

IN THE SUPREME COURT OF THE STATE OF NEVADA

DELMIRIAN K WILSON

PETITIONER

THE STATE OF NEVADA

RESPONDANT

CASE NO. 52104 **PROPER PERSON  
RECEIVED/ENTERED**

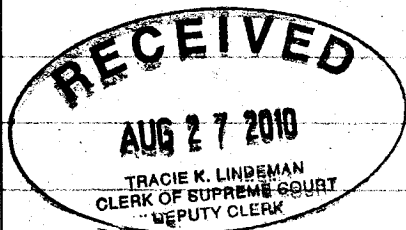
AUG 27 2010

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT

APPLICATION FOR EXTENSION OF TIME

COMES NOW, PETITIONER DELMIRIAN K WILSON PRO PER, AND  
RESPECTFULLY MOVES THIS HONORABLE COURT FOR A 365 DAY EXTENSION  
OF TIME FROM AUGUST 4TH, 2010, TO AUGUST 4TH, 2011, WITHIN  
WHICH TO FILE PETITIONERS WRIT OF HABEAS CORPUS, POST-CONVICTION  
APPEAL, AND ALL OTHER PETITIONS IN STATE OR FEDERAL COURT.

THIS MOTION IS MADE AND BASED PURSUANT TO THE FAILURE OF MR. JAMES A  
ORONIZ, NEVADA BAR NO. 6769 NOT NOTIFYING PETITIONER OF THIS COURT'S DECISION  
IN REGARDS TO HIS DIRECT APPEAL. A VIOLATION OF HIS SIXTH AND FOURTEENTH  
AMENDMENT RIGHTS TO EFFECTIVE ASSISTANCE OF COUNSEL AND DUE PROCESS  
OF THE LAW. AS WELL AS A VIOLATION OF NEVADA SUPREME COURT RULES  
146, AND 154.



10-22136

1 IN THE CASE AT BAR, MR. ORDNOZ AN EXPERIENCED AND COMPO-  
 2 TENT ATTORNEY ACTED IN COMPLETE NEGLIGENCE IN REGARDS TO NOT  
 3 NOTIFYING PETITIONER OF THE STATUS OF HIS DIRECT APPEAL. IN FACT  
 4 PETITIONER LEARNED OF THIS MATTER THROUGH HIS MOTHER LISA WILSON.  
 5 (SEE EXHIBIT #1) PETITIONER HAS CONTACTED MR. ORDNOZ NUMEROUS  
 6 OF TIMES BY TELEPHONE OR BY MAIL IN REGARDS TO HIS APPEAL.  
 7 (SEE EXHIBITS #2+5). EACH TIME MR. ORDNOZ WOULD STATE "HE HADN'T  
 8 HEARD ANYTHING IN REGARDS TO THE STATUS OF PETITIONERS APPEAL.  
 9 PURSUANT TO RULE 166, IT WAS THE DUTY OF MR. ORDNOZ TO NOTIFY  
 10 PETITIONER OF THIS COURTS DECISION IN REGARD TO HIS APPEAL AS WELL  
 11 AS PROVIDE SOME KIND OF DOCUMENTATION TO PETITIONER CONFIRMING  
 12 THEIR RELATIONSHIP HAS COMMENCED. COUNSEL DID NEITHER OF THE TWO,  
 13 BY DOING SO PREJUDICED PETITIONER IN HIS DEFENSE OF HIS CRIMINAL  
 14 CONVICTION AND PROCEDURALLY BARRED HIM FROM FILING FUTURE PETITIONS.

15 THE UNITED STATES COURT OF APPEALS, EIGHTH CIRCUIT HELD THAT  
 16 TO SHOW CAUSE UNDER CAUSE AND PREJUDICE STANDARD FOR DETERMINING  
 17 WHETHER REVIEW OF A HABEAS CORPUS PETITION IS BARRED BY STATE COURTS  
 18 DISMISSAL OR REJECTION OF PETITIONERS CLAIMS, PETITIONER MUST AT  
 19 MINIMUM SHOW THAT SOMETHING EXTERNAL TO HIM, SOMETHING THAT  
 20 CANNOT FAIRLY BE ATTRIBUTED TO HIM. SEE INV V. CASPARI 173 F.3d  
 21 1136.

22 IN THIS INSTANT CASE IT DIFFERS FROM CASPARI IN THE FACT  
 23 THAT PETITIONER HAS NOT FILED HIS WRIT, BUT RATHER REQUESTING  
 24 TIME TO BE EXTENDED TO HIS REMITTITUR IN ORDER TO DO SO. AS  
 25 WELL AS ANY OTHER PETITIONS THAT HE MAY SEEK RELIEF TO HIS STATE  
 26 CONVICTION. PETITIONER CAN CERTAINLY NOT BE AT FAULT FOR HIS  
 27 COUNSEL INEXCUSABLY FAILURE TO NOTIFY HIM OF YOUR COURTS DECISION

1 OF HIS DIRECT APPEAL, IT WAS INCUMBENT OF MR. ORONDOZ TO  
 2 ENSURE PETITIONER OF THIS COURT'S DECISION, AND THAT THEIR TIME  
 3 AS CLIENT / ATTORNEY HAS ENDED, SO THAT PETITIONER CAN TAKE  
 4 THE STEPS NECESSARY TO SEEK RELIEF OF HIS CRIMINAL CONVICTION.  
 5 THROUGH APPEAL. BEING THAT PETITIONER FREQUENTLY CONTACTED  
 6 COUNSEL ABOUT THE STATUS OF HIS APPEAL, GIVES REASON TO BELIEVE  
 7 THAT IF HE HAD BEEN AWARE OF THE DECISION FROM THIS COURT IN  
 8 REGARDS TO HIS APPEAL, IT'S HIGHLY UNLIKELY HE WOULD HAVE ALLOWED  
 9 HIMSELF TO BECOME PROCEDURALLY BARRED AS HE HAS TODAY. A DIRECT  
 10 RESULT OF MR. ORONDOZ NEGLIGENCE OF NOT INFORMING PETITIONER.

11 DUE TO COUNSEL'S FAILURE OF NOT NOTIFYING PETITIONER ABOUT  
 12 THE STATUS OF HIS APPEAL OR THAT THEIR TIME TOGETHER HAD ESSENTIALLY  
 13 COMMENCED, IT WAS PETITIONER'S NOTION THAT THIS COURT WAS STILL LOOKING  
 14 INTO THE ISSUES HE RAISED ON DIRECT APPEAL. FURTHERMORE PETITIONER WAS  
 15 UNDER THE IMPRESSION THAT MR. ORONDOZ WAS STILL HIS APPELLATE COUNSEL  
 16 OF RECORD AND WAS GOING TO NOTIFY HIM ABOUT THE STATUS OF HIS APPEAL  
 17 WHEN THERE WAS SOMETHING TO REPORT. WHEN IN ALL ACTUALITY MR. ORONDOZ  
 18 HAD SOMETHING TO REPORT AS EARLY AS JULY OF LAST YEAR.

19 PETITIONER WANTS THIS COURT TO KNOW THERE IS NO EVIDENCE  
 20 THAT MR. ORONDOZ DELIBERATELY OR MALICIOUSLY WITHHELD THE DECISION  
 21 FROM YOUR COURT IN REGARDS TO HIS APPEAL, IN ORDER TO INTENTIONALLY  
 22 PROCEDURALLY BAR HIM FROM FILING A WRIT OF HABEAS CORPUS, WITH  
 23 THE CLAIMS OF INEFFECTIVE ASSISTANCE OF COUNSEL IF HE CHOSE TO, BUT  
 24 REGARDLESS OF MR. ORONDOZ'S MOTIVES, THEY WERE INTENTIONAL, AND VERY  
 25 UNREASONABLE FOR A COMPETENT ATTORNEY. MR. ORONDOZ WAS OBLIGATED TO  
 26 COMMUNICATE TO PETITIONER ANY MATTERS PERTAINING TO "HIS" DIRECT  
 27 APPEAL.

PURSUANT TO NEVADA SUPREME COURT RULE 154: A LAWYER SHALL KEEP A CLIENT REASONABLY INFORMED ABOUT THE STATUS OF A MATTER AND PROMPTLY COMPLY WITH REASONABLE REQUEST FOR INFORMATION. TWO, A LAWYER SHALL EXPLAIN A MATTER TO THE EXTENT REASONABLY NECESSARY TO PERMIT THE CLIENT TO MAKE INFORMED DECISIONS REGARDING THE REPRESENTATION.

