

Defendant.

**CRIMINAL**

**COMPLAINT**

COMES NOW, THE STATE OF NEVADA, the Plaintiff in the above-entitled cause, by and through its Counsel of Record, the Elko County District Attorney's Office, and based upon the Declaration Of Probable Cause and/or the narrative report and the Officer Declaration executed by the submitting officer in connection with said narrative report, complains and alleges that the Defendant above-named, on or about the 22nd day of August, 2018, at or near the location of Idaho Street, Elko, within the County of Elko, and the State of Nevada, committed the following described criminal offense:

**COUNT 1**

**POSSESSION OF A CONTROLLED SUBSTANCE, A CATEGORY E FELONY  
AS DEFINED BY NRS 453.336. (NOC 51127)**

That the Defendant did unlawfully, and knowingly or intentionally, possess, actually or constructively, a controlled substance, to wit: methamphetamine.

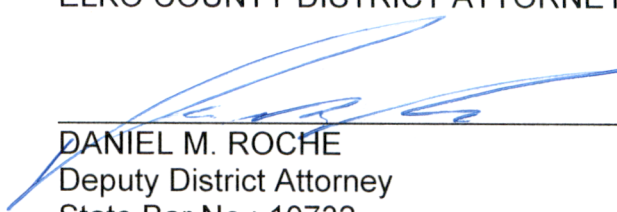


1 All of which is contrary to the form of the statute in such cases made and  
2 provided, and against the peace and dignity of the State of Nevada. Said Complainant,  
3 therefore, prays that the Defendant be dealt with according to law.  
4

5 The undersigned hereby declares under penalty of perjury that the foregoing  
6 Complaint is true to the best of his knowledge, information, and belief.  
7

8 Dated: August 29, 2018.

9 TYLER J. INGRAM  
10 ELKO COUNTY DISTRICT ATTORNEY

11   
12 \_\_\_\_\_  
13 DANIEL M. ROCHE  
14 Deputy District Attorney  
15 State Bar No.: 10732  
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1                                   **The Issue Of Obtaining The Discovery**  
2                                   **Available In This Matter**

3           **To: The Defendant's Counsel or The Defendant Representing Himself/Herself**

4           The Elko County District Attorney's Office has an open file discovery policy. This  
5 means you will be provided with a complete copy of all reports, photos and compact  
6 discs received by the DA's Office from the submitting Officer and agency in connection  
7 with this case. Private Counsel and/or Defendants appearing without Counsel will be  
8 charged a reasonable copying and duplication fee. If this is a misdemeanor case the  
9 State believes and avers that by providing a copy of the discovery containing the names  
10 and addresses of the witnesses the State may call in its case-in-chief, the State is  
11 fulfilling its discovery obligations pursuant to NRS 174.234.(1)(b)(2) which provides that:

12                               (2) The prosecuting attorney shall file and serve upon the  
13                               defendant a written notice containing the name and last  
14                               known address or place of employment of any witness the  
15                               prosecuting attorney intends to call during the case in chief  
16                               of the State whose name and last known address or place of  
17                               employment have not otherwise been provided to the  
18                               defendant pursuant to NRS 171.1965 or 174.235.

19  
20           Extradition Scope: Adjoining States Only (CA, OR, ID, UT, AZ)

21  
22   DA #F-18-02300/ REPORT #: / OFFICER TAYLOR / AGENCY: ELKO POLICE  
23   DEPARTMENT  
24  
25  
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28



## DECLARATION OF PROBABLE CAUSE

ARRESTEE'S NAME: GRAVELLE, SARAH

DOB: 01/17/1990

DATE OF ARREST: 8/22/18

TIME OF ARREST: 0247

PLACE OF ARREST: 4<sup>TH</sup> ST/COURT ST

### TYPE OF ARREST:

Without Arrest Warrant: ☒

With Arrest Warrant: ☐

Arrested for P & P Hold: ☐

Citizen's Arrest: ☐ (Citizen's Arrest Form must be attached)

(If Domestic Violence is charged, indicate date and time that the battery occurred:

Date: NA

Time: NA)

(If DUI is charge, indicate the arrest and conviction dates for each prior DUI offense within 7 years:

Prior Arrest: NONE

Prior Conviction: NONE

Prior Arrest: NONE

Prior Conviction: NONE)

NOC	NRS CITY COUNTY	CHARGE DESCRIPTION	# CT	M GM F	BAIL	COURT
453.336		POSS OF C/S	1	F	5000	EJC
453.566		POSS OF DRUG PARA	1	M	640	EJC
484D.115		REAR LICENSE PLAT LAMP VIOLATION	1	M	115	EJC

I, OFFICER TAYLOR MADE THE ARREST OF THE ABOVE NAMED ARRESTEE AND HERBY DECLARE, UNDER PENALTY OF PERJURY, THAT I HAVE KNOWLEDGE OF OR HAVE BEEN INFORMED OF THE FOLLOWING FACTS AND CIRCUMSTANCES WHICH SUPPORT THAT A CRIME OR CRIMES HAS OR WERE COMMITTED:

On 8/22/18 at approximately 0205 hours I noticed a silver car travelling West on Idaho Street, but was unable to see the license plate due to an apparent failure of the license plate light not being illuminated. I conducted a traffic stop on the vehicle as it turned onto 4<sup>th</sup> Street and stopped at 4<sup>th</sup> Street and Court Street, Elko, for the license plate lamp violation. I could then see the vehicle was bearing a Nevada license plate of 435E80 and I could see the passenger moving around in the vehicle. The passenger appeared to have his arm down the left side of his seat.

Upon contact I recognized the passenger as Nicholas Done who was an admitted user of controlled substances.

I spoke to the driver who identified herself as Sarah GRAVELLE and she admitted to being a user of methamphetamine. She denied consent to search the vehicle, but was "unsure" if anything illegal was in the vehicle.

GRAVELLE consented to a search of her person and I found a white cap to from the plunger end of a hypodermic device in her left front jeans pocket.

I deployed my certified drug detection canine, Kyng, and he had a positive alert to the presence of a narocotic odor. I conducted a probable cause search on the vehicle. Officer Pinkham assisted in the search and informed me he found a pink eye glasses case with suspected methamphetamine in it inside of a blue backpack. GRAVELLE and Nicholas denied ownership of the bag.

Officer Pinkham also told me he also found several receipts with Sarah GRAVELLE's name on them in the same bag. I found a marijuana pipe in the bag and showed the marijuana pipe to GRAVELLE. She admitted it was her

pipe. She told me the vehicle was hers, no one drives it, and she had recently cleaned it out so she would not get in trouble.

I seized the pink eye glasses case that contained several small containers with white residue and two bags of suspected methamphetamine. It also contained what appeared to be a hypodermic device cap for the needle end. I also seized the receipts with GRAVELLE's name on them.

Based on the indicia of GRAVELLE's name found with suspected methamphetamine and GRAVELLE admissions I decided to arrest her for possession of a controlled substance, possession of drug paraphernalia, and license plate lamp violation.

I informed GRAVELLE she was under arrest, placed her in handcuffs to which I checked for tightness prior to double locking, searched her incident to arrest, and transported her to jail.

While at the jail I NIK tested both bags of suspected methamphetamine individually. They both individually tested presumptively positive. GRAVELLE was booked on the above charges. I estimated the total combined net weight of the presumptively positive methamphetamine between 2 and 3 grams.

DATE: 08/22/18

  
(PEACE OFFICER OR CITIZEN)

DEPT.: EPD ID NO.: 145

\*FOR JUDGE'S USE ONLY

PROBABLE CAUSE FOR FURTHER DETENTION:

FOUND: ☐

NOT FOUND: ☐

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ TIME: \_\_\_\_\_

\_\_\_\_\_  
(MAGISTRATE)

1 CASE NO. EL-JC-CR-F-18-7207

2 DEPT. NO.: A

FILED  
2018 SEP 20 PM 2:33  
JUSTICE OF THE PEACE COURT

3  
4  
5 IN THE JUSTICE COURT OF THE ELKO TOWNSHIP  
6 IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA  
7

8 THE STATE OF NEVADA,

9 Plaintiff,

10 vs.

