

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * * *

JAMES ROBERT STAPP,)
)
 Appellant,)
)
 vs.)
)
 THE STATE OF NEVADA,)
)
 Respondent.)
 _____)

No. 83886
 District Court Case No. CR20-4957
 Electronically Filed
 Apr 22 2022 04:45 p.m.
 Elizabeth A. Brown
 Clerk of Supreme Court

**On Appeal From The Second Judicial District Court Of The State Of Nevada
The Honorable Connie Steinheimer, District Court Judge**

APPELLANT’S APPENDIX

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Attorneys for Appellant

Attorneys for Respondent

Stapp v. State of Nevada Appendix
District Court Case No. CR20-4057

Title	Bates Page
Counseling Reports for Consideration at Sentencing – October 21, 2021	040-044
Criminal Complaint - Dec. 24, 2020	001-004
Guilty Plea Memorandum - August 2, 2021	005-011
Judgment – November 4, 2021	089-090
Letter Submitted for Consideration at Sentencing – October 21, 2021	029-039
Notice of Appeal to Supreme Court – December 9, 2021	091-093
Transcript of Proceedings – Arraignment – August 3, 2021	012-028
Transcript of Proceedings – Sentencing - November 4, 2021	055-088
Victim Impact Letters for Consideration at Sentencing – November 2, 2021	045-054

Dated this 22nd day of April, 2022

Submitted by:

/s/ Kristina Wildeveld
KRISTINA WILDEVELD, ESQ
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FILED

24 Dec 2020 2:03 pm

JAMES P. CONWAY
RENO JUSTICE COURT
BY SJW
DEPUTY CLERK

DA #20-14984

WCSO WC20-000517

1 IN THE JUSTICE COURT OF RENO TOWNSHIP

2 IN AND FOR THE COUNTY OF WASHOE, STATE OF NEVADA

3 * * *

4 THE STATE OF NEVADA,

5 Plaintiff,

Case No.: RCR2020- 110730

6 v.

Dept. No.: 4

7 JAMES STAPP,

8 Defendant.

9 _____ /

10 CRIMINAL COMPLAINT

11 BRITTANY K. BISHOP of the County of Washoe, State of
12 Nevada, verifies and declares upon information and belief and under
13 penalty of perjury, that JAMES STAPP, the defendant above-named, has
14 committed the crime(s) of:

15 COUNT I. LEWDNESS WITH A CHILD UNDER THE AGE OF 14 YEARS, a
16 violation of NRS 201.230, a category A felony, (50975) in the manner
17 following, to wit:

18 That the said defendant, JAMES STAPP, in or between 2014
19 and 2015, at or about Chism Trailer Park located at 1300 West 2nd
20 Street, within the County of Washoe, State of Nevada, did willfully,
21 unlawfully, and lewdly commit a lewd or lascivious act upon or with
22 the body of D.R., a male child under the age of fourteen years at the
23 time the act was committed, in that the defendant did touch and/or
24 rub the child D.R.'s buttocks, with the intent of arousing, appealing
25 to, or gratifying the lust, passions, or sexual desires of himself or
26 the child.

001

1 COUNT II. LEWDNESS WITH A CHILD UNDER THE AGE OF 14 YEARS,
2 a violation of NRS 201.230, a category A felony, (50975) in the
3 manner following, to wit:

4 That the said defendant, JAMES STAPP, in or between 2015
5 and 2016, at or about Diamond Creek Apartments located at 1205 South
6 Meadows Parkway #E2036, within the County of Washoe, State of Nevada,
7 did willfully, unlawfully, and lewdly commit a lewd or lascivious act
8 upon or with the body of D.R., a male child under the age of fourteen
9 years at the time the act was committed, in that the defendant did
10 touch and/or rub the child D.R.'s buttocks and/or genitalia, with the
11 intent of arousing, appealing to, or gratifying the lust, passions,
12 or sexual desires of himself or the child.

13 COUNT III. LEWDNESS WITH A CHILD UNDER THE AGE OF 14 YEARS,
14 a violation of NRS 201.230, a category A felony, (50975) in the
15 manner following, to wit:

16 That the said defendant, JAMES STAPP, in or between 2016
17 and 2017, at or about Diamond Creek Apartments located at 1205 South
18 Meadows Parkway #E2036, within the County of Washoe, State of Nevada,
19 did willfully, unlawfully, and lewdly commit a lewd or lascivious act
20 upon or with the body of D.R., a male child under the age of fourteen
21 years at the time the act was committed, in that the defendant did
22 touch and/or rub the child D.R.'s buttocks and/or genitalia, with the
23 intent of arousing, appealing to, or gratifying the lust, passions,
24 or sexual desires of himself or the child.

25 ///

26 ///

1 COUNT IV. LEWDNESS WITH A CHILD UNDER THE AGE OF 14 YEARS,
2 a violation of NRS 201.230, a category A felony, (50975) in the
3 manner following, to wit:

4 That the said defendant, JAMES STAPP, in or between 2017
5 and 2018, at or about Diamond Creek Apartments located at 1205 South
6 Meadows Parkway #E2036, within the County of Washoe, State of Nevada,
7 did willfully, unlawfully, and lewdly commit a lewd or lascivious act
8 upon or with the body of D.R., a male child under the age of fourteen
9 years at the time the act was committed, in that the defendant did
10 touch and/or rub the child D.R.'s buttocks and/or genitalia, with the
11 intent of arousing, appealing to, or gratifying the lust, passions,
12 or sexual desires of himself or the child.

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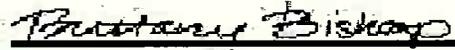
1 COUNT V. LEWDNESS WITH A CHILD UNDER THE AGE OF 14 YEARS, a
2 violation of NRS 201.230, a category A felony, (50975) in the manner
3 following, to wit:

4 That the said defendant, JAMES STAPP, in or between 2018
5 and November 2019, at or about 17180 Posy Lake Court, Reno, within
6 the County of Washoe, State of Nevada, did willfully, unlawfully, and
7 lewdly commit a lewd or lascivious act upon or with the body of D.R.,
8 a male child under the age of fourteen years at the time the act was
9 committed, in that the defendant did touch and/or rub the child
10 D.R.'s genitalia, with the intent of arousing, appealing to, or
11 gratifying the lust, passions, or sexual desires of himself or the
12 child.

13 AFFIRMATION PURSUANT TO NRS 239B.030

14 The undersigned does hereby affirm that the preceding
15 document does not contain the social security number of any person.

16 DATED this 24th day of December, 2020.

17
18 

19 BRITTANY K. BISHOP
20 13745
21 DEPUTY DISTRICT ATTORNEY

22
23 PCN: WASO0084263C-STAPP

24 Custody: X

25 Bailed:

26 Warrant:

 District Attorney Assigned: BISHOP|13745

 District Court #: CR20-4057|STAPP

 District Court Dept: D04

 Defense Attorney:

 Restitution:

 J

 Bail: To Be Set

1 CODE 1785
Christopher J. Hicks
2 #7747
One South Sierra Street
3 Reno, NV 89501
districtattorney@da.washoecounty.us
4 (775) 328-3200
Attorney for Plaintiff
5

6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
7 IN AND FOR THE COUNTY OF WASHOE

8 * * *

9 THE STATE OF NEVADA,

10 Plaintiff,

Case No. RCR2020-110730

11 v.

Dept. No. D04

12 JAMES STAPP,

13 Defendant.
14 _____/

15 GUILTY PLEA MEMORANDUM

16 1. I, JAMES STAPP, understand that I am charged with the
17 offenses of: Count I: ATTEMPTED LEWDNESS WITH A CHILD LESS THAN 14
18 YEARS OF AGE, being an attempt to violate NRS 193.330, a violation of
19 NRS 201.230, a category B felony, Count II: ATTEMPTED LEWDNESS WITH A
20 CHILD LESS THAN 14 YEARS OF AGE, being an attempt to violate NRS
21 193.330, a violation of NRS 201.230, a category B felony.

22 2. I desire to enter a plea of guilty to the offenses of,
23 Count I: ATTEMPTED LEWDNESS WITH A CHILD LESS THAN 14 YEARS OF AGE,
24 being an attempt to violate NRS 193.330, a violation of NRS 201.230,
25 a category B felony, Count II: ATTEMPTED LEWDNESS WITH CHILD LESS
26 THAN 14 YEARS OF AGE, being an attempt to violate NRS 193.330, a

1 violation of NRS 201.230, a category B felony, as more fully alleged
2 in the charges filed against me.

3 3. By entering my plea of guilty I know and understand
4 that I am waiving the following constitutional rights:

5 A. I waive my privilege against self-incrimination.

6 B. I waive my right to trial by jury, at which trial the
7 State would have to prove my guilt of all elements of the offenses
8 beyond a reasonable doubt.

9 C. I waive my right to confront my accusers, that is, the
10 right to confront and cross examine all witnesses who would testify
11 at trial.

12 D. I waive my right to subpoena witnesses for trial on my
13 behalf.

14 4. I understand the charges against me and that the
15 elements of the offenses which the State would have to prove beyond a
16 reasonable doubt at trial, are that, in or between 2014 and 2015, at
17 or about Chism Trailer Park located at 1300 West 2nd Street, within
18 the County of Washoe, State of Nevada, as to Count I, I did
19 willfully, unlawfully, and lewdly attempt to commit a lewd or
20 lascivious act upon or with the body of D.R., a male child under the
21 age of fourteen years at the time the act was committed, in that the
22 I did attempt to touch and/or rub the child D.R.'s buttocks, with the
23 intent of arousing, appealing to, or gratifying the lust, passions,
24 or sexual desires of myself or the child.

25 ///

26 ///

1 I further understand the charges against me and that the
2 elements of the offenses which the state would have to prove beyond a
3 reasonable doubt at trial are that, in or between 2015 and 2016, at
4 or about Diamond Creek Apartments located at 1205 South Meadows
5 Parkway #E2036, within the County of Washoe, State of Nevada, I did,
6 as to Count II, willfully, unlawfully, and lewdly attempt to commit a
7 lewd or lascivious act upon or with the body of D.R., a male child
8 under the age of fourteen years at the time the act was committed, in
9 that I did attempt to touch and/or rub the child D.R.'s buttocks
10 and/or genitalia, with the intent of arousing, appealing to, or
11 gratifying the lust, passions, or sexual desires of myself or the
12 child.

13 5. I understand that I admit the facts which support all
14 the elements of the offenses by pleading guilty. I admit that the
15 State possesses sufficient evidence which would result in my
16 conviction. I have considered and discussed all possible defenses
17 and defense strategies with my counsel. I understand that I have the
18 right to appeal from adverse rulings on pretrial motions only if the
19 State and the Court consent to my right to appeal in a separate
20 written agreement. I understand that any substantive or procedural
21 pretrial issue(s) which could have been raised at trial are waived by
22 my plea.

23 6. I understand that the consequences of my plea of guilty
24 are that, as to both Count I and Count II, I may be imprisoned for a
25 period of 2 to 20 years in the Nevada State Department of
26 Corrections. I am not eligible for probation unless a psychosexual

1 evaluation is completed pursuant to NRS 176.139 which certifies that
2 I do not represent a high risk to reoffend based upon a currently
3 accepted standard of assessment. I further understand that I will be
4 required to be on lifetime supervision pursuant to NRS 176.0931. The
5 sentence on each count may be concurrent or consecutive to each
6 other.

7 7. In exchange for my plea of guilty, the State, my
8 counsel and I have agreed to recommend the following: The Parties
9 will be free to argue for an appropriate sentence. If I receive a
10 psychosexual evaluation which represents that I am a high risk to
11 reoffend, then the Parties will jointly recommend that Count I and
12 Count II run concurrent. If I receive a psychosexual evaluation
13 which represents that I am a not a high risk to reoffend, then the
14 Parties are free to argue whether Count I and Count II will run
15 consecutive or concurrent. The State will not file additional
16 criminal charges resulting from the arrest in this case.

17 8. I understand that, even though the State and I have
18 reached this plea agreement, the State is reserving the right to
19 present arguments, facts, and/or witnesses at sentencing in support
20 of the plea agreement.

21 9. I also agree that I will make full restitution in this
22 matter, as determined by the Court. Where applicable, I additionally
23 understand and agree that I will be responsible for the repayment of
24 any costs incurred by the State or County in securing my return to
25 this jurisdiction.

