

RECEIVED
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2016 JUL 19 PM 3:54

IN THE SUPREME COURT OF THE STATE OF NEVADA

LAWRENCE SPARKS,

Petitioner.

VS.

ROB BARE DISTRICT JUDGE, EIGHTH JUDICIAL
DISTRICT COURT ; STEVEN GRIERSON,
CLERK OF THE EIGHTH JUDICIAL DISTRICT
COURT; HENDERSON CLERK OF THE MUNICIPAL
; AND THE HONORABLE MARK STEVENS

Respondents,

and

CITY OF HENDERSON,

Real Party in Interest.

S.C. Docket No. 69073

FILED

JUL 25 2016

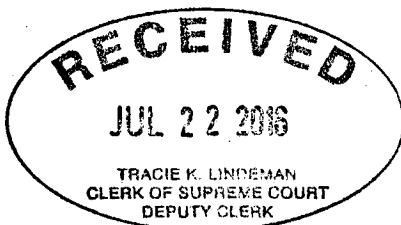
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY [Signature]
DEPUTY CLERK

JOINT PETITION FOR REHEARING BY PETITIONER AND AMICUS

CURIAE KIM BLANDINO OF THE ORDER DENYING RELIEF FILED ON

JUNE 16, 2016

COMES NOW LAWRENCE SPARKS, hereinafter, Larry and Kim Blandino,
hereinafter Kim, both appearing pro se to file this submission. It is only due to
unfortunate circumstances that the petition for extraordinary relief filed was not a



1 joint one with Kim and Don Clausen and Steven Dempsey. The issues were and are
2 linked. Kim did file a petition, Case number 68761 (still pending) and a joint petition
3 with Donald Clausen number 69302 (disposition filed). Kim is a active pro se
4 litigator in his own cases and is an investigative journalist investigating close up,
5 corruption in the judicial branch of the state of Nevada and the various administrative
6 offices of various courts. That as such Kim has obtained a great amount of
7 incriminating information and evidence that is important to this petition for
8 rehearing.
9

10
11
12 Both Kim and Larry exhaustively investigated the transcript issue by
13 interviewing the Henderson Court administator's and contract transcriptionist
14 identified by the city court. Kim further has collected supporting information from
15 the First Jud Dist. Ct. which Justice Saitta took judicial notice of in the Order
16 directing Answer filed Jan. 15, 2016. Kim obtained important exhibits that would
17 have been presented in a reply had this court not wrongfully denied the motion to
18 file a reply.
19

20
21 This request is based on all of the papers on file in this matter and the cases
22 below and any exhibits attached to this request and made pursuant to NRAP 40.
23

24 This court has overlooked or misapprehends many material facts in the
25 record;important material questions of law of the case, and has overlooked,
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1 misapplied or failed to consider a statute, procedural rule, regulation or decision
2 directly controlling a dispositive issues in the cases before the court.
3

4 It is settled law that there is no constitutional right to an appeal. That when a state
5 by statute creates a right to an appeal under the federal constitution such a statute
6 creates a due process right to a fair appeal under the fifth and fourteenth amendments
7 to the U.S. Constitution. NRS 189.030 and the supporting statutes of Nevada creates
8 a due process right to put the burden on the lower municipal or justice court to
9 transmit the transcript to the district court.
10
11

12 See Evitts v. Lucey 469 U.S. 387 (1985) ("When a State opts to act in a field
13 where its action has significant discretionary elements such as where it establishes a
14 system of appeals as of right although not required to do so it must nonetheless act
15 in accord with the dictates of the Constitution and in particular , in accord with the
16 Due Process Clause") (emphasis added) 469 U.S. 400-401.
17

18 Various NRS: NRS 4. 060(j) states under fees: (j) For preparation and
19 transmittal of transcript and papers on appeal..... \$25.00 **NRS 4.080 Justice of**
20 **the peace to charge only fees authorized by law.** A justice of the peace shall not
21 charge any fee that is not authorized by law. **NRS 4.120 Punishment for taking**
22 **excessive fees.** If any justice of the peace shall take more or greater fees than are
23 allowed by law, the justice of the peace shall be liable to indictment, and on
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conviction shall be removed from office and fined in any sum not exceeding \$1,000.

NRS 4.130 Table of fees to be posted. Any justice of the peace receiving fees as provided by law shall publish and set up by conventional or electronic means, in some conspicuous place in his or her office and on the Internet website of the justice court, a table of fees for public inspection.

NRS 4.400 Operation of equipment; transcription of recordings; use of transcript.

1. Each justice of the peace shall appoint and, with the approval of the board of county commissioners, fix the compensation of a suitable person, who need not be a certified court reporter and may have other responsibilities in the court to operate the sound recording equipment. The person so appointed shall subscribe to an oath that the person will so operate it as to record all of the proceedings.

2. The justice of the peace may designate the same or another person to transcribe the recording into a written transcript. The person so designated shall subscribe to an oath that the person has correctly transcribed it. The transcript may be used for all purposes for which transcripts are used and is subject to correction in the same manner as other transcripts.

(Added to NRS by 1979, 1511; A 1993, 1410)

NRS 4.410 Compensation for preparing transcript.

1. If the person designated to transcribe the proceedings is:

(a) Regularly employed as a public employee, the person is not entitled to additional compensation for preparing the transcript.

(b) Not regularly employed as a public employee and not a certified court reporter, the person is entitled to such compensation for preparing the transcript as the board of county commissioners determines.

(c) A certified court reporter, the person is entitled to the same compensation as set forth in NRS 3.370. (emphasis added)

The above statutes show that the maximum a justice or municipal court can charge for a transcript is \$25. and that a public employee is not entitled to charge

1 extra compensation. Thus the whole statutory scheme is established to support all of
2 NRS 189.030. Justices or Judges are liable to removal from office for trying to
3 charge more. The fact that corrupt Judges and justices are tricking appellants to go to
4 a private transcriber to pay excessive fees for their own trial transcripts is a violation
5 of civil rights and a racketeering scheme and criminal under state and federal law.
6 See 18 U.S.C. 241 and 242 and the above NRS 4.120.
7

8
9 Exhibit 1 PR is from the henderson court (this exhibit is from the internet website
10 and the original is viewable by way of internet access) unambiguously illustrates
11 that **Larry requested the proceedings be transcribed and paid in full the**
12 **preparation and transmittal of transcript fee \$25 as required by NRS**
13 **NRS4.060(j)** thus the court was mandated to comply with NRS 189.030. Because
14 this court refused to allow a reply this is the first opportunity for Larry to present this
15 evidence.
16
17

18 Larry and Kim both talked to the Henderson Court administrator and his assistant
19 and the private court reporter and their position is that one must pay the \$25 and pay
20 almost \$4 (four dollars) a page for transcripts. Yet the court administration admitted
21 to Larry and Kim that when the court because of indigency or any other reason orders
22 specifically "preparation and transmittal of transcript" in an appeal no other
23 clarifying language is required but that they refused to follow identical legislative
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1 law.

2 Pursuant to NRS 4.130 Henderson posts NRS 4.060(j) and refers to NRS
3 4.060(j) on the internet. See Exhibit 2 PR attached. Therefore Larry had and has a
4 federal due process liberty interest granted by state statutes to have his transcript
5 prepared and transmitted and the appeal reinstated and have the appeal fairly decided.
6

7 Therefore, Larry could not and cannot be held responsible for not having the
8 transcript for the appeal. NRS 189.030 and the supporting chapter 4 mandates the
9 henderson municipal court to have transmitted it. This fact pattern is consistent with
10 the underpinnings of Braham v. District Court, 103 Nev. 644, 747 P.2d 1390
11 (1987).
12

13 If this court wishes to overturn Braham in part or in toto it must do so explicitly
14 and have a sound basis for doing so. In exhibit 3 PR (Motion to file a Reply.....)
15 attached Larry shows definitively that Judges Pavlikowski, Loehrer, Douglas (now
16 Supreme court Justice Douglas) ruled in real cases pursuant to Larry and Kim's
17 sensible and lawful view that the "10 day rule" of NRS 189.030 controls and that the
18 burden is on the lower court to transmit transcripts.
19

20 Exhibit 4 PR attached is a series of emails back and forth between Kim and Max
21 Cortes, hereinafter "Max" (Max is a natural born female, she herself uses Max,
22 short for Maxine) the court administrator for the "Carson City Justice/Municipal
23
24
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1 Court running from November 23, 2015 to Feb 26, 2016 in reference to the very
2 transcript issue on misdemeanor appeals.
3

4 Note that in response to Kim's request about transcripts Max writes:

5 "The court does not charge for transcripts for criminal cases on
6 appeal where the court has appointed an attorney or when the
7 defendant is in pro se. The court contacts a certified court reporter
8 and coordinates the transcript, pays for the transcript, disburses
9 copies and forwards to the District Court. A transcript for civil or
10 small claims cases are paid for by the parties in the case." (emphasis
11 added

12 When Kim pointed out that FJDCR 33(3) erroneously cited NRS 189.065 with the
13 text which obviously was taken from NRS 189.030, Max wrote in pertinent part:

14 "We are reviewing our local rules and will ask for the correction when
15 we forward to the Supreme Court" (emphasis added)

16 The attached form attached to the email by Max is Exhibit 5PR Note that this
17 Public "CD ROM ORDER FORM" states in pertinent part:

18 PLEASE BE ADVISED THAT THIS IS NOT A REQUEST FOR A
19 TRANSCRIPT..... THE COURT DOES NOT TRANSCRIBE
20 CD RECORDINGS. THE JUSTICE COURT WILL FORWARD
21 CRIMINAL MATTERS FOR TRANSCRIPTION TO APPROVED
22 TRANSCRIBERS.... (emphasis not added)

23 Clearly the FJDC has formed their Rule 33 in conformity with NRS 189 and the
24 rightful construction of NRS 189 as recognized and adopted by Loehrer, Pavlikowski
25 and Douglas. The FJDC also has a posted fee schedule with the preparation and
26
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1 transmittal of transcript/papers on appeal \$25. See Exhibit 6PR attached.

2
3 Therefore, at the most the justice or municipal court can charge no more than \$25
4 for preparation of transcripts on appeal. Whether a particular jurisdiction wants to use
5 an employee per NRS 4.410(1)(a) or use an outside source like the FJDC does, is of
6 no concern to Larry, Kim or any other appellant the court cannot charge more than
7 \$25. Just it is of no concern if they wanted to print it on gold leaf!

8
9 Another thing which this court misapprehended is that Judge Bare, Hereinafter
10 “Bare”, had set a formal “policy”. See Exhibit 6PR attached. Bare states: in pertinent
11 part:
12

13 “ From this day forward, it is this Court's policy that an appellant shall
14 serve and file the transcript from the lower court proceeding within (90)
15 days of the Notice of Appeal being filed This Court will treat this policy
16 as though it is jurisdictional and any violation of this policy will result
17 in the appeal being dismissed.” page 4 lines 5-9 (emphasis added)”

18 Unless the court properly addresses this transcript issue and issues an order to
19 Bare, the “more appropriate sanction” that this court proposes in the decision (page 9
20 lines 7-15) “allow the misdemeanor appellant to proceed with the appeal and to
21 consider the merits of an appeal....” , Bare will continue to err and abuse appellants.

22
23 In this regard, as numerous petitioners have presented to the court as to jurisdiction
24 of the district to even hear appeals. The district court is hearing appeals that in most
25 cases a signed and filed written judgment has not even been filed into the record. So
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27
28

1 in most cases the district court does not even have jurisdiction to hear the appeal.

2 This issue has been presented to this court by Kim and Larry. By Michael Little and

3 Don Clausen and this court has refused to even require an answer as to this issue.

4 While this court has routinely taken every opportunity to dismiss an appeal because

5 the judgment was defective or not filed, the district court refuses to do so. And this

6 court refuses to address this issue. In this regard attached as Exhibit 8PR is a minute

7 order in in the case of Richardson v City of North Las Vegas, hereinafter "City"

8 #C-15-309580-A. Denying an appeal when it should have been dismissed for lack of

9 jurisdiction and/or the mandamus granted and/or requiring the lower court to issue a

10 properly signed and filed judgment of conviction pursuant to NRS 176.105. Exhibit

11 9PR is the "MOTION TO TREAT APPEAL BRIEF AS A PETITION FOR

12 CERTIORARI OR IN THE ALTERNATIVE MANDAMUS OR IN THE

13 ALTERNATIVE A WRIT OF PROHIBITION" citing the lack of a filed judgment

14 in the lower court and in the appeal. Exhibit 10PR is the City's "opening brief where

15 the position of the city and apparently Bare as well when the City writes this:

16 "Under the facts of this case the Municipal Court Judge made a clear
17 "final Judgment " of guilt when at the close of evidence he stated "I'll
18 make a finding of guilty." Additionally, because the North Las Vegas
19 Municipal Court is a court of record, it should therefore be treated the
20 same as a justice court in this matter. Therefore, this court has jurisdiction
21 to hear this appeal." (emphasis added) Ex 10PR page 5 lns 4-9

1 So, a court of record should be treated such that it does not have to have a record?

2 Just like in the Richardson case there was no signed and filed judgment of
3 conviction that conformed with NRS 176.105 in Larry's case and despite Bare
4 knowing this refuses to dismiss the appeal and/or remand to the trial court to issue a
5 signed and filed judgment. And this court refuses in any way to act.
6
7

8 Both Larry and Kim believe that the Commission on Judicial Discipline should
9 address these issues. This court has the power to refer even fellow Justices or Judges
10 to the Commission on Judicial Discipline. See Del Papa v Steffen 915 P.2d 215
11 (Nev. 1996):
12

13 "If Respondent Justices believed that a judge on this court had
14 disobeyed the court order, they could have referred the matter to the
15 Nevada Commission on Judicial Discipline, which is authorized to
16 evaluate complaints relating to the fitness of a judge or justice. Nev.
17 Const. art. 6, § 21. If Respondent Justices, because of the history of
18 the Whitehead case, did not trust the Nevada Commission on
19 Judicial Discipline to adequately investigate the complaint, they
20 could have referred the matter to a district attorney's office or other
21 law enforcement agency authorized to investigate alleged criminal
22 activity, as they could have done if they believed that a private citizen
23 not under the jurisdiction of the State Bar or the Judicial Discipline
24 Commission had violated the orders. In any of these situations,
25 Respondent Justices could also have asked a district attorney to seek
26 an indictment from a grand jury. See generally NRS 172.145,
27 172.241."
28

CONCLUSION

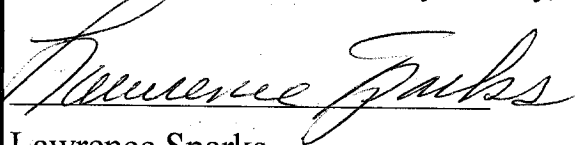
25 The decision by this court is entirely bizarre that it can take a statutory scheme that
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1 places a clear burden on the lower court to prepare and transmit a transcript to the
2 district court and then put the burden on the appellant. And to say that "It would be
3 difficult if not impossible, for the municipal court.... within ten days....." is total
4 nonsense when the **FJDC ROUTINELY BY STATUTE AND RULE DOES THIS!**

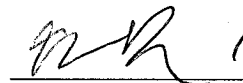
6 The underpinning of State v. O'Donnell, 98 Nev. 305, 646 P.2d 1217 (1982) is that
7 it is the burden of the court to prepare and file the transcript with the District Court.

9 This court's decision is contrary to clear law and the due process clause of the
10 Federal constitution NRS 189 and the supporting statutory scheme creates this
11 federally protected liberty interest. Relief must be granted

13 DATED this day of July, 2016.

14 

16 Lawrence Sparks
17 817 Arrowhead Trail
18 Henderson, Nevada 89002
19 (714) 391-3766

14 

16 Kim Blandino
17 C/O 441 N 16th St.
18 Las Vegas Nv 89101
19 (702) 219-5657

21 **STATEMENT UNDER PENALTY OF PERJURY BY LAWRENCE SPARKS**
22 **IN SUPPORT OF THE PETITION AND CERTIFICATE OF SERVICE**

23 I, Lawrence Sparks do hereby state under penalty of perjury the following:
24

25 That I am the Petitioner in this matter, that I have have read the foregoing and
26
27
28

1 the same is true and correct except as to those matters of belief and as to those
2 matters I believe them to be true.

