

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Feb 02 2015 11:00 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

DAIMON MONROE,

Appellant,

vs.

STATE OF NEVADA,

Respondent.

DOCKET NO.: 65827

D.Ct. Case No.:

APPELLANT'S APPENDIX

Vol. V
(Pages 1001-1037)

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1 Summarize briefly the facts supporting each ground. If necessary, you may attach pages stating
2 additional grounds and facts supporting same.

3 23. (a) GROUND ONE: NO Search warrant and
4 illegal felonious acts By officials
5 Fraudulent documents made and Entered
6 into Record-

7 23. (a) SUPPORTING FACTS (Tell your story briefly without citing cases or law):
8 ON NOV 6 2006 Bradwickell's and ROP searched
9 my home and Storages, and Had NO Search warrant
10 Sandra Elgiacomo came a hour into the search. my
11 attorney al lasso Asked to see the warrants and
12 was Denied the Right. I kept Persisting on
13 seeing the warrant almost a year later they
14 ASKed Stu Bell Judge to Sign or make
15 a fraudulent one, which they did. They started
16 sending people in to set me up, But officer
17 Greg Naglich of intel collected documents. Fi
18 mails and other stuff proving there never
19 was a warrant and they set me up. Stacey
20 Roundtree also got documents proving
21 this. And the F.B.I is now conducting
22 a investigation along with the H.O.A
23 ON these officials, which include
24 Cops, Judges and d.A's all which did
25 conspire to help cover this up. IVE
26 seen the documents talk to the officers and
27 have waited for the F.B.I to Arrest these.

1 officials. The Problem has Been that
2 The System did not want this to come
3 out But the proof is there and the feds
4 are investigations. d. A Norcen NYKOS
5 has knowledge OF this as She has also
6 worked with and sat down with the
7 Officers involved that are working with
8 the F.B.I to Bust these OFFICIALS.
9 There Never Was a warrant Stewart
10 Bell helped Sandra diSiacomo, and R. of
11 Officers By Siskins and making warrants
12 over a year almost After the illegal
13 search. And Then they all worked together
14 in covering this up. They went as far
15 as having people come in to set me up
16 on cases such as kidnapping, blowing up
17 the Bellagio, Murder, ESCAPE, INTEL CO
18 Sgt Swartwood, Greg Naglich, Sgt. Lepore
19 intel officer Smith, CO Muñoz all have
20 knowledge OF this and know the facts that
21 exist, and why this began because
22 OF trying to cover up Not having a warrant.
23 and has proven into provable Corruption
24 BY officials in the courts and the police
25 department. as does Dan Newman, Marty
26 Hart Stacey Roundtree, Cynthia Dustin, Jennifer
27 Swartz, Rebecca Baint all have proof of this or know

1 23. (b) GROUND TWO: INEFFECTIVE COUNSEL
2 I have a 8th Grade Education, and am in
3 Isolation, with no access to Research or do
4 Anything. And have informed and he knows what's up.
5 with FBI

6 23. (b) SUPPORTING FACTS (Tell your story briefly without citing cases or law):
7 I told Martin Hart there was no
8 Search warrant, He has seen these files
9 and talk to these officers and knows there
10 is a investigation being conducted on
11 these officials. and if He has not been
12 told By the F. B. I not to Bring out yet
13 its completely ineffective Dan we know
14 His investigator knows Officer Naglich
15 and has seen these documents its all
16 known. I have a 8th Grade Education
17 and am in the hole due to these officials
18 Setting me up. They have tried to keep
19 me from any communication, I told Marty
20 Hart, and he knows of these investigat
21 ions But never Brought it out. He never
22 Brought greg Naglich or these other
23 Facts up and didnt investigate
24 properly Once he knew That these
25 high powered Officials where involved
26 in covering this up. He knows these facts.
27 also He knows of the internal investigation being
28 Conducted on these officials for all this.

23. (c) GROUND THREE: Official misconduct, and
felonious actions by officials involved
fraudulent documents, threats to persons, and
had numerous persons work to set me up.


23. (c) SUPPORTING FACTS (Tell your story briefly without citing cases or law): There
is proof, witnesses, Al Iasso, Martin Hart, Dan
Newman, Greg Naglich, Stacey Roundtree, Jennifer
Swartz, and members from The F.B.I. Sgt.
Swartwood and many others as to this
misconduct by Judge Stu Bell, Sandra Digiacomo,
Brad Mickell's Det. Joe Kelly Det. Sam
Seaman Kelly Det. Sgt. A. Aralone and many
others, also Norreen Nykos has
specific info as she has worked
and helped these officers and F.B.I.
to catch them. The misconduct is
making fake warrants over a year after
an illegal search, threatening people to
lie, sending in people to set me up asking
officials here and in other states to help
shredding official documents. There
are documents in my attorney's possession
in Greg Naglich's possession in the F.B.I.
possession proving all of this. But for their
misconduct and illegal arrest no one would
of ever been in jail and to keep it cover
up they had numerous people help too.

1 23. (d) GROUND FOUR: The Current Federal investigation
2 has hindered These facts to come out. I've
3 Been denied Fair Hearings and trial.

4
5 23. (d) SUPPORTING FACTS (Tell your story briefly without citing cases or law): do
6 to the Federal investigation, it was mentioned in
7 slight detail with the H.O.A investigation By Jeff
8 German of the Review Journal March 9 2011. It
9 has caused some delay as to it would be
10 hindering a Federal investigation, Being
11 Conducted By US Justice department from
12 Washington DC, which have Been here
13 Because of leaks. If counsel failed to bring
14 this to light I was denied a Fair trial, the
15 Hearing's Due to who was covering this up
16 Had severe influence on the other courts.
17 I've had conversation with police investigating this, seen the documents and
18 this is fact. Other courts did not nor did
19 Counsel address these facts, which do exist.
20 These officials will be arrested it's just when
21 But how bad this system is and what a failure
22 it has been is really the question. How did all
23 this occur without complete complicity
24 within the courts and system. But no
25 matter what now there caught and there
26 is no changing that fact.


1 WHEREFORE, Daimon MONROE, prays that the court grant writ of habeas
2 relief ti which he may be entitled in this proceeding.

3 EXECUTED at H-D-S-P
4 on the 28 day of June, 2011.

5 
6 Signature of Petitioner

7 **VERIFICATION**

8
9 Under penalty of perjury, pursuant to N.R.S. 208.165 et seq., the undersigned declares that he is
10 the Petitioner named in the foregoing petition and knows the contents thereof, that the pleading is
11 true and correct of his own personal knowledge, except as to those matters based on information and
12 belief, and to those matters, he believes them to be true.