11 SARAH ELIZABETH GRAVELLE,

12 Defendant.  
13

**ORDER BINDING OVER**  
**(IN CUSTODY)**

14 It appearing from the evidence adduced at a Preliminary Hearing held in the above-  
15 entitled Court on the 19th day of September, 2018, in which the Defendant was represented  
16 by Attorney Phillip Leamon, and the State was represented by Daniel M. Roche of the Elko  
17 County District Attorney's Office. That there is sufficient probable cause to believe that the  
18 following crime has been committed and that the Defendant has committed it or them.

19 I HEREBY ORDER that the Defendant be held to answer upon the following charge:

20 **COUNT 1**

21 **POSSESSION OF A CONTROLLED SUBSTANCE, A CATEGORY E**  
22 **FELONY AS DEFINED BY NRS 453.336. (NOC 51127)**  
23

24 And that Defendant be held to answer in the District Court of the Fourth Judicial District of the  
25 State of Nevada, in and for the County of Elko, said Defendant to be held on bail in the

26 ///

27 ///

1 amount of \$5,000.00 and remanded to the custody of the Elko County Sheriff to await further  
2 proceedings.

3 Dated this 20 day of September, 2018.

4  
5  
6 MASON E. SIMONS  
7 JUSTICE OF THE PEACE  
8 ELKO JUSTICE COURT  
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ELKO CO DISTRICT COURT  
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CASE NO. CR- CP -18-7207

DEPT. NO. 1

IN THE FOURTH JUDICIAL DISTRICT COURT  
OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO

THE STATE OF NEVADA,

Plaintiff,

vs.

SARAH ELIZABETH GRAVELLE,

Defendant.

**CRIMINAL**  
**INFORMATION**

COMES NOW THE STATE OF NEVADA, the Plaintiff in the above-entitled cause, by and through its Counsel of Record, the Elko County District Attorney's Office, and informs the above-entitled Court that Defendant above-named, on or about the 22nd day of August, 2018, at or near the location of Fourth and Court Streets, City of Elko, within the County of Elko, and the State of Nevada, committed a crime or crimes described as follows:

COUNT 1

**POSSESSION OF A CONTROLLED SUBSTANCE, A CATEGORY E  
FELONY AS DEFINED BY NRS 453.336. (NOC 51127)**

That the Defendant did unlawfully, and knowingly or intentionally, possess, actually or constructively, methamphetamine, a controlled substance.

///

///

///

///

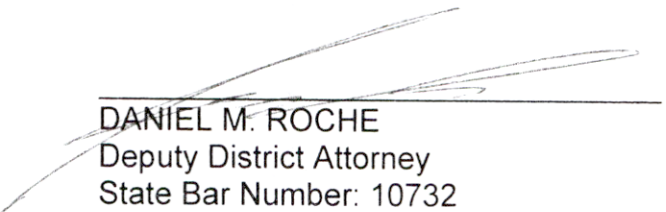
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1 All of which is contrary to the form of the Statute in such cases made and  
2 provided, and against the peace and dignity of the State of Nevada.

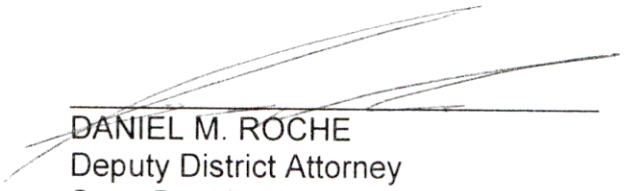
3 Dated: September 19, 2018.

4 TYLER J. INGRAM  
5 Elko County District Attorney

6  
7   
8 DANIEL M. ROCHE  
9 Deputy District Attorney  
10 State Bar Number: 10732

11 **Declaration By State's Counsel Estimating**  
12 **The Number Of Days Needed For Trial**

13 **COMES NOW THE STATE OF NEVADA**, by and through its Counsel of Record the  
14 Elko County District Attorney's Office and, specifically by the Deputy District Attorney  
15 assigned the above-entitled matter, who, by his signature hereunder, would declare to the  
16 above-entitled Court that it is State's Counsel's estimate that three (3) days, including jury  
17 selection, should be set aside for the trial of this matter.

18  
19   
20 DANIEL M. ROCHE  
21 Deputy District Attorney  
22 State Bar Number: 10732

23 Witnesses' names and addresses known to the District Attorney at the time of filing  
24 the above Criminal Information, if known, are as follows:

25 DEAN PINKHAM: 1448 SILVER STREET ELKO, NV 89801-3924

26 JOSHUA TAYLOR: 1448 SILVER STREET ELKO, NV 89801-3924

27 WASHOE COUNTY CRIME LAB - ANALYST: 911 PARR BLVD RENO, NV 89512  
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By delivering to:

PHILLIP LEAMON  
ATTORNEY AT LAW  
569 COURT STREET  
ELKO, NV 89801

DA # F-18-02300



Case No. EL-JC-CR-F-18-7207

FILED

2018 OCT 23 PM 3:36

IN THE ELKO TOWNSHIP JUSTICE COURT DISTRICT COURT  
OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO,  
THE HONORABLE MASON E. SIMONS, JUSTICE OF THE PEACE

-oOo-

STATE OF NEVADA,

Plaintiff,

V.

PRELIMINARY HEARING

SARA ELIZABETH GRAVELLE,

Defendant.

**COPY**

TRANSCRIPT OF PROCEEDINGS

Wednesday, September 19, 2018  
Elko, Nevada

APPEARANCES:

For the Plaintiff: Daniel Roche, Esq.  
Elko County District Attorney's  
Office  
540 Court Street, 2nd Floor  
Elko, NV 89801

For the Defendant: Phillip Leamon, Esq.  
Elko County Public Defender's  
Office  
571 Idaho Street  
Elko, NV 89801

Transcription Service: Julie Rowan  
Nevada Dictation  
P.O. Box 4332  
Carson City, NV 89702

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WITNESSES ON BEHALF OF THE STATE OF NEVADA: Page

## JOSHUA TAYLOR

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## DEAN PINKHAM

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## WITNESSES ON BEHALF OF THE DEFENSE:

None

## EXHIBITS:

Admitted

PX-1	Photo-Receipt	35
PX-2	Photo-Receipt	35
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PX-9	Photo-ID's/Debit Cards	35
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1 THE COURT: Court is in session. Please be  
2 seated. Okay, the time is 4:10 p.m., the date  
3 September 19th, 2018.

4 We're on Case No. EL-JC-CR-F-18-7207. This  
5 is a Justice Court matter, State of Nevada, Plaintiff,  
6 versus Sarah Elizabeth Gravelle. We're here in  
7 reference to a complaint filed August 30th, 2018,  
8 charging Ms. Gravelle with one count of possessing a  
9 controlled substance.

10 Ms. Gravelle is here in the courtroom, she is  
11 in custody, along with her counsel, Mr. Leamon, of the  
12 Public Defender's Office. Mr. Roche is here from the  
13 District Attorney's Office. This is the time set for a  
14 preliminary hearing on this case.

15 Are the parties ready to proceed?

16 MR. ROCHE: Yes, Your Honor.

17 MR. LEAMON: The Defense is, Your Honor.

18 THE COURT: Okay. Mr. Roche, did you have  
19 any witnesses to name at this time?

20 MR. ROCHE: The State has two witnesses,  
21 Joshua Taylor and Dean Pinkham.

22 THE COURT: Any additional witnesses to name,  
23 Mr. Leamon?

24 MR. LEAMON: Just potentially Ms. Gravelle if  
25 she elected to testify.

1 THE COURT: Okay. And did either party wish  
2 to invoke the rule of exclusion?

3 MR. LEAMON: The Defense would.

4 THE COURT: The rule of exclusion has been  
5 invoked. That means anyone that was just named as a  
6 potential witness in this particular proceeding will be  
7 required to have a seat in the hallway until you're  
8 specifically called in to provide your testimony to the  
9 Court. While you're seated out in the hallway you can  
10 have conversation with other folks that might be out in  
11 the hallway. We simply ask that you refrain from  
12 discussing anything specifically related to this case.  
13 If either of the attorneys needs to go out into the  
14 hallway to discuss any of your testimony with you,  
15 please talk quietly so your conversation is not  
16 potentially overheard by the other witness.

