

CASE NO. 82136  
Electronically Filed  
Jan 05 2021 09:16 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

**HAWK RIVERZ URBAN,**

Appellant,

-vs-

**THE STATE OF NEVADA,**

Respondent.

RECORD ON APPEAL

Copies of Original Pleadings and Transcripts

VOLUME I

Hawk Riverz Urban #1225009  
Northern Nevada Correctional Center  
1721 East Snyder Ave  
PO Box 7000  
Carson City, NV 897020

Michael Macdonald  
Humboldt County  
District Attorney  
P.O. Box 909  
Winnemucca, Nevada 89446-0909

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## Sixth Judicial District Court - Humboldt County

Run: 01/04/2021  
17:26:44

## Case Summary

Page 1

Case #: CR1907088

Judge: MONTERO, MICHAEL R.

Date Filed: Department:

Case Type: FELONY/PERSON

## Plaintiff(s)

NEVADA, THE STATE

## Attorney(s)

DISTRICT ATTORNEY

## Defendant(s)

URBAN, HAWK RIVERZ

## Attorney(s)

ALTERNATE PUBLIC DEFENDER

## Fees:

Date Assessed:	Fee	Total	Paid	Waived	Outstanding
02/27/2020	ADMIN	\$25.00	\$0.00	\$0.00	\$25.00
02/27/2020	ATTYFEE	\$250.00	\$0.00	\$0.00	\$250.00
08/11/2020	DNA	\$150.00	\$0.00	\$0.00	\$150.00

Charge: NRS 200.481(2)(F) BATTERY BY PRISONER UPON A PEACE F/B Count 1

Sent: The Court reinstated Defendant on probation for a period of thirty-six (36) months, under the Defendant's 458.290 diversion program w/special conditions. def to enter in and successfully complete the salvation army program and remain in custody and be transported to and from the program by law enforcement personnel. upon completion of inpatient treatment def begin drug court. pay \$3 dna/3, \$25 AA, w/in 30 days from completion of salvation army pay to humboldt county clerk. \$250 public defender w/in 6 months from completion of salvation army pay to humboldt county clerk, restitution \$20 to humboldt county treasurer w/in 30 days from completion of salvation army

Disp/Judgment: Date:

## Hearings:

Date	Time	Hearing
08/13/2019	9:30AM	ARRAIGNMENT
10/08/2019	9:30AM	SENTENCING HEARING
10/22/2019	9:30AM	SENTENCING HEARING
02/11/2020	9:30AM	HEARING
02/18/2020	9:30AM	SENTENCING HEARING
07/28/2020	10:00AM	PROBATION VIOLATION HEARING

## Filings:

Date	Filing
01/01/2001	RECORD ON APPEAL - VOLUME I
07/12/2019	JUSTICE COURT PROCEEDINGS (19-CR-00392)
07/24/2019	INFORMATION
08/13/2019	GUILTY PLEA AGREEMENT

Run: 01/04/2021  
17:26:44

Case Summary

Page 2

09/13/2019 STIPULATION OF THE PARTIES PURSUANT TO NRS 176A.780 (ELIGIBILITY FOR REGIMENTAL DISCIPLINE PROGRAM)

09/27/2019 PRESENTENCE INVESTIGATION REPORT (2) (CONFIDENTIAL) (SENT UNDER SEPARATE COVER)

10/21/2019 SENTENCING HEARING SET FOR 10/22/2019 AT 9:30 AM IN C1/ , JDG: MONTERO, MICHAEL R.

10/21/2019 APPLICATION FOR TREATMENT PURSUANT TO NRS 458.290-350 AND NRS 176A.780

11/01/2019 ORDER SUSPENDING FURTHER PROCEEDINGS PURSUANT TO NRS 458.290

11/01/2019 ORDER (BOOT CAMP)

11/07/2019 PROSECUTOR: DISTRICT ATTORNEY ASSIGNED

11/13/2019 EMAIL SENT TO REGARDING SERVICE OF COURT DOCUMENT - CR1907088, THE STATE OF NEVADA VS. URBAN, HAWK RIVERZ WITH 1 ATTACHMENTS FROM DOCKETS FREETYPE-11/1/2019

11/13/2019 EMAIL SENT TO REGARDING SERVICE OF COURT DOCUMENT - CR1907088, THE STATE OF NEVADA VS. URBAN, HAWK RIVERZ WITH 1 ATTACHMENTS FROM DOCKETS FREETYPE-11/1/2019

11/13/2019 EMAIL SENT TO REGARDING SERVICE OF COURT DOCUMENT - CR1907088, THE STATE OF NEVADA VS. URBAN, HAWK RIVERZ WITH 1 ATTACHMENTS FROM DOCKETS FREETYPE-11/1/2019

11/18/2019 ORDER ADMITTING DEFENDANT TO PROBATION AND FIXING TERMS THEREOF

01/24/2020 HEARING SET FOR 02/11/2020 AT 9:30 AM IN C1/ , JDG: MONTERO, MICHAEL R.

02/11/2020 SENTENCING HEARING SET FOR 02/18/2020 AT 9:30 AM IN C1/ , JDG: MONTERO, MICHAEL R.

02/13/2020 VIOLATION REPORT

02/27/2020 ORDER REINSTATING PROBATION

02/27/2020 CHARGE CNT 1 SENTENCING NOTES: THE COURT REINSTATED DEFENDANT ON PROBATION FOR A PERIOD OF THIRTY-SIX (36) MONTHS, UNDER THE DEFENDANT'S 458.290 DIVERSION PROGRAM W/SPECIAL CONDITIONS. DEF TO ENTER IN AND SUCCESSFULLY COMPLETE THE SALVATION ARMY PROGRAM AND REMAIN IN CUSTODY AND BE TRANSPORTED TO AND FROM THE PROGRAM BY LAW ENFORCEMENT PERSONNEL. UPON COMPLETION OF INPATIENT TREATMENT DEF BEGIN DRUG COURT. PAY \$3 DNA/3, \$25 AA, W/IN 30 DAYS FROM COMPLETION OF SALVATION ARMY PAY TO HUMBOLDT COUNTY CLERK. \$250 PUBLIC DEFENDER W/IN 6 MONTHS FROM COMPLETION OF SALVATION ARMY PAY TO HUMBOLDT COUNTY CLERK, RESTITUTION \$20 TO HUMBOLDT COUNTY TREASURER W/IN 30 DAYS FROM COMPLETION OF SALVATION ARMY

03/02/2020 ORDER ADMITTING DEFENDANT TO PROBATION AND FIXING THE TERMS THEREOF

07/15/2020 PROBATION VIOLATION HEARING SET FOR 07/28/2020 AT 9:30 AM IN C1/ , JDG: MONTERO, MICHAEL R.

07/15/2020 NON-TECHNICAL VIOLATION REPORT

08/10/2020 JUDGMENT OF CONVICTION

08/14/2020 NEVADA SHERIFF'S RETURN

09/15/2020 MOTION FOR ILLEGAL SENTENCE NRS 176.556

09/15/2020 MOTION FOR APPOINTMENT OF COUNSEL

10/23/2020 ORDER DENYING PETITION FOR WRIT OF HABEAS CORPUS

11/20/2020 APPEAL NRAP

11/20/2020 CASE APPEAL STATEMENT

12/03/2020 RECEIPT FOR DOCUMENTS (SUPREME COURT/CASE #82136)

12/08/2020 ORDER DIRECTING TRANSMISSION OF RECORD AND REGARDING BRIEFING

12/08/2020 COURT MINUTES (08/13/2019-07/28/2020)

Run: 01/04/2021  
17:26:44

Case Summary

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12/08/2020 EXHIBIT LIST (02/18/20 HEARING)  
12/08/2020 CERTIFICATE OF COPY

No. 19 CR 00392

FILED

FILED

CR 19-7088

2019 JUL 12 AM 9:01

2019 JUL 11 AM 9:01

TAMI RAE SPEEDO  
IN THE JUSTICE COURT OF UNION TOWNSHIP, JUSTICE OF THE PEACE  
DIST. COURT CLERK MUNICIPAL JUDGE  
COUNTY OF HUMBOLDT, STATE OF NEVADA BY SB CLERK

STATE OF NEVADA

Plaintiff,

vs.

UNCONDITIONAL WAIVER OF

PRELIMINARY HEARING

HAWK RIVERZ URBAN

Defendant

I HAWK RIVERZ URBAN - hereby unconditionally waive my Preliminary Hearing in the above-entitled action on the charge(s) of BATTERY BY PRISONER UPON A PEACE OFFICER. This waiver is based upon the oral plea negotiations between my attorney and the office of the District Attorney, pursuant to NRS 171.208, and NRS 171.196. Should a written plea negotiation not be signed by all parties, this matter will be set for District Court Trial.

H.V.

I understand that I have a right to a Preliminary Examination and I wish

to waive my right;

H.V.

I understand the negotiations that the State of Nevada is offering me;

H.V.

I wish to accept these negotiations;

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*H.V.*

I understand that this is an unconditional waiver and that I am giving up my right to a Preliminary Hearing and that if I change my mind in District Court and do not go through with the negotiations, I will proceed straight to trial. The case will not be remanded back to Justice Court for a Preliminary Hearing;

*H.V.*

I waive my right to a Preliminary Hearing freely, knowingly, voluntarily and intelligently.

DATED this 11 day of July, 2019.

*Hank Up*

DEFENDANT

*Bruch*

WITNESS

*Harvey McDrill*

ATTORNEY FOR DEFENDANT

7817

NEVADA BAR #




Urban, Hawk

1 NO. 19CR-00392

FILED

2019 JUL 11 AM 8:56

JIM LOVELESS  
JUSTICE OF THE PEACE  
MUNICIPAL JUDGE  
BY  CLERK

ORIGINAL

6 IN THE JUSTICE'S COURT OF UNION TOWNSHIP

7 COUNTY OF HUMBOLDT, STATE OF NEVADA

8 -oOo-

9 STATE OF NEVADA,

10 Plaintiff,

SECOND AMENDED

11 vs.

FELONY COMPLAINT

12 HAWK RIVERZ URBAN  
13 313 BANNOCK CIRCLE  
14 MCDERMITT, NV 89421  
15 DOB: 02/08/1997,

16 Defendant. /

17 PERSONALLY APPEARED BEFORE ME, RICHARD HAAS, Deputy  
18 District Attorney, who first being duly sworn, complains and  
19 says that the Defendant(s) above-named has within the County of  
20 Humboldt, State of Nevada, committed a certain crime which is  
21 described as follows:

22 COUNT 1

23 BATTERY BY PRISONER UPON A PEACE OFFICER,  
24 A CATEGORY B FELONY  
AS DEFINED BY 200.481(2) (F)

25 That the Defendant did knowingly, willfully and  
26 unlawfully, while in lawful custody or confinement,  
27 use force or violence upon an officer who is  
28 performing his duty and the Defendant knew or should  
have known that the victim was a peace officer, in the  
following manner, to-wit: That on or about the 20<sup>th</sup> day  
of June, 2019, at or near the location of Humboldt  
County Detention Center at 801 Fairgrounds Rd.,

HUMBOLDT COUNTY DISTRICT ATTORNEY  
P.O. Box 909  
Winnemucca, Nevada 89446

Urban, Hawk

HUMBOLDT COUNTY DISTRICT ATTORNEY  
P.O. Box 909  
Winnemucca, Nevada 89446

1 Winnemucca, County of Humboldt, State of Nevada, the  
2 Defendant, Hawk Riverz Urban, did strike Deputy Hall,  
3 a peace officer with the Humboldt County Sheriff's  
Office, while the Defendant was in lawful custody.

4 COUNT II

5 BATTERY BY PRISONER UPON A PEACE OFFICER,  
6 A CATEGORY B FELONY  
7 AS DEFINED BY 200.481(2) (f)

8 That the Defendant did knowingly, willfully and  
9 unlawfully, while in lawful custody or confinement,  
10 use force or violence upon an officer who is  
11 performing his duty and the Defendant knew or should  
12 have known that the victim was a peace officer, in the  
13 following manner, to-wit: That on or about the 20<sup>th</sup> day  
14 of June, 2019, at or near the location of Humboldt  
County Detention Center at 801 Fairgrounds Rd.,  
Winnemucca, County of Humboldt, State of Nevada, the  
Defendant, Hawk Riverz Urban, did strike and/or kick  
and/or push Deputy Maestrejuan, a peace officer with  
the Humboldt County Sheriff's Office, while the  
Defendant was in lawful custody.

15 That complainant knows that said crime occurred and  
16 that the Defendant, HAWK RIVERZ URBAN, committed the  
17 same based upon the following: because complainant is  
18 the Deputy District Attorney, and is in the possession  
19 of a crime report or report of investigation written  
20 by TREVOR HALL, known to complainant to be a DEPUTY  
21 with the HUMBOLDT COUNTY SHERIFF'S OFFICE.

22 All of which is contrary to the form of the Statute in such  
23 cases made and provided, and against the peace and dignity of  
24 the State of Nevada. Said Complainant, therefore, prays that a  
25 warrant and/or summons may be issued in the name of said  
26 Defendant(s) above-named and dealt with according to law.

27 //

28 //

//


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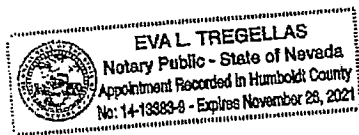
//

Urban, Hawk

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

4   
5 RICHARD HAAS  
6 Deputy District Attorney

7 SUBSCRIBED AND SWORN to before me this 10th day of  
8 July, 2019, State of Nevada, County of Humboldt.



10   
11 NOTARY PUBLIC

HUMBOLDT COUNTY DISTRICT ATTORNEY  
P.O. Box 909  
Winnemucca, Nevada 89446

HUMBOLDT COUNTY DISTRICT ATTORNEY  
P.O. Box 909  
Winnemucca, Nevada 89446

NO. 19CR-00392

2019 JUL 10 PM 3:11

ORIGINAL

JIM LOVELESS  
JUSTICE OF THE PEACE  
MUNICIPAL JUDGE  
BY ES CLERK

IN THE JUSTICE'S COURT OF UNION TOWNSHIP  
COUNTY OF HUMBOLDT, STATE OF NEVADA

-oOo-

STATE OF NEVADA,

Plaintiff,

AMENDED

vs.

FELONY COMPLAINT

HAWK RIVERZ URBAN  
313 BANNOCK CIRCLE  
MCDERMITT, NV 89421  
DOB: 02/08/1997,

Defendant. /

PERSONALLY APPEARED BEFORE ME, RICHARD HAAS, Deputy  
District Attorney, who first being duly sworn, complains and  
says that the Defendant(s) above-named has within the County of  
Humboldt, State of Nevada, committed a certain crime which is  
described as follows:

COUNT 1

BATTERY BY PRISONER UPON A PEACE OFFICER,  
A CATEGORY B FELONY  
AS DEFINED BY 200.481(2) (f)

That the Defendant did knowingly, willfully and  
unlawfully, while in lawful custody or confinement,  
use force or violence upon an officer who is  
performing his duty and the Defendant knew or should  
have known that the victim was a peace officer, in the  
following manner, to-wit: That on or about the 20<sup>th</sup> day  
of June, 2019, at or near the location of Humboldt  
County Detention Center at 801 Fairgrounds Rd.,

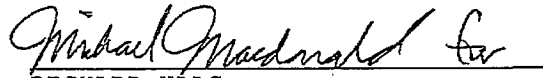
HUMBOLDT COUNTY DISTRICT ATTORNEY  
P.O. Box 909  
Winnemucca, Nevada 89446

1 Winnemucca, County of Humboldt, State of Nevada, the  
2 Defendant, Hawk Riverz Urban, did strike and/or kick  
3 and/or push Deputy Hall and/or Deputy Maestrejuan,  
4 peace officers with the Humboldt County Sheriff's  
5 Office, while the Defendant was in lawful custody.

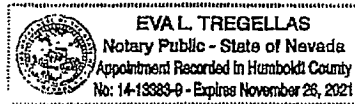
6 That complainant knows that said crime occurred and  
7 that the Defendant, HAWK RIVERZ URBAN, committed the  
8 same based upon the following: because complainant is  
9 the Deputy District Attorney, and is in the possession  
10 of a crime report or report of investigation written  
11 by TREVOR HALL, known to complainant to be a DEPUTY  
12 with the HUMBOLDT COUNTY SHERIFF'S OFFICE.

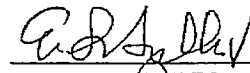
13 All of which is contrary to the form of the Statute in such  
14 cases made and provided, and against the peace and dignity of  
15 the State of Nevada. Said Complainant, therefore, prays that a  
16 warrant and/or summons may be issued in the name of said  
17 Defendant(s) above-named and dealt with according to law.

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

21   
22 RICHARD HAAS  
23 Deputy District Attorney

24 SUBSCRIBED AND SWORN to before me this 10th day of  
25 July, 2019, State of Nevada, County of Humboldt.



  
NOTARY PUBLIC

Case No. 19 CR 00392

FILED

2019 JUN 28 AM 9:47

JIM LOVELESS  
JUSTICE OF THE PEACE  
MUNICIPAL JUDGE  
BY CG CLERK

IN THE UNION TOWNSHIP JUSTICE COURT

STATE OF NEVADA IN AND FOR THE COUNTY OF HUMBOLDT

-o0o-

THE STATE OF NEVADA,

Plaintiff,

**ORDER**

vs.

HAWK RIVERZ URBAN,

Defendant.

Based upon the motion to withdraw as counsel by the public defender MATT STERMITZ.

IT IS HEREBY ORDERED that Alternate Public Defender hereby appointed  
as counsel for the above-named Defendant.

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

DATED this 28 day of June, 2019.

J. Hall  
JUSTICE OF THE PEACE

FILED

CASE NO. 19 CR 00392

2019 JUN 28 AM 8:59

JIM LOVELESS  
JUSTICE OF THE PEACE  
IN THE JUSTICE COURT OF THE UNION TOWNSHIP  
COUNTY OF HUMBOLDT, STATE OF NEVADA  
BY 60 CLERK

THE STATE OF NEVADA,

Plaintiff,

vs

MOTION TO WITHDRAW

HAWK RIVERZ URBAN,

Defendant.

The Humboldt County Public Defender moves to withdraw as attorney for Hawk Urban.

Dated this 28<sup>th</sup> day of June, 2019.

Public Defender

By Matt Stermitz  
Matt Stermitz  
Humboldt County Public Defender  
Drawer 309  
Winnemucca, Nevada 89446  
775-623-6550

STATEMENT OF COUNSEL

The Humboldt County Public Defender was appointed to represent the defendant on or about the 26<sup>th</sup> of June, 2019.

The Humboldt County Public Defender seeks to withdraw.

The Humboldt County Public Defender, a one person office, by county ordinance represents all indigent adults charged with crimes from appointment to final disposition; adult criminal appeals; adult probation revocations; adults in neglect or dependency

1 actions. The Humboldt County Public Defender also is first tier conflict counsel for  
2 Humboldt County on juvenile, neglect and guardianship matters<sup>1</sup>.

3 The Humboldt County Public Defender has been assigned hundreds of new  
4 cases this year. See attachments.

5 The Humboldt County Public Defender's felony (including gross misdemeanors)  
6 adult case load alone exceeds the American Bar Association's Public Defense  
7 Caseload National Standards for a Public Defender, National Legal Aid and Defender  
8 Association Standard 13.12, and National Advisory Commission on Criminal Justice  
9 Standards and Goals.

10 Additionally, the Humboldt County Public Defender has been appointed to  
11 approximately 75 misdemeanants, 14 adult probation violators, three juvenile matters,  
12 and a dependency action. The Humboldt County has tried 4 felony jury trials to verdict  
13 and prosecuted 8 appeals in 2018.

14 Presently the Humboldt County Public Defender has 7 jury trials scheduled in the  
15 Sixth Judicial District Court over the next approximately 90 – 100 days (July, 2019 –  
16 November 8, 2019<sup>2</sup>. They do not appear likely to settle and/or the Humboldt County  
17 Public Defender has been unable to commit sufficient time on the cases to research,  
18 investigate and advise clients on the propriety of a settlement, if any.

19 The jury trials include trials for open murder<sup>3</sup>, manslaughter, driving under the  
20 Influence resulting in death with a habitual enhancement, lewdness, trafficking in a

21 <sup>1</sup> The Humboldt County Alternate Public Defender, by ordinance, handles first tier adult  
22 criminal conflicts, juvenile matters, dependency matters, specialty courts, and parole  
23 revocations.

24 <sup>2</sup> Seven have been set on the district court calendar; however, the public defender files  
25 indicate 9-10 trials are pending.

26 <sup>3</sup> According to NAC Standards the most complex homicides require 1,900 hours of  
27 attorney time or 1,200 if settled by plea. The public defenders open murder case, and  
28 manslaughter case, and the driving under the influence of a vehicle resulting in death,  
may not be of sufficient complexity to require 1900 hours of time (or the equivalent of 47  
weeks @ 8 hours per day), but weeks of uninterrupted time are a reasonable estimate.  
Weeks the Humboldt County Public Defender has been unable to find over the past six  
months. (To date the Humboldt County Public Defender has researched, drafted and  
filed approximately 30 motions related to the open murder case, 10 motions in the  
manslaughter case, four motions in the dui resulting in death case, and six motions in  
the use of a child in a pornographic performance).



1 controlled substance, a second trafficking in a controlled substance, possession of a  
2 controlled substance, ex-felon in possession of a firearm with a habitual enhancement,  
3 home invasion. At least four of the trials involve the potentiality of life sentences if the  
4 accused is convicted.

5 Additionally, the Humboldt County Public Defender represents an individual  
6 accused in a multi count child sexual assault charge which has yet to be set for trial.

7 Each week the Humboldt County Public Defender is assigned new cases from  
8 the Union Township Justice Court, per the Humboldt County Public Defender  
9 Ordinance. In an effort to find time to work on the most serious cases, the Humboldt  
10 County Public Defender has all but abandoned efforts to meet with newly assigned  
11 clients until the date of the preliminary hearing or the date of a misdemeanor trials. The  
12 Humboldt County has stopped appearing at first appearances and misdemeanor  
13 arraignments, rarely visits the Humboldt County Detention Center, and other than the 7  
14 clients facing jury trial, only speaks to clients immediately before a court proceeding.  
15 The public defender also has 2 complex appeals due in the Supreme Court of Nevada  
16 in the next 120 days.

