

FILED

2022 JAN 27 AM 10:20

TAMARA STEAD  
DISTRICT CLERK

Electronically Filed  
Feb 02 2022 08:25 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

Case No. CR 21-7272

Dept. No. 2

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF HUMBOLDT

STATE OF NEVADA,

Plaintiff,

vs.

ALEC DAVE,

Defendant.

NOTICE OF APPEAL

Alec Dave, defendant, by and through his attorney, Matt Stermitz, the Humboldt County Public Defender, appeals to the Nevada Supreme Court from the Judgment of Conviction entered herein on the 21st day of January, 2022, and attached hereto.

Dated this 27th day of January, 2022.

Matt Stermitz

Matt Stermitz, Bar # 03610  
Humboldt County Public Defender  
Drawer 309  
Winnemucca, Nevada 89445  
775-623-6550

CERTIFICATE OF SERVICE

Pursuant to applicable appellate rules, on the 27<sup>th</sup> day of January, 2022, the undersigned mailed a true and correct copy of the foregoing, addressed to: Humboldt County District Attorney, Drawer 909, Winnemucca, Nevada 89445, and Alec Dave, HCDC, 801 E. Fairgrounds Road, Winnemucca, NV 89445.

Matt Stermitz

Matt Stermitz

Case No. CR 2107272

Dept. No. II

FILED

2022 JAN 21 PM 3:19

TAMMIE SPERO  
DIST. COURT CLERK

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF HUMBOLDT.

-oOo-

THE STATE OF NEVADA,

Plaintiff,

vs.

**JUDGMENT OF CONVICTION**

ALEC DAVE,

Defendant. /

WHEREAS, on the 2nd day of November, 2021, the Defendant entered his plea of guilty to four (4) counts of LEWDNESS WITH A CHILD UNDER 14 YEARS, Category A Felonies, and the matter having been submitted before the Honorable Judge Michael R. Montero.

At the time Defendant entered the plea of guilty, this Court informed the Defendant of the privilege against compulsory self-incrimination, the right to a speedy trial, the right to a trial by jury, the right to compulsory process to compel witnesses to testify on behalf of the Defendant and the right to confront the accusers. That after being so advised, the Defendant stated that these rights were understood and still desired this Court to accept the plea of guilty.

The Court having accepted the Defendant's plea of guilty, set the date of the 11<sup>th</sup> day of January, 2022, at the hour of 9:30 a.m. as the date and time for imposing judgment and sentence.

1 Furthermore, at the time Defendant entered the plea of guilty and at the time of  
2 sentencing, Defendant was represented by attorney, MATT STERMITZ, Humboldt County  
3 Public Defender; also present in Court were TAMI RAE SPERO, Humboldt County Court Clerk  
4 or her designated agent; MIKE ALLEN, Sheriff of Humboldt County or his designated agent;  
5 DEBBIE OKUMA, representing the Division of Parole and Probation; and MICHAEL  
6 MACDONALD, Humboldt County District Attorney or his designated agent, representing the  
7 State of Nevada.

8 The Defendant having appeared on 11<sup>th</sup> day of January, 2022, represented by counsel  
9 and Defendant having been given the opportunity to exercise the right of allocution and having  
10 shown no legal cause why judgment should not be pronounced at this time.

11 The above-entitled Court having pronounced ALEC DAVE guilty of four (4) counts  
12 of LEWDNESS WITH A CHILD UNDER 14 YEARS, Category A Felonies, in violation of  
13 NRS 201.230 (2), on the 11<sup>th</sup> day of January, 2022, the Defendant was thereby ordered by the  
14 Court to serve life in the Nevada Department of Corrections with the possibility of parole, with  
15 eligibility for parole beginning when a minimum of ten (10) years has been served, on each  
16 count, with credit for time served of three hundred fifty-nine (359) days on Count I. Said  
17 sentences are to run consecutively.

18 The Defendant is ordered to pay an administrative assessment fee in the amount of  
19 \$25.00 on Count I, Count II, Count III and Count IV, a DNA collection fee in the amount of  
20 \$3.00 on Count I, Count II, Count III and Count IV, a DNA fee in the amount of \$150.00 on  
21 Count I, a fine in the amount of \$10,000 on Count I, Count II, Count III, Count IV for a total of  
22 \$40,000, all payable to the Humboldt County Clerk of the Court. The Defendant is further  
23 ordered to pay a psychosexual evaluation fee in the amount of \$750.00 on Count I, payable to the  
24 Division of Parole and Probation.

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2 Furthermore, bail, if any, is hereby exonerated.