13 
14 Signature of Petitioner

15
16 
17 Attorney for Petitioner

CERTIFICATE OF SERVICE BY MAILING

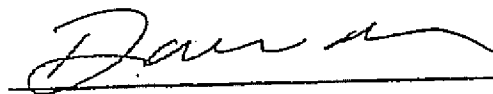
I, Daimon Monroe, hereby certify, pursuant to NRCP 5(b), that on this 28
day of June, 20 11, I mailed a true and correct copy of the foregoing, "Writ
OF Habeas Corpus"

by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,
addressed as follows:

Regional Justice Center
200 Lewis Ave
Las Vegas NV, 89101

CC:FILE

DATED: this 28 day of June, 20 11



#38299

/In Propria Persona
Post Office box 650 [HDSP]
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding _____

Writ of Habeas Corpus
(Title of Document)

filed in District Court Case number 228752

☒ Does not contain the social security number of any person.

-OR-

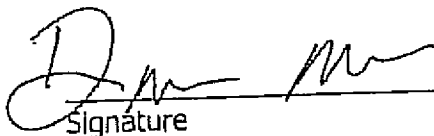
☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-or-

B. For the administration of a public program or for an application
for a federal or state grant.


Signature

6-28-11
Date

Daimon Monroe
Print Name

Pro Se
Title

Daimon Monroe
Pro Per

FILED

JUL 22 2011

District Court

Debra L. Quinn
CLERK OF COURT

Clark County, Nevada

Daimon Monroe

Case No. C228752

Petitioner

Dept No. XX

- US -

Warden Nevens

Respondent

06C228752-1
SUPPL
Supplement
1530511



CLERK OF THE COURT

JUL 21 2011

RECEIVED

Supplemental Information

and Request To Reaffirm Stay

1) Comes Now Daimon Monroe to this Honorable
2) Court to State Specific Facts, and Requests
3) To Reaffirm Stay. Due to my incarceration and
4) Being locked down 24/7 And the position this has
5) Placed me, prevents me from being able to go to law
6) Library do Research or even contact Person's with a
7) Regular Schedule, So please forgive this, I do have some
8) Laws, But not many, as stated in my writ there was no
9) Search warrants which caused me and other's to be
10) Arrested huge amounts of property legally owned to
11) be seized. The day of Nov. 6 2006 Sandra Diggs came
12) and R.O.P officers gave huge amounts of property
13) Away Illegally and without due process. This
14) Property which is being detained and which has
15) Been illegally given away is irreplaceable, There
16) are many Pictures and mementos, The fact
17) There never was a warrant until almost

RECEIVED

JUL 22 2011

CLERK OF THE COURT

2592009

②

1) A Year after the Illegal Search, Sizzone and illegal
2) distribution of Property without due process.
3) The documents Stacy Roundtree Passes Show's
4) These Officials talking about Setting me up and
5) Then asking Officials in Texas and here to Shred
6) the documents. Officer Greg Naglich of intel was
7) assigned to me, This is how he obtained his
8) documents, E-mails which Both have turned
9) over to the F.B.I also Greg Naglich Received
10) a Federal accommodation for his Efforts. For the
11) last few Years more information has been gathered
12) on these officials, The Reason its taken so long
13) is who is Being investigated. The Release of
14) any information would be hindering a Federal
15) investigation so its taken a long time and
16) have been put through hell. As this continued
17) I Forwarded information to the F.B.I I.A., J
18) and C.R.B, Officer Greg Naglich helped obtain
19) information for the feds while working at
20) C-C-d-C, when I was interviewed for trying
21) to Blow up the Bellagio, This was the F.B.I
22) allowing these people to continue so they
23) could gather proof and information on this.
24) all of this is documented and can be
25) subpoenaed. I Am without help here and being
26) in isolation I cant do much even get copies
27) so please excuse and forgive this as
28) I know its not professional. Also Norren Nykos

1) Conversation's with these officer's and was
2) shown this evidence. Intel at C-C-d C
3) has paper work on all these people who where
4) sent in to set me up. I Realize How this all
5) sounds that's why I've given names, I can give
6) times whatever this court needs. Through
7) this courts Supena power these officer's
8) who did this, my lawyers and all the others
9) I named can be asked under oath which
10) they could not lie, also we could supena
11) all these documents, computer entries
12) and pictures to show there never was
13) a warrant. and they set me up. I ASK this
14) Court to please Believe me and give me
15) a chance to Prove this I'm not lying nor do
16) I have a mental imbalance, This has taken
17) so long and so much has happend, I would not
18) waste the courts time, nor my writ on some
19) lie. I Cannot do Anything to Prove this
20) without the Courts Supena power. I Beg this
21) Court to please, please Just Believe me this
22) is happening. my attorney's have been told By
23) the Feds not to Release this information until
24) there done. I've Been Reluctant to Put any
25) Information out Because of this investigation,
26) But its taken so long, and Everyone has lost so
27) much, There is a stay order on this property
28) I ask this Court to please Reaffirm this

1.) as it would promote Justice, there is a stay
 2.) ordered, I just ask to Re Affirm this, also I've
 3.) had my investigator MR. Holmes contact Jeff
 4.) German at the R-J to obtain any more information
 5.) He could gather for you. Your honor the illegal
 6.) Search and Seizure, The illegal distribution
 7.) of property was a career Breaker for all
 8.) these Person's, This is why where at where
 9.) we are, It just developed into this huge
 10.) mess, and once the feds got involved they took
 11.) control. Everything can be proven, But without
 12.) the courts powers I can do nothing to prove it.
 13.) All the names on the writ know what's going on and
 14.) can be called to testify. Your honor what's happen
 15.) is a travesty and a nightmare, And it's going to
 16.) come out its just when I know there is integrity
 17.) and honesty in the system, I just got caught up
 18.) with some who felt there careers were not going
 19.) to be destroyed, and tried to cover things up over
 20.) and over. Your honor coincidence after coincidence
 21.) after coincidence to call a coincidence is just
 22.) stupid. Just think How did I get arrested for a non-
 23.) violent offence, Then once I ask to see the warrant
 24.) because I knew we didn't do anything, all these people
 25.) start coming in, and all these other cases documented.
 26.) I was a non violent arrested person and somehow became
 27.) an international terrorist all in jail. Come on
 28.) Its not hard to see once u look into it, it

Both Sides Front and Back I Rando of Paper Sorry.

