

RECEIVED JUN 02 2022

Shawn Tosh Hartzell

(Name)

1755705

(I.D. No.)

Northern Nevada Correctional Center

Post Office Box 7000

Carson City, Nevada 89702

FILED

2022 JUN -2 PM 2:19

SUE SEVON

COURT CLERK

Electronically Filed
Jun 06 2022 01:39 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

IN THE 10th JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF Churchill

Shawn Tosh Hartzell

Petitioner/Plaintiff,

vs.

State of Nevada

Respondent/Defendant

Case No.: 21-10DC-C944

Dept. No. _____

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that I, Shawn Tosh Hartzell appeal the
Judgment / Order entered on the 5th day of April, 20 22 by this
court.

Dated this 5th day of May, 20 22.



(Signature)

Case No. 21-10DC-0944

Dept. No. 1

FILED

2022 JUN -2 PM 2:39

SUE SEVON
COURT CLERK
BY Shelly Nepton DEPUTY

IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF CHURCHILL

SHAWN TOSH HARTZELL,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

CASE APPEAL STATEMENT

1. Name of Appellant filing this Case Appeal Statement:

Prepared by District Court Clerk on Behalf of:
Shawn Tosh Hartzell, Appellant/Defendant

2. What Judge Issued Decision, Judgment or Order?

Judge Thomas L. Stockard
Tenth Judicial District Court

3. Who is/are the Appellant(s) and Name and Address of Appellant(s) Counsel?

Shawn Tosh Hartzell

Steve E. Evenson, Esq.
Attorney at Law
101 N. Maine Street
Fallon, NV 89406

1 4. Who is/are Respondent(s) and Name and Address of Respondent(s) Counsel?

2 State of Nevada

Lane R. Mills, Esq.
Deputy District Attorney
165 N. Ada Street
Fallon, NV 89406

3
4
5 5. Are Counsel not licensed to Practice Law in Nevada? ☐ Yes ☒ No
6 If the answer is yes, has counsel been granted permission to appear under SCT 42?
7 ☐ Yes ☐ No (Attach copy of District Court Order granting permission)

8 6. Was Appellant Represented by Appointed or Retained Counsel at District Court?

9 ☐ Appointed Counsel
10 ☒ Retained Counsel
11 ☐ No Counsel

12 7. Is Appellant Represented by Appointed or Retained Counsel on Appeal?

13 ☐ Appointed Counsel
14 ☐ Retained Counsel
15 ☒ No Counsel

16 8. Was Appellant Granted leave to Proceed in Forma Pauperis? ☐ Yes ☒ No

17 Date of Order:

18 9. When did the Proceedings Commence in the District Court? (i.e., date complaint,
19 indictment, information or petition was filed)

20 September 10, 2021

21 10. Provide Brief Description of Nature of Action; Result in District Court, Type of
22 Judgment or Order Being Appealed and Relief Granted by District Court: Counsel for
23 Appeal:

24 Judgment of Conviction 4-7-22

25 11. Has the Case previously been the subject of an Appeal to or Original Writ Proceedings in
26 the Supreme Court? ☐ Yes ☒ No

27 If yes, provide caption and Supreme Court Docket Number of Prior Proceeding:
28

12. Does the Appeal Involve Child Custody or Visitation Issues?

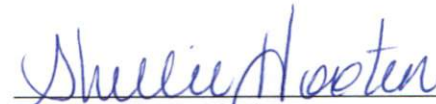
☐ Yes ☒ No

13. If this is a Civil Case, Does the Appeal Involve the Possibility of Settlement?

☐ Yes ☒ No

Dated this 2nd Day of June, 20 22

Sue Sevon, Clerk of Court



Deputy Court Clerk
Tenth Judicial District Court
73 N. Maine Street
Fallon, NV. 89406
775-423-6088

Churchill Case Summary

State of Nevada, Plaintiff, vs. Shawn Tosh Hartzell, Defendant.