3 MATT STERMITZ, Humboldt County Public Defender, represented the  
4 Defendant during all stages of the proceedings;

5 MICHAEL MACDONALD, Humboldt County District Attorney, represented the  
6 State of Nevada at all stages of these proceedings.

7 Therefore, the clerk of the above-entitled Court is hereby directed to enter this  
8 Judgment of Conviction as a part of the record in the above-entitled matter.

9 Furthermore, pursuant to NRS 239B.030, the undersigned hereby affirms this  
document does not contain the social security number of any person.

10 DATED this 21<sup>st</sup> day of January, 2022, in the City of Winnemucca, County of  
11 Humboldt, State of Nevada.


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14 MICHAEL R. MONTERO  
15 DISTRICT COURT JUDGE  
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**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that I am an employee of the Sixth Judicial District Court, and that on the 21<sup>st</sup> day of January, 2022, I delivered at Winnemucca, Nevada, by the following means, a copy of the **JUDGMENT OF CONVICTION** to:

MICHAEL MACDONALD  
Humboldt County District Attorney  
501 S. Bridge Street  
Winnemucca, Nevada 89445  
(DCT Box)

MATT STERMITZ  
Humboldt County Public Defender  
Box 309  
Winnemucca, Nevada 89445  
(DCT Box)

  
Elisha Formby  
Judicial Assistant

Case No. CR 21-7272

Dept. No. 2

FILED

2022 JAN 27 AM 10:20

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF HUMBOLDT

STATE OF NEVADA,

Plaintiff,

vs.

ALEC DAVE,

Defendant.

CASE APPEAL STATEMENT

1. Name of appellant filing case appeal statement: Alec Dave.
2. Identify the judge issuing the decision, judgment or order appealed from: Michael Montero.
3. Identify all parties to the proceedings in district court: Alec Dave, represented by the Humboldt County Public Defender, Drawer 309, Winnemucca, Nevada 89445, 775-623-6550. The State of Nevada, represented by the Humboldt County District Attorney, Drawer 909, Winnemucca, Nevada 89445, 775-623-6363.
4. Identify all parties to this appeal: Alec Dave, defendant, and the State of Nevada, plaintiff.
5. Indicate whether appellant was represented by appointed or retained counsel in the district court: Appointed counsel.
6. Indicate whether appellant is represented by appointed or retained counsel on appeal: Appointed counsel.
7. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave. The

Humboldt County Public Defender was appointed to represent Alec Dave from the inception of the case and remains attorney of record.

8. Indicate the date the proceedings commenced in the district court.  
Proceedings commenced in district court on or about the 11<sup>th</sup> day of October, 2021.
9. Provide a brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the district court: Alec Dave was charged with multiple counts of sexual assault on a child under the age of 14, a felony, in violation of NRS 200.366(a)(b) and NRS 200.366(3)(c). Alec Dave plead guilty to four counts of lewdness with a child under the age of 14, a felony, in violation of NRS 201.230(1)(a). The district court sentenced Alec Dave to life in prison in the Nevada Department of Corrections with the possibility of parole, when a minimum of ten years has been served on each count. The district court ran the sentences consecutive. Alec Dave will serve at least 40 years before parole eligibility begins.
10. Indicate whether the case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior proceeding: This case has not been the subject of an appeal or other proceeding in the Supreme Court.
11. Indicate whether this appeal involves child custody or visitation: This case does not involve child custody or visitation.
12. If this is a civil case, indicate whether this appeal involves the possibility of settlement. N/A.

Dated this 27th day of January, 2022.

Matt Stermitz  
Matt Stermitz, Bar # 03610  
Humboldt County Public Defender  
Drawer 309  
Winnemucca, Nevada 89445  
775-623-6550

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CERTIFICATE OF SERVICE

Pursuant to applicable appellate rules, on the 27th day of January, 2022, the undersigned mailed a copy of the foregoing to: Humboldt County District Attorney, Drawer 909, Winnemucca, Nevada 89445.

Matt Stermitz  
Matt Stermitz



Case No. CR 21-7272

Dept. No. 2

FILED  
2022 JAN 27 AM 10:20

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF HUMBOLDT

STATE OF NEVADA,

Plaintiff,

vs.

ALEC DAVE,

Defendant.

REQUEST FOR TRANSCRIPT

TO: Elisha Formby, Judicial Assistant, Sixth Judicial District Court, 25 W. 5<sup>th</sup>,  
Winnemucca, Nevada 89445.