APPLYING RULE 154 TO THE CASE AT BAR, MR. ORONDOZ DID NOT REASONABLY INFORM PETITIONER ABOUT THE STATUS OF HIS APPEAL. IN FACT HE LIED ABOUT IT. STATING, "HE HADN'T HEARD ANYTHING," WHENEVER PETITIONER ASKED OF THE MATTER. FURTHERMORE COUNSEL DID NOT EVEN THINK TO TELL PETITIONER DUE TO HIS DIRECT APPEAL BEING DENIED, TECHNICALLY HE WAS NO LONGER PETITIONER'S COUNSEL. CERTAINLY IT WOULD HAVE BEEN REASONABLE TO INFORM PETITIONER OF THIS INFORMATION, IN THE EVENT HE COULD TAKE THE STEPS REASONABLE TO SEEK FUTURE RELIEF THROUGH APPEAL, OR MOVE FOR NEW REPRESENTATION IF NEEDED. COUNSEL FOR NO APPARENT REASON BUT PURE NEGLIGENCE WITHHELD THE MOST MEANINGFUL INFORMATION IN REGARDS TO HIS APPEAL. A DIRECT VIOLATION OF NEVADA SUPREME COURT RULES 146 AND 154.

#### AFFIRMATION

THE PETITIONER DELRIAN K. WILSON AN INDIGENT PRISONER CURRENTLY INCARCERATED AT ELIOTTE PRISON, RESPECTFULLY REQUEST THIS COURT FOR A EXTENSION OF TIME TO HIS APPELATE REMITTUR. PETITIONER HAS CLEARLY SHOWN HIS POSITION OF PROCEDURALLY BARRED CANNOT BE FAIRLY ATTRIBUTED TO HIM. PETITIONER WAS ONLY ACTING UPON THE INFORMATION THAT WAS, AND WAS NOT ADEQUATELY GIVEN TO HIM (BY HIS COUNSEL. PETITIONER WOULD ALSO LIKE THIS COURT TO KNOW HE HAS RECENTLY CONTACTED MR. ORONDOZ IN REGARDS TO THIS MATTER, IN WHICH MR. ORONDOZ HAS CONFIRMED HE WAS IN FACT FOR NOT NOTIFYING PETITIONER ABOUT THE STATUS OF DIRECT APPEAL AND WOULD DO WHATEVER NEEDED OF HIM THAT WAS OF HELP TO PETITIONER. PETITIONER REQUESTED MR. ORONDOZ

1 TO PROVIDE HIM WITH A LETTER OF DOCUMENTATION THAT HE HAS TAKING  
 2 THE NECESSARY STEPS TO WITHDRAW AS PETITIONERS APPELATE COUNSEL OF  
 3 RECORD, AS WELL AS CONFIRMATION FROM MR. ORANZO OF HIS OFFICE  
 4 THAT PETITIONER IS (JUST NOW) BEING NOTIFIED BY MR. ORANZO ABOUT  
 5 THE DECISION OF HIS DIRECT APPEAL. (SEE EXHIBIT 3) HOWEVER AFTER  
 6 NUMEROUS ATTEMPTS OF CONTACTING MR. ORANZO IN REGARDS TO THIS MATTER,  
 7 SPECIFICALLY THE REQUESTED LETTER PETITIONER HAS BEEN UNABLE TO SPEAK  
 8 WITH MR. ORANZO DIRECTLY. HE HAS SPOKEN WITH COUNSEL'S SECRETARY (ALICIA)  
 9 ABOUT THE MATTER IN WHICH SHE HAS STATED AT LEAST ON THREE OCCASIONS  
 10 THAT "THE MATTER IS BEING TAKEN CARE OF, AND SHOULD BE TO YOU BY THE  
 11 END OF THE WEEK." AS RECENT AS AUGUST 18, 2010 PETITIONER HAS CONTACTED  
 12 MR. ORANZO IN CONCERN HE HAS STILL NOT PROVIDED HIM WITH THE RECENT  
 13 REQUESTED MATERIALS. AGAIN PETITIONER WAS ONLY ABLE TO SPEAK TO  
 14 "ALICIA" THE SECRETARY WHO STATED "MR. ORANZO HAS STARTED A TRIAL  
 15 WHICH IS CAUSING A DELAY OF THEIR OFFICE PROVIDING PETITIONER WITH  
 16 HIS REQUESTED DOCUMENTS." PETITIONER THEREFORE MOVES FORWARDED WITH  
 17 THIS MOTION DUE TO THE STRICT TIME RESTRAINTS OF THE APPELATE PROCEDURES  
 18 NOTIFYING THIS COURT THE ONLY DOCUMENTATION OF AN ORDER OF AFFIRMANCE  
 19 TO CASE NO. 52104 HAS COME FROM FIRST PETITIONERS MOTHER, LISA WILSON  
 20 (SEE EXHIBIT 1) AND TWO THE CLERK OF THIS COURT IN RECEIPT OF PETITIONERS  
 21 LETTER WITH HIS CONCERN OF THE ISSUES BEING RAISED IN THIS MOTION. (SEE  
 22 EXHIBIT 4). PETITIONER HAS ALSO FILED A PRO PER MOTION FOR AN ORDER  
 23 INSTRUCTING COUNSEL TO PROVIDE PETITIONER WITH A COMPLETE AND ACCURATE  
 24 COPY OF PETITIONERS ENTIRE CASE FILE THAT PERTAINS TO PETITIONERS  
 25 DISTRICT COURT CASE NO. C23294 AS WELL ANY AND ALL MATERIALS  
 26 THAT PERTAIN TO NEVADA SUPREME COURT CASE NO. 52104. (SEE EXHIBIT 5).  
 27 PETITIONER HAS INDICATED TO COUNSEL HIS DESIRE TO SEEK ALL AVAILABLE

1 OPTIONS OF RELIEF OF HIS CRIMINAL CONVICTIONS VIA APPEAL. IN  
 2 FIRST IT WAS PETITIONER WHO FILED A PROPER PERSON NOTICE OF APPEAL  
 3 IN CASE NO. 52104. MR. ORONIZ WITHOUT THE CONSENT OF PETITIONER  
 4 FOLLOWED UP WITH HIS OWN NOTICE OF APPEAL. (SEE EXHIBITS 6, 7). SO  
 5 IT WAS THE DUTY OF MR. ORONIZ TO COMMUNICATE, AND REPLY TO  
 6 ALL REQUEST OF INFORMATION THAT PERTAIN TO PETITIONERS DIRECT  
 7 APPEAL. MR. ORONIZ INFORMED PETITIONER HE WOULD DO SO. (SEE EXHIBIT 8)  
 8 INEXHIBITALLY PETITIONER. LEARNED OF THIS COURTS DECISION FROM HIS  
 9 MOTHER. (SEE EXHIBIT 1) HAD MR. ORONIZ INFORMED PETITIONER ABOUT  
 10 THE STATUS OF HIS APPEAL IN A TIMELY MANNER, OR UPON HIS REQUEST,  
 11 THERE'S A REASONABLE POSSIBILITY THE OUTCOME WOULD BE DIFFERENT.  
 12 THE CAUSE OF THIS PREJUDICE IS NOT OF PETITIONER, BUT OF PETITIONERS  
 13 COUNSEL AND PETITIONER SHOULD BE WORTHY OF YOUR SERIOUS CONSIDERATION  
 14 OF EXTENDING TIME TO HIS REMITTITUR.

15 THIS MOTION IS MADE AND BASED PURSUANT TO THE SUPPORTING  
 16 ATTACHED AFFIDAVIT'S, AS WELL AS ALL PAPERS, PLEADINGS, AND  
 17 DOCUMENTS ON FILE HEREIN.

### 18 CONCLUSION

19 WHEREFORE, FOR ALL OF THE ABOVE REASONS STATED PETITIONER  
 20 RESPECTFULLY REQUEST THIS HONORABLE COURT TO GRANT PETITIONER  
 21 AN EXTENSION OF TIME TO HIS REMITTITUR FROM AUGUST 4, 2010, TO  
 22 AUGUST 4, 2011, WITHIN WHICH TO FILE HIS WRIT OF HABEAS CORPUS,  
 23 POST-CONVICTION APPEAL AS WELL AS ANY OTHER AVAILABLE PETITIONS  
 24 WHICH MAY PROVIDE RELIEF OF CASE NUMBERS LISTED IN THIS MOTION

25 DATED THIS 19TH DAY OF AUGUST, 2010.

26 RESPECTFULLY SUBMITTED,  
 27 DELMIAN K WILSON  
 28 PETITIONER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY PURSUANT TO N.R.C.P. 5(c) THAT I AM THE PETITIONER IN THE FOREGOING APPLICATION FOR EXTENSION OF TIME, AND THAT ON THIS 24<sup>TH</sup> DAY OF AUGUST, 2010, I DID SERVE A TRUE AND CORRECT COPY OF THE ABOVE MENTIONED DOCUMENT, BY GIVING IT TO A PRISON OFFICIAL AT THE ELI/STATE PRISON TO DEPOSIT IN THE U.S. MAIL, SEALED IN AN ENVELOPE, POSTAGE PRE-PAID, AND ADDRESSED AS FOLLOWS:

SUPREME COURT OF NEVADADAVID ROGEROFFICE OF THE CLERKOFFICE OF THE DISTRICT ATTORNEY201 S. CORSON STREET, SUITE 201200 LEWIS AVENUECORSON CITY, NEVADA 89701LAS VEGAS, NEVADA 89155-2212DELAIRIA K WILSON

PETITIONER

AFFIDAVIT

(STATE OF NEVADA )  
COUNTY OF WHITE PINE ) ss.