26 ///

1 10. I understand that the State, at their discretion, is
2 entitled to either withdraw from this agreement and proceed with the
3 prosecution of the original charges or be free to argue for an
4 appropriate sentence at the time of sentencing if I fail to appear at
5 any scheduled proceeding in this matter OR if prior to the date of my
6 sentencing I am arrested in any jurisdiction for a violation of law
7 OR if I have misrepresented my prior criminal history. I understand
8 and agree that the occurrence of any of these acts constitutes a
9 material breach of my plea agreement with the State. I further
10 understand and agree that by the execution of this agreement, I am
11 waiving any right I may have to remand this matter to Justice Court
12 should I later withdraw my plea.

13 11. I understand and agree that pursuant to the terms of
14 the plea agreement stated herein, any counts which are to be
15 dismissed and any other cases charged or uncharged which are either
16 to be dismissed or not pursued by the State, may be considered by the
17 court at the time of my sentencing.

18 12. I understand that the Court is not bound by the
19 agreement of the parties and that the matter of sentencing is to be
20 determined solely by the Court. I have discussed the charges, the
21 facts, and the possible defenses with my attorney. All of the
22 foregoing rights, waiver of rights, elements, possible penalties, and
23 consequences, have been carefully explained to me by my attorney. My
24 attorney has not promised me anything not mentioned in this plea
25 memorandum, and, in particular, my attorney has not promised that I
26 will get any specific sentence. I am satisfied with my counsel's

1 advice and representation leading to this resolution of my case. I
2 am aware that if I am not satisfied with my counsel I should advise
3 the Court at this time. I believe that entering my plea is in my
4 best interest and that going to trial is not in my best interest. My
5 attorney has advised me that if I wish to appeal, any appeal, if
6 applicable to my case, must be filed within thirty days of my
7 sentence and/or judgment.

8 13. I understand that this plea and resulting conviction
9 will likely have adverse effects upon my residency in this country if
10 I am not a U. S. Citizen. I have discussed the effects my plea will
11 have upon my residency with my counsel.

12 14. I offer my plea freely, voluntarily, knowingly and
13 with full understanding of all matters set forth in the Information
14 and in this Plea Memorandum. I have read this plea memorandum
15 completely and I understand everything contained within it.

16 15. My plea of guilty is voluntary and is not the result
17 of any threats, coercion or promises of leniency.

18 16. I am signing this Plea Memorandum voluntarily with
19 advice of counsel, under no duress, coercion, or promises of
20 leniency.

21 17. I do hereby swear under penalty of perjury that all of
22 the assertions in this written plea agreement document are true.

23 ///

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1 4185
2 JUDITH ANN SCHONLAU
3 CCR #18
4 75 COURT STREET
5 RENO, NEVADA

7 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF
8 NEVADA IN AND FOR THE COUNTY OF WASHOE
9 THE HONORABLE CONNIE J. STEINHEIMER, DISTRICT JUDGE

10 -oOo-

11 THE STATE OF NEVADA,)
12)
12 Plaintiff,)
13)
13 vs.) CASE NO. CR20-4057
14) DEPARTMENT NO. 4
14 JAMES STAPP,)
15)
15 Defendant.)

16
17 TRANSCRIPT OF PROCEEDINGS
18 ARRAIGNMENT

19 TUESDAY, AUGUST 3, 2021, 9:00 A.M.
20 Reno, Nevada

21
22 Reported By: JUDITH ANN SCHONLAU, CCR #18
23 NEVADA-CALIFORNIA CERTIFIED; REGISTERED PROFESSIONAL
24 REPORTER
25 Computer-aided Transcription

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A P P E A R A N C E S

FOR THE PLAINTIFF: OFFICE OF THE DISTRICT ATTORNEY
BY: BRITTANY BISHOP, ESQ.
DEPUTY DISTRICT ATTORNEY
1 S. SIERRA STREET
RENO, NEVADA

FOR THE DEFENDANT: LARRY DUNN, ESQ.
ATTORNEY AT LAW
RENO, NEVADA

PAROLE AND PROBATION: CARLOS PEREZ

1 RENO, NEVADA; TUESDAY; AUGUST 3, 2021; 9:00 A.M.

2 -oOo-

3
4 THE COURT: Good morning. This is the time set
5 for court. This session is taking place on August 3rd,
6 2021. It is being held remotely because of the closure
7 of the courthouse at 75 Court Street, Reno, Washoe
8 County, Nevada, due to the local and national emergency
9 caused by COVID-19 and the Administrative Orders that
10 have been entered in the Second Judicial District Court.
11 I am physically located in Washoe County which is the
12 site of today's court session. The other court
13 personnel who are present will identify themselves for
14 the record and indicate where they are appearing from at
15 this time. We will begin with the bailiff.

16 THE BAILIFF: Good morning, Your Honor. Deputy
17 Burfield for the Washoe County Jail in Washoe County,
18 Nevada.

19 THE COURT: You are at 911 Parr Boulevard?

20 THE BAILIFF: Yes.

21 THE COURT: Thank you.

22 THE BAILIFF: You're welcome.

23 THE CLERK: Good morning. My name is Marci Stone,
24 court clerk appearing from Washoe County, Nevada.

25 COURT REPORTER: Judy Schonlau, court reporter,

1 Washoe County, Nevada.

2 THE COURT: Thank you. We also have a
3 representative from the Division of Parole and
4 Probation.

5 PAROLE AND PROBATION: Carlos Perez from the
6 Division located in Washoe County, Nevada.

7 THE COURT: Good morning. All of the persons who
8 are appearing this morning in custody are appearing from
9 911 Parr Boulevard in Reno, Washoe County, Nevada.

10 In addition, the record should reflect that this
11 session of the court is open to the public for viewing
12 and listening to the proceedings while it is going on
13 through the washoecourts.com website.

14 I would ask each of the attorneys who are
15 appearing this morning to identify themselves for the
16 record and state where they are physically located and
17 whether or not they have received notice this hearing is
18 taking place pursuant to Nevada Supreme Court Rule Part
19 IX relating to simultaneous audiovisual transmission in
20 criminal proceedings, and whether or not you have any
21 objection to proceeding in this manner.

22 Today we will begin with Mr. Dunn.

23 MR. DUNN: Good morning, Your Honor. Larry Dunn
24 appearing from Washoe County, Nevada. I have received
25 all applicable Notices and we have no objection to

1 proceeding with audiovisual communication.

2 THE COURT: Thank you. Ms. Bishop.

3 MS. BISHOP: Good morning, Your Honor, Brittany
4 Bishop on behalf of the State. I am located in Washoe
5 County, Nevada. I received all applicable Notices and I
6 have no objection to appearing in this format.

7 THE COURT: Thank you. Mr. Leslie.

8 MR. LESLIE: Good morning, Jim Leslie appearing
9 from Washoe County, Nevada. I have received all the
10 Notices and have no objection.

11 THE COURT: Thank you. Mr. Quade.

12 MR. QUADE: Good morning, Your Honor, Paul Quade
13 appearing in Washoe County, Nevada. We have received
14 all applicable Orders and Notices and have no objection
15 to appearing via audiovisual communication.

16 THE COURT: Thank you. Mr. Brock.

17 MR. BROCK: Good morning, Your Honor, Kale Brock,
18 Washoe County, Nevada. I received all Notices and I
19 have no objection to proceeding in audiovisual.

20 THE COURT: Thank you. Mr. Adler.

21 MR. ADLER: Good morning, Your Honor, Kevitt
22 Adler appearing from Washoe County. I received all the
23 Notices and have no objection.

24 THE COURT: Okay. Thank you. We will begin
25 with the docket now.

1 The first matter is State of Nevada versus
2 James Stapp. Go ahead and make your appearances for the
3 record.

4 MS. BISHOP: Brittany Bishop for the State.

5 MR. DUNN: Larry Dunn on behalf of Mr. Stapp,
6 Your Honor.

7 THE COURT: Mr. Stapp.

8 THE DEFENDANT: James Stapp, Washoe County,
9 Nevada. No objection to appearing in this format.

10 THE COURT: All right. Thank you, sir. This is
11 the time set for Arraignment on an Information that was
12 filed on June 23, 2021. Counsel, have you had an
13 opportunity to review the Information, and are you ready
14 to proceed?

15 MR. DUNN: Your Honor, we received a copy of the
16 Information. We are familiar with its content and would
17 waive formal reading. I would indicate Mr. Stapp's name
18 is his true and correct name, however, his full name is
19 actually James Robert Stapp.

20 THE COURT: Okay. Thank you.

21 MR. DUNN: We are prepared to proceed this
22 morning. Pursuant to negotiations, Mr. Stapp is
23 prepared to enter a plea of guilty to the two counts set
24 forth in the Information.

25 THE COURT: So the true name --

1 THE CLERK: Your Honor.

2 THE COURT: Yes?

3 THE CLERK: You were breaking up pretty badly
4 there.

5 THE COURT: Okay. Everyone stay right where you
6 are. I will be back in a minute.

7 THE CLERK: Thank you. Sorry about that
8 everybody.

9 THE COURT: Good morning everyone. Ms. Clerk,
10 can you hear me okay?

11 THE CLERK: It is much better now, Your Honor.

12 THE COURT: All right. Thank you. So we were
13 at, Mr. Dunn, you told me that you were prepared, your
14 client was prepared to enter a plea, and I don't think
15 you told me the plea negotiations. You may proceed with
16 that now.

17 MR. DUNN: Thank you, Your Honor. The parties
18 are free to argue for an appropriate sentence. If
19 Mr. Stapp receives a psychosexual evaluation which
20 represents that he is a high risk to re-offend, the
21 parties will jointly recommend Count I and Count II will
22 run concurrently. If Mr. Stapp receives a psychosexual
23 evaluation that represents he's not a high risk to
24 re-offend, the parties are free to argue whether Count I
25 or Count II run concurrently or consecutively.

1 The State will not file any additional charges
2 resulting from the arrest in this case.

3 THE COURT: Is that a complete statement of the
4 negotiations?

5 MS. BISHOP: Yes, it is.

6 THE COURT: Mr. Stapp, did you understand those
7 plea negotiations as stated by your attorney?

8 THE DEFENDANT: Yes, I do, Your Honor.

9 THE COURT: Do you have any questions about
10 them?

11 THE DEFENDANT: No.

12 THE COURT: Do you understand that those
13 negotiations are between you and your attorney and the
14 State and do not involve the Court?

15 THE DEFENDANT: Yes, I do understand that, Your
16 Honor.

17 THE COURT: Have you had enough time to discuss
18 your case with your attorney?

19 THE DEFENDANT: Yes, Your Honor, I have.

20 THE COURT: Do you have any questions about what
21 the negotiations are or what is happening here today?

22 THE DEFENDANT: No, Your Honor. My attorney has
23 been very clear in explaining it.

24 THE COURT: Do you wish to enter a plea as he
25 has told me?

1 THE DEFENDANT: Yes, I do, Your Honor.

2 THE COURT: Have you fully explained to your
3 attorney all the facts and circumstances which led to
4 these proceedings against you?

5 THE DEFENDANT: Yes, Your Honor, I have.

6 THE COURT: Have you discussed the possible
7 defenses that may be available to you under the law?

8 THE DEFENDANT: Yes.

9 THE COURT: Are you comfortable and satisfied
10 with the representation you received so far from your
11 lawyer?

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

13 THE COURT: Okay. Thank you. The attorney on
14 your behalf has filed in a Guilty Plea Memorandum on
15 August 2, 2021. Did you read the document?

16 THE DEFENDANT: Yes, Your Honor, I have read it.

17 THE COURT: Did you understand it?

18 THE DEFENDANT: Yes, I did, and I have gone over
19 it with my attorney.

20 THE COURT: Did you actually sign that document?

21 THE DEFENDANT: Yes, Your Honor, I did.

22 THE COURT: And do you still want to be bound by
23 that agreement?

24 THE DEFENDANT: Yes, Your Honor, I do.

25 THE COURT: Are you aware that you could plead

1 not guilty. You would have a right to have a trial by
2 jury, to confront the witnesses against you, bring
3 witnesses here on your own behalf and testify or not
4 testify at that jury trial?

5 THE DEFENDANT: Yes, Your Honor, I understand.

6 THE COURT: Do you understand you have a right
7 against self-incrimination. You may assert that right
8 by refusing to testify, and the State must prove you
9 guilty beyond a reasonable doubt?

10 THE DEFENDANT: Yes, Your Honor, I understand
11 that as well.

12 THE COURT: Now as I understand it, your plea is
13 to Counts I and II; is that correct?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: I am going to ask the clerk to read
16 the charges to which you are pleading, and then I will
17 ask you if you understand it.