17 Who will be your first witness, Mr. Roche?

18 MR. ROCHE: Joshua Taylor.

19 THE COURT: So Mr. Pinkham will have a seat  
20 in the hallway. Officer Taylor, come on up to the  
21 stand, please. Face me, raise your right hand to be  
22 sworn. Do you solemnly swear the testimony you're about  
23 to give in this matter is the truth, the whole truth,  
24 and nothing but the truth, so help you God?

25 MR. TAYLOR: I do.

1 THE COURT: Go ahead and have a seat there,  
2 if you would.

3 THE WITNESS: Thank you.

4 THE COURT: Scoot up as close as you can to  
5 that microphone there. Please state your full name and  
6 spell your first and last name for the record, please.

7 THE WITNESS: Joshua Taylor; J-O-S-H-U-A,  
8 T-A-Y-L-O-R.

9 THE COURT: Thank you. Go ahead, Mr. Roche.

10 JOSHUA TAYLOR

11 (Sworn as a witness, testified as follows)

12 DIRECT EXAMINATION

13 BY MR. ROCHE:

14 Q. Mr. Taylor -- or Officer Taylor, where are you  
15 currently employed?

16 A. For the City of Elko for the Police Department.

17 Q. And how long have you been working in that capacity?

18 A. I'm closing in on four years.

19 Q. Did you receive any training in order to prepare  
20 yourself for that job?

21 A. POST training in Carson City.

22 Q. Do you have a partner that you work with?

23 A. I do, a four-legged partner.

24 Q. And what's his name?

25 A. Kyng, it's K-Y-N-G.



1 Q. And what kind of training has Kyng received?

2 A. Prior to me, he trained with some -- some trainers  
3 through our organization with the American Society of  
4 K-9 Training. And then him and I train on a shiftly  
5 basis or more so -- so every time I work he's doing  
6 something.

7 Q. And what's the nature of his training, or what can  
8 he do?

9 A. The main thing that we do and all he does now is for  
10 narcotic detection. So he -- he's trained in the odors  
11 of methamphetamine, heroin, ecstasy, and cocaine.

12 Q. And when he comes in contact with any of those  
13 substances, what does he do?

14 A. He has a variety of behaviors, some that he  
15 controls, that he was taught to control, some that he  
16 can't control like his breathing or the speed of his  
17 tail and stuff like that, right. He has a variety of  
18 behaviors and a culmination of several into one -- one  
19 spot is what we call an alert.

20 Q. I'm going to draw your attention to the early  
21 morning hours of August 22nd of this year.

22 Were you working at that time?

23 A. Yes, I was.

24 Q. Where were you working?

25 A. In the City of Elko, but I was -- more specifically

1 I was going down Idaho Street.

2 Q. And did you make a traffic stop at that time?

3 A. On a silver passenger car.

4 Q. And what was the reason for the stop?

5 A. The reason that caught my attention initially was  
6 like there was zero illumination on the license plate  
7 indicating that the license plate light was out, which  
8 needs to be on so I can see or other people can see what  
9 the license plate is.

10 Q. Where did you first observe this vehicle?

11 A. On Idaho Street heading -- let's see, sorry, I was  
12 thinking about the compass in my head -- heading west.

13 Q. And when you made the stop, where did you end up  
14 stopping?

15 A. We ended up stopping at like 4th and Court because  
16 they had turned north off of Idaho Street. That's where  
17 I lit 'em up, and they stopped at the corner of 4th and  
18 Court.

19 Q. Okay. After you made the stop, did you make contact  
20 with the driver of that vehicle?

21 A. Yes. During the initial contact, I did make contact  
22 with the driver who identified herself as Sarah  
23 Gravelle, if I'm pronouncing that correctly.

24 Q. And is she in the courtroom today?

25 A. She is. My right, your left, like orange hair in



1 the blue jumpsuit thing -- or red hair, sorry.

2 Q. When you first made contact with her, just briefly  
3 tell us what your -- how your conversation went.

4 A. The very first contact was -- it was just normal,  
5 like traffic stop stuff, because I -- I came up to the  
6 passenger side. I spoke to the front passenger, which  
7 was a Nicholas Done, somebody who's an admitted  
8 methamphetamine user. Spoke to her, kind of got some  
9 information from her.

10 And basing some matchings -- other officers arrived  
11 and they -- they -- I asked them to pull Nicholas Done  
12 out of the vehicle and check him for weapons, you know,  
13 Terry pat him for weapons based on his erratic actions  
14 that I could see during the initial stop. Then after  
15 that --

16 Q. Well, just before you keep going, describe those.  
17 Was he -- when you first made the stop, what did you  
18 observe?

19 A. So when I first made the stop, it was -- the vehicle  
20 had untinted windows so there was no tint blocking my  
21 view, right. I could see him kind of move around, look  
22 around. Then his left hand I could see go down by the  
23 seat. And I didn't know -- I mean, I don't know how  
24 many times I've found knives, bats, guns, down by seats  
25 and stuff like that.

1           Knowing Nicholas Done was a -- is a convicted felon  
2       made me a little bit nervous if -- didn't know if he was  
3       stashing something or getting something out. So when I  
4       had backup there, I had them pull him out, separate him,  
5       and then I could speak to Ms. -- or Sarah by herself at  
6       the driver's side of the vehicle.

7       Q.    Okay. At some point did she get out of the vehicle  
8       as well?

9       A.    Eventually, after I asked her to several times.

10      Q.    So it was at your request?

11      A.    Yes.

12      Q.    Okay. And what happened at that point?

13      A.    I deployed my narcotic detection dog, K-9.

14      Q.    Now, you described earlier an alert. When you  
15      conducted the search with your K-9, did he alert?

16      A.    Well, I mean, he didn't -- he didn't search the car  
17      so -- so, yes, he did alert. So I walked him up -- I  
18      usually -- depending on -- on the roadway, I'll start at  
19      the very middle of the back bumper or the very middle of  
20      the front bumper, sometimes a little bit more driver's  
21      side, passenger side. It always varies, right.

22            So I'm walking him up past the driver's side of the  
23      vehicle, and he's just being -- if you know Kyng, he's  
24      just a giant happy dog, and he's just trotting along,  
25      and he stops breathing normally and engages in what's

1 called rapid sniffs and changes his breathing totally,  
2 which is an initial indicator for finding a narcotic  
3 odor.

4 His head at that same time snaps. Now, dogs,  
5 they'll direct their sniffing from where the odor is  
6 coming from. And we're walking up past the driver's  
7 side of the vehicle, and he turned and he did that  
8 initially. I knew he was in a narcotic odor, but I  
9 wanted to force him to work the vehicle how I normally  
10 work the vehicle. So I pulled him off of that even  
11 though he was sourcing, meaning he's going towards the  
12 source of the odor. I started at the front driver's  
13 side, and his breathing went back to normal. I was like  
14 okay, whatever. That's basically he's thinking to me,  
15 right.

16 Deploy him on the front bumper of the vehicle,  
17 started going around the vehicle in a counterclockwise  
18 motion, and his head snapped up towards the -- the  
19 window. The driver's window was mostly open. I think  
20 there was a little bit of glass showing. And he engaged  
21 in the rapid sniffs, worked along that bottom edge of  
22 the window to the back, like the rear seam of the driver  
23 door, had his nose pressed real hard on that, sniff,  
24 sniff, sniff, sniff, and engaged in rapid sniffs.  
25 Immediately ceased all work and stood and didn't want

1 to move.

2 So that right there is an alert for a narcotic odor.  
3 That's a positive alert. He had good behavioral  
4 changes, good breathing changes. He pressed his nose.  
5 I mean, he had all these going on. And like we always  
6 do, I test his commitment. I continue to end of the  
7 lead, which is a leash, continue to the end of that,  
8 pulled on it, and I commanded him to let's go, you know,  
9 let's keep working. He refused and refused, refused. I  
10 could have dragged that dog's paws off on the asphalt,  
11 and he wasn't going to move.

12 Q. So based on those actions, were you able to walk him  
13 around the rest of the vehicle, or he just refused to  
14 move from that spot?