Court Case Number: 21-10DC-0944
Court: 10th Judicial District Court - Department 1
Case Type: Felony
Status Date: 4/7/2022
Case Status: Judgment of Conviction
Received Date: 9/10/2021
Active Age: 209 days

Attorneys

Lane Mills District Attorney
Steve Evenson Retained Attorney

Charges

1. 200.508(1)(B)(1) ~ Abuse, Neglect Or Endangerment Of A Child Occurred: 3/21/2021

Felony Category B

Attribute

Child Abuse and Neglect

Hartzell, Shawn Tosh Defendant

Plea: Alford Plea Plea Date: 11/9/2021 Disposition: Guilty Dispo Date: 4/5/2022

Sentence: 4/5/2022 Incarcerated from 24 Months to 60 Months Nevada State Prison

2. 201.230(2) and 201.230(1)(a) ~ Lewdness With A Child Under Age 14 Occurred: 3/21/2021

Felony Category A

Attribute

Crimes Against Persons

Hartzell, Shawn Tosh Defendant

Plea: Alford Plea Plea Date: 11/9/2021 Disposition: Guilty Dispo Date: 4/5/2022

Sentence: 4/5/2022 Incarcerated Life w/ Parole after 10 years Nevada State Prison

Notes: Consecutive to Count 1

Case Docket

Docket Summary

9/10/2021 4:42:00 PM | Filed | Title: Justice Court Proceedings
9/10/2021 4:43:00 PM | Filed | Title: Information
9/13/2021 11:26:00 AM | Filed | Title: First Amended Information
9/14/2021 1:29:00 PM | Filed | Title: Setting Memo (Arraignment)
9/29/2021 10:57:00 AM | Filed | Title: Setting Memo (Arriagnment)
11/9/2021 4:48:00 PM | Filed | Title: No Contest (Alford) Plea Memorandum
11/12/2021 12:30:00 PM | Filed | Title: Setting Memo (Sentencing)
2/4/2022 11:39:00 AM | Filed | Title: Stipulation to Continue Sentencing
2/7/2022 3:55:00 PM | Filed | Title: Order to Continue Sentencing
2/23/2022 3:03:00 PM | Filed | Title: Notice of Entry of Order (Order to Continue Sentencing)
3/29/2022 11:55:00 AM | Filed | Title: Stipulation to Continue Sentencing
3/29/2022 11:57:00 AM | Filed | Title: Order to Continue Sentencing
4/7/2022 11:20:00 AM | Filed | Title: Judgment of Conviction
4/8/2022 10:43:00 AM | Filed | Title: Declaration of Service
4/13/2022 4:46:00 PM | Filed | Title: Return of Service
6/2/2022 2:19:00 PM | Filed | Title: Notice of Appeal
6/2/2022 2:19:00 PM | Filed | Title: Designation of Record on Appeal
6/2/2022 2:39:00 PM | Filed | Title: Case Appeal Statement

Case No. 21-10DC-0944

Dept. No. 1

The undersigned hereby affirms that
this document does not contain the
social security number of any person.

FILED
2022 APR -7 AM 11:20

SUE SEVON
COURT CLERK
BY *[Signature]* DEPUTY

IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF CHURCHILL

THE STATE OF NEVADA,

Plaintiff,

vs.

SHAWN TOSH HARTZELL,

Defendant.

JUDGMENT OF CONVICTION

On the 9th day of November, 2021, the above-named Defendant, SHAWN TOSH HARTZELL, Date of Birth: November 15, 1971, Place of Birth: Martinez, California, entered a plea of no contest pursuant to *North Carolina v. Alford*, 400 US 25 (1970) to the crime(s) of: **COUNT 1, Abuse, Neglect Or Endangerment Of A Child, a Category B Felony, in violation of NRS 200.508(1)(B)(1), and COUNT 2, Lewdness With A Child Under Age 14, a Category A Felony, in violation of NRS 201.230(1)(a) and 201.230(2).**

Further, that at the time the Defendant entered the plea of no contest pursuant to *North Carolina v. Alford* 400 U.S. 25 (1970), this Court informed the Defendant of the privilege against compulsory self-incrimination, the right to a speedy trial, the right to a trial by jury, the right to compulsory process to compel witnesses to testify on behalf of the Defendant, and the right to confront the accusers. That after being so advised, the Defendant stated that these rights were understood and still desired this Court to accept the plea of no contest pursuant to *North Carolina v. Alford* 400 U.S. 25 (1970).

Further, that at the time the Defendant entered a plea of no contest pursuant to *North Carolina v. Alford* 400 U.S. 25 (1970), and at the time of sentencing, the Defendant was

1 represented by an attorney, STEVE E. EVENSON, or the duly appointed representative; also
2 present in Court were the Churchill Court Clerk, or the duly appointed representative, the
3 Sheriff of Churchill County, or the duly appointed representative, the District Attorney of
4 Churchill County, Nevada, or the duly appointed representative, representing the State of
5 Nevada; and the Operations Supervisor, or the duly appointed representative, representing the
6 Division of Parole and Probation.