3
4 That this petition is not meant to vex, harass or for any other improper purpose
5 but to acknowledge the rule of law as written.

6
7 That the attached exhibits were obtained by Kim and I am relying on his
8 authentication of those documents and that Kim has shown to be reliable in obtaining
9 documentary evidence in my dealings with him.

10
11 That I believe that Kim is being a true friend of the court to supply this necessary
12 evidence and expending time trouble and effort to make this, as Justice Cherry would
13 call it, "gallant effort" See Exhibit 11PR attached page 3 J. Cherry dissenting.

14
15 That the signature below serves as signature for this statement and for the
16 certificate of service that one signature is used for purposes of conservation of effort
17 and judicial economy for this document.

18
19 That **CERTIFICATE OF SERVICE** was accomplished by electronic means by
20 mailing a copy to the following:

21 Dated and signed this ^{19th} day of July, 2016.

22
23 Respectfully Submitted under penalty of perjury and certificate of service to the
24 following:

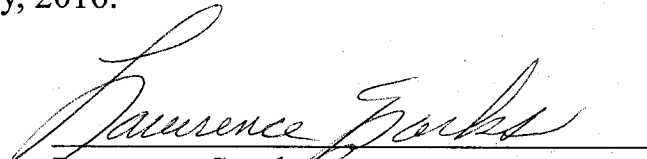
1 Steveen Grierson, CEO/Clerk
2 8th Judicial Dist. Ct.
3 200 S. Third St.
4 Las Vegas, Nv. 89115

The Henderson Municipal Court
The Honorable Mark J. Stevens
243 Water St., 3rd Floor
Henderson, Nv. 89015

5 The Henderson Municipal Court Clerk
6 243 Water St.
7 Henderson, Nv. 89015

The Honorable, Rob Bare
8th Judicial Dist. Ct. Dept 32
200 Lewis Ave. 3rd Floor, Rm 3C
Las Vegas, Nv. 89155

8 Dated and signed this 19th day of July, 2016.
9

10 
11 Lawrence Sparks
12

13 **STATEMENT UNDER PENALTY OF PERJURY BY AMICUS CURIAE IN**
14 **SUPPORT OF THE PETITION**

15 I, Kim Blandino do hereby state under penalty of perjury the following:
16

17 That I am Amicus Curiae in this matter, that I have have read the foregoing
18 petition and the same is true and correct except as to those matters of belief and as to
19 those matters I believe them to be true.
20

21 That this entry into this case is not meant to vex harass or for any other improper
22 purpose.
23

24 That only due to emergency circumstances Kim was not able to join and be a joint
25 petitioner in this matter originally as Larry and I were jointly trying to resolve the
26
27
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1 issues in the lower courts together and did speak with the court administrators and
2 private transcriptionist company.
3

4 That the position of the clerk of the henderson is that they can take \$25 (twenty
5 five dollars) allowed for by statute for preparation of and transmission of the
6 transcript and then send appellants to the private transcriptionist who will collect
7 another almost \$4 (four dollars) a page .
8

9 That the attached exhibits are true and correct originals or copies of the originals
10 and are authentic and are hereby authenticated by this .
11

12 Dated and signed this 19th day of July, 2016.
13

14 
15 Kim Blandino
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EXHIBIT 1PR

EXHIBIT 1PR

14TR017138

Case Type TRAFFIC

Action: FAIL TO YIELD FROM STOP OR YIELD
SIGN OR YIELD AT CONTROLLED
INTERSECTIONCase Status: CLOSED
File Date: 12/23/2014
DCM Track:Status Date:
Case Judge: STEVENS, MARK J
Next Event:

| | | | | | | |
|-----------------|-------|--------|-------------------|-------|--------|-----------|
| All Information | Party | Charge | Ticket/Citation # | Event | Docket | Financial |
|-----------------|-------|--------|-------------------|-------|--------|-----------|

Party Information

SPARKS, LAWRENCE - DEFENDANT

DOB 11/22/1940

Party Charge Information

SPARKS, LAWRENCE

Charge # 1: 54095 - MISDEMEANOR OPERATOR - PROOF OF INSURANCE REQUIRED

Original Charge 54095 OPERATOR - PROOF OF INSURANCE
REQUIRED (MISDEMEANOR)Ticket # H181736
Date of Offense 12/13/2014**Party Charge Disposition**Disposition Date 04/01/2015
Disposition DISMISSED WITH PREJUDICE
(BEFORE TRIAL)

SPARKS, LAWRENCE

Charge # 2: 53803 - MISDEMEANOR FAIL TO YIELD FROM STOP OR YIELD SIGN OR YIELD AT

Original Charge 53803 FAIL TO YIELD FROM STOP OR YIELD SIGN
OR YIELD AT (MISDEMEANOR)Ticket # H181736
Date of Offense 12/13/2014**Party Charge Disposition**Disposition Date 09/29/2015
Disposition FOUND GUILTY AT TRIAL**Ticket/Citation #**

Citation #: H181736 Offense Date 12/13/2014

Officer MILLER, ROBYN K(1338)

Speed Cited
Speed Limit
Location PACIFIC/ WATER
Accident N
Work Zone
Haz Mat**Events**

| Date/Time | Location | Type | Result | Event Judge |
|---------------------|--------------|---------------------------|-----------------------------|-----------------|
| 02/10/2015 08:00 AM | DEPARTMENT 1 | ADULT TRAFFIC ARRAIGNMENT | NOT GUILTY PLEA / TRIAL SET | STEVENS, MARK J |
| 04/01/2015 08:00 AM | DEPARTMENT 1 | TRAFFIC TRIAL | TRIAL HELD | STEVENS, MARK J |

Docket Information

| Date | Description |
|------------|-----------------------------------|
| 12/23/2014 | COURT DATE SET: |
| 02/10/2015 | NOT GUILTY PLEA ENTERED/TRIAL SET |

| | |
|------------|--|
| 02/10/2015 | NOT GUILTY PLEA ENTERED/TRIAL SET |
| 02/10/2015 | COUNTER: |
| 02/10/2015 | EVENT PARTICIPANTS: |
| 02/10/2015 | COURT DATE SET: |
| 04/01/2015 | DISMISSED WITH PREJUDICE (CANNOT BE REFILED) |
| 04/01/2015 | TRIAL HELD |
| 04/01/2015 | FOUND GUILTY |
| 04/01/2015 | SENTENCED |
| 04/01/2015 | FINE/FORFEITURE: \$100 + 95 |
| 04/01/2015 | COUNTER: |
| 04/01/2015 | EVENT PARTICIPANTS: |
| 04/08/2015 | APPEAL FILED - FEE \$25 |
| 04/08/2015 | PREPARATION AND TRANSMITTAL OF TRANSCRIPT - FEE \$25 |
| 04/08/2015 | APPEAL: NOTICE OF APPEAL FILED |
| 04/14/2015 | APPEAL SENT TO DISTRICT COURT |
| 04/22/2015 | APPEAL REPLY RECEIVED: |
| 05/15/2015 | TRANSCRIPT ORDERED |
| 06/08/2015 | CASH BOND POSTED |
| 09/29/2015 | APPEAL REMANDED FROM DISTRICT COURT |
| 09/29/2015 | DMV CONVICTION SENT |
| 09/29/2015 | FINE/FORFEITURE: \$100 + 95 |
| 09/29/2015 | CASE CLOSED |
| 10/29/2015 | INFORMATION ONLY |

Financial Summary

| Cost Type | Amount Owed | Amount Paid | Amount Adjusted | Amount Outstanding |
|-----------|-----------------|-----------------|-----------------|--------------------|
| COST | \$440.00 | \$245.00 | ① \$195.00 | \$0.00 |
| | \$440.00 | \$245.00 | \$195.00 | \$0.00 |

Money on Deposit with the Court

| Account | Applied Amount |
|--------------------|-----------------|
| BAIL TRUST ACCOUNT | \$195.00 |
| | \$195.00 |

EXHIBIT 2PR

EXHIBIT 2PR

Henderson Municipal Court

Other Court Related Information

HOME - HENDERSON MUNICIPAL COURT

ABOUT - HENDERSON MUNICIPAL COURT

MEET THE JUDGES

ATTORNEY FORMS AND RULES

BONDING COMPANIES

COURT INFORMATION

MUNICIPAL COURT INFO

FEES AND OTHER COURTS

CRIMINAL MISDEMEANORS

DIRECTIONS

FORMS

ONLINE RECORDS

PAY ONLINE

PUBLIC DEFENDER

SPECIALTY COURTS

TRAFFIC/PARKING CITATIONS

WARRANT INFORMATION

WARRANT TIP LINE

EACCESS HELP

HENDERSON MUNICIPAL COURT FEES:

Appeals

Appeal Bonds / Bail - determined at sentencing or time of filing. Varies

For filing a notice of appeal, and appeal bonds NRS 4.060.1(h). One charge only \$25.00
may be made if both papers are filed at the same time.

For preparation and transmittal of transcript and papers on appeal NRS 4.060.1(j) \$25.00

Special Filing Fees

For preparing any copy of any record, proceeding or paper, for each page (\$1.00 \$.50
minimum). NRS 4.060.1(m)

For each certificate of the clerk, under the seal of the court. NRS 4.060.1(n) \$3.00

For searching records or files in this office, for each year. NRS 4.060.1(c) \$1.00

For filing and processing of each bail or property bond NRS 4.060.1(p) \$50.00

Effective July 1st, 2016 for each Petition to Seal Record that is filed NRS 4.060.1(c) \$50.00
(p). **This fee is non-refundable.**

Other Fees

Collection fee NRS 176.064 \$100.00

Time payment set up fee \$50.00

Returned item fee (NSF) \$25.00

Alternative Sentencing:

Contact City of Henderson - Alternative Sentencing at (702) 267-1350

Small Claims and Landlord/Tenant Issues:

Contact the Henderson Justice Court at (702) 455-7978

Highway Patrol Citations:

Contact the Henderson Justice Court at (702) 455-7980

Gross Misdemeanors and Felonies:

Contact the Henderson Justice Court at (702) 455-7929

Witness Information:

If you need to verify if you are to appear as a witness for a trial, call (702) 267-1370 the day prior to the scheduled trial date.

For more court related information visit the Henderson City Attorney's Office, Criminal Division page.

Henderson Municipal Court

Other Court Related Information

HOME - HENDERSON MUNICIPAL COURT

ABOUT - HENDERSON MUNICIPAL COURT

MEET THE JUDGES

ATTORNEY FORMS AND RULES

BONDING COMPANIES

COURT INFORMATION

MUNICIPAL COURT INFO

FEES AND OTHER COURTS

CRIMINAL MISDEMEANORS

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Appeals

Appeal Bonds / Bail - determined at sentencing or time of filing. Varies

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Special Filing Fees

For preparing any copy of any record, proceeding or paper, **for each page** (\$1.00 minimum). NRS 4.060.1(m) \$.50

For each certificate of the clerk, under the seal of the court. NRS 4.060.1(n) \$3.00

For searching records or files in this office, for each year. NRS 4.060.1(c) \$1.00

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Witness Information:

If you need to verify if you are to appear as a witness for a trial, call (702) 267-1370 the day prior to the scheduled trial date.

For more court related information visit the Henderson City Attorney's Office, Criminal Division page.

EXHIBIT 3PR

EXHIBIT 3PR

RECEIVED
LAS VEGAS DROP BOX
CLERK OF SUPREME COURT

2016 FEB 10 PM 12:40

IN THE SUPREME COURT OF THE STATE OF NEVADA

LAWRENCE SPARKS,

Petitioner.

vs.

ROB BARE DISTRICT JUDGE, EIGHTH JUDICIAL
DISTRICT COURT; STEVEN GRIERSON,
CLERK OF THE EIGHTH JUDICIAL DISTRICT
COURT; HENDERSON CLERK OF THE MUNICIPAL
; AND THE HONORABLE MARK STEVENS

Respondents,

and

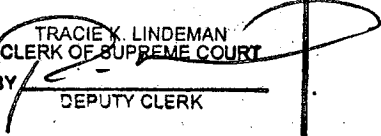
CITY OF HENDERSON,

Real Party in Interest.

S.C. Docket No. 69073

FILED

FEB 11 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

MOTION TO FILE A REPLY TO "RESPONDENT CITY OF HENDERSON'S

ANSWER TO PRO SE PETITION FOR WRIT OF

PROHIBITION/MANDAMUS/CERTIORARI"

COMES NOW LAWRENCE SPARKS Petitioner to file this MOTION TO FILE A
REPLY TO "RESPONDENT CITY OF HENDERSON'S ANSWER TO PRO SE
PETITION FOR WRIT OF PROHIBITION/MANDAMUS/CERTIORARI".

RECEIVED

FEB 11 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
DEPUTY CLERK

16-04628

1 This court in the order directing an Answer anticipated the possibility of
2 Petitioner filing a reply in footnote 5 page 2. Petitioner now having seen the Answer,
3 makes this specific request to file a Reply based on good reasons.
4

5 First, only after Petitioner's petition was deposited in the "drop box" at the Las
6 Vegas Regional Justice Center on Oct 27, 2015 and after the supplement deposited in
7 the "drop box" on November 9, 2015 did certain important documents just recently
8 come into petitioner's hands that are very relevant to a proper determination to the
9 issue at hand.
10

11 Exhibit 1 attached is a copy of a certified copy of a Decision and Order by then
12 district court Judge Pavlikowski ("Pavlikowski") hearing a misdemeanor appeal,
13 case # C145221 cites in his Order two of the cases that the City of Henderson
14 ("City") cites in their Answer, Braham v. District Court, 103 Nev. 644, 747 P.2d
15 1390 (1987) pages 9,15,16 of Answer and State v. O'Donnell, 98 Nev. 305, 646 P.2d
16 1217 (1982) Page 14 of Answer, both exactly on point to this very transcript issue.
17 Pavlikowski cites the cases with the correct context unlike the City does in their
18 Answer.
19

20 Pavlikowski put the proper burden on the Muni. Court to transmit the transcript
21 pursuant to NRS 189.030. and reserved ruling on NRS 19.013(4) as to whether the
22 appellant even had to pay for a transcript at all.
23

24 Exhibit 2 attached is a copy of a certified copy of an Order To Provide Transcript
25
26
27
28

1 signed by then Judge Loehrer ("Loehrer") hearing a misdemeanor appeal case #
2 C164390 and the corresponding minutes. Although Loehrer does not state the basis
3 of the order in the order, the minutes state clearly that:
4

5 "Mr. Watkins advised believes the City has to provide the transcript and
6 referred to Nevada revised statute, 189.030. Court reviewed statute and
7 advised the City has to provide the transcript, however, cost can be
8 assessed at the end of the proceedings."