15 A. He refused. He was done. He had found the narcotic  
16 odor. He had sourced it from that area, and it was a  
17 positive alert. I gave -- I rewarded him and put him in  
18 the vehicle.

19 Q. Now, can you estimate how long it was from your  
20 initial traffic stop up until you conduct the sniff with  
21 Kyng?

22 A. Maybe around ten minutes, I mean...

23 MR. LEAMON: I'm sorry, could you repeat  
24 that?

25 THE WITNESS: Repeat which part, sir?



1 MR. LEAMON: The question and then the  
2 answer, I apologize.

3 MR. ROCHE: The question was how long from  
4 the initial stop up until the dog sniff.

5 MR. LEAMON: And the answer was ten minutes?

6 THE WITNESS: Maybe around ten minutes. I  
7 mean, it's hard to tell exactly when because Sarah and I  
8 had conversations and stuff.

9 BY MR. ROCHE:

10 Q. Now, what was the reason that you decided to do a  
11 sniff with Kyng?

12 A. Several factors, Nicholas Done was an admitted user  
13 of methamphetamine in the past. I actually had asked  
14 him to search his pockets, and he had -- he told me only  
15 if he could search them first to make sure he wasn't  
16 going to get in trouble. Plus, the conversation I had  
17 with Sarah where she admitted that she had been a  
18 methamphetamine user. She admitted to using the Friday  
19 prior to that, using methamphetamine.

20 One huge statement that really stuck out to me was  
21 during our conversation, she said she had just cleaned  
22 out her car after making a trip to California, and she  
23 knew she wanted to clean it out so she didn't get in  
24 trouble for anything in there, and trouble meaning, you  
25 know, any type of law enforcement actions.

1           Yes, sir.

2           MR. LEAMON: I'm going to object at this  
3 point. Speculation as to what Ms. Gravelle meant when  
4 she said that. Obviously, he can't read her mind to  
5 interpret what she meant when she said that.

6           THE COURT: Mr. Roche.

7           MR. ROCHE: He's testifying as to his state  
8 of mind as to why he did certain things, not to what she  
9 actually thought.

10          THE COURT: I'm going to permit the question.  
11          Go ahead.

12 BY MR. ROCHE:

13 Q. Now, you also previously testified that you had her  
14 step out of the vehicle. When you did that, did you  
15 conduct any kind of search on her for --

16 A. I initially asked -- well, I initially told her I  
17 was going to do like a Terry pat for weapons. I do --  
18 if I'm suspecting any type of narcotics, I always Terry  
19 pat everyone for weapons that comes out of the vehicle.  
20 During that, I asked if I could search her pockets. She  
21 did consent to me searching her pockets, and the only  
22 thing I found was a white plastic cap that I immediately  
23 recognized is -- is from like the plunger side -- it  
24 covers the plunger side of a hyperdermic needle, and she  
25 told me she just found it.

1 Q. Did you ask her or she just volunteered the  
2 information when --

3 A. I asked -- I asked her about it, and she told me she  
4 found it.

5 Q. So after -- go back to where you just completed the  
6 dog sniff when Kyng hit on the vehicle.

7 What did you do next?

8 A. I put him up. Everybody was out of the vehicle.  
9 Myself and Officer Pinkham -- Dean Pinkham conducted the  
10 search, roadside search of the vehicle.

11 Q. And what did you find as you were searching the  
12 vehicle? Well, let's limit it to did you find anything  
13 significant as you were searching the vehicle?

14 A. The most significant things that were brought to my  
15 attention from Officer Pinkham was things in a -- in a  
16 backpack in the backseat, which included suspected  
17 methamphetamine at the time, that were in like a pink  
18 eyeglasses case. That also -- interestingly enough, it  
19 had the orange cap from a hyperdermic device as well in  
20 there, so the other end of the hyperdermic device also  
21 in there. Receipts with the Defendant's name on them.  
22 One -- one of which I specifically remember was a  
23 receipt in California, from California, just as she just  
24 stated where she had been traveling to. A marijuana  
25 pipe that she admitted was hers came out of that same



1 backpack. And that's specifically in relation to these  
2 charges, that's all.

3 Q. Did you conduct -- did you go through that backpack  
4 yourself?

5 A. Partially, but Pinkham -- Officer Pinkham was the  
6 one that brought all the items to my attention.

7 Q. And did you do anything to document those items?

8 A. I took photos later on.

9 Q. Okay.

10 (Whereupon, counsel confer)

11 MR. ROCHE: May I approach the witness, Your  
12 Honor?

13 THE COURT: Yes.

14 BY MR. ROCHE:

15 Q. I'm going to show you what's been marked for  
16 identification purposes as State's Exhibits 1  
17 through 10. Will you just to yourself review those.

18 A. Do you want me to be out loud with each one?

19 Q. No, just to yourself quietly, just look through  
20 those real quickly and let me know when you're done.

21 A. (Witness complies)

22 Q. Just in general, do you recognize those?

23 A. Yes, I do.

24 Q. Okay. Did you take those pictures?

25 A. Yes.

1 Q. All ten of them?

2 A. Yes.

3 Q. Okay. So let's start with number 1, and just  
4 briefly tell us what's shown in that photograph.

5 A. Okay. Number 1, this is one of the -- like receipts  
6 or one of the transfer things with Sarah Gravelle's name  
7 on it.

8 Q. Okay. And what's -- and that was found in the  
9 backpack?

10 A. That same backpack that housed the methamphetamine.

11 Q. And what's number 2?

12 A. It's another -- this one is actually a receipt, the  
13 one that I was talking about earlier that had the  
14 California address on it with Sarah Gravelle's name on  
15 it.

16 Q. Number 3?

17 A. Number 3 another receipt with -- or some type of  
18 paper receipt thing with her name on it.

19 Q. Now, are these all different documents that were  
20 found in the bag, or is this multiple pictures of the  
21 same thing?

22 A. No, these are four separate pieces of paper.

23 Q. So number 4?

24 A. Number 4, yeah, so the fourth one is another one  
25 with her name on it.

1 Q. What's number 5?

2 A. Oh, this is the eyeglasses case, the pink eyeglasses  
3 case that housed the two separate bags of  
4 methamphetamine, the orange hyperdermic device tip.  
5 There's like tools in there, like little metal tools, a  
6 whole bunch of things.

7 Q. Now, during your search of the vehicle, was there  
8 drugs found anywhere else?

9 A. That was the only area that I found narcotics.

10 Q. Everything you found was contained in that  
11 eyeglasses case?

12 A. Yes.

13 Q. Okay. And what's number 6, if you could describe  
14 that for us?

15 A. This -- there was a little silver tin container, a  
16 little tiny one with a clear lid, like clear window on  
17 the lid, whatever. And I had a folded up bag of  
18 methamphetamine or suspected methamphetamine, excuse me,  
19 in that clear tin, and that was actually in the  
20 eyeglasses case itself. That's, yeah, number 6.

21 Q. All right, the next one.

22 A. Let's see, number 7, I don't recall if it's that. I  
23 think that's the -- that one is the free floating bag is  
24 what I called it. That one was by itself in the  
25 eyeglass case. It wasn't in a tin or anything, a

1 secondary bag just in the eyeglasses case with suspected  
2 methamphetamine.

3 Q. Okay. So the bag that's in number 6 and the bag  
4 that are number 7, are those the same bag or different  
5 bags?

6 A. They're separate bags. And then number 8 is kind of  
7 all the contents from inside that eyeglass case. And  
8 then 9, is that what it is, 9 and 10. So 9 is cards,  
9 ID's and debit cards for other names that were found in  
10 her wallet separate from that backpack, mind you. And  
11 then number 10 is a bunch of like SIM cards for --  
12 several different SIM cards, different iPhones, a case  
13 with a lot of memory cards, stuff like that that I see a  
14 lot of the time with people who use, sell, or buy  
15 controlled substances.

16 Q. Did you ask her about the various cards that you  
17 found?

18 A. I did. I don't remember exactly. She said somebody  
19 left it --

20 MR. LEAMON: I'm going to object at this  
21 point. Ms. Gravelle is charged with possession of a  
22 controlled substance. There's no charges relating to  
23 any of these cards. I don't believe it's relevant into  
24 the inquiry of whether or not she possessed a controlled  
25 substance or not.

