

1 Robert Day # 69140
2 In pro se
3 Post Office Box 208, S.D.C.C.
4 Indian Springs, Nevada 89018

FILED

MAR 25 2010

Tracie K. Lindeman
CLERK OF COURT

5 **DISTRICT COURT**
6 **CLARK COUNTY, NEVADA**

Electronically Filed
Mar 29 2010 10:00 a.m.
Tracie K. Lindeman

7
8
9 State of Nevada,
10 Plaintiff,

11 vs.
12 Gregory Scott Hermanski,
13 A/K/A Robert James Day
14 Defendant.

Case No. C167783
Dept. No. IX
Docket _____

15
16 **NOTICE OF APPEAL**

17 NOTICE IS HEREBY GIVEN, That the Petitioner/Defendant,
18 Gregory Scott Hermanski, in and through his proper person, hereby
19 appeals to the Supreme Court of Nevada from the ORDER denying and/or
20 dismissing the Motion to correct an illegal sentence or, in
21 the alternative, motion for modification of sentence

22 _____
23 ruled on the 9th day of March, 20 10

24
25 Dated this 18 day of March, 20 10

26 Respectfully Submitted,

27 Gregory S. Hermanski
28

RECEIVED

MAR 24 2010

CLERK OF THE COURT

CERTIFICATE OF SERVICE BY MAIL

I, the undersigned, certify pursuant to NRCP 5(b), that on this 22 day of March, 2010, I served the foregoing Notice of Appeal by mailing a true and correct copy thereof in a sealed envelope, upon which first class postage was fully prepaid, addressed to:

District Attorney's Office

200 Lewis Ave.

P.O. Box 552212

Las Vegas, NV 89155-2212

and that there is regular communication by mail between the place of mailing and the recipient address.

Gregory S. Hermanski

Inmate Name (Print)

NDOC NO. 69140

Gregory S. Hermanski

Inmate Signature

PLAINTIFF, In Propria Persona

FILED

MAR 27 2010

Sharon L. Johnson
CLERK OF COURT

1 ASTA

2
3
4 **DISTRICT COURT**
5 **CLARK COUNTY, NEVADA**
6

7 STATE OF NEVADA,)

8 Plaintiff(s),)

9 vs.)

10 GREGORY SCOTT HERMANSKI aka)

11 Robert James Day,)

12 Defendant(s),)
13

Case No: C167783

Dept No: IX

14
15 **CASE APPEAL STATEMENT**

16 1. Appellant(s): GREGORY SCOTT HERMANSKI aka Robert James Day

17 2. Judge: JENNIFER TOGLIATTI

18 3. Appellant(s): GREGORY SCOTT HERMANSKI aka Robert James Day

19 Counsel:

20 Gregory Hermanski #69140

21 P.O. Box 208

22 Indian Springs, NV 89070

23 4. Respondent: THE STATE OF NEVADA

24 Counsel:

25 David Roger, District Attorney

26 200 Lewis Ave.

27 Las Vegas, NV 89101

28 (702) 671-2700

5. Respondent's Attorney Licensed in Nevada: Yes

6. Appellant Represented by Appointed Counsel In District Court: Yes

1
2 7. Appellant Represented by Appointed Counsel On Appeal: N/A

3 8. Appellant Granted Leave to Proceed in Forma Pauperis: N/A

4 9. Date Commenced in District Court: June 8, 2000

5 10. Brief Description of the Nature of the Action: Criminal

6 Type of Judgment or Order Being Appealed: Misc. Order

7 11. Previous Appeal: Yes

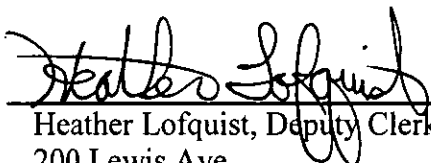
8 Supreme Court Docket Number(s): 38028, 41405, 47011, 47963

9 12. Child Custody or Visitation: N/A
10

11 Dated This 27 day of March 2010.

12 Steven D. Grierson, Clerk of the Court

13
14 By:



15 Heather Lofquist, Deputy Clerk
16 200 Lewis Ave
17 PO Box 551601
18 Las Vegas, Nevada 89155-1601
19 (702) 671-0512
20
21
22
23
24
25
26
27
28

DATE: 03/27/10
CASE NO. 00-C-167783-C

I N D E X

TIME 7:56 AM
JUDGE:Togliatti, Jennifer

STATE OF NEVADA

[] vs Hermanski, Gregory S

[]

0001 D1 Gregory S Hermanski Pro Se
P O Box 208
Indian Springs, NV 89070-0208

NO.	FILED/REC	CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0001	06/08/00	CBO	/CRIMINAL BINDOVER Fee \$0.00				
0002	06/08/00	ARRN	/INITIAL ARRAIGNMENT	0001		06/13/00	
0003	06/09/00	INFO	/INFORMATION	0001		06/09/00	
0004	06/19/00	ORDR	/ORDER COMMITMENT	0001			
0005	06/21/00	TRAN	/REPORTER'S TRANSCRIPT OF PROCEEDINGS - CONDITIONAL WAIVER OF PRELIMINARY	0001		06/21/00	Y
HEARING							
0006	08/25/00	ORDR	/ORDER	0001			
0007	09/21/00	OCAL	/COURT ADMINISTRATIONS' REQUEST FOR STATUS CHECK	0001	RE	11/14/00	
0008	09/27/00	ORDR	/ORDER	0001			
0009	10/04/00	OTTE	/ORDER TO TRANSPORT DEFENDANT	0001		10/04/00	
0010	10/04/00	JUDG	/FINDINGS OF COMPETENCY	0001		10/04/00	
0011	11/15/00	RMTJ	/JUSTICE COURT REMITTITUR	0001		11/15/00	
0012	11/17/00	ORDR	/ORDER REMAND	0001		11/17/00	
0013	12/06/00	CASO	/CASE (RE)ACTIVATED ON				
0014	12/06/00	CBO	/CRIMINAL BINDOVER	0001			
0015	12/06/00	ARRN	/INITIAL ARRAIGNMENT	0001		12/11/00	
0016	12/07/00	INFO	/INFORMATION	0001		12/07/00	
0017	12/11/00	CALC	/CALENDAR CALL	0001		02/21/01	
0018	12/11/00	JURY	/TRIAL BY JURY VJ 2/23	0001	VC	02/26/01	
0019	01/09/01	TRAN	/REPORTER'S TRANSCRIPT OF PRELIMINARY HEARING	0001		12/04/00	
0020	01/23/01	LIST	/NOTICE OF WITNESSES	0001			
0021	02/21/01	OCAL	/STATUS CHECK: FINAL TRIAL ORDER	0001		02/23/01	
0022	02/21/01	INFO	/AMENDED INFORMATION	0001		02/21/01	
0023	02/21/01	REQT	/MOTION AND NOTICE OF MOTION TO AMEND INFORMATION	0001			
0024	02/21/01	ORDR	/ORDER TO AMEND INFORMATION	0001			
0025	02/22/01	MOT	/DEFT'S MOTION TO DISMISS INFORMATION	0001	DN	03/12/01	
0026	02/23/01	CALC	/CALENDAR CALL	0001		02/28/01	
0027	02/23/01	JURY	/TRIAL BY JURY	0001		03/15/01	
0028	02/22/01	LIST	/WITNESS LIST	0001			
0029	02/27/01	LIST	/NOTICE OF WITNESSES	0001			
0030	03/12/01	MOT	/ALL PENDING MOTIONS FOR 3/12/01	0001		03/12/01	
0031	03/12/01	TRB	/TRIAL BEGINS	0001			
0032	03/15/01	SENT	/SENTENCING	0001	GR	05/09/01	
0033	03/15/01	TRE	/TRIAL ENDS	0001			
0034	03/09/01	REQT	/MOTION TO DISMISS FOR FAILURE TO PRESERVE EVIDENCE	0001		03/12/01	
0035	02/21/01	CINF	/INFORMATION CORRECTED IN OPEN COURT	0001		03/12/01	
0036	03/14/01	CRJL	/CRIMINAL JURY LIST	0001			
0037	02/21/01	CINF	/INFORMATION CORRECTED IN OPEN COURT	0001		03/13/01	
0038	03/15/01	VER	/VERDICT	0001		03/15/01	
0040	03/20/01	MOT	/STATE'S MOTION TO AMEND INFORMATION	0001	GR	03/26/01	
0041	03/20/01	NOEV	/NOTICE OF EXHIBIT(S) IN THE VAULT			03/12/01	

(Continued to page 2)