17 The Humboldt County Public Defender workload prevents the Humboldt County  
18 Public Defender from competent and diligent representation of existing clients.

19 The State of Nevada is being sued by the ACLU for deficiencies in its rural public  
20 defense delivery systems. The ACLU alleges there is systemic deficiencies<sup>4</sup> due to  
21 excess public defender case load; funding disparities between the district attorney and  
22 the public defender<sup>5</sup>; and judicial overreach of public defender independence.

23 In an effort to rectify the lack of parity of workload and resources between  
24 prosecution<sup>6</sup>, the judiciary and public defense, the Humboldt County Public Defender

25 <sup>4</sup> See ABA Ten Principles of a Public Defense Delivery System. Attached hereto. See  
26 also Powell v. Alabama, 287 U.S. 45 (1937); Gideon v. Wainright, 372 U.S. 335 (1963);  
27 United States v. Cronin, 466 U.S. 648 (1984); Strickland v. Washington, 466 U.S. 668  
28 (1984); Douglas v. California, 372 U.S. 353 (1963).

<sup>5</sup> The Humboldt County District Attorney is funded to the tune of six attorneys and over  
10 staff members. While the Humboldt County Public Defender is comprised of one  
attorney and one staff.

<sup>6</sup> The disparity in funding between the offices of the Humboldt County Public Defender  
and the Humboldt County District Attorney goes beyond the mere funding of the two

1 has, to no avail, suggested the district attorney and judiciary, reduce staffing levels.  
2 See ABA principle 8 of the ABA Ten Principles of a Public Defender Delivery System.  
3 Further the Humboldt County Public Defender has twice, proposed that the Humboldt  
4 County Alternate Public Defender office handle misdemeanors, but to no avail<sup>7</sup>. Further  
5 the Humboldt County Public Defender has made extrajudicial efforts to eliminate the  
6 use of the Humboldt County Public Defender and Humboldt County Alternate Public  
7 Defender for those matters beyond the reach of the Sixth Amendment, i.e.  
8 neglect/dependency actions, juvenile matters, guardianships, specialty courts to no  
9 avail.

10 Today the Humboldt County Public Defender received three new felony cases  
11 and two misdemeanor cases from the Union Township Justice Court.

12 The Humboldt County Public Defender seeks to withdraw from this case and not  
13 be appointed to any new cases until such time as the Humboldt County Public  
14 Defender's caseload decreases and the Humboldt County Public Defender is again able  
15 to provide competent and diligent representation to his existing clients.

16 I declare under penalty of perjury that the foregoing factual assertions are true.

17 Matt Stermitz

18 Matt Stermitz

19 6/27/19

20 POINTS AND AUTHORITIES

21 All lawyers, including public defenders, who under court appointment, represent  
22 indigent persons charged with criminal offenses, must provide competent and diligent

23 offices. The Humboldt County Public Defender has identified no fewer than 25  
24 government entities whose investigations or referrals can result in prosecutions by the  
25 Humboldt County District Attorney.

26 <sup>7</sup> The original proposal creating the Humboldt County Office of the Alternate Public  
27 Defender included assignment of misdemeanor cases to the Alternate Public Defender.  
28 The district attorney, counsel for the county and the county prosecutor, deleted or did  
not include the assignment of misdemeanors to the alternate public defender, in the  
final draft of Alternate Public Defender Ordinance, and efforts to rectify the omission  
have been ignored by the district attorney and resisted by the Alternate Public  
Defender.

1 representation. If workload prevents a lawyer from providing competent and diligent  
2 representation to existing clients, she must not accept new clients. Once the lawyer is  
3 representing a client, the lawyer must move to withdraw from representation if she  
4 cannot provide competent and diligent representation and must use every available  
5 means to appeal an adverse ruling. American Bar Association. Formal Opinion 06-441.  
6 See Attachment; Nevada Rule of Professional Conduct 1.1; 1.3.

7 The Humboldt County Public Defender's case load, as provided in detail above-  
8 herein, exceeds the caseload standards of at least three bodies governing attorney  
9 performance.

10 As detailed above-herein, the Humboldt County Public Defender has  
11 approximately 7 to 10 jury trials over the next 90 days. Those jury trials involve murder,  
12 felony dui resulting in death, lewdness, sexual assault of minors, trafficking, home  
13 invasion, battery with a deadly weapon, and felonies with habitual enhancements. The  
14 public defender also has 2 complex appeals due in the Supreme Court of Nevada in the  
15 next 120 days.

16 The Humboldt County Public Defender has made a Herculean effort over the last  
17 90 days, to provide competent and diligent representation to many existing clients, but  
18 to no avail. The Humboldt County Public Defender workload prevents the Humboldt  
19 County Public Defender from competent and diligent representation of existing clients.  
20 Including those facing potential life sentences.

21 For the reasons set forth in the unsworn statement of counsel above-herein, the  
22 Humboldt County Public Defender seeks to withdraw from this case and not be  
23 appointed to any new cases until such time as the Humboldt County Public Defender's  
24 caseload decreases and the Humboldt County Public Defender is again able to provide  
25 competent and diligent representation to his existing clients. Further, that the Humboldt  
26 County Alternate Public Defender assume the Humboldt County Public Defender's case  
27 load. If thereafter, the Humboldt County Alternate Public Defender cannot fulfill her  
28 obligations of professional responsibility (and the county's obligation under the 6<sup>th</sup>  
Amendment) that private counsel be appointed. See Principle 2 of the ABA Ten  
Principles of a Public Defense Delivery System.

CERTIFICATE OF SERVICE

On the 28<sup>th</sup> day of June, 2019, the undersigned hand delivered a true and correct copy of the foregoing to District Attorney, 50 W. 5<sup>th</sup>, Winnemucca, NV 89445.

Maureen Macdonald  
Maureen Macdonald

## PUBLIC DEFENDER JURY TRIAL, HEARINGS & ANNUAL LEAVE

JULY 15 - AUG 2, 2019	CARLOS TORRES JURY TRIAL
AUG 26 - 30, 2019	MARTIN BORDEN JURY TRIAL
SEP 4 - 6, 2019	JOSE BARAJAS JURY TRIAL
SEP 4 - 6, 2019	KYLE HYDE JURY TRIAL
SEP 16 - 20, 2019	ROBERT ROSS JURY TRIAL
OCT 16-18, 2019	RYAN LARUE JURY TRIAL
NOV 6-8, 2019	PAUL REYNOSA JURY TRIAL

JULY 8-12, 2019 (Torres Trial Prep) DO NOT SET

MATT ANNUAL LEAVE  
8/8/19 - 8/16/19

MATT CLE AUG 22-23, 2019

Updated 6/21/19

**FILED**

Case No(s). 19CR00392

**JUN 26 2019**

IN THE JUSTICE'S COURT OF UNION TOWNSHIP  
JUSTICE OF THE PEACE  
MUNICIPAL JUDGE

COUNTY OF HUMBOLDT, STATE OF NEVADA

BY [Signature] CLERK

IN THE MATTER OF THE APPLICATION OF

HAWK RIVERZ URBAN FOR THE  
APPOINTMENT OF COUNSEL

**ORDER**

Petitioner, having filed a written application addressed to the Justice's Court requesting the appointment of an attorney to represent him and having filed, accompanying the application, an affidavit that Petitioner is without means of employing an attorney and indicating therein the facts concerning Petitioner's financial status and good cause appearing therefore,

IT IS HEREBY ORDERED that the HUMBOLDT COUNTY PUBLIC DEFENDER is appointed to represent the Petitioner subject to the terms and conditions as set forth in the "Rules and Regulations for Public Defender Representation", which rules are hereby incorporated by reference as if set forth in full and such other rules and regulations which the Court, from time to time, may promulgate pursuant to N.R.S. 171.188 to determine the indigent status of the Petitioner.

DATED and DONE in open Court this 26 day of June,  
2019.

[Signature]  
JUSTICE OF THE PEACE

ATTACHED IS A DOCUMENT WHICH  
HAS BEEN FILED OR LODGED & IS  
CONSIDERED PRESUMPTIVELY  
CONFIDENTIAL PER SUPREME COURT  
ORDER ADKT 0410

*(SAID DOCUMENT IS CONSIDERED "PRESUMPTIVELY CONFIDENTIAL" UNTIL A  
SUFFICIENT THRESHOLD SHOWING FOR DISCLOSURE HAS BEEN REACHED BY WAY  
OF MOTION)*

PUBLIC DEFENDER SERVICES APPLICATION

Applicant: Hawk Urban Case No. \_\_\_\_\_  
Address: 313 Bannock St. South reservation road  
Residence  
P.O. Box 53, Mcdermitt NV 89421  
Mailing Address  
Mcdermitt NV 89421 In custody \_\_\_\_\_  
City, State ZIP Code  
775 1304 1456  
Phone Number  
1 Hawk Urban

I, Hawk Urban (applicant), state under oath that I am financially unable to employ an attorney. I understand that if I am charged with a felony and I am eligible, the Court must appoint counsel. If a misdemeanor is charged, and I am eligible, a court may appoint an attorney only under certain circumstances. If I am involved in a 432B matter or a Termination of Parental Rights, counsel may be appointed. I submit the following information to determine my eligibility for appointed counsel. False statements or information could result in a charge of perjury. I understand that I may be required to pay back all or part of the attorney's fees if I am able to do so. I also understand that this information may be used to determine my ability to pay fines, fees, or costs, if I am convicted.

**PERSONAL\***  
My age is Twenty-two I am NOT married single I am employed by Dotty Susa when she needs yards  
My hourly salary is \$ 10 hour when available. No. Of dependents (including spouse) \_\_\_\_\_  
My monthly gross salary is (including overtime) \$ N/A N/A work finished  
My spouse's age is N/A Spouse's Name N/A  
My spouse is employed by N/A  
My spouse's hourly salary is \$ N/A Number of dependents (including spouse) N/A  
My spouse's monthly gross salary (including overtime) is \$ N/A  
Gross monthly income of other household members (non-spouse) \$ N/A  
I and/or my dependent family member(s) are currently receiving the following:  
AFDC \$ N/A Unemployment \$ N/A Worker's Comp \$ \_\_\_\_\_  
Pension \$ N/A Food Stamps \$ NOT SURE Child Support \$ \_\_\_\_\_  
SSI \$ N/A Retirement \$ N/A Medicaid \$ \_\_\_\_\_  
Rental Income \$ N/A Other Income \$ \_\_\_\_\_

**HOUSEHOLD ASSETS (total values)**  
Cash on hand/in bank \$ N/A  
Wages not received \$ N/A  
Money owed to me \$ N/A  
Interest in real estate \$ N/A  
Savings accounts \$ N/A  
Stocks/bonds/securities \$ N/A  
Blue Book Value Motor Vehicles \$ N/A  
Sporting equipment \$ N/A  
(Guns, boats, atvs, motorcycles, RVs, etc)  
Personal Property \$ N/A  
(Furniture, appliances, collections (coins/baseball card) televisions, etc.,)  
Real property \$ N/A  
Trust funds \$ N/A  
OTHER VALUABLES \$ my labor & off  
TOTALS \$ Pending

**MONTHLY DEBTS (paid per month)**  
Rent/Mortgage \$ N/A  
Utilities \$ N/A  
Telephone/Cell Phone \$ N/A  
Groceries \$ N/A  
Gas for vehicles \$ N/A  
Cable/Satellite TV \$ N/A  
Doctor/Hospital bills \$ IHS  
Courts \$ Pending  
Attorney \$ N/A  
Credit Cards \$ N/A

Other monthly payments \$ N/A  
List others was employed Menteberry Hemp farm,  
KFC/Low John Silvers, and am currently looking for  
TOTALS Pending Court fees

\* Applicant must provide three (3) most recent pay stubs; prior year W-2(s); and prior year tax return if any.

Hawk Urban  
Signature of Applicant

Sworn to in Court on 76 day of June, 2019.

Eva Sanchez  
Court Clerk

Official Use ONLY

Other information: I am looking for work  
Was employed by John Menteberry, &  
and do yard work for Dotty Susa of  
Mcdermitt Nevada I live on Fort  
Mcdermitt nv, Paiute Shoshone  
Indian Reservation.



**FILED**

F or G/M Case No. 19CR00392  
Misd Case No. 19CR00396

JUN 26 2019

JUSTICE OF THE PEACE  
MUNICIPAL JUDGE

IN THE JUSTICE COURT OF UNION TOWNSHIP  
BY ES CLERK  
COUNTY OF HUMBOLDT, STATE OF NEVADA

THE STATE OF NEVADA AND/OR  
THE COUNTY OF HUMBOLDT,

Plaintiff,

vs.

**ARRAIGNMENT AND RIGHTS**

HAWK RIVERZ URBAN

H.R.U  
Defendant.

**Felony and/or Gross BATTERY BY PRISONER UPON A PEACE OFFICER;  
Misdemeanor  
Charge(s): H.R.U**

H.R.U  
**Misdemeanor PUBLIC INTOXICATION  
Charge(s):**

I, the Defendant in the above-entitled action do hereby state that I have been informed of my Constitutional Rights as follows:

That I am entitled to an attorney at all stages of the proceedings against me. That if I cannot afford an attorney, one will be appointed to represent me at no cost to me if the law so allows. On misdemeanor charges, I understand that if the Court previously determines that I will not be given a jail sentence if found guilty of the charged misdemeanor offense(s), I may not be appointed an attorney; H.R.U

That I am entitled to a Preliminary Examination on felony and/or gross misdemeanor charges which will be set within a fifteen (15) day period of the date of this arraignment on the complaint unless waived by myself or my attorney, and that I am entitled to a speedy public trial on misdemeanor charges, within sixty (60) days of the arraignment on the complaint, unless for good cause a trial date cannot be set within this sixty (60) day period; H.R.U





NO. 19CR00392

FILED

2019 JUN 26 AM 8:11

ORIGINAL

JUSTICE OF THE PEACE  
MUNICIPAL JUDGE  
BY ES CLERK

IN THE JUSTICE'S COURT OF UNION TOWNSHIP  
COUNTY OF HUMBOLDT, STATE OF NEVADA

-oOo-

STATE OF NEVADA,

Plaintiff,

vs.

FELONY COMPLAINT

HAWK RIVERZ URBAN  
313 BANNOCK CIRCLE  
MCDERMITT, NV 89421  
DOB: 02/08/1997,

Defendant.

PERSONALLY APPEARED BEFORE ME, RICHARD HAAS, Deputy  
District Attorney, who first being duly sworn, complains and  
says that the Defendant(s) above-named has within the County of  
Humboldt, State of Nevada, committed a certain crime which is  
described as follows:

COUNT I

BATTERY BY PRISONER UPON A PEACE OFFICER,  
A CATEGORY B FELONY  
AS DEFINED BY 200.481(2)(f)

That the Defendant did knowingly, willfully and  
unlawfully, while in lawful custody or confinement,  
use force or violence upon an officer who is  
performing his duty and the Defendant knew or should  
have known that the victim was a peace officer, in the  
following manner, to-wit: That on or about the 20<sup>th</sup> day  
of June, 2019, at or near the location of Humboldt  
County Detention Center at 801 Fairgrounds Rd.,

HUMBOLDT COUNTY DISTRICT ATTORNEY  
P.O. Box 909  
Winnemucca, Nevada 89446



Humboldt County Sheriffs Office

Printed  
06/21/2019  
5:09:48 AM  
Page 1 of 2

Inmate: Hawk Riverz Urban  
Arrest ID: 29972 Booking #: 2013027004

19CR392

Inmate Personal Information Report

Inmate Name URBAN, HAWK RIVERZ										ID 7275	
Address 313 BANNOCK					City MCDERMITT			State NV		Zip 89421	
Phone	Cell Phone	DOB 02/08/1997	Age 22	Sex M	Race I	Height 5' 5"	Weight 175	Hair Color Black	Eye Color Brown		
Complexion Medium		Build Average		Hair Style Short		Facial Hair None		Speech Clear		Glasses F	
SMT's TAT LF ARM-FEATHER											
Drivers License 125 NV		Soc. Sec. No. 5-8006		FBI No. 301942HH4		Vehicle License		Other ID			
Business Name			Address			City & State			Business Phone		
Place of Birth RENO						Citizen T		Undocumented Alien F			
Next of Kin / Guardian SHELMA BELLE			Address			Phone		Relationship MOTHER			
Second Residence Address				City			State	Zip	Phone		
Mailing Address PO BOX 53				City MCDERMITT			State NV	Zip 89421	Comments		
Aliases URBAN, HAWK											
Officer Safety				Other Considerations							
Arrest ID 29972		School ID		Occupation UNEMPLOYED			Gang Affiliation F		Email		



pcw 30623192

FILED  
2019 JUN 21 AM 9:13  
BY  
CLERK  
JILL LOVELESS  
JUSTICE OF THE PEACE  
MUNICIPAL JUDGE



Humboldt County Sheriffs Office

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06/21/2019  
5:09:48 AM  
Page 1 of 2

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Complexion Medium		Build Average		Hair Style Short		Facial Hair None		Speech Clear		Glasses F	
SMT's TAT LF ARM-FEATHER											
Drivers License 1 125 NV		Soc. Sec. No. 5-8006		FBI No. 301942HH4		Vehicle License		Other ID			
Business Name			Address			City & State			Business Phone		
Place of Birth RENO						Citizen T		Undocumented Alien F			
Next of Kin / Guardian SHELMA BELLE		Address				Phone		Relationship MOTHER			
Second Residence Address				City		State		Zip		Phone	
Mailing Address PO BOX 53				City MCDERMITT		State NV		Zip 89421		Comments	
Aliases URBAN, HAWK											
Officer Safety				Other Considerations							
Arrest ID 29972		School ID		Occupation UNEMPLOYED				Gang Affiliation F		Email	



PCN 30623192

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2019 JUN 21 AM 9:13  
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JUSTICE OF THE PEACE  
PRINCIPAL JUDGE  
BY CLERK

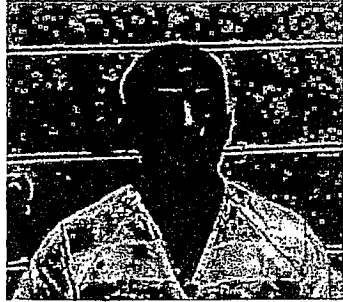


# WINNEMUCCA POLICE DEPARTMENT

## PROBABLE CAUSE DECLARATION URBAN, HAWK RIVERZ

Page 1

06/20/2019

Address 313 BANNOCK, MCDERMITT, NV 89421				Mailing Address PO BOX 53, MCDERMITT, NV 89421					
ID 7275	Phone	Cell Phone	DOB 02/08/1997	Age 22	Sex M	Height 5'5"	Weight 175		
Race AMERICAN INDIAN			Hair BLACK		Eyes BROWN				
Drivers License NV		St ID NV	Vehicle License		FBI # 301942HH4				
Business Name		Address		City & State					
Business Phone	Email			Arrest ID 29972					
Next of Kin/Parent/Guardian SHELMA BELLE		Address				Phone			
Occupation UNEMPLOYED		Gang Affiliation				School ID		Undocumented Alien NO	
Complexion MEDIUM	Build AVERAGE	Hairstyle SHORT		Facial Hair NONE		Speech CLEAR		Glasses NO	
Scars				Tattoos FEATHER					
Officer Safety				Note					
Other Considerations									
Aliases Urban, Hawk									
Arrest Date 06/20/2019	Arrest Time	Location of Arrest W. FOURTH ST AND HANSON ST				Case Number 19-0600			
Charges 9.12.020 Public Intoxication		Arresting Officers T5020 - Krause, Tyler				Booking Officer			
		Booking Number		Citation		Warrant Number			
		Offense Level MISDEMEANOR (ADULT AND JUVENILE)				Action Taken BOOKING			
		Arrest Disposition MISDEMEANOR CHARGE							
Property Description									

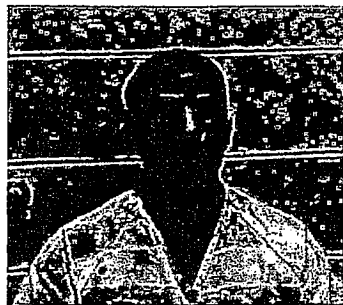


# WINNEMUCCA POLICE DEPARTMENT


## PROBABLE CAUSE DECLARATION URBAN, HAWK RIVERZ

Page 1


06/20/2019

Address 313 BANNOCK, MCDERMITT, NV 89421				Mailing Address PO BOX 53, MCDERMITT, NV 89421				
ID 7275	Phone	Cell Phone	DOB 02/08/1997	Age 22	Sex M	Height 5'5"	Weight 175	
Race AMERICAN INDIAN			Hair BLACK		Eyes BROWN			
Drivers License NV		St ID NV	Vehicle License		FBI # 301942HH4			
Business Name		Address		City & State				
Business Phone	Email					Arrest ID 29972		
Next of Kin/Parent/Guardian SHELMA BELLE			Address			Phone		
Occupation UNEMPLOYED			Gang Affiliation			School ID		
Complexion MEDIUM		Build AVERAGE	Hairstyle SHORT		Facial Hair NONE		Speech CLEAR	
Scars		Tattoos FEATHER						
Officer Safety				Note				
Other Considerations								
Aliases Urban, Hawk								
Arrest Date 06/20/2019	Arrest Time	Location of Arrest W. FOURTH ST AND HANSON ST					Case Number 19-0600	
Charges 9.12.020 Public Intoxication		Arresting Officers T5020 - Krause, Tyler				Booking Officer		
		Booking Number		Citation		Warrant Number		
				Offense Level MISDEMEANOR (ADULT AND JUVENILE)			Action Taken BOOKING	
				Arrest Disposition MISDEMEANOR CHARGE				
Property Description								