Alec Dave, defendant, by and through his attorney, the Humboldt County Public  
Defender, requests preparation of a transcript of the sentencing proceedings on the 11<sup>th</sup>  
day of January, 2022.

Dated this 27th day of January, 2022.

Matt Stermitz

Matt Stermitz, Bar # 03610  
Humboldt County Public Defender  
Drawer 309  
Winnemucca, Nevada 89445  
775-623-6550

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CERTIFICATE OF SERVICE

Pursuant to applicable appellate rules, on the 27th day of January, 2022, the undersigned hand delivered a copy of the foregoing to Elisha Formby, Judicial Assistant, Sixth Judicial District Court, 25 W. 5<sup>th</sup>, Winnemucca, Nevada 89445.

Matt Stermitz  
Matt Stermitz

## Sixth Judicial District Court - Humboldt County

Run: 01/27/2022  
10:35:25

## Case Summary

Page 1

Case #: CR2107272

Judge: MONTERO, MICHAEL R.

Date Filed: 10/11/2021 Department:

Case Type: FELONY/PERSON

## Plaintiff(s)

NEVADA, THE STATE

## Attorney(s)

DISTRICT ATTORNEY

## Defendant(s)

DAVE, ALEC

## Attorney(s)

PUBLIC DEFENDER

## Fees:

Date Assessed:	Fee	Total	Paid	Waived	Outstanding
01/13/2022	ADMIN	\$100.00	\$0.00	\$0.00	\$100.00
01/21/2022	DNA	\$150.00	\$0.00	\$0.00	\$150.00
01/21/2022	DNA/3	\$12.00	\$0.00	\$0.00	\$12.00

Charge: 201.230 LEWDNESS WITH A CHILD UNDER AGE 14 YEARS F/A Count 1

Sent:

Disp/Judgment: Date:

## Hearings:

Date	Time	Hearing
11/02/2021	9:30AM	ARRAIGNMENT
01/11/2022	9:30AM	SENTENCING HEARING

## Filings:

Date	Filing
10/11/2021	JUDGE MONTERO, MICHAEL R.: ASSIGNED
10/11/2021	DEFENSE ATTORNEY: PUBLIC DEFENDER ASSIGNED
10/11/2021	PROSECUTOR: DISTRICT ATTORNEY ASSIGNED
10/11/2021	ARREST SEQ: 1 - (NRS200.366) NRS 200.366 SEXUAL ASSAULT ON CHILD UNDER 14 YRS
10/11/2021	ARREST SEQ: 2 - (NRS200.366) NRS 200.366 SEXUAL ASSAULT ON CHILD UNDER 14 YRS
10/11/2021	JUSTICE COURT PROCEEDINGS (21CR00269)
10/12/2021	ARRAIGNMENT SET FOR 11/02/2021 AT 9:30 AM IN C1/ , JDG: MONTERO, MICHAEL R.
10/13/2021	INFORMATION AND COPY
10/27/2021	PLEA AGREEMENT (GUILTY)
11/02/2021	SENTENCING HEARING SET FOR 01/11/2022 AT 9:30 AM IN C1/ , JDG: MONTERO, MICHAEL R.
11/02/2021	MINUTES- ARRAIGNMENT
11/03/2021	DEFENDANT ENTERED PLEA OF GPLEA SEQ 1
11/03/2021	DEFENDANT ENTERED PLEA OF GPLEA SEQ 2

Run: 01/27/2022  
10:36:15

Case Summary

Page 2

11/03/2021	DEFENDANT ENTERED PLEA OF GPLEA SEQ 3
11/03/2021	DEFENDANT ENTERED PLEA OF GPLEA SEQ 4
11/03/2021	FORM
11/03/2021	EMAIL SENT TO REGARDING SERVICE OF COURT DOCUMENT - CR2107272, THE STATE OF NEVADA VS. DAVE, ALEC WITH 1 ATTACHMENTS FROM DOCKETS FORM-11/3/2021 (PSI REQUEST SENT TO MARNI POOL)
12/30/2021	PRE-SENTENCE INVESTIGATION REPORT
01/11/2022	MINUTES-SENTENCING HEARING
01/21/2022	JUDGMENT OF CONVICTION
01/21/2022	GREETINGS
01/27/2022	NOTICE OF APPEAL
01/27/2022	CASE APPEAL STATEMENT
01/27/2022	REQUEST FOR TRANSCRIPT

SIXTH JUDICIAL  
DISTRICT COURT  
• HUMBOLDT COUNTY, NEVADA •  
MICHAEL R. MONTERO  
DISTRICT JUDGE

Case No. CR 2107272  
Dept. No. II

FILED  
2022 JAN 21 PM 3:19  
TAMI RAE SPERO  
DIST. COURT CLERK

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF HUMBOLDT.