NO.	FILED/REC	CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0042	03/15/01	PINU/PROPOSED JURY INSTRUCTIONS NOT USED AT TRIAL	0001				
0043	03/15/01	INST/INSTRUCTIONS TO THE JURY	0001				
0044	03/26/01	INFO/SECOND AMENDED INFORMATION	0001			03/26/01	
0045	03/26/01	ORDR/ORDER TO AMEND INFORMATION	0001			03/26/01	
0046	05/11/01	CSCL/CASE CLOSED				05/09/01	
0047	05/15/01	NOEV/NOTICE OF EXHIBIT(S) IN THE VAULT				05/09/01	
0048	05/18/01	JMNT/ADMINISTRATION/ASSESSMENT FEE	0001			05/21/01	
0049	05/18/01	JMNT/GENETIC TESTING FEE	0001			05/21/01	
0050	05/18/01	JUDG/JUDGMENT OF CONVICTION (PLEA OF GUILTY)	0001			05/16/01	
0051	06/08/01	REQT/REQUEST FOR ROUGH DRAFT TRANSCRIPT	0001				
0052	06/08/01	NOAS/NOTICE OF APPEAL	0001		AP		
0053	06/08/01	STAT/CASE APPEAL STATEMENT	0001				
0054	07/02/01	TRAN/REPORTER'S TRANSCRIPT TRIAL BY JURY; VOLUME I - DAY 1	0001			03/13/01	
0055	07/02/01	TRAN/REPORTER'S TRANSCRIPT OF DAY 2 - VOL. II	0001			03/14/01	
0056	07/02/01	TRAN/REPORTER'S TRANSCRIPT OF SENTENCING	0001			05/09/01	
0057	07/02/01	TRAN/REPORTER'S TRANSCRIPT DEFT'S MOTION TO DISMISS INFORMATION	0001			03/12/01	
0058	07/12/01	NOTC/NOTICE OF TRANSCRIPTS (3/12/01 THRU 5/9/01) ON SHELVES					
0059	09/25/01	ORDR/ORDER FOR TRANSCRIPT	0001				
0060	11/01/01	TRAN/REPORTER'S TRANSCRIPT OF PROCEEDINGS	0001			02/21/01	
0061	12/17/01	APCL/APPEAL TO SUPREME COURT: CLOSED				11/15/01	
0062	02/01/02	HEAR/AT THE REQUEST OF THE COURT	0001		VC	02/27/02	
		CLARIFICATN SENTENCE/SUPREME CT VR 2/7	0001				
0063	02/07/02	CASO/CASE (RE)ACTIVATED ON					
0064	02/15/02	ORDR/ORDER FOR PRODUCTION OF INMATE	0001		HG	02/27/02	
0065	04/18/02	JMNT/CLERK'S CRTF-AFFIRMED IN PART/REMAND	0001			04/19/02	
0066	04/18/02	CCJA/NEVADA SUPREME COURT CLERKS CERTIFICATE/JUDGMENT - AFFIRMED IN PART/REMAND	0001		GR	04/18/02	
0067	06/21/02	CASO/CASE (RE)ACTIVATED ON					
0068	06/21/02	HEAR/DEFT'S REQUEST RESENTENCING PURSUANT TO ORDER OF SUPREME COURT /14	0001		MT	12/04/02	
0069	07/19/02	MOT /DEFT'S MOTION FOR A NEW TRIAL /15	0001		DN	12/04/02	
0070	07/19/02	MOT /DEFT'S MOTION TO VACATE SENTENCE AS AN HABITUAL CRIMINAL /16	0001		GR	12/04/02	
0071	07/19/02	ORDR/ORDER FOR TRANSCRIPT	0001				
0072	07/25/02	MOT /ALL PENDING MOTIONS 07-25-02	0001			07/25/02	
0073	08/01/02	HEAR/AT THE REQUEST OF THE COURT/TRANSCRIPT OF VOIR DIRE/18	0001		OC	12/04/02	
0074	08/14/02	MOT /ALL PENDING MOTIONS 08-14-02	0001			08/14/02	
0075	08/28/02	OCAL/STATUS CHECK: 08/28/02	0001			08/28/02	
0076	08/27/02	STAT/DECLARATION OF DEFENDANT	0001				
0077	08/30/02	MOT /DEFT'S MTN FOR A NEW TRIAL/21	0001		DN	12/04/02	
0078	08/28/02	MOT /ALL PENDING MOTIONS 8-28-02				08/28/02	
0079	08/28/02	MOT /DEFT'S MOTION TO DISMISS PURSUANT TO HABITUAL CRIMINAL STATUTE, NRS 207.010 /23	0001		MT	12/04/02	
0080	09/26/02	ORDR/ORDER FOR PRODUCTION OF INMATE	0001			10/02/02	
0081	10/01/02	REQT/MOTION FOR A NEW TRIAL	0001		SC	10/02/02	
0082	10/02/02	MOT /ALL PENDING MOTIONS 10-02-02	0001			10/02/02	
0083	10/02/02	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION TO VACATE SENTENCE AS AN HABITUAL	0001				Y

(Continued to page 3)

NO.	FILED/REC	CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
CRIMINAL							
0084	10/02/02	OPPS/STATES	OPPOSITION TO DEFENDANTS MOTION	0001			
			FOR NEW TRIAL	0001			
0085	05/18/01	CINF/JUDGMENT	OF CONVICTION CORRECTED IN OPEN	0001		10/02/02	
			COURT	0001			
0086	12/03/02	MOT /DEFT'S	PRO PER MTN TO DISMISS	0001	GR	12/16/02	
			CNSL/APPOINT CNSL/25	0001			
0087	12/03/02	RSPN/STATES	RESPONSE TO DEFENDANTS MOTION	0001			
			FOR NEW TRIAL	0001			
0088	12/05/02	SENT/SENTENCING		0001		01/22/03	
0089	12/06/02	MOT /ALL	PENDING MOTIONS 12-04-02	0001		12/04/02	
0090	12/04/02	OBJ /OBJECTION		0001			
0091	12/12/02	NOEV/NOTICE	OF EXHIBIT(S) IN THE VAULT			12/04/02	
0092	12/16/02	HEAR/CONFIRMATION	OF COUNSEL/WOMMER	0001	CM	01/22/03	
0093	12/26/02	NOTC/NOTICE	OF INTENT TO SEEK PUNISHMENT AS	0001			
			A HABITUAL CRIMINAL	0001			
0094	12/30/02	ORDR/ORDER	APPOINTING COUNSEL	0001		12/30/02	
0095	01/22/03	MOT /ALL	PENDING MOTIONS 01-22-03	0001		01/22/03	
0096	01/22/03	SENT/SENTENCING		0001	GR	04/30/03	
0097	02/11/03	TRAN/REPORTER'S	TRANSCRIPT OF PROCEEDINGS	0001		04/26/00	
0098	04/01/03	ORDR/ORDER	FOR PRODUCTION OF INMATE	0001	SC	04/21/03	
0099	05/06/03	HEAR/DEFT'S	REQUEST TO CLARIFY APPOINTMENT OF	0001	MH	05/12/03	
			COUNSEL/31	0001			
0100	05/06/03	CSCL/CASE	CLOSED			04/30/03	
0101	05/07/03	CASO/CASE	(RE)OPENED			05/12/03	
0102	05/07/03	NOAS/NOTICE	OF APPEAL	0001	AP	05/07/03	
0103	05/07/03	STAT/CASE	APPEAL STATEMENT	0001			
0104	05/08/03	NOAS/NOTICE	OF APPEAL	0001	AP	05/08/03	
0105	05/08/03	NOAS/DESIGNATION	OF RECORD ON APPEAL	0001			
0106	05/08/03	STAT/CASE	APPEAL STATEMENT	0001			
0107	05/16/03	JMNT/AMENDED	JUDGMENT	0001		05/19/03	
0108	05/16/03	JUDG/AMENDED	JUDGMENT OF CONVICTION	0001		05/16/03	
0109	05/20/03	NOAS/NOTICE	OF APPEAL	0001	AP	05/20/03	
0110	05/20/03	NOAS/DESIGNATION	OF RECORD ON APPEAL	0001			
0111	05/20/03	STAT/CASE	APPEAL STATEMENT	0001			
0112	05/22/03	NOAS/NOTICE	OF APPEAL	0001	AP	05/22/03	
0113	05/30/03	STAT/CASE	APPEAL STATEMENT	0001			
0114	02/27/04	TRAN/REPORTER'S	TRANSCRIPT RE SENTENCING	0001		04/30/03	
0115	05/22/04	ASSG/Reassign	Case From Judge Hardcastle To				
			Judge Togliatti				
0116	07/06/04	APCL/APPEAL	TO SUPREME COURT: CLOSED 41405		GR	07/01/04	
0117	08/02/04	JMNT/CLERK'S	CERTIFICATE JUDGMENT AFFIRMED	0001		08/04/04	
0118	08/02/04	CCJA/NEVADA	SUPREME COURT CLERKS CERTIFICATE/	0001		08/02/04	
			JUDGMENT - AFFIRMED	0001			
0119	08/26/04	ORDR/ORDER	FOR EXCESS FEES	0001		08/26/04	
0120	01/14/05	MOT /DEFT'S	PRO PER MTN TO WITHDRAW AS	0001	GR	01/31/05	
			COUNSEL /32	0001			
0121	01/14/05	CASO/CASE	(RE)OPENED			01/14/05	
0122	01/31/05	CSCL/CASE	CLOSED			01/31/05	
0123	02/08/05	ORDR/ORDER	GRANTING DEFENDANTS MOTION TO	0001		02/08/05	
			WITHDRAW COUNSEL	0001			
0124	07/13/05	PET /PETITION	FOR WRIT OF HABEAS CORPUS	0001			