18 THE CLERK: Count I, attempted lewdness with a
19 child under -- excuse me -- Count I, attempted lewdness
20 with a child less than 14 years of age being an attempt
21 to violate NRS 193.330, a violation of NRS 201.230, a
22 Category B felony in the manner following: That the
23 said defendant James Stapp in or between 2014 and 2015
24 at or about Chism Trailer Park located at 1300 W. Second
25 Street within the County of Washoe, State of Nevada, did

1 willfully, unlawfully and lewdly attempt to commit a
2 lewd or lascivious act upon or with the body of D.R., a
3 male child under the age of fourteen years at the time
4 the act was committed, in that the defendant did attempt
5 to touch and/or rub the child's D.R.'s buttocks with the
6 intent of arousing, appealing to or gratifying the lust,
7 passions or sexual desires of himself or the child.

8 Count II, attempted lewdness with a child
9 under-- I am sorry -- attempted lewdness with a child
10 less than fourteen years of age being an attempt to
11 violate NRS 193.330, a violation of 291,230, a Category
12 B felony in the manner following: That the said
13 defendant, James Stapp, in or between 2015 and 2016, at
14 or about Diamond Creek Apartments located at 1205 S.
15 Meadows Parkway, #E2036 within the County of Washoe,
16 State of Nevada, did willfully, unlawfully and lewdly
17 attempt to commit a lewd or lascivious act upon or with
18 the body of D.R., a male child under the age of fourteen
19 years at the time the act was committed, in that the
20 defendant did attempt to touch and/or rub the child's
21 D.R.'s buttocks and/or genitalia with the intent of
22 arousing, appealing to or gratifying the lust, passion
23 or desires of himself or the child.

24 THE COURT: Is there anything about that charge
25 you do not understand?

1 THE DEFENDANT: No, Your Honor.

2 THE COURT: Do you understand that, if you plead
3 guilty to those charges, you will be giving up all those
4 rights that I told you about earlier?

5 THE DEFENDANT: Yes, Your Honor, I understand
6 that.

7 THE COURT: Has anyone made any threats to get
8 you to enter these pleas?

9 THE DEFENDANT: No, Your Honor.

10 THE COURT: Did you in fact do the acts with the
11 intent as described in Counts I and II as read by the
12 clerk.

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: Do you know the possible maximum
15 penalty for those offenses?

16 THE DEFENDANT: Yes, Your Honor, that has been
17 explained to me.

18 THE COURT: Can you explain it to me?

19 THE DEFENDANT: I believe it is two to five
20 years for each count.

21 THE COURT: It is my understanding it is two to
22 twenty years; is that correct?

23 THE DEFENDANT: Sorry. Yes.

24 THE COURT: Ms. Bishop, is that correct?

25 MS. BISHOP: It is two to twenty years, Your

1 Honor.

2 THE COURT: Okay. So do you understand that,
3 Mr. Stapp, it is a minimum of two, maximum of twenty on
4 Count I and the same for Count II?

5 THE DEFENDANT: Yes, Your Honor, I understand
6 that.

7 THE COURT: Now do you understand that you may
8 not receive probation unless there is an evaluation that
9 finds you are not a high risk to re-offend pursuant to
10 NRS 176.139?

11 THE DEFENDANT: Yes, I understand that, Your
12 Honor.

13 THE COURT: Do you also understand that lifetime
14 supervision pursuant to NRS 176.093(1) would also be
15 part of your sentence?

16 THE DEFENDANT: Yes, Your Honor, I do.

17 THE COURT: Now if in fact these sentences were
18 run consecutive to one another, do you understand that
19 your plea today is exposing you to four to forty years
20 in the Nevada Department of Corrections?

21 THE DEFENDANT: Yes, Your Honor, I understand
22 that.

23 THE COURT: And do you understand that I am free
24 to disregard the negotiations in all respects and
25 sentence you up to and including the maximum allowed by

1 law?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: Has anyone made any promises that
4 you haven't told me about to get you to enter this plea?

5 THE DEFENDANT: No, that's not correct, Your
6 Honor, no promises.

7 THE COURT: Has anyone guaranteed you probation
8 or concurrent time or any other particular result if you
9 pled guilty?

10 THE DEFENDANT: No, Your Honor.

11 THE COURT: Considering all of my questions and
12 your answers, do you still wish to go forward?

13 THE DEFENDANT: Yes, Your Honor, I do.

14 THE COURT: Are you a veteran of the United
15 States Armed Services?

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

17 THE COURT: What are the dates of your service?

18 THE DEFENDANT: It would be March of '68 to
19 January of -- I am sorry -- March of '68 to January of
20 '70.

21 THE COURT: So a little less than two years?

22 THE DEFENDANT: Yes. I had an early out to go
23 back to school, Your Honor.

24 THE COURT: And what branch of the service?

25 THE DEFENDANT: Army, Your Honor.

1 THE COURT: Thank you. Are you entering this
2 plea of your own free will?

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

4 THE COURT: How do you plead to Count I?

5 THE DEFENDANT: I plead guilty, Your Honor.

6 THE COURT: How do you plead to Count II?

7 THE DEFENDANT: I plead guilty, Your Honor.

8 THE COURT: The Court finds that your plea is
9 voluntary, that you fully understand the nature of the
10 offenses and the consequences of your pleas, therefore,
11 I will accept your pleas of guilt and we'll set a date
12 for sentencing.

13 THE DEFENDANT: Thank you, Your Honor.

14 THE CLERK: September 30th at 9:00 o'clock. That
15 will be held in person in Department 4's courtroom
16 located at 75 Court Street.

17 THE COURT: Ms. Bishop, are you intending to
18 call any witnesses?

19 MS. BISHOP: I would like to reserve time in the
20 event I am able to get the witnesses that I would like
21 to be here to appear. I can't give a firm answer as of
22 today, unfortunately.

23 THE COURT: So, Ms. Clerk, should we set it at
24 10:00 a.m. instead of 9:00?

25 THE CLERK: September 30, 10:00 a.m. still in

1 person in Department 4's courtroom located at 75 Court
2 Street.

3 MS. BISHOP: Thank you, Your Honor.

4 THE COURT: Mr. Perez, would you please instruct
5 the defendant on his responsibilities with the Division?

6 PAROLE AND PROBATION: Certainly, Your Honor.
7 Mr. Stapp, you are going to call the following number
8 within the next three business days: It is (775)
9 684-2300. You will be connected to a pre-sentence
10 investigator. They will give you further instructions.

11 THE DEFENDANT: Let me repeat that. Call this
12 number within the next three days which is (775)
13 684-2300. That will be to get instructions about
14 pre-sentencing.

15 PAROLE AND PROBATION: Correct.

16 THE DEFENDANT: Okay.

17 THE COURT: Okay. Mr. Dunn, does that date work
18 for you?

19 MR. DUNN: Yes, Your Honor.

20 THE COURT: All right. I will see you all back
21 then. Thank you.

22 MR. DUNN: Thank you, Your Honor.

23 THE COURT: You're welcome.

24 (Whereupon, the proceedings were concluded.)

25 -oOo-

1 STATE OF NEVADA,)
2) ss.
3 COUNTY OF WASHOE.)
4

5 I, Judith Ann Schonlau, Official Reporter of
6 the Second Judicial District Court of the State of
7 Nevada, in and for the County of Washoe, DO HEREBY
8 CERTIFY:

9 That as such reporter I was present in
10 Department No. 4 of the above-entitled court on Tuesday,
11 August 3, 2021 at the hour of 9:00 a.m. of said day and
12 that I then and there took verbatim stenotype notes of
13 the proceedings had in the matter of THE STATE OF NEVADA
14 vs. JAMES STAPP, Case Number CR20-4057.

15 That the foregoing transcript, consisting of
16 pages numbered 1-17 inclusive, is a full, true and
17 correct transcription of my said stenotypy notes, so
18 taken as aforesaid, and is a full, true and correct
19 statement of the proceedings had and testimony given
20 upon the trial of the above-entitled action to the best
21 of my knowledge, skill and ability.

22 DATED: At Reno, Nevada this 2nd day of December, 2021.
23
24

25 /s/ Judith Ann Schonlau
JUDITH ANN SCHONLAU CSR #18

Global Fluency & Development Advisory Services

August 18, 2021

Larry K. Dunn & Associates
1201 Terminal Way, #221B
Reno, Nevada 89502

RE: Character Reference – Robert (Bob) Stapp

Dear Mr. Dunn,

It is with pleasure I write this character reference for Robert (Bob) Stapp. Bob and I have known and worked together on various cutting-edge international development initiatives for over 17 years. As a development and civil-military advisor with TS/SCI clearances, I have worked with the Department of State, Defense Department, and several multinational firms. My work has included a wide variety of special programs and activities involving project teams and individuals globally in over 33-countries. One such engagement was in Macedonia, where I first met Mr. Stapp in 2003/2004.

Since working with Mr. Stapp in Macedonia, I have personally requested him as my Deputy for multiple high-profile engagements in Jordan and Afghanistan. As a trusted confidant, he was responsible for integrating and coordinating workplace issues and relationships focused on organizational development and government capacity building, engaging with multiple ministries, host-country professionals, expatriates, and U.S. Government agencies. In each of these efforts, he has led multinational teams to expand U.S. Government networks and outreach to serve communities better and contribute to the overall socio-economic well-being of the country. This work entailed program management, collaboration with international agencies, and juggling complicated and often conflicting agendas.

I have found his general insight and ability to grow sustainable relationships among his coworkers, the U.S. Government, and foreign officials were essential to his successes. Despite working 60+ hour work weeks, he routinely volunteered his time and personal resources to assist in-country nationals needing assistance and exceptional guidance – working through financial, educational, and decision-making processes.

In addition to academic and professional credentials, Bob brought to the table a unique combination of an open-minded and non-judgmental thinker, coupled with a 'heart and caring' for others that are seldom seen among those that work in such complex environments. I have found his ability to blend these with communications and leadership skills unmatched, be it overseas or domestically. It is my firm belief these experiences and accomplishments contributed to his success in a variety of roles, including that of a trusted advisor and colleague.

Washington, DC – Greenville, SC – Tampa, FL
Mailing: PO Box 8898, Greenville, SC USA 29604
info@EDIAdvisoryGroup.com
www.EDIAdvisoryGroup.com

Most importantly, Mr. Stapp brings a positive attitude to all challenges, which allows him to collaborate with a wide range of people and personalities at all levels. In my personal and professional work, I have met and worked with hundreds of people in over 33-countries. These have ranged from Ambassadors to senior Military to poor and working-class people. I have found none with a higher standard of ethics, moral code, and trustworthiness than Bob. Because of this, we have developed personal and professional friendships and respect for many years.

Should you have further questions, do not hesitate to contact me.

Regards,
Reid B. Lohr



Co
RI
+1.202.494.2846

irector
o.com

To Whom it may concern,

I write in reference to Bob Stapp. Bob has been a friend of mine for about 4 years. I represented Bob in the purchase of his home in Cold Springs. In the time I have known him, he has been honest, kind, generous and an overall wonderful person! I am proud to call him a friend. He has shown selflessness on countless occasions. For instance when we were doing a walk through of the property he was purchasing, April, Gwen and Dracen were all happily running around and picking rooms, they were excited to have a place they could call home. He bought the home for them!

Bob and I remained friends, seeing each other on a monthly basis. He was excited, the kids were thriving, and he was taking his appointed title very seriously. I saw the kids a few times and they seemed happy and well adjusted. I can't explain the shock of what this man, my friend, has been accused of. On Several occasions I had trouble affording simple meals and he offered me a helping hand ...always. He never asked for anything in return.

It breaks my heart that this man's life has been forever tarnished because he tried to help a hurting family!

It is my sincere hope that this letter is taken into some consideration, as Bob is a valuable member of our community, a dear friend, and he is a good human being.

Thank you.

Sincerely,

Megan L Hong

Sabir Yousafzai
1445 50th Ave #1
Oakland CA, 94601

Aug 8, 2021

R: Mr. Bob Stapp

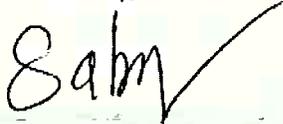
Dear Larry Dunn,

I have known Bob Stapp as a supervisor and mentor for over 12 years. I first met and worked with Mr. Stapp in 2007 in Afghanistan in connection with my work for the USAID funded program. We also became friends outside of work on a casual level.

