

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 23, 2022

C-22-363368-1 State of Nevada
vs
Kyle Stoltz

June 23, 2022 9:30 AM Sentencing

HEARD BY: Clark Newberry, Tara **COURTROOM:** RJC Courtroom 05B

COURT CLERK: Carina Bracamontez-Munguia/cbm

RECORDER: Robin Page

PARTIES

PRESENT:	Barker, Julia A	Attorney for Plaintiff
	Sibert, Matthew B., ESQ	Attorney for Defendant
	State of Nevada	Plaintiff
	Stoltz, Kyle Raymond	Defendant

JOURNAL ENTRIES

Upon Court’s inquiry, Mr. Sibert advised there were no issues with the Pre-Sentence Investigation (PSI) report. DEFT. STOLTZ ADJUDGED GUILTY of LURING CHILDREN OR MENTALLY ILL PERSON WITH THE INTENT TO ENGAGE IN SEXUAL CONDUCT (F). Statement by Defendant. Argument by Mr. Sibert. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, a \$1,500.00 Fine, \$1,769.85 Psychosexual Evaluation Fee, \$150.00 DNA Analysis fee including testing to determine genetic markers, and \$3.00 DNA Collection fee, Deft. SENTENCED to a MINIMUM of FORTY-EIGHT (48) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC), SUSPENDED; placed on PROBATION for an indeterminate period not to exceed THIRTY-SIX (36) MONTHS. In addition to the Standard Conditions of the Division of Parole and Probation (P & P), which are IMPOSED, Deft. must comply with the following SPECIAL CONDITIONS:

1. Enter and complete an impulse control evaluation and complete any recommended counseling, treatment, or case plan.
2. Undergo a mental health evaluation by a licensed professional and complete any recommended case plan including taking any prescribed medications.

3. Enter and complete any other counseling deemed necessary by P & P including a Court approved, group-based, sex offense specific treatment program to assist him in understanding the dynamics of his sexual misconduct. Such a program should include, at a minimum, concepts consisting of thinking errors (cognitive distortions), boundaries, deviant versus healthy sexual fantasies, sexual assault cycles, maintenance cycles, victim empathy and relapse prevention. In addition, other areas that should be addressed in counseling are dating and relationship issues.
4. Deft. not permitted to date or live with anyone with female children while on probation; if Deft. starts a dating relationship he must provide a copy of this conviction to that person.
5. Stay away from all minors and locations where minors frequent; stay away from playgrounds, parks, schools, motion picture theaters or businesses that primarily have children as customers or conduct events that primarily children attend unless approved by P & P.
6. You shall submit your digital storage media or any digital storage media that you have access or use, including computers, handheld communication devices and any network applications associated with those devices, including social media and remote storage services to a search and shall 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.
7. Deft. not allowed to have a computer or iPad while on probation.
8. Abide by any curfew imposed by P & P.

PER NRS 176A.410 REQUIRED TERMS AND CONDITIONS FOR SEX OFFENDERS; POWERS AND DUTIES OF COURT; EXCEPTIONS (AS ADOPTED BY THE NEVADA LEGISLATURE IN 2009)

1. Except as otherwise provided in subsection 6, if a defendant is convicted of a sexual offense and the court grants probation or suspends the sentence, the court shall, in addition to any other condition ordered pursuant to NRS 176A.400, order as a condition of probation or suspension of sentence that the defendant:

(a) Submit to a search and seizure of the defendant s person, residence or vehicle or any property under the defendant s control, at any time of the day or night, without a warrant, by any parole and probation officer or any peace officer, for the purpose of determining whether the defendant has violated any condition of probation or suspension of sentence or committed any crime.

(b) Reside at a location only if:

(1) The residence has been approved by the parole and probation officer assigned to the defendant.

(2) If the residence is a facility that houses more than three persons who have been released from prison, the facility is a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS.

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(3) The defendant keeps the parole and probation officer assigned to the defendant informed of the defendant's current address.

(c) Accept a position of employment or a position as a volunteer only if it has been approved by the parole and probation officer assigned to the defendant and keep the parole and probation officer informed of the location of the defendant's position of employment or position as a volunteer.

(d) Abide by any curfew imposed by the parole and probation officer assigned to the defendant.

(e) Participate in and complete a program of professional counseling approved by the Division.

(f) Submit to periodic tests, as requested by the parole and probation officer assigned to the defendant, to determine whether the defendant is using a controlled substance.

(g) Submit to periodic polygraph examinations, as requested by the parole and probation officer assigned to the defendant.

(h) Abstain from consuming, possessing or having under the defendant's control any alcohol.

(i) Not have contact or communicate with a victim of the sexual offense or a witness who testified against the defendant or solicit another person to engage in such contact or communication on behalf of the defendant, unless approved by the Chief Parole and Probation Officer or the Chief Parole and Probation Officer's designee and a written agreement is entered into and signed in the manner set forth in subsection 5.