(Continued to page 4)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0125	07/18/05	CASO/CASE (RE)OPENED			07/18/05	
0126	07/18/05	PET /DEFT'S PTN FOR WRIT OF HABEAS CORPUS /33	0001		10/24/05	
0127	07/18/05	PPOW/ORDER FOR PETITION FOR A WRIT OF HABEAS CORPUS	0001	SH	09/21/05	
0128	09/20/05	OPPS/STATES OPPOSITION TO DEFENDANTS PETITION FOR WRIT OF HABEAS CORPUS	0001			Y
POST CONVICTION						
0129	10/05/05	MOT /DEFT'S PRO PER MOTION FOR PRISONER TRANSPORTATION ORDER /34	0001	DN	10/24/05	
0130	10/05/05	NOTC/NOTICE OF MOTION	0001	SH	10/24/05	
0131	10/24/05	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION FOR PRISONER TRANSPORTATION	0001			
0132	10/24/05	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION FOR PRISONER TRANSPORTATION	0001			
0133	10/25/05	MOT /ALL PENDING MOTIONS 10-24-05	0001		10/24/05	
0134	10/25/05	HEAR/DECISION: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS /36	0001	DN	02/03/06	
0135	12/08/05	RSPN/STATES SUPPLEMENTAL RESPONSE TO DEFENDANTS PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION	0001			Y
0136	12/21/05	MOT /DEFT'S PRO PER MOTION TO RECONSIDER TRANSPORT DEFT FOR ORAL ARGUMENTS /37	0001	DN	01/09/06	
0137	01/09/06	OCAL/STATUS CHECK: DEFT'S WRIT OF HABEAS CORPUS	0001		01/18/06	
0138	01/19/06	ORDR/ORDER DENYING DEFENDANTS PRO PER MOTION TO RECONSIDER MOTION FOR PRISONER TRANSPORTATION	0001	HG	01/09/06	Y
0139	03/03/06	JUDG/FINDINGS OF FACTS, CONCLUSIONS OF LAW AND ORDER	0001	GR	03/03/06	
0140	03/06/06	NOED/NOTICE OF ENTRY OF DECISION AND ORDER	0001		03/06/06	
0141	03/17/06	CASO/CASE (RE)OPENED			03/17/06	
0142	03/17/06	MOT /PETITIONERS PRO PER MOTION FOR REHEARING ON DECISION ENTERED MARCH 3, 2006/39	0001	DN	03/27/06	
0143	03/23/06	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION FOR RE HEARING	0001			
0144	03/27/06	NOAS/NOTICE OF APPEAL	0001	AP	03/27/06	
0145	03/28/06	STAT/CASE APPEAL STATEMENT	0001			
0146	04/11/06	ORDR/ORDER DENYING PETITIONERS MOTION FOR REHEARING ON DECISION ENTERED	0001		04/11/06	Y
MARCH 3 2006						
0147	05/10/06	CCPD/CASE CLOSED PER DEPARTMENT			05/10/06	
0148	06/14/06	CASO/CASE (RE)OPENED RECORD ON APPEAL		AP	06/14/06	
0149	06/15/06	IAPD/CASE INACTIVE PER DEPARTMENT		AP	06/15/06	
0150	07/18/06	APCL/APPEAL TO SUPREME COURT: CLOSED 47011		AP	07/13/06	
0151	07/27/06	JMNT/SECOND AMENDED JUDGMENT OF CONVICTION	0001		07/28/06	
0152	08/10/06	JMNT/CLRK CERTIFICATE JDGMT AFFRMD/REMANDED	0001		08/11/06	
0153	08/11/06	MOT /DEFT'S PRO PER MTN TO STAY PROCEEDINGS & MTN FOR APPOINTMENT OF COUNSEL /40	0001	DN	08/23/06	
0154	08/22/06	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION TO STAY PROCEEDINGS AND MOTION FOR APPOINTMENT OF COUNSEL	0001			Y
0155	08/28/06	NOAS/NOTICE OF APPEAL	0001	AP	08/28/06	

(Continued to page 5)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0156	08/23/06	IAPD/CASE INACTIVE PER DEPARTMENT			08/23/06	
0157	08/28/06	STAT/CASE APPEAL STATEMENT	0001			
0158	08/29/06	ORDR/ORDER DENYING DEFENDANTS MOTION TO STAY	0001	HG	08/23/06	Y
		PROCEEDINGS AND MOTION FOR APPOINTMENT	0001			
OF COUNSEL						
0159	10/05/06	APCL/APPEAL TO SUPREME COURT: CLOSED 47963		AP	10/03/06	
0160	11/02/06	JMNT/CLERK'S CERTIFICATE APPEAL DISMISSED	0001		11/03/06	
0161	02/09/10	MOT /DEFT'S PRO PER MTN TO CORRECT AN ILLEGAL	0001	DN	02/22/10	
		SENTENCE OR IN THE ALT MTN TO MODIFY/41	0001			
0162	02/20/10	CASO/CASE (RE)OPENED			02/18/10	
0163	02/19/10	OPPS/STATES OPPOSITION TO DEFTS MTN TO	0001			Y
		CORRECT ILLEGAL SENTENCE OR IN THE	0001			
ALTERNATIVE MTN FOR MODIFICATION OF SENTENCE						
0164	03/09/10	ORDR/ORDER DENYING DEFTS MTN TO CORRECT	0001	HG	02/22/10	Y
		ILLEGAL SENTENCE OR IN THE ALTERNATIVE	0001			
MTN FOR MODIFICATION OF SENTENCE						
0165	03/15/10	CSCL/CASE CLOSED PER CALENDAR 2/22/10			03/15/10	
0166	03/25/10	CASO/CASE (RE)OPENED			03/25/10	
0167	03/25/10	MOT /DEFT'S PRO PER MTN TO RECONSIDER /42	0001		04/05/10	

● ORIGINAL ●

FILED

(A)

1 ORDR

2 DAVID ROGER
3 Clark County District Attorney
4 Nevada Bar #002781
5 SHAWN MORGAN
6 Deputy District Attorney
7 Nevada Bar #0010935
8 200 Lewis Avenue
9 Las Vegas, NV 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

MAR 9 4 14 PM '10

Arthur D. Johnson
CLERK OF THE COURT

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,

11 Plaintiff,

12 -vs-

13 GREGORY SCOTT HERMANSKI,
14 aka Robert James Day,
15 #1679345

16 Defendant.

Case No. C167783
Dept No. IX

17 ORDER DENYING DEFENDANT'S MOTION TO CORRECT ILLEGAL SENTENCE
18 OR IN THE ALTERNATIVE MOTION FOR MODIFICATION OF SENTENCE

19 DATE OF HEARING: 2/22/10
20 TIME OF HEARING: 9:00 A.M.

21 THIS MATTER having come on for hearing before the above entitled Court on the
22 22nd day of February, 2010, the Defendant not being present, IN PROPER PERSON, the
23 Plaintiff being represented by DAVID ROGER, District Attorney, through SHAWN
24 MORGAN, Deputy District Attorney, and the Court having heard the arguments of counsel
25 and good cause appearing therefor,

26 ///

27 ///

28 ///

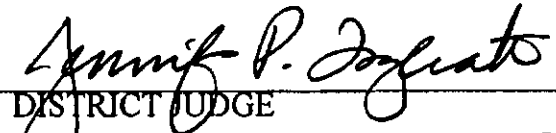

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MAR 09 2010

CLERK OF THE COURT

1 IT IS HEREBY ORDERED that the Defendant's Motion to Correct Illegal Sentence
2 or in the Alternative Motion for Modification of Sentence, shall be, and it is denied.

3 DATED this 2nd day of ^{March} February, 2010.

4
5 
6 DISTRICT JUDGE
7 

8 DAVID ROGER
9 DISTRICT ATTORNEY
Nevada Bar #002781

10 
11 SHAWN MORGAN
12 Deputy District Attorney
13 Nevada Bar #0010935

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28 jr

CRIMINAL COURT MINUTES

00-C-167783-C STATE OF NEVADA vs Hermanski, Gregory S

06/13/00 09:00 AM 00 INITIAL ARRAIGNMENT

HEARD BY: Kathy Hardcastle, Chief Judge; Dept. 4

OFFICERS: BILLIE JO CRAIG, Relief Clerk
TINA SMITH, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	002415 Moreo, Thomas J.	Y
	0001 D1 Hermanski, Gregory S	Y
	PUBDEF Public Defender	Y
	004735 Roundtree, Stacey	Y

Ms. Roundtree advised there were two incompetent reports and submitted the second report from Dr. Paglini. Pursuant to NRS 178.425, COURT ORDERED, defendant REMANDED to the custody of the Administrator of the Mental Hygiene and Mental Retardation Division for the Department of Human Resources for detention and treatment at a secure facility operated by the Mental Hygiene and Mental Retardation Division.

L.C.

10/04/00 09:00 AM 00 COURT ADMINISTRATIONS' REQUEST FOR
STATUS CHECK

HEARD BY: Kathy Hardcastle, Chief Judge; Dept. 4

OFFICERS: BILLIE JO CRAIG, Relief Clerk
TINA SMITH, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	006246 Campbell, Cara L.	Y
	0001 D1 Hermanski, Gregory S	N
	PUBDEF Public Defender	Y
	005686 Khamsi, Bitu	Y

FINDINGS (OF COMPETENCY) AND ORDER TO TRANSPORT SIGNED AND FILED IN OPEN COURT. Court noted it received the reports. COURT ORDERED, matter CONTINUED for defendant to be present.

L.C.

CONTINUED TO: 10/25/00 09:00 AM 01

CRIMINAL COURT MINUTES

00-C-167783-C STATE OF NEVADA vs Hermanski, Gregory S
CONTINUED FROM PAGE: 001

10/25/00 09:00 AM 01 COURT ADMINISTRATIONS' REQUEST FOR
STATUS CHECK

HEARD BY: Kathy Hardcastle, Chief Judge; Dept. 4

OFFICERS: DOROTHY KELLY, Court Clerk
TINA SMITH, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
002804	Villegas, Victoria A.	Y
0001 D1	Hermanski, Gregory S	N
PUBDEF	Public Defender	Y
004735	Roundtree, Stacey	Y

COURT ORDERED, matter CONTINUED for deft's presence. Court instructed
counsel to call Lakes Crossing.

L.C.

COURT'S ADMINISTRATION'S REQUEST FOR STATUS CHECK

CONTINUED TO: 11/08/00 09:00 AM 02

11/08/00 09:00 AM 02 COURT ADMINISTRATIONS' REQUEST FOR
STATUS CHECK

HEARD BY: Kathy Hardcastle, Chief Judge; Dept. 4

OFFICERS: DOROTHY KELLY, Court Clerk
TINA SMITH, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
006246	Campbell, Cara L.	Y
0001 D1	Hermanski, Gregory S	N
PUBDEF	Public Defender	Y
001231	Dejulio, Douglas P.	Y

Deft not transported; therefore, COURT ORDERED, matter CONTINUED.

L.C.