HUMBOLDT COUNTY SHERIFFS OFFICE										Page 1	
PROBABLE CAUSE DECLARATION										06/20/2019	
URBAN, HAWK RIVERZ											
Address 313 BANNOCK, MCDERMITT, NV 89421					Mailing Address PO BOX 53, MCDERMITT, NV 89421						
ID 7275	Phone	Cell Phone	DOB 02/08/1997	Age 22	Sex M	Height 5'5"	Weight 175				
Race AMERICAN INDIAN			Hair BLACK		Eyes BROWN						
Drivers License NV		St ID NV		Vehicle License		FBI # 301942HH4					
Business Name		Address			City & State						
Business Phone		Email			Arrest ID 29972						
Next of Kin/Parent/Guardian SHELMA BELLE		Address			Phone						
Occupation UNEMPLOYED		Gang Affiliation			School ID			Undocumented Alien NO			
Complexion MEDIUM		Build AVERAGE		Hairstyle SHORT		Facial Hair NONE		Speech CLEAR		Glasses NO	
Scars					Tattoos FEATHER						
Officer Safety					Note						
Other Considerations											
Aliases Urban, Hawk											
Arrest Date 06/20/2019		Arrest Time 16:44		Location of Arrest HCDC PADDED CELL					Case Number 0619-047		
Charges 200.481 200.481		BATTERY BY A PRISONER BATTERY ON A POLICE OFFICER			Arresting Officers T3015 - Hall, Trevor				Booking Officer		
					Booking Number		Citation		Warrant Number		
					Offense Level FELONY (ADULT AND JUVENILE)				Action Taken BOOKING		
					Arrest Disposition						
Property Description											

**CONTROLLED DOCUMENT - DO NOT DUPLICATE**

HUMBOLDT COUNTY SHERIFFS OFFICE										Page 1
PROBABLE CAUSE DECLARATION										06/20/2019
URBAN, HAWK RIVERZ										
Address 313 BANNOCK, MCDERMITT, NV 89421				Mailing Address PO BOX 53, MCDERMITT, NV 89421						
ID 7275	Phone	Cell Phone	DOB 02/08/1997	Age 22	Sex M	Height 5'5"	Weight 175			
Race AMERICAN INDIAN			Hair BLACK		Eyes BROWN					
Drivers License NV		St ID NV	Vehicle License		FBI # 301942HH4					
Business Name		Address		City & State						
Business Phone		Email				Arrest ID 29972				
Next of Kin/Parent/Guardian SHELMA BELLE		Address				Phone				
Occupation UNEMPLOYED		Gang Affiliation				School ID		Undocumented Alien NO		
Complexion MEDIUM		Build AVERAGE		Hairstyle SHORT		Facial Hair NONE		Speech CLEAR	Glasses NO	
Scars				Tattoos FEATHER						
Officer Safety				Note						
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				Booking Number		Citation		Warrant Number		
				Offense Level FELONY (ADULT AND JUVENILE)				Action Taken BOOKING		
				Arrest Disposition						
Property Description										

**CONTROLLED DOCUMENT - DO NOT DUPLICATE**

Probable Cause Declaration for Urban Hawk Riverz

Case 0619-047

Page 2

On 06/20/2019 Deputy Hall was working at the Humboldt County Detention Center. At 1844 hours Deputies Hall, Craspay, Stark, and Maestrejuan responded to the detention center vehicle bay to assist Winnemucca Police Department with a non-compliant arrest identified as Urban, Hawk. Officer Krause with the Winnemucca Police Department advised deputies that his prisoner was spitting in the back of his car. Deputy Hall retrieved a spit mask from the booking area and placed the spit mask over Urban. Deputies escorted Urban from the vehicle bay to the padded cell where deputies conducted a pat search. After the pat search was completed Deputies Hall and Deputy Craspay placed urban on the padded cell floor and began to remove the spit mask and restraints, while removing the restraints Deputy Hall's handcuff key fell on to the padded cell floor. As Deputies began to exit the padded cell Deputy Craspay advised Deputy Hall that his handcuff key was on the floor under urban's right arm. While Deputy Craspay was holding Urban's leg's Deputy Hall re-entered the cell to grab his handcuff key. As Deputy Hall entered the cell Urban began to resist and took control of the handcuff key. Deputies Stark, Craspay, Hall, and Maestrejuan were attempting to regain control of Urban while he was actively resisting. Urban was able to stand up in the padded cell and struck Deputy Hall on the left side of his face with a right closed fist. Urban also struck Deputy Hall in the mouth with his left closed fist. Deputies were able to take control and place Urban back on the padded cell floor. Deputy Hall regained control of his handcuff key and drew his Taser and pointed it at Urban while Deputies Stark, Craspay, and Maestrejuan exited the padded cell. After all Deputies exited the padded cell the padded cell door was secured. Deputy Hall noticed the left side of his face felt hot and Deputy Craspay stated that Deputy Hall's lip was bleeding. Deputy Stark took photos of Deputy Hall's injuries. Sgt. Patchen and Captain Wilkin were notified of the incident. No further information

Deputy T. Hall  
H314

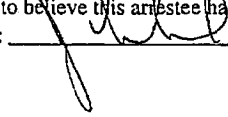
I declare under penalty of perjury that the forgoing is true and correct to the best of my information and belief

Execution on: 06/20/2019 at HUMBOLDT COUNTY, NV By:

  
Signature of Declaring Officer

On the basis of: ☒ the foregoing declaration ☐ telephone declaration ☐ attached reports

I hereby determine ☒ there is ☐ there is not probable cause to believe this arrestee has committed a crime.

Date: 6/21/19 Time: 9:01 AM Magistrate: 

NO. CR19-7088

DEPT. II

FILED

2019 JUL 24 AM 10:00

TAMI RAE SPENCER  
DIST. COURT CLERK

J. Koeper

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

-oOo-

STATE OF NEVADA,

Plaintiff,

vs.

INFORMATION

HAWK RIVERZ URBAN,  
DOB: 02/08/1997,

Defendant(s).

**MICHAEL MACDONALD**, District Attorney of Humboldt County,  
Nevada, in the name and by the authority of the State of Nevada,  
informs the Court:

COUNT I

BATTERY BY PRISONER UPON A PEACE OFFICER,  
A CATEGORY B FELONY  
AS DEFINED BY 200.481(2)(f)

That the Defendant did knowingly, willfully and unlawfully, while in lawful custody or confinement, use force or violence upon an officer who is performing his duty and the Defendant knew or should have known that the victim was a peace officer, in the following manner, to-wit: That on or about the 20<sup>th</sup> day of June, 2019, at or near the location of Humboldt County Detention Center at 801 Fairgrounds Rd., Winnemucca, County of Humboldt, State of Nevada, the Defendant, Hawk Riverz Urban, did strike Deputy Hall, a peace officer with the Humboldt County Sheriff's Office, while the Defendant was in lawful custody.

HUMBOLDT COUNTY DISTRICT ATTORNEY  
P.O. Box 909  
Winnemucca, Nevada 89446

COUNT II


BATTERY BY PRISONER UPON A PEACE OFFICER,  
A CATEGORY B FELONY  
AS DEFINED BY 200.481(2) (f)

That the Defendant did knowingly, willfully and unlawfully, while in lawful custody or confinement, use force or violence upon an officer who is performing his duty and the Defendant knew or should have known that the victim was a peace officer, in the following manner, to-wit: That on or about the 20<sup>th</sup> day of June, 2019, at or near the location of Humboldt County Detention Center at 801 Fairgrounds Rd., Winnemucca, County of Humboldt, State of Nevada, the Defendant, Hawk Riverz Urban, did strike and/or kick and/or push Deputy Maestrejuan, a peace officer with the Humboldt County Sheriff's Office, while the Defendant was in lawful custody.

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

That the names of all witnesses who will testify for the State of Nevada in said action that are known to the District Attorney at the time of the filing of this Information are listed with addresses on the annexed Exhibit "A" and the names of all other witnesses who will testify for the State of Nevada that become known to the District Attorney before time of trial will be endorsed hereon by subsequent Exhibit.

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

  
MAX A. STOVALL  
Deputy District Attorney

HUMBOLDT COUNTY DISTRICT ATTORNEY  
P.O. Box 909  
Winnemucca, Nevada 89446

Names and Addresses Known to the  
District Attorney at the time of  
Filing of the Information

HUMBOLDT GENERAL HOSPITAL PHYSICIANS  
DR. MAHENDERNATH and/or  
DR. KRONER and/or  
DR. MALL and/or  
DR. SHANK  
118 E. Haskell St.  
Winnemucca, NV. 89445

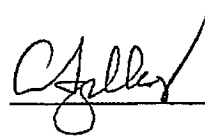
CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of  
the Humboldt County District Attorney's Office, and that on the  
24 day of July 2019, I delivered a true copy of the  
INFORMATION to:

MAUREEN MCQUILLAN  
Humboldt Co. Alternate Public Defender  
50 W. Fifth St.  
Winnemucca, NV 89445

- ☐ U.S. Mail  
☐ Certified Mail  
☐ Hand-delivered  
☒ Placed in DCT Box  
☐ Via Facsimile

HUMBOLDT COUNTY DISTRICT ATTORNEY  
P.O. Box 909  
Winnemucca, Nevada 89446



vs.  
LT. CASE NO: CR1907088  
HT. CASE NO: cr1907088

SCANNED



FILED

AUG 13 2019

TAMI RAE SPERO  
DIST. COURT CLERK

*C. Smock*

1 Case No. CR19-7088

2 Dept. No. 2

3  
4  
5  
6  
7 IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,  
8 IN AND FOR THE COUNTY OF HUMBOLDT.

9 -ooo-

10 THE STATE OF NEVADA,

11 Plaintiff,

12 vs.

13 HAWK RIVERZ URBAN,

14  
15 Defendant./

16 GUILTY PLEA AGREEMENT

17 I hereby agree to plead guilty to: BATTERY BY PRISONER UPON  
18 A PEACE OFFICER, a Category B Felony, in violation of NRS  
19 200.481(2)(f).  
20

21 My decision to plead guilty is based upon the plea  
22 agreement in this case which is as follows:

23 Both parties are free to argue at sentencing. The State  
24 explicitly reserves the right to present facts and/or argument  
25 through witnesses and/or victims at time of sentencing.  
26 Furthermore, the State retains the right to comment on  
27 Defendant's crimes, past conduct and/or present evidence in any  
28

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Winnemucca, Nevada 89446

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1 form.

2 I have entered into these negotiations and have signed this  
3 document of my own free will without threat or promise on the  
4 part of anyone other than expressed herein.

5  
6 **CONSEQUENCES OF THE PLEA**

7 I understand that by pleading guilty, I admit the facts  
8 which support all the elements of the offenses to which I now  
9 plead. Also, that the State must prove the following elements  
10 beyond a reasonable doubt:

- 11 1. That on or about the 20th day of June, 2019, in  
12 Humboldt County, Nevada;  
13 2. I did knowingly, willfully and unlawfully;  
14 3. Struck and/or kick and/or pushed Deputy Hall  
15 and/or Deputy Maesterjuan, Peace Officers, while  
16 in lawful custody.  
17

18 I understand that as a consequence of my plea of guilty I  
19 may be imprisoned for a minimum term of not less than one (1)  
20 year and a maximum term of not more than six (6) years in the  
21 Nevada Department of Corrections. I understand that the law  
22 requires me to pay an administrative assessment fee in the  
23 amount of \$25.00, a DNA assessment fee in the amount of \$3.00,  
24 and a DNA fee in the amount of \$150.00. I understand that, if  
25 appropriate, I will be ordered to make restitution to the victim  
26 of the offenses to which I am pleading guilty and to the victim  
27 of any related offense which is being dismissed or not  
28

HUMBOLDT COUNTY DISTRICT ATTORNEY  
P.O. Box 909  
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1 prosecuted pursuant to this agreement. I will also be ordered  
2 to reimburse the State of Nevada for expenses related to my  
3 extradition, if any.

4 I understand that I am ~~not~~ <sup>mm</sup> eligible for probation for the  
5 offense to which I am pleading guilty. I understand that,  
6 except as otherwise provided by statute, the question of whether  
7 I receive probation is in the discretion of the sentencing  
8 judge.  
9

10 I understand that there is a collateral consequence of  
11 deportation if I am not a citizen of the United States of  
12 America, I have been advised that conviction of the offense for  
13 which I have been charged may have the consequences of  
14 deportation, exclusion from admission to the United States of  
15 America, or denial of naturalization pursuant to the laws of the  
16 United States of America.  
17

18 I understand that the District Attorney's Office shall not  
19 be bound by any oral negotiations preceding the actual execution  
20 of this Agreement until such time as this Agreement has been  
21 actually executed, that is, signed, by the District Attorney or  
22 one of his authorized deputies and I have entered my plea before  
23 the court.  
24

25 Further, should I, subsequent to the entry of a plea of  
26 guilty, as provided for herein, make application for Civil  
27 Commitment and/or treatment as an Alcoholic, pursuant to the  
28 provisions of NRS 458.290 to NRS 458.350, or if I make a Motion

HUMBOLDT COUNTY DISTRICT ATTORNEY

P.O. Box 909  
Winnemucca, Nevada 89446

1 to Suspend or Reduce my sentence pursuant to NRS 453.3363 to NRS  
2 453.3405, the District Attorney shall have the absolute right to  
3 withdraw from this Agreement and to proceed against me upon the  
4 original charge or charges pending against me, as if this  
5 Agreement had never been entered into, or executed by the  
6 parties.  
7

8 I represent to the State that I have 0 prior felonies.  
9 The state and county where my prior felonies occurred and type  
10 of felony is as follows:

11 A. \_\_\_\_\_  
12 B. \_\_\_\_\_  
13 C. \_\_\_\_\_  
14

15 Any misrepresentation of my prior criminal record will  
16 allow the State to withdraw from this plea agreement.

17 I understand that if more than one sentence of imprisonment  
18 is imposed and I am eligible to serve the sentences  
19 concurrently, the sentencing judge has the discretion to order  
20 the sentences served concurrently or consecutively.

21 I understand that information regarding charges not filed,  
22 dismissed charges or charges to be dismissed pursuant to this  
23 agreement may be considered by the judge at sentencing.  
24

25 I have not been promised or guaranteed any particular  
26 sentence by anyone. I know that my sentence is to be determined  
27 by the court within the limits prescribed by statute. I  
28 understand that if my attorney or the State of Nevada or both

HUMBOLDT COUNTY DISTRICT ATTORNEY

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1 recommend any specific punishment to the court, the court is not  
2 obligated to accept the recommendation.

3 I understand that the Division of Parole and Probation of  
4 the Department of Motor Vehicles and Public Safety may or will  
5 prepare a report for the sentencing judge before sentencing.  
6 This report will include matters relevant to the issue of  
7 sentencing, including my criminal history. I understand that  
8 this report may contain hearsay information regarding my  
9 background and criminal history. My attorney and I will each  
10 have the opportunity to comment on the information contained in  
11 the report at the time of sentencing.  
12

13 **WAIVER OF RIGHTS**

14 By entering my plea of guilty, I understand that I have  
15 waived the following rights and privileges:  
16

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

21 2. The constitutional right to a speedy and public trial  
22 by an impartial jury, free of excessive pretrial publicity  
23 prejudicial to the defense, at which trial I would be entitled  
24 to the assistance of an attorney, either appointed or retained.  
25 At trial, the state would bear the burden of proving beyond a  
26 reasonable doubt each element of the offense charged.  
27

28 3. The constitutional right to confront and cross-examine

HUMBOLDT COUNTY DISTRICT ATTORNEY  
P.O. Box 909  
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1 any witnesses who would testify against me.

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

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

5 6. The right to appeal the conviction, with the assistance  
6 of an attorney, either appointed or retained, unless the appeal  
7 is based upon reasonable constitutional, jurisdictional or other  
8 grounds that challenge the legality of the proceedings and  
9 except as otherwise provided in subsection 3 of NRS 174.035. I  
10 understand that if I wish to appeal, I must notify my attorney,  
11 in writing, as soon as possible, because the notice of appeal  
12 must be filed within thirty (30) days from the judgment of  
13 conviction.  
14

15 **VOLUNTARINESS OF PLEA**

16  
17 I have discussed the elements of all the original charges  
18 against me with my attorney and I understand the nature of these  
19 charges against me.

20 I understand that the state would have to prove each  
21 element of the charge against me at trial.  
22

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

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

28 I believe that pleading guilty and accepting this plea

HUMBOLDT COUNTY DISTRICT ATTORNEY  
P.O. Box 909  
Winnemucca, Nevada 89446

1 bargain is in my best interest and that a trial would be  
2 contrary to my best interest.

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

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

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

14 DATED this 9 day of August, 2019.

15  
16  
17 Hawk Urban  
18 DEFENDANT

19  
20 Furthermore, pursuant to NRS 239B.030., the undersigned hereby  
21 affirms this document does not contain the social security  
22 number of any person.

23 Agreed to on this 13<sup>th</sup> day of August, 2019.

24 Max Stovall  
25 DEPUTY DISTRICT ATTORNEY

26 CERTIFICATE OF COUNSEL

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

HUMBOLDT COUNTY DISTRICT ATTORNEY  
P.O. Box 909  
Winnemucca, Nevada 89446

1 1. I have fully explained to the defendant the allegations  
2 contained in the charges to which guilty pleas are being  
3 entered.

4 2. I have advised the defendant of the penalties for each  
5 charge and the restitution that the defendant may be ordered to  
6 pay.  
7

8 3. All pleas of guilty offered by the defendant pursuant  
9 to this agreement are consistent with all the facts known to me  
10 and are made with my advice to the defendant and are in the best  
11 interest of the defendant.

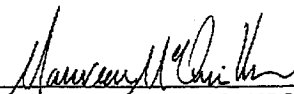
12 4. To the best of my knowledge and belief, the defendant:

13 (a) Is competent and understands the charges and the  
14 consequences of pleading guilty as provided in  
15 this agreement.  
16

17 (b) Executed this agreement and will enter all guilty  
18 pleas pursuant hereto voluntarily.

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

22 DATED this 9th day of August, 2019.

23  
24   
25 \_\_\_\_\_  
26 ATTORNEY FOR DEFENDANT  
27  
28



FILED

2019 SEP 13 AM 11:22

TAMI RAE SPENCER  
DIST. COURT CLERK

1 NO. CR 19-7088

2 DEPT. No. 2

3  
4  
5  
6 IN THE SIXTH JUDICIAL DISTRICT COURT FOR THE STATE OF NEVADA  
7 IN AND FOR THE COUNTY OF HUMBOLDT  
8

9 THE S TATE OF NEVADA,  
10 Plaintiff,

11 v.

12 HAWK RIVERZ URBAN,  
13 Defendant.  
14

**STIPULATION OF THE  
PARTIES PURSUANT TO  
NRS 176A.780 (ELIGIBILITY  
FOR REGIMENTAL  
DISCIPLINE PROGRAM)**

15 COMES NOW the defendant, Hawk Riverz Urban, by and through the alternate public  
16 defender, Maureen McQuillan, and the Humboldt County District Attorney, and hereby stipulate  
17 that the defendant, at the Court's discretion, is eligible for a program of regimental discipline.  
18

19 The defendant plead guilty to Battery by Prisoner Upon a Peace Officer, a Category B  
20 Felony, in violation of NRS 200.481(2)(4), and sentencing is scheduled for October 10, 2019.  
21

NRS 176A.780 provides in pertinent part:

22 1. If a defendant:

23 (a) Is male;

24 (b) Has been convicted of a felony that:

(1) Does not involve an act of violence; or

25 (2) Involves an act of violence, but the district attorney stipulates to  
the defendant's eligibility to participate in a program of regimental  
26 discipline; (Emphasis added).

27 (c) Is at least 18 years of age;

(d) Has not been incarcerated in jail during his lifetime for a cumulative  
total of more than 365 days;

28 (e) Has never been incarcerated in prison; and

(f) Is otherwise eligible for probation,

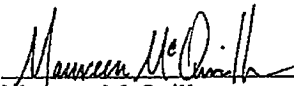
the court may order the defendant satisfactorily to complete a program of regimental discipline for 150 days before sentencing the defendant or in lieu of causing the sentence imposed to be executed upon violation of a condition of probation or suspension of sentence.


Pursuant to NRS 176A.780(b)(2), the District Attorney stipulates that the defendant is eligible to undergo a program of regimental discipline notwithstanding the defendant's act of violence.

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

Dated this 13<sup>th</sup> day of September, 2019.

Dated this 9<sup>th</sup> day of September, 2019.

  
Maureen McQuillan  
Humboldt County Alternate Public Defender  
50 W. Fifth St.  
Winnemucca, NV 89445  
(775) 623-6037

  
Richard Haas  
Humboldt County Deputy District Attorney  
PO Box 309  
Winnemucca, NV 89446  
(775) 623-6550

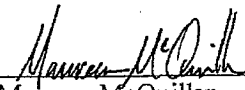
**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that on this date I deposited for delivery at Winnemucca,  
Nevada, a true copy of the STIPULATION AND ORDER TO CONTINUE to:

Richard Haas  
Deputy District Attorney  
Humboldt County District Attorney's Office  
PO Box 909  
Winnemucca, NV 89445

Debbie Okuma  
Nevada Division of Parole and Probation  
3505 Construction Way # 5,  
Winnemucca, NV 89445

☐ US Mail  
☐ Certified Mail  
☐ Hand-Delivered  
☒ Placed in DCT/JCT box  
☐ Via Facsimile

  
Maureen McQuillan  
Dated: 9-13-2019

vs.  
LT. CASE NO: CR1907088  
HT. CASE NO: cr1907088

SCANNED

FILED

2019 OCT 21 PM 4:34

TAMI RAE CROOK  
DIST. COURT CLERK

CASE NO. CR19-7088

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,

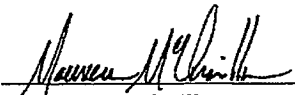
v.

APPLICATION FOR TREATMENT  
PURSUANT TO NRS 458.290 - 350  
AND NRS 176A.780

HAWK RIVERZ URBAN,

Defendant.

Hawk Riverz Urban, by and through his attorney, Maureen McQuillan, hereby makes  
this application for treatment pursuant to NRS 458.290 - 458.350 and NRS 176A.780  
(Eligibility for regimental discipline program).