9 Loehrer subsequently ordered the transcript to be provided by the City of Las
10 Vegas."

11 Exhibit 3 attached is a copy of a certified copy of minutes in another
12 misdemeanor appeal Case #03C191537 by then district Judge Michael Douglas
13 ("Douglas"). The minutes are quite clear:
14

15 "Court stated its findings, and ORDERED, the 10-day rule applies and it
16 is the obligation of the lower Court of record to provide a transcript
17 within 10 days." (emphasis added)

18 Then district Judge Douglas is now a Supreme Court Justice made the foregoing
19 ruling in 2003 the law has not changed in any regard from Pavlikowski's ruling in
20 1998 through 2003 and even to the present. Most interestingly the Respondent in the
21 case in which Douglas was sitting was the CITY OF HENDERSON itself!
22

23 The City did not ask for reconsideration of Judge Douglas' decision nor seek relief
24 with this court. The law was and is clear as to who's burden it is to supply the
25 transcript, on misdemeanor appeals, therefore the City had no argument.
26
27
28

1 Petitioner requests that this court take judicial notice of the foregoing exhibits and
2 the cases presented.

3
4 Petitioner should be allowed to file a reply and submit case law and the
5 appropriate support so that this court can make a full and informed decision of this
6 very important issue that affects hundreds of misdemeanor appellants in the state of
7 Nevada every year. Except, that Petitioner requests that this court state in its order
8 allowing a reply that petitioner does not need to respond to Argument I. (This Court
9 lacks jurisdiction to entertain a writ of prohibition or mandamus in this case
10 since it originated from municipal court proceedings) Or II. (This Court lacks
11 jurisdiction to entertain a writ of certiorari as neither the municipal court nor
12 the District Court passed upon the Constitutionality or validity of any statute or
13 ordinance related to this case.) As both are frivolous on their face.

14
15 As to Argument I. State v. O'Donnell above is a mandamus, where mandamus
16 was granted in an issue directly involving NRS 189.030 and this court addressed the
17 merits even though an Answer was not filed. The case law has not changed and
18 O'Donnell is still good law and a case the City actually cites in their Answer.

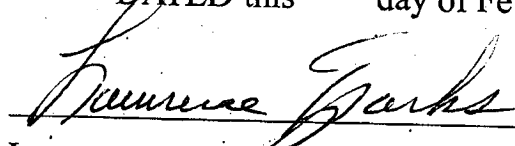
19
20 As to Argument II. Braham is a case the City also cites and in Braham Certiorari
21 was granted and Braham was not decided not on constitutionality but just on the
22 language and statutory construction of NRS 189.030 and supporting statutory
23 scheme.

1 So both arguments are frivolous
2

3
4 CONCLUSION
5

6 For the foregoing reasons Petitioner respectfully requests that he be allowed to
7
8 file a reply to the Answer except that Petitioner not need to respond to Argument I. or
9 Argument II. Or in the alternative to grant such other relief as is proper and just.
10

11
12 DATED this day of February, 2016.

13 
14 Lawrence Sparks

15 817 Arrowhead Trail

16 Henderson, Nevada 89002

17 (714) 391-3766
18

19 CERTIFICATE OF SERVICE

20 I, the undersigned, hereby certify that service of the foregoing:

21 MOTION TO FILE A REPLY TO "RESPONDENT CITY OF
22 HENDERSON'S ANSWER TO PRO SE PETITION FOR WRIT OF
23 PROHIBITION/MANDAMUS/CERTIORARI" was accomplished by depositing
24 a copy first-class postage prepaid in the U.S. Mail on the 24 day of February
25
26
27
28

1 2016 as follows:

2 Steveen Grierson, CEO/Clerk
3 8th Judicial Dist. Ct.
4 200 S. Third St.
5 Las Vegas, Nv. 89115

6 The Henderson Municipal Court Clerk
7 243 Water St.
8 Henderson, Nv. 89015

The Henderson Municipal Court
The Honorable Mark J. Stevens
243 Water St., 3rd Floor
Henderson, Nv. 89015

The Honorable, Rob Bare
8th Judicial Dist. Ct. Dept 32
200 Lewis Ave. 3rd Floor, Rm 3C
Las Vegas, Nv. 89155

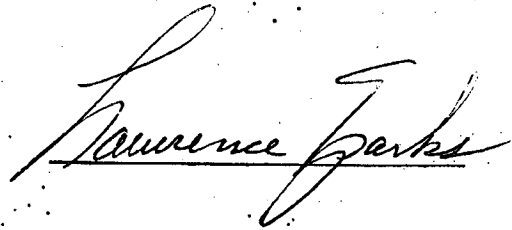
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EXHIBIT 1

EXHIBIT 1

ORIGINAL

ORD

JOHN GLENN WATKINS, ESQ.
Nevada Bar No. 01574
804 S. Sixth Street
Las Vegas, Nevada 89101
(702) 383-1006

FILED

1998 FEB 11 A 10:49

DISTRICT COURT

CLERK

CLARK COUNTY, NEVADA

-oOo-

HUNG BACK,

Appellant-Defendant,

vs.

CITY OF LAS VEGAS, NEVADA,

Respondent-Plaintiff.

CASE NO: C145221

DEPT. NO: III

DOCKET NO: "E"

DECISION AND ORDER

THIS MATTER having come on for hearing January 30, 1998 at the hour of 9:00 o'clock A.M., the parties being represented by respective counsel and having reviewed the file and read the submitted briefs, good cause appearing, it is

HELD: That the trial court must transmit to the clerk of the district court the transcript of the case within 10 days after the notice of appeal is filed regardless of whether or not payment for the transcript has been made. See NRS 189.030; *Braham v. District Court*, 103 Nev. 644, 747 P.2d 1390 (1987). It is further,

HELD: That NRS 189.030 has been violated in the instant case. However, this Court declines to grant the appeal and dismiss the case. See *State v. O'Donnell*, 98 Nev. 305, 646

John G. Watkins
Attorney at Law

John G. Watkins, Esq.
804 S. 6th St.
Las Vegas, NV 89101
(702) 383-1006
Fax (702) 383-6119

1 P:2d 1217.(1982). It is further,

2 **HELD:** That the Appellant/Defendant herein is not the party ordering the transcript
3 of the trial proceedings. See NRS 4.410(2). It is further,

4 **HELD:** That this Court presently withholds a decision regarding NRS 19.013(4).
5 It is further,

6 **HELD:** That this Court is exercising its discretion to hear the instant appeal before
7 determining who should be assessed the cost for preparation of the trial transcript. Therefore, it
8 is,

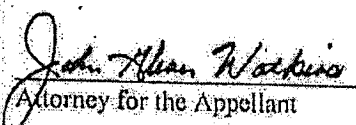
9 **ORDERED:** That the Municipal Court of the City of Las Vegas has 30 days from the date
10 of this "Decision and Order" to transmit the trial transcript to the clerk of the district court.

11 DATED and DONE this 10 day of February, 1998.

12
13
14
15
16
17 
DISTRICT COURT JUDGE

18 Submitted by:

19 JOHN GLENN WATKINS, ESQ.
20

21 
22 Attorney for the Appellant
23

24
25
26
27
28 John G. Watkins
Attorney at Law
John G. Watkins, Esq.
804 S. 9th St.
Las Vegas, NV 89101
(702) 363-1000
Fax (702) 363-8118

NOV 25 2015
CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE


CLERK OF THE COURT

EXHIBIT 2

EXHIBIT 2

1 ORDER

ORIGINAL

FILED

MAR 23 3 17 PM '00

Sally L. Lochrer
CLERK

2 BRADFORD R. JERBIC
3 City Attorney
4 Edward G. Poleski (Bar No. 6455)
5 Deputy City Attorney
6 400 East Stewart Avenue, Ninth Floor
7 Las Vegas, Nevada 89101
8 (702) 229-6201

DISTRICT COURT

CLARK COUNTY, NEVADA

9 MILAN SELAKOVIC,

Appellant-Defendant,

Case No. C164390

Dept. No. XV

10 vs.

11 CITY OF LAS VEGAS, NEVADA,
12 Respondent-Plaintiff.

ORDER TO PROVIDE TRANSCRIPT

13 This matter having come before the Eighth Judicial District Court by way of appeal from the
14 conviction of Appellant-Defendant, MILAN SELAKOVIC, in the Municipal Court of the City of Las Vegas,
15 the case having been set for Initial Appearance on the 17th day of March 2000, the Appellant-Defendant not
16 being present and being represented by John Watkins, Esq., Respondent-Plaintiff being represented by
17 Patrick Ferguson, Deputy City Attorney, the Court having considered Appellant-Defendant's oral motion to
18 require the Las Vegas Municipal Court to provide the trial transcript;

19 IT IS HEREBY ORDERED that the Las Vegas Municipal Court shall order and initially pay for the
20 trial transcript in this matter without prejudice to this Court's exercise of further jurisdiction as to ultimate
21 responsibility for the payment of said trial transcript upon resolution of this appeal.

22 DATED this 22nd day of March 2000.

Sally L. Lochrer
Honorable Sally Lochrer
DISTRICT COURT JUDGE

26 Submitted by

Edward G. Poleski
Edward G. Poleski
400 E. Stewart Ave., 9th Floor
Las Vegas, Nevada 89101

CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE

Sally L. Lochrer
CLERK OF THE COURT

NOV 30 2015

COUNTY CLERK

RECEIVED
MAR 3 2000

Las Vegas City Attorney
400 E. Stewart Ave., 9th Floor
Las Vegas, Nevada 89101
702-229-6201

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[Location : District Courts](#) [Images Help](#)

REGISTER OF ACTIONS

CASE NO. 00C164390

Las Vegas City Of , Plaintiff(s) vs Milan Selakovic, Defendant(s)

Case Type: Criminal Appeal -
Misdemeanor
Date Filed: 01/20/2000
Location: Department Unassigned
Cross-Reference Case Number: C164390
Defendant's Scope ID #: 354027
Lower Court Case Number: C-377034-A

PARTY INFORMATION

Defendant Selakovic, Milan
Other Agency Numbers
354027 Scope ID Subject Identifier

Lead Attorneys
John G. Watkins
Retained
7023831008(W)

Plaintiff Las Vegas City Of
Other Agency Numbers
Scope ID Subject Identifier

Bradford R. Jerbic
Retained
7022286201(W)

EVENTS & ORDERS OF THE COURT

03/17/2000 Initial Appearance (10:00 AM) ()
INITIAL APPEARANCE Court Clerk: CINDY HORTON Heard By: Loehrer, Sally

Minutes

03/17/2000 10:00 AM

- Mr. Watkins advised believes the City has to provide the transcript and referred to Nevada revised statute, 189.030. Court reviewed statute and advised the City has to provide the transcript; however, cost can be assessed at the end of the proceedings. Mr. Watkins requested a two week continuance to make sure the transcript is prepared. Mr. Ferguson requested thirty days. COURT ORDERED, MATTER CONTINUED THIRTY DAYS.

Parties Present

[Return to Register of Actions](#)

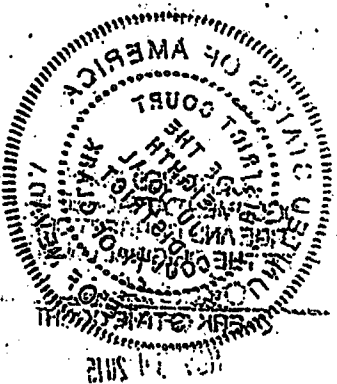


EXHIBIT 3

EXHIBIT 3

**DISTRICT COURT
CLARK COUNTY, NEVADA****Criminal Appeal -
Misdemeanor****COURT MINUTES****July 18, 2003**

03C191537

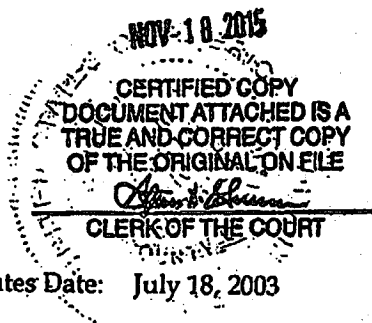
Henderson City Of
, Plaintiff(s) vs
Kurt Milana, Defendant(s)**July 18, 2003****10:00 AM****All Pending Motions****ALL PENDING MOTIONS FOR 7/18/03** Court Clerk: Billie Jo Craig
Reporter/Recorder: Kit MacDonald Heard By: Michael Douglas**PARTIES****PRESENT:**Henderson City Of
Ng, Lin T.
Watkins, John G.Plaintiff
Attorney
Attorney**JOURNAL ENTRIES**

- HENDERSON CITY OF ARGUMENT RE: TRANSCRIPT...HENDERSON CITY OF STATUS CHECK: SET NEW BRIEFING SCHEDULE

Ms. Ng appearing for the City of Henderson. Court noted matter set for argument of transcript, fees, and applicable statutes. Mr. Watkins argued the City of Henderson should order the transcript and pay for it. Ms. Ng argued defendant did not make a showing of indigency. Court stated its findings, and ORDERED, the 10-day rule applies and it is the obligation of the lower Court of record to provide a transcript within 10 days. The City must transmit the transcript to District Court. Then the Court can apply costs to the appropriate party. The City to order the entire Trial transcript. The Court will determine who pays for it. COURT ORDERED, matter CONTINUED to determine when the transcript will be ready and to set a Briefing Schedule. Court directed counsel to talk Thursday to determine a timeframe for a date the transcript will be completed in order to set a Briefing Schedule.

CONTINUED TO: 7/25/03 10:00 AM STATUS CHECK: BRIEFING SCHEDULE

03C191537



PRINT DATE: 11/18/2015

Page 2 of 2

Minutes Date: July 18, 2003

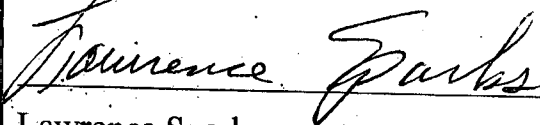


1 So both arguments are frivolous
2
3

4 **CONCLUSION**
5

6 For the foregoing reasons Petitioner respectfully requests that he be allowed to
7
8 file a reply to the Answer except that Petitioner not need to respond to Argument I. or
9 Argument II. Or in the alternative to grant such other relief as is proper and just.
10

11
12 DATED this day of February, 2016:

13 
14

15 Lawrence Sparks

16 817 Arrowhead Trail

17 Henderson, Nevada 89002

18 (714) 391-3766
19

20 **CERTIFICATE OF SERVICE**

21 I, the undersigned, hereby certify that service of the foregoing:

22 **MOTION TO FILE A REPLY TO "RESPONDENT CITY OF**
23 **HENDERSON'S ANSWER TO PRO SE PETITION FOR WRIT OF**
24 **PROHIBITION/MANDAMUS/CERTIORARI**" was accomplished by depositing
25 a copy first-class postage prepaid in the U.S. Mail on the 9th day of February
26
27
28

EXHIBIT 4PR

EXHIBIT 4PR

RE: Phone message

From: Maxine Cortes <MCortes@carson.org>
To: 'Kim Blandino'
Subject: RE: Phone message
Date: Feb 26, 2016 3:43 PM
Attachments: CD Public Request Form.pdf

Hello,

We do not provide a form for the Notice of Appeal. We refer individuals to the Supreme Court Library (located two blocks from the court) or the State Bar of Nevada Lawyer Referral Service. We have parties complete the attached form when requesting a CD. We are reviewing our local rules and will ask for the correction when we forward to the Supreme Court.

Max Cortes
Court Administrator
First Judicial District Court
Carson City Justice/Municipal Court
(775) 283-7249

From: Kim Blandino [mailto:kim43792@earthlink.net]
Sent: Thursday, February 25, 2016 8:05 PM
To: Maxine Cortes
Subject: Re: Phone message

Max I thought you had not responded to my last email but I sent it to myself so I copied and pasted it here Sorry

Kim
702 219-5657

Hi Max:

Per our conversation please answer the following:

1. Is there a form for a Notice of Appeal that you routinely use and/or a request to have the court proceedings transcribed pursuant to FJDCR 33(2) and if not can an Appellant just orally request that the proceeding be transcribed when the Notice of Appeal is filed.
2. Can you see if Rule 33 (3) can be amended as the NRS 189.065 should be NRS 189.030 not NRS 189.065. This is either a clerical error or a mistake that should be corrected.

Kim Blandino

—Original Message—

From: Kim Blandino
Sent: Feb 11, 2016 10:58 AM
To: Maxine Cortes
Subject: RE: Info from Kim Blandino

Max below is that rule and the statutes referred to Please note though that there is an error with the rule 33 (3) should read "Pursuant to NRS 189.030....." **Not NRS 189.065**

You should see if you can do anything to correct this error. If there is anything I can do to help please let me know.

Rule 33 . Appeals to District Court in criminal matters from Justice Court and Municipal Court.