5

- 1) almost is Ridiculous No one has Noticed the absurd
- 2) Things said and done. I dont know how to Sopearapeple
- 3) nor anything ELSE But it ESential to Prove my case.
- 4) This is a case of actual innocence and severe
- 5) Corruption, And the Promotion of Justice, I would
- 6) think this court would have the ability to Check out
- 7) what im saying, This aint a secret And im sure
- 8) u would hear Im telling the truth. And im sure
- 9) There are Computer Entries and other things to Verify
- 10) dates Entered. ALSO The C.R.B case No. 99-049 is
- 11) Continuing and is a investigation of these Facts, This
- 12) is true, It's happening. I was told Not to Bring this
- 13) UP for a long time, or get into Names and Specifics
- 14) But its taking to long and everyone has lost so much.
- 15) All Im asking is Just Check it out, youll see Im telling
- 16) the truth. I do Posses them saying I worked with
- 17) People and other Paper work, My attorney has the Emails
- 18) and other documents, Jennifer Swartz, She has taken
- 19) Over for Stacey She Also knows, Sgt Swartwood was
- 20) Greg Naglich Sgt. Sgt Leare pulled me out and said that
- 21) thei internal Affairs was coming down on him for my
- 22) housing. he also was the Sgt. When they Sent in Angelo
- 23) Stackhouse to set me up on the Bellagio thing. The whole
- 24) thing was videotaped, also the C-R-B has information
- 25) as there inu=stigation has brought out Facts. Just look
- 26) into a little first your honor, youll see, The feds
- 27) are inu=stigating, This is a Big deal, and it's
- 28) All the truth I Swear to God. Please look into

⑥

Petioners Request's

- 1) Petitioner ask's this court to Supena
- 1) Record's From intel involving the cases
- 1) they set me up on, ^{or tried} The murder of Christickle,
- 1) Blowing up the Bellagio, The Kidnapping with
- 1) the Mexican Mafia, Escape, The Judge case,
- 1) And any other's which there are, just to mention.
- 2) Petitioner would like a list of Property
- Given away at Scene on Nov. 6 2006. and
- By who.
- 3) Petitioner ask's this court to also Supena
- 1) Officer's E. Morgan # 5851 J. Church's #
- 16184 J. Morris # 3696 +. Schoening # 4498
- 1) These officer's also where ones to Search and
- 1) Seize and need be asked under oath about
- 1) Warrant on Nov. 6 2006.
- 4) Petitioner ask's this court For a Stay on
- 1) His property so no more is Given away. Petitioner
- 1) Beg's this court to Grant this as it would
- 1) promote Justice, and Stop the continuing violation
- 1) of his Constitutional Rights per 4th 5th and 14th Amend.
- 5) Petitioner also would like to Supena
- 1) Eliza Iuzich as she has Specific Knowledge
- 1) of what's going on as she is helping Sandra
- 1) DiGiacomo, and she also is Being investigated.
- 6) Petitioner ask to Supena Stewart Bell
- 1) To ask him what day these warrants where
- 1) Signed.

This is a Front and Back Page
as I have no more paper so
So please turn over to finish of my
Request.

- 1) 1) Petitioner ask's this Court to Supena
- 2) all the Pictures of Property Seized
- 3) On Nov. 6 2006, To Analyze what was taken and now missing.
- 1) 2) Petitioner would like the Itemized list
- 1) of Property That was Entered into the
- 1) Evidence Vault, and what was taken.
- 1) 3) Petitioner would like all the Pictures
- 1) of the warrants left on Nov. 6 2006 at
- 1) the place searched.
- 1) 4) Petitioner asks this Court to Supena any
- 1) Computer Entries for the warrants. On Nov
- 1) 6. 2006.
- 1) 5) Petitioner. Ask this Court as he asserts
- 1) his protected interest in his Property and
- 1) will Request Pursuant to N.R.S. 179.335 to have
- 1) it all returned and any property missing thus far
- 1) the State will be Responsible for after he proves his case.
- 1) 6) Petitioner ask's to be Personally Notified through
- 1) the Court of any action's involving this Property
- 1) as I'm in Isolation and have no communications
- 1) no TV, Newspaper's, and very Rarely Phones.
- 1) 7) Petitioner ask's this Court to Supena. For
- 1) Under oath hearings. Sandra diGiaco, Brad
- 1) Nickell's, Martin Hart, Greg Naglich, Stacey
- 1) Roundtree, Jennifer Swartz, Noreen Nykos.
- 1) 8) Petitioner Request this Court to Reaffirm stay
- 1) and Any other Orders this Honorable Court
- 1) See's fit. on other side

8 8

- 1.) Where For Daimon monroe pray this Honorable
2.) Court grant his Supplemental writ and Reaffirm
3.) his stay on his property which he may be entitled
4.) in this proceeding Executed at H-D-S-P
5.) on the 18th Day of July 2011

6.)

7.)

Verification

- 8.) Under Penalty of Perjury, Pursuant to N.R.S 208.165
9.) Et Seq. The undersigned declares he is the petitioner named
10.) And knows the contents thereof, that the pleading is true and
11.) correct of his own Personal Knowledge 100%

12.)

13.)

14.)

15.)

Daimon

Daimon monroe
Pro Per

- 16.) I Daimon monroe hereby certify to N.R.C.P.S(6) that
17.) on this 18th day of July 2011 I mailed a true
18.) copy of the forgoing Supplement information and
19.) Request to ReAffirm stay to:

20.) Regional Justice center

21.) 200 Lewis ave.

22.) Las Vegas Nevada, 89101

23.) Please Be aware I couldn't get copies I'm sorry

24.) But this is my only one. Could u forward.

25.) Daimon monroe #38299

Thank you

26.) H-D-S-P

Daimon

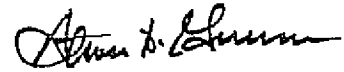
27.) P.O. Box 650

Daimon monroe

28.) Indian Springs, NV, 89070

Pro Per

Please Send a File Stamp
JG



CLERK OF THE COURT

1 **OPPS**
2 DAVID ROGER
3 Clark County District Attorney
4 Nevada Bar #002781
5 SANDRA K. DIGIACOMO
6 Chief Deputy District Attorney
7 Nevada Bar #6204
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

11 -VS-

12 DAIMON MONROE,
13 # 0715429

14 Defendant.

CASE NO: 06C228752-1

DEPT NO: XX

15 **STATE'S RESPONSE TO DEFENDANT'S**
16 **PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)**

17 DATE OF HEARING: November 28, 2011

18 TIME OF HEARING: 9:00 AM

19 COMES NOW, the State of Nevada, by DAVID ROGER, District Attorney, through
20 SANDRA K. DIGIACOMO, Chief Deputy District Attorney, and hereby submits the
21 attached Points and Authorities in Opposition to Defendant's Petition for Writ of Habeas
22 Corpus.

23 This opposition is made and based upon all the papers and pleadings on file herein,
24 the attached points and authorities in support hereof, and oral argument at the time of
25 hearing, if deemed necessary by this Honorable Court.