7 The Court having accepted the Defendant's plea of no contest pursuant to *North*
8 *Carolina v. Alford* 400 U.S. 25 (1970), and having set the date of April 5, 2022, as the date for
9 imposing judgment and sentence and the Defendant having appeared at such time, represented
10 by counsel, and the Defendant having been given the opportunity to exercise the right of
11 allocution, and having shown no legal cause why judgment should not be pronounced at that
12 time.

13 This Court thereupon pronounced SHAWN TOSH HARTZELL guilty of: **COUNT 1,**
14 **Abuse, Neglect Or Endangerment Of A Child, a Category B Felony, in violation of NRS**
15 **200.508(1)(B)(1), and COUNT 2, Lewdness With A Child Under Age 14, a Category A**
16 **Felony, in violation of NRS 201.230(1)(a) and 201.230(2).**

17 In accordance with the applicable statutes of the State of Nevada this Court sentenced
18 the Defendant to:

19 ON COUNT 1: imprisonment in the Nevada State Prison for a minimum term of 24
20 months, with a maximum term of 60 months, and a minimum parole eligibility of 24
21 months; and

22 ON COUNT 2: imprisonment in the Nevada State Prison for a minimum term of 10
23 years, and a maximum term of life, and a minimum parole eligibility of 10 years,
24 consecutive to Count 1.

25 The Defendant is given credit for 381 days of pre-sentence incarceration time served.

26 In addition, said Defendant shall pay:

- 27 1. An Administrative Assessment Fee in the amount of Twenty-five Dollars (\$25.00)
28 to Tenth Judicial District Court.

1 2. A DNA Fee in the amount of One Hundred Fifty Dollars (\$150.00) to Tenth Judicial
2 District Court.

3 3. A Genetic Marker Analysis Fee in the amount of Three Dollars (\$3.00) to Tenth
4 Judicial District Court.

5 Pursuant to NRS 176.0913, Defendant must submit a biological specimen to determine
6 genetic markers and/or secretor status.

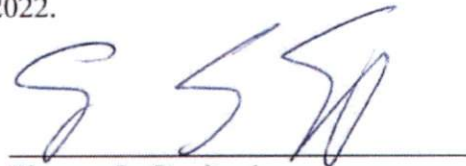
7 Pursuant to NRS 176.035(2) Count 1 and Count 2 of this case are hereby aggregated to
8 imprisonment in the Nevada State prison for a minimum term of 144 months to a maximum
9 term of life imprisonment.

10 Pursuant to NRS 176.0931, the Defendant is subject to lifetime supervision.

11 Pursuant to NRS 179D.460, the Defendant must register as a Sex Offender.

12 Therefore, the Clerk of the above-entitled Court is hereby directed to enter the
13 Judgment of Conviction as a part of the record in the above-entitled matter.

14 DATED: This 7th day of April, 2022.

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17 Thomas L. Stockard
18 District Court Judge
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**TENTH JUDICIAL DISTRICT COURT
MINUTES**

STATE OF NEVADA, PLAINTIFF, VS. SHAWN TOSH HARTZELL, DEFENDANT.

21-10DC-0944

Judge: Thomas L. Stockard

Law Clerk: Brian Casper

Clerk: Katelin OKeefe

Date of Hearing:	<u>September 28, 2021 - Arraignment</u>
Present:	In Person: Steve E. Evenson Esq., for the Defendant Shawn Tosh Hartzell, Defendant Priscilla Baker for Lane R. Mills Esq., for the State Rochelle Altares-McKenna, P&P Wendy Bullock, Court Services
Not Present:	
Sworn and Provided Testimony:	
Admitted Exhibits:	

For more details, please see attached JAVS Report.

Minute Summary: Court began to arraign defendant. Evenson requested a continuance in light of defendant receiving new information and refusing to sign the plea memorandum.

COURT ORDERED: Court ordered case would be continued to **October 26, 2021 @ 9:30 AM**.