COURT ADMINISTRATION'S REQUEST FOR STATUS CHECK

CONTINUED TO: 11/14/00 09:00 AM 03

CRIMINAL COURT MINUTES

00-C-167783-C STATE OF NEVADA

vs Hermanski, Gregory S

CONTINUED FROM PAGE: 002

11/14/00 09:00 AM 03 COURT ADMINISTRATIONS' REQUEST FOR
STATUS CHECK

HEARD BY: Kathy Hardcastle, Chief Judge; Dept. 4

OFFICERS: BILLIE JO CRAIG, Relief Clerk
TINA SMITH, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	006246 Campbell, Cara L.	Y
	0001 D1 Hermanski, Gregory S	Y
	PUBDEF Public Defender	Y
	001231 Dejulio, Douglas P.	Y

Court noted defendant competent. COURT ORDERED, matter REMANDED TO JUSTICE COURT to start over with a Preliminary Hearing on charges.

CUSTODY

11/20/00 8:00 AM REMANDED TO JUSTICE COURT, DEPT. 1

12/11/00 09:00 AM 00 INITIAL ARRAIGNMENT

HEARD BY: Kathy Hardcastle, Chief Judge; Dept. 4

OFFICERS: GREER JENNISON, Relief Clerk
TINA SMITH, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	002415 Moreo, Thomas J.	Y
	0001 D1 Hermanski, Gregory S	Y
	PUBDEF Public Defender	Y
	005620 Dickson, Dianne	Y

DEFENDANT DAY ARRAIGNED, PLED NOT GUILTY and INVOKED THE 60-DAY RULE. COURT ORDERED, matter set for trial.

CUSTODY

2/21/01 9:00 AM CALENDAR CALL - DEPT. IV

2/26/01 10:30 AM JURY TRIAL - DEPT. IV

CRIMINAL COURT MINUTES

00-C-167783-C STATE OF NEVADA

vs Hermanski, Gregory S

CONTINUED FROM PAGE: 003

02/21/01 09:00 AM 00 CALENDAR CALL

HEARD BY: Kathy Hardcastle, Chief Judge; Dept. 4

OFFICERS: DOROTHY KELLY, Court Clerk
TINA SMITH, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	006246 Campbell, Cara L.	Y
	0001 D1 Hermanski, Gregory S	Y
	PUBDEF Public Defender	Y
	005686 Khamsi, Bitu	Y

AMENDED INFORMATION, MOTION TO AMEND INFORMATION FILED IN OPEN COURT. ORDER TO AMEND INFORMATION SIGNED AND FILED IN OPEN COURT. Ms. Khamsi stated Ms. Dickson informed her she is ready to proceed to trial; she requested a start date of next Tuesday or later. Ms. Campbell stated this is Mr. Fattig's case; trial should take two days with four to six witnesses. COURT ORDERED, matter CONTINUED for trial order.

CUSTODY

02-23-01 9:00 A.M. STATUS CHECK: FINAL TRIAL ORDER

02/23/01 09:00 AM 00 STATUS CHECK: FINAL TRIAL ORDER

HEARD BY: Kathy Hardcastle, Chief Judge; Dept. 4

OFFICERS: DOROTHY KELLY, Court Clerk
TINA SMITH, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	001538 Hehn, William A.	Y
	0001 D1 Hermanski, Gregory S	Y
	PUBDEF Public Defender	Y
	001231 Dejulio, Douglas P.	Y

State announced ready for trial. Due to Court's schedule (murder trial), COURT ORDERED, trial date VACATED and RESET.

CUSTODY

02-28-01 9:00 A.M. CALENDAR CALL

03-12-01 10:30 A.M. TRIAL BY JURY

CRIMINAL COURT MINUTES

00-C-167783-C STATE OF NEVADA

vs Hermanski, Gregory S

CONTINUED FROM PAGE: 004

02/28/01 09:00 AM 00 CALENDAR CALL

HEARD BY: Kathy Hardcastle, Chief Judge; Dept. 4

OFFICERS: DOROTHY KELLY, Court Clerk
TINA SMITH, Reporter/RecorderPARTIES: STATE OF NEVADA
002804 Villegas, Victoria A.
0001 D1 Hermanski, Gregory S
PUBDEF Public Defender
005620 Dickson, DianneY
Y
Y
Y
Y

Both sides announced ready for a one-and-one-half day trial. COURT ORDERED, Trial Date Stands, Deft's Motion to Dismiss Information to be heard before trial.

CUSTODY

03-12-01 10:30 A.M. TRIAL BY JURY...DEFT'S MOTION TO DISMISS INFORMATION

03/12/01 09:00 AM 00 ALL PENDING MOTIONS FOR 3/12/01

HEARD BY: Kathy Hardcastle, Chief Judge; Dept. 4

OFFICERS: BILLIE JO CRAIG, Relief Clerk
LIZ GARCIA, Reporter/RecorderPARTIES: STATE OF NEVADA
001538 Hehn, William A.
006639 Fattig, John T
0001 D1 Hermanski, Gregory S
PUBDEF Public Defender
005620 Dickson, DianneY
Y
Y
Y
Y
Y

DEFT'S MOTION TO DISMISS INFORMATION...JURY TRIAL

Court noted there was no legal basis to dismiss Information. A Supplemental Motion submitted to the Court. COURT ORDERED, Motion to Dismiss for Failure to Preserve Evidence is DENIED. Upon Court's inquiry, Ms. Dickson advised there were negotiations pending the outcome of this Motion. Mr. Hehn advised there was a Guilty Plea Agreement and a Second Amended Information in the file. Ms. Dickson requested matter trail to talk with defendant. COURT ORDERED, matter to TRAIL. RECALLED. Ms. Dickson requested additional time for defendant to make a decision. COURT ORDERED, matter to TRAIL until 1:30 PM today.

CRIMINAL COURT MINUTES

00-C-167783-C STATE OF NEVADA

vs Hermanski, Gregory S

CONTINUED FROM PAGE: 005

RECALLED. Ms. Dickson advised defendant not arraigned on the Amended Information which included the habitual status. Also, there was a question as to the Amended Information indicating in Count II as Burglary while in Possession of a Firearm in the summary even though it was a knife. COURT ORDERED, the Amended Information AMENDED BY INTERLINEATION to indicate in the summary BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (F). Arguments regarding defendant taking stand and what prior convictions will be used. COURT ORDERED, this Motion and the Supplemental Motion DENIED as there is no legal basis and the Certified JOC of 1984 can be used and others if certified and the State is prepared to present evidence. Ms. Dickson objected. COURT ORDERED, Trial CONTINUED to next day.

CUSTODY

3/13/01 10:30 AM JURY TRIAL

03/13/01 10:30 AM 01 TRIAL BY JURY

HEARD BY: Kathy Hardcastle, Chief Judge; Dept. 4

OFFICERS: BILLIE JO CRAIG, Relief Clerk
LIZ GARCIA, Reporter/RecorderPARTIES: STATE OF NEVADA
006639 Fattig, John T0001 D1 Hermanski, Gregory S
PUBDEF Public Defender
005620 Dickson, DianneY
Y
Y
Y
Y

At 11:09 AM, the Jury Panel, counsel and defendant present. At 11:09 AM, Mr. Fattig made his introduction. At 11:10 AM, Ms. Dickson made her introduction. Voir dire oath given at 2:14 PM. Alternate sworn to try the case at 2:16 PM. The Clerk read the Amended Information to the Jury at 2:20 PM. Opening statements by Mr. Fattig. Opening statements by Ms. Dickson. Witnesses sworn and testified. Exhibits (see Worksheets). COURT ORDERED, EVENING RECESS. OUTSIDE THE PRESENCE OF THE JURY, the Court advised defendant of his right to testify on his own behalf. Defendant stated he understood. Colloquy regarding remaining witnesses and additional certified copies of convictions. At 5:10 PM, Court recessed for the evening.

CUSTODY

CONTINUED TO: 03/14/01 10:30 AM 02

CRIMINAL COURT MINUTES

00-C-167783-C STATE OF NEVADA

vs Hermanski, Gregory S

CONTINUED FROM PAGE: 006

03/14/01 10:30 AM 02 TRIAL BY JURY

HEARD BY: Kathy Hardcastle, Chief Judge; Dept. 4

OFFICERS: BILLIE JO CRAIG, Relief Clerk
LIZ GARCIA, Reporter/Recorder

PARTIES: STATE OF NEVADA
006639 Fattig, John T
0001 D1 Hermanski, Gregory S
PUBDEF Public Defender
005620 Dickson, Dianne

Y
Y
Y
Y
Y

Jury Instructions settled in Open Court. Counsel stipulated to the presence of the Jury at 10:40 AM. Witnesses sworn and testified. (See Worksheets.) Exhibits (see Worksheets). At 11:54 AM, the State rests. COURT ORDERED, NOON RECESS. At 1:32 PM, counsel stipulated to the presence of the Jury. Testimony continues. At 2:13 PM, defense rests. The Court instructed the Jury on the laws which applied to the case. Closing arguments by Mr. Fattig at 2:27 PM. Closing arguments by Ms. Dickson at 3:16 PM. Rebuttal argument by Mr. Fattig at 3:38 PM. Bailiff sworn to take charge of the Jury at 3:49 PM. Bailiff sworn to take charge of the Alternate at 3:49 PM. OUTSIDE THE PRESENCE OF THE JURY, Ms. Dickson objected to the hearsay statements by the trucker as inadmissible hearsay, detective failed to look for defendant's shirt, and offer to truck driver of \$100.00 to take defendant to New Orleans. Court stated its findings. COURT ORDERED, objection OVERRULED. COURT ORDERED, EVENING RECESS.