During the time I have known Mr Stapp, he has been responsible, honest and trustworthy. He is respectful of his subordinates and gets along well with his team and co-worker. They have supported me and other friends in times of need, and they are always happy to lend a helping hand to anyone, even a stranger.

I feel incredibly lucky to know Bob both as a friend and an inspiration for what a great mentor looks like. If any additional information is required concerning my association with Bob Stapp, please feel free to contact me. Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink that reads "Sabir" followed by a checkmark.

Sabir Yousafzai

August 12, 2021

Mr. Larry K. Dunn,
C/o Larry K. Dunn & Associates
1201 Terminal Way, #221B
Reno Nevada, 89502

Mr. Dunn,

Please accept this letter of support for my friend and colleague of many years, Bob Stapp's as a testament of his good character. I have known Bob since 2005 first as one of my college instructors, then as a friend, and as a colleague. In all of that time, I have never seen him act inappropriately in any manner towards any individual.

Bob has always been generous with his time and his talents. He has helped me with my teaching by sharing his expertise and time whenever I have asked, even when I know it was an inconvenience to him. I have no doubt that if I was in a time of crisis and contacted him, he would immediately come to my aid. I have complete faith and trust that he would even take care of my wife and my children should something happen to me. This is not an exaggerated statement but fact and I would have no qualms in entrusting their care to him.

We have shared many great times over lunches, in emails, and on the telephone discussing education and situation or approaches to education. We talked about our families, life events, and it is inconceivable to me that there be any credibility to the charges he is facing, that is not the man I have known all these years and still gladly call my friend. He has always been, and is, a gentleman of high moral character, impeccably honest, and responsible.

Warm Regards,

Stephen J. Theriault

Stephen J. Theriault, Ed.D.

meant and meant what he said. But he was also respectful of their positions and mindful of the confidentiality required around the sensitive personality issues that often arose. With tact and integrity, Bob supported the council through several changes of the national government as well as of the NECC leadership.

Local staff were expected to take over the work done by the short-term consultants. Bob was the most diligent about preparing his counterparts for that transition. He voluntarily organized a project management workshop to teach basic project management skills to all local staff. He also mentored several staff members who continue to seek his advice and support, as I do.

Bob's also good in an emergency. Preparing dinner one night I cut my hand badly on a rotary blade. I called Bob who was staying a few blocks away, and he immediately showed up and calmly applied a butterfly bandaid to my hand. Then he helped me finish preparing for dinner.

Since Skopje, Bob and I have continued to stay in touch as we worked on other USAID projects and transitioned back to the US. He is one of my closest friends and someone I trust implicitly. I have provided references for Bob and recommended him to USAID contractors seeking a consultant with his background and knowledge. His honesty, integrity and character are of the highest possible or I could not in good conscience do that nor write this.

Please feel free to contact me if you need additional information.

Sincerely,

Suzi Kanyr Hagen

Suzi Kanyr Hagen

6350 Forward Avenue, Apt. 28
Pittsburgh PA 15217 USA
Email: suzihagen@me.com
Mobile: 612 220 9953

12 August 2021

Mr. Larry K. Dunn
Larry K. Dunn & Associates
1201 Terminal Way
Suite 221B
Reno, NV 89502

Re: Reference for Bob Stapp

Dear Mr. Dunn:

I have known Bob Stapp since late 2003 when I took over management of a USAID project in Skopje, North Macedonia. Bob was there as a short-term consultant through the International Executive Service Corps (IESC).

When I joined that project, I "inherited" a tense corps of short-term consultants from five sub-contractors and a full-time local staff of varied ethnicities, religions, skills and talents. Thankfully I also inherited Bob. He listened when I needed to vent, offered advice when I asked and helped me form a cohesive staff that consistently met project goals and objectives.

Bob's main job was to establish and nurture a new indigenous non-government organization (NGO), the National Entrepreneurship and Competitiveness Council (NECC), formed by the project. Throughout my almost three-year tenure on that project, Bob continued in that role. He was a trusted resource, not only by myself but also by the local team.

Bob worked closely with the government ministers, NGO leaders and business executives who were the NECC's members. In a land of continued back-biting and intrigues, the Council staff and members learned to value Bob's honest, straightforward style. He said what he

Gliwice, 24th August 2021

Character Reference Letter

My name is Olgica Markovska and I'm proud to offer my recommendation on behalf of Bob Stapp to whom I have personally known for 12 years. At first, we were introduced by my husband, as colleagues working on the same organizational and teaching topics on different continents. Our mutual interests and way of life brought us together as close family friends.

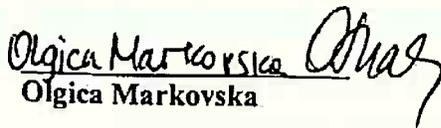
During my relationship with Bob I have experienced an individual with strong personality, who is highly responsible. It can be seen also from his profession working as a teacher, acting from authority and influencing me to become the better version of myself. Bob is a rare person who really cares about people and offer to help. The wisdom he possesses makes him to easily relate to me in a father role, as I've lost my father 25 years ago and was growing up without his support. He always gives me advices or guides me through my thoughts in order to make as much as possible better and informed decisions in my life. I learn a lot from him through his life experiences and knowledge about different things. He is honest, valuable, and carries himself in a polite and respectable manner.

In addition, Bob is a family-person who always acts with love and grace towards his family. He is my role model of how to act with open heart, to be willing to help and support others in order to build a better place for life for himself and those around him.

In general, Bob Stapp is a noble person, who always acts with integrity and care.

Please do not hesitate to contact me if you should require any further information.

Yours Sincerely,


Olgica Markovska

Contact details:

Olgica Markovska
Str. Szafirowa 57F/19
44-121 Gliwice, Poland
Tel: +48 886 097 252
e-mail. olgica.markovska@gmail.com

CHARACTER REFERENCE LETTER

Dear Sir/Madame,

My name is Dragan Stojanovski and I would like to offer my truly and fully recommendation of Bob Stapp whom I personally know more than 19 years. I met Bob back in 2003 when he came to Skopje, Macedonia to work on the USAID Competitiveness project. Our mutual views of life and culture initiated our friendship which is growing stronger and stronger each day.

I'm stating that Bob Stapp is an individual with a rich personality, responsibility and great person that care for everyone wellbeing. He really cares for people and is always there to help and support. With his view of the world and knowledge as teacher and professional he has influenced me to grow in my personal and professional development. He is always there for me and my wife, to listen and support our adventures, stories, professional experiences, travel experiences and many topics that become inspiring to discuss and build our mutual understanding and view of the life.

I consider him as my role model, learning from him how to act with fully open heart, willing to help and support others in order to build a better world as a living place.

He cares and he is an honorable person who always lead with honesty and stability.

Please do not hesitate to contact me if you should require any further information.

Sincerely,

Signature D. STOJANOVSKI  Date: 24/08/21

Print Name **Dragan Stojanovski**

Address **ul. Szafirowa 57F/19** City **Gliwice** State **Poland**

Telephone **+48 605 443 880**

E-Mail **dragan.stojanovski@gmail.com**

1 Larry K. Dunn, Esq.
Karen K. Dunn, Esq.
2 Bar Numbers 001627 / 11659
LKDUNNLAW@GMAIL.COM
3 1201 Terminal Way, #221B
Reno, NV 89502
4 775/322-5656
Attorneys for Defendant
5

6 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF WASHOE**

8 * * * * *

9 **STATE OF NEVADA.**

10 **Plaintiff,**

11 **vs.**

Case No. CR20-4057

12 **JAMES ROBERT STAPP,**

Dept No. 4

13 **Defendant.**

14 _____ /
15 **LETTER SUBMITTED ON BEHALF OF DEFENDANT**
16 **FOR CONSIDERATION AT SENTENCING**

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1 Larry K. Dunn, Esq.
Karen K. Dunn, Esq.
2 Bar Numbers 001627 / 11659
LKDUNNLAW@GMAIL.COM
3 1201 Terminal Way, #221B
Reno, NV 89502
4 775/322-5656
Attorneys for Defendant
5

6 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF WASHOE**

8 * * * * *

9 **STATE OF NEVADA.**

10 **Plaintiff,**

11 **vs.**

Case No. CR20-4057

12 **JAMES ROBERT STAPP,**

Dept No. 4

13 **Defendant.**

14 _____ /
15 **COUNSELING REPORTS SUBMITTED ON BEHALF OF DEFENDANT**
16 **FOR CONSIDERATION AT SENTENCING**

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Ibrahim Rahimi

Wilhelm-Hauff-Str. 18 | D 86161 Augsburg, Germany | Tel: +49 176 415 354 39 | Email: ebrahim@outlook.de

Larry K. Dunn & Associates

Mr. Larry K. Dunn
1201 Terminal Way, #221B
Reno, NV 89502

August 16, 2021

Letter of Reference

Dear Mr. Dunn,

I first met Bob Stapp in the summer of 2007 as he came to Afghanistan on an assignment with the same USAID funded project I was working for. Since then we have developed a firm friendship. By the time Bob was in Afghanistan I had dealt with at least a couple of hundreds of international colleagues and I might have had just a few friends among them; but with Bob it was his manner of taking friendships differently and also his warm-heartedness that was more of a factor for me. What makes him a respected friend to me is his dignity and integrity not only in his friendships, but also in his projects and the way he treats people working around him.

He was always kind, courteous and responsible with all staff members of the organization from the security guard to the head of the mission, foreign and local. Professionally he is an efficient, detail-oriented, and extremely competent colleague. He supported a good number of young Afghan colleagues and helped Afghan entrepreneurs with their businesses. His excellent communication skills allow him to connect with all kinds of people and to inspire them to put forth their best effort. A well respected and responsible co-worker and friend.

In the course of the past 13 years Bob and I have become family friends. In deed he has been more than a friend to me, I have always asked for his advice, knowing him as a good friend that he is, I have always been helped und trusted his judgement.

In summary, Bob has been a true and great friend, my family (wife, daughter and I) are honored to have him around us. I wish there were more people with his kindness and his heart around the world.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Ibrahim Rahimi (aka: Wahid)



**DEPARTMENT OF VETERANS AFFAIRS
VA Sierra Nevada Health Care System
Providing World Class Care and Service to America's Heroes**

10/11/21

To Whom it May Concern:

This letter is being provided to Mr. James Robert Stapp to use for purposes as he sees fit. I am writing this at his request to document his participation in Mental Health Services at the Reno VA.

Veteran is a 73-year-old, Caucasian, divorced, male, VIETNAM veteran who presented at the Reno VA Mental Health Clinic via VVC for psychotherapy on 5/7/20 and is continuing to the present day.

Veteran shared criminal charges, legal difficulties and the court process. Veteran feels he has a high stressor that would indicate continued therapy services, and acknowledges that he will continue mental health treatment through primary and social support systems.

Diagnosis: Adjustment Disorder with Mixed Anxiety and Depressed Mood; MDD Recurrent Moderate; Legal Problems

Problem: "I have legal issues that may prevent me from living like I am living now (i.e., comfortable, daily routine, taking care of myself).

Goal: "I want to live for today, care of myself for today, be present in what I can control. Manage my waves of emotion through processing and seeking support (using my phone support system). I want to get out hiking, changing nutrition and living a balanced holistic life style. Potentially exploring support groups via internet."

Progress: Veteran reports repeatedly getting stuck in deep depression. Veteran struggles with potential outcomes of legal proceedings and prepares for the worst outcome. He has insight to needing to get up and move/be active when thoughts become too heavy/dark. Veteran continues to utilize strengths to promote encouragement and perseverance. He uses supports/sessions to process internal thoughts/feelings and then problem solve levels of distress with healthy/adaptive coping so not to stay stuck. Veteran continues to work towards healthier physical self and scheduling telephone calls with support systems. He receives strong support from his primary and social support systems and has received several letters of character statements that have made him feel even more grateful for friends/family. He is working on allowing self to feel pain so not to turn into suffering and snowball of distortions. Working to balance process and coping/distraction. Writer continues to challenge thoughts/thinking that promote depression/anxiety. Veteran continues to utilize support systems and seems to be effectively

managing waves of emotions, not getting stuck in suicidal ideation and working towards stronger physical and mental health. Veteran engages in risk reduction by hiking in rural/nature settings that don't involve people. He also prides himself on "I don't want to hurt anyone" and this helps him to not act on any desires.

