

FILED

MAY 13 2021

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

VALENTINA MONEE KNIGHT
Appellant,

vs.

SUPREME COURT OF NEVADA
Respondent.

Supreme Court No. 82316

District Court No. C15309123-2

APPELLANT'S INFORMAL BRIEF

INSTRUCTIONS: If you are an appellant proceeding pro se (without an attorney) in the Nevada Supreme Court, you must file either (1) a brief that complies with Nevada Rule of Appellate Procedure (NRAP) 28(a), or (2) a completed copy of this informal brief form, see NRAP 28(k), with the Nevada Supreme Court on or before the due date, see NRAP 31. In civil appeals, if you do not file one of these documents by the due date, the Nevada Supreme Court may dismiss your appeal. In postconviction criminal appeals, if you do not file one of these documents by the due date, the Nevada Supreme Court or Nevada Court of Appeals may decide your appeal on the record without briefing.

HOW TO FILL OUT THIS FORM: This form must be typed, unless you are incarcerated, in which case it must be clearly handwritten. You do not need to refer to legal authority or the district court record. If you are completing your brief on this form, write only in the space allowed on the form. **Additional pages and attachments are not allowed.** If typing an informal brief, you may either use the lined paper contained in this form or an equivalent number of pages of your own paper. Your brief will be stricken if you fail to follow the directions in this form and the Nevada Rules of Appellate Procedure.

WHERE TO FILE THE BRIEF: You may submit your brief for filing in person or by mail.

To file your brief in person: Briefs may be submitted for filing Monday through Friday, 8:00 a.m. to 4:00 p.m.

Carson City: Bring the brief to the Clerk's Office at the Supreme Court of Nevada, 201 South Carson Street, Carson City, Nevada, 89701.

Las Vegas: Place your brief in the Clerk's Office Drop Box at the Las Vegas courthouse for the Nevada Appellate Courts, 408 East Clark Avenue, Las Vegas, Nevada, 89101.

On January 15, 2020, petitioner appeared in District court for a probation revocation hearing, probation was revoked and he imprisoned to serve the suspended sentence. The Amended judgement of conviction was filed on January 17, 2020. On March 17, 2020, petitioner filed a motion to withdraw counsel, motion to Amended judgement of conviction and Motion for appointment of Attorney. On June 8, 2020 Motion to withdraw counsel was granted but the other two motions were denied. On August 31, 2020 the petitioner filed a petition for writ of Habeas Corpus. The State filed its response on October 9, 2020. On December 7, 2020 Writ was Denied, On 1/6, 2021 Appeal was filed.

Statement of District Court Error. Explain why you believe the district court was wrong. Also state what action you want the Nevada Supreme Court to take. (Your answer must be provided in the space allowed.)

District Court Denied my Writ of Habeas for several stated reasons, the first being "PETITIONERS PETITION IS TIME-BARRED". However Pursuant to NRS 34.500 (3) when the process is defective in some matter of substance required by law, rendering it void. (4) When the process, through proper in form, has been issued in a case not allowed by law. (9) Where the court finds that there has been a specific denial of the petitioner's constitutional rights with respect to the

To file your brief by mail: Mail the brief to the Clerk of the Supreme Court of Nevada, 201 South Carson Street, Carson City, Nevada 89701. **Your brief must be postmarked on or before the due date.**

You must file the original brief and 1 copy with the clerk of the Nevada Supreme Court. If you want the clerk to return a file-stamped copy of your brief, you must file the original form and 2 copies and include a self-addressed, stamped envelope. Documents cannot be faxed or emailed to the Supreme Court Clerk's Office.

Copies of the brief must be mailed or delivered to the other parties to this appeal or to the parties' attorneys, if they have attorneys. You must also include a proper certificate of service or complete the certificate that is attached to the informal brief form.

CAUTION: Pro se parties are prohibited from representing other parties. A pro se party may not complete a brief on behalf of other parties. Pro se parties may collaborate on their briefs, however, provided that if one brief is submitted on behalf of multiple pro se parties, each party must sign and date the brief to confirm that he or she has participated in the preparation of the brief and, by his or her signature, joins in the arguments and representations contained therein.

Judgment or Order You Are Appealing. List the judgment or order that you are appealing from and the date that the judgment or order was filed in the district court.

Filed Date	Name of Judgment or Order
8/31/2020	Writ of Habeas, Denied

Notice of Appeal. Give the date you filed your notice of appeal in the district court: 1/6/2021

Related Cases. List all other court cases related to this case. Provide the case number, title of the case and name of the court where the case was filed.

Case No.	Case Title	Name of Court
A-20-82048-W	Writ of Habeas Corpus	District Court
G15309-13-2	Conviction of Burglary	District Court

Pro Bono Counsel. Would you be interested in having pro bono counsel assigned to represent you in this appeal?

Yes No

NOTE: If the court determines that your case may be appropriate for having pro bono counsel assigned, an appropriate order will be entered. Assignment of pro bono counsel is not automatic.

Statement of Facts. Explain the facts of your case. (Your answer must be provided in the space allowed.)

On September 2, 2015, Valentina Monce Knight (hereinafter "Petitioner") was charged by way of information with one count of BURGLARY (Category B Felony - NRS 205.060).
 On September 29, 2015 a "Notice of Conflict Waiver" was entered.
 On 10/01/2015 Petitioner filed a motion to

Release from House Arrest. On October 12, 2015, Petitioner's Motion was denied.

On 10/27/2015 \$100,000 Bail Bond was accepted for release of House Arrest.

On November 23, 2016, the State filed a motion to Revoke Bail and Remand Defendants. On

December 5, 2016, the States Motion was granted.

On ~~December~~ December 22, 2016 A "Joint Motion to Suppress" was entered.