DELAIRIA K WILSON, BEING FIRST DULY SWORN, DEPOSES  
AND SAYS:

1. THAT AFFIRANT IS THE PETITIONER IN THE ABOVE-ENTITLED CAUSE OF ACTION;

2. THAT AFFIRANT IS OVER THE AGE OF TWENTY-ONE (21) YEARS, OF SOUND MIND, AND COMPETENT TO SWEAR TO THE WITHIN MATTERS OF THE ABOVE LISTED CAUSE OF ACTION;

3. THAT DUE TO MR. JAMES A. OKONDOZ, APPELATE COUNSEL FAILURE TO NOTIFY

1 I THE PETITIONERS OF THE SUPREME COURT ORDER OF AFFIRMANCE (SEE EXHIBIT)  
2 IN A TIMELY MANNER, AFFIRANT IS UNABLE TO PREPARE AND WRITE HIS  
3 WRIT FOR A HABEAS CORPUS / POST-CONVICTION APPEAL BY THE CURRENT DUE  
4 DATE;

5 4. THE AFFIRANT BELIEVES THE NECESSARY RESEARCH AND PREPARATION  
6 CAN BE ACCOMPLISHED WITHIN THE ADDITIONAL ~~30~~ DAYS REQUESTED;  
7 5. THAT THIS REQUEST FOR EXTENSION OF TIME IS MADE IN GOOD FAITH  
8 AND NOT FOR THE PURPOSES OF DELAY.

9  
10 DETRIAN K. WILSON  
11 AFFIRANT / PETITIONER  
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# EXHIBITS

(NUMBERD ONE THRU EIGHT)

EXHIBIT 1

AFFIDAVIT OF RECORD

July 26, 2010

RE: Appeal Notice #52104 - Delarian D. K. Wilson #1022177

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**My name is:** Lisa A. D. Wilson

**My address is:** 878 S. Kalispell Circle, Unit #106, Aurora, CO 80017

**My phone number is:** 720-936-8463

**I am giving this statement of my own personal free will of the actions that transpired with me receiving court documents on the appeal decision for number 52104 from the Supreme Court of the State of Nevada.**

On the evening of July 13, 2010, around 8:00pm (MST), I was searching the intranet trying to see if I could locate any information on my son Delarian Wilson appeal case since it had been over a year and we had not heard a word. I happen to come across the Blackstone Criminals/Probate Court Case Inquiry, District Case Inquiry website and search the website case number 07-C232494-C and located his case. Reviewing the different options that was listed I became to review the case summary and case activity. There was two items listed as "Appeal to Supreme Court Closed" list as 52104 performed 07/07/2009 and filed 07/17/2009 and 52127 performed 03/11/2010 and filed 03/11/2010. I was unable to obtain the documents or any other information to determine exactly what the status closed meant or any other information of my son's appeal. Of course, it was late to communicate anyone that evening, so my goal was to call his lawyer Mr. James (Jim) A. Oronoz, the next morning in hopes of getting more information on the appeal case in question.

On the morning, of July 14, 2010 around 10:00am (MST), I placed a call into the law office of Mr. James (Jim) A. Oronoz, to only find out that his number had changed and that he had changed offices. All was new information to me as a client.

The receptionist and the old office provide me the new phone number of contact Mr. Oronoz, so I immediately placed a call to the new number in hopes to speak with him. As, usual I was informed by the receptionist (Alicia), that Mr. Oronoz was not available to take my call. I stated that I was Lisa Wilson, the mother of Delarian Wilson, and I would like Mr. Oronoz to call me back in regards to my son's appeal case.

Alicia had quickly responded that my son had just called earlier with the same inquiring and she had explained to him that there had not been any decisions made on his case as of today. That Jim was still waiting. My responses to her was can someone please explain to me what exactly does it mean on the Nevada court inquiry website when it states the "Appeal to Supreme Court Closed"? Her response was since he had been sentence the information that was being reported was old information from his court filings from earlier, nothing would be posted from the *Supreme Court* on this website and more than likely, it just meant that case was filed with the courts on Delarian's behalf. So I asked again, why does it report the Appeal closed and filed on 03/11/2010 and 07/17/2009? Although, her response was confusing again she stated that it just means his case original case is closed, but not his appeal, because there has not been a decision made on his appeal case by the Supreme courts.

However, about 5 minutes later, I had received a call back from Alicia and she stated that they had received a decision on his case and it was denied in July and I responded why hadn't he been informed of this and what is the next step or what options do he have now? Alicia quickly responded and said nothing because it was "Order of Affirmance". Since I was still somewhat confused about the notice and her responses to my earlier questions, I had asked did the courts provide an explanation of their decision and did they give him any other options? She said no it is final he has no other option and asked if I would like a copy mailed to me. I said yes please.

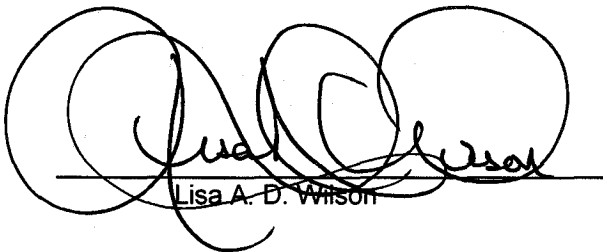
On July 19, 2010, I received in the mail an envelope postmarked 07/14/10 from Mr. Oronoz's office with his new address and enclosed was the notice of "Order of Affirmance" from the court with a date stamp filed 07/07/2009. I was shock that is was 2009, because when I was speaking to Alicia and she sated July, I just assume she meant 2010, since earlier she had stated that had not received anything and that the information that I was seeing on the website had nothing to do with his appeal case from the Supreme courts. Which in fact, the information was correct. I also had realized that the case file number 52104 was linked to Delarian Wilson's appeal case. Upon reviewing the documents in hand, I placed a call to Mr. Oronoz's office to further address my questions and concerns. I had left few messages requesting a callback from Mr. Oronoz on 07/19/2010 and also 07/21/2010 and 07/22/2010 and to this date I have yet receive a callback.

Not really understanding the appeal process, I had to wait until Delarian called so that I could inform him of this decision on his case. He called me the evening on 07/22/2010 and I had explain to him all that had taken place and told him I would send him a copy for his records. He also said that he thinks he had missed other deadlines because of not receiving this information timely and that he was going to contact Mr. Oronoz the next day to request a copy of the notice. He was frustrated because we both had been asking Mr. Oronoz office for over a year had there been any decision made on his appeal and was always told nothing so and was to leas to believe it was still pending which we felt was a good sign of hope, to only find out a decisions was made less than 90 days after it was filed with the courts back in May 2009.

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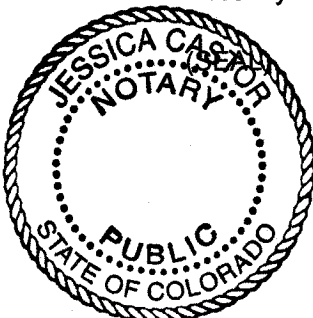
#### DECLARATION

I, the undersigned, declare under penalty of perjury that the statements made in the above affidavit are true and correct to the best of my knowledge, information, and belief. They are made voluntarily and without any benefit (actual or promised) offered in exchange for making these statements.

  
Lisa A. D. Wilson

8/12/2010  
Date

Witness my hand and official seal this the 12th day of August, 2010.



Jessica Castor  
Notary Public

My Commission expires: 06, 25, 2011

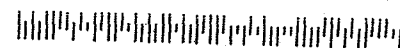
My Commission Expires 06/25/2011

James A. Oronoz, Chd.  
700 S. 3rd Street  
Las Vegas, NV 89101



UNITED STATES POST  
02 1P  
000308178  
MAILED FROM

LISA WILSON  
878 S. KALISPELL Cir #106  
AURORA, CO 80017



7.21.10

Dear Mr. Orroz,

I come to you today on Request of my Decision from the Nevada Supreme Court on regards to my Direct Appeal. Apparently which I just learned via my mother that I was Denied Relief on my Direct Appeal as of April 2010. you nor your office ever notified me of this Very Important matter. Eventhough I have called you Numerous of times on regards to my Appeal as recent as April + May of 2010. On which you told me you have not heard anything on regards to my Appeal. Mr. Orroz I ask that you send me A copy And ALL materials from the Nevada Supreme Court pertaining To my Appeal. I also ask that you notify the Nevada Supreme Court that I am just being notified of their Decision And request that I may be granted An extension for Any future petitions on regards to my Conviction. As a result of you not notifying me on a timely manner. Your prompt response to these matters would be greatly appreciated. Thanks. I Am Advise your office is suppose to mail & fax A copy to my mother as of 7.22.10 But I ask that your office also mails me my own copy too. Thanks.