CUSTODY

CONTINUED TO: 03/15/01 10:30 AM 03

CRIMINAL COURT MINUTES

00-C-167783-C STATE OF NEVADA vs Hermanski, Gregory S
-CONTINUED FROM PAGE: 007

03/15/01 10:30 AM 03 TRIAL BY JURY

HEARD BY: Kathy Hardcastle, Chief Judge; Dept. 4

OFFICERS: BILLIE JO CRAIG, Relief Clerk
LIZ GARCIA, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	006639 Fattig, John T	Y
	0001 D1 Hermanski, Gregory S	Y
	PUBDEF Public Defender	Y
	005620 Dickson, Dianne	Y

At the hour of 2:08 PM, the Jury returned with a verdict finding Defendant Day GUILTY OF COUNT I - ROBBERY WITH USE OF A DEADLY WEAPON (F) AND COUNT II - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (F). The Court thanked and excused the Jurors. The State will file for habitual offender treatment. COURT ORDERED, matter referred to P&P for a PSI and SET for Sentencing.

CUSTODY

5/2/01 9:00 AM SENTENCING

03/26/01 09:00 AM 00 STATE'S MOTION TO AMEND INFORMATION

HEARD BY: Kathy Hardcastle, Chief Judge; Dept. 4

OFFICERS: BILLIE JO CRAIG, Relief Clerk
TINA SMITH, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	002804 Villegas, Victoria A.	Y
	0001 D1 Hermanski, Gregory S	Y
	PUBDEF Public Defender	Y
	005620 Dickson, Dianne	Y

COURT ORDERED, State's Motion to Amend Information is GRANTED. Ms. Dickson objected. ORDER TO AMEND INFORMATION AND SECOND AMENDED INFORMATION SIGNED AND FILED IN OPEN COURT.

CUSTODY

CRIMINAL COURT MINUTES

00-C-167783-C STATE OF NEVADA

vs Hermanski, Gregory S

CONTINUED FROM PAGE: 008

05/02/01 09:00 AM 00 SENTENCING

HEARD BY: Kathy Hardcastle, Chief Judge; Dept. 4

OFFICERS: DOROTHY KELLY, Court Clerk
KEITH REED/kar, Relief Clerk
TINA SMITH, Reporter/Recorder

PARTIES: STATE OF NEVADA
006639 Fattig, John T
0001 D1 Hermanski, Gregory S
PUBDEF Public Defender
005620 Dickson, Dianne

Y
Y
Y
Y
Y

Joy Mundy-Neal of Parole and Probation present. Court noted the Defendant refused to be interviewed for the Pre-Sentence Investigation Report (PSI). Ms. Dickson stated P & P requested the Deft. not make a statement due to his contention he is not guilty of the charges. DEFENDANT DAY ADJUDGED GUILTY of of COUNT I, ROBBERY WITH USE OF A DEADLY WEAPON (F) and COUNT II, BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (F). COURT ORDERED, matter CONTINUED to review a certified copy of the Judgment of Conviction.

CUSTODY

CONTINUED TO: 05/09/01 09:00 AM 01

05/09/01 09:00 AM 01 SENTENCING

HEARD BY: Kathy Hardcastle, Chief Judge; Dept. 4

OFFICERS: BILLIE JO CRAIG, Relief Clerk
TINA SMITH, Reporter/Recorder

PARTIES: STATE OF NEVADA
006639 Fattig, John T
0001 D1 Hermanski, Gregory S
PUBDEF Public Defender
005620 Dickson, Dianne

Y
Y
Y
Y
Y

Brenda Lewis of the Dept. of P & P present. Ms. Dickson inquired if the Court received the Supplemental PSI. Arguments by counsel regarding habitual treatment. COURT ADJUDGED DEFENDANT DAY GUILTY OF COUNT I - ROBBERY WITH USE OF A DEADLY WEAPON (F) AND CT. II - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (F). Parties argued and submitted. Exhibits (see worksheet). COURT ORDERED, in addition to the \$25.00 Administrative Assessment Fee and \$250.00 DNA Analysis Fee and defendant to submit to a blood and/or saliva test to determine genetic markers or secretor status,

CONTINUED ON PAGE: 010

CRIMINAL COURT MINUTES

00-C-167783-C STATE OF NEVADA

vs Hermanski, Gregory S

CONTINUED FROM PAGE: 009

Defendant ADJUDGED an HABITUAL OFFENDER. Defendant SENTENCED to a MAXIMUM of THREE HUNDRED (300) MONTHS and a MINIMUM of ONE HUNDRED TWENTY (120) MONTHS in the Nevada Department of Prisons, with THREE HUNDRED EIGHT-TWO (382) DAYS Credit For Time Served. RECALLED LATER. Mr. Fattig request defendant be sentenced in CT. II. The Court advised when a defendant is adjudged an habitual offender, sentence applies to both counts.

NDP

02/06/02 09:00 AM 00 AT THE REQUEST OF THE COURT
CLARIFICATN SENTENCE/SUPREME CT VR 2/7

HEARD BY: Kathy Hardcastle, Chief Judge; Dept. 4

OFFICERS: Dorothy Kelly, Court Clerk
Tina Smith, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
000981	Noxon, Arthur G.	Y
0001 D1	Hermanski, Gregory S	N
PUBDEF	Public Defender	Y
005620	Dickson, Dianne	Y

Ms. Dickson stated the Deft. has not been transported. She further stated there is a motion for reconsideration in the Supreme Court. Court stated it has a remittitur. COURT ORDERED, matter CONTINUED; a Writ has to be prepared to have Deft. transported.

NDC

AT REQUEST OF COURT: CLARIFICATION OF SENTENCE PER SUPREME COURT ORDER

CONTINUED TO: 02/27/02 09:00 AM 01

CRIMINAL COURT MINUTES

00-C-167783-C STATE OF NEVADA vs Hermanski, Gregory S
CONTINUED FROM PAGE: 010

06/26/02 09:00 AM 00 DEFT'S REQUEST RESENTENCING PURSUANT TO
ORDER OF SUPREME COURT /14

HEARD BY: Kathy Hardcastle, Chief Judge; Dept. 4

OFFICERS: Dorothy Kelly, Court Clerk
Tina Smith, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	000981 Noxon, Arthur G.	Y
	0001 D1 Hermanski, Gregory S	N
	PUBDEF Public Defender	Y
	005620 Dickson, Dianne	Y

Court stated an Order to Transport Deft. has to be prepared. State advised it will prepare the Order. COURT ORDERED, matter CONTINUED.

NDC

DEFT'S REQUEST FOR RE-SENTENCING PURSUANT TO SUPREME COURT ORDER

CONTINUED TO: 07/24/02 09:00 AM 01

07/25/02 09:00 AM 00 ALL PENDING MOTIONS 07-25-02

HEARD BY: Kathy Hardcastle, Chief Judge; Dept. 4

OFFICERS: Dorothy Kelly, Court Clerk
Debra Van Blaricom, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	007900 Schubert, David	Y
	0001 D1 Hermanski, Gregory S	Y
	PUBDEF Public Defender	Y
	005620 Dickson, Dianne	Y

DEFT'S MOTION FOR A NEW TRIAL...DEFT'S MOTION TO VACATE SENTENCE AS AN
HABITUAL CRIMINAL...DEFT'S REQUEST FOR RE-SENTENCING PURSUANT TO SUPREME
COURT ORDER

Ms. Dickson stated this was remanded from the Supreme Court for sentencing. She further stated she obtained information that records are not Mr. Day's records; fingerprints attached to a document do not match the Deft.'s. She requested the sentencing be vacated. State requested time to respond. COURT ORDERED, matter CONTINUED. Court advised Ms. Dickson the Deft. does not have to be present for the next Court date. Ms. Dickson responded the Deft. wants to be present. Court directed the State to prepare an Order to

CRIMINAL COURT MINUTES

00-C-167783-C STATE OF NEVADA

vs Hermanski, Gregory S

CONTINUED FROM PAGE: 011

Transport Deft. to all proceedings.

NDC

08-14-02 9:00 A.M. (MOTIONS AND REQUEST AS REFLECTED ABOVE)

08/14/02 09:00 AM 00 ALL PENDING MOTIONS 08-14-02

HEARD BY: Kathy Hardcastle, Chief Judge; Dept. 4

OFFICERS: Dorothy Kelly, Court Clerk
Tina Smith, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
007900	Schubert, David	Y
0001 D1	Hermanski, Gregory S	Y
PUBDEF	Public Defender	Y
005620	Dickson, Dianne	Y

DEFT'S MOTION FOR A NEW TRIAL...DEFT'S MOTION TO VACATE SENTENCE AS AN
HABITUAL CRIMINAL...DEFT'S REQUEST FOR RE-SENTENCING PURSUANT TO SUPREME
COURT ORDER...AT THE REQUEST OF THE COURT: ADDRESS REQUEST FOR TRANSCRIPT OF
VOIR DIRE

Mr. Schubert requested a continuance as Deputy District Attorney, Scott
Mitchell, is on vacation; COURT, SO ORDERED.

NDC

08-28-02 9:00 A.M. MOTIONS AND REQUESTS AS REFLECTED ABOVE

CRIMINAL COURT MINUTES

00-C-167783-C STATE OF NEVADA

vs Hermanski, Gregory S

CONTINUED FROM PAGE: 012

08/28/02 09:00 AM 00 ALL PENDING MOTIONS 8-28-02

HEARD BY: Kathy Hardcastle, Chief Judge; Dept. 4

OFFICERS: Alan Castle, Relief Clerk
Tina Smith, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	007900 Schubert, David	Y
	0001 D1 Hermanski, Gregory S	Y
	PUBDEF Public Defender	Y
	001135 Lieberman, Gary H.	Y
	005620 Dickson, Dianne	Y

DEFT'S MOTION FOR NEW TRIAL...DEFT'S MOTION TO VACATE SENTENCE AS A HABITUAL CRIMINAL...DEFT'S MOTION FOR RE-SENTENCING PURSUANT TO SUPREME COURT ORDER...AT THE REQUEST OF THE COURT: ADDRESS REQUEST OF VOIR DIRE

Deft's motion to dismiss Count pursuant to habitual criminal statute, NRS 207.010 FILED IN OPEN COURT. Following colloquy regarding Deft's correct identity, COURT ORDERED, ALL MATTERS CONTINUED. FURTHER ORDERED, Deft. does not need remain here and is to be sent back to NDC.