Veteran is on time to appointments. He appears his age, and he is appropriately dressed in casual clothing. No deficits in grooming or hygiene are observed. He is alert and oriented to person, place, time, and situation. He is cooperative, pleasant, and polite. He demonstrates good eye contact, and his speech is clear and coherent. His attention and memory functioning appear intact. His affect is congruent, at times tearful. His thought process is logical and goal-directed, future oriented. His insight and judgment are intact. He acknowledges current suicidal ideation. Thoughts of dying and wishing he were dead are increasing in frequency (daily). Denies intent stating "I don't want to die". Denies homicidal ideation. Some acute distress (sadness) observed, no psychosis was observed.

Plan:

The following plan is developed in collaboration with veteran:

1. Continue individual psychotherapy services with this writer.
2. Veteran is aware of available crisis support services, including Veterans Crisis Line and Rapid Access appointments, and will utilize as needed.
3. Veteran is aware of available emergency psychiatric services, including Emergency Department and 911, and will utilize as needed.

Sincerely,

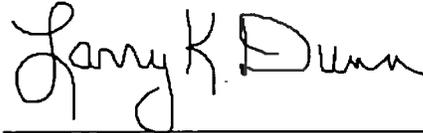
AMBER SUNDLAND, LCSW
MHC SOCIAL WORKER
VA Sierra Nevada Health Care System
Office: (775) 326-2920
Mental Health Service (116)

<i>Ioannis A. Lougaris VA Medical Center 975 Kirman Avenue Reno, NV 89502</i>	<i>East Campus VA Clinic 1201 Corporate Boulevard, Suite 100 Reno, NV 89502</i>	<i>VA Eye Clinic 2295 Kietzke Lane Reno, NV 89502</i>
<i>Carson Valley VA Clinic 1330 Waterloo Lane, Suite 101 Gardnerville, NV 89410</i>	<i>Lahontan Valley VA Clinic 1020 New River Parkway, Suite 304 Fallon, NV 89406</i>	<i>VA Dental Clinic 3674 South Virginia Street Reno, NV 89502</i>
<i>Diamond View VA Clinic 110 Bella Way Susanville, CA 96130</i>	<i>North Campus VA Clinic 1140 Selmi Drive Reno, NV 89512</i>	<i>Winnemucca VA Clinic 3298 Traders Way Winnemucca, NV 8944</i>

AFFIRMATION PURSUANT TO NRS 239B.030

The party executing this document hereby affirms that this document submitted for recording does not contain personal information of any person or persons pursuant to NRS 239B.030.

Dated this 21st day of October, 2021.



KARENA K. DUNN, ESQ.
LARRY K. DUNN, ESQ.
LARRY K. DUNN AND ASSOCIATES
Attorneys at Law

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**DEPARTMENT OF VETERANS AFFAIRS
VA Sierra Nevada Health Care System
Providing World Class Care and Service to America's Heroes**

9/30/21

To Whom it May Concern:

This letter is being provided to Mr. James Robert Stapp to use for purposes as he sees fit. I am writing this at his request to document his participation in Mental Health Services at the Reno VA. He first presented for Mental Health Services on 5/7/20 and met weekly with a provider for 15 sessions prior to referral to continue addressing concerns where he met with another provider individually for 15 sessions. He is currently participating in the Mindfulness and Anxiety groups and is an active participant in both groups. He plans to continue both Mindfulness and Anxiety groups at this time and engage in other treatment as indicated following these groups.

Sincerely,

Miranda Smith, LCSW
Mental Health Clinic Social Worker
VA Sierra Nevada Health Care System
Office: (775) 326-2920
Mental Health Service (116)

<p><i>Ioannis A. Lougaris VA Medical Center 975 Kirman Avenue Reno, NV 89502</i></p>	<p><i>East Campus VA Clinic 1201 Corporate Boulevard, Suite 100 Reno, NV 89502</i></p>	<p><i>VA Eye Clinic 2295 Kietzke Lane Reno, NV 89502</i></p>
<p><i>Carson Valley VA Clinic 1330 Waterloo Lane, Suite 101 Gardnerville, NV 89410</i></p>	<p><i>Lahontan Valley VA Clinic 1020 New River Parkway, Suite 304 Fallon, NV 89406</i></p>	<p><i>VA Dental Clinic 3674 South Virginia Street Reno, NV 89502</i></p>
<p><i>Diamond View VA Clinic 110 Bella Way Susanville, CA 96130</i></p>	<p><i>North Campus VA Clinic 1140 Selmi Drive Reno, NV 89512</i></p>	<p><i>Winnemucca VA Clinic 3298 Traders Way Winnemucca, NV 89444</i></p>

make him go because he's afraid of being teased because all the other kids know about Grandpa and he doesn't want to be "that kid."

The worst part is watching him struggle with feeling that everything is his fault; That he got Grandpa into trouble. D believes if he done one thing or another differently then it wouldn't have happened. For a long time, he struggled with wanting to be a girl so no one would be interested him like that again and I told him I supported him no matter what. It broke my heart when he said he had thoughts of killing himself and hurting himself. He said he feels better now, and he no longer wants to do that but the hurt and anger are still there along with the distrust of anyone who isn't in the household. He feels guilty and as though this is something he did and that turned to confusion and self-hatred when that computer showed up. I don't think I have ever been angrier at someone than I was when that happened.

I was asked what I wanted to see happen to Mr. Stapp and that's hard to answer. I hate him for what he's put D through and who knows how many other little boys, but I feel sorry for him too. I wonder what happened to make him this way and what damaged him so badly that he can't have a normal relationship. I feel sorry for his family and the fact that they must face this too because in a way they are victims as much as I am. I don't want Mr. Stapp to have access to other children. I don't want another family to have to endure this trauma or another little boy to be scarred for life. I know even though D will get better this will haunt him forever and he will always question what other intentions someone might have.

I'd like to see him held accountable for he's done to not only D but the others he's hurt. I don't know what that would look like though other than he needs to be kept as far from children as possible for their sake and for his own.

Sincerely,

April Hynick

VICTIM IMPACT STATEMENT

To whom it may concern,

I am writing this letter to let the court know what has happened to my son since the incidents that happened with Mr. Stapp.

D was once a happy kid he was never truly outgoing, but he was sociable with his peers and others. He's always been a brilliant kid who was reasonably well adjusted. He was never the perfect child, but he was quick to smile and laugh. He used to go outside and hang out with kids and now that's all changed.

It was in Cold Springs when D behavior and grades started to go downhill. When I was visiting Mr. Stapp would confront me about D yelling, his disrespect and the fact that D didn't seem to want him as a grandpa. I would be told I needed to enforce rules I didn't know about, and I would try. I often stepped between them when they fought, and I would defend D. I had talks with D about his behavior and more than once I questioned the wisdom of leaving him there.

To this I was always given good reasons to leave D and trusting Mr. Stapp I did. Therein was the problem, I put my trust in the wrong person. Mr. Stapp was once described as wolf in saint's clothing, and I find myself now agreeing.

D is now confused and hurting. He doesn't smile much anymore or laugh. His pain leads to anger and destructiveness. It's lead to terrible fights and many times he will ask why grandpa did this. I have no answer for him. I blame myself because I missed signs that were so obvious, like he wouldn't let D choose his own clothing or even have his clothes in his own room. James would make him bathe in his bathroom rather than the bathroom G used and I didn't realize James was giving him a bath like one would a small child. He wouldn't let D, and I be alone with the door closed or alone at all without checking on us. The only thing I can say is I was so caught up my eldest daughter's mental health issues that I wrote it all off as just being strange.

D now will not socialize with 'real people' only those he knows on the computer. He is no longer self-confident and constantly degrades himself and his abilities. He no longer tries at things he used to enjoy and rarely asks to go anywhere or to go to anyone's house. He prefers his own self-imposed isolation to the point where he doesn't want to go to school with other kids. When I ask D about school and friends he begs me not to

1 AFFIRMATION PURSUANT TO NRS 239B.030

2 The undersigned does hereby affirm that the preceding
3 document does not contain the social security number of any person.

4 Dated this 2nd day of November, 2021.

5 CHRISTOPHER J. HICKS
6 District Attorney
7 Washoe County, Nevada

8 By /S/ Brittany Bishop
9 BRITTANY BISHOP
10 13745
11 DEPUTY DISTRICT ATTORNEY

1 CODE 1930
Christopher J. Hicks
2 #7747
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Attorney for Plaintiff
5

6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
7 IN AND FOR THE COUNTY OF WASHOE.

8 * * *

9 THE STATE OF NEVADA,

10 Plaintiff,

Case No: CR20-4057

11 v.

Dept: D04

12 JAMES STAPP,

13 Defendant
14 _____/

15 LETTERS TO BE CONSIDERED BY THE COURT AT SENTENCING

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beating us and my mom. He took me places but then he did this. He doesn't know even now that I am the one spoke up and told what he was doing. It wasn't my mom so he should stop being mad at her.

I don't know what should happen now. I just don't want it to happen to anyone else. I feel like this is all my fault and it makes me sad. I just want to it all to go away.

VICTIM IMPACT STATEMENT

Dear Washoe Courts and your honor. {sorry I don't know your name}

I don't know what to say. It has effected me because I can't trust anyone anymore. I don't talk to people because I don't want them to know that grandpa did this. I just think people will know. I am ashamed I mean I did tell someone once, my boyfriend who I thought I could trust and he got mad at me and said terrible things to me. I didn't have friends at school up there because they teased me about my "creepy Grandpa" because he followed me to school activities and volunteered in my class and kids weren't allowed to come over to my house so I learned to be by myself. Even T teases me about it.

When it was happening I wanted him to hate me and send me back to my mom so I picked fights and I would yell and scream at him and left a mess. I would yell at him trying to make him mad so he would leave me alone. I wished I was a girl because he hated my sister E and he even told her he hated her. He really didn't like G though I think he pretended to but I don't think he did because he didn't want to help her with her music and he did.t want her to come on trips when he would take me and T to Arcades. I even thought about trying to cut myself and my face so I would be ugly because if I wasn't cute he would stop. I even thought about killing myself but I didn't though because it would have hurt my mom and grandpa was hurting her enough. He wouldn't let her see us much and when she did he was always mad. Once they fought over me because I was having problems in school being picked on. I really wanted to scream at him and tell him that he was the reason I was doing poorly in school but I was scared he would hurt my mom.

I tried to tell my mom before what was going on but Grandpa wouldn't let her talk to me alone. He was always right there. I was also afraid she wouldn't believe me. She always said what a good person he was and that I should try to get along and just listen She said I should do what he says because he was kind and came to get us and helped us when no one else would. I did try I really did. I didn't try to talk to her after that but I was serious when I said that I wouldn't stay and if she didn't take me home then I would run away. Despite everything she did come and get me.

Right now I am confused. After everything happened he kept taking to me on the phone. He acted like nothing was wrong and then he said he would get me a computer. I didn't believe him but then he did send it and I felt terrible. I felt terrible because I said all these things that were true but I also felt unhappy because he told me to go out and take everything off the computer and lie to my mom about where it came from. I couldn't lie to my mom about it even though I knew it meant the computer would go to the police. I know I shouldn't be ashamed or guilty mom and I talk and she says if anything its not my fault its hers but its not hers. One part of me feels guilty and then I get angry and sad and I cry because I don't know if I am bad or he is or anything. He rescued us from my dad who was

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9 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
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11 * * *

12 THE STATE OF NEVADA,

13 Plaintiff,

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15 JAMES STAPP,

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17 _____/

18 LETTERS TO BE CONSIDERED BY THE COURT AT SENTENCING

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6 SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7 IN AND FOR THE COUNTY OF WASHOE

8 THE HONORABLE CONNIE J. STEINHEIMER, DISTRICT JUDGE

9 ---o0o---

10

STATE OF NEVADA,)	Case No. CR20-4057
)	
)	Dept. No. 4
Plaintiff,)	
vs.)	TRANSCRIPT OF PROCEEDINGS
JAMES ROBERT STAPP,)	
)	
Defendant.)	

15

16

SENTENCING

NOVEMBER 4, 2021, RENO, NEVADA

17

APPEARANCES:

18

For the Plaintiff: BRITTANY BISHOP, ESQ.
Deputy District Attorney
One S. Sierra Street, 4th Floor
Reno, Nevada 89520

19

20

21

For the Defendant: LARRY K. DUNN & ASSOCIATES
Attorney at Law
By: Karena K. Dunn, Esq.
1201 Terminal Way, #221B
Reno, Nevada 89502

22

23

The Defendant: JAMES ROBERT Stapp
Reported by: JULIE ANN KERNAN, CCR #427, CP, RPR
Job No. 817276 Computer-Aided Transcription

24

1 RENO, NEVADA; THURSDAY, NOVEMBER 4, 2021; 10:49 A.M.

2 ---o0o---

3
4 THE COURT: So this is the time set for Case
5 Number CR20-4057, State versus James Stapp. Counsel?