On January 4, 2017, Petitioner, pursuant to a Guilty Plea Agreement, pled guilty to the charge contained in the information.

On January 11, 2017 Petitioner's Motion to Compel Personnel Files pursuant to Mike V. Ryan entered and vacated per judge.

On 3/29, 2017, Status Check: Defendant's Motion to withdraw guilty Plea.

On April 12, 2017 Petitioner was sentenced to a term of forty-eight (48) to one hundred twenty (120) months in Nevada Department of Corrections.

Petitioner's sentence was suspended and petitioner was placed on probation for an indeterminate period not to exceed five years. The judgement of conviction was entered on May 1, 2017.

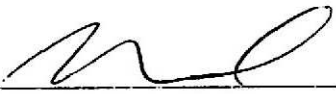
On December 6, 2019, petitioner's counsel filed a Motion to Withdraw as Attorney of record. New Counsel was confirmed on January 8, 2020.

Petitioner's conviction or sentence in a criminal case. Additionally, Pursuant to NRS 34.360, Every Person unlawfully committed, detained, confined, or restrained of his or her liberty, under any pretenses whatever, may prosecute a writ of Habeas corpus to inquire into the cause of such imprisonment or restraint. ~~Daniels v. State~~ 100 Nev. 579, 688, P.2d 315 Shum v. Fogliani 82, Nev. 156, 413 P.2d, 495 (1966), In Brimmage v. Warden Nevada State Prison, 94, Nev. 520, 582 P.2d, 375, (1978), Petitioner's allegations in petition for writ of Habeas Corpus for post-conviction relief contending ineffective assistance of counsel, and that plea was not voluntary, constituted a prima facie showing of good cause for failure to present claim within one year. The claim was not raised until August, 31, 2020, until through due diligence, ineffective assistance claims were found. Per Daniels v. State, 100, Nev. 579, 688, P.2d, 315 (1984). A claim of ineffective counsel is generally based on the factual allegations which must be explored at evidentiary hearing. Numerous requests were made to Attorney Michael Pariente to sever myself from I migrant Co-Defendant, Mustapha Diarbate. Because those request went unanswered, I hired attorney James Gallo to remedy conflict of interest and to present evidence given also to Michael Pariente that was not investigated that would prove factual

innocence. Abuse of discretion was shown by, no confrontation of witness, State due process, cruel and unusual punishment, equal protection. Basely v. State 239 SW^{3d} 809. Plea must be entered knowingly, intelligently and voluntarily, voluntarily: expression own free will, no threats, misrepresentations, improper promise. At the time of crime and conviction one could only be charged of a burglary of a business if pursuant to NRS 205.020 (5) The Crime of Burglary does not include the act of entering a commercial establishment ~~to~~ during business hours with the intent to commit petit larceny unless the person has previously been convicted: (a) Two or more times for committing petit larceny within the immediately preceding 7 years; or (b) of a felony. Because of my lack of record prior to this crime and the email from Orbitz showing the card number that was used was not the same card that my co-defendant was arrested with, the charges in my opinion and per due diligence I believe would have been dropped if taken to trial. If not for counsel's advice I would not have taken the plea. Ineffective assistance of counsel can be proven, because counsel did not enforce or explore claims of innocence; Brady v. Maryland 373 US 83, 83 S. Ct. 1194 10 L.

§ 2, 21, 5 (1963). The ~~new~~ ^{State} also perjured this court by giving
a Contrary Statement to the witness Assistant Supervisor Rudy Nelson.
His Statement was "I did a safety check of both a white purse
belonging to Ms Knight and a tan MC backpack belonging to Mrs.
Dowbrate. Inside the backpack and on the sides pockets, I found 26
Cards". The State wrote "A security officer located a large amount
of credit cards and identifications in a brown leather bag, which
Petitioner was carrying". Kimelman v. Morrison, 477, U.S. 365
Ineffective counsel, attorney failed to make obvious and meritorious
objection to tainted evidence forming basis of State case, Cox v. Cur-
tin 648 F. Supp, 2d, 918, Brady violation, prosecutorial misconduct,
ineffective counsel. Moore v. Bryant 237, F. Supp, 2d, 955 incorrect advice
regarding potential sentence affected decision to take guilty plea. Gallo
who was read in as attorney of records claims to never have had my full
file and to only represent me after sentencing Mugil v. Dugger 824, F, 2d, 879 (1987)
Counsel who took over case at last minute, did not prepare for trial and
did not adequately study proceedings counsel's file, thereby prejudicing sentencing
verdict that was largely dependent on evidence and arguments at trial.
Bail was 100,000 for a restitution of \$557.00. Bail was excessive.

DATED this 3rd day of July, 2021.


Signature of Appellant

Valentina Knight
Print Name of Appellant

CERTIFICATE OF SERVICE

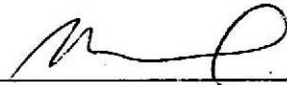
I certify that on the date indicated below, I served a copy of this completed informal brief form upon all parties to the appeal as follows:

- By personally serving it upon him/her; or
- By mailing it by first-class mail with sufficient postage prepaid to the following address(es) (list names and address(es) of parties served):

Clerk of the Supreme Court of Nevada
201 South Carson Street, Carson City, Nevada 89701
Attorney General

100 N. Carson Street, Carson City, NV 89701
Clark County District Attorney, 200 Lewis Ave,
Las Vegas, NV 89153

DATED this 3rd day of May, 2021.



Signature of Appellant
Valentina Korhant

Print Name of Appellant
FM, W. CO, 4370 Smiley RD

Address
Las Vegas, NV 89115

City/State/Zip
414-246-5363

Telephone