26 ///

27 ///

28 ///

1

2

5

5

1 on Count 11 due to insufficient evidence of value, and issued its remittitur on August 30,
2 2010. As to Defendant's Fourth Amendment claims, the Nevada Supreme Court concluded
3 "that Monroe's arrest did not result from an unreasonable search or seizure....," and that the
4 search warrants were supported by adequately particularized probable cause. Monroe v.
5 State, Case No. 52788 (Order of Affirmance), July 30, 2010, p .2-6.

6 Defendant filed this Petition for Writ of Habeas Corpus (Post-Conviction) on July 7,
7 2011. Defendant alleges four grounds for relief. All four grounds for relief relate to the same
8 argument that the search warrants executed on Defendant's home did not actually exist and
9 the warrants actually produced were part of a vast conspiracy being investigated by the
10 Federal Bureau of Investigation and involving the recent homeowner's association scandal
11 widely reported in the media. The State's response follows.

12 ARGUMENT

13 **I. Defendant's Grounds 1-2 Are Barred from Consideration by the Law of the** 14 **Case Doctrine**

15 Grounds 1-2 of Defendant's petition consist of a transparent attempt to relitigate,
16 under the guise of Sixth Amendment post-conviction claims and rambling allegations of an
17 unspecified conspiracy to frame Defendant, matters already decided by the Nevada Supreme
18 Court in his direct appeal. The Nevada Supreme Court has already thoroughly examined the
19 validity of the search warrants involved in this case and determined that they were supported
20 by probable cause and sufficient particularity. Where an issue has already been decided on
21 the merits by the Nevada Supreme Court, the Court's ruling is law of the case, and the issue
22 will not be revisited. Pellegrini v. State, 117 Nev. 860, 884, 34 P.3d 519, 535 (2001); *see*
23 *also* McNelson v. State, 115 Nev. 396, 990 P.2d 1263, 1276 (1999); Hall v. State, 91 Nev.
24 314, 315-16, 535 P.2d 797, 798-99 (1975); Valerio v. State, 112 Nev. 383, 386, 915 P.2d
25 874, 876 (1996); Hogan v. Warden, 109 Nev. 952, 860 P.2d 710 (1993). A Defendant cannot
26 avoid the law of the case doctrine by a more detailed and precisely focused argument. Hall,
27 91 Nev. at 316, 535 P.2d at 798-99; *see also* Pertgen v. State, 110 Nev. 557, 557-58, 875
28 P.2d 316, 362 (1994). Moreover, Defendant cannot attempt to circumvent the law of the case

1 doctrine by recasting his arguments as claims challenging the effectiveness of counsel. *See*
2 White v. United States, 371 F.3d 900, 902 (7th Cir. 2004) (“Invoking the doctrine of the law
3 of the case, the courts... forbid a prisoner to relitigate in a collateral proceeding an issue that
4 was decided on his direct appeal.”). The instant petition’s Grounds 1-2 seek relief based on
5 arguments already resolved adversely to Defendant on appeal. *See Monroe v. State*, Case
6 No. 52916 (Order of Affirmance), July 30, 2010, p 2-5. Thus, they cannot be reasserted in a
7 post-conviction petition. Defendant’s petition should be summarily denied on this basis
8 alone.

9 II. Defendant Did Not Receive Ineffective Assistance of Counsel

10 A. Standard for Establishing Ineffective Assistance of Counsel

11 In Nevada, the appropriate vehicle for review of whether counsel was effective is a
12 post-conviction relief proceeding. McKague v. Warden, 112 Nev. 159, 912 P.2d 255, 257
13 n.4 (1996). Nevada has adopted the standard outlined in Strickland v. Washington, 466 U.S.
14 668, 104 S.Ct. 2052 (1984). Under Strickland, in order to assert a claim for ineffective
15 assistance of counsel, the defendant must prove that he was denied “reasonably effective
16 assistance” of counsel by satisfying a two-pronged test. Strickland at 686–687, 104 S.Ct. at
17 2063–64; *see also State v. Love*, 109 Nev. 1136, 1138, 865 P.2d 322, 323 (1993). Under this
18 test, the defendant must show (1) trial counsel’s representation fell below an objective
19 standard of reasonableness; and (2) counsel’s deficient performance prejudiced the defense
20 to such a degree that, but for counsel’s ineffectiveness, the results of the case would
21 probably have been different. *See Strickland*, 466 U.S. at 687–688 and 694, 104 S.Ct. at
22 2065 and 2068. “Effective counsel does not mean errorless counsel, but rather counsel
23 whose assistance is ‘[w]ithin the range of competence demanded of attorneys in criminal
24 cases.’” Jackson v. Warden, Nevada State Prison, 91 Nev. 430, 432, 537 P.2d 473, 474
25 (1975) (*quoting McMann v. Richardson*, 397 U.S. 759, 771, 90 S.Ct. 1441, 1449 (1970)).
26 “Surmounting Strickland’s high bar is never an easy task.” Padilla v. Kentucky, 559 U.S. ----
27 , ---, 130 S.Ct. 1473, 1485 (2010).

28 ///

1 In considering whether trial counsel has met this standard, the court will first
2 determine whether counsel made a "sufficient inquiry into the information . . . pertinent to
3 his client's case." Doleman v State, 112 Nev. 843, 846, 921 P.2d 278, 280 (1996) (*citing*
4 Strickland, 466 U.S. at 690–691, 104 S.Ct. at 2066. Once this decision is made, the court
5 will consider whether counsel made "a reasonable strategy decision on how to proceed with
6 his client's case." Doleman, 112 Nev. at 846, 921 P.2d at 280 (*citing Strickland*, 466 U.S. at
7 690–691, 104 S.Ct. at 2066). "There are countless ways to provide effective assistance in
8 any given case." Strickland, 466 U.S., at 689, 104 S.Ct. 2052. courts should not overlook the
9 "wide latitude counsel must have in making tactical decisions;" therefore, there are no "strict
10 rules" for counsel's conduct "[b]eyond the general requirement of reasonableness."
11 Pinholster, 131 S.Ct. at 1406–07 ("No particular set of detailed rules for counsel's conduct
12 can satisfactorily take account of the variety of circumstances faced by defense counsel or
13 the range of legitimate decisions") (*quoting Strickland*, 466 U.S. at 688–89, 104 S.Ct.
14 2052). Finally, counsel's strategy decisions are "virtually unchallengeable absent
15 extraordinary circumstances." Doleman, 112 Nev. at 846, 921 P.2d at 280; *see also Howard*
16 *v. State*, 106 Nev. 713, 722, 800 P.2d 175, 180 (1990); Strickland, 466 U.S. at 691, 104 S.Ct.
17 at 2066.