1 THE COURT: Mr. Roche?

2 MR. ROCHE: No objection, Your Honor.

3 THE COURT: Okay.

4 BY MR. ROCHE:

5 Q. After you conducted the search of the vehicle, what  
6 did you do next, after you were completed with the  
7 search of the vehicle?

8 A. Everything's completed. I had already kind of spoke  
9 to her about the marijuana pipe. I arrested her.

10 Q. And after you arrested the Defendant, did you do  
11 anything to try and confirm the contents of those bags  
12 that you found in the vehicle?

13 A. I don't recall.

14 Q. Would it refresh your recollection if I -- let me  
15 just do this another way.

16 A. I have a copy of my report.

17 Q. Did you have a suspicion about what the contents of  
18 those bags were?

19 A. Oh, as far as like what -- what was in the bags?

20 Q. Yes, the substance of those bags.

21 A. Yes, I ended up NIK testing them at the jail.

22 Q. Okay.

23 A. Okay.

24 Q. Please explain briefly what that entails.

25 A. I test -- I take a small sample per, you know, per



1 my training, follow the manufacturer's direction as far  
2 as on a NIK kit, with a narcotic identification kit, and  
3 they -- the bags tested -- or at least one bag tested --  
4 I don't remember if I tested them both or just one of  
5 them specifically, but tested presumptively positive as  
6 methamphetamine.

7 Q. Did you do anything to try and determine the weight  
8 or the amount that was present?

9 A. I did. I -- I gained gross weights at the Elko  
10 Police Department. I don't specifically remember what  
11 the weights are at this time.

12 Q. Do you have any rough estimate of what those were,  
13 or you don't recall?

14 A. Less than a gram per bag, as far as I remember,  
15 about -- around there.

16 MR. ROCHE: Court's indulgence.

17 THE COURT: No problem.

18 BY MR. ROCHE:

19 Q. Now, when you were speaking -- or did you ask the  
20 two parties who were present at the vehicle who owned  
21 the backpack?

22 A. Yes.

23 Q. And what was the response that you received from  
24 Ms. Gravelle?

25 A. Denied.



1 Q. Did -- did anyone -- okay. Did you ever confront  
2 her with the other items that you had found in the  
3 backpack?

4 A. Yes.

5 Q. And what did -- did she have a response to that?

6 A. I know specifically at one point she said shouldn't  
7 have been in there.

8 Q. Shouldn't have been in there?

9 A. Yeah. And that was in regards to like the marijuana  
10 pipe that she already admitted to me was hers. And then  
11 as far as the narcotics, it was those aren't mine, those  
12 aren't mine, that type just yelling.

13 Q. Did you ever ask her why there were any receipts  
14 with her name on it in the bag?

15 A. I don't recall if I did or not.

16 MR. ROCHE: I'll pass the witness, Your  
17 Honor.

18 THE COURT: Cross.

19 CROSS-EXAMINATION

20 BY MR. LEAMON:

21 Q. Okay. So I want to start by going over your report.  
22 When you stopped Ms. Gravelle, your report indicated it  
23 was due to an apparent failure of the license plate  
24 light not being illuminated; is that correct? That's  
25 what you wrote in your report?

1 A. A license plate light being out, yes, sir, or unable  
2 to -- not illuminating a plate.

3 Q. Okay. But I'm asking about your report. In your  
4 report, do you say it was an apparent violation?

5 A. Because I couldn't see the plate, yes, sir.

6 Q. Okay. So when you began the stop, your first  
7 contact was with Mr. Done; is that correct?

8 A. Kind of at the same time since they're sitting next  
9 to each other, right, but --

10 Q. Did you --

11 A. -- on the passenger side.

12 Q. Did you approach the passenger side or the driver's  
13 side?

14 A. For the first contact?

15 Q. Yeah, when you initiated contact.

16 A. Yes, sir, passenger side.

17 Q. Okay. So the sole reason for the stop was this  
18 license plate not being illuminated, correct?

19 A. Initially, yes, sir.

20 Q. So you didn't see any other traffic violations other  
21 than that one?

22 A. Not at that time, not that I can recall.

23 Q. Okay. So when you started talking with  
24 Ms. Gravelle, did you take her license?

25 A. I don't recall if she had a specific license or if

1 she just verbally gave me her information.

2 Q. What's your standard procedure?

3 A. To ask for her driver's license or identification.

4 Q. Okay. Then did you go back to the car after that to  
5 try to confirm the information, see if she had any  
6 warrants?

7 A. I did go back and also waited for other officers to  
8 arrive.

9 Q. Okay. So do you remember if she gave you her  
10 registration, insurance, any of the other required  
11 documents?

12 A. I don't recall, but I always ask for it, yes, sir.

13 Q. And she wasn't cited with failure to provide  
14 insurance or anything like that, correct?

15 A. Not that I remember. I don't remember writing her a  
16 cite.

17 Q. Okay. Yeah, so that was going to be my next  
18 question. Did you ever draw up a citation for the  
19 taillight violation?

20 A. It wasn't a taillight violation, sir.

21 Q. Or the license plate light violation?

22 A. No, sir.

23 Q. Why not?

24 A. Why -- because things changed differently, and I'm  
25 one person. And can't do two things at once.

1 Q. What do you mean things changed?

2 A. Mr. Done, who's a known ex-felon and has violent  
3 tendencies, was reaching down to the left side of his  
4 seat with his left hand, therefore, I was waiting for  
5 officers, per officer safety, for me so he can get him  
6 out.

7 Q. Were you on the phone with -- or were you -- were  
8 you in contact with dispatch while this was going on?

9 A. I had heard people copy my location so I just knew  
10 they were coming.

11 Q. So you waited for backup to arrive?

12 A. Yes, sir.

13 Q. And so once backup arrived, you all got Mr. Done out  
14 of the car, and he didn't have anything on him?

15 A. I don't know what -- he didn't have any weapons. I  
16 know that much.

17 Q. Okay.

18 A. But as far as guns, he didn't have any guns, but he  
19 would never --

20 Q. He wasn't arrested out of this incident, correct?

21 A. No.

22 Q. Okay. So after you cleared Mr. Done, found out he  
23 was not a threat, did you go back to issuing a citation  
24 at that point?

25 A. I went to go back and speak with Ms. Gravelle.

1 Q. Okay. But so -- but you never filled out the  
2 citation or did anything like that?

3 A. Not at that time, no, sir.

4 Q. Okay. So you went back and talked to Ms. Gravelle?

5 A. Yes.

6 Q. Okay. And so she told you about this trip to  
7 California, right?

8 A. Yes.

9 Q. Okay. At this point you don't have any probable  
10 cause for further detention, right?

11 A. No. I actually -- I'm disagreeing with you, meaning  
12 --

13 Q. Okay.

14 A. -- I was going to --

15 Q. So what was the probable cause based on?

16 A. I -- well, not probable cause, reasonable suspicion  
17 that she's hanging out with a known felon who's also a  
18 known methamphetamine user, speak to her regarding the  
19 such.

20 Q. It's not a crime to associate with a known  
21 methamphetamine user, is it?

22 A. No, sir.

23 Q. So you had no -- you couldn't articulate, other than  
24 she was hanging out with Mr. Done, that there was any  
25 criminal activity afoot?



1 A. Other than he's a known narcotic user and the first  
2 time I ever met her, and I needed to speak to her again.

3 Q. Your report doesn't indicated -- your report doesn't  
4 indicate you thought she was under the influence of a  
5 controlled substance or anything like that, correct?

6 A. As far as a driving under the influence, no, sir.

7 Q. And your report doesn't indicate that you thought  
8 she was under the influence of a controlled substance.  
9 There's no notes in your report reflecting that,  
10 correct?