6 MS. DUNN: Karena Dunn on behalf of Mr. Stapp
7 who's also present out of custody, your Honor.

8 THE COURT: Thank you.

9 MS. BISHOP: Good morning, your Honor.
10 Brittany Bishop on behalf of the State.

11 THE COURT: Thank you. It's my understanding
12 that you requested that this be transmitted via Zoom.
13 Is that worked out?

14 MS. BISHOP: Is that what? I didn't hear the
15 last part.

16 THE COURT: Has it work out? Has it happened?

17 MS. BISHOP: I believe so, yeah.

18 THE COURT: I don't have anything open on my
19 bench so I just don't know about it. Working? Okay.

20 DEPUTY FINN: Should be, your Honor.

21 THE COURT: All right. Thank you. So this is
22 the time set for sentencing. I do have several
23 documents that I have reviewed. I have reviewed the
24 victim impact statements that were filed in on November

1 2nd, 2021. I have reviewed the State's notice of
2 witnesses, the counseling reports prepared and filed in
3 from Amber Sun Limited, the VA psychotherapy, and
4 Miranda Smith Mental Health Services in the Reno VA.

5 I also have reviewed the letters of support
6 that were filed in in September. And I do have -- and
7 have reviewed all eight of those letters. And I have
8 reviewed the presentence report that was also filed in
9 September 14th, with the attached evaluation from Laurel
10 Nielsen.

11 Counsel, is there anything else that you had
12 wanted the court to review?

13 MS. DUNN: No, your Honor.

14 THE COURT: Okay. Have you had an opportunity
15 to review the presentence report with your client?

16 MS. DUNN: I have, your Honor. Both myself
17 and Mr. Stapp have reviewed the presentence
18 investigation report and we do not believe that there
19 are any corrections, errors or omissions.

20 THE COURT: Okay. Thank you. You may proceed
21 with argument.

22 MS. DUNN: Thank you, your Honor. Your Honor,
23 Mr. Stapp comes to you as a 74-year-old man. First what
24 I think more important is is that Mr. Stapp has accepted

1 and taken responsibility for his actions in this case.

2 But I also am asking this court to consider
3 granting Mr. Stapp probation. I believe that Mr. Stapp
4 would be a very good candidate for probation. He's 74
5 years old. He owns his own home here locally, and is
6 retired.

7 He's also had some health issues as -- as the
8 presentencing investigation report have indicated and,
9 in fact, Mr. Stapp actually had a triple bypass open
10 heart surgery in April. He's doing rehab through the
11 VA. Mr. Stapp is a veteran. He was -- actually served
12 an 18-month tour in Vietnam and had three accommodations
13 and was honorably discharged as a veteran.

14 Mr. Stapp does not have any prior felony
15 convictions. He does have one misdemeanor conviction
16 back in 1983.

17 Also, Mr. Stapp has tremendous family support
18 and friends' support as the -- what's also I think
19 really nice about Mr. Stapp's support, and in the
20 letters that have been provided to the court on behalf
21 of Mr. -- in support of Mr. Stapp, Mr. Stapp has been
22 very accountable to his friends and family. His friends
23 and family all know what's going on. They all know what
24 he's pleading guilty to. They know what the accusations

1 are and ultimately the responsibility that Mr. Stapp is
2 taking. And a lot of people, particularly under the
3 terms of what Mr. Stapp is responsible for doing in this
4 case, a lot of people would shy away, not necessarily
5 ask their friends letters of support or not necessarily
6 tell people what he's accused of or ultimately what he's
7 accepted responsibility for doing. But Mr. Stapp did.
8 He's -- he finds it through the counseling at the VA
9 that he's already started, that he's doing very well
10 addressing not only the issues that bring before this
11 court, but other issues. He is trying to change and
12 ultimately as you read through the psychosexual risk
13 assessment, that they are recognizing that, obviously,
14 counseling is recommended and certainly, I think, needed
15 in this case.

16 Mr. Stapp currently -- the VA doesn't have any
17 type of counseling for specific sex offenders, so -- but
18 the VA, they reach out to the community if they can't
19 meet a need of a veteran, then, if another counselor
20 can. And Mr. Stapp is very interested in getting in
21 that counseling as well because he thinks it will be
22 incredibly helpful for him as well, and certainly
23 helpful for the community to help protect the community
24 and -- and also make sure that Mr. Stapp doesn't have

1 any issues reoffending.

2 And I think that he was found to be not a high
3 risk to reoffend. I think that's important because of
4 that's only name makes him eligible for probation in
5 this case.

6 Mr. Stapp -- in addition, I think that Mr.
7 Stapp has shown that he is a good candidate for
8 probation, that he can be supervised. He's been on
9 supervised release since, I believe it was the end of
10 December, early January of this year. He has been
11 supervised by not only GPS, but also checking in with
12 Pretrial Services. And as you saw the super --
13 supervisory notes from pretrial, he has met every
14 condition that he was required to do in -- in being
15 supervised for the last nine months, I guess almost 11
16 months now. He's done very well on that supervision and
17 has been incredibly compliant. I think that's also
18 important for the Court to consider in granting
19 probation to Mr. Stapp.

20 Ultimately, if you look at Mr. Stapp, the
21 totality of the circumstances, the fact that he's
22 accepting responsibility, the fact that he's an
23 incredible -- I believe, an incredible candidate for
24 probation because, again, not only is he 74 years old,

1 owns his own home, he's got tremendous ties to this
2 community, but he's shown this court that he is able to
3 be supervised; all of those things that a court must
4 consider.

5 Ultimately, your Honor, that we're asking the
6 court to consider. I know that Mr. Stapp has a
7 statement for your Honor. But we would just ask that
8 the court look at the totality of the circumstances, and
9 grant Mr. Stapp the privilege of probation in this
10 matter.

11 THE COURT: Okay. Thank you. I'm going to
12 hear from some other people first, and then I'll allow
13 the defendant to make a statement.

14 MS. DUNN: Absolutely. Thank you, your Honor.

15 THE COURT: Counsel.

16 MS. BISHOP: Thank you, your Honor. So the
17 defense wants to talk about the totality of the
18 circumstances, and I'm happy to oblige them.

19 Today the State's going to be requesting that
20 you impose the maximum possible penalty in this case,
21 and to run those penalties consecutive. So that would
22 be 8 to 20 years on Count I, and 8 to 20 years on Count
23 II, run consecutively for an aggregate total of 16 to 40
24 years in the Nevada State Department of Corrections.

1 Your Honor, the defendant is a predator who
2 can never again have the opportunity to victimize this
3 community. So let's talk about the totality of the
4 circumstances. This case is the byproduct of a very
5 complex investigation dating back to evidence back in
6 1982 in Minnesota. Back in 1982 the defendant was
7 married, and him and his wife adopted a young boy named
8 Ian.

9 The defendant was arrested for sexually
10 abusing that adopted boy, and the reports read from the
11 time he was five until he was 11 years old. The
12 defendant was ultimately convicted, not of a felony
13 offense, it was reduced to a misdemeanor.

14 The defendant has already been granted
15 probation because it happened in that case back in 1982.
16 He was granted probation. He successfully completed
17 probation, and for all of Minnesota's intents and
18 purposes, was rehabilitated.

19 But here we are today. The defendant met a
20 person after 1982 who is known to him then as Cory. And
21 he met Cory in an internet chat room, and the defendant
22 believed Cory to be a young male. Cory was a female who
23 was actually the victim in this case's -- in this case
24 mother. Nonetheless, Mr. Stapp and the victim in this

1 case's mother who we'll now refer to as April, they met
2 in person, and they developed a long friendship. Their
3 friendship lasted more than 20 years.

4 In 2006, April uncovered some discs which she
5 turned over to law enforcement. And I don't want to
6 belabor this point too much because I don't want to get
7 into prior bad acts. But they were turned over to law
8 enforcement. Law enforcement observed those discs to
9 contain explicit, explicit videos of adult males
10 engaging in sex acts with children as young as six years
11 old.

12 In 2014 and 2015, April had three children;
13 Emily, Gwendolyn, and Dracnel. And Dracnel is the
14 victim in this case. And at that point in time, April
15 was in a very abusive relationship with the children's
16 father. And so after discussions with the defendant,
17 the defendant swooped in and saved April and her three
18 children, and she moved up to Reno to escape the abuses
19 and moved in with Mr. Stapp, moved herself and her three
20 children in with Mr. Stapp.

21 At first they lived in two separate trailers
22 so Mr. Stapp and Dracnel lived in one trailer, and
23 April and the two girls lived in another trailer.
24 Eventually from there they moved into an apartment on

1 South Meadows, and then to an apartment -- or excuse me,
2 and then to a residence on Posey Lake.

3 The children referred to Mr. Stapp as their
4 grandpa. And Mr. Stapp took a significant interest in
5 Dracen. And he would attend his school, counseling
6 sections with teachers, parent/teacher conferences, he
7 would always go and read to the children in Dracen's
8 class. He was known as the grandpa in Dracen's class.

9 But in 2019, Dracen's grades tanked. His
10 behavior began to change. He -- his grades were
11 plummeting. They were noticing something was going on
12 with Dracen. And April found out what was going on with
13 Dracen. He explained to her in -- let me back up.

14 We see the grades plummet. Dracen begins
15 begging his mom please, let me stay with you. I don't
16 want to stay with Mr. Stapp, the defendant, anymore, I
17 want to stay with you, mom. And April is trying to get
18 custody of Dracen.

19 During that time, Dracen gave a letter to
20 April's custody attorney explaining some of the sexual
21 abuses that Mr. Stapp committed on him. At that point,
22 once that was reviewed, Mr. Stapp refrained from seeking
23 custody with Dracen any further.

24 In February of 2020, Dracen was interviewed at

1 the Washoe County Child Advocacy Center, he was
2 interviewed by certified forensic interviewer, Jennifer
3 McCann, where he disclosed several acts of sexual abuse
4 committed on him by the defendant. He expressed his
5 disgust, not only with acts that were committed upon the
6 him, but at the manipulation and the isolation that was
7 done to him.

8 The defendant would provide Dracen with toys
9 or games after he inappropriately touched him. He would
10 isolate him from his mother and his sisters and not
11 allow them to communicate with each other, to the point
12 where -- where Dracen had to sneak into his mother's
13 room and type messages into a word document so that the
14 defendant wouldn't hear what he was saying.

15 Dracen told the forensic interviewer that the
16 defendant started giving him a small blue pill. Now, we
17 still don't know what that blue pill is. But Dracen
18 told the forensic interviewer that he would give him the
19 pill, and then would check back in about half about an
20 hour to see if Dracen was asleep. And Dracen said it
21 was really creepy. And after I complained about the
22 pill and brought to Mr. Stapp's attention, I didn't get
23 the pill anymore.

24 Your Honor, probation shouldn't even be a

1 consideration for this defendant. He's already engaged
2 in the counseling. He's always received -- he's already
3 received the benefit of probation. Clearly the
4 counseling didn't sink in then, and we shouldn't risk
5 whether or not it's going to sink in now.

6 Further, while he was being investigated for
7 the crimes upon Dracen, so we have the forensic
8 interview with Dracen, the defendant didn't stop
9 communicating Dracen after that forensic interview. He
10 continued to text message back and forth with Dracen,
11 knowing he was being investigated for the sexual abuses
12 he had been committing on him. And, ultimately, he
13 bought Dracen a state-of-the-art computer and told
14 Dracen just how to sneak it into his house and remove
15 the defendant's name from the computer so that mom
16 wouldn't know. Talk about a bribe, for a 12-year-old
17 child.

18 And then the defendant was ultimately arrested
19 trying to meet Dracen and pick him up. It's -- this is
20 when he knows he's being investigated or at least close
21 in time he is being investigated for sexual abuses
22 committed on that same child. Probation should not even
23 be in the game.

24 And when I looked at the letters in support of

1 the defendant, all I saw was the extent of the
2 defendant's sophistication and manipulation of not only
3 the young boys that he molested, his adopted son, and
4 Dracnel in this case, but of the community of everyone
5 in his sphere of influence.