  
Maureen McQuillan  
Humboldt County Alternate Public Defender  
50 W. 5<sup>th</sup> St.  
Winnemucca, Nevada 89445  
775-623-6037

FACTUAL BACKGROUND

1  
2 The defendant Hawk Urban, entered a guilty plea before this Honorable Court on August  
3 13, 2019, to the offense of Battery by Prisoner upon a Police Officer, a Category B Felony, in  
4 violation of NRS 200.481(2)(f). On September 13, 2019, the district attorney's office and  
5 undersigned counsel submitted a stipulation pursuant to NRS 176A.780(1)(b)(2), which states  
6 that if the offense involves an act of violence, the defendant may be eligible if the district  
7 attorney stipulates to the defendant's eligibility to participate in a program of regimental  
8 discipline.  
9

10 Sentencing hearing was scheduled on October 8, 2019. At that time the parties advocated  
11 for the recommendation within the presentence report, which suggested that Mr. Urban would be  
12 a good candidate for suspension of sentence under the Nevada Department of Corrections  
13 regimental discipline program. The defendant requested diversion upon successful completion  
14 due to his young age and relatively insignificant adult criminal history prior to his current  
15 offense.  
16

17 The Court continued the sentencing hearing pending submission of a forensic substance  
18 use evaluation and the within application pursuant to Chapter 458. At continued sentencing  
19 hearing, Mr. Urban will request admission to the "Boot Camp" program. He seeks diversion of  
20 his sentence due to his alcohol abuse history pursuant to NRS 458.300 through 458.350, and asks  
21 that further proceedings be suspended conditioned on successful program participation and  
22 completion. After successful completion, Mr. Hawk will be appear before the Court and request  
23 a sentence of probation.  
24

25 Mr. Urban obtained a forensic substance abuse evaluation on October 11, 2019. A copy is  
26 attached as Exhibit A.  
27  
28

POINTS AND AUTHORITIES

Mr. Hawk is 22 years old. He asserts that alcohol consumption on the day of his crime was the overwhelming factor in the case before this Honorable Court. He does not recall assaulting the officers in the Humboldt County Detention Center holding cell due to his intoxication. He has never had the opportunity for significant counseling and treatment for alcohol. He asserts that he is an eligible candidate for diversion of his sentence because he "habitually takes or otherwise uses any controlled substance, other than any maintenance dosage of a narcotic or habit-forming drug administered pursuant to chapter 453 of NRS, to the extent that the person endangers the health, safety or welfare of himself or herself or any other person." NRS 458.290.

Although the defendant was not charged with an offense under the Controlled Substance Act, NRS Chapter 453, he avers that his underlying his offense of battery on a police officer was predicated by habitual use as set forth in NRS 458.290. An alcoholic or a drug addict who has been convicted of a crime is eligible to elect to be assigned by the court to a program of treatment for the abuse of alcohol or drugs pursuant to NRS 453.580 before he is sentenced unless:

1. The crime is:

- (a) A crime against the person punishable as a felony or gross misdemeanor as provided in chapter 200 of NRS;
- (b) A crime against a child as defined in NRS 179D.0357;
- (c) A sexual offense as defined in NRS 179D.097; or
- (d) An act which constitutes domestic violence as set forth in NRS 33.018;

2. The crime is that of trafficking of a controlled substance;

3. The crime is a violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430;

4. The alcoholic or drug addict has a record of two or more convictions of a crime described in subsection 1 or 2, a similar crime in violation of the laws of another state, or of three or more convictions of any felony;

- 1 5. Other criminal proceedings alleging commission of a felony are pending against the  
alcoholic or drug addict;
- 2 6. The alcoholic or drug addict is on probation or parole and the appropriate parole or  
probation authority does not consent to the election; or
- 3 7. The alcoholic or drug addict elected and was admitted, pursuant to NRS 458.290 to  
4 458.350, inclusive, to a program of treatment not more than twice within the preceding 5  
years. NRS 458.300.

5 As set forth above, Mr. Urban's offense is a crime against a person, but the  
6 District Attorney's office has stipulated he is an eligible candidate for regimental  
7 discipline. Moreover, he is not charged with drug trafficking or driving under the  
8 influence; he is not on probation or parole; and no other proceedings are pending. Mr.  
9 Urban states that upon completion of "Boot Camp," he will adhere to terms of probation  
10 that may include a requirement of substance abuse counseling and random drug and  
11 alcohol testing.  
12

#### 13 ARGUMENT

14 According to NRS 458.320(3), If the court determines that the person is an alcoholic or  
15 drug addict, is likely to be rehabilitated through treatment and is a good candidate for treatment,  
16 the court may:  
17

- 18 (a) Impose any conditions to the election of treatment that could be imposed as conditions of  
19 probation;
- 20 (b) Defer sentencing until such time, if any, as sentencing is authorized pursuant to NRS  
21 458.330; and
- 22 (c) Place the person under the supervision of a treatment provider approved by the court for  
23 treatment for not less than 1 year nor more than 3 years.

24 Mr. Urban requested regimental discipline as a sentencing option in order to receive  
25 training in education and life skills and extensive physical training. Although he resides on the  
26 McDermitt reservation and drug court participation would be an extreme logistical hardship, he  
27  
28



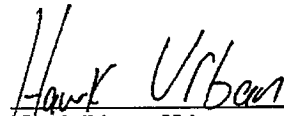
assents to the imposition of any conditions of probation to address his substance use issues following his completion of the program.

CONCLUSION

WHEREFORE, for the foregoing reasons, the defendant respectfully requests entry into the Nevada Department of Correction Regimental Discipline Program, with suspension of sentence, and diversion of sentencing pending successful completion and compliance with a subsequent probationary term.

CONSENT

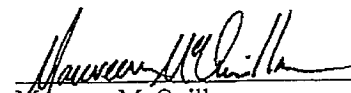
I, Hawk Riverz Urban, declare that I am the petitioner in the within action; that I have read the foregoing Application, and know the contents thereof; and I consent to its terms.

  
Hawk Riverz Urban

Dated: 10-21-19

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

Respectfully Submitted,

  
Maureen McQuillan  
Humboldt Co. Alternate Public Defender  
50 W. 5<sup>th</sup> St.  
Winnemucca, NV 89445  
(775) 623-6037  
NV ID 7817

Brian Nelson  
Certified Alcohol and Drug Counselor  
State of Nevada CADC-003290C  
Phone: 775-304-0757

Substance Abuse Evaluation

Name of Client: Urban Hawk  
Address: 313 Bannock Road  
City, McDermitt State: Nevada Zip: 89421  
DOB: 02/08/1997  
Case Number: CR-19-7088

**Problem Presented:** While under the influence of alcohol Urban did spit on a law enforcement officer's face and later hit another officer in the face while in the holding cell. He was not driving any vehicle prior to the initial arrest but was walking the streets in Winnemucca. Urban reported that he does not re-call the events but does admit to being intoxicated and realizes the charges must be true.

**Screening Tools Used:** The AUDIT (Alcohol Use Disorder Identification Test) and the MAST (Michigan Alcohol Screening Test) were used during the assessment. In the conclusion portion of the assessment evaluation the DSM 5 was used to identify the substance use disorder diagnosis and the ASAM was used to present treatment plan recommendations.

**General Information:** Urban is a 22 year old American Native who resides with his mother and 3 other siblings in McDermitt, Nevada. He did report that his father passed away 3 years ago due to liver related problems. He also reported that he stays in Winnemucca at times when he is working or helping others. He does have an expired driver's license from Wyoming but reported he does not have a car nor has he had any DUI's. He does have a good relationship with his mother but his relationship with his siblings is not that close. He did report missing his father who passed away. He also expressed a time in his life that he worked for his uncle in Wyoming but returned to Nevada.

**Education and Employment:** He did state that he graduated from McDermitt High School. His employment record shows that he has worked odd jobs from time to time in the service industries and as a general laborer for construction and concrete fields. He also reported that he had his MSHA and OSHA but those are past due at this time. He reported being unemployed at this time. He has no housing, no vehicle, no employment, and very little support network.

**Legal Issues:** As an adult he has had legal issues relating to public intoxication, fighting, and resisting arrest. He reported not having any DUI's. He also admitted that all of his legal problems came about when under the influence of alcohol or marijuana

Exh. A

**Substance Abuse Issues and Findings:** (AUDIT Report) Urban reported that he has been drinking alcohol almost on a daily basis for the past four years since he was 19 (4 points). He stated that he has 10 or more drinks at one setting on average (4 points). He then reported that he drinks more than six drinks on each occasion (4 points). He cannot stop drinking once he starts he stated during the evaluation (4 points). On a weekly basis he said that he would miss appointments or failed to do what was needed to do the next day after a drinking episode (3 points). There were many times during the week that he could not remember what he did the day/night before (4 points). He responded to waking up and having a drink of alcohol was done on an almost daily basis (4 points). He reported that he had no feelings of guilt/remorse about his alcohol usage because no one was ever hurt by his drinking (1 point). He later reported that he either ended up in the hospital when injured while under the influence or the attack on a law enforcement officer which he said he cannot recall but does admit to (4 points). He also reported that his mother is concerned about his abuse of alcohol and does desire him to quit (4 points). **The AUDIT report indicates a total of 36 points out of 40 with 8 or more indicating a probable problem with the usage of alcohol.**

**Substance Abuse Issues:** (MAST Report). The MAST report is designed to assist in the diagnosis of an actual alcohol related problem and is set up to show the progressiveness of the disease of alcoholism. The first 8 questions on the MAST relate to personal usage, habits, and routines. He responded (no) to do you think he is a normal drinker. He reported (yes) to waking up in the morning not remembering what happened the night before. He also reported (yes) that relatives (mother) would worry and complain about his drinking. He then responded (no) to be able to stop drinking after one of two drinks. He did say (no) to be able to stop drinking when he wanted to. He again stated (no) to his friends or relatives thinking that he is a normal drinker. Up to now, he has never felt guilty about his drinking (no). He reported (no) to ever attending an AA meeting. **The 8 questions under personal usage habits presented 6 points out of 8 possible points.** The next four questions relate to family and friends. He responded (yes) drinking alcohol that created problems with family members. He also indicated (yes) to losing friends because of his drinking. He also responded (yes) to getting into fights while drinking and being under the influence of alcohol. He did say (no) to family members going for help because of his drinking. **These 4 questions regarding family and friends found 3 points out of 4 possible points.** He responded (yes) to all 3 questions relating to employment. These questions were have you got into trouble at work because of drinking, have you ever lost a job due to drinking, and have you neglected your family or work because you went on a drinking binge. **These 3 questions on employment brought forth 3 points out of a possible 3.**

The next four questions deal with health issues that include habits, withdrawal, and behaviors. He replied (yes) drinking before noon fairly often. He reported (yes) to having the severe shakes and Delirium Tremens in withdrawal. He also said (yes) that he went to the hospital for medical attention because of fights while under the influence of alcohol. He did report (no) to going to anyone for help about his drinking. **He scored 3 points out of the possible 4 points in this category.** Under the two questions relating to psychiatric related problems and emotional he responded (no) to being in a psychiatric unit or going to a mental health clinic. **There were no reports of problems relating to mental health concerns thus 0 out of a possible 2 points.** Finally under the two related legal problems he reported (no) to having any DUI's but said yes to being arrested for behavioral problems associated with the usage of alcohol. **His score on the MAST was 16 points with 6 or more being an actual problem.**

**DSM 5 Diagnosis:** There are 11 criterions that are reviewed to provide an alcohol use disorder. The following criterions used for the evaluation are as follows:

- 1) Alcohol was taken for a longer period of time than intended
- 3) A great deal of time is spent on the seeking, usage, and recovery from its effects
- 4) Craving or a strong desire or urge to use alcohol
- 5) Recurrent alcohol use resulting in a failure to fulfill major roles at work
- 6) Continued alcohol use despite having persistent or recurrent social or interpersonal problems caused or exacerbated by the effects
- 9) Alcohol use is continued despite knowledge of having a persistent or recurrent physically or psychological problem that is likely to have been caused or exacerbated by alcohol
- 10) Tolerance is found by a need for markedly increased amounts of alcohol to achieve intoxication or desired effect
- 11) Withdrawal related problems relating to tremors, psychomotor agitation, and anxiety

**The findings indicate Alcohol Use Disorder (Severe)**

#### **ASAM Review**

**Dimension 1 Acute Intoxication or Withdrawal Related Problems or Concerns:** The findings relating to the amount of consumption of alcohol, the probability of tolerance, and the report of withdrawal related problems indicate continued problems are more than likely without being fully addressed (High Risk)

**Dimension 2 Bio-Medical Concerns:** No reported concerns were mentioned or found during the assessment however due to the continued amount of alcohol used in the past 4 years a complete medical evaluation should be done (Low Risk)

**Dimension 3 Behavioral, Emotional, and Cognitive Related Problems:** The findings do show behavioral problems due to the usage of alcohol. Since there was reported increase of alcohol usage after the death of his father, emotional issues relating to grief and loss should be addressed (Severe Risk)

**ASAM Review (Continued)**

Dimension 4 Readiness for Change: Since being in jail the past 4 months he has come from the **pre-contemplation** stage of change where there is no thought or drive to stop. He is now in the **contemplation** stage of change where he is considering making changes because of the problems alcohol has caused in his life while still has some doubts whether he can make it on his own without the use of alcohol. He does want to get rid of the felony charges. This can be a motivator for recovery. (Moderate Risk)

Dimension 5 Continued Use or Relapse: Without a structured program, continued use of alcohol is more than likely (High Risk)

Dimension 6 Living Environment and Support: The findings in this report indicate there is a lack of a support network. He has no housing, no employment, no transportation, and lacks certification for employment training skills. (High Risk)

**Recommendations:** There is a need for an inpatient treatment program that is for at least 6 months. Through this program he can work on the issues relating to alcohol use, daily living skills, and employment. If he can obtain and complete a diversion type program (Boot Camp), the felony charges should be dropped which is his primary motivator for change. While the actions he took of spitting at the police officer and hitting a guard is wrong, the client has no recollection of his behaviors that evening because he was under the influence of alcohol. The reported data by the client does indicate a severe problem with alcohol that does present problems with impulse control, social impairment, risky behaviors, and pharmacology criteria of the DSM5. It is a good start being in the contemplation stage of change. The reported data does support a need for intensive in-patient treatment which addresses the needs presented.

Prepared by:

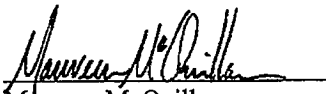
Brian Nelson. CADC 00329-C

CERTIFICATE OF SERVICE

On this 21<sup>st</sup> day of October, 2019, the undersigned hand delivered a true and correct copy of the foregoing Application for Treatment Pursuant to NRS 458.290 – 350 as follows:

MICHAEL MACDONALD  
Humboldt County District Attorney  
PO Box 909  
Winnemucca, NV 89446 (*via Interoffice DCT Mail*)

DIVISION OF PAROLE AND PROBATION  
3505 Construction Way # 5  
Winnemucca, NV 89445 (*via Interoffice DCT Mail*)

  
Maureen McQuillan  
Attorney for Defendant, Hawk Urban

Case No. CR 19-7088

Dept. No. II

FILED

2019 NOV -1 PM 2:13

JAN RAE SPAIN  
DIST COURT CLERK  
*Smock*

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.

**ORDER SUSPENDING FURTHER  
PROCEEDINGS PURSUANT TO  
NRS 458.290**

HAWK RIVERZ URBAN,

Defendant. /

**WHEREAS**, on the 13<sup>th</sup> day of August, 2019, the Defendant entered his plea of guilty to the charge of BATTERY BY PRISONER UPON PEACE OFFICER, a Category B Felony, in violation of NRS 200.481 (2) (f), and the matter having been submitted before the Honorable MICHAEL R. MONTERO, the above-entitled Court did, thereafter on the 22<sup>nd</sup> day of October, 2019, without entering a judgment of conviction and with the consent of the Defendant, suspend further proceedings pursuant to NRS 458.290 with the following special condition:

1. That the Defendant, pursuant to NRS 176.780 and 176A.770, enter into and successfully complete the Nevada Department of Corrections Program of Regimental Discipline;
2. That the Defendant be placed on formal probation for the duration of the Program of Regimental Discipline;


- 1                   3.     Upon successful completion or removal from the program, that the  
2                   Defendant be transported from the program and that a Status Hearing be  
3                   set to determine the Defendant's suitability for a continued term of  
4                   probation, if any;
- 5                   4.     That the Defendant pay a \$3.00 DNA collection fee, and a \$25.00  
6                   administrative assessment fee, payable to the Humboldt County Clerk of  
7                   the Court, fees to be paid by a date to be determined at the status hearing;
- 8                   5.     That the Defendant pay a \$250.00 public defender fee, payable to the  
9                   Humboldt County Clerk of the Court, fees to be paid by a date to be  
10                  determined at the status hearing;
- 11                  6.     That the Defendant pay a \$100.00 forensic substance abuse evaluation fee,  
12                  payable to the Humboldt County Treasurer, fees to be paid by a date to be  
13                  determined at the status hearing;
- 14                  7.     That the Defendant pay \$20.00 in restitution, payable to the Humboldt  
15                  County Treasurer, fees to be paid by a date to be determined at the status  
16                  hearing;

17                   The Defendant was represented by MAUREEN   MCQUILLAN,   Alternate  
18                   Public Defender, at all stages of these proceedings.

19                   MICHAEL   MACDONALD, Humboldt County District Attorney or his  
20                   designated agent, represented the State of Nevada at all stages of these proceedings.

21                   Furthermore, pursuant to NRS 239B.030, the undersigned hereby affirms this  
22                   document does not contain the social security number of any person.  
23  
24



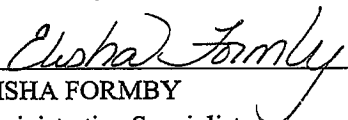
  
MICHAEL R. MONTERO  
DISTRICT COURT JUDGE  
CR 19-7088

**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that I am an employee of the Humboldt County District Attorney's Office, and that on the 30<sup>th</sup> day of October, 2019, I delivered at Winnemucca, Nevada, by the following means, a copy of the **ORDER SUSPENDING FURTHER PROCEEDINGS PURSUANT TO NRS 458.290** to:

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

Maureen McQuillan  
Alternate Public Defender  
25 W. 5<sup>th</sup> Street  
Humboldt County Courthouse  
Winnemucca, Nevada 89445  
(DCT box)

  
ELISHA FORMBY  
Administrative Specialist

Case No. CR 19-7088

Dept. No. II

FILED

2019 NOV -1 PM 2:18

TAMI RAE LEE  
DIST. COURT CLERK

C. Smack

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.

**ORDER**

HAWK RIVERZ URBAN,

Defendant. /

**WHEREAS**, on the 13<sup>th</sup> day of August, 2019, the Defendant entered his plea of guilty to the charge of BATTERY BY A PRISONER, a Category B Felony, in violation of NRS 200.481(2)(f), the matter having been submitted before the Honorable MICHAEL R. MONTERO.

The Court did thereafter on the 22<sup>nd</sup> day of October, 2019, ordered the Defendant to satisfactorily complete a program of regimental discipline in accordance with NRS 176A.780 and 176A.770, for 190 days, as part of the Order Suspending Further Proceedings Pursuant to NRS 453.3363.

The Defendant is to be placed under the supervision of the Director of the Department of Corrections for no more than 190 days, not more than the first 30 days of which must be used to determine the Defendant's eligibility to participate in the program.



1 The Defendant shall be returned to the court no later than 30 days after he is placed under  
2 the supervision of the Director, if he is determined ineligible for the program. If the Defendant  
3 satisfactorily completes the program, the Director of the Department of Corrections shall, no  
4 later than 190 days after the Defendant begins the program, return the Defendant to the Court  
5 with certification that the Defendant satisfactorily completed the program.

6 Upon successful completion or removal from the program, that a Status Hearing be set to  
7 determine the Defendant's suitability for a term of probation.

8 Time spent in the program shall be deducted from any sentence which may thereafter be  
9 imposed.

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

12 **DATED** this 30<sup>th</sup> day of October, 2019, in the City of Winnemucca, County of  
13 Humboldt, State of Nevada.


14   
15 MICHAEL R. MONTERO  
16 DISTRICT COURT JUDGE  
17  
18  
19  
20  
21  
22  
23  
24

**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 30<sup>th</sup> day of October, 2019, I deposited for mailing at Winnemucca, Nevada, a true copy of the **ORDER** to:

Humboldt County District Attorney's Office  
501 S. Bridge Street  
Winnemucca, NV 89445  
(placed in DCT box)

Maureen McQuillan  
Humboldt County Alternate Public Defender  
25 W. 5<sup>th</sup> Street  
Winnemucca, NV 89445  
(placed in DCT box)

  
ELISHA FORMBY  
Administrative Specialist

BIN: 1005007449

File #: W20-0022

State of Nevada  
DEPARTMENT OF PUBLIC SAFETY  
Division of Parole and Probation  
Carson City, NV 89706

PROBATION AGREEMENT AND RULES

Criminal Case #: CR19-7088

THE STATE OF NEVADA

Plaintiff,

vs.