11 A. Well, I never thought she was so there wouldn't be  
12 in there.

13 Q. Okay. So you decided to detain her further because  
14 of who she was hanging out with?

15 A. I decided to speak to her regarding...

16 Q. Well, she wasn't free to leave, was she?

17 A. No.

18 Q. So she was being detained --

19 A. Oh, yes, sir.

20 Q. -- so you could speak to her further?

21 A. Yes, sir.

22 Q. So she denied you consent to search the vehicle,  
23 correct?

24 A. Yes.

25 Q. Okay. At that point, you decide to deploy Kyng?



1 A. Yes.

2 Q. You had her step out of the vehicle?

3 A. Yes.

4 Q. And this is still solely based on her hanging out  
5 with Mr. Done?

6 A. No, sir.

7 Q. Well, that and -- well, so it's not illegal to go to  
8 California, is it?

9 A. No, sir.

10 Q. Okay. And you can't remember if you had her license  
11 at this point?

12 A. No, I can't remember.

13 Q. And she wasn't cited with driving without a valid  
14 license or a suspended license or anything like that,  
15 was she?

16 A. I don't recall.

17 Q. So you had her exit the vehicle, and you told her  
18 you were going to do a Terry stop, correct, or Terry  
19 frisk?

20 A. Yeah, Terry pat is usually what --

21 Q. Right.

22 A. -- the term.

23 Q. And after you tell her that you're going to do a  
24 Terry pat-down, you ask her to search her pockets?

25 A. Yes, sir.

1 Q. And that's when you find what you think was the cap  
2 to a hyperdermic needle?

3 A. The -- from the plunger end.

4 Q. For the plunger?

5 A. Yes, sir.

6 Q. And you had already decided to deploy Kyng before  
7 you had found that, correct?

8 A. Yes, sir.

9 Q. Now, how long have you been a K-9 officer?

10 A. A K-9 handler --

11 Q. Or yeah, yeah, yeah.

12 A. -- for approximately two years.

13 Q. I'm sorry, I don't know the --

14 A. You're fine. About two years now.

15 Q. Okay. So now, Ms. Gravelle has the right to deny  
16 consent -- deny you consent to search her vehicle,  
17 right?

18 A. Oh, very much so.

19 Q. In the past year with Kyng, has anybody ever denied  
20 you consent, and you decided to not run Kyng through the  
21 vehicle?

22 A. Not that I can recall at this time. I don't know.

23 Q. Okay. So you can't recall a situation where someone  
24 says I don't want you to search the vehicle, and you  
25 didn't run Kyng around the vehicle?

1 A. I don't. I don't know if I did or didn't. I --

2 Q. Okay. I see that you do not have a body cam on  
3 today.

4 A. Correct, sir.

5 Q. Did you have a body cam on when this event happened?

6 A. No, sir.

7 Q. Why is that?

8 A. It hasn't been provided to us by our department as  
9 of yet, sir.

10 Q. Does your department have them, or have they issued  
11 them?

12 A. I would defer that to my administration. They have  
13 not issued anything to us so far.

14 Q. Are you familiar with Nevada Revised Statute  
15 289.830?

16 A. Is that the one in relation to body cameras?

17 Q. Correct.

18 A. Yes, sir.

19 Q. So that statute requires, as of July 1st, that every  
20 on-duty officer wear a body camera when they go out,  
21 correct?

22 A. I -- I don't have the statute in front of me.

23 Q. Okay. Were you -- this sounds like a silly  
24 question. You were in uniform when this happened?

25 A. Very much looking like this, yes, sir.

1 Q. Okay. But generally, you're aware of this law,  
2 correct?

3 A. I don't know what it specifically states --

4 Q. But you're --

5 A. -- but I know body cameras are coming.

6 Q. Okay. So you weren't aware that as of July 1st,  
7 that every officer is supposed to be wearing a body cam?

8 A. That's what I'm told. I haven't read the statute,  
9 sir.

10 Q. Okay. Have you asked your superiors about it or --

11 A. Yes, I have.

12 Q. What have they told you?

13 A. That they're coming. It's an unfunded mandate and  
14 very expensive, apparently.

15 Q. Okay. I want to go back to what was found. So you  
16 didn't search the backpack initially, correct? It was  
17 Officer Pinkham that found the backpack or that  
18 initially --

19 A. He was going through the majority of it. I found  
20 the marijuana pipe from the side of the backpack pocket.

21 Q. Okay. And you also mentioned a wallet. Where was  
22 the wallet found?

23 A. The wallet was up front. Or she -- she either had  
24 it up front or she gave it to me upon exiting.

25 Q. Okay. So her wallet was up front?

1 A. Yes, sir.

2 Q. Were the receipt -- any of the receipts found in the  
3 wallet?

4 A. No, sir.

5 Q. And so all the times that we're talking about the  
6 initial time of the stop to when Ms. Gravelle is booked,  
7 you don't have exact numbers on how long each thing  
8 took? You don't know exactly how long it took for your  
9 backup to arrive, exactly how long before you deployed  
10 Kyng?

11 A. Correct.

12 Q. Okay. And you did a K-9 sniff report on this case,  
13 right?

14 A. Yes, sir.

15 Q. And the report doesn't reflect when you deployed  
16 Kyng?

17 A. It's just what the data entry shows as far as  
18 when -- whenever dispatch built the call for me.  
19 Sometimes I forget to have them build a K-9 sniff call  
20 until maybe like an hour later, because it needs to be a  
21 separate case number. So in the data, it would show  
22 separate. I just usually use the time of stop.

23 Q. Okay. So you stated when you initially stopped the  
24 vehicle, you saw Mr. Done making some erratic movements.

25 A. Yes, sir.



1 Q. And so he was reaching at least down to his side?

2 A. Yes, sir.

3 Q. And you didn't know exactly what he was doing,  
4 right?

5 A. Correct.

6 Q. And so was Pinkham the first one to come in contact  
7 with the backpack?

8 A. I believe so. I don't recall fully.

9 Q. Okay. So you don't know when -- so Pinkham would  
10 have better information as to where in the car the  
11 backpack was initially found?

12 A. Probably, sir.

13 Q. Okay.

14 MR. LEAMON: I don't have any further  
15 questions, Your Honor.

16 THE COURT: Redirect, Mr. Roche.

17 REDIRECT EXAMINATION

18 BY MR. ROCHE:

19 Q. Kyng was with you from the beginning of this traffic  
20 stop; is that correct?

21 A. We spend too much time together so, yes, sir.

22 Q. Was there any point during this traffic stop where  
23 you were waiting for him to arrive?

24 A. No.

25 Q. Was there any point during this traffic stop where



1 you weren't actively processing or talking to a witness  
2 or doing -- was there any downtime during this traffic  
3 stop?

4 A. No, sir.

5 Q. Okay. When -- you've previously mentioned that the  
6 Defendant admitted to being a meth user as well. Did  
7 that occur before or after you employed Kyng?

8 A. That was before she ever exited the vehicle, sir, so  
9 before Kyng. I guess I should clarify.

10 Q. Let me just ask you this question. Can you list  
11 off, in your understanding, what your reasons were for  
12 employing Kyng?

13 A. Biggest -- biggest reason for me is someone who  
14 admits to being a methamphetamine user within the last  
15 week and they had smoked meth the Friday prior.  
16 Furthermore, it boded to my mindset that somebody who  
17 cleaned out the vehicle to make sure that they wouldn't  
18 get in trouble means that they possibly may have had --  
19 contained illegal items in the past.

20 Second of all, someone who's an admitted -- admitted  
21 methamphetamine user, along with someone else who's a  
22 admitted methamphetamine user, so that. Plus, our  
23 conversation that we had where I had asked her if I  
24 could search the vehicle. She initially stated yes and  
25 then got real nervous, like knee started bouncing,

1     stuttered a couple times -- I don't know if that's her  
2     normal speech or not -- and stated like well, what  
3     happens if I -- if I say no?

4             Well, I respect your rights to say no, you know.  
5     It's kind of like who -- what I'm about, right,  
6     protecting the rights of others. And after some  
7     conversation with that, that I would continue an  
8     investigation into narcotics, she stated no, she didn't  
9     want me searching the vehicle because she was obviously  
10    nervous. She was shaking, didn't want to stop the  
11    conversation, which is a typical tactic I have with  
12    people who want to occupy me with conversation rather  
13    than allowing me to continue an investigation as far as  
14    deploying a K-9 or searching.

15            And so even after being removed from the vehicle,  
16    called me back several times, one of which time was to  
17    tell me about her marijuana pipe when she was sitting  
18    away from the vehicle, which is another common theme  
19    that I found with people who use, possess, control any  
20    type of narcotic, a culmination of all those.