6 When I hear the suggestion that others would
7 let their children be around the defendant, I think to
8 myself, what does the defendant have to do before he's
9 unequivocally stopped. He's already confessed to sexual
10 abusing two different boys. He's confessed to viewing
11 child pornography. His psychosexual evaluation found
12 him to have pedophile tendencies. What does he have to
13 confess to unequivocally stop his conduct with a prison
14 sentence.

15 Because the defendant thought for years that
16 he was fooling everyone. He considers himself smarter
17 than everyone. In fact, your Honor, he was for many
18 years a professor, and not just here in Washoe County at
19 the University of Nevada, Reno, but in other
20 jurisdictions as well.

21 He carefully chooses his contact. He
22 carefully chose his victim. And he's thinking he's
23 fooled everyone. But he's not fooling anyone today.
24 When we review the evidence in this case we can see the

1 defendant for who he is. Someone who puts himself in a
2 position to, at any opportunity, abuse a little boy.

3 The defendant stationed himself as a person in
4 a position of trust in our community. For years, your
5 Honor, he has been tasked up at the University of Nevada
6 with shaping young blossoming minds. And he leveraged
7 that position of trust. The phys -- excuse me.

8 Your Honor, Dracen, the victim in this case,
9 was the perfect victim for the defendant. And it's the
10 State's position that he chose Dracen for that reason.
11 Dracen was young. He was abused. He's autistic. He
12 has a mother who was struggling for child care coming
13 out of an abusive relationship herself.

14 Now Dracen's dealing with the psychological
15 fallout of everything that's happened. So not just the
16 physical trauma to a young child, but the psychological
17 trauma of thinking it's his fault that grandpa is
18 sitting here today. It's not Dracen's fault. It's the
19 defendant's. The only person who's responsible for what
20 happened to Dracen is the defendant.

21 Please, your Honor, we urge you, the State
22 urges you to impose the maximum penalty in this case,
23 and run that consecutively on both counts. Dracen and
24 this community deserve to be protected from the

1 defendant's sexual abuse and manipulation for as long as
2 possible. Thank you.

3 THE COURT: Okay. Thank you. You have two
4 witnesses or not?

5 MS. BISHOP: One, your Honor.

6 THE COURT: One witness? And is it a victim
7 impact statement?

8 MS. BISHOP: It is.

9 THE COURT: Okay. Division, do you have any
10 updates to the presentence report?

11 MR. RAMSEY: Mr. Greg Ramsey with division.
12 No, your Honor. Credit for time served is 30 days.

13 THE COURT: All right. Thank you. Ms. Dunn,
14 your client can address the Court now and make his
15 statement.

16 MS. DUNN: Thank you, your Honor.

17 THE DEFENDANT: Thank you, your Honor. I -- I
18 couldn't begin to accurately refute everything that was
19 just said so I won't even try, I'll just go ahead with
20 my statement if that's okay.

21 THE COURT: That's fine. Can the court
22 reporter hear fine?

23 REPORTER: Yes.

24 THE COURT: Okay. Thank you.

1 THE DEFENDANT: I have carefully read the
2 impact statements and was, once again, confronted with
3 the damage that I've done caused to that family and that
4 young man through my own stupidity, recklessness and
5 incredibly bad judgment.

6 My primary intent over the five years that I
7 helped the family, by removing them from a very abusive
8 situation, was to get them established on a firm and
9 positive footing in a new life. Tragically for them and
10 for me, I let my guard down, let me boundaries slip, and
11 the result is the pain and suffering I inflicted on the
12 family and the young man in particular. There is -- if
13 there was any way I could turn back the clock, I would.

14 Understanding what I've done, I'm willing to
15 provide financial assistance and counseling for the
16 young man. I've -- excuse me. I've always lived a very
17 quiet life. I keep to myself. I don't socialize with
18 the neighbors. I take regular walks with my dog in the
19 nearby Bureau of Land Management. I find peace and
20 quiet among the sagebrush, the shrub, the quail, the
21 jackrabbits and occasional hawk.

22 In addition, up and down cardio exercise is
23 definitely a plus for my health, especially after the
24 open heart surgery and the triple bypass this past

1 April.

2 Since my release from the detention center in
3 late January I've spent nine months under enhanced
4 supervision, and per the reports of my Pretrial Services
5 officer --

6 THE COURT: I'm going to stop you for just a
7 moment. Just a second --

8 THE DEFENDANT: All right.

9 THE COURT: -- just stop for a moment.

10 (Short pause.)

11 DEPUTY FINN: The victim can't hear.

12 THE COURT: Okay, sir, would you state your
13 name again?

14 THE DEFENDANT: James Robert Stapp.

15 THE COURT: Okay. I'm going to have you start
16 your statement back where you said that you had read the
17 victim impact statements.

18 THE DEFENDANT: Start from the beginning.

19 THE COURT: Yes.

20 THE DEFENDANT: Okay.

21 THE COURT: Sorry.

22 THE DEFENDANT: I've carefully read the impact
23 statements and was, once again, confronted with the
24 damage I've caused to that family and that young man

1 through my own stupidity, recklessness and incredible
2 bad judgment.

3 My primary intent over the five years that I
4 helped that family by removing them from a very abusive
5 situation was to get them established on a firm and
6 positive footing in a new life. Tragically, for them
7 and for me, I let my guard down and let my boundaries
8 slip, and the result is the pain and suffering I
9 inflicted on that family and the young man in
10 particular. If there was any way I could turn back the
11 clock I would. Understanding what I've done, I'm
12 willing -- more than willing to provide financial
13 assistance and counseling for the young man.

14 I've always lived a very quiet life. I keep
15 to myself. I don't socialize with the neighbors. I
16 take regular walks with my dog in the nearby Bureau of
17 Land Management land where I find peace and quiet among
18 the sagebrush, scrub, the scrub, the quail the jack
19 rabbits and occasional hawk.

20 In addition, the up and down cardio exercise
21 is definitely a plus for my health, especially after
22 ongoing -- undergoing open heart surgery and a triple
23 bypass this past April.

24 Since my release from the detention center in

1 late January I have spent nine months under enhanced
2 supervision. And per the reports of my Pretrial
3 Services officer I have complied with each and every
4 condition.

5 I understand that if I am granted probation it
6 would be for the remainder of my life, it would be
7 subject to very specific conditions. My remaining years
8 are few, and I would like to be able to spend them in as
9 close contact with friends and family as possible.

10 As I said in my statement for the presentence
11 investigation, I am blessed by friends and family who
12 have been with me every step of the way, and I can not
13 put into words how much their love and support has meant
14 to me.

15 My oldest son, his wife and my two grandsons,
16 that's the son that I abused in Minnesota, by the way,
17 live five blocks away and provide regular family contact
18 and support when needed. I am debtfree. I own my own
19 home, and Social Security provides a livable monthly
20 income.

21 I understand that one of the conditions of
22 probation would be participation in sex offender
23 treatment. I've been in counseling at the VA since
24 early May of last year and I would like to continue with

1 their services, but since the VA doesn't offer sex
2 offender counseling, I would like to link sex offender
3 counseling with continued treatment at the VA. I
4 believe there are strong benefits to be had from both.

5 I'm confident that being granted probation is
6 the best option for both me and the State. Probation
7 will allow me to spend my few remaining years with
8 supportive family and friends while I am still able to
9 contribute back to the community with productive
10 community service.

11 I'm truly sorry for the actions, my actions
12 that brought me here.

13 THE COURT: Thank you, sir.

14 Ms. Dunn, do you have any objection to
15 ordering the \$1,676.70 reimbursement for the
16 psychosexual fee?

17 MS. DUNN: No, your Honor.

18 THE COURT: Thank you. You may call your
19 witness.

20 MS. BISHOP: Thank you, your Honor. State
21 calls April Hynick.

22 APRIL HYNICK,

23 called as a witness herein, being first
24 duly sworn, was examined and testified

1 as follows:

2 COURT CLERK: Thank you. Take a seat.

3 DEPUTY FINN: Right this way. Watch your
4 step.

5 MS. BISHOP: And your Honor, if Ms. Hynick
6 would like to remove her mask, may she do so?

7 THE COURT: Yes.

8 MS. BISHOP: Thank you.

9 THE COURT: You may move your mask down while
10 you're behind the Plexiglas.

11 THE VICTIM: I'm sorry, I can't hear you very
12 well.

13 THE COURT: Okay. I was just telling you to
14 take your mask down while you're behind the Plexiglas.

15 THE VICTIM: Thank you.

16 THE COURT: Counsel, you may proceed.

17 THE VICTIM: Well --

18 THE COURT: She's going to ask you a question
19 first.

20 THE VICTIM: Oh, okay.

21 THE COURT: Okay? And you might need to use
22 your microphone, counsel.

23 MS. BISHOP: Okay. I usually have a loud
24 voice so I don't want to blast anybody, so I'll try to

1 project a little bit more than usual.

2 THE COURT: Okay.

3 DIRECT EXAMINATION

4 BY MS. BISHOP:

5 Q How are you feeling today, Ms. Hynick?

6 A Oh, this is -- this is nerve racking.

7 Q Pretty nerve racking?

8 A Yeah.

9 Q Do you have a victim impact statement you've
10 prepared for the Court?

11 A Yes.

12 Q Do you have in your possession a victim
13 impact statement that your son Dracen prepared for the
14 court?

15 A Yes.

16 Q Would you like to read those to the Court?

17 A Yes.

18 MS. BISHOP: Okay. With the Court's
19 permission may she do so?

20 THE COURT: Yes.

21 MS. BISHOP: Thank you.

22 THE COURT: Just tell me who's statement
23 you're reading before you start reading it.

24 THE VICTIM: First off I have my son,

1 Dracen's. I'm going to read it as he wrote it.

2 THE COURT: Okay.

3 THE VICTIM: So -- yeah. Um. Dear Washoe
4 courts and your Honor, I'm sorry I don't know your name.
5 I don't know what to say. It has affected me because I
6 can't trust anyone anymore. I don't talk to people
7 because I don't want them to know that grandpa did this.
8 I just think people will know. I am ashamed, I mean, I
9 did tell someone once, my boyfriend who I thought I
10 could trust, and he got mad at me and said terrible
11 things.

12 I didn't have friends at school up there
13 because they tease me about my creepy grandpa, because
14 he followed me at school activities and volunteered in
15 my class, and kids weren't allowed to come over to my
16 house so I learned to be by myself. Even Tanner teases
17 me about it. When it was happening I wanted him to hate
18 me and to send me back to my mom. So I picked fights.
19 I would yell and scream at him and I left a mess. I
20 would yell at him trying to make him mad so he would
21 leave me alone. I wished I was a girl because he hated
22 my sister Emily, and he even told her he hated her. He
23 really didn't like when, though I think he pretended to,
24 but I don't think he did because he didn't want to help

1 her with music and he didn't want her to come with us
2 when he would take me and Tanner to our case. I even
3 thought about trying to cut myself in my face -- sorry
4 -- so I would be ugly because if I wasn't cute he would
5 stop. I even thought about killing myself, but I
6 didn't, though, because I would have hurt my mom and
7 grandpa was hurting her enough.

8 He wouldn't -- excuse me. He wouldn't let her
9 see us much, and when she did he was always mad. Once
10 they fought over me because I was having problems in
11 school being picked on. I really wanted to scream at
12 him and tell him that he was the reason I was doing
13 poorly in school, but I was scared he would have hurt my
14 mom. I tried to tell my mom before what was going on
15 but grandpa wouldn't let her talk to me alone. He was
16 always right there. I was also afraid that she wouldn't
17 believe me. She always said what a great person he was
18 and that I should try and get along and just listen.
19 She said I should do what he says because he was kind.
20 He came to get us and helped us when no one else would.
21 I did try, I really did. I didn't try to talk to her
22 after that, but I was serious when I said I wouldn't
23 stay and if she didn't come and take me home I would run
24 away. And despite everything she did come and get me.