Respectfully,  


## SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

Mr. James A. Oronoz,  
Attorney at Law  
700 S. 3rd Street  
Las Vegas NV 89101

2. Article Number  
(Transfer from service label)

7010 1060 0001 7934 2715

PS Form 3811, February 2004

Domestic Return Receipt

100595-02M-1540

## COMPLETE THIS SECTION ON DELIVERY

## A. Signature

X ☐ Agent☐ Addressee

## B. Received by (Printed Name)

Melita Monson

## C. Date of Delivery

2/29/10

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

## 3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

## 4. Restricted Delivery? (Extra Fee)

☐ Yes

7.25.10

Dear Mr. Oronoz,

I Come today to you in regards of some Very important matters. Due to the fact that we have reach the Conclusion of you to my Counsel I Need to address some important matters so I Continue in my Pursuit of Relief of my Criminal Conviction.

1.

I Ask that you mail my entire file And Record to me as soon as possible. That includes "All" filed motions on my behalf to either the District or Nevada Supreme Court. To be Specific:

- Motion to Appoint Investigator, And for fees on excess of statutory. (filed 8/16/07)
- Motion to Sever Defendants (filed 3/11/08)
- Motion to Suppress Statement (filed 3/24/08)
- Motion to Reset Sentencing Date (filed 5/10/08)

2

I Would like a copy of the motion you filed "transcript" Request form" Requesting transcripts of numerous District Court Proceedings. transcripts of the following Dates 4-10-08, 4-11-08, 4-14-08, 4-15-08, 4-16-08, 4-17-08, 4-18-08 And 4-21-08.

These Are Dates And transcripts of my Co-Defendant Narkus Wesley trial, that you deemed was helpful to my Appeal. I have requested copies of these proceedings for almost two years. I would also like a copy of the motion to increase

the time to file my opening brief. The motion filed from the request of Eusebio's final proceedings were filed 9/10/08 according to your letter 12/24/08. On 11/17/08 The Nevada Supreme Court ordered Court Reporter Jackie Tenelle and her aide to produce the requested transcripts within 30 days. The Nevada Supreme Court granted you 70 days from the day of the order to file and serve the opening brief and appendix. Again this is all according to the letter you wrote me on 12/24/08. I have never received any copies of any of the matters listed above.

As you know Mr. Ormonde there is very strict and specific time limits on these appellate procedures. So I am asking that you respond promptly to these important matters. I need copies of all the materials mentioned in this letter. Your prompt response would be greatly appreciated. Thanks.

Respectfully,

DeLoren Wilson  
#1022197



August 1, 2010

Dear Mr. Orroz,

I come to you today in regards to our conversation the afternoon of July 20, 2010. Specifically about the matter of you never informing me of the Supreme Court's Decision in regards to my Direct Appeal. You, I quote stated "you thought you told me, but if I said you didn't, then I guess I didn't" upon that I informed you that because of your failure to inform me that I am now procedurally time barred to pursue other appeals. You replied I quote "no you're not. I'm still trying to help you" I've been trying to get you appointed a New Counsel because you're a negligent Prisoner. Mr. Orroz I don't know exactly what you're talking about, because that was the first time you've ever mentioned that to me. To my understanding since my Appeal was denied our time as Attorney/Client has commenced. I have asked you numerous of times over the past year about the status of my Appeal in which exceptions I was told you have not heard anything. I am now aware via my mother who learned of the matter thru your Secretary over her concern of something she saw on the computer, and now from you for the first time that my Order of Dismissance from the Nevada Supreme Court, & Denial of my Direct Appeal was sent to you last Summer. Again I ask that you sent me a copy of that Document (Supreme Court Decision) & letter stating our time together has commenced for my record, as well as a complete & accurate copy of my Case file with a minimum delay. As you know there are strict guidelines that

time limits in the Appeals process, so your prompt response to this matter would be greatly appreciated. you stated you would get these things to me, I'm writing you today to remind you of the urgency of having them as soon as possible. Thanks.

Respectfully,

Delarian Wilson

#1022177

1 of 1

8-14-10; 10:20 AM

MR. ORRIDGE,

I come to you again in regards to the materials I was suppose to receive from you two weeks ago. Specifically my entire case file, two letters, one about you withdrawing as my appellate counsel, and the other about you just notifying me about the status of my appeal being denied 7-30-10. I spoke to your Secretary "Alieha" who has continued to say that these materials will be mailed out to me, but I have yet to receive them. I understand the urgency of getting these very important documents enough, so it would be greatly appreciated that you would act promptly to this matter. As you know the Appellate Procedures have very strict timelines so your supplying these materials to me with minimal amount of delay is definitely needed. Thanks.

Respectfully,

Debra Ann Wilson

7-26-10

CASE NO. 52104

TO WHOM IT MAY CONCERN:

I CAME TO YOU TODAY IN REGARD TO A VERY SERIOUS MATTER. I DELARION K. WILSON IS REQUESTING ANY PAPERWORK FROM YOUR COURT IN REGARDS TO MY DIRECT APPEAL (NO. 52104) FILED 2/24/09. IN REGARDS TO THE ORDER OF AFFIRMANCE. MY ATTORNEY THAT WAS OF RECORD JAMES A. ORNOZ, BAR #006769 HAS NEVER TOLD OR INTILLED ME ANYTHING IN REGARDS TO THE SUPREME COURTS DECISION ON MY DIRECT APPEAL. IN FACT I LEARNED OF THIS ORDER OF AFFIRMANCE DATED 7/7/09 VIA MY MOTHER, WHO CONTACTED MR. ORNOZ OFFICE INQUERING ABOUT MY APPEAL. ITS MY UNDERSTANDING THAT MR. ORNOZ SECRETARY NOTIFIED MY MOTHER, AFTER MY MOTHER SAW SOMETHING ON THE COMPUTER "APPEAL CLOSED". IN WHAT MY MOTHER NOTIFIED MR. ORNOZ SECRETARY WHO AFTER LOOKING INTO THE MATTER DID ATTAIN TO MY MOTHER THAT A DECISION WAS MADE BY YOUR COURTS IN APRIL OF 2010. AFTER SPEAKING TO MY MOTHER LISA WILSON (SHE INFORMED OF THE VERY SERIOUS MATTER. SHE TOLD ME MR. ORNOZ SECRETARY "ALLICIA" WILL BE MAKING AND FAXING A COPY TO MY MOTHER 7/23/10. MY MOTHER DID RECEIVE THE DOCUMENTS AND MAILED THEM TO ME IMMEDIATELY. MY CONCERN IS I NOTICED ON THE ORDER OF AFFIRMANCE THAT IT WAS DATED, FILED

7/7/09. SINCE AS OF TODAY 7/26/10 I HAVE NOT  
 HEARD NOR RECEIVED ANYTHING IN REGARDS TO  
 THE DECISION OF THE NEVADA SUPREME COURT. I ALSO  
 CONTACTED MR. ORANDEZ 7/26/10 WHO WAS NOT AVAILABLE.  
 I ALSO SPOKE TO "ALICIA" HIS SECRETARY. I CAME TO  
 YOU TODAY TO ASK WHEN WAS MY ORDER OF AFFIRMANCE  
 DATED? IF IT WAS 7/7/09 I HAVE USED MY ENTIRE  
 YEAR TO FILE APPEALS TO ANY COURT. I NEED TO KNOW  
 WHO I TURN TO ABOUT RETRIEVING THAT YEAR BACK.  
 MR. ORANDEZ HAS NOT SENT ME ANY DOCUMENTS IN  
 REGARDS TO THIS MATTER. NOR AS HE INFORMED ME  
 HE IS NO LONGER MY ATTORNEY OF RECORD. I HAVE  
 CONTACTED MR. ORANDEZ NUMEROUS OF TIMES IN REGARDS  
 TO MY APPEAL, SPECIFICALLY A DECISION OVER THE LAST  
 YEAR. REPEATEDLY MR. ORANDEZ HAS STATED HE HAS HEARD  
 NOTHING IN REGARDS TO THIS COURTS DECISION ON MY  
 APPEAL. MR. ORANDEZ HAS USED UP ALL MY TIME TO  
 APPEAL BY WITHHOLDING THIS INFORMATION FROM ME.  
 I CAME TO YOU IN REQUEST OF HOW DO I GO ABOUT  
 RETAINING MY TIME TO APPEAL? WHO DO I CONTACT.  
 I HAVE BEEN WORKING ON MY POST-CONVICTION WRIT  
 OF A HABEAS CORPUS FOR OVER A YEAR. AND ACCORDING  
 TO THIS DOCUMENT I RECEIVED FROM MY MOTHER  
 I HAVE NO MORE TIME TO APPEAL MY CONVICTION. AND  
 IT LIES ON MR. ORANDEZ BECAUSE HE HAS NOT ONCE  
 INFORMED ME OF THIS COURTS DECISION SO THAT I COULD  
 SEEK OTHER APPEALS. SO I NEED TO KNOW HOW I GO  
 ABOUT RETAINING MY TIME TO APPEAL. YOUR RESPONSE

3

TO THIS VERY SERIOUS MATTER WOULD BE GREATLY APPRECIATED.  
THANK YOU.