After the conclusion of the hearing Evenson informed the Court he had scheduling conflict. Case set for November 09, 2021 @ 9:30



Session Report - Standard

09-28-21 #21-0944 State v.
Hartzell
Arraignment

Prosecution: Lane Mills Esq.
Defendant: Shawn Tosh Hartzell
Defense: Esq. Steve Evenson
Judge: Thomas L. Stockard
Clerk: Katelin OKeefe
Bailiff: Brian Casper

Date:	Type:	Location:	Department:
9/28/2021	Arraignment	Courtroom 1	
Event Time	Log Event		
9:31:11 AM	Session Started		
9:31:29 AM	Session Note Entry Note: JAVS, courtclerk	In Person: Shawn Hartzell (IC), Steven Evenson, Priscilla Baker for Lane Mills, Rochelle Altares-McKenna, Wendy Bullock	
9:32:08 AM	Session Note Entry Note: JAVS, courtclerk	Court - T&C Name, 12th Grade, R&W, Discussed with Attorney	
9:33:11 AM	Session Note Entry Note: JAVS, courtclerk	Evenson - Speaks on interactions with defendant.	
9:33:55 AM	Session Note Entry Note: JAVS, courtclerk	Evenson - Waive Formal Reading.	
9:34:04 AM	Session Note Entry Note: JAVS, courtclerk	Evenson - Today my client has new information. Defendant refusing to sign Plea Agreement. Asking for a couple weeks.	
9:35:14 AM	Session Note Entry Note: JAVS, courtclerk	Court - I want to make sure of a couple things. Clarifies defendant's request.	
9:36:28 AM	Session Note Entry Note: JAVS, courtclerk	Evenson - Asking to continue arraignment.	
9:37:24 AM	Session Note Entry Note: JAVS, courtclerk	Baker - Speaks on position.	
9:37:36 AM	Session Note Entry Note: JAVS, courtclerk	Court - Two weeks is enough time? Evenson - I believe so.	
9:38:33 AM	Session Note Entry Note: JAVS, courtclerk	Court - Speaks on dates.	
9:38:50 AM	Session Note Entry Note: JAVS, courtclerk	Court - October 26, 2021.	
9:39:24 AM	Session Ended		

**TENTH JUDICIAL DISTRICT COURT
MINUTES**

STATE OF NEVADA, PLAINTIFF, VS. SHAWN TOSH HARTZELL, DEFENDANT.

21-10DC-0944

Judge: Thomas L. Stockard

Law Clerk: Brian Casper

Clerk: Katelin OKeefe

Date of Hearing:	<u>November 9, 2021 - Arraignment</u>
Present:	In Person: Steve E. Evenson Esq., for the Defendant Shawn Tosh Hartzell, Defendant Lane R. Mills Esq., for the State Zoom: Sally Wilcox, P&P
Not Present:	
Sworn and Provided Testimony:	
Admitted Exhibits:	

For more details, please see attached JAVS Report.

Minute Summary: The case was heard at 1:00 PM. Evenson was unable to appear in person at that time and appeared via Zoom. At the 1:00 hearing Ms. Wilcox was present in person. The Court continued the sentencing to 4:30 in the afternoon when all parties could be present. Defendant's counsel received a copy of the First Amended Information and waived formal reading. Defendant entered an ALFORD PLEA plea to the Information. Evenson requested special setting for sentencing. Mills agreed.

COURT ORDERED: Court set sentencing for February 08, 2022 at 2:30 PM. Court ordered a PSI.



Session Report - Standard

11-09-21 #21-0944 State v.
Hartzell
Arraignment

Plaintiff: State of Nevada

Prosecution: Lane R. Mills Esq.

Defendant: Shawn Tosh Hartzell

Defense: Steve E. Evenson Esq.

Judge: Thomas Stockard

Clerk: Katelin O'Keefe

Bailiff: Brian Casper

Date:	Type:	Location:	Department:
11/9/2021	Arraignment	Courtroom 1	

Event Time	Log Event	
1:02:15 PM	Session Started	
1:02:27 PM	Session Note Entry Note: JAVS, courtclerk	In Person: Shawn Hartzell (IC), Lane Mills
1:03:02 PM	Session Note Entry Note: JAVS, courtclerk	Zoom: Steve Evenson
1:03:25 PM	Session Note Entry Note: JAVS, courtclerk	Court - We have a First Amended Information. What was the intention today?
1:03:45 PM	Session Note Entry Note: JAVS, courtclerk	Evenson - To enter a Plea. Was my intention to be there. Obviously that cannot happen need to speak with him.
1:05:24 PM	Session Note Entry Note: JAVS, courtclerk	Court - Could be back today at 4:00. Evenson - Can be back at 4:00. Mills - I have a meeting at 3:30. Court - How about 4:30? Mills - Can do 4:30.
1:06:52 PM	Session Note Entry Note: JAVS, courtclerk	Court - Inclined to come back at 4:30. Evenson - I will be there. Court - Will set for 4:30.
1:07:12 PM	Session Ended	