1. Pursuant to NRS 189.010 for appeals from proceedings in the Justice Court and pursuant to NRS 266.595 and NRS

5.073 for appeals from proceedings in the Carson City Municipal Court, a Notice of Appeal in a criminal action tried before a Justice of the Peace or the Municipal Court Judge must be filed within 10 days from the entry of the judgment.

2. At the time of filing of the Notice of Appeal, the appellant shall file a request with the Justice Court or Municipal Court that proceedings be transcribed.

3. Pursuant to NRS 189.065 or NRS 5.073, the Justice Court or Municipal Court shall transmit to the Clerk of the District Court the transcript of the case, all other papers relating to the case and a certified copy of its docket of the case within 10 days after the Notice of Appeal is filed.

4. Pursuant to NRS 189.065 or NRS 5.073, the appellant must perfect his or her appeal by having the appeal set for hearing by the District Court within 60 days after the Notice of Appeal is filed.

5. The appellant shall file his or her brief within 30 days after the matter is set for hearing, provided the written transcript of the proceedings has been prepared and filed with the District Court and provided to the parties. The respondent shall file his or her opposing brief within 20 days thereafter, and any reply brief by the appellant shall be filed within 10 days thereafter.

[Added; effective October 5, 2009.]

Appeal by Defendant

NRS 189.010 Appeal must be taken within 10 days. Except as otherwise provided in NRS 177.015, a defendant in a criminal action tried before a justice of the peace may appeal from the final judgment therein to the district court of the county where the court of the justice of the peace is held, at any time within 10 days from the time of the rendition of the judgment.

[1911 Cr. Prac. § 662; RL § 7512; NCL § 11309]—(NRS A 1995, 1536)

NRS 189.020 Notice of intention to appeal: Filing and service; stay of judgment pending appeal.

1. The party intending to appeal must file with the justice and serve upon the district attorney a notice entitled in the action, setting forth the character of the judgment, and the intention of the party to appeal therefrom to the district court.

2. Stay of judgment pending appeal is governed by NRS 177.105 and 177.115.

[1911 Cr. Prac. § 663; RL § 7513; NCL § 11310]—(NRS A 1967, 1467)

NRS 189.030 Transmission of transcript, other papers, sound recording and copy of docket to district court.

1. The justice shall, within 10 days after the notice of appeal is filed, transmit to the clerk of the district court the transcript of the case, all other papers relating to the case and a certified copy of the docket.

2. The justice shall give notice to the appellant or the appellant's attorney that the transcript and all other papers relating to the case have been filed with the clerk of the district court.

3. If the district judge so requests, before or after receiving the record, the justice of the peace shall transmit to the district judge the sound recording of the case.

[1911 Cr. Prac. § 664; RL § 7514; NCL § 11311]—(NRS A 1973, 631; 1979, 1512)

NRS 189.035 Procedure where transcript defective.

1. Except as provided in subsection 2, if the district court finds that the transcript of a case which was recorded by sound recording equipment is materially or extensively defective, the case must be returned for retrial in the justice court from which it came.

2. If all parties to the appeal stipulate to being bound by a particular transcript of the proceedings in the justice court, or stipulate to a particular change in the transcript, an appeal based on that transcript as accepted or changed may be heard by the district court without regard to any defects in the transcript.

(Added to NRS by 1979, 1512)

NRS 189.050 Action to be judged on record. An appeal duly perfected transfers the action to the district court to be judged on the record.

[Part 1911 Cr. Prac. § 666; RL § 7516; NCL § 11313]—(NRS A 1979, 1512)

NRS 189.060 Grounds for dismissal of appeal; enforcement of judgment.

1. The appeal may be dismissed on either of the following grounds:

(a) For failure to take the same in time.

(b) For failure to appear in the district court when required.

2. If the appeal is dismissed, a copy of the order of dismissal must be remitted to the justice, who may proceed to enforce the judgment.

[Part 1911 Cr. Prac. § 666; RL § 7516; NCL § 11313]

NRS 189.065 Dismissal for failure to set or reset appeal for hearing.

1. An appeal must be dismissed by the district court unless perfected by application of the defendant, within 60 days after the appeal is filed in the justice court, by having it set for hearing.

2. If an appeal has been set for hearing and the hearing is vacated at the request of the appellant, the appeal must be dismissed unless application is made by the appellant to reset the hearing within 60 days after the date on which the hearing was vacated.

(Added to NRS by 1965, 376; A 1985, 57, 972)

NRS 189.070 Grounds for dismissal of complaint on appeal. Any complaint, upon motion of the defendant, may be dismissed upon any of the following grounds:

1. That the justice of the peace did not have jurisdiction of the offense.

2. That more than one offense is charged in any one count of the complaint.

3. That the facts stated do not constitute a public offense.

[1911 Cr. Prac. § 667; RL § 7517; NCL § 11314]—(NRS A 1979, 36)

Kim Blandino

702 219-5657

—Original Message—

From: Maxine Cortes

Sent: Dec 11, 2015 3:37 PM

To: 'Kim Blandino'

Subject: RE: Info from Kim Blandino

Hello Mr. Blandino,

Jolie advised that you spoke to her today. I received your phone message. To answer your question about the Carson City Justice Court process:

- 1) The court does not charge defendants for transcripts for criminal cases on appeal where the court has appointed an attorney or when the defendant is in pro se. The court contacts a certified court reporter and coordinates the transcript, pays for the transcript, disburses copies and forwards to the District Court.
- 2) A transcript for civil or small claims cases are paid for by the parties in the case.

I hope this information assists you.

Sincerely,

Max Cortes
Court Administrator

First Judicial District Court
Carson City Justice/Municipal Court
(775) 283-7249

From: Kim Blandino [<mailto:kim43792@earthlink.net>]
Sent: Monday, November 23, 2015 2:48 PM
To: Maxine Cortes
Subject: Info from Kim Blandino

Maxine here is that info I said I would send

—Original Message—

From: Maxine Cortes
Sent: Feb 25, 2016 1:15 PM
To: "Kim Blandino (kim43792@earthlink.net)"
Subject: Phone message

Hello Mr. Blandino,

I am in back to back meetings today. My assistant advised you called and would like me to call you. Can you please email me with your question?

Sincerely,

Max Cortes
Court Administrator
First Judicial District Court
Carson City Justice/Municipal Court
(775) 283-7249

EXHIBIT 5PR

EXHIBIT 5PR

**FIRST JUDICIAL DISTRICT COURT
JUSTICE AND MUNICIPAL COURT**

PUBLIC CD ROM ORDER FORM (CD ONLY)

885 E. MUSSER STREET CARSON CITY, NV 89701, STE 2007
DISTRICT COURT (775) 887-2082 (Third Floor)
JUSTICE/MUNICIPAL COURT (775) 887-2121 (Second Floor)

PLEASE BE ADVISED THAT THIS IS NOT A REQUEST FOR A TRANSCRIPT

Request for a copy of court proceedings may be submitted to the Clerk's Office in each respective court. **Please anticipate 2 to 4 weeks for completion of order. COPY OF A CD IS NOT A SUBSTITUTE FOR A CERTIFIED COURT REPORTER TRANSCRIPT. THE COURT DOES NOT TRANSCRIBE CD RECORDINGS. THE JUSTICE COURT WILL FORWARD CRIMINAL MATTERS FOR TRANSCRIPTION TO APPROVED TRANSCRIBERS. DISTRICT COURT TRANSCRIPTS MUST BE ARRANGED BY THE REQUESTING PARTY AND TRANSCRIBED BY A CERTIFIED COURT REPORTER. THE COURTS USE CAPITOL REPORTERS LOCATED AT 208 N. CURRY ST., CARSON CITY, NEVADA 89703 OFFICE #(775) 882-5322 OR SUNSHINE REPORTING SERVICES AT (775) 323-3411.**

_____ \$10.00 One Court Proceeding on CD ROM
_____ \$ 9.50 To add one additional day of Court Proceedings to a previously duplicated tape.
Each additional date added (____ dates)

☐ State Agency (No Charge) _____ ☐ Indigent Request (No Charge) _____
Agency Name _____ Name _____

Parties: _____ vs. _____

Case No. _____ Dept _____ Judge _____

Date(s) of Proceeding: _____

Requesting Party or Firm Name: _____

Address: _____

City/State/Zip: _____

Phone No(s): _____ Contact Name: _____

PLEASE NOTE: THE VIEWING OF DOMESTIC PROCEEDINGS BY MINOR CHILDREN IS NOT CONSIDERED TO BE IN THEIR BEST INTEREST. THE PURPOSE OF THE CD RECORDING IS FOR ATTORNEYS AND CLIENTS AND IS PROHIBITED FROM BEING PUBLISHED OR SOLD. YOU MAY BE FOUND IN CONTEMPT OF COURT FOR VIOLATING THIS POLICY.

-INTEROFFICE USE ONLY-

Order Received by: _____ Date: _____

Order Filled by: _____ Date: _____

Client Notified: _____ Time: _____ VM ☐ Date: _____

CD Received by: _____ Date: _____

EXHIBIT 6PR

EXHIBIT 6PR

IN THE JUSTICE COURT OF CARSON TOWNSHIP
IN AND FOR CARSON CITY, STATE OF NEVADA

CIVIL FEE SCHEDULE

Effective October 1, 2015

FORMAL CIVIL ACTIONS – Does not include Service

| | |
|---|---------------|
| For amounts up to \$2,500 | \$ 71.00 |
| For amounts of \$2,500.01 - \$5,000..... | 121.00 |
| For amounts of \$5,000.01 - \$10,000..... | 196.00 |
| Counterclaims | Same as above |
| In all other Civil Actions | 71.00 |
| Confession of Judgment..... | 50.00 |
| Filing of Answer | 71.00 |
| Additional Defendants Answering Separately..... | 46.00 |
| Unlawful Detainer (Foreclosures) | 246.00 |

SMALL CLAIMS FEES – Includes Service:

| | <u>Carson City</u> | <u>Out of Jurisdiction</u> |
|--|--------------------|--------------------------------|
| For amounts up to \$1,000 | \$ 111.00 | \$ 136.00 |
| For amounts of \$1,000.01 - \$2,500..... | 131.00 | 156.00 |
| For amounts of \$2,500.01 - \$5,000..... | 151.00 | 176.00 |
| For amounts of \$5,000.01 - \$7,500..... | 191.00 | 216.00 |
| For amounts of \$7,500.01 - \$10,000.00..... | 241.00 | 266.00 |
| Counterclaims | Same as above | |
| For service on additional defendant(s)..... | 45.00 ea | 70.00 ea |
| Filing of Answer in all Civil Actions..... | 71.00 | |
| Additional Defendants Appearing Separately | 46.00 | |
| Filing of any Paper in Intervention | 25.00 | |

APPEALS

| | |
|---|----------|
| Notice of Appeal..... | \$ 25.00 |
| Notice of Appeal Bond | 25.00 |
| (One charge only if both papers filed at the same time) | |

EVICTIONS – Does not include Service.

| | |
|---|----------|
| Filing of Five/Thirty day/Breach of Contract..... | \$ 71.00 |
| Tenant's Affidavit..... | 71.00 |
| Landlord's Affidavit for Lockout | 25.00 |


| | |
|-------------------------------------|-----------------|
| PETITION TO SEAL RECORD..... | \$ 71.00 |
|-------------------------------------|-----------------|

MISCELLANEOUS FEES

| | |
|---|------------------|
| Copies | \$.50 each page |
| Certification of Clerk | 3.00 each |
| Record Search | 1.00 per year |
| Abstract of Judgment | 25.00 each |
| Execution/Attachment | 25.00 each |
| Exemplified Copies..... | 25.00 each |
| Preparation and transmittal of transcript/papers on appeal..... | 25.00 |
| Marriage..... | 75.00 |
| Filing of Property Bond | 50.00 |

EXHIBIT 7PR

EXHIBIT 7PR



CLERK OF THE COURT

1 **ORDR**

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

5 *****

6
7 Michael Ediga

8 Appellant,

CASE NO.: C-14-299765

9 vs.

DEPT. NO. 32

10 State of Nevada

11 Respondent.

12
13
14
15 **ORDER OF DISMISSAL**

16 **Procedural and Factual Background**

17 The Defendant-Appellant, Michael Ediga (hereinafter "Appellant"), was
18 charged with Driving Under the Influence. The trial was held and Appellant was
19 found guilty and sentenced on July 7, 2014. On July 18, 2014, Appellant filed a
20 Notice of Appeal. Counsel for Appellant initially appeared in this Court on
21 September 3, 2014. Counsel for Appellant requested a continuance for receipt of the
22 transcript, which was granted and a status check was set. At the first status check, on
23 October 1, 2014, counsel for Appellant requested a continuance, which was granted
24 and the status check was continued. At the second status check, on November 5,
25 2014, counsel for Appellant stated the transcript had been ordered and requested a
continuation, which was granted and the status check was continued. At the third
status check, on December 17, 2014, counsel for Appellant stated the transcript had
been ordered and requested a continuance, which was granted and the status check

RECEIVED

42 MAY 04 2015

CLERK OF THE COURT

1 was continued. On December 29, 2014, State of Nevada (hereinafter "Respondent")
2 filed a Motion to Dismiss Appeal for Failure to Prosecute Same. The Respondent's
3 Motion to Dismiss was initially heard on January 21, 2015. At that hearing, this Court
4 ordered the matter continued to allow counsel for Appellant another opportunity to
5 file an opposition to the Respondent's Motion to Dismiss. This Court became aware
6 that Appellant had filed the transcripts on February 2, 2015. At the second Motion to
7 Dismiss hearing on April 1, 2015, this Court heard arguments; however, counsel for
8 Appellant abruptly left the courtroom and the matter was continued. At the third
9 Motion to Dismiss hearing on April 22, 2015, this Court heard arguments and took
10 this matter under advisement, with a written Order to issue.

11 Conclusions of Law

12 It is the appellant's responsibility to provide the materials necessary for this
13 Court's review. Byford v. State, 116 Nev. 215, 238, 994 P.2d 700, 715 (2000).
14 Appellant has the ultimate responsibility to provide this Court with portions of the
15 record essential to determination of issues raised in appellant's appeal. Fields v. State,
16 125 Nev. 785, 790, 220 P.3d 709, 712 (2009). In this case, Appellant filed his Notice
17 of Appeal on July 18, 2014; however, the transcripts were not filed until February 2,
18 2015. A briefing schedule was never set, which would prevent oral arguments in this
19 matter to occur until approximately a year after the Notice of Appeal was filed. This
20 is unacceptable.

21 Although Nevada courts have a sound policy preference for deciding cases on
22 the merits, that policy is not boundless and must be weighed against other policy
23 considerations, including the public's interest in expeditious appellate resolution,
24 which coincides with the parties' interests in bringing litigation to a final and stable
25 judgment; prejudice to the opposing party; and judicial administration concerns, such
26 as the court's need to manage its large and growing docket. Huckabay Props. v. NC
27 Auto Parts, 130 Nev. Adv. Op. 23, 322 P.3d 429, 433 (2014). A party cannot rely on
28

2019/12/07 11:29:55 31 / 476

1 the preference for deciding cases on the merits to the exclusion of all other policy
2 considerations, and when an appellant fails to adhere to Nevada's appellate procedure
3 rules, which embody judicial administration and fairness concerns, or fails to comply
4 with court directives or orders, that appellant does so at the risk of forfeiting appellate
5 relief. Id. at 434. Inherent in Nevada courts is the power to dismiss a case for failure
6 to prosecute or to comply with its orders; to prevent undue delays and to control their
7 calendars, courts may exercise this power within the bounds of sound judicial
8 discretion, independent of any authority granted under statutes or court rules. Moore
9 v. Cherry, 90 Nev. 390, 393, 528 P.2d 1018, 1020 (1974). Appellate courts in Nevada
10 have a long history of dismissing appeals for the failure of an appellant to file the
11 transcript on time. See Collins v. Nat C. Goodwin & Co., 32 Nev. 342, 108 P. 4
12 (1910) (An appeal dismissed on motion, because of the failure of appellant to file the
13 transcript in time.). In this case, Appellant was advised to file the transcripts to allow
14 for a briefing schedule to be set. Multiple status checks occurred with the same
15 excuse being used for the failure to produce the transcript. These repeated failures to
16 timely comply with this Court's rules and directives have unnecessarily delayed this
17 appeal and increased this Court's workload and they cannot be condoned. Huckabay
18 Props. v. NC Auto Parts, 130 Nev. Adv. Op. 23, 322 P.3d 429 (2014). For this court
19 to be able to continue to fulfill its responsibility of resolving legal disputes in a fair,
20 efficient, and timely manner, it is imperative that the parties comply in a timely
21 fashion with this Court's directives. For far too long, this Court has tolerated
22 procedural derelictions such as occurred in this appeal; this Court will no longer.
23 Weddell v. Stewart, 127 Nev. Adv. Op. 58, 261 P.3d 1080, 1084 (2011). Therefore,
24 after weighing the policy preference for deciding cases on the merits against other
25 policy considerations, such as the specific sentencing of the lower court being stayed,
26 Department of Motor Vehicle consequences of a conviction of Driving Under the
27 Influence being stayed, and the inability for enhancements for future Driving Under
28 the Influence convictions, this Court finds this appeal must be dismissed.