RESPECTFULLY,

DELRIAN K WILSON  
Delrian Wilson

#1022177

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**CONFIDENTIAL REPORT**

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**Nevada Supreme Court Docket Sheet**

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**WILSON (DELARIAN) VS. STATE**

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**Docket: 52104**

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DELARIAN K. WILSON A/K/A DELARIAN KAMERON WILSON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

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**Supreme Court No. 52104**

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**Consolidated with:**

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**Counsel**

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Draskovich & Oronoz, P.C., Las Vegas, NV \ James A. Oronoz(added 7/25/08), as counsel for Appellant  
Attorney General/Carson City, Carson City, NV \ Catherine Cortez Masto, Attorney General, as counsel for  
Respondent  
Clark County District Attorney, Las Vegas, NV \ Steven S. Owens, Chief Deputy District Attorney, as counsel for  
Respondent

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**Case Information**

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**Panel:** NNP09 **Panel Members:** Cherry/Saitta/Gibbons  
**Disqualifications:**  
**Case Status:** Closed **Category:** Criminal Appeal **Type:** Direct/Life  
**Submitted:** On Briefs **Date Submitted:** 06/04/09  
**Oral Argument:**  
**Sett. Notice Issued:** **Sett. Judge:** **Sett. Status:**  
**Related Supreme Court Cases:** 52127

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**District Court Case Information**

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**Case Number:** C232494  
**Case Title:** STATE VS. WILSON  
**Judicial District:** Eighth **Division:** **County:** Clark Co.  
**Sitting Judge:** James M. Bixler  
**Replaced By:**  
**Notice of Appeal Filed:** 07/18/08 Appeal **Judgment Appealed From Filed:** 07/16/08  
07/22/08 Appeal  
07/24/08 Appeal  
08/05/08 Appeal

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**Docket Entries**

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<b>Date</b>	<b>Docket Entries</b>	<b>Pending E-Filed</b>
07/23/08	Filing Fee Waived: Criminal. clerk16	<input type="checkbox"/>
07/23/08	Filed Certified Copy of proper person Notice of Appeal. Appeal docketed in the Supreme Court this day. clerk16	<input type="checkbox"/> 08-18984
07/25/08	Filed Certified Copy of proper person Notice of Appeal. clerk16	<input type="checkbox"/> 08-19296
07/25/08	Filed Certified Copy of Notice of Appeal. (Docketing statement mailed to counsel for appellant.) clerk16	<input type="checkbox"/> 08-19298

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**CONFIDENTIAL REPORT**

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**Nevada Supreme Court Docket Sheet**

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**Page 3****WILSON (DELARIAN) VS. STATE****Docket: 52104**

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03/12/09	Filed Opening Brief. SECURED COMMENT: The service indicates that the brief was served on 2/24/09. clerk8	<input type="checkbox"/> 09-06390
03/12/09	Filed Appendix to Opening Brief. clerk8	<input type="checkbox"/> 09-06391
04/14/09	Filed Answering Brief. clerk14	<input type="checkbox"/> 09-09440
04/14/09	Filed Appendix to Answering Brief. clerk14	<input type="checkbox"/> 09-12460
05/19/09	Filed Reply Brief. clerk2	<input type="checkbox"/> 09-12454
06/04/09	Filed Order Cause appearing, oral argument will not be scheduled and this appeal shall stand submitted for decision as of the date of this order on the briefs filed herein. clerk2	<input type="checkbox"/> 09-13974
06/04/09	Processing status update: Submitted for decision. clerk2	<input type="checkbox"/>
07/07/09	Filed Order of Affirmance. "ORDER the judgment of conviction AFFIRMED." NNP09-MC/NS/MG. clerk5	<input type="checkbox"/> 09-16576
08/04/09	Issued Remittitur. clerk16	<input type="checkbox"/> 09-17555
08/04/09	Processing status update: Remittitur Issued/Case Closed. clerk16	<input type="checkbox"/>
08/14/09	Filed Remittitur. Received by County Clerk on August 6, 2009. clerk16	<input type="checkbox"/> 09-17555
07/29/10	Received Proper Person Letter. Regarding counsel and time for filing an appeal. clerk2	<input checked="" type="checkbox"/> 10-19648

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**Processing Status History**

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<b>Date</b>	<b>Processing Status</b>
07/23/08	Proper Person Appeal Docketed
07/25/08	Briefing in Progress
05/19/09	Briefing Completed
05/19/09	To Screening
06/04/09	Submitted for Decision
07/07/09	Disposition Filed
08/04/09	Remittitur Issued/Case Closed



NEVADA DEPARTMENT OF CORRECTIONS  
ELY STATE PRISON  
LEGAL MAIL

NAME: Wilson S DOC#: 1022177 UNIT: 5A26

REPORT TO CONTROL AT ADMIN FOR THE FOLLOWING:

LEGAL MAIL: \_\_\_\_\_

CERTIFIED MAIL: \_\_\_\_\_

REGISTERED MAIL: \_\_\_\_\_

DATE: \_\_\_\_\_

INMATE SIGNATURE: [Signature]

RECEIVED  
AUG 03 2010  
MAIL ROOM  
ELY State Prison

Supreme Court, Clerk  
201 N. Carson St. Suite 201  
Carson City, Nevada 89701

OFFICER: [Signature]

DOC#: 1022177 DATE: 8-13-10

IN THE SUPREME COURT OF THE STATE OF NEVADA

DELARIAN K. WILSON A/K/A  
DELARIAN KAMERON WILSON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 52104

**FILED**

JUL 07 2009

THACIE A. LINDEMAN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of two counts of robbery with the use of a deadly weapon and one count of sexual assault. Eighth Judicial District Court, Clark County; James M. Bixler, Judge. The district court sentenced appellant Delarian Kameron Wilson to prison terms of 72 to 180 months for the robbery counts, plus equal and consecutive sentences for the deadly weapon enhancements, and ten years to life for the sexual assault, all terms to run consecutively.

Wilson contends that his sentence was excessive for two reasons: (1) his sentence was unreasonably disproportionate to his codefendant's sentence, and (2) the district court relied on highly suspect or impalpable evidence.

This court has consistently afforded the district court wide discretion in its sentencing decisions. See Houk v. State, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987). This court will refrain from interfering with the sentence imposed "[s]o long as the record does not demonstrate prejudice resulting from consideration of information or accusations

founded on facts supported only by impalpable or highly suspect evidence.” Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976). Moreover, regardless of its severity, “[a] sentence within the statutory limits is not ‘cruel and unusual punishment unless the statute fixing punishment is unconstitutional or the sentence is so unreasonably disproportionate to the offense as to shock the conscience.’” Blume v. State, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996) (quoting Culverson v. State, 95 Nev. 433, 435, 596 P.2d 220, 221-22 (1979)); see also Glegola v. State, 110 Nev. 344, 348, 871 P.2d 950, 953 (1994). In considering whether a sentence is grossly disproportionate to an offense, a court must consider not only the gravity of the current offense, but also the seriousness of a defendant’s criminal history. Ewing v. California, 538 U.S. 11, 28-29 (2003) (Kennedy, J., concurring).