21    Q.   Is it illegal in the State of Nevada for an adult to  
22    possess a marijuana pipe?

23    A.   No.

24    Q.   Is there any reason why someone who's in a traffic  
25    stop would want to tell you that they have a marijuana

1 pipe?

2 A. Not at all.

3 MR. ROCHE: I have also not moved for the  
4 admission of State's Exhibits 1 through 10. I'd like to  
5 do that now.

6 THE COURT: Any objection, Mr. Leamon?

7 MR. LEAMON: No, Your Honor.

8 THE COURT: State's 1 through 10 will be  
9 admitted at this time without objection. Thank you.

10 (Whereupon, Plaintiff's Exhibits 1, 2, 3, 4,  
11 5, 6, 7, 8, 9, and 10 admitted)

12 MR. ROCHE: I have no other questions.

13 THE COURT: Mr. Leamon, any other questions?

14 MR. LEAMON: Yes.

15 RECROSS-EXAMINATION

16 BY MR. LEAMON:

17 Q. You stated that Ms. Gravelle was stuttering, acting  
18 nervous, and shaking when she was talking to you about  
19 the consent to search the vehicle.

20 A. Not specifically just that.

21 Q. Well, I --

22 A. Our whole conversation.

23 Q. Right. But so your report doesn't indicate that she  
24 was shaking, nervous, or stuttering, does it?

25 A. I don't know what you -- I couldn't hear your --

1     sorry, I couldn't hear your question all the way.

2     Q.    Yeah, sure.  So you just testified that after you  
3     asked Ms. Gravelle about consent to search the vehicle,  
4     you stated that at that point, she became nervous, she  
5     was shaking, stuttering, correct?

6     A.    Not fully, no.  Not just after consent to search the  
7     vehicle, during the entire conversation when I was at  
8     the driver's side of the window regarding her admissions  
9     to methamphetamine use and such.

10    Q.    Okay.  Your report doesn't note any of that, does  
11    it?

12    A.    I don't know if it does or doesn't.  I'm going off  
13    of memory of the incident.

14    Q.    Would you like to review your initial report?

15    A.    I -- I trust you if it doesn't say it.

16    Q.    Okay.  So would it surprise you if I were to tell  
17    you that it doesn't mention any of these things?

18    A.    No, it doesn't.

19    Q.    Okay.

20                   MR. LEAMON:  I don't have any further  
21    questions.

22                   THE COURT:  Would either party wish this  
23    witness to be retained, or can he be excused at this  
24    time?

25                   MR. ROCHE:  He can be excused.

1 MR. LEAMON: He can be excused.

2 THE COURT: Okay, you're free to go. Thank  
3 you, sir, have a good day.

4 MR. TAYLOR: Thank you, sir.

5 THE COURT: Next witness.

6 MR. ROCHE: Dean Pinkham.

7 THE COURT: Officer Pinkham.

8 Step over here, face me, raise your right  
9 hand to be sworn, please. Do you solemnly swear the  
10 testimony you're about to give in this matter is the  
11 truth, the whole truth, and nothing but the truth, so  
12 help you God?

13 MR. PINKHAM: Yes, sir.

14 THE COURT: Go ahead and have a seat there if  
15 you would. Please scoot up as close as you can to that  
16 microphone there. Please state your full name and spell  
17 your first and last name for the record, please.

18 THE WITNESS: Dean Pinkham; D-E-A-N,  
19 P-I-N-K-H-A-M.

20 THE COURT: Thank you. Go ahead, Mr. Roche.

21 DEAN PINKHAM

22 (Sworn as a witness, testified as follows)

23 DIRECT EXAMINATION

24 BY MR. ROCHE:

25 Q. Where are you employed?



1 A. With the Elko Police Department.

2 Q. How long have you worked there?

3 A. Approximately nine months.

4 Q. And were you working on the early morning hours of  
5 August 22nd of 2018?

6 A. I was.

7 Q. And did you become involved in assisting with a  
8 traffic stop?

9 A. Yes.

10 Q. Where did that occur?

11 A. It was at the corner of 4th and Court Street.

12 Q. And could you describe what the vehicle was that you  
13 were assisting with?

14 A. I remember it was a four-door vehicle. I don't  
15 remember the make or model, and I believe it was white  
16 in color.

17 Q. And what exactly was your involvement with the  
18 traffic stop? What did you do as part of that stop?

19 A. I assisted Officer Taylor with the search of the  
20 vehicle.

21 Q. And did you guys -- did you and Officer Taylor  
22 divide up the areas of the vehicle that you were  
23 searching? Did you search it at the same time? How  
24 exactly did you conduct that search? Sorry, I should  
25 have asked that better question.

1 A. He started on the driver's side, and I started on  
2 the passenger side of the vehicle.

3 Q. And what were you looking for?

4 A. His dog alerted to the -- or to the odor of  
5 narcotics, and we were just searching the vehicle for  
6 narcotics.

7 Q. I'll just cut to the chase. Did you find any  
8 narcotics as you were searching that vehicle?

9 A. Yes.

10 Q. Where were those located?

11 A. On the passenger rear backseat, there was a blue  
12 backpack on the floorboard. And inside it was a -- I  
13 believe it was a pink eyeglass case that contained a  
14 baggie of a white crystal-like substance.

15 MR. ROCHE: May I approach, Your Honor?

16 THE COURT: Yes.

17 BY MR. ROCHE:

18 Q. I'm going to show you what's previously been marked  
19 as State's Exhibit 5.

20 Do you recognize that?

21 A. I do.

22 Q. And what's in that photograph?

23 A. It's a Juicy Couture pink eyeglass case.

24 Q. Is that a true and accurate depiction of the  
25 eyeglass case you observed on the morning of

1 August 22nd?

2 A. Yes, sir.

3 Q. And where was that located?

4 A. It was located in the top biggest compartment in the  
5 backpack.

6 Q. Did you find anything inside of it, or --

7 A. Yes.

8 Q. -- did you look inside of it?

9 A. I did.

10 Q. And what did you find?

11 A. It was a -- that small baggie with a white  
12 crystalline substance in it, and there was a circular  
13 container, as well, in there that contained a white  
14 substance as well.

15 Q. I'm going to show you what's previously been  
16 admitted as State's Exhibits 6 and 7.

17 Do you recognize those?

18 A. I do.

19 Q. Are those the objects that you were just describing?

20 A. Yes.

21 Q. And specifically tell us which one's in  
22 Exhibit No. 6.

23 A. This is a circular silver tin with -- with a white  
24 bag with white crystal-like substance.

25 Q. Okay. And what's in Exhibit No. 7?

1 A. It's just a plastic bag, small plastic bag with a  
2 white crystal-like substance.

3 Q. Did you find anything else that you thought was  
4 significant as you were searching through the backpack?

5 A. I located numerous receipts that had Sarah  
6 Gravelle's name on it. Some did and some didn't have  
7 her name on it. I also located numerous SIM cards that  
8 were in her backpack as well.

9 Q. I'm going to show you what's been marked as State's  
10 Exhibits 1 through 4 and 8 through 10. Can you just  
11 briefly look through those.

12 A. Yes. Okay.

13 Q. Do you recognize those objects?

14 A. Most --

15 Q. Is that --

16 A. Most of them, yes.

17 Q. Is there -- what -- well, let's just start then with  
18 number 1, State's Exhibit No. 1.

19 A. Okay.

20 Q. Would you please briefly describe that.

21 A. It's a receipt. It says money transfer details on  
22 it. Sender is Terry Jim (phonetic), receiver is Sarah  
23 Gravelle, for \$87.50.

24 Q. All right. And number 2.

25 A. It's a receipt from Paso Robles, California. It

1 says it was for \$87.50. I don't see a name on this one.

2 Q. Is that the same amount that was on State's Exhibit  
3 No. 1?

4 A. Yes.

5 Q. All right. You know, in the interest of saving  
6 time, you said that there was some objects in those  
7 pictures that you didn't recognize. Can you just tell  
8 us what it is in there that you don't recognize.