18 The Court begins with the presumption of effectiveness and then must determine
19 whether the defendant has demonstrated by a preponderance of the evidence that counsel
20 was ineffective. Means v. State, 120 Nev. 1001, 103 P.3d 35 (2004). Counsel's performance
21 is measured by an objective standard of reasonableness, which takes into consideration
22 prevailing professional norms and the totality of the circumstances. Hornick v. State, 112
23 Nev. 304 310, 913 P.2d 1280, 1285 (*citing Strickland*, 466 U.S. at 688), *overruled on other*
24 *grounds by Means v. State*, 120 Nev. 1001, 103 P.3d 25 (2004). "The question is whether an
25 attorney's representation amounted to incompetence under 'prevailing professional norms,'
26 not whether it deviated from best practices or most common custom." Harrington v. Richter,
27 131 S.Ct. 770, 788 (2011) (*citing Strickland*, 466 U.S. at 690). The role of a court in
28 considering allegations of ineffective assistance of counsel is "not to pass upon the merits of

1 the action not taken but to determine whether, under the particular facts and circumstances of
2 the case, trial counsel failed to render reasonably effective assistance.” Donovan v. State, 94
3 Nev. 671, 675, 584 P.2d 708, 711 (1978) (*citing* Cooper v. Fitzharris, 551 F.2d 1162, 1166
4 (9th Cir. 1977)). This analysis does not indicate the court should “second guess reasoned
5 choices between trial tactics, nor does it mean that defense counsel, to protect himself
6 against allegations of inadequacy, must make every conceivable motion no matter how
7 remote the possibilities are of success.” Donovan, 94 Nev. at 675, 584 P.2d at 711 (*citing*
8 Cooper, 551 F.2d at 1166 (9th Cir. 1977)). “Just as there is no expectation that competent
9 counsel will be a flawless strategist or tactician, an attorney may not be faulted for a
10 reasonable miscalculation or lack of foresight or for failing to prepare for what appear to be
11 remote possibilities.” Harrington, 131 S.Ct. at 791. In essence, the court must “judge the
12 reasonableness of counsel’s challenged conduct on the facts of the particular case, viewed as
13 of the time of counsel’s conduct.” Strickland, 466 U.S. at 690, 104 S.Ct. at 2066.

14 The Sixth Amendment does not require defense attorneys to make frivolous motions
15 or take other futile action. See Ennis v. State, 122 Nev. 694, 137 P.3d 1095 (2006);
16 Kimmelman v. Morrison, 477 U.S. 365, 375, 106 S.Ct. 2574, 2583 (1986); Ceja v. Stewart,
17 97 F.3d 1246, 1253 (9th Cir. 1996) (*citing* Lowry v. Lewis, 21 F.3d 344, 346 (9th Cir. 1994),
18 *cert. denied*, 513 U.S. 1001, 115 S.Ct. 513 (1994)). Indeed, “a defense attorney has an
19 obligation not to bring frivolous motions.” Rodriguez v. Young, 708 F.Supp. 971, 982 (E.D.
20 Wisc. 1989), *aff’d*, 906 F.2d 1153 (7th Cir. 1990), *cert. denied*, 498 U.S. 1035, 111 S.Ct. 698
21 (1991). Where a defendant faults trial counsel for not asserting a motion or objection, he
22 must demonstrate that it would have been successful, otherwise he fails to establish
23 Strickland prejudice. See, e.g., Ebert v. Gaetz, 610 F.3d 404, 415 (7th Cir. 2010) (“Ebert []
24 cannot demonstrate that a motion to suppress would have been meritorious, a requisite for a
25 successful ineffective assistance of counsel claim ... regardless of the deficiency of counsel’s
26 performance.” (*citing* Kimmelman v. Morrison, 477 U.S. 365, 382, 106 S.Ct. 2574, 2587-
27 2588 (1986))).

28 ///

Effectiveness of appellate counsel is also addressed under the Strickland standard. Foster v. State, 121 Nev. 165, 111 P.3d 1083 (2005). “[I]n order to establish prejudice based on deficient assistance of appellate counsel, the petitioner must show that the omitted issue would have had a reasonable probability of success on appeal. Id. at 170, 111 P.3d at 1087 (citing Lara v. State, 120 Nev. 177, 183-84, 87 P.3d 528, 532 (2004)). “Appellate counsel is not required to raise every non-frivolous or meritless issue to provide effective assistance.” Id. (quoting Lara, 120 Nev. at 184, 87 P.3d at 532). “Appellate counsel is entitled to make tactical decisions to limit the scope of an appeal to issues that counsel feels have the highest probability of success.” Id. Effective appellate advocacy is not coextensive with a litigation approach that raises every single colorable appellate issue. Ford v. State, 105 Nev. 850, 853 (1989) (citing Jones v. Barnes, 463 U.S. 745, 752, 103 S.Ct. 3308, 3313 (1983)).

Even if a defendant can demonstrate that his counsel’s representation fell below an objective standard of reasonableness, he must still demonstrate prejudice and show a reasonable probability that, but for counsel’s errors, the result of the trial would have been different. McNelson v. State, 115 Nev. 396, 403, 990 P.2d 1263, 1268 (1999) (citing Strickland, 466 U.S. at 687.) “A reasonable probability is a probability sufficient to undermine confidence in the outcome.” Id. To prevail on a claim relating to appellate counsel, a defendant must show that but for counsel’s deficient performance, he would have prevailed on appeal. Smith v. Robbins, 528 U.S. 259, 286, 120 S.Ct. 746, 145 L.Ed.2d 756 (2000). Furthermore, claims asserted in a petition for post-conviction relief must be supported with specific factual allegations, which if true, would entitle the petitioner to relief. Hargrove v. State, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984). “Bare” and “naked” allegations are not sufficient, nor are those belied and repelled by the record. Id. The State will address Defendant’s specific allegations of ineffectiveness individually below.

B. Defendant Has Failed to Demonstrate a Prima Facie Entitlement to Relief Under Strickland

Defendant’s incoherent allegation of a vast but completely unclear conspiracy to frame him and use fake search warrants is not sufficient to state a claim under Strickland.

1 *See, e.g., Arnold v. Parker*, 2011 WL 766565 at 7 (E.D. Tenn. 2011) ("The claim that the
2 judges, the prosecutor, and all of petitioner's lawyers played a role in a 'frame-up'
3 conspiracy to railroad him has no specific factual details to buttress it. A claim which lacks
4 any factual support is conclusory, and it is well settled that conclusory claims fail to state a
5 claim for relief..."); *Morgan v. Marshall*, 2010 WL 4313767 at 8 (C.D. Cal. 2010).
6 ("Petitioner fails to offer any substantiated evidence about this 'grand conspiracy' in either
7 his state habeas petition or in the FAP...Since there is no evidence to substantiate
8 Petitioner's claims, he fails to show either deficient performance of counsel or that he
9 suffered prejudice as a result of his counsel's failure to question this witness about a 'grand
10 conspiracy.'"); *Alexander/Ryahim v. Norris*, 2008 WL 150373 at 4 (E.D. Ark. 2008).
11 Defendant fails to explain how this nonspecific conspiracy would tend to invalidate the
12 search warrants, thus his claim should be summarily denied. Defendant's allegations are
13 sufficiently incoherent, nonspecific, and utterly fantastic that they are properly denied
14 without an evidentiary hearing or any other further inquiry. *Hargrove*, 100 Nev. at 502, 686
15 P.2d at 225 (1984).