Wilson first contends that his sentence was unreasonably disproportionate to the sentence that his codefendant, Narcus Wesley, received. Particularly, Wilson contends that the district court failed to take into account his remorse for the crime, his accepting responsibility for his actions by pleading guilty, his lack of prior convictions, and the fact that he did not actually commit the sexual assaults, but rather merely assisted and encouraged them. In contrast, Wesley expressed no remorse at the sentencing hearing, placed all the blame for the crimes on Wilson, and committed the actual sexual assault of the female victim. Wesley opted for his right to trial and was convicted on 18 counts. The district court sentenced Wesley to concurrent terms on all counts.<sup>1</sup>

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<sup>1</sup>Wilson cites to Biondi v. State, 101 Nev. 252, 699 P.2d 1062 (1985), in support of his claim that such disparity in sentencing is  
*continued on next page . . .*

Although Wilson did not have a significant criminal history, the gravity of the crime supported the severity of Wilson's sentence. Wilson and Wesley robbed six individuals in their residence at gunpoint. Wilson took one of the victims to an ATM machine, and when he returned, Wilson and Wesley forced two of the victims to participate in sexual acts with each other, and then Wesley further sexually assaulted the female victim. The district court justified a more severe sentence for Wilson based on his role as "ring leader" of the robbery. "[S]entencing is an individualized process; therefore, no rule of law requires a court to sentence codefendants to identical terms," Nobles v. Warden, 106 Nev. 67, 68, 787 P.2d 390, 391 (1990) (citing People v. Walford, 716 P.2d 137 (Colo. App. 1985)), and it is within the discretion of the district court to impose consecutive sentences. See NRS 176.035(1); Warden v. Peters, 83 Nev. 298, 303, 429 P.2d 549, 552 (1967). 'Moreover, Wilson has not contended that the relevant sentencing statutes are unconstitutional<sup>2</sup> or that the

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*... continued*

unconstitutional. Biondi was a death penalty case in which this court conducted a proportionality review of the death sentence pursuant to former NRS 177.055(2) and has no applicability to the present case.

<sup>2</sup>Wilson appears to briefly argue that when sentenced to a deadly weapon enhancement, a jury must make the determination that the defendant used a deadly weapon in the commission of a crime pursuant to Apprendi v. New Jersey, 530 U.S. 466 (2000). Wilson pleaded guilty to robbery with the use of a deadly weapon and admitted to facts supporting the enhancement; thereby waiving the right to a jury determination as to whether he used a deadly weapon. See Blakely v. Washington, 542 U.S. 296, 303 (2004) (stating that precedent makes it clear that the statutory maximum that may be imposed is "the maximum sentence a judge may

*continued on next page . . .*

sentences are not within the statutory limits.<sup>3</sup> Thus, the district court did not abuse its discretion at sentencing.

Second, Wilson contends that the district court relied on highly suspect and impalpable evidence in determining that he was the "ring leader" behind the crime. Particularly, Wilson contends that the district court relied on evidence adduced at Wesley's trial, and by relying on such evidence, supported Wesley's defense theory that he acted under duress when committing the crime, which the jury had rejected.<sup>4</sup>

The district court's wide discretion in its sentencing determinations enables the sentencing judge to consider a wide, largely unlimited variety of information to ensure that the punishment fits not only the crime, but also the individual defendant. Norwood v. State, 112 Nev. 438, 440, 915 P.2d 277, 278 (1996). Wilson has not cited to any legal authority to support his claim that the district court cannot consider evidence presented at a codefendant's trial in determining the proper sentence for a defendant. See Maresca v. State, 103 Nev. 669, 673, 748

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*... continued*

impose solely on the basis of the facts reflected in the jury verdict or admitted by the defendant").

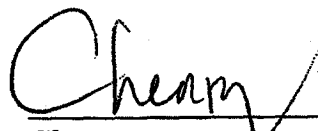
<sup>3</sup>See NRS 200.380(2) (setting forth a sentence of 2 to 15 years for robbery); 1995 Nev. Stat., ch. 455, §1 at 1431 (setting forth an equal and consecutive sentence for use of a deadly weapon); NRS 200.366(2)(b) (setting forth a sentence of ten to life for sexual assault).


\* <sup>4</sup>Wesley's trial transcripts were not included as a part of the record and the victims did not testify at the sentencing hearing. We further note that the jury's rejection of Wesley's defense of duress does not amount to the conclusion that Wilson was not the ring leader.


P.2d 3, 6 (1987) (holding that "[i]t is appellant's responsibility to present relevant authority and cogent argument; issues not so presented need not be addressed by this court"). Thus, we decline to address this claim further.

Having considered Wilson's contentions and determined they are without merit, we

ORDER the judgment of conviction AFFIRMED.

  
Cherry J.

  
Saitta J.

  
Gibbons J.

cc: Hon. James M. Bixler, District Judge  
Draskovich & Oronoz, P.C.  
Attorney General Catherine Cortez Masto/Carson City  
Clark County District Attorney David J. Roger  
Eighth District Court Clerk

ON THE 8<sup>TH</sup> JUDICIAL DISTRICT COURT of  
THE STATE of NEVADA IN AND FOR THE  
COUNTY of CLARK

DELMAR K. WILSON

PETITIONER,

VS.

CASE NO. C23294

DEPT NO. 24

DOCKET NO. \_\_\_\_\_

STATE of NEVADA

RESPONDANT

MOTION FOR AN ORDER INSTRUCTING THE ATTORNEY  
OF RECORD TO PROVIDE PETITIONER WITH A COMPLETE AND  
COPY OF THE CASE FILE IN THE ABOVE ENTITLED CASE NUMBER

COMES NOW, PETITIONER, DELMAR K. WILSON, PRO  
PER, AND RESPECTFULLY MOVES THIS HONORABLE COURT FOR AN ORDER  
INSTRUCTING JAMES A. ORONDOZ, ESQ TO PROVIDE A  
COMPLETE AND ACCURATE COPY OF PETITIONERS CASE FILE IN THE ABOVE  
ENTITLED CASE NUMBER. SPECIFICALLY ALL PRE TRIAL MOTIONS, IN  
CLUDING BUT NOT LIMITED TO, "MOTION TO APPOINT INVESTIGATOR" filed 8.16.07,  
"MOTION TO SEVER DEFENDANTS" filed 3.11.08, "MOTION TO SUPPRESS STATEMENT"  
filed 3.24.08, "MOTION TO RESET SENSING DATE" filed 5.10.08, "ANY  
AND ALL PRE-TRIAL MOTIONS IN REQUEST OF CONTINUANCES", "TRANSCRIPTS  
OF ALL PROCEEDINGS MENTIONED IN THIS PETITION" "TRANSCRIPTS OF  
EACH CALENDER CALL 5/9/07, 6/13/07, 11/1/07, 1/24/08, 3/27/08,  
TRANSCRIPTS OF PROCEEDINGS 3/26/08 TITLED "ALL PENDING MOTIONS",  
PRE-TRIAL MOTIONS SPECIFICALLY BUT NOT LIMITED TO "MOTION FOR

REQUEST OF TRANSCRIPTS OF NUMEROUS DISTRICT COURT PROCEEDINGS FILED 9.10.08, SPECIFICALLY 4/10/08, 4/11/08, 4/14/08, 4/15/08, 4/16/08, 4/17/08, 4/18/08, 4/21/08, ANY AND ALL DOCUMENTS FILED TO THE NEVADA SUPREME COURT, INCLUDING ANY DECISIONS OR MOTIONS IN REGARD TO MY DIRECT APPEAL (NO. 52104).

### Affirmation

THE PETITIONER, DELAIRIAN K. WILSON, AN INDIGENT PRISONER CURRENTLY INCARCERATED AT ELI/STATE PRISON HAS MADE REPEATED REQUEST TO JAMES A. ORANIZ, THE ATTORNEY OF RECORD ON BOTH DISTRICT COURT CASE NO. C23294 AND NEVADA SUPREME COURT NO. 52104 FOR COPIES OF ALL DOCUMENTS LISTED IN THIS MOTION. MR. ORANIZ HAS WITHHELD THESE DOCUMENTS FROM ME FOR ALMOST TWO YEARS. I HAVE NEVER RECEIVED ANY COPIES OF "ANY" MOTIONS FILED IN THIS COURT OR THE NEVADA SUPREME COURT. (OR WHICH I PETITIONER WILSON HAVE ASKED MR. ORANIZ NUMEROUS OF TIMES. (ON REGARDS TO COURT PROCEEDINGS 4/10, 4/11, 4/14, 4/15, 4/16, 4/17, 4/18, AND 4/21/08, THESE ARE TRIAL TRANSCRIPTS THAT PETITIONER AS WELL AS MR. ORANIZ DEEMED WOULD BE HELPFUL FOR MY APPEAL. MR. ORANIZ NOW CLAIMS HE NO LONGER HAS THESE DOCUMENTS WITHIN IN FILE ON 11/17/08 THE NEVADA SUPREME COURT ORDERED COURT REPORTERS JACKIE JENELLE AND LEE OHNR TO PRODUCE THE REQUESTED TRANSCRIPTS WITHIN 30 DAYS OF THE 11/17/08 DATE. MR. ORANIZ HAS WITHHELD THE TRANSCRIPTS FROM PETITIONER EVERY SINCE THIS COURT WAS ORDERED TO PRODUCE THEM TO MR. ORANIZ. IF, THE PETITIONER FEEL THESE DOCUMENTS ARE PIVOTAL TO IDENTIFYING ISSUES TO MY APPEAL. MR. ORANIZ HAS NOT GIVEN ME ANY UPDATES IN REGARDS TO MY DIRECT APPEAL NO. 52104