Hawk Urban

Defendant /

2019 NOV 18 PM 4:55  
ORDER ADMITTING DEFENDANT TO PROBATION  
AND FIXING THE TERMS THEREOF  
JAMILL RAE, CLERK  
DIST. COURT CLERK  
C. Smack

DEFENDANT is guilty of the Crime of **BATTERY BY PRISONER UPON A PEACE OFFICER**, Category B Felony;  
DEFENDANT'S proceedings in this case are suspended per NRS 458.320;

DEFENDANT is hereby admitted to probation for **thirty-six (36) months** under the following conditions:

1. **Reporting**: You are to report in person to the Division of Parole and Probation as instructed by the Division or its agent. You are required to submit a written report each month on forms supplied by the Division. This report shall be true and correct in all respects;
2. **Residence**: You shall not change your place of residence without first obtaining permission from the Division of Parole and Probation, in each instance;
3. **Intoxicants**: You shall not consume any alcoholic beverages whatsoever. Upon order of the Division of Parole and Probation or its agent, you shall submit to a medically recognized test for blood/breath alcohol content;
4. **Controlled Substances**: You shall not use, purchase or possess any illegal drugs, or any prescription drugs, unless first prescribed by a licensed medical professional. You shall immediately notify the Division of Parole and Probation of any prescription received. You shall submit to drug testing as required by the Division or its agent;
5. **Weapons**: You shall not possess, have access to, or have under your control, any type of weapon;
6. **Search**: You shall submit your person, property, place of residence, vehicle or areas under your control to a search including electronic surveillance or monitoring of your location, at any time, with or without a search warrant or warrant of arrest, for evidence of a crime or violation of probation by the Division of Parole and Probation or its agent;
7. **Associates**: You must have prior approval by the Division of Parole and Probation to associate with any person convicted of a felony, or any person on probation or parole supervision. You shall not have any contact with persons confined in a correctional institution unless specific written permission has been granted by the Division and the correctional institution;
8. **Directives and Conduct**: You shall follow the directives of the Division of Parole and Probation and your conduct shall justify the opportunity granted to you by this community supervision;
9. **Laws**: You shall comply with all municipal, county, state, and federal laws and ordinances;
10. **Out-of-State Travel**: You shall not leave the state without first obtaining written permission from the Division of Parole and Probation;
11. **Employment/Program**: You shall seek and maintain legal employment, or maintain a program approved by the Division of Parole and Probation and not change such employment or program without first obtaining permission. All terminations of employment or program shall be immediately reported to the Division;
12. **Financial Obligation**: You shall pay fees, fines, and restitution on a schedule approved by the Division of Parole and Probation. Any excess monies paid will be applied to any other outstanding fees, fines, and/or restitution, even if it is discovered after your discharge;
13. **Special Conditions**: \*SEE SPECIAL CONDITIONS ATTACHMENT\*

The Court reserves the right to modify these terms of Probation at any time and as permitted by law. DATED this 22<sup>nd</sup> day of October, 2019, in the Sixth Judicial District Court of the State of Nevada, in and for the County of Humboldt.

  
MICHAEL MONTERO, District Judge

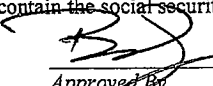
AGREEMENT BY PROBATIONER

I do hereby waive extradition to the State of Nevada from any State in the United States, and from any territory or country outside the continental United States, and I also agree that I will not contest any effort to return me to the United States or the State of Nevada. I have read, or have had read to me, the conditions of my probation, and fully understand them and I agree to abide by and strictly follow them. I fully understand the penalties involved should I in any manner violate the foregoing conditions. I have received a copy of this document and NRS 176A.850.

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

  
Probationer

11.1.19  
Date

  
Approved By

11/1/19  
Date

***SPECIAL CONDITIONS OF PROBATION - ATTACHMENT***

**CC# CR19-7088**

**STATE OF NEVADA**  
***Plaintiff***

***Vs***

***Hawk Urban Defendant***

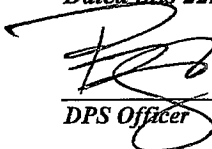
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***13. SPECIAL CONDITIONS OF PROBATION:***

1. That the Defendant, pursuant to NRS 176.780 and 176A.770, enter into and successfully complete the Nevada Department of Corrections Program of Regimental Discipline. Further, that the Defendant remain in custody and be transported to and from the program by law enforcement personnel;
2. Upon successful completion or removal from the program, that a Status Hearing be set to determine the Defendant's suitability for a continued term of probation, if any.

***The Court reserves the right to modify these terms of probation at any time as permitted by law. In the Sixth Judicial District Court of the State of Nevada in and for the County of Humboldt/Lander.***

***Dated this 22nd Day of October, 2019.***

  
DPS Officer

3018

  
MICHAEL MONTERO, District Judge

  
Hawk Urban  
Probationer



*Court Copy*  
*Court Date 2/18/2020 09:30am*  
**Nevada Department of  
Public Safety**  
DEDICATION PRIDE SERVICE  
Division of Parole and Probation

**FILED**

2020 FEB 13 AM 11:00

MM

TAMI RAE SPERO  
DIST. COURT CLERK

**VIOLATION REPORT**  
Date Report Prepared: 02/12/2020

**TO THE HONORABLE MICHAEL MONTERO  
SIXTH JUDICIAL DISTRICT COURT  
DEPARTMENT II  
HUMBOLDT COUNTY, NEVADA**

**NAME: URBAN, HAWK  
FILE #: W20 0022  
CC #: CR19 7088**

**SUPERVISION GRANT: 10/22/2019  
ORIGINAL EXPIRATION: 10/22/2022**

**I. VIOLATION: Rule #8 :Directives and Conduct, Rule #13 Special Condition(s): (1) That the Defendant, pursuant to NRS176.780 and 176A.770, enter into and successfully complete the Nevada Department of Corrections Program for Regimental Discipline. Further, that the Defendant remain in custody and be transported to and from the program by law enforcement personnel.**

On or about January 24, 2020, Sergeant Waters became aware that Mr. Urban was transported back to the Humboldt County Detention Center after he was rejected from the Nevada Department of Corrections (NDOC) Regimental Discipline Program. A copy of the letter was received from the detention center outlining his rejection from the program.

According to the letter, Mr. Urban was one of four Boot Camp participants on a work detail at the Las Vegas Jail Facility. It was reported to the Boot Camp lieutenant that during the work detail, a wooden display box/briefcase that contained weapons, tattoo paraphernalia, alcohol and drugs had been broken into and items were taken.

All four of the work detail inmates were questioned about the missing items. Inmate Urban Hawk admitted during the interview that he had broken into the briefcase and used the alcohol and marijuana contained within the briefcase. Mr. Urban was charged for the violation and found guilty. Mr. Hawk was removed from the Regimental Discipline Program and returned to Humboldt County Detention Center

**II. RESPONSE TO SUPERVISION:**

Mr. Urban was placed on probation on October 22, 2019. Following his sentencing he remained in custody in the Humboldt County Detention Center pending entry into the NDOC Regimental Discipline Program. Mr. Urban was transported to the program on or about November 4, 2019. On January 15, 2020 Mr. Urban was rejected from the program and was returned to Humboldt County Detention Center.

Mr. Urban stole from the Las Vegas Jail and consumed alcohol and marijuana while in the custody of NDOC. Given the above information the Division believes that Mr. Urban is no longer a suitable candidate for further community supervision. Therefore, the following recommendation is respectfully submitted for the Courts consideration.

---

*Committed to Nevada's Public Safety*



**NAME:** Urban, Hawk  
**CC#:** CR19-7088  
**FILE#:** W20-0022

**PAGE 2**

**III. WHEREABOUTS AND AVAILABILITY:**

As of January 23, 2020, Mr. Urban is in custody in the Humboldt County Detention Center. As of February 12, 2020, his credit for time served is 235 Day(s).

**IV. RECOMMENDATION:**

It is the recommendation of the Division that Mr. Urban appear before Your Honor in custody and show cause why his probation should not be revoked.


Due to the above violation this offender will not have their probationary period reduced pursuant to NRS 176A.500(5).


As of February 12, 2020, if no further serious infractions occur, the projected discharge date will be October 22, 2022.

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

Respectfully submitted:

Approved

  
Bryan Waters, DPS Sergeant  
Division of Parole and Probation  
Northern Command-Rural, Winnemucca, NV

  
Jacob Harp, DPS Lieutenant  
Division of Parole and Probation  
Northern Command-Rural, Elko, NV

STATE OF NEVADA  
DEPARTMENT OF PUBLIC SAFETY  
DIVISION OF PAROLE AND PROBATION

PRIOR NOTICE OF CHARGES AND RECEIPT FOR DOCUMENTS

I, URBAN, HAWK, do hereby acknowledge that the following charges have been brought against me:

- VIOLATION NO. 1 Rule #8 Directives and Conduct
- VIOLATION NO. 2 Rule #13 Special Condition (1) Enter and successfully complete NDOC regimental Discipline Program
- VIOLATION NO. 3 \_\_\_\_\_
- VIOLATION NO. 4 \_\_\_\_\_
- VIOLATION NO. 5 \_\_\_\_\_
- VIOLATION NO. 6 \_\_\_\_\_

I, URBAN, HAWK, do hereby acknowledge that I have been informed that due to one or more of the following reasons listed below, my violation case is not entitled to be heard at an informal preliminary inquiry, but will be taken directly before the Court/Parole Board for a formal revocation hearing.

1. \_\_\_\_\_ Defendant is not being held in detention by Parole and Probation on any of the violations charged above.
2. \_\_\_\_\_ Defendant has one or more new convictions, which are included in the violations charged above.  
(NRS 176A.580(4) / NRS 213.1511(4))
3. X Other (Describe) The Defendant is not being held on Parole and Probation Hold

I, URBAN, HAWK, do hereby acknowledge that I have received the following documents:

- (1) A copy of the Violation Report, and
- (2) A copy of the Prior Notice of Charges and Receipt of Documents.

[Signature]  
Witness

[Signature] Urban  
Defendant

2/13/2020  
Date

Case No. CR 1907088

Dept. No. II

FILED

2020 FEB 27 AM 8:57

*mm*  
TAMI RAE SPLRO  
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.

**ORDER REINSTATING PROBATION**

HAWK RIVERA URBAN,

Defendant. /

**WHEREAS**, on the 18<sup>th</sup> day of February, 2020, a Probation Violation Plea Hearing was heard before the Honorable Michael R. Montero and the Defendant admitted to being in Violation of Rule Number 8 – Directive and Conduct and Rule Number 13, Special Condition (1) that the Defendant, pursuant to NRS 176.780 and NRS 176A.770, enter into and successfully complete the Nevada Department of Corrections Program for Regimental Discipline. Further, that the Defendant remain in custody and be transported to and from the program by law enforcement personnel.

The Court did thereafter on the 18<sup>th</sup> day of February, 2020, reinstate Defendant on probation for a period of thirty-six months, under the Defendant's 458.290 diversion program and with the following added conditions;

1. That the Defendant completely abstain from the use, consumption, purchase or possession of alcoholic beverages or controlled substances, to include marijuana in any form, whatsoever;



2. That the Defendant completely abstain from the use, consumption, purchase or possession of any inhalant, chemical, poison, or solvent, with the intent to induce euphoria, hallucinations, or impairs the Defendant's mind, or bodily functioning, whatsoever;
3. That the Defendant completely abstain from the use, consumption, purchase or possession of any over-the-counter medications that contain alcohol or narcotics, unless prescribed by a licensed medical professional, and with prior approval of the Defendant's supervising officer and Drug Court personnel;
4. That the Defendant completely abstain from being present in any cocktail lounge, bar, liquor store, casino or any establishment where alcoholic beverages are the primary source of revenue, whatsoever;
5. That the Defendant completely abstain from being present in any smoke shop, vape shop, or marijuana dispensary, whatsoever;
6. That the Defendant submit to an intensive supervision program, to include electronic monitoring, whenever deemed appropriate by the Division of Parole and Probation;
7. That the Defendant submit any digital storage media that he has access to or uses (*computers, cell phones, tablets, network applications any programs associated with those devices, etc.*) and provide all passwords, unlock codes and account information associated with those items, with or without a search warrant, by the Division of Parole and Probation or it's agent;
8. That the Defendant resolve his outstanding warrant in the Sparks Municipal Court;
9. That the Defendant pay a \$3.00 DNA collection fee, and a \$25.00 administrative assessment fee, payable to the Humboldt County Clerk of the Court within 30 days of the Defendant's completion of inpatient treatment;
10. That the Defendant pay a \$250.00 public defender fee, payable to the Humboldt

County Clerk of the Court within six (6) months of Defendant's completion of inpatient treatment;

11. That the Defendant pay restitution in the amount of \$20.00, payable to the Humboldt County Treasurer within thirty (30) days of the Defendant's completion of inpatient treatment;

12. That the Defendant enter in and successfully complete the Salvation Army Program. That the Defendant remain in custody and be transported to and from the program by law enforcement personnel. Upon completion of inpatient treatment, the Defendant is to begin the Humboldt County Drug Court Program, immediately;

13. That the Defendant successfully complete the Humboldt County Drug Court Program. The Defendant shall be subject to the terms and conditions of the Drug Court, which shall include, but are not limited to the following:

- a. Random testing of the Defendant's blood, breath, saliva, hair, or urine to detect the presence of controlled substances and/or alcohol;
- b. Participation in an inpatient or an outpatient program of treatment and rehabilitation, which may include hospitalization, group and individual counseling, and self-help meetings;
- c. Participation in a program of education, job skills training and/or personal counseling;
- d. Mandatory attendance in Drug Court hearings as ordered by the Court to monitor the Defendant's compliance with all conditions of the program.

Noncompliance by the Defendant with any condition of the Drug Court program may result in the following consequences, as deemed appropriate in the discretion of the Court;

- i. Modification of the program to include as appropriate different or additional conditions;
- ii. Imposition of sanctions, including but not limited to jail time. Furthermore, any jail sanction shall not be considered by the Court as credit for time served should the Defendant be terminated from the program and sentenced to serve time in prison or jail;
- iii. House arrest, community service, travel or other

- 1                   Personal restrictions;  
2           iv.     Termination from the Drug Court program.

3           14. That the Defendant must reside where Parole and Probation have the ability to  
4           supervise the Defendant for the entire term of the Defendant's probation;

5           15. That the Defendant not be granted any good time credits or an early release from  
6           probation unless all court-ordered and supervision fines and fees are paid in full. In  
7           addition, that if said fines and fees are not paid in full; that the Defendant remain on  
8           probation up to five (5) years until all court-ordered and supervision financial  
9           obligations are met.

10          Upon satisfactory completion of this Order, the Court shall order sealed all documents,  
11          papers and exhibits in the person's record, minute book entries and entries on dockets, and other  
12          documents related to the case in the custody of such other agencies and officers as are named in  
13          the Court's order. The Court shall order those records sealed without a hearing unless the  
14          prosecution petitions the Court, for good cause shown, not to seal the records and requests a  
15          hearing thereon. See NRS 458.330.

16          The Defendant was represented by MAUREEN MCQUILLAN, Humboldt County  
17          Alternate Public Defender, at all stages of these proceedings.

18          The State of Nevada was represented by MICHAEL MACDONALD, Humboldt County  
19          District Attorney or his designee, at all stages of these proceedings.

20          The Division of Parole and Probation was represented by DEBBIE OKUMA.

21          Therefore, the Clerk of the above-entitled Court is hereby directed to enter this Order as a  
22          part of the records in the above-entitled matter.

23          ///

24          ///

        ///

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

3 DATED this 26<sup>th</sup> day of February, 2020, in the City of Winnemucca, County of  
4 Humboldt, State of Nevada.

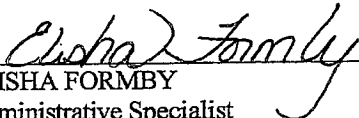
5   
6 MICHAEL R. MONTERO  
7 DISTRICT COURT JUDGE  
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**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that I am an employee of the Sixth Judicial District Court 2, and that on the 26<sup>th</sup> day of February, 2020, I deposited for mailing at Winnemucca, Nevada, a true copy of the **ORDER REINSTATING PROBATION** to:

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

MAUREEN MCQUILLAN  
Humboldt County Alternate Public Defender.  
50 W. 5<sup>th</sup> Street  
Winnemucca, Nevada 89445  
(DCT Box)

  
ELISHA FORMBY  
Administrative Specialist



'BIN: 1005007449

File #: W20-0050

State of Nevada  
DEPARTMENT OF PUBLIC SAFETY  
Division of Parole and Probation  
Carson City, NV 89706  
**PROBATION AGREEMENT AND RULES**

Criminal Case #: CR19-7088

THE STATE OF NEVADA

Plaintiff,

vs.

Hawk Urban Defendant /

2020 MAR -2 PM 1:16  
ORDER ADMITTING DEFENDANT TO PROBATION  
AND FIXING THE TERMS THEREOF  
JAGHRAE SPERO  
DIST. COURT CLERK

DEFENDANT is guilty of the Crime of **BATTERY BY PRISONER UPON A PEACE OFFICER**, Category B Felony;  
DEFENDANT'S proceedings in this case are suspended per NRS 458.320;

DEFENDANT is hereby admitted to probation for thirty-six (36) months under the following conditions:

1. H.U. **Reporting:** You are to report in person to the Division of Parole and Probation as instructed by the Division or its agent. You are required to submit a written report each month on forms supplied by the Division. This report shall be true and correct in all respects;
2. H.U. **Residence:** You shall not change your place of residence without first obtaining permission from the Division of Parole and Probation, in each instance;
3. H.U. **Intoxicants:** You shall not consume any alcoholic beverages **whatsoever**. Upon order of the Division of Parole and Probation or its agent, you shall submit to a medically recognized test for blood/breath alcohol content;
4. H.U. **Controlled Substances:** You shall not use, purchase or possess any illegal drugs, or any prescription drugs, unless first prescribed by a licensed medical professional. You shall immediately notify the Division of Parole and Probation of any prescription received. You shall submit to drug testing as required by the Division or its agent;
5. H.U. **Weapons:** You shall not possess, have access to, or have under your control, any type of weapon;
6. H.U. **Search:** You shall submit your person, property, place of residence, vehicle or areas under your control to a search including electronic surveillance or monitoring of your location, at any time, with or without a search warrant or warrant of arrest, for evidence of a crime or violation of probation by the Division of Parole and Probation or its agent;
7. H.U. **Associates:** You must have prior approval by the Division of Parole and Probation to associate with any person convicted of a felony, or any person on probation or parole supervision. You shall not have any contact with persons confined in a correctional institution unless specific written permission has been granted by the Division and the correctional institution;
8. H.U. **Directives and Conduct:** You shall follow the directives of the Division of Parole and Probation and your conduct shall justify the opportunity granted to you by this community supervision;
9. H.U. **Laws:** You shall comply with all municipal, county, state, and federal laws and ordinances;
10. H.U. **Out-of-State Travel:** You shall not leave the state without first obtaining written permission from the Division of Parole and Probation;
11. H.U. **Employment/Program:** You shall seek and maintain legal employment, or maintain a program approved by the Division of Parole and Probation and not change such employment or program without first obtaining permission. All terminations of employment or program shall be immediately reported to the Division;
12. H.U. **Financial Obligation:** You shall pay fees, fines, and restitution on a schedule approved by the Division of Parole and Probation. Any excess monies paid will be applied to any other outstanding fees, fines, and/or restitution, even if it is discovered after your discharge;
13. H.U. **Special Conditions:** \*SEE SPECIAL CONDITIONS ATTACHMENT\*

The Court reserves the right to modify these terms of Probation at any time and as permitted by law. DATED this 18<sup>th</sup> day of February, 2020, in the Sixth Judicial District Court of the State of Nevada, in and for the County of Humboldt.

  
MICHAEL MONTERO, District Judge

**AGREEMENT BY PROBATIONER**

I do hereby waive extradition to the State of Nevada from any State in the United States, and from any territory or country outside the continental United States, and I also agree that I will not contest any effort to return me to the United States or the State of Nevada. I have read, or have had read to me, the conditions of my probation, and fully understand them and I agree to abide by and strictly follow them. I fully understand the penalties involved should I in any manner violate the foregoing conditions. I have received a copy of this document and NRS 176A.850.

Hawk Urban  
Probationer

02/26/2020  
Date

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

  
Approved By

2/26/2020  
Date

***SPECIAL CONDITIONS OF PROBATION - ATTACHMENT***

***CC# CR19-7088***

***STATE OF NEVADA***  
***Plaintiff***

***Vs***

***Hawk Urban Defendant***

---

***13. SPECIAL CONDITIONS OF PROBATION:***


1. That the Defendant completely abstain from the use, consumption, purchase, or possession of alcoholic beverages or controlled substances, to include marijuana in any form, whatsoever;
2. That the Defendant completely abstain from the use, consumption, purchase, or possession of any inhalant, chemical, poison, or solvent, with the intent to induce euphoria, hallucinations, or impairs mind or bodily functioning whatsoever;
3. That the Defendant completely abstain from the use, consumption, purchase or possession of any over-the-counter medications that contain alcohol or narcotics, unless prescribed by a licensed medical professional, and with prior approval of the Defendant's supervising officer and Drug Court personnel;
4. That the Defendant completely abstain from being present in any cocktail lounge, bar, liquor store, casino or any establishment where alcoholic beverages are the primary source of revenue whatsoever;
5. That the Defendant completely abstain from being present in any smoke shop, vape shop, or marijuana dispensary whatsoever;
6. That the Defendant submit to an intensive supervision program, to include electronic monitoring, whenever deemed appropriate by the Division of Parole and Probation;
7. That the Defendant submit any digital storage media that he has access to or uses (computers, cell phones, tablets, network applications, any programs associated with those devices, etc.) and provide all passwords, unlock codes and account information associated with those items, with or without a search warrant, by the Division of Parole and Probation or it's agent;
8. That the Defendant resolve his outstanding warrant in the Sparks Municipal Court within 30 days of his Status Hearing date (2/18/20);
9. That the Defendant pay a \$3.00 DNA collection fee and \$25.00 administrative assessment fee, payable to the Humboldt County Clerk of the Court within 30 days of the Defendant's Status Hearing date(2/18/20);
10. That the Defendant pay a \$250.00 public defender fee, payable to the Humboldt County Clerk of Court within six (6) months of the Defendant's Status Hearing date(2/18/20);
11. That the Defendant not be granted any good time credits or an early release from probation unless all of his Court-ordered and supervision fines and fees are paid in full, and his conditions of probation are met
12. That the Defendant successfully complete the Salvation Army Program;

13. That the Defendant, upon successful completion of the Salvation Army Program, attend the Humboldt County Drug Court Program;

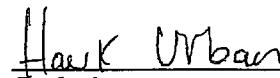
14. That the Defendant reside off the Indian colony, where he can be properly supervised by the Division of Parole and Probation.