16 Additionally, Defendant's Ground 2, which alleges ineffective assistance of counsel,
17 appears primarily concerned with how his trial counsel handled the search and seizure issue.
18 The record is clear that trial counsel did litigate this issue extensively, although ultimately
19 without success. It is up to trial counsel, not a defendant, to determine how to handle the
20 specific litigation choices involving such an issue. *Rhyne v. State*, 118 Nev. 1, 8, 38 P.3d
21 163, 167-168 (2002) (client makes decision on ultimate issues but legal tactics are
22 committed to attorney's discretion). Similarly, it was appellate counsel's election as to how
23 to present the search warrant and traffic stop issues on appeal. *Id.* Additionally, Defendant
24 cannot state a prima facie claim of prejudice under *Strickland*'s second prong because there
25 is no reasonable likelihood of a better outcome at trial had trial counsel presented
26 Defendant's rambling, incoherent theory about a systemic conspiracy to frame him.

27 Defendant's Grounds 3 and 4 similarly fail at a prima facie level because the alleged
28 misconduct and unfairness in Defendant's trial should have been raised on appeal. Failure to

1 raise those claims on appeal constitutes waiver, and they cannot be reasserted in a post-
2 conviction habeas petition. NRS 34.810(1)(b)(2); Franklin v. State, 110 Nev. 750, 877 P.2d
3 1058 (1994). Thus, those claims are substantively incognizable and subject to summary
4 dismissal per statute and caselaw.¹

5 **CONCLUSION**

6 Based on the foregoing arguments, the State respectfully requests that Defendant's
7 petition be denied.

8 DATED this 13TH day of October, 2011.

9 Respectfully submitted,

10 DAVID ROGER
11 Clark County District Attorney
12 Nevada Bar #002781

13 BY /s/ Sandra K. Digiacomo
14 SANDRA K. DIGIACOMO
15 Chief Deputy District Attorney
16 Nevada Bar #006204

17 **CERTIFICATE OF MAILING**

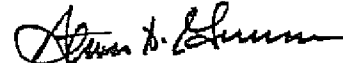
18 I hereby certify that service of the above and foregoing was made this 13TH day of
19 October, 2011, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

20 DAIMON MONROE, BAC #38299
21 HDSP
22 PO BOX 650
23 INDIAN SPRINGS, NV 89018

24 BY: /s/ D. Jason
25 Secretary for the District Attorney's Office

26 JPB/HLS/djj/ROP
27
28

¹ Defendaot has filed contemporaneously with his petition a pleading styled "Supplemental Information to Writ of Habeas Corpus and Request to Reaffirm Stay." The pleading mostly repeats allegations from the petition. Defendant is not entitled to nod has never received any type of "stay" in this criminal proceeding. Thus, that request should also be summarily disregarded.



CLERK OF THE COURT

1 ORDD

2
3
4
5 DISTRICT COURT

6 CLARK COUNTY, NEVADA

7
8
9 STATE OF NEVADA,

10 Plaintiff,

CASE NO.: 06-C-228752-1
DEPARTMENT NO. XX

11 v.

12
13 DAIMON MONROE,

14 Defendant.

**ORDER DENYING DEFENDANT'S
PETITION FOR WRIT OF HABEAS
CORPUS (POST-CONVICTION)**

15
16 This matter having come before the Court without oral argument, and the Court
17 being fully advised in the premises, finds:

18 (1) This matter comes before the Court on the Defendant's Petition for Writ
19 of Habeas Corpus (Post-Conviction).

20 (2) The Defendant was found guilty by a jury of 27 felony counts, and on
21 October 1, 2008, was sentenced to multiple life sentences under Nevada's large
22 habitual criminal statute. Judgment of Conviction was filed on November 4, 2008.
23 The Defendant filed a timely Notice of Appeal on November 19, 2008. The
24 Defendant's appeal was granted in part (as to Count 11) and denied in part (as to the
25 remaining counts) by Order dated July 30, 2010, and remittitur was issued on August
26 30, 2010.

27 (3) The instant Petition was originally filed on July 7, 2011, and was
28 calendared for oral argument before this Court on January 5, 2012. However, on

December 15, 2011, the Defendant filed a Notice of Appeal. On January 19, 2012, this Court denied the Defendant's Petition without prejudice because the Court believed that it lacked jurisdiction over the case by virtue of the December 15, 2011 Notice of Appeal which vested jurisdiction before the Nevada Supreme Court. This Court entered an Order to this effect on February 14, 2012.

(4) On January 26, 2012, the Nevada Supreme Court dismissed the Defendant's appeal for lack of jurisdiction, and remittitur was issued February 21, 2012. Thereafter, the Defendant filed various motions with this Court addressing such things as the return of some property seized from him, but never re-filed his Petition or sought to have it re-calendared before this Court after the Appeal was dismissed. On March 29, 2013, on its own initiative, the State filed a Motion noting that this Court had never addressed the merits of the Defendant's Petition, and even though the Defendant had not technically re-filed his Petition with this Court, the State believed that the Court should entertain the merits of the Petition. After receiving and considering the State's Motion, the Court re-calendared the Defendant's Petition for hearing and appointed attorney Michael Schwartz to represent the Defendant in connection with his Petition. On March 18, 2014, after reviewing the trial transcript and case file, Mr. Schwartz represented that he did not believe that supplemental briefing was necessary and submitted the matter for the Court's review based upon the Defendant's initial Petition. The Court took the matter under advisement and now issues this Order.

(5) The Defendant's Petition asserts four grounds for review. First, the Defendant asserts that incriminating evidence was uncovered by the police during an illegal search unsupported by a proper search warrant. Second, the Defendant avers that trial counsel was ineffective for failing to challenge the legality of the police search. Third, the Defendant avers that he was the victim of a conspiracy between the police, the district attorney, the judge, the FBI, and his own attorney to belatedly manufacture false search warrants to justify the illegal search that resulted in the

1 evidence against him. Fourth, the Defendant avers that his counsel was ineffective for
2 failing to challenge the conspiracy against him and that he was thus deprived of a fair
3 trial.

4 (6) In Nevada, the appropriate vehicle for review of whether counsel was
5 effective is a post-conviction relief proceeding. *E.g., McKague v. Warden*, 112 Nev.
6 159 (1996).