-oOo-

THE STATE OF NEVADA,  
Plaintiff,

vs.

JUDGMENT OF CONVICTION

ALEC DAVE,  
Defendant. /

WHEREAS, on the 2nd day of November, 2021, the Defendant entered his plea of guilty to four (4) counts of LEWDNESS WITH A CHILD UNDER 14 YEARS, Category A Felonies, and the matter having been submitted before the Honorable Judge Michael R. Montero.

At the time Defendant entered the plea of guilty, this Court informed the Defendant of the privilege against compulsory self-incrimination, the right to a speedy trial, the right to a trial by jury, the right to compulsory process to compel witnesses to testify on behalf of the Defendant and the right to confront the accusers. That after being so advised, the Defendant stated that these rights were understood and still desired this Court to accept the plea of guilty.

The Court having accepted the Defendant's plea of guilty, set the date of the 11<sup>th</sup> day of January, 2022, at the hour of 9:30 a.m. as the date and time for imposing judgment and sentence.

1 Furthermore, at the time Defendant entered the plea of guilty and at the time of  
2 sentencing, Defendant was represented by attorney, MATT STERMITZ, Humboldt County  
3 Public Defender; also present in Court were TAMI RAE SPERO, Humboldt County Court Clerk  
4 or her designated agent; MIKE ALLEN, Sheriff of Humboldt County or his designated agent;  
5 DEBBIE OKUMA, representing the Division of Parole and Probation; and MICHAEL  
6 MACDONALD, Humboldt County District Attorney or his designated agent, representing the  
7 State of Nevada.

8 The Defendant having appeared on 11<sup>th</sup> day of January, 2022, represented by counsel  
9 and Defendant having been given the opportunity to exercise the right of allocution and having  
10 shown no legal cause why judgment should not be pronounced at this time.

11 The above-entitled Court having pronounced ALEC DAVE guilty of four (4) counts  
12 of LEWDNESS WITH A CHILD UNDER 14 YEARS, Category A Felonies, in violation of  
13 NRS 201.230 (2), on the 11<sup>th</sup> day of January, 2022, the Defendant was thereby ordered by the  
14 Court to serve life in the Nevada Department of Corrections with the possibility of parole, with  
15 eligibility for parole beginning when a minimum of ten (10) years has been served, on each  
16 count, with credit for time served of three hundred fifty-nine (359) days on Count I. Said  
17 sentences are to run consecutively.

18 The Defendant is ordered to pay an administrative assessment fee in the amount of  
19 \$25.00 on Count I, Count II, Count III and Count IV, a DNA collection fee in the amount of  
20 \$3.00 on Count I, Count II, Count III and Count IV, a DNA fee in the amount of \$150.00 on  
21 Count I, a fine in the amount of \$10,000 on Count I, Count II, Count III, Count IV for a total of  
22 \$40,000, all payable to the Humboldt County Clerk of the Court. The Defendant is further  
23 ordered to pay a psychosexual evaluation fee in the amount of \$750.00 on Count I, payable to the  
24 Division of Parole and Probation.

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Furthermore, bail, if any, is hereby exonerated.

MATT STERMITZ, Humboldt County Public Defender, represented the Defendant during all stages of the proceedings;

MICHAEL MACDONALD, Humboldt County District Attorney, represented the State of Nevada at all stages of these proceedings.

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

Furthermore, pursuant to NRS 239B.030, the undersigned hereby affirms this document does not contain the social security number of any person.

DATED this 21<sup>st</sup> day of January, 2022, in the City of Winnemucca, County of Humboldt, State of Nevada.



MICHAEL R. MONTERO  
DISTRICT COURT JUDGE

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**MICHAEL MACDONALD**  
Humboldt County District Attorney  
501 S. Bridge Street  
Winnemucca, Nevada 89445  
(DCT Box)

**MATT STERMITZ**  
Humboldt County Public Defender  
Box 309  
Winnemucca, Nevada 89445  
(DCT Box)

**Elisha Formby**  
**Judicial Assistant**



CR2107272

The State of Nevada VS. Alec Dave

Judge: Michael R. Montero

Clerk: Maria Pinuelas

**November 2, 2021**

**ARRAIGNMENT**

PRESENT: Kevin Pasquale and Richard Haas Humboldt County Deputy District Attorneys, present on behalf of the State. Elizabeth Hill, Parole and Probation Officer, present (via Zoom) on behalf of the Division of Parole and Probation. Defendant, present (in custody via Zoom) with Counsel, Matt Stermitz, Public Defender. Denni Byrd, present on behalf of pretrial services.