I HAVE ASKED MR. ORONIZ NUMEROUS OF TIMES ABOUT THE STATUS OF MY APPEAL. IN WHICH MR. ORONIZ HAS STATED THERE IS NOTHING TO REPORT. JUST RECENTLY VIA MY MOTHER I LEARNED THAT THE SUPREME COURT ORDERED A DECISION ON MY APPEAL NO. 32104. MR. ORONIZ HAS NEVER SENT PETITIONER ANY DOCUMENTS IN REGARDS TO THIS MOTION. DUE TO THE STRICT GUIDELINES SET FORTH IN THE APPEAL PROCESS PETITIONER IS ASKING THE COURT TO ORDER JIMES A. ORONIZ TO PROVIDE A COMPLETE AND ACCURATE COPY OF PETITIONERS CASE FILE, SPECIFICALLY DOCUMENTS LISTED IN THIS MOTION IN ITS ENTIRETY AND IN A TIMELY MANNER. FURTHER PETITIONER REQUEST THE COURT ORDER THE NAMED ATTORNEY IN THIS MOTION TO TURN OVER THESE DOCUMENTS WITHOUT COST AND WITH A MINIMUM AMOUNT OF DELAY DUE TO THE STRICT GUIDELINES AND TIME LIMITS IN THE APPEAL PROCESS.

DATED THE 27TH DAY OF JULY, 2010

RESPECTFULLY SUBMITTED,

DEBORAH K. WILSON

PETITIONER

THIS MOTION IS MADE AND BASED UPON NEV. REV. STAT. 7.055, AND NEV. SUP. CT RULES 166(4), 173, 176, AND 203, AND RULES 11 AND 20 OF THE RULES OF THE DISTRICT COURTS OF THE STATE OF NEVADA.

POINTS AND AUTHORITIES

NEV. REV. STAT. 7.055 PROVIDES THAT:

AN ATTORNEY WHO HAS BEEN DISCHARGED BY HIS CLIENT SHALL, UPON DEMAND... IMMEDIATELY DELIVER TO CLIENT ALL PAPERS, DOCUMENTS

(PLEADINGS AND ITEMS OF TANGIBLE PERSONAL PROPERTY) WHICH BELONG TO OR WERE PREPARED FOR THAT CLIENT.

(SEE ALSO NEV. SUP. CT RULE 166(4):

UPON TERMINATION OF REPRESENTATION, A LAWYER SHALL TAKE STEPS TO THE EXTENT REASONABLY PRACTICABLE TO PROTECT A CLIENT'S INTERESTS, SUCH AS... SURRENDERING PAPERS AND PROPERTY TO WHICH THE CLIENT IS ENTITLED..."

PETITIONER WOULD RESPECTFULLY POINT OUT TO THIS COURT AND THE ATTORNEY OF RECORD THAT THERE IS CONTROLLING LAW ON THIS ISSUE. THIS CITATION OF AUTHORITY IS PRECEDENTIAL ONLY. IN THE CASES OF IN RE YOUNT, 93 ARIZ. 322, 380 P.2D 780 (1963), AND STATE V. ALVEY, 215 KAN. 460, 324 P.2D 747 (1974), BOTH CASES DEAL WITH A FACTUAL SITUATION INVOLVING A ATTORNEY REFUSING TO DELIVER A FORMER CLIENT HIS DOCUMENTS AFTER BEING REQUESTED TO DO SO BY THE CLIENT. THE COURT IN YOUNT SUPRA, ORDERED THE ATTORNEY DISBARRED, WHILE IN ALVEY, SUPRA, THE COURT HAD THE ATTORNEY CENSURED.

WHEN IT HAS COME TO THE END OF A ATTORNEY AND CLIENTS CASE EITHER BY WITHDRAWAL, TERMINATION, OR ALIENATION THE END OF CLIENTS CASE IT IS THE DUTY OF THE ATTORNEY TO NOTIFY THE CLIENT OF THIS FACT REQUIRED BY THESE STATUTES AND RULES, AS WELL AS ISSUING THE CLIENT A COMPLETE AND ACCURATE COPY OF CLIENTS FILE AND ANY AND ALL RELATED DOCUMENTS WHICH THE CLIENT IS ENTITLED TO.

THEREFORE, LET THIS COURT BE SO NOTIFIED THAT THIS IS THE DESIRE OF THE PETITIONER THAT THE COURT ISSUE AN ORDER TO MR. JAMES A ORONOG TO HAND OVER ALL ABOVE DOCUMENTS LISTED IN THIS MOTION, SO THAT FURTHER ACTIONS IN THE ABOVE-ENTITLED CASES CAN BE CONDUCTED BY PETITIONER IN PROPER PERSON.

CONCLUSION

WHEREFORE, ALL THE ABOVE REASONS, PETITIONER RESPECTFULLY REQUEST THIS HONORABLE COURT TO GRANT HIS MOTION TO ISSUE AN ORDER TO JAMES A. DRONZ TO HAND OVER ALL DOCUMENTS IN PETITIONERS FILE, OR ANY AND ALL DOCUMENTS ENTITLED TO PETITIONER SPECIFICALLY DOCUMENTS MENTIONED ABOVE THAT PERTAIN TO THIS COURT OR THE NEVADA SUPREME COURT SO THAT PETITIONER MAY CONTINUE TO RAISE ISSUES ON APPEAL. PETITIONER REQUESTS THIS WITH THIS COURTS FAIR AND JUST CONSIDERATION OF THE FACTS OF THE CASE.

### CERTIFICATE OF MAILING

I HEREBY CERTIFY PURSUANT TO N.R.C.P. 5(D) THAT I AM THE PETITIONER IN THE FOREGOING NOTICE OF MOTION FOR AN ORDER INSTRUCTING THE ATTORNEY JAMES A. DRONZ TO PROVIDE PETITIONER WITH A COMPLETE AND ACCURATE COPY OF THE CASE FILE AND DOCUMENTS LISTED ABOVE IN THIS MOTION ON THIS 27<sup>TH</sup> DAY OF JULY, 2010. I DID SERVE A TRUE AND CORRECT COPY OF THE ABOVE MENTIONED DOCUMENT, BY GIVING IT TO A PRISON OFFICIAL AT THE ELI STATE PRISON TO DEPOSIT IN THE U.S. MAIL, SEALED IN A ENVELOPE, POSTAGE PRE-PAID, AND ADDRESSED AS FOLLOWS:

DAVID ROGERS

EDWARD A. FRIEDLAND

DISTRICT ATTORNEY

CLERK OF THE COURT

200 LEWIS AVE. 3<sup>RD</sup> FLOOR

200 LEWIS AVE. 3<sup>RD</sup> FLOOR

LAS VEGAS, NV 89155-2212

LAS VEGAS, NV 89155-1160

DATED THIS 27<sup>TH</sup> DAY OF JULY, 2010

DELAIRIAN K. WILSON

PETITIONER

# EXHIBITS

1 of 7

7.21.10

Dear Mr. Diaz,

I come to you today on Request of my Decision from the Nevada Supreme Court on Regards to my Direct Appeal. Apparently which I just learned via my mother that I was denied Relief on my Direct Appeal as of April 2010. You and your office over satisfied me of this Very Important Matter. Eventhough I have called you Numerous of times on regards to my appeal as often as April + May of 2010. On which you told me you have not heard anything on regards to my Appeal. All I now I ask that you send me a copy and all materials from the Nevada Supreme Court pertaining to my Appeal. I also ask that you satisfy the Nevada Supreme Court that I'm just being satisfied of their Decision and Request that I may be granted an extension for any future petitions on regards to my Conviction. As a result of you not satisfying me on a timely manner. Your prompt response to these matters would be greatly appreciated. Thanks. I am aware your office is suppose to mail & fax a copy to my mother as of 7.22.10 but I ask that your office also mails me my own copy too. Thanks.

Respectfully,  
D. L. Diaz

7/25/10

Dear Mr. Orozco,

I Come today to you in regards of some Very important matters. Due to the fact that we have reach the conclusion of your 1st may Counsel I Need to address some important matters to I Continue in my Pursuit of Relief of my Criminal Conviction.

I Ask that you mail my entire file and Record - to me as soon as possible. That includes ALL filed motions on my behalf to either the District or Nevada Supreme Court. To be Specific:

- Motion to Appoint Investigator, and for fee's on excess of Statutory. (filed 8/16/07)
- Motion to Sever Defendants (filed 3/11/08)
- Motion to Suppress Statement (filed 3/24/08)
- Motion to Reset Sentencing Date (filed 5/10/08)

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2 I Would like a copy of the motion you filed "Transcript Request Form" Requesting transcripts of numerous District Court Proceedings

transcripts of the following dates 4-10-08, 4-11-08, 4-14-08, 4-15-08, 4-16-08, 4-17-08, 4-18-08 and 4-21-08.