*The Court reserves the right to modify these terms of probation at any time as permitted by law. In the Sixth Judicial District Court of the State of Nevada in and for the County of Humboldt.*

*Dated this 19th Day of February, 2020.*

  
DPS Officer

  
MICHAEL MONTERO, District Judge

  
Hawk Urban  
Probationer



Nevada Department of  
**Public Safety**  
Parole and Probation

Division of Parole and Probation  
Non-Technical Violation Report

**FILED**

July 14, 2020

2020 JUL 15 PM 3:55

To the Honorable Judge Michael R. Montero  
Sixth Judicial District Court  
Department II  
Humboldt County, Nevada

☐ Parole ☒ Probation

Name: Urban, Hawk  
AKA:  
File #: W20-0050  
CC #: CR19-7088

TAMARA SPINDO  
DIST. COURT CLERK

*C. Smok*

Supervision Grant: 10/22/2019  
Original Expiration: 10/22/2023  
Adjusted Expiration: 10/22/2023

Crime: BATTERY BY PRISONER UPON A PEACE OFFICER (F)  
Sentence: CHAPTER 458 DIVERSION PROGRAM/\$3 DCF, \$25 AAF, \$250 PDF

**I. Violation(s) and Response to Imposed Sanctions:**

**Reporting; Residence; Intoxicants; Laws; Employment/Program; Financial Obligation; SC #1-  
No alcohol; SC #8-Resolve outstanding warrants; SC #9- DNA and Administrative fee \$28; SC  
#10- Public Defender fee \$250.00; SC #12-Successfully complete Salvation Army Program; SC  
#14 - Reside off the Indian Colony;**

On October 22, 2019, Mr. Urban was granted the opportunity of community supervision by Your Honor.

On February 18, 2020, Mr. Urban was reinstated to community supervision by Your Honor with added special conditions. One of those conditions was for Mr. Urban to successfully complete the Salvation Army Program in Reno, Nevada. On February 26, 2020, Mr. Urban signed his modified Probation Agreement, stating he understood and agreed to the added conditions.

On February 27, 2020, Mr. Urban was transported from Humboldt County Detention Facility to the Salvation Army Program in Reno, Nevada.

On June 17, 2020, the Division was notified by the Salvation Army Program that Mr. Urban was being terminated from the program for "deviation of task" or movement sheet violations. The Division ordered Mr. Urban to report to the Division immediately. Mr. Urban failed to report as directed.

On June 18, 2020, the Division placed Mr. Urban in pending warrant status as the Division was not provided with an updated address, nor did the Division approve Mr. Urban to move.

On July 13, 2020, the Division received notification from the Dangerous Offender Notification System (DONS) that Mr. Urban was booked into the Humboldt County Detention Center on multiple new charges. Per the DONS, Mr. Urban was in violation of several conditions to include consuming alcohol.

On July 14, 2020, the Division received the Declaration of Probable Cause from Humboldt County. According to the narrative, On July 12, 2020 at approximately 4:30 P.M. Bureau of Indian Affairs Officers responded to a report of a domestic dispute that involved the discharging of a firearm. The



Nevada Department of  
**Public Safety**  
Parole and Probation

Division of Parole and Probation  
**Non-Technical Violation Report**

report stated that Mr. Urban discharged a shot gun into his family home located at 313 Bannock Street in McDermitt, Nevada. After he discharged the firearm, he became physically assaultive with family members. It should be noted that four (4) children were present in the home where Mr. Urban discharged the firearm.

Mr. Urban was transported and booked into the Humboldt County Detention Center for Endangering a Minor x4 (Class C, Section 49 BIA), Discharge Firearm (Class B Sec 57 BIA), Domestic Assault (Class D, Section 13 BIA). During the booking process, Mr. Urban told Officers that he was in possession of marijuana and drug paraphernalia, subsequently he was booked for Unlawful Possession of Drug Paraphernalia (Class C, Section 93 BIA). His court date for the new charges is unknown by the Division at the time of this report.

Mr. Urban has an outstanding warrant out of Sparks Municipal Court for Petit Larceny.

Mr. Urban did not report employment due to being in the Salvation Army Program. Mr. Urban's employment status is unknown by the Division.

As of July 14, 2020, Mr. Urban has not made any payments toward his court ordered fees and fines, his current balance is \$278.00 Furthermore, he has failed to pay monthly supervision fees in the amount of \$30.00. He is \$180.00 in arrears to the Division.

**II. Custody Status:**

A hold was placed on July 13, 2020. Mr. Urban is in custody in the Humboldt County Detention Center.

**III. Violation Hearing History:**

On February 12, 2020, the Division submitted a Violation Report to Your Honor. Mr. Urban was removed from the Regimental Discipline Program.

On February 18, 2020, Mr. Urban was reinstated to community supervision with added conditions.

**IV. Mitigating Factors:**

In his Pre-Sentence Investigation dated September 19, 2019, Mr. Urban reported that his father passed away in 2014 when Mr. Urban was fifteen (15) years old. Mr. Urban started consuming alcohol and marijuana in the same time frame, utilizing it daily. He reported that marijuana and alcohol were problematic for him.

**V. Recommendation:**

It is recommended that Mr. Urban's deferred sentence be rescinded and his probation be revoked.



Division of Parole and Probation  
Non-Technical Violation Report

**VI. Current Level of Supervision:**

An assessment was conducted on February 26, 2020. Mr. Urban's current level of supervision is maximum.

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

**Respectfully submitted:**

**C. Adams**

Digitally signed by C. Adams  
Date: 2020.07.14 14:29:18 -07'00'

C. Adams, DPS Sergeant  
Division of Parole and Probation  
cladams@dps.state.nv.us  
775-684-2346

**Approved:**

**Aaron Evans**

Digitally signed by Aaron Evans  
Date: 2020.07.14 14:41:08 -07'00'

A. Evans, DPS Lieutenant  
Division of Parole and Probation  
aevans@dps.state.nv.us  
775-684-2380

Case No. CR 19-7088

Dept. No. 2

FILED

2020 AUG 10 PM 4:53

JAMI 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

HAWK RIVERZ URBAN,

Defendant. /

WHEREAS, on the 13<sup>th</sup> day of August, 2019, the Defendant entered his plea of guilty to two (2) counts of BATTERY UPON A PEACE OFFICER, a Category B Felony, and the matter having been submitted before the Honorable 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 Defendant's plea of guilty, set the date of the 8<sup>th</sup> day of October, 2019, at the hour of 9:30 a.m. as the date and time for imposing judgment and sentence. Which was then continued to October 22, 2019 as the date and time for imposing judgment and sentence.

Furthermore, at the time Defendant entered the plea of guilty and at the time of

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

1 sentencing, Defendant was represented by MAUREEN MCQUILLAN, Humboldt County  
2 Alternate Public Defender; also present in court were TAMI RAE SPERO, Humboldt County  
3 Court Clerk or her designated agent; DEBBIE OKUMA, representing the Division of Parole and  
4 Probation; and MICHAEL MACDONALD, Humboldt County District Attorney or his  
5 designated agent, representing the State of Nevada.

6 The Court thereafter on the 22<sup>nd</sup> day of October, 2019, without entering a judgment of  
7 conviction and with the consent of the Defendant, suspended further proceedings pursuant to  
8 NRS 458.290 and placed him on probation for a period not to exceed thirty-six (36) months with  
9 special conditions.

10 On the 18<sup>th</sup> day of February 2020, a Probation Violation Hearing was heard before the  
11 Honorable Michael R. Montero and the Defendant admitted to a violation of Rule Number 8 -  
12 Directives and Conduct and Rule Number 13 - Special Condition (1) - That the Defendant enter  
13 into and successfully complete Regimental Discipline Program.

14 The Court did thereafter on the 18<sup>th</sup> day of February, 2020, reinstated the Defendant on  
15 probation for a period of thirty-six months, under the Defendant's 458.290 diversion program and  
16 with the following added conditions;

- 17 1. That the Defendant completely abstain from the use, consumption, purchase or  
18 possession of alcoholic beverages or controlled substances, to include marijuana in  
19 any form, whatsoever;
- 20 2. That the Defendant completely abstain from the use, consumption, purchase or  
21 possession of any inhalant, chemical, poison, or solvent, with the intent to induce  
22 euphoria, hallucinations, or impairs the Defendant's mind, or bodily functioning,  
23 whatsoever;
- 24 3. That the Defendant completely abstain from the use, consumption, purchase or  
possession of any over-the-counter medications that contain alcohol or narcotics,



- 1 unless prescribed by a licensed medical professional, and with prior approval of the  
2 Defendant's supervising officer and Drug Court personnel;
- 3 4. That the Defendant completely abstain from being present in any cocktail lounge, bar,  
4 liquor store, casino or any establishment where alcoholic beverages are the primary  
5 source of revenue, whatsoever;
- 6 5. That the Defendant completely abstain from being present in any smoke shop, vape  
7 shop, or marijuana dispensary, whatsoever;
- 8 6. That the Defendant submit to an intensive supervision program, to include electronic  
9 monitoring, whenever deemed appropriate by the Division of Parole and Probation;
- 10 7. That the Defendant submit any digital storage media that he has access to or uses  
11 *(computers, cell phones, tablets, network applications any programs associated with*  
12 *those devices, etc.)* and provide all passwords, unlock codes and account information  
13 associated with those items, with or without a search warrant, by the Division of  
14 Parole and Probation or it's agent;
- 15 8. That the Defendant resolve his outstanding warrant in the Sparks Municipal Court;
- 16 9. That the Defendant pay a \$3.00 DNA collection fee, and a \$25.00 administrative  
17 assessment fee, payable to the Humboldt County Clerk of the Court within 30 days of  
18 the Defendant's completion of inpatient treatment;
- 19 10. That the Defendant pay a \$250.00 public defender fee, payable to the Humboldt  
20 County Clerk of the Court within six (6) months of Defendant's completion of  
21 inpatient treatment;
- 22 11. That the Defendant pay restitution in the amount of \$20.00, payable to the Humboldt  
23 County Treasurer with in thirty (30) days of the Defendant's completion of inpatient  
24 treatment;
12. That the Defendant enter in and successfully, complete the Salvation Army Program.

1 That the Defendant remain in custody and be transported to and from the program by  
2 law enforcement personnel. Upon completion of inpatient treatment, the Defendant is  
3 to begin the Humboldt County Drug Court Program, immediately;

4 13. That the Defendant successfully complete the Humboldt County Drug Court  
5 Program. The Defendant shall be subject to the terms and conditions of the Drug  
6 Court, which shall include, but are not limited to the following:

- 7 a. Random testing of the Defendant's blood, breath,  
8 saliva, hair, or urine to detect the presence of  
9 controlled substances and/or alcohol;  
10 b. Participation in an inpatient or an outpatient program  
11 of treatment and rehabilitation, which may include  
12 hospitalization, group and individual counseling, and  
13 self-help meetings;  
14 c. Participation in a program of education, job skills  
15 training and/or personal counseling;  
16 d. Mandatory attendance in Drug Court hearings as ordered  
17 by the Court to monitor the Defendant's compliance  
18 with all conditions of the program.

19 Noncompliance by the Defendant with any condition of the Drug Court program  
20 may result in the following consequences, as deemed appropriate in the discretion of the  
21 Court;

- 22 i. Modification of the program to include as appropriate  
23 different or additional conditions;  
24 ii. Imposition of sanctions, including by not limited to  
jail time. Furthermore, any jail sanction shall not  
be considered by the Court as credit for time served  
should the Defendant be terminated from the program  
and sentenced to serve time in prison or jail;  
iii. House arrest, community service, travel or other  
Personal restrictions;  
iv. Termination from the Drug Court program.

14 That the Defendant must reside where Parole and Probation have the ability to  
supervise the Defendant for the entire term of the Defendant's probation;

15 That the Defendant not be granted any good time credits or an early release from  
probation unless all court-ordered and supervision fines and fees are paid in full. In  
addition, that if said fines and fees are not paid in full; that the Defendant remain on

1           probation up to five (5) years until all court-ordered and supervision financial  
2           obligations are met.

3           **WHEREAS**, on the 28th day of July, 2020, a Non-Technical Probation Violation  
4           Hearing was heard before the Honorable Michael R. Montero and the Defendant admitted to  
5           being in violation of a Non-Technical Violation Report dated July 14, 2020, to Rule Number 1 –  
6           Reporting; Rule Number 2 – Residence; Rule Number 3 – Intoxicants; Rule Number 9 – Laws;  
7           Rule Number 11 – Employment/Program, Rule Number 12 – Financial Obligation; Rule Number  
8           13, Special Condition (1), that the Defendant completely abstain from the use, consumption,  
9           purchase, or possession of alcoholic beverages or controlled substances, to include marijuana in  
10          any form, whatsoever; Rule Number 13 - Special Condition (8), that the Defendant resolve his  
11          outstanding warrant; Rule Number 13 - Special Condition (9), that the Defendant pay a DNA  
12          collection fee of \$3.00 and an administrative assessment fee of \$25.00, payable to the Humboldt  
13          County Clerk of the Court within thirty (30) days of status hearing; Rule Number 13 - Special  
14          Condition (10), that the Defendant pay a \$250.00 public defender fee, payable to the Humboldt  
15          County Clerk of the Court within six (6) months of the Defendant's status hearing; Rule Number  
16          13 - Special Condition (12), that the Defendant successfully complete the Salvation Army  
17          Program; Rule Number 13 – Special Condition (14), that the Defendant reside off the Indian  
18          Colony.

18          The above-entitled Court did thereafter, on the 28th day of July, 2020, revoked the  
19          Defendant's probation, rescinded the Defendant's 458.290 and sentence the Defendant to serve  
20          his original sentence of a minimum term of a minimum term of sixteen (16) months, and a  
21          maximum term of forty (40) months in the Nevada State Prison, with credit for time served of  
22          two hundred and sixty-six (266) days.

23          The Defendant was represented by MAUREEN MCQUILLAN, Humboldt County  
24          Alternate Public Defender, at all stages of these proceedings.

1 The State of Nevada was represented by MICHAEL MACDONALD, Humboldt County  
2 District Attorney or his designated agent, at all stages of these proceedings.

3 The Division of Parole and Probation was represented by DEBBIE OKUMA.

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

6 **DATED** this 10<sup>th</sup> day of August, 2020, in the City of Winnemucca, County of  
7 Humboldt, State of Nevada.

8   
9 MICHAEL R. MONTERO  
DISTRICT JUDGE

**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 10<sup>th</sup> day of August, 2020, I deposited for mailing at Winnemucca, Nevada, a true copy of the **JUDGMENT OF CONVICTION** to:

Michael Macdonald  
Humboldt County District Attorney's Office  
501 S. Bridge Street  
Winnemucca, Nevada 89445  
(placed in DCT box)

Maureen McQuillan  
Humboldt County Alternate Public Defender  
50 W. 5<sup>th</sup> Street  
Winnemucca, Nevada 89445  
(placed in DCT box)

  
ELISHA FORMBY  
Administrative Specialist

STATE OF NEVADA )  
COUNTY OF HUMBOLDT )

**NEVADA SHERIFF'S RETURN**

FILED

2020 AUG 14 PM 4:47

I hereby certify and return that I received the herewith attached Joc on  
the 12<sup>TH</sup> day of AUGUST, 20 20, and personally served the  
same upon HAWK URBAN, the within named DEFENDANT  
at the address of 801 E. FAIRGROUNDS ROAD WINNEMUCA NV on the  
12<sup>TH</sup> day of AUGUST, 20 20, at 1405 am/pm  
By delivering to the said N DOC, personally, in Humboldt  
County, State of Nevada, a copy of JOC CR-19-7088

MIKE ALLEN

Sheriff of Humboldt County, Nevada

Date 12 AUGUST, 20 20

By H317

Deputy

FILED

2020 SEP 15 PM 1:48  
mm

TAMI RAE SPERO  
DIST. COURT CLERK

HAWK RIVERZ Urban

(Name)

# 1225009

(I.D. No.)

Northern Nevada Correctional Center  
Post Office Box 7000  
Carson City, NV 89702

Movant, In Proper Person

Sixth Judicial District

Humboldt, Co. Court House

HAWK RIVERZ

Plaintiff/Movant

vs.

STATE OF NEVADA

Defendant/Respondent

Case No.: CR19-7088

MOTION FOR ILLEGAL Sentence  
"NRS 196.556"

COMES NOW, MR. Urban

, in proper person and herein..

above respectfully moves this Honorable Court for a(n) NRS 12015 Order for

immediate release, for lack of Subject Matter  
Jurisdiction

The instant motion is made and based upon all papers and pleadings on file herein as well  
as the following Memorandum of Points and Authorities and attached exhibits (where  
applicable).





MEMORANDUM OF POINTS AND AUTHORITIES

The Plaintiff/Movant is illegally incarcerated due to the fact that Nevada was never really established in (1864) After the Peace And Friendship Treaty Known as the Treaty of Guadalupe of Hidalgo (1848) 11 Stat 374, (see) U.S. v. Joseph 94 U.S. 614, 24 L Ed 295 (1876) Also the State is Attached to the Territory of Arizona, which was never legally annexed into the United States.

Additionally The Tribes signed a 99 year lease for Nevada to exist. Also The Nevada Revised Statutes have no force as they were illegally submitted to Congress, By Three Supreme Court Justices, Milton Burt, Edgar Fisher And Charles Merrill, performing the Quasi Legislative function, without the enactment clause, Through Legislative Counsel Russell W. McDonald, who submitted two concurrent resolutions, after the Justices ruled to abolish the State Revision Commission July 1, 1963 Which was decided in (1989) in Nevada Highway Patrolmans Association vs. Nevada Department of Motor Vehicles and NV Highway Patrol 107 NV 547, 549 899 P2d 1549



citing Rogers v. State 10 NV 250 (NV 1875) there is irrefutable evidence and factual proof by prior opinions, that when Law's fail, there is no jurisdiction, and the Whole legal procedure is unlawful and unconstitutional, (see) Ex Parte Young @ 130, 84 S. Ct. 221, (1907) And Thus The Courts of the State lack subject matter jurisdiction (see) Steel Co. v. Citiz for a better environment, 523 US § 84 (1998) The States Statutes once removed cannot be reinstated and therefore the "said" Judgment and Sentences of The Plaintiff/Defendant must be Vacated.

The Plaintiff is not trained in the letter of the Law, and thus no matter how intricately the Pleading was crafted, must be held to less stringent standards than pleadings crafted by Lawyers (see) Thurmes v. Kerner 304 US § 819, 520-21 (1972) I move to have my conviction overturned with prejudice.

Dated this 10 day of September 2020.

By: [Signature] #

HAWK Riverz Urban 1225009  
NMCC - A/O Box # (000)  
1721 E. Snyder Ave  
Carson City NV (89702)

-3-

CERTIFICATE OF SERVICE

I, HAWK R. Urban certify that on this date I did serve a true and correct copy of the  
foregoing Motion upon Respondent(s), via U.S. Mail, by placing same in the United States  
Postal Service (Prison Mail System), postage being fully prepaid, and addressed to:

Tami Rae Spero, Clerk  
Sixth Judicial Dist Ct.  
Humboldt Co. Courthouse  
25 W. 5<sup>th</sup> St. #202 Winnemucca NV (89445)

AND

Margaret McQuillan PD  
Humboldt County Public Defender  
50 W. 5<sup>th</sup> Street  
Winnemucca, NV (89445)

Dated this 10 day of September, 2020.

By: Hawk Riverz Urban  
Movant, in Proper Person

AFFIRMATION PURSUANT TO NRS 239B.030

\*\* I certify that the foregoing document DOES NOT contain the social security number of any  
Persons.

9-10-20  
(Date)

Hawk Riverz Hawk  
(Signature)

Hawk Riverz Urban  
(Name)  
122 5009  
(ID NO.)  
NWCC  
Pls Bop (900)  
Carson City NV (89702)

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TAMI RAE SPERO  
DIST. COURT CLERK

IN THE Sixth JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF Humboldt

Hawk Riverz Urban  
Petitioner,

Case No. CR 19-7088

Vs.

Dept. No. 2

State of Nevada  
Respondent(s).

MOTION FOR APPOINTMENT OF COUNSEL

Comes Now, Petitioner, Hawk Riverz Urban, in his proper person, and respectfully requests this Honorable Court appoint counsel, to further litigate his pending Petition for Writ of Habeas Corpus (Post-Conviction).

This Motion is made and based on Nevada Revised Statute 34.750, all papers and pleadings on file herein, as well as the following.

1. Petitioner is indigent and not able to afford counsel. See accompanying Motion for Leave to Proceed In Forma Pauperis.
2. The issues involved in this matter are very complex.
3. The issues involved in this case will require further investigation that Petitioner cannot complete due to his incarceration.
4. Petitioner has very limited knowledge of the applicable laws and procedures in this matter.

Dated this 10 day of September, 2020

By: x

Hawk Riverz Urban  
Petitioner, In Proper Person

Hawk Riverz Urban

vs.  
LT. CASE NO: CR1907088  
HT. CASE NO: cr1907088

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JAN RAE SPERO  
DIST. COURT CLERK

C. Smack

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF  
NEVADA  
IN AND FOR THE COUNTY OF HUMBOLDT  
-000-

HAWK RIVERZ URBAN,  
Petitioner,

vs

**ORDER DENYING  
PETITION FOR WRIT  
OF HABEAS CORPUS**

THE STATE OF NEVADA,  
Respondent.

Before this Court is Petitioner's *Motion for Illegal Sentence* filed on September 15, 2020. Petitioner also filed a *Motion for Appointment of Counsel* on September 15, 2020. The State has yet to file a response to this current *Motion* and no hearing is set pertaining to this matter.