1 Additionally, this case presents an opportunity for this appellate court to
2 clarify and annunciate its procedural policy relevant to misdemeanor conviction
3 appeal jurisprudence. This Court looks to the Nevada Rules of Appellate Procedure
4 for guidance. This Court adopts a timeline similar to the timeline set out in rule 31(1)
5 of the Nevada Rules of Appellate Procedure. From this day forward, it is this Court's
6 policy that an appellant shall serve and file the transcript from the lower court
7 proceeding within ninety (90) days of the Notice of Appeal being filed. This Court
8 will treat this policy as though it is jurisdictional and any violation of this policy will
9 result in the appeal being dismissed. This Court has taken into consideration that the
10 time from the filing of the Notice of Appeal before the Appeal From Lower Court
11 hearing, which is the first appearance by the parties in this Court, is approximately six
12 weeks. The briefing schedule will be given to the parties at the Appeal From Lower
13 Court hearing and a status check will be set regarding timely filing of the transcript.
14 If any party is not present at the Appeal From Lower Court hearing, a minute order
15 will be entered, which will reflect this Court's policy regarding the transcript, a
16 briefing schedule, and the status check hearing date. If the briefing schedule is not
17 followed, the appeal will be dismissed unless an extension is provided by a Stipulation
18 and Order or by Order of this Court. Oral arguments will be set at a time convenient
19 with the schedule of the parties and this Court.

20 Accordingly, the Respondent's Motion to Dismiss is GRANTED and
21 Appellant's Appeal is DISMISSED.

22
23 Dated this 1 day of May, 2015.

24
25
26 
27 Rob Bare

28 Judge, District Court, Department 32

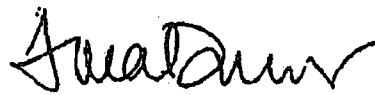
CERTIFICATE OF SERVICE

I hereby certify that on the date filed, I placed a copy of this Order in the attorney's folder in the Clerk's Office, or mailed or faxed a copy to:

Craig Mueller, Esq.
600 South Eighth Street
Las Vegas, Nevada 89101
Attorney for Appellant

Bruce Nelson, Esq.
Chief Deputy District Attorney
200 Lewis Avenue
Las Vegas, NV 89155-2212
Attorney for Respondent

Dated this 18th day of May, 2015.



Tara Duenas
Judicial Executive Assistant, Dept. 32

EXHIBIT 8PR

EXHIBIT 8PR

CASE No. C-15-309580-A

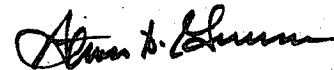
www.ck12.org

Lower Court Case Number: TR3407-15

Return to Register of Actions

EXHIBIT 9PR

EXHIBIT 9PR



CLERK OF THE COURT

MOT
Deborah Richardson Pro Se
3623 Pimento Street
North Las Vegas Nv.89032
Email address dejamah@yahoo.com

DISTRICT COURT

CLARK COUNTY, NEVADA

Deborah Richardson,

Appellant.

vs.

City of North Las Vegas
Respondent

Case No.C-15-309580-A
(Lower Court case #TR3407-15)
Dept. No. 32

**MOTION TO TREAT APPEAL BRIEF AS A PETITION FOR CERTIORARI
OR IN THE ALTERNATIVE MANDAMUS OR IN THE ALTERNATIVE A
WRIT OF PROHIBITION**

Comes Now, Deborah Richardson appearing pro se, hereinafter appellant, to file
this **MOTION TO TREAT APPEAL BRIEF AS A PETITION FOR
CERTIORARI OR IN THE ALTERNATIVE MANDAMUS OR IN THE
ALTERNATIVE A WRIT OF PROHIBITION** This Motion is based upon the
record on appeal filed in this matter on September 23, 2015 and all of the papers and
pleading on file in this matter and any submissions filed contemporaneously with this
motion and supported by matters that this court can properly take judicial notice of

1
2 **NOTICE OF HEARING**

3 Please take notice that the hearing of the above Motion and requests will be heard on
4 the 09 day of MARCH 2016 at 10:00A a.m., in
5
6 Department 32 of District Court in the Regional Justice Center at 200 Lewis Av. Las
7 Vegas Nevada 89155 .

8 ///

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28 ///

1 and made pursuant to NRS 34.010- 34.350. Various subsections state:

2 **NRS 34.010 Writ of certiorari denominated writ of review.**

3 The writ of certiorari may be denominated the writ of review.

4
5 **NRS 34.020 Writ may be granted by appellate and district
6 courts; when writ may issue.**

7 1. This writ may be granted, on application, by the Supreme Court,
8 the Court of Appeals, a district court, or a judge of the district court.
9 When the writ is issued by the district court or a judge of the district court
10 it shall be made returnable before the district court.

11 2. The writ shall be granted in all cases when an inferior tribunal,
12 board or officer, exercising judicial functions, has exceeded the
13 jurisdiction of such tribunal, board or officer and there is no appeal, nor,
14 in the judgment of the court, any plain, speedy and adequate remedy.

15 3. In any case prosecuted for the violation of a statute or municipal
16 ordinance wherein an appeal has been taken from a Justice Court or from
17 a municipal court, and wherein the district court has passed upon the
18 constitutionality or validity of such statute or ordinance, the writ shall be
19 granted by the appellate court of competent jurisdiction pursuant to the
20 rules fixed by the Supreme Court pursuant to Section 4 of Article 6 of the
21 Nevada Constitution upon application of the State or municipality or
22 defendant, for the purpose of reviewing the constitutionality or validity of
23 such statute or ordinance, but in no case shall the defendant be tried again
24 for the same offenses

25 **NRS 34.150 Writ of mandamus denominated writ of mandate.**

26 The writ of mandamus may be denominated the writ of mandate.

27 **NRS 34.160 Writ may be issued by appellate and district
28 courts; when writ may issue.** The writ may be issued by the Supreme
Court, the Court of Appeals, a district court or a judge of the district court,
to compel the performance of an act which the law especially enjoins as a
duty resulting from an office, trust or station; or to compel the admission
of a party to the use and enjoyment of a right or office to which the party
is entitled and from which the party is unlawfully precluded by such

1 inferior tribunal, corporation, board or person. When issued by a district
2 court or a judge of the district court it shall be made returnable before the
3 district court.

4 **NRS 34.320 Writ of prohibition defined.** The writ of prohibition is
5 the counterpart of the writ of mandate. It arrests the proceedings of any
6 tribunal, corporation, board or person exercising judicial functions, when
7 such proceedings are without or in excess of the jurisdiction of such
8 tribunal, corporation, board or person.

9 **NRS 34.330 Writ may be issued by appellate or district court**
10 **when no plain, speedy and adequate remedy in law.** The writ may be
11 issued only by the Supreme Court, the Court of Appeals or a district court
12 to an inferior tribunal, or to a corporation, board or person, in all cases
13 where there is not a plain, speedy and adequate remedy in the ordinary
14 course of law. It is issued upon affidavit, on the application of the person
15 beneficially interested

16 This court clearly has power to issue any of the three writs.

17 Because the City of North Las Vegas "City" admits and the records substantiate
18 that there is no judgment of conviction signed and filed by a judge in the case below
19 this court actually has no jurisdiction over an appeal. Both by case law and the statute
20 NRS 176.105 requires a signed and filed judgment:

21 **NRS 176.105 Judgment in criminal action generally.**

22 1. If a defendant is found guilty and is sentenced as provided by law,
23 the

24 judgment of conviction must set forth:

25 (a) The plea;

26 (b) The verdict or finding;

27 (c) The adjudication and sentence, including the date of the sentence,
28 any term of imprisonment, the amount and terms of any fine, restitution
or administrative assessment, a reference to the statute under which the

1 defendant is sentenced and, if necessary to determine eligibility for
2 parole, the applicable provision of the statute; and

3 (d) The exact amount of credit granted for time spent in confinement
4 before conviction, if any.

5 2. If the defendant is found not guilty, or for any other reason is
6 entitled to be discharged, judgment must be entered accordingly.

7 3. The judgment must be signed by the judge and entered by the
8 clerk.

9 The City refuses to have its judge sign and file a judgment of conviction pursuant
10 to NRS 176.105 which under constitutional case law creates a due process liberty and
11 property interest. (a fine was collected and jail was a possibility) under the fifth and
12 fourteenth amendments to the U.S. Constitution. Therefore Appellant has no plain
13 speedy nor adequate remedy to correct the violations by the lower court resulting in
14 an alleged sentence and a fine.

15
16 In light of the deception that the City attempted to perpetrate on the court by
17 cutting and pasting between the City Charter and the municipal code as detailed in
18 the Motion to Strike..... This court should not give the city any opportunity to answer
19

20 This can treat this appeal as a mandamus

21 The foregoing process is not unheard of or uncommon. Just months ago in the
22 much publicized situation where North Las Vegas Municipal Court Judge Catherine
23 Ramsey "Ramsey" has a recall she is potentially facing the NSC allowed what the
24 Appellant is asking in reverse. Exhibit 1 attached is an order in Ramsey v Dist. Ct.
25 #68394. The court said:
26
27
28

1 "In her response to the order to show cause, Ramsey requested that if her
2 petition was denied, the stay remain in effect, the appeal be expedited, and
3 we treat the writ petition as the opening brief in her appeal. Cause
4 appearing we grant those requests to the following extent. The stay shall
5 remain in effect until further order of this court . We direct the clerk to
6 transfer the documents in Docket No. 68394 to Docket No. 68450. **We**
7 **will treat Ramsey's petition as the opening brief in the appeal**" page 2-
8 3 lines 19-2 (emphasis added)

9 Only because the City refused to follow NRS 176.105 is Appellant denied the
10 **ability** at present to follow through a direct appeal. For some unknown reason this
11 court does not seem to **screen** the record on appeal to check for compliance with
12 176.105 and hears appeals it does not have jurisdiction to act upon. Because of the
13 City's misconduct cited above this court should not put appellant through more
14 trouble by remanding the case back to the lower court to issue a judgment of
15 conviction and start the appeal anew. This would again be rewarding the city for
16 "poisoning an apple" and then giving the city a bite at a fresh apple.
17

18 The foregoing process is, again, not uncommon. The NSC has done this type of
19 thing before "decide now rather than later" for the interests of judicial economy. See
20 case # 67283 Solomon v. Eighth Jud. Dist. Ct where the NSC said, Exhibit 2
21 attached:
22

23
24 Solomon has a plain, speedy, and adequate remedy at law, by way of an
25 appeal should he be convicted.
26

27 " Nevertheless, judicial economy militates against compelling the parties
28

1 to proceed to trial where a conviction would likely be vacated on appeal.
2 Accordingly, we ORDER the petition GRANTED..... instructing the
3 district court to dismiss the information" Page 3 linen 2-13

4 Just like in the Solomon case above above judicial economy militates against
5 having to go back to the trial court on any remand. Nor allow the City to make any
6 more mischief.

7
8 Under the circumstances here where the City wants to ignore statutes and the
9 constitutional right to substantive and procedural due process this court should not
10 require appellant to return back to the City court.

11
12 Should the court order appellant to return back to the municipal court on a remand,
13 appellant will take the issue to the NSC. Although NRS 176.105 and the supporting
14 statutory structure is , there is no published case directly on point answering these
15 precise questions:

16
17 **IS A MUNICIPAL COURT THAT HAS BEEN DESIGNATED AS A COURT**
18 **OF RECORD OR IN THE CASE WHERE A JUSTICE COURT CONVICTS**
19 **FOR A MISDEMEANOR MUST EITHER OR BOTH COURTS COMPLY**
20 **WITH NRS 176.105 AND ISSUE A JUDGMENT SIGNED BY THE JUDGE**
21 **AND FILE STAMPED WITH THE COURT AND OTHERWISE COMPLY**
22 **WITH NRS 176.105 AND DOES THIS STATUTE CREATE A DUE PROCESS**
23 **LIBERTY AND/OR PROPERTY INTEREST UNDER THE FIFTH AND**
24
25
26
27
28

1 FOURTEENTH AMENDMENT TO THE U.S. CONSTITUTION
2 IS A MUNICIPAL COURT THAT HAS BEEN DESIGNATED AS A COURT
3 OF RECORD OR A JUSTICE COURT REQUIRED TO DO
4 ARRAIGNMENTS IN COMPLIANCE WITH NRS 174.015 AND/OR 174.025
5 ON THE RECORD WHERE A DEFENDANT PLEADS NOT GUILTY AND
6 DO THESE STATUTES CREATE A DUE PROCESS LIBERTY AND/OR
7 PROPERTY INTEREST UNDER THE FIFTH AND FOURTEENTH
8 AMENDMENT TO THE U.S. CONSTITUTION

9 Although if this court answers these questions in the affirmative there would be no
10 published case as to these questions yet appellant would hopefully be spared further
11 proceedings. This court does have the power under NRS chapter 34 to answer these
12 questions.

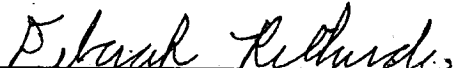
13 CONCLUSION

14 For the above reasons relief should be granted. Appellant requests that the
15 opening brief and treat the above two question as being included as and for a petition
16 for an extraordinary writ, either Certiorari or Mandamus or Prohibition and either
17 review the unconstitutional actions as outlined in the opening brief and order that the
18 complaint below be dismissed with prejudice and order the fine that the appellant
19 paid reimbursed and payment made for transcripts and any copy costs for this appeal
20 or petition also be reimbursed. In the altenative, grant Mandamus or prohibition

1 giving similar relief as outlined above.

2 In the alternative grant such other relief as is proper, just and complete and
3
4 speedy.

5 DATED THIS 25th day of February, 2016

6 
7 DEBORAH RICHARDSON Pro Se
8 3623 Pimento Street
9 North Las Vegas Nv.89032
10 Email address dejamah@yahoo.com

11 **CERTIFICATE OF SERVICE**

12 I certify that I Deborah Richardson or an assistant on this 25th day of
13 February, 2016, I electronically filed the foregoing **MOTION TO TREAT APPEAL**
14 **AS A PETITION FOR CERTIORARI OR IN THE ALTERNATIVE**
15 **MANDAMUS OR IN THE ALTERNATIVE A WRIT OF PROHIBITION** with
16 the District Court of the Eighth Judicial District Court and a copy was electronically
17 transmitted to the email address on file for:
18
19
20
21

22 City attorney Sandra Douglass-Morgan, Esq.
23 2250 Las Vegas Blvd. No. #810
24 North Las Vegas, NV 89030
25 City of North Las Vegas

26 
27 DEBORAH RICHARDSON Pro Se
28

EXHIBIT 1

EXHIBIT 1

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE HONORABLE CATHERINE
RAMSEY NORTH LAS VEGAS
MUNICIPAL COURT JUDGE,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
LOUIS ERIC JOHNSON, DISTRICT
JUDGE,

Respondents,

and

THE CITY OF NORTH LAS VEGAS;
BARBARA A. ANDOLINA, CITY CLERK
OF NORTH LAS VEGAS; BETTY
HAMILTON; MICHAEL WILLIAM
MORENO; AND BOB BORGERSEN,
INDIVIDUALLY AND AS MEMBERS
OF "REMOVE RAMSEY NOW",
Real Parties in Interest.