The record reflected that this matter comes before the Court for an arraignment.

The Court informed the Defendant of the purpose of the hearing.

The Defendant stated his understanding.

An Information, charging the crime of Count I- LEWDNESS WITH A CHILD UNDER 14 YEARS, a Category A Felony, in violation of NRS 201.230(2), Count II- LEWDNESS WITH A CHILD UNDER 14 YEARS, a Category A Felony, in violation of NRS 201.230(2), Count III- LEWDNESS WITH A CHILD UNDER 14 YEARS, a Category A Felony, in violation of NRS 201.230(2), Count IV- LEWDNESS WITH A CHILD UNDER 14 YEARS, a Category A Felony, in violation of NRS 201.230(2) had been filed against the Defendant on October 13, 2021. The Defendant's true and correct name stated.

The Court interrogated the Defendant. A Preliminary Hearing had been waived. Copies of the Information had been received and counsel waived a formal reading. The Court stated the Defendant's Constitutional Rights. A Plea Agreement had been filed on October 27, 2021. The Court stated the essential elements the State would have to prove should this matter go to trial as well as the possible penalties.

The Defendant entered his plea of GUILTY to Count I, Count II, Count III, and Count IV.

The Court examined the Defendant and accepted his plea.

The Court ordered that a Pre-Sentence Investigation Report, and a psychosexual evaluation be conducted and submitted to the Court prior to sentencing, which was set for January 11, 2022, at 9:30 a.m.

CR2107272

The State of Nevada VS. Alec Dave

Judge: Michael R. Montero

Clerk: Mikayla Mecham

January 11, 2022

**SENTENCING HEARING**

PRESENT: Michael Macdonald, Humboldt County District Attorney, present on behalf of the State. Marni Pool and Elizabeth Hill, present (via Zoom) on behalf of the Division of Parole and Probation. Defendant, present (in custody via Zoom), with counsel Matthew Stermitz, Humboldt County Public Defender. Denni Byrd, Pre-Trial Services Coordinator, also present.

The record reflected that this matter comes before the Court for sentencing.

The Court was in receipt of a Pre-Sentence Investigation Report, filed December 30, 2021. There were no factual corrections to be noted.

Macdonald informed the Court that there would be victim impact statements to be provided at the appropriate time.

Argument by Stermitz.

Argument by Macdonald.

The Defendant waived his right of allocution.

Naomi Horse, duly sworn, gave her victim impact statement to the Court.

The Court pronounced the Defendant GUILTY of FOUR COUNTS of LEWDNESS WITH A CHILD UNDER THE AGE OF FOURTEEN, Category A Felonies, and rendered judgment against him in the amount of \$25.00 administrative assessment fee, \$3.00 DNA assessment fee, \$150.00 DNA \$750.00 for the psychosexual evaluation on COUNT I; \$25.00 administrative assessment fee and \$3.00 DNA assessment fee on COUNT II; \$25.00 administrative assessment fee and \$3.00 DNA assessment fee on COUNT III; and \$25.00 administrative assessment fee and \$3.00 DNA assessment fee on COUNT IV. The Court ordered that the Defendant serve life with the possibility of parole after a minimum term of ten (10) years is served on each count. The Court further ordered that the Defendant pay a fine of \$10,000.00 on each count, for a total of \$40,000.00, and granted the Defendant three hundred fifty-nine (359) days credit for time served. The Court ordered that these sentences run consecutive. The Defendant will remain in the custody of the Sheriff to carry out his sentence.

1  
2 **Certification of Copy**

3 **STATE OF NEVADA,**

4 **COUNTY OF HUMBOLDT,**

5 I, TAMI RAE SPERO, the duly elected, qualifying and acting Clerk of Humboldt County, in the State of Nevada,  
6 and Ex-Officio Clerk of the District Court, do hereby certify that the foregoing is a true, full and correct copy  
7 of the original: Notice of Appeal, Case Appeal Statement, Request for Transcript, District Court Docket Entries,  
8 Judgement of Conviction filed January 21, 2022, District Court Minutes.

9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

CASE NO. CR2107272

12 ALEC DAVE,

13 Defendant

14 now on file and record in this office.  
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IN WITNESS THEREOF, I have hereunto set  
My hand and affixed the seal of the Court at my  
Office, Winnemucca, Nevada this 27th day of  
January, 2022, A.D.

  
\_\_\_\_\_  
MARIA PINUELAS, DEPUTY CLERK