7 (7) In reviewing an application for such post-conviction relief, Nevada has
8 adopted the standard outlined by the United States Supreme Court in *Strickland v.*
9 *Washington*, 466 U.S. 668, 104 S.Ct. 2052 (1984), under which the Defendant must
10 prove that he was denied "reasonably effective assistance" of counsel by satisfying a
11 two-pronged test. *Strickland*, 466 U.S. at 686-687, 104 S.Ct. at 2063-64; *see also State*
12 *v. Love*, 109 Nev. 1136, 1138 (1993). To warrant relief, the Defendant must show (1)
13 trial counsel's representation fell below an objective standard of reasonableness; and
14 (2) counsel's deficient performance prejudiced the defense to such a degree that, but for
15 counsel's ineffectiveness, the results of the case would probably have been different.
16 *See, Strickland*, 466 U.S. at 687-688 and 694, 104 S.Ct. at 2065 and 2068. "Effective
17 counsel does not mean errorless counsel, but rather counsel whose assistance is
18 '[w]ithin the range of competence demanded of attorneys in criminal cases.'" *Jackson*
19 *v. Warden, Nevada State Prison*, 91 Nev. 430, 432 (1975) (quoting *McMann v.*
20 *Richardson*, 397 U.S. 759, 771, 90 S.Ct. 1441, 1449 (1970)). "Surmounting
21 *Strickland's* high bar is never an easy task." *Padilla v. Kentucky*, 559 U.S. ----, 130
22 S.Ct. 1473, 1485 (2010).

23 (8) This Court begins with the presumption that counsel was effective, and
24 the Defendant bears the burden of demonstrating by a preponderance of the evidence
25 that counsel was ineffective. *Means v. State*, 120 Nev. 1001 (2004). Counsel's
26 performance is measured by an objective standard of reasonableness, which takes into
27 consideration prevailing professional norms and the totality of the circumstances.
28 *Homick v. State*, 112 Nev. 304 310, *overruled on other grounds by Means v. State*, 120

1 Nev. 1001 (2004). "The question is whether an attorney's representation amounted to
2 incompetence under 'prevailing professional norms,' not whether it deviated from best
3 practices or most common custom." *Harrington v. Richter*, 131 S.Ct. 770, 788 (2011).
4 The Court must consider whether counsel made "a reasonable strategy decision on how
5 to proceed with his client's case," recognizing the "wide latitude counsel must have in
6 making tactical decisions." *Doleman v. State*, 112 Nev. 843, 846 (1996). Thus, trial
7 counsel's strategic decisions are "virtually unchallengeable absent extraordinary
8 circumstances." *Doleman*, 112 Nev. at 846; *see also Howard v. State*, 106 Nev. 713,
9 722 (1990); *Strickland*, 466 U.S. at 691, 104 S.Ct. at 2066. The Court should not
10 "second guess reasoned choices between trial tactics, nor does it mean that defense
11 counsel, to protect himself against allegations of inadequacy, must make every
12 conceivable motion no matter how remote the possibilities are of success." *Donovan*,
13 94 Nev. at 675, 584 P.2d at 711. "Just as there is no expectation that competent counsel
14 will be a flawless strategist or tactician, an attorney may not be faulted for a reasonable
15 miscalculation or lack of foresight or for failing to prepare for what appear to be remote
16 possibilities." *Harrington*, 131 S.Ct. at 791. Thus, counsel is not required to make
17 frivolous motions or pursue tactics that are futile. *E.g., Ennis v. State*, 122 Nev. 694
18 (2006); *Kimmelman v. Morrison*, 477 U.S. 365, 375, 106 S.Ct. 2574, 2583 (1986); *Ceja*
19 *v. Stewart*, 97 F.3d 1246, 1253 (9th Cir. 1996). To the contrary, "a defense attorney
20 has an obligation not to bring frivolous motions." *Rodriguez v. Young*, 708 F.Supp.
21 971, 982 (E.D.Wisc. 1989), *affd*, 906 F.2d 1153 (7th Cir. 1990). Therefore, where a
22 defendant faults trial counsel for not asserting a particular motion or objection, he must
23 demonstrate that the motion or objection would have been successful in order to
24 establish prejudice. *See, e.g., Ebert v. Gaetz*, 610 F.3d 404, 415 (7th Cir. 2010)
25 (defendant must "demonstrate that a motion to suppress would have been meritorious, a
26 requisite for a successful ineffective assistance of counsel claim...regardless of the
27 deficiency of counsel's performance." (citing *Kimmelman v. Morrison*, 477 U.S. 365,
28 382, 106 S.Ct. 2574, 2587-2588 (1986)).

1 (9) Furthermore, even if a defendant can demonstrate that his counsel's
2 representation fell below an objective standard of reasonableness, he must still
3 demonstrate "prejudice" which means a reasonable probability that, but for counsel's
4 errors, the result of the trial would have been different. *McNelson v. State*, 115 Nev.
5 396, 403 (1999). "A reasonable probability is a probability sufficient to undermine
6 confidence in the outcome." *Id.* Finally, claims asserted in a petition for post-
7 conviction relief must be supported with specific factual allegations, which if true,
8 would entitle the petitioner to relief. *Hargrove v. State*, 100 Nev. 498, 502 (1984).
9 "Bare" and "naked" allegations are not sufficient, nor are those belied and repelled by
10 the record. *Id.*

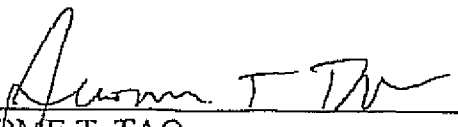
11 (10) In the instant case, the first two grounds asserted by the Defendant are
12 barred from review because they have already been decided by the Nevada Supreme
13 Court on direct appeal in its Order of Affirmance dated July 30, 2010 (Case No.
14 52916). Where an issue has already been decided on the merits by the Nevada
15 Supreme Court, the Supreme Court's ruling constitutes "law of the case" and the same
16 issue cannot be re-litigated before this Court even if presented in more detail or with
17 additional arguments. *Pellegrini v. State*, 117 Nev. 860, 884 (2001); *see also McNelson*
18 *v. State*, 115 Nev. 396 (1999); *Hall v. State*, 91 Nev. 314, 315-16 (1975); *Valerio v.*
19 *State*, 112 Nev. 383, 386 (1996); *Hogan v. Warden*, 109 Nev. 952 (1993).