No. 68394

FILED

JUL 27 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

HONORABLE CATHERINE RAMSEY
NORTH LAS VEGAS MUNICIPAL
JUDGE,
Appellant,

vs.

THE CITY OF NORTH LAS VEGAS;
BARBARA A. ANDOLINA, CITY CLERK
OF NORTH LAS VEGAS; BETTY
HAMILTON; MICHAEL WILLIAM
MORENO; AND BOB BORGERSEN,
INDIVIDUALLY AND AS MEMBERS
OF "REMOVE RAMSEY NOW",
Respondents.

No. 68450

ORDER

Docket No. 68394 is a petition for a writ of mandamus, certiorari, or prohibition challenging a district court order allowing the recall election of a municipal court judge to proceed. As it appeared that writ relief was unavailable because the district court's order was substantively appealable, *see* NRAP 3A(b)(1), (3) (permitting an appeal from final judgment and from an order refusing to grant an injunction, respectively); *Pan v. Eighth Judicial Dist. Court*, 122 Nev. 222, 224, 88 P.3d 840, 841 (2004), we issued an order directing petitioner Ramsey to show cause why the petition should not be summarily denied. Our order also stayed operation of the district court's order. Since then, in addition to filing a response to our order to show cause, Ramsey has filed an appeal from the same district court order she is challenging in the writ proceeding, Docket No. 68450. Real parties in interest have replied to Ramsey's response. Having reviewed the documents on file in both matters, we conclude that the order is properly challenged by way of an appeal, and writ relief is thus unavailable. *See Pan*, 122 Nev. at 224, 88 P.3d at 841. Accordingly, the petition in Docket No. 68394 is denied.

In her response to the order to show cause, Ramsey requested that, if her petition was denied, the stay remain in effect, the appeal be expedited, and we treat the writ petition as the opening brief in her appeal. Cause appearing, we grant those requests to the following extent. The stay shall remain in effect until further order of this court. We direct the clerk to transfer the documents in Docket No. 68394

to Docket No. 68450. We will treat Ramsey's petition as the opening brief in the appeal.¹ Ramsey shall have 15 days from the date of this order to supplement the record.² Respondents shall have 30 days from the date of this order to file an answering brief. Ramsey shall have 10 days from service of the answering brief to file a reply brief. Further, as we have determined that oral argument would be of assistance in resolving the issues presented by this appeal, oral argument is hereby scheduled before

¹In Docket No. 68394, real parties in interest filed a motion to "strike false and misleading factual allegations" in the writ petition, which we are now treating as the opening brief in Docket No. 68450. Ramsey filed an opposition to the motion to strike, combined with a countermotion to strike portions of real parties' motion to strike. As our resolution of the motion and countermotion is intertwined with our review of the merits in this matter, we deny them at this time. However, we remind the parties that in resolving this matter, we will disregard documents and assertions not properly appearing in or supported by the record. *See Carson Ready Mix v. First Nat'l Bank*, 97 Nev. 474, 476, 635 P.2d 276, 277 (1981).

²When the appeal in Docket No. 68450 was docketed, the clerk issued notices to Ramsey to pay the filing fee and file a case appeal statement by August 4, 2015. We modify those notices to the extent that the filing fee and case appeal statement are due by July 31, 2015. Additionally, Ramsey shall file a transcript request form, *see* NRAP 9, and a docketing statement, *see* NRAP 14, by July 31, 2015.

the en banc court on October 5, 2015, at the hour of 10 a.m., in Las Vegas.
The argument shall be limited to 30 minutes.

It is so ORDERED.

Hardesty C.J.
Hardesty

Parraguirre J.
Parraguirre

Douglas J.
Douglas

Cherry J.
Cherry

Saitta J.
Saitta

Gibbons J.
Gibbons

Pickering J.
Pickering

cc: Hon. Louis Eric Johnson, District Judge
Mueller Hinds & Associates
Gentile, Cristalli, Miller, Armeni & Savarese, PLLC
Snell & Wilmer, LLP/Las Vegas
Eighth District Court Clerk

EXHIBIT 2

EXHIBIT 2

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID SOLOMON,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
MICHELLE LEAVITT, DISTRICT
JUDGE,

Respondents,

and

THE STATE OF NEVADA,
Real Party in Interest.

No. 67283

FILED

MAY 18 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

ORDER GRANTING PETITION

This is an original petition for a writ of mandamus challenging an order of the district court denying a pretrial petition for a writ of habeas corpus. Petitioner David Solomon asserts that the justice court acted arbitrarily and capriciously in granting the continuance of the preliminary hearing absent a sufficient showing of good cause in violation of *Hill v. Sheriff*, 85 Nev. 234, 452 P.2d 918 (1969), and requests that the district court dismiss the charges against him. See NRS 34.160; *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981).

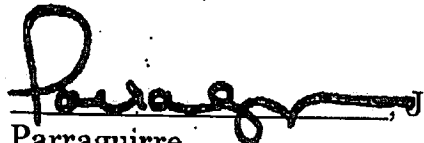
Because a petition for an extraordinary writ is addressed to this court's sound discretion, *State ex rel. Dep't of Transp. v. Thompson*, 99 Nev. 358, 360, 662 P.2d 1338, 1339 (1983); *Poulos v. Eighth Judicial Dist. Court*, 98 Nev. 453, 455, 652 P.2d 1177, 1178 (1982), the threshold issue is whether we should exercise that discretion and consider the petition.

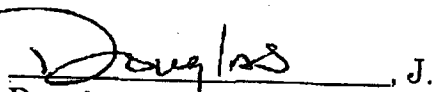
Extraordinary relief may be appropriate where a tribunal, board, or officer has exceeded its jurisdiction or acted in an arbitrary or capricious manner, or such relief may be used to compel the performance of an act required by law. See NRS 34.160; *Newman*, 97 Nev. at 603-04, 637 P.2d at 536. This court will not entertain a petition when the petitioner has a plain, speedy, and adequate remedy at law. NRS 34.170. When exercising its discretion, this court may entertain petitions for extraordinary relief when judicial economy and sound judicial administration militate in favor of writ review. See *State v. Babayan*, 106 Nev. 155, 175, 787 P.2d 805, 819 (1990). Additionally, this court may exercise its discretion and entertain a writ petition when "an important issue of law requires clarification." *State v. Second Judicial Dist. Court (Epperson)*, 120 Nev. 254, 258, 89 P.3d 663, 665-66 (2004) (internal quotation marks omitted).

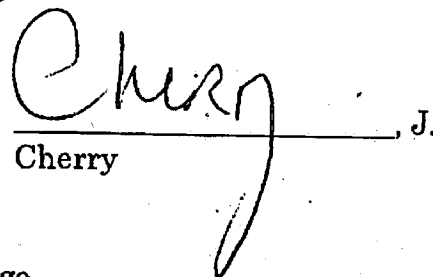
A preliminary hearing must be held within 15 days of arraignment unless the State demonstrates good cause for a continuance. NRS 171.196(2); *McNair v. Sheriff*, 89 Nev. 434, 436, 514 P.2d 1175, 1176 (1973). The good-cause showing can be satisfied by an affidavit that describes the names and locations of absent witnesses, the diligence used to secure witnesses' presence, a summary of the absent witnesses' expected testimony and if other witnesses can prove the same facts, when the prosecution first learned the witnesses would not appear, and a statement that continuance was sought in good faith and not for delay, *Hill*, 85 Nev. at 235-36, 452 P.2d at 919, or in certain time-sensitive circumstances, by presenting sworn testimony that complies with *Hill*, *Bustos v. Sheriff, Clark County*, 87 Nev. 622, 624, 491 P.2d 1279, 1280-81 (1971). See also DCR 14. The documents filed with the petition do not indicate that an affidavit was filed or sworn testimony offered prior to the

granting of the continuance, thus the justice court erred in granting the continuance. Solomon has a plain, speedy, and adequate remedy at law, by way of an appeal should he be convicted. NRS 177.015(3); NRS 177.045 ("Upon the appeal, any decision of the court in an intermediate order or proceeding, forming a part of the record, may be reviewed."); see *Scott E. v. State*, 113 Nev. 234, 239, 931 P.2d 1370, 1373-74 (1997) (vacating juvenile adjudication to correct district court failure to meet requirements of *Hill* in granting State's request for continuance). Nevertheless, judicial economy militates against compelling the parties to proceed to trial where a conviction would likely be vacated on appeal. Accordingly, we

ORDER the petition GRANTED AND DIRECT THE CLERK OF THIS COURT TO ISSUE A WRIT OF MANDAMUS instructing the district court to dismiss the information.


Parraguirre


Douglas, J.


Cherry, J.

cc: Hon. Michelle Leavitt, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

EXHIBIT 10PR

EXHIBIT 10PR

1 BREF

2 DISTRICT COURT DEPARTMENT 32
3 CLARK COUNTY, STATE OF NEVADA

4 DEBORAH RICHARDSON

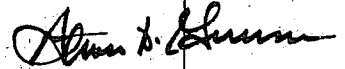
5 Appellant,

6 -vs-

Case No. C-15-309-580-A

(Lower Court Case No. ^{Electronically Filed}
02/22/2016 08:48:14 AM

#TR3407-15)



CLERK OF THE COURT

8 THE CITY OF NORTH LAS VEGAS

10 Respondent,

12 Date of Hearing: 3/9/16 at 10:00 am

14 RESPONDENT'S

16 -CITY OF NORTH LAS VEGAS-

18 OPENING BRIEF

20 SANDRA DOUGLASS-MORGAN
21 NORTH LAS VEGAS CITY ATTORNEY
22 NEVADA BAR NO.8542

RAUL A. ORTIZ
23 DEPUTY CITY ATTORNEY

24 NEVADA BAR NO.13210
2332 LAS VEGAS BOULEVARD
NORTH LAS VEGAS, NEVADA 89030
25 (702) 633-2100

ATTORNEY'S FOR THE RESPONDENT CITY OF NORTH LAS VEGAS

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3. *Id.*

⁴ *Id.*

1 An arraignment was held on May 28th, 2015, at the ticket window, and therefore a
2 transcript is unavailable.⁵ Appellant entered a plea of not guilty.⁶ The matter was then set for a
3 status check so the Appellant could go before a judge and decide whether she wanted to resolve
4 the case or move forward with a not guilty plea and proceed to trial.⁷ On June 15th, 2015, the
5 Appellant elected to reaffirm her not guilty plea and the case was set for trial by the Honorable
6 Judge (pro tem) David Salmon.⁸ On August 17th, a trial was held before the Honorable Judge
7 Sean Hoeffgen.⁹ At the close of evidence the judge found the Appellant guilty of improper use of
8 a right turn lane.¹⁰ The Appellant was fined one hundred dollars plus court costs.¹¹

9 At the trial, Officer Roscow testified that he witnessed the Appellant's vehicle drive
10 straight through an intersection while driving in a lane that was marked for right turn only.¹²
11 Officer Roscow testified that there were four signs at the intersection that were "clearly posted,"
12 advising drivers what direction to follow, one of these signals was the right turn signal.¹³ The
13 officer did inform the court that the roadway markings were faded, but nevertheless there were
14 visible signs.¹⁴ Officer Roscow testified that he then stopped the Appellant and identified her as
15 the driver of the vehicle and cited her.¹⁵ The Appellant elected not to conduct cross-examination
16 of Officer Roscow and after being admonished of her various trial rights, she took the stand and
17 testified on her own behalf.¹⁶
18
19

20 ⁵ App. PG. 5.

21 ⁶ Id.

22 ⁷ Id.

23 ⁸ App. PG. 4.

24 ⁹ App. PG. 3-4.

25 ¹⁰ Id.

¹¹ Id.

¹² App. PG. 8-9.

¹³ Id.

¹⁴ Id.

¹⁵ App. PG. 10.

¹⁶ Id.

1 Her testimony alleged that she did not notice the street markings on the road and failed
2 to see a posted sign because there was graffiti on it.¹⁷ The Appellant also testified that she had
3 the opportunity to turn right but in a last minute decision she nevertheless went straight at the
4 intersection.¹⁸

5 At the close of evidence, the judge made a finding of guilt and imposed a sentence of one
6 hundred dollars plus court costs. This appeal then followed.¹⁹

7 Argument

8 Points and Authorities

9 **I. This Court has Jurisdiction to Hear this Appeal**

10 The Appellant asserts that this Court does not have jurisdiction to hear this appeal because a
11 judgment of conviction has not been signed or filed. It is the City of North Las Vegas' position
12 that the District Court has jurisdiction to hear an appeal through NRS 177.015 which states that:
13 the party aggrieved in a criminal action may appeal:
14

15 Whether that party is the State or the defendant:

- 16 1. To the district court of the county from a final judgment of the justice court.

17 The Supreme Court has held that a "judgment of conviction" is not necessary for the District
18 Court's Jurisdiction to apply. An appeal is jurisdictionally sound upon a "final judgment".
19

20 Sandstorm v. Second Judicial District Court of Nevada, 121 Nev. Adv. Op. No. 65. Nevada

21 Revised Statutes also provide for municipal court practice and proceeding to conform to those of
22 justice courts by stating:

23 NRS 5.073 Conformity of practice and proceedings to those of justice courts;
24 exception; imposition and collection of fees.

25 ¹⁷ App. PG. 12.

¹⁸ Id.

¹⁹ App. PG. 14.

1 The practice and proceedings in the municipal court must conform, as
2 nearly as practicable, to the practice and proceedings of justice courts in
3 similar cases. An appeal perfected transfers the action to the district court
4 for trial anew, unless the municipal court is designated as a court of record
5 as provided in 1. NRS 5.010. The municipal court must be treated and
6 considered as a justice court whenever the proceedings thereof are called
7 into question.

8 Under the facts of this case the Municipal Court Judge made a clear "final judgment" of guilt
9 when at the close of evidence he stated "I'll make a finding of guilty." Additionally, because the
10 North Las Vegas Municipal Court is court of record, it should therefore be treated the same as a
11 justice court in this matter. Therefore, this Court has jurisdiction to hear this appeal.

12 **II. The City of North Las Vegas has Jurisdiction Over Charged Offense**

13 The Appellant also claims that the City of North Las Vegas does not have jurisdiction over
14 the cited offense. Nevada Revised Statute 5.050 says that: "Municipal courts have jurisdiction of
15 all misdemeanors committed in violation of the ordinances of their respective cities [.]"

16 Additionally, section 2.150 of the North Las Vegas City Ordinances says that:

- 17 a. The City Council may enact and enforce such local police ordinances as are not in
18 conflict with the general laws of the State of Nevada.
- 19 b. Any offense made a misdemeanor by the laws of the State of Nevada shall also be
20 deemed to be a misdemeanor in the City whenever such offense is committed
21 within the City.

22 Under the facts of this case, the allegations in the citation allege that NRS 484B.223.4,
23 was violated by the Appellant by driving straight through an intersection in a lane that was
24 designated for right turns only. The NRS is clearly state law and any violation of a misdemeanor
25 within the purview of state law is clearly a violation of a North Las Vegas City Ordinance
through and by section 2.150 of the municipal code listed above. Because this offense is a
violation of North Las Vegas City Ordinance 2.150, the City of North Las Vegas Municipal
Court does have jurisdiction over the charged offense.