10/2/02 9:00 AM DEFT'S MOTION FOR NEW TRIAL...DEFT'S MOTION TO VACATE SENTENCE AS A HABITUAL CRIMINAL...DEFT'S MOTION FOR RE-SENTENCING PURSUANT TO SUPREME COURT ORDER...AT THE REQUEST OF THE COURT: ADDRESS REQUEST OF VOIR DIRE...DEFT'S MOTION TO DISMISS COUNT PURSUANT TO HABITUAL CRIMINAL STATUTE, NRS 207.010

09/09/02 09:00 AM 00 DEFT'S MTN FOR A NEW TRIAL/21

HEARD BY: Kathy Hardcastle, Chief Judge; Dept. 4

OFFICERS: Denise Husted, Relief Clerk
Tina Smith, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	006056 Bauer, Elizabeth B.	Y
	0001 D1 Hermanski, Gregory S	N
	PUBDEF Public Defender	Y
	005620 Dickson, Dianne	Y

COURT ORDERED, motion CONTINUED.

NDC

CONTINUED TO: 10/02/02 09:00 AM 01

CRIMINAL COURT MINUTES

00-C-167783-C STATE OF NEVADA

vs Hermanski, Gregory S

CONTINUED FROM PAGE: 013

10/02/02 09:00 AM 00 ALL PENDING MOTIONS 10-02-02

HEARD BY: Kathy Hardcastle, Chief Judge; Dept. 4

OFFICERS: Dorothy Kelly, Court Clerk
Tina Smith, Reporter/Recorder

PARTIES: STATE OF NEVADA
000346 Mitchell, Scott S.

0001 D1 Hermanski, Gregory S
PUBDEF Public Defender
005620 Dickson, Dianne

Y
Y
N
Y
Y

DEFT'S MOTION FOR A NEW TRIAL...DEFT'S MOTION TO VACATE SENTENCE AS AN
HABITUAL CRIMINAL...DEFT'S REQUEST FOR RE-SENTENCING PURSUANT TO SUPREME
COURT ORDER...AT THE REQUEST OF THE COURT: ADDRESS REQUEST FOR TRANSCRIPT OF
VOIR DIRE...DEFT'S MOTION TO DISMISS COUNT PURSUANT TO HABITUAL CRIMINAL
STATUTE, NRS 207.010...DEFT'S MOTION FOR A NEW TRIAL

State's Opposition to Defendant's Motion to Vacate Sentence as an Habitual
Criminal and State's Opposition to Defendant's Motion for New Trial FILED IN
OPEN COURT. COURT ORDERED, Judgment of Conviction to be AMENDED BY
INTERLINEATION to reflect Deft. found guilty pursuant to Jury Verdict. Ms.
Dickson stated she has new evidence whereby the Deft. happened upon Mr. Beck
who submitted an affidavit stating he was working with the Deft. on the day
in question. Mr. Mitchell stated that as to the Motion to Vacate Sentence
as an Habitual Criminal, he concurs with the motion; the State wants to
resentence Deft., since he was not the person he was sentenced under. He
further stated the Deft. admitted he is not Robert James Day; he is Gregory
Scott Hermanski and from running an FBI identity, he is a twelve-time
convicted felon and has an outstanding warrant from North Carolina and
felony convictions from Florida and a Federal conviction. Mr. Mitchell
further stated that Robert Day is someone the Deft. met, and because the
Deft. pulled identity fraud in Court, the State will file new charges for
perjury and identity fraud. Mr. Mitchell requested a new sentencing date be
set and requested time to obtain ID materials from the other jurisdictions;
the Deft. has convictions from 1969. Court stated it will leave everything
as is and ORDERED, matter CONTINUED sixty (60) days. Court instructed the
State to obtain information and when it is responded to the Court will
decide what to do. Mr. Mitchell stated he wants a new Pre-Sentence Report
and wants to have the Deft. at the jail. Ms. Dickson stated the Deft. does
not want to talk to the Division of Parole and Probation; the State had
Deft's fingerprints from day one.

NDC

12-04-02 9:00 A.M. MOTIONS AS REFLECTED ABOVE

CRIMINAL COURT MINUTES

00-C-167783-C STATE OF NEVADA

vs Hermanski, Gregory S

CONTINUED FROM PAGE: 014

12/04/02 09:00 AM 00 ALL PENDING MOTIONS 12-04-02

HEARD BY: Kathy Hardcastle, Chief Judge; Dept. 4

OFFICERS: Dorothy Kelly, Court Clerk
Tina Smith, Reporter/Recorder

PARTIES: STATE OF NEVADA
000346 Mitchell, Scott S.

0001 D1 Hermanski, Gregory S
PUBDEF Public Defender
005620 Dickson, Dianne

Y
Y

Y
Y
Y

DEFT'S MOTION FOR A NEW TRIAL...DEFT'S MOTION TO VACATE SENTENCE AS AN
HABITUAL CRIMINAL...DEFT'S REQUEST FOR RE-SENTENCING PURSUANT TO SUPREME
COURT ORDER...AT THE REQUEST OF THE COURT: ADDRESS REQUEST FOR TRANSCRIPT OF
VOIR DIRE...DEFT'S MOTION TO DISMISS COUNT PURSUANT TO HABITUAL CRIMINAL
STATUTE, NRS 207.010...DEFT'S MOTION FOR A NEW TRIAL

Objection FILED IN OPEN COURT. Ms. Dickson stated the Deft. wants to file a motion objecting to the proceedings. As to the Motion to Vacate Sentence, Mr. Mitchell stated all parties are in agreement Deft. is Gregory Hermanski; he was sentenced as Robert Day; sentencing should be vacated, a new sentencing date set and a new Pre-Sentence Report prepared. He further stated the Deft. has a record that requires this Court to sentence him as a violent habitual criminal; he has two bank robbery certifications and one is on the way. Mr. Mitchell stated the State is prepared to say the Deft. has eleven (11) felony convictions; he requested the prior opposition be withdrawn as the State has verified Mr. Hermanski is not Robert James Day. Court noted the Deft. lied to the Court. Ms. Dickson stated there has been another motion filed by the Deft. Court stated it does not recognize motions filed by the Defendant; they are to be presented to his attorney. Ms. Dickson stated the Motion for a New Trial was based on confirmation the Deft. had a parole violation at the time he ran from police; she requested the copy of documentation and the Birth Certificate be made part of the record....(Defendant's Exhibits A and B). Court stated the Deft. could have made that known to counsel; it is not new evidence. Ms. Dickson stated a witness, Mr. Beck, was located in prison. COURT ORDERED, Deft's Motion for New Trial is DENIED. As to Habitual Criminal Charges, Ms. Dickson stated that is a jury question. Court stated the Deft. has misrepresented who he is; his name is Gregory Scott Hermanski. Mr. Mitchell stated the Deft's FBI number is 888420G. COURT ORDERED, matter REFERRED to the Division of Parole and Probation for a new Pre-Sentence Report and set for sentencing. COURT FURTHER ORDERED, Deft's Motion to Vacate Sentence as an Habitual Criminal is GRANTED; Deft's Request for Re-Sentencing Pursuant to Supreme Court Order is MOOT; At the Request of Court: Address Request for Transcript of Voir Dire is OFF CALENDAR; Deft's Motion to Dismiss Count Pursuant to Habitual Criminal Statute NRS 207.010 is MOOT. Due to Defendant's outburst in Court, Court stated it will hear the motion set for December 16th, without him;

CONTINUED ON PAGE: 016

CRIMINAL COURT MINUTES

00-C-167783-C STATE OF NEVADA

vs Hermanski, Gregory S

CONTINUED FROM PAGE: 015

Defendant IS NOT TO BE PRESENT IN COURT ON December 16TH.

NDC

12-16-02 9:00 A.M. DEFT'S PRO PER MOTION TO DISMISS COUNSEL/APPOINT COUNSEL

12/16/02 09:00 AM 00 DEFT'S PRO PER MTN TO DISMISS
CNSL/APPOINT CNSL/25

HEARD BY: Kathy Hardcastle, Chief Judge; Dept. 4

OFFICERS: Denise Husted, Relief Clerk
Tina Smith, Reporter/Recorder

PARTIES: STATE OF NEVADA
005984 Hart, Marty
0001 D1 Hermanski, Gregory S
PUBDEF Public Defender
005620 Dickson, Dianne

Y
Y
N
Y
Y

Ms. Dickson advised the Court that the Defendant no longer wants her to represent him due to confusion regarding factual allegations of the Defendant's identity. COURT ORDERED, independent counsel is appointed to review the ineffective assistance of counsel claim; matter set for confirmation of counsel.

NDC

CLERK'S NOTE: Dept. IV Judicial Executive Assistant to notify appropriate counsel of Court date.

12/23/02 9:00 AM CONFIRMATION OF COUNSEL

CRIMINAL COURT MINUTES

00-C-167783-C STATE OF NEVADA

vs Hermanski, Gregory S

CONTINUED FROM PAGE: 016

12/23/02 09:00 AM 00 CONFIRMATION OF COUNSEL/WOMMER

HEARD BY: Kathy Hardcastle, Chief Judge; Dept. 4

OFFICERS: Denise Husted, Relief Clerk
Tina Smith, Reporter/RecorderPARTIES: STATE OF NEVADA
006056 Bauer, Elizabeth B.0001 D1 Hermanski, Gregory S
PUBDEF Public Defender
005620 Dickson, Dianne

Y

Y

N

Y

Y

Ms. Dickson stated this matter is not at the post conviction stage yet, however there is a disagreement regarding factual allegations. Court directed Mr. Wommer to review the file prior to sentencing and matter CONTINUED to that date. Ms. Dickson stated she will give the file to Mr. Wommer.