Date:	Type:	Location:	Department:
11/9/2021	Arraignment	Courtroom 1	

Event Time	Log Event	
4:45:14 PM	Session Started	
4:45:21 PM	Session Note Entry Note: JAVS, courtclerk	In Person: Shawn Hartzell (IC), Steve Evenson, Lane Mills
4:45:39 PM	Session Note Entry Note: JAVS, courtclerk	Zoom: Sally Wilcox
4:46:00 PM	Session Note Entry Note: JAVS, courtclerk	Court - Continued time set for arraignment
4:46:20 PM	Session Note Entry Note: JAVS, courtclerk	Court - T&C Name, 12th grade, R&W, Discussed with Attorney.
4:46:52 PM	Session Note Entry Note: JAVS, courtclerk	Court - Evenson have you discussed. You requested more time did you do that? Evenson - Yes multiple times.
4:47:20 PM	Session Note Entry Note: JAVS, courtclerk	Court - Any special accommodations? Evenson - No.
4:47:39 PM	Session Note Entry Note: JAVS, courtclerk	Evenson - Waive Formal Reading.

4:47:53 PM	Session Note Entry Note: JAVS, courtclerk	Court - I have a First Amended Information is that what we are proceeding on? Mills - Yes.
4:48:20 PM	Session Note Entry Note: JAVS, courtclerk	Evenson - I have a No Contest Alford Plea Agreement to present.
4:48:35 PM	Session Note Entry Note: JAVS, courtclerk	Court - Reads Charges.
4:48:52 PM	Session Note Entry Note: JAVS, courtclerk	Court - Advises Penalties Count 1.
4:49:10 PM	Session Note Entry Note: JAVS, courtclerk	Court - Is this a charge that requires a psychological evaluation in order to be eligible for probation? Mills - Count 1 yes. Count 2 not probatable.
4:49:58 PM	Session Note Entry Note: JAVS, courtclerk	Court - Advises Penalties Count 2.
4:50:09 PM	Session Note Entry Note: JAVS, courtclerk	Court - Count 2 is not eligible for probation. Evenson - Correct.
4:50:25 PM	Session Note Entry Note: JAVS, courtclerk	Court - Count 2 required
4:50:34 PM	Session Note Entry Note: JAVS, courtclerk	Court - Count 1? Hartzell - No Contest. Court - Count 2? Hartzell - No Contest. Evenson - As to Alford Plea.
4:51:22 PM	Session Note Entry Note: JAVS, courtclerk	Court - No Contest Plea and Guilty Plea are essentially the same.
4:51:30 PM	Session Note Entry Note: JAVS, courtclerk	Court - No Contest Plea Memorandum pursuant to Alford.
4:52:03 PM	Session Note Entry Note: JAVS, courtclerk	Court - Evenson are you satisfied he understands? Evenson - Yes. Been discussed for more than 30 days.
4:53:49 PM	Session Note Entry Note: JAVS, courtclerk	Court - Ultimately within the range of each sentence it will be up to the Court.
4:54:14 PM	Session Note Entry Note: JAVS, courtclerk	Court - Constitutional Rights and Rights Waived.
4:55:33 PM	Session Note Entry Note: JAVS, courtclerk	Court - Still wish to enter plea? Hartzell - Yes.
4:56:02 PM	Session Note Entry Note: JAVS, courtclerk	Court - Mills start with you, what is the State prepared to prove? Mills - Presents State's evidence.
4:57:25 PM	Session Note Entry Note: JAVS, courtclerk	Court - Mr. Evenson were there more serious charges in Justice Court? Evenson - Yes there were. States charges in Justice Court Second Amended Complaint.
4:58:32 PM	Session Note Entry Note: JAVS, courtclerk	Court - You have time to go over potential defenses with Hartzell? Evenson - Yes we have gone over all the discovery. Explains reasoning for taking the No Contest Plea.
5:00:13 PM	Session Note Entry Note: JAVS, courtclerk	Court - Hartzell is that accurate what Evenson said? Hartzell - Yes.
5:00:32 PM	Session Note Entry Note: JAVS, courtclerk	Court - Do you believe this is the best interest? Hartzell - Explains.
5:01:04 PM	Session Note Entry Note: JAVS, courtclerk	Court - Find there is a factual basis. Clerk to Enter.