**STATEMENT OF FACTS**

On August 13, 2019, Petitioner, Hawk Riverz Urban, pleaded guilty to **TWO (2) COUNTS of BATTERY UPON A PEACE OFFICER**, a category B Felony. Judgment of Conviction at 1, *State v. Urban*, Case No. CR 1907088 (Aug. 10, 2020). On October 22, 2019, this Court suspended further proceedings pursuant to NRS 458.290 and placed Petitioner on probation for a period not to exceed thirty-six

1 (36) months with special conditions. *Id.* at 2. On February 18, 2020, a Probation  
2 Violation Hearing took place before this Court where Petitioner admitted to  
3 violating this Court's condition to enter into and complete the Regimental Discipline  
4 Program. *Id.* This Court thereby reinstated Petitioner's probation for a period of  
5 thirty-six (36) months with added conditions. *Id.*

6 On July 28, 2020, a Non-Technical Probation Violation Hearing took place in  
7 this Court where Petitioner admitted to a violation of the following conditions:  
8 reporting, residence, intoxicants, laws, employment/program, financial obligation,  
9 special condition that Petitioner abstain from alcohol, special condition that  
10 Petitioner resolve his outstanding warrant, special condition that Petitioner pay a  
11 DNA collection fee, an administrative assessment fee, and public defender fee,  
12 special condition that Petitioner complete the Salvation Army Program, and special  
13 condition that Petitioner reside off the Indian Colony. *Id.* at 5. This Court then  
14 revoked Petitioner's probation and sentenced Petitioner to serve his original  
15 sentence of a minimum term of sixteen (16) months and maximum term of forty  
16 (40) months in the Nevada State Prison, with credit for time served of two hundred  
17 sixty-six (266) days. *Id.*

18 On September 15, 2020, Petitioner filed a *Motion for Illegal Sentence* on the  
19 basis that Nevada never formally established statehood, and therefore Petitioner is  
20 illegally incarcerated under illegitimate Nevada law. Petitioner's Motion for Illegal  
21 Sentence at 2, *Urban v. State*, Case No. CR 1907088 (Sept. 15, 2020). Petitioner  
22 claims that Nevada was never established as a state pursuant to the Treaty of



1 Guadalupe of Hidalgo, and that Nevada is "attached to the Territory of Arizona,  
2 which was never legally annexed into the United States. *Id.* Furthermore, Petitioner  
3 contends that the Tribes entered into a ninety-nine (99) year lease with Arizona in  
4 order for Nevada to exist. *Id.* Petitioner also claims that the Nevada Revised Statutes  
5 (NRS) were illegally submitted to Congress under the quasi-legislative function, and  
6 therefore have no effect. *Id.*

7 In citing U.S. Supreme Court case *Ex Parte Young*, Petitioner states that  
8 "there is irrefutable evidence and factual proof by prior opinions, that when laws  
9 fail, there is no jurisdiction, and the whole legal procedure is unlawful and  
10 unconstitutional." *Id.* at 3. Moreover, Petitioner argues that the NRS were abolished  
11 in 1963 and that this Court lacks subject matter jurisdiction, meaning Petitioner's  
12 judgment of conviction and sentence must be vacated with prejudice. *Id.* at 2-3.

13 On September 15, 2020, Petitioner also filed a *Motion for Appointment of*  
14 *Counsel* to litigate the subject matter of this current *Motion*. The *Judgment of*  
15 *Conviction* was filed on August 10, 2020, and Alternate Public Defender Maureen  
16 McQuillan has yet to file a motion to withdraw from this matter.

## 17 DISCUSSION

### 18 I. Legitimacy of the State of Nevada

19 Here, Petitioner contends that the NRS and, in turn, the Constitution of the  
20 State of Nevada are illegitimate, since Nevada was never established as a state  
21 pursuant to the Treaty of Guadalupe of Hidalgo. However, it is well established that  
22

1 The Treaty of Guadalupe Hidalgo, signed on February 2, 1848  
2 and entered into force on May 30, 1848, signaled the formal  
3 end of the Mexican-American War. The United States and  
4 Mexico signed the treat of Guadalupe Hidalgo, in which  
5 Mexico ceded land that includes ... the present-day state of  
6 [Nevada] to the United States ... Courts in the United States  
7 have uniformly found that title to the land first passed to the  
8 United States through the Treaty." *Robinson v. Salazar*, 838  
9 F.Supp.2d 1006, 1017 (E.D. Cal. 2012) (citing *U.S. v.*  
10 *California*, 436 U.S. 32, 34 (1978) ("*all nongranted lands*  
11 *previously held by the Government of Mexico passed into the*  
12 *federal public domain*") (emphasis added).

13 In 1861, the U.S. Congress organized the territory of Nevada, and provided a  
14 southern boundary as such: "running south on the line of said thirty-ninth degree of  
15 west longitude, until it intersects the *northern boundary line of the Territory of New*  
16 *Mexico*; thence due west to the dividing ridge separating the waters of Carson Valley  
17 from those that flow into the Pacific." NEV. REV. STAT. NV ACT OF CONGRESS (1861)  
18 Ch. LXXXIII, § 1 (emphasis added). Petitioner contends that Nevada is attached to  
19 the Territory of Arizona, which was never legally annexed to the United States.  
20 However, U.S. Congress clearly delineated boundaries for the State of Nevada  
21 separate from the New Mexico territory that would eventually become the State of  
22 Arizona in 1912. *See* ARIZ. REV. STAT. CONST. REFS & ANNOS. The State of Nevada  
23 is therefore separate from the Territory of Arizona.

24 In addition, the U.S. Congress provided that

[N]othing in this act contained shall be construed to impair the  
rights of person or property now pertaining to the Indians in  
said Territory, so long as such rights shall remain  
unextinguished by treaty between the United States and such  
Indians, or to include any territory which, by treaty with any  
Indian tribe, is not, without the consent of said tribe, to be

1 included within the territorial limits or jurisdiction of any State  
2 or Territory. NEV. REV. STAT. NV CONST. ACT OF CONGRESS  
(1861) Ch. LXXXIII, § 1.

3 Thus, the establishment of the Nevada territory excluded any territory belonging to  
4 any Native American tribe. This evidence refutes Petitioner's claim that the Tribes  
5 entered into a ninety-nine (99) year lease with Arizona in order for Nevada to exist.

6 Furthermore, the U.S. Congress enabled the People of Nevada to form a  
7 Constitution and a State Government. NEV. REV. STAT. NV CONST. ACT OF  
8 CONGRESS (1861) Ch. XXXVI. This, in turn, allowed for the formation of a legislative  
9 branch, which then established the NRS. *Id.* Petitioner claims that the creation of the  
10 NRS was done under the quasi-legislative function. However, quasi-legislative is  
11 defined as "A legislative-like act undertaken by an entity other than a legislature."<sup>1</sup>  
12 The NRS were clearly established by the Nevada Legislature, not some other entity.  
13 Thus, no quasi-legislative function was exercised, and the NRS are therefore valid.

14 Lastly, in 1864, President Abraham Lincoln officially declared and proclaimed  
15 Nevada a state of the Union. NEV. REV. STAT. NV CONST. PRESIDENTIAL  
16 PROCLAMATION (1864). Consequently, Petitioner fails to establish that the State of  
17 Nevada or the NRS are illegitimate.

## 18 **II. Subject Matter Jurisdiction**

19 NRS 171.010 provides that "Every person, whether an inhabitant of this state,  
20 or any other state, or of a territory or district of the United States, is liable to  
21

22 <sup>1</sup> Legal Info. Inst., *Quasi-legislative Definition*, Cornell L. Sch. (Sept. 16, 2020)  
23 <https://www.law.cornell.edu/wex/quasi-legislative>

1 punishment by the laws of this state for a public offense committed therein, except  
2 where it is by law cognizable exclusively in the courts of the United States." Here,  
3 Petitioner pleaded guilty to two (2) counts of Battery Upon a Peace Officer. This  
4 Court then suspended Petitioner's sentence and placed Petitioner on probation.  
5 Petitioner then violated said probation and this Court sentenced Petitioner to his  
6 original suspended sentence.

7 In *Landreth v. Malik*, the Supreme Court of Nevada found that "As an initial  
8 matter, whether a court lacks subject matter jurisdiction 'can be raised by the parties  
9 at any time, or sua sponte by a court of review, and cannot be conferred by the parties.  
10 However, if the district court lacks subject matter jurisdiction, the judgment is  
11 rendered void." 127 Nev. 175, 179-80 (2011). "Subject matter jurisdiction is 'the  
12 court's authority to render a judgment in a particular category of case.'" *Id.* at 183.

13 The Constitution of the State of Nevada provides that "The District Courts in  
14 the several Judicial Districts of this State have original jurisdiction in all cases  
15 excluded by law from the original jurisdiction of justices' courts." NEV. REV. STAT.  
16 CONST. ART. 6, § 6. This original jurisdiction includes "all criminal cases not  
17 otherwise provided for by law." *Moore v. Orr*, 98 P. 398, 398 (Nev. 1908). Petitioner  
18 committed the crime of Battery Upon a Police Officer in the State of Nevada. Thus,  
19 this Court has subject matter jurisdiction over Petitioner's criminal case and properly  
20 exercised its power to enter a judgment of conviction upon Petitioner and sentence  
21 him accordingly.

1 **III. Petitioner's Motion is Procedurally Improper**

2 Absent a motion to withdraw as appointed counsel, it appears to the Court  
3 that Petitioner is currently represented by Maureen McQuillan. It is well-established  
4 that a person represented by counsel cannot file pro se motions. *U.S. v. Gallardo*,  
5 915 F. Supp. 216, 217-218 (D. Nev. 1995). Petitioner's pro se *Motion for Illegal*  
6 *Sentence* is therefore procedurally improper.

7 **CONCLUSION**

8 Absent a showing that the State of Nevada or the NRS are illegitimate, or that  
9 this Court lacks subject matter jurisdiction over Petitioner's case, Petitioner's claims  
10 remain unfounded. This Court therefore declines to vacate Petitioner's judgment of  
11 conviction and sentence. Petitioner is also currently represented by Maureen  
12 McQuillan, and a pro se motion is procedurally improper. Accordingly, Defendant's  
13 *Motion to for Illegal Sentence* is hereby **DENIED**.

14 **IT IS SO ORDERED.**

15 DATED: October 23, 2020.

16  
17  
18 

19 HONORABLE MICHAEL R. MONTERO  
20 DISTRICT JUDGE


**CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of the Honorable Michael R. Montero, District Court Judge, Sixth Judicial District Court and am not a party to, nor interested in, this action; and that on October 23, 2020, I caused to be served a true and correct copy of the enclosed **ORDER** upon the following parties:

Hawk Riverz Urban #1225009  
Northern Nevada Correctional Center  
P.O. Box 7000  
1721 E. Snyder Avenue  
Carson City, Nevada 89702  
*Via U.S. Mail*

Maureen McQuillan  
Alternate Public Defender  
50 W. 5<sup>th</sup> Street  
Winnemucca, Nevada 89445  
*Hand-delivered to Humboldt County Courthouse, DCT Box*

Humboldt County District Attorney's Office  
P.O. Box 909  
Winnemucca, Nevada 89446  
*Hand-delivered to Humboldt County Courthouse, DCT Box*

  
\_\_\_\_\_  
TAYLOR M. STOKES  
LAW CLERK  
SIXTH JUDICIAL DISTRICT COURT,  
DEPT. II

1 IN THE SUPREME COURT OF THE STATE OF NEVADA  
2 1<sup>st</sup> Sixth Jud. Case NO. # CR-1907088 Dep't. # (11)

3  
4 HAWK RIVERZ URBAN., ) NO. #  
5 Appellant/Appellate, )  
6 ) APPEAL  
7 (V), ) NRAP.  
8 )

9 STATE OF NEVADA,  
10 Respondent/Appellee,

11 Comes Now The Above mentioned Appellate Pro-  
12 ceeding Proce NRS 12.015, informal pauper's (see)  
13 Title 28 USC § 1915, Rowland v. California Men's Colony  
14 506 U.S. § 194, 199-209 (1993), Currently The Appellant  
15 is not Trained in the Letter of the Law, so this  
16 Appeal shall be Liberally Construed (see) Erickson  
17 v. Pardus, 551 U.S. § 89, 94-95 (2007) The Appellant  
18 is being restrained illegally against his Life, -  
19 Liberty, and Property, (see) The Equal Protection of  
20 the Law, and Clause to the XIV<sup>th</sup> Am't to  
21 the United States Constitution

22 (ARGUMENT)

23 Basically in a Nutshell, The Argument with  
24 Honorable Judge Michael R. Montero, dealt with  
25 the Lawfulness of the so called Nevada Revised  
26 Statutes, Which were severely Altered in 1951  
27 (see) Nevada Highway Patrol Assn. v.  
28 Nevada Dept. Motor Vehicle & Public Safety  
29 107 NV 547, 549, 815 P.2d 608, 609 (1991) The

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CLERK OF DISTRICT COURT

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CLERK OF DISTRICT COURT

1 The Laws have no force or effect, Primarily  
2 because The Respondent, Appellee is under  
3 the Assumption that the Nevada Revised  
4 Statutes are real and Positive Law, which  
5 couldn't have any force and effect, Accord-  
6 ing to this Court, and the Ninth Circuit  
7 Court of Appeals, because as Walter Richard  
8 Tarantino, pointed out in Nevada Highway  
9 Patrol Assoc., because it did not include the  
10 enactment language, which only can be  
11 enacted for the People by the Legislature,  
12 Not Three Supreme Court Justices, and  
13 Russell W. MacDonald selected from the  
14 State Bar, to present Senate Bill 182  
15 and concurrent resolutions to the legislature.  
16 Even Alan Bible, then Attorney General weighed  
17 in advocating, and illustrating, that the whole  
18 Process, and Procedure was unconstitutional -  
19 (see) Bible v. Malone, 68 Nev. 32, 231 P.2d. 599  
20 (1951) (see) ABO Opinion (1951 ABO-85) that  
21 Such a Process is Not Lawful

22 ~~Conclusion~~ →

23 The Real Problem with Nevada, is that they  
24 were never admitted into the Union, the only  
25 thing is that When they created the Treaty  
26 of Guadalupe Hidalgo, (1848) 11 Stat 347, in  
27 Mexico City With FR Manuel Hidalgo and The  
28 Navajo Leader Manwito and his wife Juavita  
29 along with the Yaquis, Inca, Mayans, Comanches



1. that this was decided by The Spanish King &  
2. Queen to Claim these several 8 States, called  
3. as Mexican Territory, NV, NM, AZ, CA, TX, CO, UT, WY  
4. Which was decided in Joseph v. United States,  
5. 94 US 8614, 24 L Ed. 295 (1876) What was deter-  
6. mined here in this U.S. Supreme Court  
7. The Tao's Pueblo, et al Antonio Joseph "said", The  
8. U.S Congress declared that All Indian Lands  
9. must be respected, and the only way to remove  
10. their Alodial Title, with the Abrogation or re-  
11. linquishment of "said" Treaty Land, of The Treaty  
12. of Guadalupe Hidalgo (1848) This did not occur  
13. And There was never any land assigned to the  
14. United States, because the Primary Problem  
15. Which still exists today, The United States of  
16. America, Inc., was set aside in (1871) ch 62, -  
17. Session III, 16 Stat 419, 47th Congress, -  
18. Signed By President Ulysses S. Grant, which  
19. was ultimately registered to Wilmington, Dela-  
20. ware file no. (#) 29652 reg. 2-18-89, I am not -  
21. totally sure why? But The Pope Francis of Assisi  
22. claimed that there was never any Law, Rules  
23. Codes, or Statutes, all of this was created  
24. by Fiction, The Holy Roman Catholic Church -  
25. created the concept of Legal Fiction (2013),  
26. from The Time When The Church re-surfaced  
27. from Spain (1302) Pope Boniface VIII created  
28. this new Ponzi scheme, since the time of  
29. the fall of Rome 167 AD. because of Visigoths.

## Conclusion

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So Another non-published agreements that  
were instituted with Nevada Indians, MY Tribe  
should have been more aware of Federal and  
International Treaties, But at no-time was  
our Land taken into fee simple, from Federal  
Trust Lands, because it's impossible.

The Respondent-Appellee really has  
no standing, because Nevada could not  
have been Annexed Through Pres. Abraham  
Lincoln's Administration, because all legal  
activities, such as Habeas Corpus were -  
Suspended. (see) 3 Cruise's Dig. P. 109 § 5  
or Ex Parte Crow Dog (1883) There was NO  
Proper Protocol, in informing the Tribe that  
they must see if the Appellant violated the  
Bulman Clause to the Tribal Constitution,  
than released to the Appellee, for Adjudication  
under the Uniform Probate Code, to ensure  
more business for the State of Nevada,  
who borrowed money to the Casino's, so I

Appeal That The Appellee has No standing, -  
The Appellant's Lawyer was discharged  
at the end of my Proceedings, Plus Maureen  
McQuillan, is a registered member of the  
BKR British Accreditation Registry, Conflict of  
interest, discharged after legal proceedings,  
and foreign agent conflict with the W. H. Smith

1. (see) Gideon v. Wainwright, 372 U.S. 335, 342 (1963)  
2. So The Honorable Judge Michael R. Montero  
3. had indicated in this dissent, or Order dated  
4. October 23, 2020, indicated on page 14415  
5. That No Ruling we'll be made until the State  
6. District Attorney, or Attorney General responds  
7. in the form of a rebuttal, and no hearing  
8. was set, no notice of Appeal given, no post  
9. conviction, The Public Defender was finished  
10. the State isn't going to keep paying her salary.  
11. ~~WHEREAS~~ THE Appellee Lacks Subject  
12. Matter Jurisdiction (see) U.S. v. Cotton 535  
13. U.S. 87, 89 625, 630, 122 S. Ct. 1781 (2002) and  
14. State v. Rogers, 10 NV 250 (NV 1875) There is  
15. irrebuttable evidence and factual proof by  
16. Prior Opinions as listed, that when Laws fail,  
17. they are unlawful and unconstitutional, (see)  
18. Ex parte Young 209 U.S. 129 @ 130, 84 S. Ct. 221  
19. (1907), which may be raised at any time, no  
20. latches, or time limit. (see) State v. Staley 112  
21. Nev. 704, 918 P.2d 996, 398 (1990) and Edwards  
22. v. State, 112 Nev. 04, 918 P.2d. 321, 324 (1996), to  
23. Suspend, Vacate "and" Sentence with prejudice  
24. The real reason the State modified all the  
25. Statutes, Perhaps we'll Contact Justice's,  
26. Milton B. Bady, Edgar Eather, Charles Merrill  
27. and Russell West or Donald, in (1951) The  
28. Real reason was to coincide with the Power  
29. of Appointment Act 65 Stat 91, placed us as

1 POW) Prisoner's of Wars, when they came by  
2 The US House holds to Collect Gold And Silver  
3 for WWII and Vietnam, but neither here  
4 or there, Our Birth Registration Forms from  
5 the Hospitals were mortgaged and that ultimately  
6 were pledged to the Vatican to provide the Gold  
7 Standard for the Federal Reserve Dollars, but  
8 What is unclear from the 1992 Contract, was  
9 President Johnson's (1965) Cornage Act, which  
10 Richard Nixon withdrew in (1971) But The  
11 Tribes have a Mint And Refinery doing coins.  
12 I move that since the (2015) Joint Proclamation  
13 Act with Pope Francis of Assisi in Philadelphia  
14 Pennsylvania, for the Double Jeopardy, or  
15 the Double Jubilee Lev. 25:13 so we are  
16 not debtors no longer but creditor's with our  
17 full faith and credit Title 26 USC § 2041, The -  
18 Appellee's also lack both required Blanket -  
19 Fidelity Bonds to ensure the Adjudication, and  
20 the Judicial Process, from Justice of the Peace  
21 And Prosecutor (see) NRS. 282.040, and 4.030, (see)  
22 Lack of Performance Bonds, (see) Norton v. Shelby  
23 County, 118 US § 425, 441-42, 6 S Ct 1121, 30 L Ed. 178  
24 1886 This is My Appeal, I Submit  
25 Respectfully

26  
27 #1225009 Appellant/prose Hawk Riverz Urban  
28 Prepared By MVLL - P/O Boy #61000  
29 LC Father Horse esquire, Carson City - NV. (89102)

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Spero  
TAMI RAE SPERO  
DIST. COURT CLERK

Case No. CR1907088

Dept. No. 2

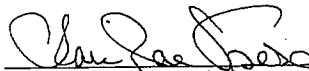
IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF HUMBOLDT

The State of Nevada, )  
Defendant. )  
-vs- )  
Hawk Riverz Urban, )  
Plaintiff, )

CASE APPEAL STATEMENT

1. Name of appellant filing this case appeal statement: Hawk Riverz Urban
2. Identify the judge issuing the decision, judgment, or order appealed from: Honorable Michael R. Montero
3. Identify each appellant and the name and address of counsel for each appellant: Hawk Riverz Urban appearing In Proper Person - #1225009 Northern Nevada Correctional Center 1721 East Snyder Ave - PO Box 7000 Carson City NV 89702
4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent (if the name of a respondent's appellate counsel is unknown, indicate as much and provide the name and address of that respondent's trial counsel): State of Nevada - Humboldt County District Attorney PO Box 909 Winnemucca, NV 89446
5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so, whether the district court granted that attorney permission to appear under SCR 42 (attach a copy of any district court order granting such permission): N/A

- 1 6. Indicate whether appellant was represented by appointed or retained counsel in the district court:  
2 Appointed
- 3 7. Indicate whether appellant is represented by appointed or retained counsel on appeal: Appearing in  
4 Proper Person
- 5 8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date entry of the  
6 district court order granting such leave: No
- 7 9. Indicate the date the proceedings commenced in the district court (e.g. date complaint, indictment,  
8 information, or petition was filed): July 12, 2019
- 9 10. Provide a brief description of the nature of the action and result in the district court, including the  
10 type of judgment or order being appealed and the relief granted by the district court: Defendant was  
11 convicted of Battery Upon a Peace Officer, a Category B Felony based on a plea agreement on  
12 August 10, 2020; subsequently the Defendant filed a Motion for Illegal Sentence per NRS 176.556  
13 and the Court entered an Order Denying Petition of Writ of Habeas Corpus on October 23, 2020
- 14 11. Indicate whether the case has previously been the subject of an appeal to or original writ proceeding  
15 in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior  
16 proceeding: No
- 17 12. Indicate whether this appeal involves child custody or visitation: No
- 18 13. If this is a civil case, indicate whether this appeal involves the possibility of settlement: N/A
- 19 Dated this 20th day of November, 2020.