1 Right now I'm confused. After everything that
2 happened he kept talking to me on the phone. He acted
3 like nothing was wrong, and he said he would get me a
4 computer. I didn't believe him, but then he did send it
5 and I felt terrible. I felt terrible because I said all
6 these things. I said all these things that were true.
7 But I also felt unhappy, because he told me to go out
8 and take everything off the computer and lie to my mom
9 about where it came from. I couldn't lie to my mom
10 about it even though I knew it meant the computer would
11 go to the police. I know I shouldn't be ashamed or
12 guilty. Mom and I talk about it and she says if
13 anything, it's not my fault, it's hers. But it's not
14 hers. One part of me feels guilty, and then I get angry
15 and sad, and I cry because I don't know if I'm bad, or
16 he is, or anything. He rescued us from my dad who was
17 beating us and my mom. He took me places, but then he
18 did this. He doesn't know even now that I'm the one
19 that spoke up and told what he was doing. It wasn't my
20 mom, so he should stop being mad at her. I don't know
21 what should happen now. I just don't want it to happen
22 to anyone else. I feel like this is all my fault and it
23 makes me sad. I just want it to go away.

24 And this is -- this is what I wrote. To whom

1 it may concern. I didn't know who you were either. I'm
2 writing this letter to let the court know what has
3 happened to my son since the incidents that happened
4 with Mr. Stapp. Dracen was once a happy kid. He was
5 never truly outgoing. But he was sociable with his
6 peers and others. He has always been a brilliant kid
7 who was reasonably well adjusted. He was never the
8 perfect child but he was quick to smile and laugh. He
9 used to go and hang out with kids, and now that's all
10 changed. It was in Cold Springs when Dracen's behavior
11 and grades started to go downhill. When I was visiting
12 Mr. Stapp would confront me about Dracen's yelling, his
13 disrespect, and the fact that Dracen didn't want -- seem
14 to want him as a grandpa. I would be told I needed to
15 enforce rules I didn't know about, and I would try. I
16 often stepped between them when they fought, and I would
17 defend Dracen. I had talked with Dracen about his
18 behavior and more than once I questioned was the wisdom
19 of leaving him there. To this I was always given good
20 reasons to leave Dracen in trusting Mr. Stapp. I did.
21 Therein was the problem, I put my trust in the wrong
22 person. Mr. Stapp was once describe as a wolf in
23 saint's clothing and find myself now agreeing.

24 Dracen is now confused and hurting. He

1 doesn't smile much or laugh. His pain leads to anger
2 and destructiveness. It's led to terrible fights and
3 many times he will ask why grandpa did this. I have no
4 answer for him. I blame myself because I missed signs
5 that were so obvious like he wouldn't let Dracen choose
6 his own clothing or even have his clothes in his room.
7 James would make him bath in his bathroom rather than
8 the bathroom Gwen used. And I didn't realize James was
9 giving him a bath like one would a small child. He
10 wouldn't let Dracen and I be alone with the door closed
11 or alone at all without checking on us. The only thing
12 I can say is I was so caught up in my eldest daughter's
13 mental health issues that I wrote it off as it just
14 being strange.

15 Dracen now will not socialize with real
16 people, only those he knows on the computer. He is no
17 longer self-confident and constantly degrades himself
18 and his abilities. He no longer tries the things he
19 used to enjoy and rarely asks to go anywhere or to
20 anyone's house. He prefers his own self-imposed
21 isolation to the point where he doesn't want to go to
22 school with other kids. When I asked Dracen about
23 school and friends, he begs me not to make him go
24 because he's afraid of being teased because all the

1 other kids know about grandpa and he doesn't want to be
2 that kid.

3 The worst part is watching him struggle with
4 feelings that everything is his fault, that he got
5 grandpa into trouble. Dracen believes if he'd done one
6 thing or another differently then this wouldn't have
7 happened.

8 For a long time he struggled with wanting to
9 be a girl so no one would be interested in him --
10 interested in him like that again. And I told him I
11 supported him no matter what. It broke my heart when he
12 said he had thoughts of killing himself and hurting
13 himself. He says he feels better now and he no longer
14 wants to do that, but the hurt and anger are still there
15 along with distrust of anyone who isn't in the house.
16 He feels guilty and as though this is something he did.
17 And that has turned to confusion and self-hatred.

18 When that con-- let's try English. And that
19 turned to confusion and self-hatred when that computer
20 showed up. I don't think I ever been angrier at someone
21 than I was when that happened.

22 I was asked what I wanted to see happen to Mr.
23 Stapp, and that's hard to answer. I hate him for what
24 he's put Dracen through and who knows how many other

1 little boys, but I feel sorry for him, too. I wonder
2 what happened to make him this way and what damaged him
3 so badly he can't have a normal relationship. I feel
4 sorry for his family and the fact that they, too, must
5 face this because in a way they are as much victims as I
6 am.

7 I don't want Mr. Stapp to have access to other
8 children. I don't want another family to have to endure
9 this trauma or another little boy to be scarred for
10 life. I know, even though Dracen will get better this
11 will haunt him forever and he will always question what
12 other intentions someone might have.

13 I'd like to see him held accountable for what
14 he's done not only to Dracen, but to the others he's
15 hurt. I just don't know what that look like, though,
16 other than he needs to be kept as far from children as
17 possible for their sake and his own. Sincerely, me.

18 MS. BISHOP: I have no further questions.

19 THE COURT: Did you have anything else you
20 wanted to say?

21 THE VICTIM: No, not -- not really.

22 THE COURT: Okay. Any questions, Ms. Dunn?

23 MS. DUNN: No, your Honor.

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

1 may step down.

2 THE VICTIM: Thank you.

3 THE COURT: The defendant will please rise.

4 Any legal reason why judgment should not
5 enter?

6 MS. DUNN: No, your Honor.

7 THE COURT: It will be the order of this
8 court, sir, that you will pay a 25-dollar Administrative
9 Assessment fee, a 3-dollar administrative fee, 150
10 dollars in DNA testing fees, and \$1,676.70 in
11 psychosexual fees for the preparation of that report.

12 The purpose of sentencing here is multifold.
13 It is important for the court to hold you accountable
14 for your actions. It is important for the community
15 that a person who commits similarly-situated actions
16 knows that there is a punishment. And the court should
17 think in terms of rehabilitation.

18 When I balance all of those aspects of this
19 case, I hint by your comment that you let your guard
20 down, and you let boundaries slip. Yes, you did. Yes,
21 you didn't give me any insight of how that happened
22 today or in the case of Dracen. And I have no insight,
23 based on any of the reports of how it could really not
24 happen again, especially in light of your prior criminal

1 history.

2 I am cognizant of the support you have in the
3 community. But I'm also cognizant of your actions. The
4 pain that your victims feeling is one that the court can
5 not overlook. Nor should anyone overlook that. As the
6 victim impact statements were being read, I turned and
7 looked at you. And I saw no difference from when you
8 read your statement, too. I don't see anything in this
9 case that will assure me that it will not happen again.

10 With all of that in mind, your sentence will
11 be as follows:

12 For Count I you will be sentenced to 20 years
13 in the Nevada Department of Corrections, with minimum
14 parole eligibility of eight years.

15 For Count II, you are sentenced to 20 years in
16 the Nevada Department of Corrections, with minimum
17 parole eligibility of eight years. I will allow Count
18 II to run concurrent to Count I.

19 At the beginning of your sentence you will be
20 allowed credit for time previously served in custody on
21 this matter in the amount of 30 days.

22 I am declining your request for probation.
23 You are remanded to the custody of the sheriff for
24 transportation to the warden and imposition of sentence.

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That will be the order of the court. Court's
in recess.

(Proceedings concluded.)

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1 STATE OF NEVADA)

2 COUNTY OF WASHOE)

3 I, JULIE ANN KERNAN, official reporter of
4 the Second Judicial District Court of the State of
5 Nevada, in and for the County of Washoe, do hereby
6 certify:

7 That as such reporter I was present in
8 Department No. 4 of the above court on Thursday,
9 November 4, 2021, at the hour of 10:49 a.m. of said day,
10 and I then and there took verbatim stenotype notes of
11 the proceedings had and testimony given therein upon the
12 Sentencing of the case of STATE OF NEVADA, Plaintiff,
13 vs. JAMES ROBERT STAPP, Defendant, Case No. CR20-4057.

14 That the foregoing transcript, consisting of
15 pages numbered 1 through 33, both inclusive, is a full,
16 true and correct transcript of my said stenotype notes,
17 so taken as aforesaid, and is a full, true and correct
18 statement of the proceedings of the above-entitled
19 action to the best of my knowledge, skill and ability.

20
21 DATED: At Reno, Nevada, this 9th day of December, 2021.

22

/s/ Julie Ann Kernan

23

JULIE ANN KERNAN, CCR #427

24

1 **CODE 1850**

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6 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF WASHOE**

8
9 **STATE OF NEVADA,**

10 **Plaintiff,**

Case No. CR20-4057

11 **vs.**

Dept. No. 4

12 **JAMES ROBERT STAPP,**

13 **Defendant.**

14 _____ /
15 **JUDGMENT**

16 The Defendant, having entered a plea of Guilty, and no sufficient cause
17 being shown by Defendant as to why judgment should not be pronounced against him, the
18 Court renders judgment as follows:

19 That James Robert Stapp is guilty of the crime of Attempted Lewdness with a
20 Child Less Than 14 Years of Age, being an attempt to violate NRS 193.330, a violation of
21 NRS 201.230, a category B felony, as charged in Count I; and Attempted Lewdness with a
22 Child Less Than 14 Years of Age, being an attempt to violate NRS 193.330, a violation of
23 NRS 201.230, a category B felony, as charged in Count II of the Information, and that he
24 be punished by imprisonment in the Nevada Department of Corrections for the maximum
25 term of twenty (20) years with the minimum parole eligibility of eight (8) years, with credit
26 for thirty (30) days time served, for Count I; and by imprisonment in the Nevada
27 Department of Corrections for the maximum term of twenty (20) years with the minimum

28 ///

1 parole eligibility of eight (8) years, with credit for thirty (30) days time served, to be served
2 concurrently with the sentence imposed in Count I, for Count II.

3 The Defendant is further ordered to pay a Three Dollar (\$3.00) administrative
4 assessment for obtaining a biological specimen and conducting a genetic marker analysis,
5 a Twenty-Five Dollar (\$25.00) administrative assessment fee, a One Hundred Fifty Dollar
6 (\$150.00) DNA analysis fee, and a One Thousand Six Hundred Seventy-Six Dollar and
7 Seventy Cent (\$1,676.70) psychosexual evaluation fee to the Clerk of the Second Judicial
8 District Court.

9 Any fine, fee, administrative assessment or restitution imposed today (as
10 reflected in this Judgment) constitutes a lien, as defined in Nevada Revised Statute NRS
11 176.275. Should the Defendant not pay these fines, fees, or assessments, collection
12 efforts may be undertaken against James Robert Stapp.

13 It is hereby further ordered that the Defendant shall serve a special sentence of
14 lifetime supervision to commence after any term of imprisonment and/or period of release
15 on parole.

16 The fees are subject to removal from the Defendant's inmate accounts at the
17 Washoe County Jail and/or Nevada Department of Corrections.

18 Dated this 4 day of November 2021.

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Connie J. Steinheimer
DISTRICT JUDGE

1 CODE: 2515

2 Larry K. Dunn, Esq.
3 Nevada Bar No. 1627
4 Karena K. Dunn, Esq.
5 Nevada Bar No. 11659
6 1201 Terminal Way Ste. 221B
7 Reno, Nevada 89502
8 (775) 322-5656
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Electronically Filed
Dec 09 2021 11:19 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

8 **IN THE SECOND JUDICIAL DISTRICT COURT FOR THE STATE OF NEVADA**

9 **IN AND FOR THE COUNTY OF WASHOE**

10 STATE OF NEVADA,

11 Plaintiff,

Case No.: CR20-4057

12 v.

Dept. No.: 4

13 JAMES ROBERT STAPP,

14 Defendant.

15
16
17 **NOTICE OF APPEAL TO SUPREME COURT**

18 TO: THE STATE OF NEVADA, Plaintiff; and

19 TO: The Washoe County District Attorney's Office, its counsel:

20 PLEASE TAKE NOTICE that the Defendant, JAMES ROBERT STAPP, hereby appeals
21 to the Judgment of Conviction entered the 4th day of November, 2021 to the Supreme Court of the
22 State of Nevada.
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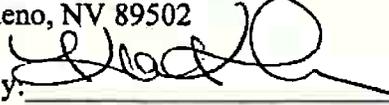
AFFIRMATION
Pursuant to NRS 239B.030

This document does not contain the social security number of any person.

DATED this 2nd day of December, 2021.

Respectfully submitted,

LARRY K. DUNN & ASSOCIATES
1201 Terminal Way Ste. 221B
Reno, NV 89502

By: 

Karena K. Dunn, Esq.