5:01:21 PM	Session Note Entry Note: JAVS, courtclerk	Court - Sentencing February 1, 2022. Evenson - I would think we need a non law and motion. I have a TPR in Washoe County. Court - What about the 8th? Evenson - Have a 1:00 but can appear by Zoom.
5:02:59 PM	Session Note Entry Note: JAVS, courtclerk	Court - February 8, 2022 at 2:30. Order PSI be completed.
5:03:14 PM	Session Note Entry Note: JAVS, courtclerk	Wilcox - Explains PSI Procedure.
5:03:49 PM	Session Note Entry Note: JAVS, courtclerk	Court - Anything else? Evenson - Have not fully decided about the Psychosexual Evaluation. Will let P&P know.
5:04:42 PM	Session Note Entry Note: JAVS, courtclerk	Court - Anything from the State? Mills - No.
5:04:59 PM	Session Note Entry Note: JAVS, courtclerk	Evenson - There was no preliminary hearing. The factual basis is what we stated.
5:05:07 PM	Session Ended	

**TENTH JUDICIAL DISTRICT COURT
MINUTES**

STATE OF NEVADA, PLAINTIFF, VS. SHAWN TOSH HARTZELL, DEFENDANT.

21-10DC-0944

Judge: Thomas L. Stockard
Law Clerk: Brian Casper
Clerk: Katelin OKeefe

Date of Hearing:	<u>April 5, 2022 - Sentencing</u>
Present:	In Person: Steve E. Evenson Esq., for the Defendant Shawn Tosh Hartzell, Defendant Lane R. Mills Esq., for the State Sally Wilcox, P&P
Not Present:	
Sworn and Provided Testimony:	Danielle Hartzell L.H.
Admitted Exhibits:	

For more details, please see attached JAVS Report.

Minute Summary: The parties were in receipt of the PSI, Evenson had two corrections. First correction in reference to the Mental Health History Section; PSI reflects the Court waived the psychosexual evaluation. The Court did not order the evaluation be waived that was a choice made by defense. Second correction; the factual basis references additional victims. Evenson asking for the language be omitted from the PSI. Mills states it is in the police report but submits to the discretion of the Court. The Court heard victim impact statement. The Court heard from both counsels and the Defendant prior to sentencing.

COURT ORDERED: Court Orders a new PSI be completed with the language regarding the evaluation and reference to additional victims be stricken. Judgment entered. COUNT 1: Defendant sentenced to 24 Months - 60 Months in Nevada State Prison and COUNT 2: Defendant sentenced to Life w/ Parole after 10 years in Nevada State Prison. The following conditions were given Lifetime Supervision after any confinement and Defendant must register as a sex offender within 48 hours of release. The Court imposed the following fines/fees: \$5.00 Administrative Assessment - County; \$20.00 Administrative Assessment - State; \$3.00 Administrative Assessment - Genetic Marker; and \$150.00 DNA Forensic Fee. The Defendant is given 381 days credit for time served.



Plaintiff: State of Nevada

Prosecution: Churchill County District Attorney's Office

Defendant: Shawn Tosh Hartzell

Defense: Steve E. Evenson Esq.