9 A. The receipts I recognize. The SIM cards I  
10 recognize. The State's Exhibit 9, I don't recognize  
11 those -- those IDs and bank cards.

12 Q. So those weren't objects that you found in the  
13 backpack?

14 A. No, sir.

15 Q. Okay.

16 A. And then in State's Exhibit 8, I recognize the  
17 container of SIM cards, the plastic bag with the white  
18 crystal-like substance in it, and the small silver tin.  
19 I recognize that. And then I recognize the receipt in  
20 State's Exhibit 4.

21 Q. Okay. After you located those objects, what did you  
22 do?

23 A. I advised Officer Taylor that I located those items  
24 in the bag.

25 Q. And then what did you do with the items after you --



1 A. He -- Officer Taylor took possession of them, and I  
2 don't know what he did with them after that.

3 Q. Okay. Did you have any conversations with the  
4 Defendant while you were -- before or during your  
5 search?

6 A. The only thing I can remember, that I can recall, is  
7 I asked, when I located the blue backpack, if it was any  
8 other -- who's backpack it was, and neither one of them  
9 said it was their backpack.

10 Q. Okay.

11 MR. ROCHE: No further questions for this  
12 witness.

13 THE COURT: Cross-examination, Mr. Leamon.

14 CROSS-EXAMINATION

15 BY MR. LEAMON:

16 Q. So the backpack was found on the passenger side of  
17 the vehicle?

18 A. In the rear -- yes, the rear passenger seat.

19 Q. Rear passenger?

20 A. On the -- on the floorboard.

21 Q. On the floorboard?

22 A. Yes, sir.

23 Q. Okay. Were you wearing a body cam when this  
24 happened?

25 A. No, sir.

1 Q. Okay. And are you aware of the law that requires  
2 all uniformed officers to wear a body cam as of  
3 July 1st?

4 A. Yes.

5 Q. Have you talked to your department about why you  
6 haven't been issued a body cam?

7 A. They're taking the appropriate steps to get there.  
8 I know we just had an e-mail that we set up our  
9 accounts. So I know it's coming.

10 Q. Do you know if the body cams exist right now? Do  
11 you have the body cams, and they just haven't been  
12 issued; do you know?

13 A. Not that I know.

14 Q. Okay.

15 MR. LEAMON: Nothing further.

16 THE COURT: Redirect?

17 MR. ROCHE: No, Your Honor.

18 THE COURT: Did either party wish this  
19 witness to be retained, or can he be excused at this  
20 time?

21 MR. ROCHE: He can be excused for the State.

22 MR. LEAMON: He can be excused for the  
23 Defense.

24 THE COURT: Okay. So you're free to step  
25 down. If you can just give us -- give me those

1 photographs back.

2 MR. PINKHAM: They might be out of order,  
3 sorry.

4 THE COURT: That's okay. No problem. You're  
5 free to go, thank you.

6 MR. PINKHAM: Thank you.

7 THE COURT: Mr. Roche, anyone else to call,  
8 evidence to present?

9 MR. ROCHE: No, Your Honor.

10 THE COURT: Anything to be presented from the  
11 Defense?

12 MR. LEAMON: No, Your Honor.

13 THE COURT: Okay. We'll proceed then with  
14 argument, Mr. Roche.

15 MR. ROCHE: We'll submit it unless there's  
16 something to address on rebuttal.

17 THE COURT: Mr. Leamon, any argument?

18 MR. LEAMON: We'll submit, Your Honor.

19 THE COURT: Okay. Based on the testimony and  
20 evidence that was adduced at this preliminary  
21 examination, it's the finding of this Court that there  
22 has been a showing of at least slight or marginal  
23 evidence, the evidentiary standard at this particular  
24 juncture, that on or about the 22nd day of August 2018,  
25 at or near the location of Idaho Street here in Elko,

1 within the County of Elko, State of Nevada, that the  
2 Defendant, Sarah Elizabeth Gravelle, committed the  
3 following described criminal offense: Count 1,  
4 possession of a controlled substance, a category E  
5 felony, as defined by NRS 453.336.

6 Before I order this matter bound over to the  
7 Fourth judicial District Court for further proceedings,  
8 I do want to note for the record that there was a motion  
9 previously filed with this Court on September 17th,  
10 2018, seeking a possible release of this Defendant on  
11 her own recognizance, or in the alternative some  
12 reduction in bail. We had set the matter to be heard on  
13 today's date and time pursuant to an order shortening  
14 time.

15 Are the parties prepared to speak to the  
16 motion at this time?

17 MR. LEAMON: The Defense is, Your Honor.

18 MR. ROCHE: Yes, Your Honor.

19 THE COURT: Okay. Go ahead, Mr. Leamon.

20 MR. LEAMON: Just to highlight a few things  
21 in the motion, Ms. Gravelle has pretty significant ties  
22 to the community. She's lived here for the past nine  
23 years. She does have a job lined up doing landscaping  
24 if she were to be released, and she would be staying on  
25 Nancy Collins' (phonetic) property. She has a truck --

1 or she has a RV or --

2 THE DEFENDANT: Uh-huh.

3 MR. LEAMON: -- an RV up there where she  
4 would be staying. So she's got a place to stay in the  
5 community.

6 You know, and Ms. Gravelle wants to fight  
7 this case, and, you know, I think there might be some  
8 real issues with the detention and the lack of body cams  
9 in this case and, you know, she wants to litigate these  
10 issues. So we believe release on her own recognizance  
11 is appropriate.

12 It doesn't look like -- you know, there's not  
13 alleged to have been any property crimes. It doesn't  
14 allege that she was driving under the influence or  
15 anything else that would endanger the community if she  
16 were to be released. So we would ask that she be  
17 released on her own recognizance. If Your Honor is not  
18 inclined to do that, she might be able to make somewhere  
19 in the area of \$2,000 bondable.

20 THE COURT: Mr. Roche.

21 MR. ROCHE: Your Honor, this Defendant just  
22 finished up her federal sentence in just a matter of a  
23 couple months ago, and she's already been in front of  
24 this Court twice. We had a misdemeanor where she  
25 appeared. She seems basically incapable of not



1 committing new crimes when she's out in the community,  
2 and so on that basis, we would oppose a release in this  
3 case.

4 And certainly, there's nothing about this  
5 hearing that would question the evidence as far as --  
6 something unusual about this case basically. The  
7 argument about whether the body cams should be worn is  
8 certainly something that can be litigated in District  
9 Court, but one, to litigate an issue like that doesn't  
10 justify a release when somebody's continually committing  
11 crimes out in the community. So we oppose the motion.

12 THE COURT: Anything else, Mr. Leamon?

13 MR. LEAMON: No, Your Honor.

14 THE COURT: The Court is inclined to deny the  
15 motion at this time. So the motion for release of the  
16 Defendant on her own recognizance, or in the  
17 alternative, a reduction of bail is denied. Bail will  
18 stay as previously -- as previously set so it's \$5,000  
19 bondable.

20 Anything else we need to address at this time  
21 before I order the matter bound over?

22 MR. LEAMON: Not from the Defense.

23 THE COURT: Anything else, Mr. Roche?

24 MR. ROCHE: No, Your Honor.

25 THE COURT: If there's nothing further, then

1 this matter will be bound over to the Fourth Judicial  
2 District Court for further proceedings. The Defendant  
3 is remanded back into the custody of the Elko County  
4 Sheriff's Office pending the posting of that stated bail  
5 amount.

6 And this matter is now adjourned. Good luck  
7 to you, Ms. Gravelle.

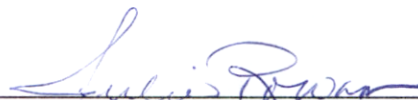
8 (Whereupon, the proceeding concluded)  
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STATE OF NEVADA       )  
                                  ) ss.  
COUNTY OF CARSON     )

I, Julie Rowan, Transcriptionist for the Elko Township Justice Court of the State of Nevada, in and for the County of Elko, have transcribed the proceedings held in the above-entitled Court on September 19, 2018.

The foregoing is a true and correct transcript, to the best of my ability, from the electronic sound recording of the proceedings held in the above-entitled matter.

DATED: This 20th day of October, 2018.

  
\_\_\_\_\_  
Julie Rowan