NDC

CONTINUED TO: 01/22/03 09:00 AM 01

01/22/03 09:00 AM 00 ALL PENDING MOTIONS 01-22-03

HEARD BY: Kathy Hardcastle, Chief Judge; Dept. 4

OFFICERS: Dorothy Kelly, Court Clerk

PARTIES: STATE OF NEVADA
005984 Hart, Marty0001 D1 Hermanski, Gregory S
000015 Wommer, Paul E.
005620 Dickson, Dianne

Y

Y

N

Y

Y

CONFIRMATION OF COUNSEL (WOMMER)...SENTENCING

Carolyn Butts present for the Division of Parole and Probation (P&P). Ms. Dickson stated P&P is requesting a 30-day continuance; COURT, SO ORDERED. Court noted Mr. Wommer previously confirmed as counsel.

NDC

02-26-03 9:00 A.M. SENTENCING

CRIMINAL COURT MINUTES

00-C-167783-C STATE OF NEVADA

vs Hermanski, Gregory S

CONTINUED FROM PAGE: 017

02/26/03 09:00 AM 00 SENTENCING

HEARD BY: Kathy Hardcastle, Chief Judge; Dept. 4

OFFICERS: Carole D'Aloia, Court Clerk
Carrie Hansen, Reporter/Recorder

PARTIES: STATE OF NEVADA

001538 Hehn, William A.

0001 D1 Hermanski, Gregory S

000015 Wommer, Paul E.

Y

Y

Y

Y

Officer C. Butts of the Division of Parole and Probation (P&P) present. Mr. Wommer advised Defendant was not transported and matter will need to be continued. Mr. Wommer further advised that Court appointed him since Ms. Dickson had a conflict and Mr. Wommer CONFIRMED as counsel. COURT ORDERED, matter CONTINUED and instructed the State to prepare an Order to Transport.

CUSTODY (COC)

CONTINUED TO: 03/26/03 09:00 AM 01

03/26/03 09:00 AM 01 SENTENCING

HEARD BY: Kathy Hardcastle, Chief Judge; Dept. 4

OFFICERS: Dorothy Kelly, Court Clerk

PARTIES: STATE OF NEVADA

005984 Hart, Marty

0001 D1 Hermanski, Gregory S

000015 Wommer, Paul E.

Y

Y

N

Y

Carolyn Butts present for the Division of Parole and Probation. Mr. Wommer stated he substituted in as counsel for the Deft; he and the Deft. have been in contact. He further stated he has been in trial and has not been able to see the Deft. in the High Desert yet; the Deft. was not transported today. COURT ORDERED, matter CONTINUED; State to prepare an Order to Transport.

NDC

SENTENCING

CONTINUED TO: 04/30/03 09:00 AM 02

CRIMINAL COURT MINUTES

00-C-167783-C STATE OF NEVADA

vs Hermanski, Gregory S

CONTINUED FROM PAGE: 018

04/30/03 09:00 AM 02 SENTENCING

HEARD BY: Kathy Hardcastle, Chief Judge; Dept. 4

OFFICERS: Dorothy Kelly, Court Clerk
Carrie Hansen, Reporter/Recorder

PARTIES: STATE OF NEVADA
000346 Mitchell, Scott S.
0001 D1 Hermanski, Gregory S
000015 Wommer, Paul E.
005620 Dickson, Dianne

Y
Y
Y
Y
Y

William Lizura present for the Division of Parole and Probation (P&P). DEFT. HERMANSKI ADJUDGED GUILTY OF CT. I ROBBERY WITH USE OF A DEADLY WEAPON (F) AND CT. II - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (F). Court heard argument as to Deft's Habitual Criminal status. Mr. Mitchell noted Defendant's prior felonies and stated that under the law, the maximum penalty has to be imposed; it is not discretionary. Mr. Wommer stated he substituted in as counsel for sentencing; Ms. Dickson represented the Deft. previously. Mr. Wommer read Defendant's statement in Court. Court directed Mr. Wommer to put the matters contained in Deft's statement in a motion. Mr. Mitchell provided Court with certified copies of Deft's Judgment of Convictions along with other paperwork reflecting Deft's past convictions. DEFT. HERMANSKI ADJUDGED GUILTY AS A HABITUAL OFFENDER IN COUNTS I AND II. In addition to the \$25 Administrative Assessment Fee and \$150 DNA Fee, COURT ORDERED, Deft. SENTENCED in COUNT I to LIFE in the Nevada Department of Corrections WITHOUT the Possibility of Parole and in COUNT II to LIFE in the Nevada Department of Corrections WITHOUT the Possibility of Parole; Count II to run CONCURRENTLY with Count I with NO Credit for Time Served; Deft. to submit to a test to determine genetic markers. Court advised counsel he can file the appropriate motion as to credit for time served while Deft. serving Federal time.

CRIMINAL COURT MINUTES

00-C-167783-C STATE OF NEVADA

vs Hermanski, Gregory S

CONTINUED FROM PAGE: 019

05/12/03 09:00 AM 00 DEFT'S REQUEST TO CLARIFY APPOINTMENT OF
COUNSEL/31

HEARD BY: Kathy Hardcastle, Chief Judge; Dept. 4

OFFICERS: Billie Jo Craig, Relief Clerk
Carrie Hansen, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
002781	Roger, David J.	Y
006056	Bauer, Elizabeth B.	Y
0001 D1	Hermanski, Gregory S	N
000015	Wommer, Paul E.	Y
PUBDEF	Public Defender	Y
005620	Dickson, Dianne	Y

COURT ORDERED, defendant's PRESENCE WAIVED today. Ms. Dickson requested clarification of who represents defendant. Mr. Wommer advised he was appointed to represent defendant only for the ineffectiveness of counsel problem. Court noted it had appointed Mr. Wommer to represent defendant.

NDC

01/31/05 09:00 AM 00 DEFT'S PRO PER MTN TO WITHDRAW AS
COUNSEL /32

HEARD BY: Jennifer Togliatti, Judge; Dept. 9

OFFICERS: Alan Castle, Court Clerk
Loree Gallegos, Reporter/Recorder

PARTIES: NO PARTIES PRESENT

Matter submitted. COURT ORDERED, petition GRANTED. By way of this minute order State to prepare the order and notify all interested parties.

NDC

CRIMINAL COURT MINUTES

00-C-167783-C STATE OF NEVADA

vs Hermanski, Gregory S

CONTINUED FROM PAGE: 020

09/21/05 09:00 AM 00 DEFT'S PTN FOR WRIT OF HABEAS CORPUS /33

HEARD BY: Jennifer Togliatti, Judge; Dept. 9

OFFICERS: Alan Castle, Court Clerk
Kristen Lunkwitz, Reporter/RecorderPARTIES: STATE OF NEVADA
005873 Benedict, Susan M.

Y

Y

0001 D1 Hermanski, Gregory S
PRO SE Pro Se

N

Y

At request of State, COURT ORDERED, matter CONTINUED.

NDC

CONTINUED TO: 10/24/05 09:00 AM 01

10/24/05 09:00 AM 00 ALL PENDING MOTIONS 10-24-05

HEARD BY: Jennifer Togliatti, Judge; Dept. 9

OFFICERS: Judy McFadden, Relief Clerk
Kristen Lunkwitz, Reporter/Recorder

PARTIES: NO PARTIES PRESENT

DEFT'S PRO PER MOTION FOR PRISONER TRANSPORTATION ORDER...DEFT'S PETITION
FOR WRIT OF HABEAS CORPUS

STATE'S OPPOSITION TO DEFENDANT'S MOTION FOR PRISONER TRANSPORTATION FILED
IN OPEN COURT. Deft. not present. Conference at Bench. Following
Conference at Bench, Court informed it had explained to State and Ms. De La
Garza regarding Court's time restraint regarding Deft's Petition for Writ of
Habeas Corpus and that Court expects to begin medical leave in ten days that
will last two months. Court stated it would need more time to prepare or
have another Judge rule. COURT ORDERED, Motion for transport DENIED. Court
stated regarding Petition for Writ, it must get up to speed on the case;
ineffectual assistance of counsel is the 3rd ground for relief. FURTHER
ORDERED, supplemental response from State; matter set for decision. Court
directed State to supplement its Opposition to assist Court in addressing
the 3rd ground. Court stated Deft. alleges habitual criminal and violent
criminal statute did not enable him to challenge conviction.

NDC

12/21/05 9:00 AM DECISION: DEFT'S PETITION FOR WRIT OF HABEAS
CORPUS/STATE'S SUPPLEMENT TO OPPOSITION

CONTINUED ON PAGE: 022

CRIMINAL COURT MINUTES

00-C-167783-C STATE OF NEVADA

vs Hermanski, Gregory S

CONTINUED FROM PAGE: 021

12/21/05 09:00 AM 00 DECISION: DEFT'S PETITION FOR WRIT OF
HABEAS CORPUS /36

HEARD BY: James Brennan, Senior Judge; Dept. VJ6

OFFICERS: Alan Castle, Court Clerk
Kristen Lunkwitz, Reporter/Recorder

PARTIES: STATE OF NEVADA
008822 Keenan, Nell
0001 D1 Hermanski, Gregory S
PRO SE Pro Se
PUBDEF Public Defender
005620 Dickson, Dianne

Y
Y
N
Y
Y
Y

Upon State's inquiry regarding decision, Court stated the matter in on for decision, and Court has reviewed the petition and may have some questions. Ms. Dickson advised the Deft's motion to appear for oral argument was denied and Deft. has filed another motion regarding that denial. Further, Ms. Dickson represented the Deft. previously and notes the Deft. is well educated and articulate. Also, noted by Ms. Dickson is that the Deft's petition may have merit, but the Defendant himself would be the one to argue those merits. COURT FINDS the Court that previously denied the motion to appear for argument should hear the motion to reconsider and ORDERED, CONTINUED and set for hearing motion to reconsider appearance of Defendant for oral argument on petition. FURTHER, Deft's presence is WAIVED until such time as there is further order of the Court requiring Deft's presence.