Judge: Thomas Stockard

Clerk: Katelin O'Keefe

Bailiff: Brian Casper

Date:	Type:	Location:	Department:
4/5/2022	Sentencing	Courtroom 1	
Event Time	Log Event		
1:35:20 PM	Session Started		
1:35:30 PM	Session Note Entry Note: JAVS, courtclerk	In Person: Shawn Hartzell (IC), Steve Evenson, Lane Mills, Sally Wilcox	
1:35:55 PM	Session Note Entry Note: JAVS, courtclerk	Court - PSI? Evenson - In Receipt. Corrections - Noted in report that the Court Ordered the Psychosexual Waive due to prison sentencing. Court - Let me go over the history. Speaks on JAVS minutes. Evenson - Paragraph in the factual information references to victims not charged. Mills - He is referring to Page 5 above co-defendant information. Court - What are you asking? Evenson - Asking for it to be omitted. It is uncharged. Mills - It is referenced in the police report. With respect to whether it should be in the PSI the Supreme Court has not discussed. We will submit it to the Court at their discretion. There is a factual basis.	
1:41:09 PM	Session Note Entry Note: JAVS, courtclerk	Court - Count 2 has a single sentence. Count 1 has range. Want to make the record clear that the Court afforded you the opportunity to have a psychosexual evaluation.	
1:42:35 PM	Session Note Entry Note: JAVS, courtclerk	Evenson - Under Mental Health Assessment. Mills - That is factual inaccurate.	
1:43:11 PM	Session Note Entry Note: JAVS, courtclerk	Evenson - I think it should just be struck.	
1:43:45 PM	Session Note Entry Note: JAVS, courtclerk	Court - Order that a new PSI be drafted after "since the defendant pleaded guilty" the rest be stricken.	
1:44:47 PM	Session Note Entry Note: JAVS, courtclerk	Court - Confirms Hartzell is in agreement.	
1:44:52 PM	Session Note Entry Note: JAVS, courtclerk	Court - Are you in agreement to strike the sentence? Mills - Yes. Evenson - Yes.	
1:45:06 PM	Session Note Entry Note: JAVS, courtclerk	Court - Silks v. State and Woods v. State. Court will just order that the paragraph is stricken. The new PSI will have that paragraph stricken and the evaluation language.	

1:46:48 PM	Session Note Entry Note: JAVS, courtclerk	Court - One disclosure. There is a new Court Staff hired and started yesterday. There is a conflict. She has been partitioned off. I do not see any potential bias. Evenson - Thought it was appropriate to bring to everyone's knowledge. Client is waiving any conflict and is prepared to move forward. Want to be clear that none of this gets back to Sadie.
1:49:25 PM	Session Note Entry Note: JAVS, courtclerk	Court - Mills have you received the PSI? Mills - Yes. No corrections
1:49:40 PM	Session Note Entry Note: JAVS, courtclerk	Mills - 381 Days CTS.
1:49:48 PM	Session Note Entry Note: JAVS, courtclerk	Mills - Two victim impact statements.
1:49:57 PM	Session Note Entry Note: JAVS, courtclerk	Mills - Argument. Asking to make that parole date as long as possible so that the community can be protected.
1:51:52 PM	Session Note Entry Note: JAVS, courtclerk	Evenson - Defense. Asking for concurrent. Speaks on why the sentences should be concurrent. Speaks on Hartzell history in the community. Additionally, maintains innocence but understands factually why he is here. Asking for concurrent.
1:56:27 PM	Session Note Entry Note: JAVS, courtclerk	Court - Hartzell anything? Hartzell - He said everything.
1:56:46 PM	Session Note Entry Note: JAVS, courtclerk	Court - Proposing is that we shut down Zoom and live stream during victim impact.
1:56:58 PM	Session Note Entry Note: JAVS, courtclerk	Mills - Note the gallery open. Court - It is.
1:57:09 PM	Session Note Entry Note: JAVS, courtclerk	Court - Minor testimony under seal? Mills - No objection. Evenson - No objection.
1:58:52 PM	Session Note Entry Note: JAVS, courtclerk	Mills - Calls first victim
1:59:00 PM	Session Note Entry Note: JAVS, courtclerk	Danielle Hartzell Sworn.
1:59:07 PM	Session Note Entry Note: JAVS, courtclerk	Danielle Hartzell reads victim impact.
2:04:45 PM	Session Ended	

Date:	Type:	Location:	Department:
4/5/2022	Sentencing	Courtroom 1	
Event Time	Log Event		
2:04:50 PM	Session Started		
2:04:59 PM	Session Note Entry Note: JAVS, courtclerk	Under Seal All parties present.	
2:05:13 PM	Session Note Entry Note: JAVS, courtclerk	Lily Hurd sworn.	
2:05:45 PM	Session Note Entry Note: JAVS, courtclerk	Evenson - Asks to approach.	
2:06:00 PM	Private Mode Activated		
2:06:00 PM	Private Recording Activated		
2:06:54 PM	Normal Mode Activated		
2:06:54 PM	Public Recording Activated		
2:06:55 PM	Session Note Entry Note: JAVS, courtclerk	Court - Gives Evenson time to review statute.	