26 **III. The Appellant's Due Process Rights were Not Violated at Arraignment**

1 The Appellant's next contention is that her due process rights were violated at arraignment.
2 The respondent concedes that in the City of North Las Vegas a person cited for a traffic violation
3 first has the opportunity to resolve a traffic matter with a North Las Vegas Municipal Court clerk
4 at a window. If the person cited does not wish to resolve the matter, they then have the
5 opportunity to see a judge and decide whether they wish to plead not guilty and continue to trial.
6 Here, the Appellant in this matter was first given the opportunity to resolve this matter on May
7 28th 2015. However, the Appellant elected to see a judge at a future date. On June 15th, 2015 the
8 Appellant went before the Honorable Judge David Salmon and at was made aware of the
9 charges. The Appellant was given the opportunity to stand trial on the merits or resolve the case.
10 In this case, the Appellant was on notice of the alleged traffic violation, had the opportunity to
11 see and speak to a judge, and additionally had the opportunity to stand a trial on the merits of her
12 case. Therefore, there is no violation of due process in this case.

13
14 **IV. Every Element of the Offense was Proven Beyond A Reasonable Doubt and
Therefore no Violation of Due Process Occurred**

15 The standard of review when evaluating a sufficiency of the evidence claim is whether,
16 after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact
17 could have found the essential elements of the crime beyond a reasonable doubt. Koza v. State,
18 100 Nev. 245, 250, 681 P.2d 44, 47 (1984), and Jackson v. Virginia, 443 U. S. 307, 319, 99
19 S. Ct. 2781, 2789 (1979), (emphasis in original). Where there is substantial evidence to support
20 a verdict in a criminal case, the reviewing court will not disturb the verdict nor set aside the
21 judgment. White v. State, 95 Nev. 881, 885, 603 P.2d 1063, 1065 (1979); Deeds v. State, 97
22 Nev. 216, 217, 626 P.2d 271, 272 (1981), citing Gatlin v. State, 96 Nev. 303, 608 P.2d 1100
23 (1980), and Sanders v. State, 90 Nev. 433, 529 P.2d 206 (1974). Substantial evidence is "that
24 which 'a reasonable mind might accept as adequate to support a conclusion.' " Construction
25

1 Industry Workers' Compensation Group ex rel. Mojave Elec. v. Chalue 74 P.3d 595, 597
2 (Nev.,2003) (citations omitted).

3 The evidence necessary to sustain a guilty verdict can even be circumstantial evidence.
4 The Nevada Supreme Court has held that a jury may reasonably rely upon circumstantial
5 evidence. State v. Rhodig, 101 Nev. 608, 610, 707 P.2d 549, 550 (1985); Wilkins v. State, 96
6 Nev. 367, 374, 609 P.2d 309, 313 (1980). In Kazalyn v. State, 108 Nev. 67, 71, 825 P.2d 578,
7 581 (1992), the Nevada Supreme Court ruled that although the case against Kazalyn was
8 circumstantial, there was sufficient evidence for the jury to find the defendant guilty of murder in
9 the first degree. Moreover, one may be convicted and the conviction upheld where the "evidence
10 is circumstantial and hardly abundant." Rossana v. State, 113 Nev. 375, 934 P.2d 1045, 1051
11 (1997), (appellant's conviction for discharging a firearm into a building or structure upheld
12 where evidence of identity limited to appellant having a motive, a car loosely similar to the
13 suspect car and a gun of the same caliber with two expended rounds).

14
15 Evidence need not be undisputed to support a guilty verdict. In White, supra, the Nevada
16 Supreme Court held that although the evidence was in conflict, there was substantial evidence to
17 support the verdict. The Nevada Supreme Court had previously held that although there was
18 conflicting evidence . . . there was substantial evidence to support the verdict in Azbill v. State,
19 88 Nev. 240, 252, 495 P.2d 1064, 1071 (1972).

20 When the lower court hears conflicting evidence, the relevant inquiry then becomes
21 whose testimony the lower court finds credible. Determining the credibility of the witnesses
22 rests solely with the trier of fact, not the reviewing court on appeal. The Nevada Supreme Court
23 repeatedly held that when there is conflicting testimony presented at a criminal trial, it is within
24 the province of the jury (fact finder) to determine the weight and credibility of the testimony.
25 Bolden v. State, 97 Nev. 71, 73, 624 P.2d 20 (1981); Deeds, 97 Nev. at 217, 626 P.2d at 272,

1 citing Wicker v. State, 95 Nev. 804, 603 P.2d 265 (1979), and Hankins v. State, 91 Nev. 477,
2 538 P.2d 167 (1975); see also Washington v. State, 112 Nev. 1067, 922 P.2d 547, 551 (1996). It
3 is the jury's (fact finder's) function, not that of the reviewing court, to assess the weight of the
4 evidence and determine the credibility of witnesses. Doyle v. State, 112 Nev. 879, 921 P.2d 901,
5 910 (1996)

6 The standard of review when evaluating a sufficiency of the evidence claim is whether,
7 after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact
8 could have found the essential elements of the crime beyond a reasonable doubt. Koza v. State,
9 100 Nev. 245, 250, 681 P.2d 44, 47 (1984), and Jackson v. Virginia, 443 U.S. 307, 319, 99
10 S. Ct. 2781, 2789 (1979), (emphasis in original). Stated another way, in reviewing evidence
11 supporting a fact finder's verdict, the reviewing court must determine whether the fact finder,
12 acting reasonably, could have been convinced beyond a reasonable doubt of the defendant's guilt
13 by the competent evidence. Braunstein v. State, 40 P.3d 413, 421, (Nev. 2002). The reviewing
14 Court on appeal will not disturb a verdict where there is substantial or sufficient evidence to
15 support it. Mulder v. State, 116 Nev. 1, 15, 992 P.2d 845, 853-54 (Nev. 2000); Collman v. State,
16 116 Nev. 687, 711, 7 P.3d 426, 441 (Nev. 2000).²⁰

18 In this case, the finder of fact heard the testimony of Officer Jason Roscow. The Officer
19 testified that he was a percipient witness who was at the scene when the violation occurred. It is
20 true that the officer testified that the roadway markings were faded at the time of the alleged
21 violation, but he also made it a point to establish that there were visible signs depicting that the
22 lane the Appellant used to drive through the intersection was a lane designated for right turn
23

24
25 ²⁰ See also, White v. State, 95 Nev. 881, 885, 603 P.2d 1063, 1065 (1979); Deeds v. State, 97
Nev. 216, 217, 626 P.2d 271, 272 (1981), citing Gatlin v. State, 96 Nev. 303, 608 P.2d 1100
(1980), and Sanders v. State, 90 Nev. 433, 529 P.2d 206 (1974).

1 only. When the Appellant took the stand, her own testimony established that she actually did
2 cross the intersection while on a right turn only lane. The Appellant, additionally made reference
3 to one sign she did see and claimed that graffiti was placed on the sign. Even though the
4 Appellant had the opportunity to cross-examine Officer Roscow, and she elected not to illicit
5 information about the conditions of any of the signs from the Officer. Therefore, a reasonable
6 fact finder could have concluded that the Appellant in this case was placed on notice that the lane
7 was a turn right only lane at the time she proceeded straight through the lane in her vehicle. A
8 fact finder is in the best position to access the weight and credibility of all witnesses when
9 making determinations of fact and listening to inconsistent and disputed testimony. In this case
10 the fact finder believed the Appellant was placed on notice and nevertheless violated the statute.
11 There is substantial evidence to support the trier of facts findings in this case and therefore the
12 Appellant's adjudication of guilty should stand.
13

14 CONCLUSION

15 Based on the foregoing, the City of North Las Vegas respectfully requests that the
16 Appellant's Appeal be denied.
17

18 DATED this 18th day of February, 2016.

19 SANDRA DOUGLASS-MORGAN
20 North Las Vegas City Attorney
21 Nevada Bar # 008542

22
23 BY 

24 RAUL A. ORTIZ
25 Deputy City Attorney
Nevada Bar# 13210

Appendix

| STA. OF NEVADA North Las Vegas Police Department | | Officer No. <i>TL003407-15</i> |
|--|--|--|
| In the Municipal Court of North Las Vegas County: CLARK Issue Date/Time: 3/19/2016 07:53 Citation # B00185938 Case # Type TRAFFIC Violation Date/Time: 3/28/2016 67:53 | | Officer Notes: MOTOR WAS STOPPED ON 3 CARSL FROM INTERSECTION Diagram Radar (Moving/Stationary): Radar Number: Radar/Laser Distance: Stop Type: TRAFFIC Trailer Tag: Trailer State: NV Tire %: Appear by Date: 5/28/2016 Appear by Time: 7 am to 5 pm Altitude: Traffic Light: Highway Cond.: Dry Weather: Clear Rain Occ: 1 Had Been Drinking: No Dog Supported: NO Citizen Address: Citizen City: Citizen State: NV Citizen Zip: Citizen Phone: |
| VIOLATOR Name: RICHARDSON, DEBORAH HOLLIMON Address: 3923 PIMENTO ST City: N LAS VEGAS Hgt: 507 Wgt: 180 Sex: F Hair: BLK Eyes: BRO Race: B State: NV Phone: NA Zip: 89032 Employer: - Address: City: DL #: 1401001268 State: NV Phone: DL Expires: 4/8/2016 DL State: NV Zip: Reservations: Class: C OCL: NO Endorsements: DOB: 4/8/1981 | | |
| VEHICLE VIN: 4J32HEC12B50117740 Type: PK > 16 Pass: Make: CHEVROLET State: NV Model: AVALANCHE C1500 Veh Tag: 810VLT Haz Mat: NO Color: DARK BLUE Veh Yr: 2005 Comm Veh: NO DOT #: Reg Exp: 12/08/2016 Owner: RICHARDSON, VIRGIL TEOW Address: 3923 PIMENTO ST, NORTH LAS VEGAS, NV 89032 | | |
| LOCATION AND VIOLATION INFORMATION Location: COMMERCE and N OF CHEYENNE Weather: Clear Direction: S Turn: Lane: 1 Road Conditions: Dry Alleged: Distance: 83 Limit: Grant: NONE Spd Det: Arrest: NO School Zone: NO Accident: NO CONSTRUCTION ZONE/WORKERS PRESENT: NO | | |
| VIOLATIONS (C2.150/NRS 706.756) Violation - NRS 484B.223.4 - NVC: 83782 - IMPROPER USE OF RIGHT TURN LANE AND OPERATE ABOVE VEHICLE SB RIGHT TURN LANE (POSTED 4 SIGNS AND ROADWAY MARKING RIGHT TURN ONLY) ON PUBLIC ROADWAY AND MISUSE A RIGHT TURN LANE BY DRIVING STRAIGHT THROUGH I certify (or Defend) under penalty of perjury under the laws of the state of Nevada that I have reasonable grounds/probable cause to believe and do believe that above named person committed the above offense(s) contrary to law. | | <i>NG</i> <i>Unity</i> <i>100 + CH</i> |
| Officer Signature: <i>[Signature]</i> Complainant Signature: Officer: Officer Roseow DF 2010 Citizen: | | |
| Defendant's Signature: <i>[Signature]</i> This is not a plea of guilty. (Not void if initialed) Failure to comply with this complaint or future dates relating to this complaint will constitute a separate offense Interpreter Needed: *None | | |
| Without admitting having committed the above offense(s), I hereby promise to respond as directed on this notice and waive my right to be taken into custody before a magistrate (NRS 484.700 and NRS 484.800) You are hereby ordered to appear to answer to the above charges on the day and time: North Las Vegas Municipal Court Physical: 2332 Las Vegas Blvd N #100 N. Las Vegas, NV 89030 Mailing: Same as Physical 702-533-1130 For Ball information go to WWW.CITYOFNORTHLASVEGAS.COM/MCO Citation # B00185938 | | |

RICHARDSON, DEBORAH HOLLIMON NA

MUNI. - NLV (TRAFFIC)



City of North Las Vegas
Municipal Court Online



General Inquiry

Summary

Parties

Events

Dockets

Fees

Notes

Disposition

Costs

Docket Search

TR003407-15 CITY OF NORTH LAS VEGAS CITY OF NORTH LAS VEGAS VS. RICHARDSON, DEBORAH HOLLIMON

Search Criteria

Docket Desc.

ALL

Begin Date

Sort

End Date

☐ Ascending☒ Descending

Search

Search Results 32 Docket(s) found matching search criteria.

| Docket Data | Docket Text | Amount | Amount Due | Images |
|-------------|---|--------|------------|--------|
| 09/24/2015 | CASE APPEALED TO DISTRICT COURT | 0.00 | 0.00 | |
| 09/24/2015 | CASH BAIL REFUND CK-27534 | 75.25 | 0.00 | |
| 09/24/2015 | CASH BAIL POSTED (REFUND OF DOWN PAYMENT FOR TRANSCRIPT ON APPEAL.) Charge #1: STOP/STAND/PARK VEH IN PROHIBIT PLACE Receipt: 2018192 Date: 09/24/2015 | 75.25 | 0.00 | |
| 08/20/2015 | \$25 FEE FOR FILING A NOTICE OF APPEAL Receipt: 2010794 Date: 08/20/2015 Receipt 2010794 reversed by 2018191 on 09/24/2015. Receipt: 2018192 Date: 09/24/2015 | 25.00 | 0.00 | |
| 08/20/2015 | \$25 FEE FOR PREPARATION AND TRANSMITTAL OF PAPERS ON APPEAL Receipt: 2010794 Date: 08/20/2015 Receipt 2010794 reversed by 2018191 on 09/24/2015. Receipt: 2018192 Date: 09/24/2015 | 25.00 | 0.00 | |

| | | |
|--|--------|------|
| 08/20/2015 \$100 DOWN PAYMENT FOR PREPARATION OF TRANSCRIPT ON APPEAL Receipt: 2010794 Date: 08/20/2015 Receipt 2010794 reversed by 2018191 on 09/24/2015. Receipt: 2018192 Date: 09/24/2015 | 100.00 | 0.00 |
| 08/20/2015 AMENDED CHARGE TO PARK Charge #1: IMPROPER USE OF RIGHT TURN LANE | 0.00 | 0.00 |
| 08/20/2015 PROOF SUBMITTED Charge #1: IMPROPER USE OF RIGHT TURN LANE | 0.00 | 0.00 |
| 08/17/2015 CASE CLOSED | 0.00 | 0.00 |
| 08/17/2015 PAYMENT MADE ON CASE | 0.00 | 0.00 |
| 08/17/2015 CASE IN ACCOUNTS RECEIVABLE STATUS WILL PAY IN FULL TODAY. OPTIONAL TRAFFIC SCHOOL 2 WEEKS TO COMPLETE. | 0.00 | 0.00 |
| 08/17/2015 BENCH TRIAL HELD The following event: TRIAL scheduled for 08/17/2015 at 3:00 pm has been resulted as follows: Result: BENCH TRIAL HELD Judge: HOEFFGEN, SEAN Location: NORTH LAS VEGAS MUNICIPAL COURT DEPT. 2 | 0.00 | 0.00 |
| 08/17/2015 PRESIDING JUDGE AND STAFF ATTENDING IN-COURT Court Location: NORTH LAS VEGAS MUNICIPAL COURT DEPT. 2 The following event: TRIAL scheduled for 08/17/2015 at 3:00 pm has been resulted as follows: Result: BENCH TRIAL HELD Check In: Judge: HOEFFGEN, SEAN Location: NORTH LAS VEGAS MUNICIPAL COURT DEPT. 2 Staff: GOSWAMI, DEEP - DEPUTY CITY ATTORNEY: Present MYLES, DEBRA - COURT CLERK 3: Present PALOMO, GUILLERMO - INTERPRETER: Present SMEDLEY ESQ, JAMES J. - DEPUTY CITY ATTORNEY: Present SYPHUS, SHELLY - COURT CLERK 2: Present Prosecutors: CITY ATTORNEY: Present PHILLIPS, KIMBERLY: Present Parties: | 0.00 | 0.00 |
| 08/17/2015 FOUND GUILTY Charge #1: IMPROPER USE OF RIGHT TURN LANE | 0.00 | 0.00 |
| 08/17/2015 \$3 GENETIC MARKER TESTING FEE Charge #1: IMPROPER USE OF RIGHT TURN LANE Receipt: 2009886 Date: 08/17/2015 | 3.00 | 0.00 |
| 08/17/2015 TESTIMONY GIVEN OFFICER JASON ROSCOW | 0.00 | 0.00 |
| 08/17/2015 TESTIMONY GIVEN DEBORAH | 0.00 | 0.00 |