20   
21 Humboldt County Clerk  
22 50 W. 5<sup>th</sup> St. #207  
23 Winnemucca, NV 89445  
24 (775) 623-6343  
25  
26  
27  
28

IN THE SUPREME COURT OF THE STATE OF NEVADA  
OFFICE OF THE CLERK

FILED

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HAWK RIVERZ URBAN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

Supreme Court No. 82136  
District Court Case No. CR1907088  
DIST. COURT CLERK

RECEIPT FOR DOCUMENTS

TO: Hawk Riverz Urban  
Humboldt County District Attorney \ Michael Macdonald  
Tami Rae Spero, Humboldt County Clerk ✓

You are hereby notified that the Clerk of the Supreme Court has received and/or filed the following:

12/01/2020 Appeal Filing Fee waived. Criminal. (SC)  
12/01/2020 Filed Notice of Appeal/Proper Person. Appeal docketed in the Supreme Court this day. (SC)

DATE: December 01, 2020

Elizabeth A. Brown, Clerk of Court  
lh

vs.  
LT. CASE NO: CR1907088  
HT. CASE NO: cr1907088



CR1907088

FILED

IN THE SUPREME COURT OF THE STATE OF NEVADA

HAWK RIVERZ URBAN,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

*Spelo*  
TAMI RAE SPERO  
DIST. COURT CLERK

No. 82136

FILED

DEC 07 2020

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

**ORDER DIRECTING TRANSMISSION OF RECORD  
AND REGARDING BRIEFING**

Having reviewed the documents on file in this pro se appeal, this court has concluded that its review of the complete record is warranted. *See* NRAP 10(a)(1). Accordingly, the clerk of the district court shall have 30 days from the date of this order to transmit to the clerk of this court a certified copy of the complete trial court record of this appeal. *See* NRAP 11(a)(2). The record shall include copies of documentary exhibits submitted in the district court proceedings, but shall not include any physical, non-documentary exhibits or the original documentary exhibits. The record shall also include any presentence investigation reports submitted in a sealed envelope identifying the contents and marked confidential. *See* NRS 176.156(5).

Within 120 days, appellant may file either (1) a brief that complies with the requirements in NRAP 28(a) and NRAP 32; or (2) the "Informal Brief Form for Pro Se Parties" provided by the supreme court clerk. NRAP 31(a)(1). If no brief is submitted, the appeal may be decided on the record on appeal. NRAP 34(g). Respondent need not file a response to any brief filed by appellant, unless ordered to do so by this court. NRAP

SUPREME COURT  
OF  
NEVADA

(01) 1947A

20-44412

46A(c). This court generally will not grant relief without providing an opportunity to file a response. *Id.*

It is so ORDERED.

Pickering, C.J.

cc: Hawk Riverz Urban  
Attorney General/Carson City  
Humboldt County District Attorney  
Humboldt County Clerk

CR 19-7088

The State of Nevada VS. Hawk Riverz Urban

Judge: Michael R. Montero

Clerk: Mikayla Mecham

August 13, 2019

ARRAIGNMENT

PRESENT: Richard Haas and Kevin Pasquale, Humboldt County Deputy District Attorneys, present on behalf of the State. Debbi Okuma, DPS Specialist III, and Officer Elizabeth Hill on behalf of the Division of Adult Parole and Probation. Defendant (in custody) present with counsel, Maureen McQuillan, Humboldt County Alternate Public Defender.

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

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

The Defendant stated his understanding.

The Court informed the Defendant of the charges filed against him, two counts of BATTERY BY PRISONER UPON A PEACE OFFICER, a category B Felony, in violation of NRS 200.481. The Defendant's true and correct name stated.

The Court interrogated the Defendant. A Preliminary Hearing had been waived. Amended information was filed as well as a plea agreement. The Counsel waived a formal reading. The Defendant was informed of his Constitutional Rights. A Guilty Plea Agreement had been filed on August 13, 2019. The Court stated the essential elements that 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.

The Court examined the Defendant and accepted his plea.

The Court referred the matter to Parole and Probation for a Pre-Sentence Report.

McQuillan addressed the Court as to a change to the Defendant's bail; the bail reflected two (2) counts of BATTERY BY PRISONER UPON A PEACE OFFICER, and motioned the Court to show only one count.

Pasquale stated that twenty thousand (20,000) dollars bail would be appropriate.

McQuillan concurred.

The Court reduced the bail amount to \$20,000.

The Court set this matter for Sentencing on Tuesday, October 8, 2019 at 9:30 a.m.

CR 19-7088

The State of Nevada vs. Hawk Riverz Urban

Judge: Michael R. Montero

Clerk: Jody Clark

**OCTOBER 8, 2019**

**SENTENCING HEARING**

PRESENT: Richard Haas, Humboldt County Deputy District Attorney, present on behalf of the State. Defendant (Custody) present with counsel, Maureen McQuillan, Humboldt County Alternate Public Defender. Debbie Okuma, DPS Specialist III, present on behalf of the Adult Parole and Probation Department.

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

The Defendant previously plead Guilty to the charge of BATTERY BY PRISONER UPON A PEACE OFFICER, a Category B Felony, in violation of NRS 200.481(2)(f). Copies of the Pre-Sentence Report had been received.

The Court stated there is a victim impact statement and asked if there are any objections to the Court attaching it to the Pre-Sentence Report.

No objections heard.

Argument by McQuillan as to a 458 Diversion.

The Court stated his concerns regarding a 458 Diversion. The Court would need evidence the Defendant is a drug addict or alcoholic. The Court is struggling with finding a 458.

McQuillan motioned the Court for a continuance in order to obtain an evaluation.

Haas had no objections.

The Court granted the continuance and continued this matter to Tuesday, October 22, 2019, at 9:30 a.m. or on an earlier date if the Court is notified by counsel.

CR 19-7088

The State of Nevada vs. Hawk Riverz Urban

Judge: Michael R. Montero

Clerk: Jody Clark

**OCTOBER 22, 2019**

**SENTENCING HEARING**

PRESENT: Max Stovall, Deputy District Attorney, present on behalf of the State. Defendant (Custody) with counsel, Matthew Stermitz, Humboldt County Public Defender. Debbie Okuma DPS Specialist III, present on behalf of the Division of Parole and Probation.

The record reflected that this matter had been continued from October 8, 2019, to allow time for the Defendant to obtain a substance abuse evaluation for forensic purposes. The record further stated that an Application for Treatment had been filed on October 18, 2019.

The Defendant previously plead Guilty to the charge of TWO COUNTS -- BATTERY BY PRISONER UPON A PEACE OFFICER, a Category B Felony, in violation of NRS 200.481(2) (f). Copies of the Pre-Sentence Report had been received with attachments.

Stovall informed the Court that the cost of an ankle brace for the office was in the amount of \$20.00.

McQuillan concurred with the cost.

McQuillan informed the Court that the Defendant would like to go to Regimental Boot Camp and if successful diversion of his sentence.

Stovall concurred.

Okuma addressed the Court regarding a matter of housekeeping and informed the Court the Defendant has one hundred and twenty-two (122) days credit for time served.

Counsel concurred.

The Defendant exercised his right to allocution.

The Court granted the application for diversion. The Court further wants the Defendant to understand that he is not at the end of the road today.

The Defendant stated his understanding.

The Court ordered this matter be suspended and further ordered the Defendant is to successfully complete Regimental Boot Camp. Once the Defendant has successfully completed boot camp he is to come back before the Court to have the Court determine what other conditions may be required of the Defendant if any.

The Defendant is to remain in custody until transported.

The Court wants the record to reflect the Defendant is on formal probation and will run concurrent with his time in boot camp. The Court further ordered the Defendant to pay a \$25.00 administrative assessment fee; \$3.00 DNA assessment fee, \$250.00 public defender fee, \$100.00 for the evaluation and

\$20.00 in restitution. The Court shall reassess fees to be paid at the status hearing when the Defendant returns from boot camp.

CR1907088

The State of Nevada vs. Hawk Riverz Urban

Judge: Michael R. Montero

Clerk: Jody Clark

FEBRUARY 11, 2020

STATUS HEARING

PRESENT: Max Stovall, Humboldt County Deputy District Attorney, present on behalf of the State. Defendant (Custody) present with counsel, Maureen McQuillan, Humboldt County Alternate Public Defender. Debbie Okuma and Elizabeth Hill, Parole and Probation Officers, present on behalf of the Adult Parole and Probation Office.

The record reflected that this matter comes before the Court for a Status Hearing. The record further stated that the Defendant had previously plead Guilty to BATTERY BY PRISONER UPON A PEACE OFFICER, a Category B Felony, in violation of NRS 200.481(2) (f). This matter was suspended on October 22, 2019, and the Defendant was ordered to successfully complete the Regimental Boot Camp. The Court received a letter from the Nevada Department of Corrections indicating the Defendant was rejected from Regimental Boot Camp on January 15, 2020.

The Court asked counsel if they would like the letter admitted as an exhibit.

Stovall submitted the issue to the Court.

McQuillan stated she is not asking the letter to be admitted.

The Court asked the same of Okuma.

Okuma stated she is not prepared to respond.

The Court would like to set this matter for a continued sentencing. The Court needs to decide if the Defendant still qualifies under conditions to suspend sentencing.

McQuillan would not object to a continued sentencing in the near future.

The Court would like counsel to come back before the Court to inform the Court what sentencing would now mean considering the circumstances. He would also like Parole and Probation to look at the need for a violation report.

The Court set this matter for a Continued Sentencing on Tuesday, February 18, 2020, at 9:30 a.m.

CR1907088

The State of Nevada VS. Hawk Riverz Urban

Judge: Michael R. Montero

Clerk: Mikayla Mecham

February 18, 2020

SENTENCING HEARING

PRESENT: Richard Haas, Deputy District Attorney, present on behalf of the State. Debbie Okuma, DPS Specialist III, present on behalf of the Division of Parole and Probation. Defendant, (in custody) with Counsel, Humboldt County Alternate Public Defender, Maureen McQuillan.

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

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

The Defendant stated his understanding.

The Defendant had previously pled GUILTY to the charge of BATTERY BY PRISONER UPON A PEACE OFFICER, a Category B Felony, in violation of NRS 200.481(2)(f). This Court had suspended further proceedings and ordered that the Defendant enter and successfully complete a regimental discipline program, and be placed on a term of probation while in the program. The Court was in receipt of a letter from the Nevada Department of Corrections stating that the Defendant was being rejected from the program.

McQuillan stated that a probation violation had been filed since the last hearing.

The Court stated in that case, he would like to proceed with a probation violation hearing. Copies of the violation report had been received. The Court stated the possible outcomes. The Court further informed the Defendant of his Constitutional Rights.

The Defendant entered his pleas as follows: Rule #8-Directives and Conduct; admitted. Rule #13-Special Conditions (1), That the Defendant enter and successfully complete Regimental Discipline Program; admitted.

The Court examined the Defendant and accepted his admissions.

**DISPOSITION**

The Court stated a Pre-Sentence Investigation Report (PSI) had been prepared on September 19, 2019 and filed on September 27, 2019; copies had been received.

Defendant's Exhibit A-Salvation Army Approval Letter, marked, offered, and admitted.

Argument by McQuillan.

Argument by Haas.

Okuma updated the Court as to the Defendant's credit for time served, in the amount of 241 days.

The Defendant exercised his right of allocution.



The Court ordered that the Defendant's probation be reinstated, and granted the diversion program, pursuant to NRS 458.290. The Court placed the Defendant on a term of probation for thirty-six (36) months, and ordered that the Defendant enter the Salvation Army program as part of his probation. The Court directed McQuillan to call the director and find out a bed date. Once the Defendant completes the Salvation Army program, the Defendant is to return to Winnemucca to participate in the Humboldt County Drug Court Program for eighteen (18) months.. All further proceedings against the defendant are suspended and the defendant was placed on a term of probation for thirty-six (36) months with the following special conditions:

1. That the Defendant completely abstain from the use, consumption, purchase, or possession of alcoholic beverages or controlled substances, to include marijuana in any form, whatsoever;
2. That the Defendant completely abstain from the use, consumption, purchase, or possession of any inhalant, chemical, poison, or solvent, with the intent to induce euphoria, hallucinations, or impair mind or bodily functioning whatsoever;
3. That the Defendant completely abstain from the use, consumption, purchase or possession of any over-the-counter medications that contain alcohol or narcotics, unless prescribed by a licensed medical professional, and with prior approval of the Defendant's supervising officer and Drug Court personnel;
4. That the Defendant completely abstain from being present in any cocktail lounge, bar, liquor store, casino, or any establishment where alcoholic beverages are the primary source of revenue whatsoever;
5. That the Defendant completely abstain from being present in any smoke shop, vape shop, or marijuana dispensary whatsoever;
6. That the Defendant submit to an intensive supervision program, to include electronic monitoring whenever deemed appropriate by the Division of Parole and Probation;
7. That the Defendant submit any digital storage media that he has access to or uses (computers, cell phones, tablets, network applications, any programs associated with those devices, etc.) and provide all passwords, unlock codes, and account information associated with those items, with or without a search warrant, by the Division of Parole and Probation or its agent;
8. That the Defendant resolve his outstanding warrant in the Sparks Municipal Court;
9. That the Defendant pay a \$3.00 DNA collection fee, and a \$25.00 administrative assessment fee, payable to the Humboldt County Clerk of the Court within thirty (30) days of the Defendant's completion of inpatient treatment;
10. That the Defendant pay a \$250.00 public defender fee, payable to the Humboldt County Clerk of the Court within six (6) months of Defendant's completion of inpatient treatment;
11. That the Defendant pay restitution in the amount of \$20.00, payable to the Humboldt County Treasurer within thirty (30) days of the Defendant's completion of inpatient treatment;
12. That the Defendant enter in and successfully complete the Salvation Army Program. That the Defendant remain in custody and be transported to and from the program by law enforcement personnel. Upon completion of inpatient treatment, the Defendant is to begin the Humboldt County Drug Court Program, immediately;
13. That the Defendant successfully complete the Humboldt county Drug Court Program;
14. That the Defendant must reside where Parole and Probation have the ability to supervise the Defendant for the entire term of the Defendant's probation;

15. That the Defendant not be granted any good time credits or an early release from probation unless all of his Court-ordered, supervision, and Drug Court fines and fees are paid in full, and his conditions of probation are met. In addition, if the Defendant's fines and fees are not paid in full, and/or his conditions of probation are not met at the end of his probation period; that the Defendant's probation term be extended up to five years until he fulfills those obligations.

CR1907088

The State of Nevada VS. Hawk Riverz Urban

Judge: Michael R. Montero

Clerk: Mikayla Mecham

July 28, 2020

**PROBATION VIOLATION HEARING**

PRESENT: Richard Haas, Deputy District Attorney, present on behalf of the State. Debbie Okuma, DPS Specialist III, present (via Zoom) on behalf of the Division of Parole and Probation. Defendant, present (in custody via Zoom) with Counsel, Maureen McQuillan, Alternate Public Defender.

The record reflected that this matter comes before the Court for a probation violation plea hearing. The Court gave some procedural history of this case. A Non-technical Violation Report was filed on July 15, 2020; copies had been received. The Court informed the Defendant of the purpose of today's hearing.

The Defendant stated his understanding.

The Defendant had previously plead GUILTY to the charge of BATTERY BY PRISONER UPON PEACE OFFICER, a Category B Felony, in violation of NRS 200.481 (2)(f). On November 1, 2019 The Court entered an Order Suspending Further Proceedings pursuant to NRS 458.290, and ordered that the Defendant enter into and successfully complete the Nevada Department of Corrections Program of Regimental Discipline. The Court received a letter from the NDOC indicating that the Defendant had been rejected from the Program of Regimental Discipline on January 15, 2020. A probation violation report was filed on February 13, 2020, and on February 18, 2020 a hearing was held in which the Defendant admitted to violating the terms of his probation. The Court re-instated the Defendant's probation, and ordered that the Defendant enter into the Salvation Army. The Defendant was later terminated from the Salvation Army, and failed to report to the Division of Parole and Probation. The Defendant was arrested on new charges arising out of an incident on the reservation, and now comes before the Court for violating his probation.

The Defendant entered his pleas as follows: Rule #1, Reporting-admit. Rule #2, Residence-admit. Rule #3, Intoxicants-admit. Rule #9, Laws-admit. Rule #11, Employment-admit. Rule #12, Financial Obligations-admit. Rule #13, Special Condition #1-admit. Rule #13, Special Condition #8-admit. Rule #13, Special Condition #9-admit. Rule #13, Special Condition #10-admit. Rule #13, Special Condition #12-admit. Rule #13, Special Condition #14-admit.

The Court asked Okuma if those were all the alleged violations.

Okuma concurred.

The Court examined the Defendant and accepted his admissions.

The Court asked if the parties prepared to proceed to disposition.

The parties concurred.

Argument by McQuillan.

Argument by Haas.

A discussion ensued regarding credit for time served. McQuillian offered her calculation of two hundred sixty-six (266) days. The court accepted that calculation.

The Defendant exercised his right of allocution.

No victim impact information available.

The Court rescinded the Defendant's probation, and ordered that the Defendant carry out the underlying sentence of a minimum term of sixteen (16) months and a maximum term of forty (40) months in the Nevada Department of Corrections, with credit for time served in the amount of two hundred and sixty-six (266) days. The Court further ordered the Defendant to pay the fines and fees previously ordered in this case, \$3.00 DNA collection fee, \$25.00 administrative assessment fee, and \$250.00 public defender fee.

Okuma informed the Court that the Defendant's DNA had been collected, and that the Defendant would be required to pay the \$150.00 DNA analysis fee as well.

The Court also ordered that the Defendant pay the \$150.00 DNA analysis fee.

The State of Nevada

vs. Hawk Riverz Urban

DEFENDANT'S/RESPONDENT'S EXHIBITS: CASE NO.

CR1907088

	I.D.	MARKED	OFFERED	ADMITTED
A <u>Salvation Army Approval Letter</u>	<u>A</u>	<u>2-18-20</u>	<u>2-18-20</u>	<u>2-18-20</u>
B _____	_____	_____	_____	_____
C _____	_____	_____	_____	_____
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X _____	_____	_____	_____	_____
Y _____	_____	_____	_____	_____
Z _____	_____	_____	_____	_____



The Salvation Army  
A Center for Worship and Service  
\*Serving Northern Nevada since 1884\*

Friday, January 14, 2020

Humboldt County Alternate Public Defender  
MS. MAUREEN McQUILLIAN, ESQUIRE  
50 West Fifth Street  
Winnemucca, NV 89445

VIA EMAIL:

MAUREEN.MCQUILLIAN@HCNV.US

PAGE 1 OF 1 NO COVER SHEET

NOTICE: This communication, including any attachments, may contain confidential information and is intended only for the individual or entity to whom it is addressed. Any review, dissemination, or copying of this communication is strictly prohibited by the Electronic Communications Privacy Act, 18 U.S.C. 2510-2521. If you are not the intended recipient, please contact the sender by email, delete and destroy all copies of the original message.

RE: MR. HAWK URBAN  
CASE NUMBER: DOB: 02.08.1977

Ms. McQuillian:

Please be advised that we have reviewed your client's application for admission into The Salvation Army's Northern Nevada Adult Rehabilitation Program and approved him for admission. This admission is based solely on the merit of the application and the signed conditions of acceptance. Any false or misleading statements made therein are grounds for immediate termination from the program.

Beneficiaries may bring with them: ten pair of underwear; ten pair of white socks; five white T-shirts; non-alcoholic personal hygiene items (mouth wash, tooth paste, tooth brush, lotion, razors, after shave); writing tablet; pens; Q-Tips; and nail clippers. All items must be placed on his inventory. Beneficiaries **MUST BRING A 30 DAY SUPPLY OF MEDICATIONS WITH THEM OR THEY WILL NOT BE ADMITTED.** The Program utilizes Talbott's Recovery Campus Medication Guide and all medications must comply with their Class C Drugs.

**We are not a half-ways house but a six-month intensive residential rehabilitation program.**

Beneficiaries who receive any income may be financially responsible for portions of their rehabilitation program.

We also request a valid photo ID be provided at the time of admission if possible.

**Intake hours are Monday through Thursday 0730 to 1030 hours**, major holiday's excluded.

Individuals will be tested for drugs and alcohol upon admission. A positive test will result in the individual not being admitted. Applicants must sign all required documents.

Please contact me to coordinate a bed date (775/688.4555 X 310). The Program is currently operating at capacity. The intake office is located at 2300 Valley Road, Reno, NV 89512.

The Salvation Army does not provide transportation for its programs. He is expected to arrive the day of planned admission. Failure to do so will result in the forfeiture of the bed.

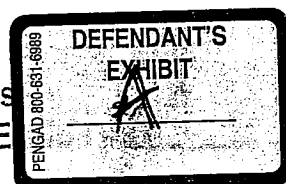
Thank you.

Sincerely,

*W. Wade Furlong*

Reverend W. Wade Furlong  
Chaplain/Program Assistant  
**Northern Nevada Adult Rehabilitation Program**  
775/688.4555 Ex.310 – Office  
775/688.4571 Fax  
[Wade.Furlong@usw.salvationarmy.org](mailto:Wade.Furlong@usw.salvationarmy.org)

Marked for  
Defendant's  
Proposed E



CR 1907088

PRE-SENTENCE REPORT

**CONFIDENTIAL**

**CERTIFICATION OF COPY**

**STATE OF NEVADA,  
COUNTY OF HUMBOLDT,**

I, TAMIRAE SPERO, the duly elected, qualifying and acting Clerk of Humboldt County, in the State of Nevada, and Ex-Officio Clerk of the District Court, do hereby certify that the foregoing is a true, full and correct copy of the original: Justice Court Proceedings, Information, Amended Information, Guilty Plea Agreement, Stipulation of the Parties Pursuant to NRS 176A.780 (Eligibility for Regimental Discipline Program), Application for Treatment Pursuant to NRS 458.350 and 176A.780, Order suspending Further Proceedings Pursuant to NRS 458.290, Order, Order Admitting Defendant to Probation and Fixing Terms Thereof, Violation Report, Order Reinstating Probation, Non-Technical Violation Report, Judgment of Conviction, Nevada Sheriff's Return, Motion for Illegal Sentence NRS 176.556, Motion for Appointment of Counsel, Order Denying Petition for Writ of Habeas Corpus, Appeal NRAP, Case Appeal Statement, Receipt for Documents, order Directing Transmission of Record and Regarding Briefing, Minutes, Exhibit List;

**The State of Nevada,**

**Plaintiff,**

**vs.**

**Hawk Riverz Urban,**

**Defendant.**

**CASE NO. CR 1907088**

now on file and of record in this office.

**IN WITNESS THEREOF**, I have hereunto set my hand and affixed the seal of the Court at my office, Winnemucca, Nevada, this 8th day of December, 2020, A.D.

  
TAMIRAE SPERO, CLERK