20 (11) The Defendant's third and fourth grounds allege that he was the victim of
21 a vast conspiracy involving the police, the district attorney, multiple defense attorneys,
22 and the FBI to manufacture a false search warrant justifying an illegal police search
23 that uncovered incriminating evidence against him, and his trial counsel failed to
24 challenge the existence of this conspiracy at trial. While it might be logically true that
25 an attorney who fails to challenge a vast criminal conspiracy against his client (or who
26 even participated in this vast criminal enterprise, as the Defendant appears to suggest)
27 might be ineffective, in this case the Defendant's Petition includes no facts or even
28 specific allegations tending to show that such a conspiracy existed. A bare or naked

1 claim of an overarching conspiracy that is unsupported by specific factual allegations is
2 insufficient to warrant post-conviction relief. *E.g., Hargrove v. State*, 100 Nev. 498,
3 502 (1984). *See also, Arnold v. Parker*, 2011 WL 766565 at 7 (E.D. Tenn. 2011) ("The
4 claim that the judges, the prosecutor, and all of petitioner's lawyers played a role in a
5 'frame-up' conspiracy to railroad him has no specific factual details to buttress it. A
6 claim which lacks any factual support is conclusory, and it is well settled that
7 conclusory claims fail to state a claim for relief.."); *Morgan v. Marshall*, 2010 WL
8 4313767 at 8 (C.D. Cal. 2010) ("Petitioner fails to offer any substantiated evidence
9 about this 'grand conspiracy' in either his state habeas petition or in the FAP. . . Since
10 there is no evidence to substantiate Petitioner's claims, he fails to show either deficient
11 performance of counsel or that he suffered prejudice as a result of his counsel's failure
12 to question this witness about a 'grand conspiracy'").

13 (12) For the foregoing reasons, the Defendant's Petition for Writ of Habeas
14 Corpus is DENIED.

15 DATED: May 19, 2014

16 
17 JEROME T. TAO
18 DISTRICT COURT JUDGE
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28

CERTIFICATE OF SERVICE

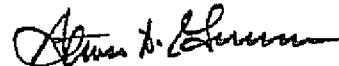
I hereby certify that I served a copy of the foregoing, by mailing, by placing
copies in the attorney folder's in the Clerk's Office or faxing as follows:

Michael H. Schwarz, Esq. - Via Facsimile: 702-366-0280

Nichole J. Cannizzaro, DDA - Via Facsimile: 702-455-6447



Paula Walsh, Executive Assistant



CLERK OF THE COURT

1 NEON

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

4 DAIMON MONROE,

5
6 Petitioner,

7 vs.

8 THE STATE OF NEVADA,

9 Respondent,

Case No: 06C228752-1

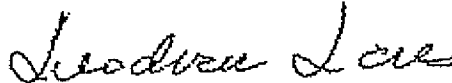
Dept No: XX

10 NOTICE OF ENTRY OF ORDER

11 PLEASE TAKE NOTICE that on May 20, 2014, the court entered a decision or order in this matter, a
12 true and correct copy of which is attached to this notice.

13 You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you
14 must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is
15 mailed to you. This notice was mailed on May 27, 2014.

16 STEVEN D. GRIERSON, CLERK OF THE COURT



17 Teodora Jones, Deputy Clerk

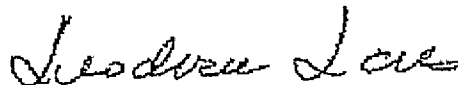
18
19 CERTIFICATE OF MAILING

20 I hereby certify that on this 27 day of May 2014, I placed a copy of this Notice of Entry in:
21 The bin(s) located in the Regional Justice Center of:
22 Clark County District Attorney's Office
Attorney General's Office Appellate Division-

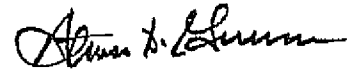
23 ☒ The United States mail addressed as follows:

24 Daimon Monroe # 38299
P.O. Box 650
Indian Springs, NV 89070

Michael Schwarz, Esq.
626 S. Seventh St., Ste. 1
Las Vegas, NV 89101



26 Teodora Jones, Deputy Clerk


CLERK OF THE COURT

1 NOAS
2 MICHAEL H. SCHWARZ, ESQ.
3 Nevada Bar No. 5126
4 626 S. 7th Street, Ste. 1
5 Las Vegas, Nevada 89101
6 (702) 598-3909

DISTRICT COURT
CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA,

8 Petitioner,

9 vs.

10 DAIMON MONROE,
11 #

12 Respondent.

CASE NO: 06-C-228752-1

DEPT. NO: XX

13 AMENDED NOTICE OF APPEAL

14 TO: THE HONORABLE JEROME T. TAU, EIGHTH JUDICIAL DISTRICT COURT, IN THE
15 STATE OF NEVADA;

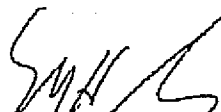
16 TO: STEVE B. WOLFSON, CLARK COUNTY DISTRICT ATTORNEY, STATE OF NEVADA;

17 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that DAIMON MONROE, the
18 Petitioner in the above-entitled action, intends to appeal; and that he does hereby appeal to the Nevada
19 Supreme Court of the State of Nevada, in and for the County of Clark, from the judgment of the above-
20 entitled Court, denying the Petitioner's Post Conviction Relief, signed and filed on the 05th day of May,
21 2014, and the Notice of Entry of Order having been file stamped on the 27th day of June, 2014. The
22 Petitioner, exercising an abundance of caution, now files his Notice of Appeal.

23 This appeal is taken from the whole of the judgement and every part thereof.

24 This appeal is taken from questions of both law and fact.

25 DATED THIS 4th day of June, 2014.

26 
27 MICHAEL H. SCHWARZ, ESQ.
28

LAW OFFICES OF MICHAEL H. SCHWARZ
626 S. 7th Street, Ste. 1
Las Vegas, NV 89101
Telephone (702) 598-3909 ♦ Fax (702) 366-0280

LAW OFFICES OF MICHAEL H. SCHWARZ
626 S. 7th Street, Ste. 1
Las Vegas, NV 89101
Telephone (702) 598-3909 ÷ Fax (702) 366-0280

CERTIFICATE OF SERVICE

I, the undersigned, hereby acknowledge that on the 4th day of June, 2014, that I personally:

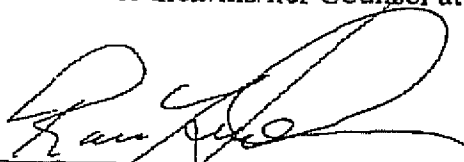
X Deposited the above and foregoing Motion, in a postage prepaid envelope, in the United States Mail and addressed as follows:

Steven B. Wolfson, District Attorney
200 Lewis Avenue, 3rd Floor
Las Vegas, Nevada 89155

Nevada Attorney General
100 N. Carson Street
Carson City, Nevada 89701-4717

☐ Faxed a copy of the above and foregoing Notice of Appeal to the Respondent/Defendant or their/his/her Counsel at the fax number below

(702)



An associate of the law office of Michael H. Schwarz, Esq.