(j) Not use aliases or fictitious names.

(k) Not obtain a post office box unless the defendant receives permission from the parole and probation officer assigned to the defendant.

(l) Not have contact with a person less than 18 years of age in a secluded environment unless another adult who has never been convicted of a sexual offense is present and permission has been obtained from the parole and probation officer assigned to the defendant in advance of each such contact.

(m) Unless approved by the parole and probation officer assigned to the defendant and by a psychiatrist, psychologist or counselor treating the defendant, if any, not knowingly be within 500 feet of any place, or if the place is a structure, within 500 feet of the actual structure, that is designed primarily for use by or for children, including, without limitation, a public or private school, a school bus stop, a center or facility that provides day care services, a video arcade, an amusement park, a playground, a park, an athletic field or a facility for youth sports, or a motion picture theater. The provisions of this paragraph apply only to a defendant who is a Tier III offender.

(n) Comply with any protocol concerning the use of prescription medication prescribed by a treating physician, including, without limitation, any protocol concerning the use of psychotropic medication.

(o) Not possess any sexually explicit material that is deemed inappropriate by the parole and probation officer assigned to the defendant.

(p) Not patronize a business which offers a sexually related form of entertainment and which is deemed inappropriate by the parole and probation officer assigned to the defendant.

(q) Not possess any electronic device capable of accessing the Internet and not access the Internet through any such device or any other means, unless possession of such a device or such access is approved by the parole and probation officer assigned to the defendant.

(r) Inform the parole and probation officer assigned to the defendant if the defendant expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of the defendant's enrollment at an institution of higher education. As used in this paragraph, institution of higher education has the meaning ascribed to it in NRS 179D.045.

2. Except as otherwise provided in subsection 6, if a defendant is convicted of an offense listed in subsection 6 of NRS 213.1255 against a child under the age of 14 years, the defendant is a Tier III offender and the court grants probation or suspends the sentence of the defendant, the court shall, in addition to any other condition ordered pursuant to subsection 1, order as a condition of probation or suspension of sentence that the defendant:

(a) Reside at a location only if the residence is not located within 1,000 feet of any place, or if the place is a structure, within 1,000 feet of the actual structure, that is designed primarily for use by or for children, including, without limitation, a public or private school, a school bus stop, a center or facility that provides day care services, a video arcade, an amusement park, a playground, a park, an athletic field or a facility for youth sports, or a motion picture theater.

(b) As deemed appropriate by the Chief Parole and Probation Officer, be placed under a system of active electronic monitoring that is capable of identifying the defendant's location and producing, upon request, reports or records of the defendant's presence near or within a crime scene or prohibited area or the defendant's departure from a specified geographic location.

(c) Pay any costs associated with the defendant's participation under the system of active electronic monitoring, to the extent of the defendant's ability to pay.

3. A defendant placed under the system of active electronic monitoring pursuant to subsection 2 shall:

(a) Follow the instructions provided by the Division to maintain the electronic monitoring device in working order.

(b) Report any incidental damage or defacement of the electronic monitoring device to the Division within 2 hours after the occurrence of the damage or defacement.

(c) Abide by any other conditions set forth by the Division with regard to the defendant's participation under the system of active electronic monitoring.

4. Except as otherwise provided in this subsection, a person who intentionally removes or disables or attempts to remove or disable an electronic monitoring device placed on a defendant pursuant to this section is guilty of a gross misdemeanor. The provisions of this subsection do not prohibit a person authorized by the Division from performing maintenance or repairs to an electronic monitoring device.

5. A written agreement entered into pursuant to paragraph (i) of subsection 1 must state that the contact or communication is in the best interest of the victim or witness, and specify the type of contact or communication authorized. The written agreement must be signed and agreed to by:

(a) The victim or the witness;

(b) The defendant;

(c) The parole and probation officer assigned to the defendant;

(d) The psychiatrist, psychologist or counselor treating the defendant, victim or witness, if any;

(e) If the victim or witness is a child under 18 years of age, each parent, guardian or custodian of the child; and

(f) The Chief Parole and Probation Officer or the Chief Parole and Probation Officer's designee.

6. The court is not required to impose a condition of probation or suspension of sentence listed in subsections 1 and 2 if the court finds that extraordinary circumstances are present and the court enters those extraordinary circumstances in the record.

7. As used in this section, sexual offense has the meaning ascribed to it in NRS 179D.097.

(Added to NRS by 1997, 1667; A 2001, 2051; 2003, 566; 2005, 2862; 2007, 1916, 2749, 3246; 2009, 1293)

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COURT FURTHER ORDERED, a special SENTENCE OF LIFETIME SUPERVISION is imposed to commence upon release from any term of probation, parole or imprisonment. Deft. DIRECTED to register as a sex offender in accordance with NRS 179D.460 within 48 hours after sentencing and to report to P & P within TWO (2) business days. BOND, if any, EXONERATED.

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