These are dates and transcripts of my appeal. I have requested copies of these proceedings for almost two years. I would also like a copy of the motion to increase

the time to file my opening brief. The motion filed from the request of myself's trial proceedings were filed 9/10/08 according to your letter 12/24/08. On 11/17/08 the Nevada Supreme Court ordered Court Reporter Jackie Tenello. And her date to produce the requested transcripts within 30 days. The Nevada Supreme Court granted you 70 days from the day of the order to file and serve the opening brief and Appendix. Again this is all according to the letter you wrote me on 12/24/08. I have never received any copies of any of the matters listed above.

As you know Mr. Ormrod there is very strict and specific time limits on these appellate procedures. So I am asking that you respond promptly to these important matters I need copies of all the materials mentioned in this letter. Your prompt response would be greatly appreciated. Thanks.

Respectfully,

DeLana Wilson  
#1022177

Mr. Ortiz,

December 13<sup>th</sup>, 2009

First off let me thank you for taking the time to address this letter. I also would like to wish you and your family a happy and blessed holiday season. I write again, in regards to some legal materials of mine that I have been requesting but still have not received. As I mentioned before that my entire appellate materials were mistakenly destroyed I ask that you please send me copies of all items pertaining to my current appeal.

Secondly, it is nearly approaching a year that I have asked for but not received the following items which I have been told numerous of times they would be sent.

- Co-Defendant "Narciso Wesley's" trial transcripts.
- Transcripts of my "Calendar Call" (3.27.08)
- All motions that were filed on my behalf.

Mr. Ortiz I cannot ~~to~~ stress enough the importance of these materials that I do not have in my possession. Not only would I just like a copy for myself, but they may be valuable for my future appeals if need be. So I again politely ask that you please make copies of these legal materials at your earliest convenience. Items may be sent directly to me or to my mother's address (878 S Kalispell Cir. #106 Sunnyside, CO 80017.)

Thank you once time Respectfully, Delacruz Nelson



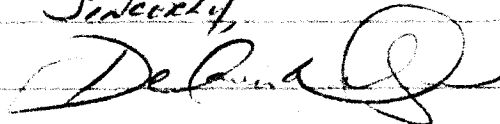
DEAR MR ORNOZ,

3/23/09

I HOPE THIS LETTER FINDS YOU IN THE BEST OF HEALTH AND SPIRITS. FIRST AND FOREMOST I WANT TO THANK YOU FOR WORKING ON AND FILLING MY APPEAL. I ALSO WANT TO WISH YOU THE BEST ON YOUR PRESENT AND FUTURE CASES.

I WRITE TO YOU TODAY IN REQUEST OF A COPY OF MY SENT AND APPEAL. AS WELL AS COPIES OF MY PETITIONING AND CO-DEFENDANTS "WISSELY'S" TRIAL. I'VE BEEN IN SEARCH FOR THESE ITEMS FOR SEVERAL WEEKS NOW. I'VE CALLED YOUR OFFICE BUT HAVE BEEN UNABLE TO REACH YOU. I ALSO WAS ABLE TO SPEAK TO MR. PEDULLA WHO MENTIONED HE WOULD SEND THEM BUT I HAVE YET TO RECEIVE THEM. DUE TO THE TIME CONSTRAINTS DURING THE APPEAL PROCESS IT IS VERY IMPORTANT TO HAVE ALL MATERIALS PERTAINING TO MY CASE OR APPEALS. SO I WOULD ASK AT YOUR CUTREAST CONVIANCE THAT YOU WOULD HAVE THOSE THREE MATERIALS SENT DIRECTLY TO ME AS SOON AS POSSIBLE PLEASE. YOUR PROMPT RESPONSE TO THIS MATTER WOULD BE GREATLY APPRECIATED. THANKS AND GOD BLESS.

Sincerely,



ROBERT M. DRASKOVICH  
JAMES A. ORONNOZ

**DRASKOVICH & ORONNOZ**  
**TRIAL LAWYERS**  
AN ASSOCIATION OF PROFESSIONAL CORPORATIONS

THOMAS A. ERICSSON  
of Counsel

December 24, 2008

Delarian Wilson  
ID Number 1022177  
Ely State Prison  
P.O. Box 1989  
Ely, Nevada 89301

Dear Delarian,

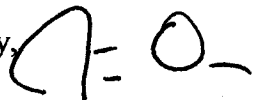
We are in receipt of your correspondence and hope that you are doing well. Please allow this letter to update you on the status of your appeal.

On September 10, 2008, we filed a transcript request form requesting the production of transcripts of numerous district court proceedings. On November 17, 2008, the Nevada Supreme Court ordered court reporters Jackie Jenelle and Lee Bahr to produce the requested transcripts within 30 days, and granted us 70 days from the day of the order to file and serve the Opening Brief and Appendix. To date, we have not received transcripts for the following requested dates: 4/10/08; 4/11/08; 4/14/08; 4/15/08; 4/16/08; 4/17/08; 4/18/2008; and 4/21/08. These are the trial transcripts, and may be helpful to your appeal. Therefore, we have filed a motion to increase the time to file our opening brief.

With regard to your substantive appeal issues, as we have discussed, we intend to pursue issues related to the constitutionality of your sentence, in light of the variance between your sentence and that of your co-defendant, Narcus Wesley. Some of your appeal issues may be shaped by the content of transcripts which we have not yet received, and we look forward to discussing your appeal issues with you in greater detail in the near future.

Please contact me with any questions regarding the above issues.

Sincerely,



James A. Oronoz, Esq.

CC Lisa Wilson

DISTRICT COURT  
CLARK COUNTY, NEVADA

FILED

2008 AUG -5 P 1:36

STATE OF NEVADA  
PLAINTIFF  
VS

*Chaf Shin*  
CLERK OF THE COURT

CASE NO. C232494

DEPT NO. XXIV

DEFENDANT

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT, DELARIAN K. WILSON  
DEFENDANT, HEREBY APPEALS TO THE SUPREME COURT OF  
NEVADA FROM THE FINAL JUDGEMENT OF CONVICTION,  
ENTERED IN THIS ACTION ON THE THIRD OF JULY, 2008.  
DATED THIS 30<sup>TH</sup> DAY OF JULY, 2008.

DELARIAN K. WILSON

RESPECTFULLY SUBMITTED

HIGH DESERT STATE PRISON  
P.O. BOX 650  
INDIAN SPRINGS, NV  
89070

RECEIVED

AUG 05 2008

CLERK OF THE COURT

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

DELARIAN K. WILSON A/K/A DELARIAN KAMERON WILSON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

**Supreme Court No. 52104**

District Court Case No. C232494

**RECEIPT FOR DOCUMENTS**

TO: Delarian K. Wilson #1966773  
Attorney General Catherine Cortez Masto/Carson City  
Clark County District Attorney David J. Roger  
Charles J. Short , District Court Clerk

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

07/23/08      Filing Fee Waived: Criminal.

07/23/08      Filed Certified Copy of proper person Notice of Appeal.  
Appeal docketed in the Supreme Court this day.

DATE: July 23, 2008

Tracie Lindeman, Clerk of Court

By: \_\_\_\_\_

Deputy Clerk

EXHIBIT 7

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

DELARIAN K. WILSON A/K/A DELARIAN KAMERON WILSON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

**Supreme Court No. 52104**  
District Court Case No. C232494

**RECEIPT FOR DOCUMENTS**

TO: Delarian K. Wilson #1022177  
Draskovich & Oronoz, P.C. and James A. Oronoz  
Attorney General Catherine Cortez Masto/Carson City  
Clark County District Attorney David J. Roger  
Charles J. Short, District Court Clerk

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

08/06/08      Filed Certified Copy of proper person Notice of Appeal.

DATE: August 06, 2008

Tracie Lindeman, Clerk of Court

By: \_\_\_\_\_

Deputy Clerk

*ai*

EXHIBIT B

ROBERT M. DRASKOVICH  
JAMES A. ORONoz

**DRASKOVICH & ORONoz**  
**TRIAL LAWYERS**  
AN ASSOCIATION OF PROFESSIONAL CORPORATIONS

THOMAS A. ERICSSON  
of Counsel

August 14, 2008

Delarian Wilson  
High Desert State Prison  
P.O. Box 650  
Indian Springs, NV 89070-0650  
ID #1022177

Dear Mr. Wilson:

I am in receipt of your letter dated August 7, 2008. I have confirmed as your appellate attorney of record and will forward you a copy of any appellate documents filed with the Nevada Supreme Court in the near future.

Should you have any further questions or concerns, please do not hesitate to contact me at your earliest convenience.

Sincerely,



James A. Oronoz, Esq.