2:07:04 PM	Session Ended		
Date:	Type:	Location:	Department:
4/5/2022	Sentencing	Courtroom 1	
Event Time	Log Event		
2:08:28 PM	Session Started		
2:08:34 PM	Session Note Entry		
	Note: JAVS, courtclerk	Back on the record. This portion is sealed.	
2:08:56 PM	Session Note Entry		
	Note: JAVS, courtclerk	Court - In a related case the Court had appointed a CASA.	
2:09:11 PM	Session Note Entry		
	Note: JAVS, courtclerk	Evenson - 178.571 covers this circumstances. Speaks on conversation with Mills.	
2:09:29 PM	Session Note Entry		
	Note: JAVS, courtclerk	Evenson - Asks for a few minutes with client. Court - Will let you meet in the Jury Room for as much time as you need.	
2:10:27 PM	Session Ended		
Date:	Type:	Location:	Department:
4/5/2022	Sentencing	Courtroom 1	
Event Time	Log Event		
2:11:37 PM	Session Started		
2:11:41 PM	Session Note Entry		
	Note: JAVS, courtclerk	Court - Back on the record. All personal present. Open Court but this portion is under seal.	
2:12:08 PM	Session Note Entry		
	Note: JAVS, courtclerk	Evenson - Mr. Hartzell indicates he does not object. Just note language of the statute.	
2:12:39 PM	Session Note Entry		
	Note: JAVS, courtclerk	Court - Confirms Hartzell is in agreement.	
2:12:52 PM	Session Note Entry		
	Note: JAVS, courtclerk	Lily Hurd gives impact statement.	
2:17:32 PM	Session Ended		
Date:	Type:	Location:	Department:
4/5/2022	Sentencing	Courtroom 1	
Event Time	Log Event		
2:17:36 PM	Session Started		
2:17:45 PM	Session Note Entry		
	Note: JAVS, courtclerk	Court - Back on the record.	
2:18:17 PM	Session Note Entry		
	Note: JAVS, courtclerk	Court - Anything further? Mills - No. Evenson - No.	
2:18:21 PM	Session Note Entry		
	Note: JAVS, courtclerk	Court - Pronounce Guilty. Count 1 and Count 2. \$25 No PD Fee \$150 \$3. Count 2 NSP for life with possibility of parole after 10 years. Count 1 24 - 60 Months NSP. Count 2 will run consecutive to Count 1. 381 days CTS. Lifetime supervision after any confinement. Order defendant register as a sex offender within 48 hours of release.	
2:20:34 PM	Session Note Entry		
	Note: JAVS, courtclerk	Court - Anything further? Mills - No. Evenson - No.	
2:20:41 PM	Session Ended		

1 CASE NO. 21-10DC-0944
2 DEPT. I
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5 **IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
6
7 **IN AND FOR THE COUNTY OF CHURCHILL**

8 SHAWN TOSH HARTZELL,
9 Appellant,

10 vs.

11 THE STATE OF NEVADA,
12 Respondent.
13
14 _____)

15 C E R T I F I C A T E

16 I, SUE SEVON, Clerk of the Court for the Tenth Judicial District Court of the State of
17 Nevada, in and for the County of Churchill, do hereby certify that the following documents are
18 copies of the original documents on file with the District Court and which are contained in the
19 Appeal.

20 DATED: This 2nd day of June, 2022.

21
22 SUE SEVON, Clerk of the Court

23
24 By: Shellie Hooten
25 Shellie Hooten, Deputy Court Clerk
26
27
28

TRANSMISSION OF DOCUMENTS UPON FILING OF A NOTICE OF APPEAL

DOCUMENT TITLE

ENCLOSED

NOTICE OF APPEAL

YES

NO

CASE APPEAL STATEMENT

YES

NO

DISTRICT COURT DOCKET ENTRIES

YES

NO

JUDGMENT (S) or ORDER (S) APPEALED FROM

YES

NO

NOTICE OF ENTRY OF JUDGMENT (S) or
ORDER(S) APPEALED FROM

YES

NO

CERTIFICATION OF ORDER DIRECTING
ENTRY OF JUDGMENT PURSUANT TO
NRCp 54(b)

YES

NO

DISTRICT COURT MINUTES

YES

NO

EXHIBIT LIST

YES

NO

CERTIFICATE OF ORIGINAL DOCUMENTS

YES

NO

FEES

NOTICE OF APPEAL FILING FEE - \$24.00

YES

NO

APPEAL BOND - \$500.00

YES

NO

SUPREME COURT FILING FEE - \$250.00

YES

NO