NDC

1/9/06 9:00 AM DEFT'S PRO PER MOTION TO RECONSIDER APPEARANCE FOR ORAL
ARGUMENT - IN RE DEFT'S PETITION FOR WRIT OF HABEAS CORPUS

CONTINUED TO: 01/30/06 09:00 AM 01

CRIMINAL COURT MINUTES

00-C-167783-C STATE OF NEVADA

vs Hermanski, Gregory S

CONTINUED FROM PAGE: 022

01/09/06 09:00 AM 00 DEFT'S PRO PER MOTION TO RECONSIDER
TRANSPORT DEFT FOR ORAL ARGUMENTS /37

HEARD BY: Jennifer Togliatti, Judge; Dept. 9

OFFICERS: Cheryl Case, Court Clerk
Cynthia Georgilas/cg, Relief Clerk
Kristen Lunkwitz, Reporter/Recorder

PARTIES: STATE OF NEVADA
005873 Benedict, Susan M.

Y
Y

0001 D1 Hermanski, Gregory S
005620 Dickson, Dianne

N
Y

Ms. Dickson advised she represented Defendant at trial and advised Defendant has real issues and would like to be transported in order to present them to this Court. COURT ORDERED, motion DENIED. Colloquy regarding Defendant's Writ. Court STATED it has reviewed Writ once before but will review Writ again, as well as procedural history and set for Status Check.

NDC

01-18-06 9:00 AM STATUS CHECK: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS

01/18/06 09:00 AM 00 STATUS CHECK: DEFT'S WRIT OF HABEAS
CORPUS

HEARD BY: Jennifer Togliatti, Judge; Dept. 9

OFFICERS: Alan Castle, Court Clerk
Kristen Lunkwitz, Reporter/Recorder

PARTIES: STATE OF NEVADA
007135 Pesci, Giancarlo

Y
Y

0001 D1 Hermanski, Gregory S
PRO SE Pro Se

N
Y

Court FINDS still considering and ORDERED, matter CONTINUED for Decision.

NDC

1/30/06 9:00 AM DECISION: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS

CRIMINAL COURT MINUTES

00-C-167783-C STATE OF NEVADA

vs Hermanski, Gregory S

CONTINUED FROM PAGE: 023

01/30/06 09:00 AM 01 DECISION: DEFT'S PETITION FOR WRIT OF
HABEAS CORPUS /36

HEARD BY: Jennifer Togliatti, Judge; Dept. 9

OFFICERS: Alan Castle/ac, Court Clerk
Kathy Streuber, Relief Clerk
Kristen Lunkwitz, Reporter/Recorder

PARTIES: STATE OF NEVADA
007135 Pesci, Giancarlo

Y
Y

COURT ORDERED, matter CONTINUED for further consideration. FURTHER, Deft's
presence WAIVED for these proceedings.

NDC

CONTINUED TO: 02/03/06 09:00 AM 02

02/03/06 09:00 AM 02 DECISION: DEFT'S PETITION FOR WRIT OF
HABEAS CORPUS /36

HEARD BY: Jennifer Togliatti, Judge; Dept. 9

OFFICERS: Alan Castle, Court Clerk
Katherine Streuber/ks, Relief Clerk
Kristen Lunkwitz, Reporter/Recorder

PARTIES: STATE OF NEVADA
008822 Keenan, Nell

Y
Y

COURT ORDERED, Deft's petition is DENIED. By way of this minute order State
to prepare the order and notify all interested parties.

NDC

CRIMINAL COURT MINUTES

00-C-167783-C STATE OF NEVADA

vs Hermanski, Gregory S

CONTINUED FROM PAGE: 024

03/27/06 09:00 AM 00 PETITIONERS PRO PER MOTION FOR REHEARING
ON DECISION ENTERED MARCH 3, 2006/39

HEARD BY: Stephen Huffaker, Senior Judge; Dept. VJ35

OFFICERS: Melissas Swinn, Relief Clerk
Janice David, Reporter/Recorder

PARTIES: STATE OF NEVADA
006237 Brierly, Tracey J.

Y

Y

Defendant not present as he is currently housed at the Nevada Department of
Corrections. Court reviewed documents, stated its findings and ORDERED,
motion DENIED.

NDC

08/23/06 09:00 AM 00 DEFT'S PRO PER MTN TO STAY PROCEEDINGS &
MTN FOR APPOINTMENT OF COUNSEL /40

HEARD BY: Jennifer Togliatti, Judge; Dept. 9

OFFICERS: Alan Castle, Court Clerk
Kathy Klein/kk, Relief Clerk
Kristen Lunkwitz, Reporter/Recorder

PARTIES: STATE OF NEVADA
006237 Brierly, Tracey J.

Y

Y

0001 D1 Hermanski, Gregory S
PRO SE Pro Se
005620 Dickson, Dianne

N

Y

Y

Court waived Deft's presence. Ms. Dickson appeared on behalf of the Deft. in
support of Deft's motion. COURT STATED FINDINGS and ORDERED, motion DENIED.
State to prepare the order. CASE CLOSED.

NDC

CRIMINAL COURT MINUTES

00-C-167783-C STATE OF NEVADA

vs Hermanski, Gregory S

CONTINUED FROM PAGE: 025

02/22/10 09:00 AM 00 DEFT'S PRO PER MTN TO CORRECT AN ILLEGAL
SENTENCE OR IN THE ALT MTN TO MODIFY/41

HEARD BY: Jennifer Togliatti, Judge; Dept. 9

OFFICERS: Alan Paul Castle, Court Clerk
Cheryl Carpenter, Reporter/Recorder

PARTIES: STATE OF NEVADA
010935 Morgan, Shawn A.
0001 D1 Hermanski, Gregory S
PRO SE Pro Se

Y

Y

N

Y

Court waived Defendant's presence, as this Court does not entertain oral arguments in these types of proceedings and determination made specifically on the pleadings. Matter submitted. COURT Finds this Court agrees with State's opposition and ORDERED, motion DENIED. By way of this minute order State to prepare the Findings of Fact, Conclusions of Law that track the State's opposition and notify all interested parties. CASE CLOSED.

NDC

03/27/10
CASE NO. 00-C-167783-C

E X H I B I T S

7:56 AM
CASE STATUS: REOPENED

STATE OF NEVADA

[] vs Hermanski, Gregory S

[]

<u>NO.</u>	<u>CODE</u>	<u>EXHIBIT DESCRIPTION</u>	<u>SUB</u>	<u>OF/OB</u>	<u>DATE</u>	<u>S</u>
0001	P-1	/PHOTO - MCDONALDS, WENDY'S	S	AD/NO	03/13/01	V
0002	P-2	/PHOTO - PANTS	S	AD/NO	03/13/01	V
0003	P-3	/PHOTO - WADE OF MONEY	S	AD/NO	03/13/01	V
0004	P-4	/CHART - AREA	S	AD/NO	03/13/01	V
0005	P-5	/EVIDENCE ENV W/5A - KNIFE	S	AD/NO	03/13/01	V
0006	D-A	/PHOTO - RBT. JAMES DAY	0001	/	99/99/99	V
0007	P/1	/VIOLATION RPT DTD 3/27/80	S	OF/	05/09/01	V
0008	P/2	/DEPT OF JUSTICE, CERTIFICATE OF REC.,	S	OF/	05/09/01	V
0009	P/3	/JUDGMT OF COMMITMENT #CRS17416 & 177992	S	OF/	05/09/01	V
0010	P/4	/INDICTMENT 94 CRS 4336	S	OF/	05/09/01	V
0011	D/A	/FBI - FORM FD-249	0001	OF/	05/09/01	V
0012	D/B	/NOTICE OF ACTION - 2/7/96	0001	OF/	05/09/01	V
0013	D/C	/NOTICE OF ACTION - 10/25/95	0001	OF/	05/09/01	V
0014	P	/*****12/4/02 HEARING*****/		/	99/99/99	
0015	D.A	/WARRANT APPLICATION	0001	/	99/99/99	V
0016	D.B	/COPY OF BIRTH CERTIFICATE	0001	/	99/99/99	V



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT



GREGORY HERMANSKI #69140
P.O. BOX 208
INDIAN SPRINGS, NV 89070

DATE: March 27, 2010
CASE: C167783

RE CASE: STATE OF NEVADA vs. GREGORY SCOTT HERMANSKI aka Robert James Day

NOTICE OF APPEAL FILED: March 25, 2010

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- ☐ Case Appeal Statement
- NRAP 3 (a)(1), Form 2
- ☐ Order
- ☒ Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (2) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (e) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

Certification of Copy

State of Nevada } **SS:**
County of Clark }

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT
DOCKET ENTRIES; ORDER DENYING DEFENDANT'S MOTION TO CORRECT ILLEGAL
SENTENCE OR IN THE ALTERNATIVE MOTION FOR MODIFICATION OF SENTENCE;
DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

STATE OF NEVADA,
Plaintiff(s),
vs.

GREGORY SCOTT HERMANSKI aka
Robert James Day,
Defendant(s),

Case No: C167783
Dept No: IX

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, Las Vegas, Nevada
This 27 day of March 2010.

Steven D. Grierson, Clerk of the Court

Heather Lofquist, Deputy Clerk