HOLLIMON RICHARDSON

| | | | |
|------------|--|--------|------|
| 08/17/2015 | \$5 ADMINISTRATIVE ASSESSMENT - | 5.00 | 0.00 |
| | GEN FUND Charge #1: IMPROPER USE | | |
| | OF RIGHT TURN LANE Receipt: | | |
| | 2009886 Date: 08/17/2015 | | |
| 08/17/2015 | \$7 SPECIALTY COURT FEE Charge #1: | 7.00 | 0.00 |
| | IMPROPER USE OF RIGHT TURN | | |
| | LANE Receipt: 2009886 Date: 08/17/2015 | | |
| 08/17/2015 | \$10 COURT FACILITIES FEE | 10.00 | 0.00 |
| | ASSESSED Charge #1: IMPROPER USE | | |
| | OF RIGHT TURN LANE Receipt: | | |
| | 2009886 Date: 08/17/2015 | | |
| 08/17/2015 | \$70 ADMINISTRATIVE ASSESSMENT | 70.00 | 0.00 |
| | Charge #1: IMPROPER USE OF RIGHT | | |
| | TURN LANE Receipt: 2009886 Date: | | |
| | 08/17/2015 | | |
| 08/17/2015 | \$100 FINE ASSESSED Charge #1: | 100.00 | 0.00 |
| | IMPROPER USE OF RIGHT TURN | | |
| | LANE Receipt: 2009886 Date: 08/17/2015 | | |
| 06/15/2015 | PRESIDING JUDGE AND STAFF | 0.00 | 0.00 |
| | ATTENDING IN-COURT Court Location: | | |
| | NORTH LAS VEGAS MUNICIPAL | | |
| | COURT DEPT. 2 Check In: Judge: | | |
| | SALMON, DAVID Location: NORTH | | |
| | LAS VEGAS MUNICIPAL COURT | | |
| | DEPT. 2 Staff: CURTIS, DAVITA - | | |
| | COURT CLERK 3: Present MYLES, | | |
| | DEBRA - COURT CLERK 3: Present | | |
| | PALOMO, GUILLERMO - | | |
| | INTERPRETER: Present PHILLIPS, | | |
| | KIMBERLY - DEPUTY CITY | | |
| | ATTORNEY: Present Prosecutors: CITY | | |
| | ATTORNEY: Present Parties: | | |
| 06/15/2015 | EVENT COMPLETED The following | 0.00 | 0.00 |
| | event: PRETRIAL (TRAFFIC) scheduled | | |
| | for 06/15/2015 at 1:30 pm has been | | |
| | resulted as follows: Result: EVENT | | |
| | COMPLETED Judge: SALMON, DAVID | | |
| | Location: NORTH LAS VEGAS | | |
| | MUNICIPAL COURT DEPT. 2 | | |
| 06/15/2015 | NOT GUILTY PLEA STANDS | 0.00 | 0.00 |
| 06/15/2015 | PROCEED TO TRIAL | 0.00 | 0.00 |
| 06/15/2015 | TRIAL SCHEDULED Event: TRIAL | 0.00 | 0.00 |
| | Date: 08/17/2015 Time: 3:00 pm Judge: | | |
| | HOEFFGEN, SEAN Location: NORTH | | |
| | LAS VEGAS MUNICIPAL COURT | | |
| | DEPT. 2 | | |
| 05/28/2015 | PRETRIAL HEARING SCHEDULED: | 0.00 | 0.00 |
| | Event: PRETRIAL (TRAFFIC) Date: | | |
| | 06/15/2015 Time: 1:30 pm Judge: | | |
| | HOEFFGEN, SEAN Location: NORTH | | |
| | LAS VEGAS MUNICIPAL COURT | | |
| | DEPT. 2 | | |

| | | | |
|------------|--|------|------|
| 05/28/2015 | PLED NOT GUILTY Charge #1: IMPROPER USE OF RIGHT TURN LANE | 0.00 | 0.00 |
| 05/28/2015 | LAST KNOWN ADDRESS CONFIRMED | 0.00 | 0.00 |
| 05/28/2015 | EVENT COMPLETED The following event: CITATION APPEARANCE DATE scheduled for 05/28/2015 at 12:00 am has been resulted as follows: Result: EVENT COMPLETED Judge: NORTH LAS VEGAS MUNICIPAL COURT Location: NORTH LAS VEGAS MUNICIPAL COURT DEPT. 1 | 0.00 | 0.00 |
| 03/27/2015 | APPEARANCE DATE SET BY OFFICER Event: CITATION APPEARANCE DATE Date: 05/28/2015 Time: 12:00 am Judge: NORTH LAS VEGAS MUNICIPAL COURT Location: NORTH LAS VEGAS MUNICIPAL COURT DEPT. 1 Result: EVENT COMPLETED | 0.00 | 0.00 |

Deep Goswami: Yes, Your Honor, thank you.

Sean Hoeffgen: All right. So, Miss Richardson, why don't you come over here to the defense table? So, you're going to have a seat over there.

[Whispering]

Male Speaker: [Inaudible] [00:00:12] to hand you a pen and paper so you can take notes, okay? Just have a seat right here in this chair, ma'am. You can use this pen and clipboard and use this paper to take notes.

Sean Hoeffgen: All right. So, Miss Richardson, um - thank you.

Male Speaker: You're welcome.

Sean Hoeffgen: [Laughs].

Male Speaker: [Inaudible].

Sean Hoeffgen: It's been around for a while.

Male Speaker 2: Yes sir.

Sean Hoeffgen: All right, we're gonna just do the trial now. Uh, how this is going to proceed is the city's gonna present, uh, their side of the case first. And then you'll have an opportunity to present your side. Okay?

Deborah Richardson: Correct, thank you.

Sean Hoeffgen: All right. And, again, this is case number TR3407-15. Will there be any opening statements?

Deep Goswami: No, your honor, the City will wait.

Sean Hoeffgen: All right. So, why don't we just get started? City, do you want to call your witness?

Deep Goswami: Thank you, your honor. The City calls Officer Roscow to the stand.

Female Speaker: Do you swear of affirm that the testimony you're about to give on this case now on trial be true?

Jason Roscow: Yes.

Female Speaker: You may be seated.

Jason Roscow: Thank you.

Deep Goswami: May I proceed, Your Honor?

Sean Hoeffgen: You may.

Deep Goswami: Thank you, may it please the court. Officer, can you please state your full name for the court?

Jason Roscow: I'm Officer Jason Roscow.

Deep Goswami: Officer, where are you currently employed?

Jason Roscow: City of North Las Vegas. And I'm in the -- assigned to the traffic division.

Deep Goswami: And how long have you been employed with North Las Vegas traffic division?

Jason Roscow: Approximately eight years.

Deep Goswami: And what do your duties include, Officer?

Jason Roscow: Uh, traffic enforcement, uh; assisting patrol, uh, standard police work.

Deep Goswami: And have you received training in the detection of traffic related offenses?

Jason Roscow: Yes.

Deep Goswami: And where -- what does that training consist of?

Jason Roscow: Um, field training, uh, academy training, and then on the job training.

Deep Goswami: I'd like to direct your attention to the date of March 16, 2015 at approximately 7:53 AM. Were you in the area of Commerce north of Cheyenne?

Jason Roscow: Yes I was.

Deep Goswami: And is that near the city of North Las Vegas?

Jason Roscow: Yes, it is.

Deep Goswami: And what were you doing in that area that day?

Jason Roscow: Um, that day I was on my way to the city garage that is located on Brooks, uh, just east of Commerce. Uh, we were doing - uh, conducting a motor school. I was one of the instructors. I was stopped, um, on Commerce facing southbound just north of the intersection. I was the third, uh, vehicle back. I was on a marked motorcycle by 1885. And I was in the No. 1 southbound travel lane.

Deep Goswami: Is that here in the city of North Las Vegas?

Jason Roscow: Yes, it is.

Deep Goswami: And did anything unusual draw your attention to a Chevrolet Avalanche?

Jason Roscow: Due to the fact that we were doing a training - motor instructor - or motor school, I was going down there. And it's a month long. So every day on my way down there, I was looking for violations due the fact that southbound there is a No. 1 southbound left turn lane, a No. 1 southbound through lane, and a No. 1 southbound right turn lane.

And whenever I come up at that intersection, I purposely watch any vehicles shooting - coming by the traffic. Because in the morning it's usually backed up pretty extensive. And a lot of times people pass everybody on the right in that turn lane and go through the intersection.

Deep Goswami: Okay. And on this particular day in question, did anything, uh, draw your attention to a Chevrolet Avalanche vehicle?

Jason Roscow: Yeah, there was a dark blue Chevrolet Avalanche that was in the No. 1 southbound right turn lane, uh, at the - the signal. And it is clearly posted. There's four signs posted as you come southbound: right turn only. And there are roadway markings, but the roadway markings have been, uh, fade - extremely faded and there was, uh, construction going on in that area. So, the roadway markings were not 100 percent visible.

Deep Goswami: Are there other signs to delineate that it's right turn only?

Jason Roscow: Yes, there are four posted signs as you're coming southbound on the right, um, as you approach the intersection.

Deep Goswami: And what do those signs say?

Jason Roscow: Uh, right turn only.

Deep Goswami: Okay. What, if anything, did you see the subject vehicle do?

Jason Roscow: The vehicle was sitting there. And once the signal light turned green for southbound traffic, the - the Chevrolet Avalanche, uh, went southbound through the intersection.

Deep Goswami: So, it did not take a right turn?

Jason Roscow: No, it did not.

Deep Goswami: Did you have a clear unobstructed view of this vehicle?

Jason Roscow: Yes, uh, whenever I approach that intersection, I purposely get my motorcycle on the right side, uh, of the lane, uh, No. 1 southbound lane, so I have clear visibility. And I was only three cars back.

Deep Goswami: What did you do at this point?

Jason Roscow: Uh, at this point, I went over in that lane, activated my emergency lights, went through the intersection, and conducted a traffic stop.

Sean Hoeffgen, Deep Goswami, Jason Roscow, Deborah Richardson, Male Speaker, Female Speaker, Male Speaker 2

Deep Goswami: And did you make contact with the driver of that vehicle?

Jason Roscow: Yes, uh, she was the sole occupant of the vehicle. And, uh, she was identified as, um, Miss Richardson.

Deep Goswami: Do you see that driver in the courtroom today?

Jason Roscow: Yes I do. Um -

Deep Goswami: Can you -

Jason Roscow: She is wearing a blue shirt and -and glasses.

Deep Goswami: Thank you. Your Honor, may the record reflect defendant's been identified in open court?

Sean Hoeffgen: We will.

Deep Goswami: What, if anything, did you advise the defendant of?

Jason Roscow: I just advised her why - the reason I stopped her and asked for, uh, driver's license, registration, insurance.

Deep Goswami: And did she provide those documents?

Jason Roscow: Yes.

Deep Goswami: Okay. At this point, what, if anything, did you sight her for?

Jason Roscow: I sighted her for misuse of a marked right turn lane.

Deep Goswami: No further questions, Your Honor. We pass the witness.

Sean Hoeffgen: All right. Miss Richardson, do you have any questions for the witness here?

Deborah Richardson: No.

Sean Hoeffgen: No questions? Okay. Anything further from the witness?

Deep Goswami: No, Your Honor. The City rests.

Sean Hoeffgen: All right. Thank you.

Jason Roscow: Thank you, Judge.

Sean Hoeffgen: All right, Miss Richardson, now it's your turn. I need to advise you of your rights at this time. Under the law, you do have a right to remain silent. And if you exercise your right to remain silent, I cannot hold that against you, meaning I can't believe or think that you're guilty because you do not give testimony in your case. My decision really needs to be based on anything that's been presented in the case.

At the same time, you do have a right to give testimony in this case. You're not with your own attorney here to ask you direct questions. In that situation, I just allow you all the time you need to give, uh, basically a sworn statement about what happened. I also advise you that at the conclusion of your testimony, the city prosecutor will have an opportunity to cross-examine you. Do you have any questions about your rights as explained to you?

Deborah Richardson: No.

Sean Hoeffgen: Do you wish to give testimony in this case?

Deborah Richardson: Yes.

Sean Hoeffgen: All right. For your convenience, I'm gonna have you stand and raise your right hand.

Female Speaker: Do you swear or affirm that testimony you're about to give on this case now on trial to be true?

Deborah Richardson: I do.

Female Speaker: You may be seated.

Sean Hoeffgen: All right. So, Miss Richardson, just go ahead and give me your statement. Let me know when you're done.

Deborah Richardson: Okay.

Sean Hoeffgen: Take as much time as you feel you need. Okay?

Deborah Richardson: All right. All right. First of all, I was not the only person in my automobile. I had, um, my nine year old, uh, niece that I was taking to school. And I did notice that on - on the - the street marking, they were faded. I did see one posted sign but it was graffitied out. I went back and I checked that and it was graffiti. And I didn't know if it was - uh, at that time, I didn't know. I thought it was an official that - because it was marked out. I - I had the opportunity to turn right. Last minute decision, I thought the street, it was faded out, a lot of construction was going on. And I just kept straight.

Sean Hoeffgen: Okay.

Deborah Richardson: Yeah.

Sean Hoeffgen: Anything else?

Deborah Richardson: That's it. [Laughs]

Sean Hoeffgen: Okay. [Laughs] All right.

Deborah Richardson: In a nutshell.

Sean Hoeffgen: Any cross examination, City?

Deep Goswami: No, Your Honor.

Sean Hoeffgen: Okay. All right. Closing arguments?

Deep Goswami: May it please the court, Your Honor -

Sean Hoeffgen: Sure.

Deep Goswami: - that an officer that has eight years of experience on the force, he testified, Your Honor, he had a clear unobstructed view of the violation. He saw the defendant clearly proceed through the intersection while she was in the right turn lane. She admitted that. Although that's not the crime of the century, it's still a violation of the law. And based

on that, the City would submit that we've proved this case beyond a reasonable doubt.

Sean Hoeffgen: Okay. Miss Richardson, anything else you want to tell me?

Deborah Richardson: No, that's -

Sean Hoeffgen: Okay.

Deborah Richardson: - all, sir.

Sean Hoeffgen: Um, you know, these are - you know, for me, these are probably the toughest cases when they come to trial because I have what I believe a law abiding person, citizen, and then I have a police officer. Usually - usually the situation I have is they're telling me two different things. What I'm hearing in this case is really that the story is the same. You did go through.

Deborah Richardson: Yes,

Sean Hoeffgen: The question is whether you provided adequate notice or should you have known that there were signs or that it's faded and everything else. Um, but you mentioned that there was graffiti on the sign. I don't know if it was completely blacked out.

I will take notice that that's the way I go to work. That's the way I come home. Because I live in North Las Vegas, I take Commerce every day for the last ten years. So, I - that's my route. So, I'm quite familiar with that intersection. It's not a very big intersection on Commerce. There's only one way to go left turn, one way to go south, one way to go right. I know those of us that are travelling southbound - because I go to Commerce all the way down to Carey. I just keep going straight.

Uh, I know that it's probably frustrating for most drivers when we're sitting in line and people use that right turn lane basically to kind of take a sneak - sneak into the line that we're all waiting for.

But in any event, um, the testimony wasn't that you didn't do it. The testimony -- your testimony is that you were -- I guess, didn't have enough notice of it. You didn't testify that this was your very first time going there. So, you know what I mean? Is you said you were taking your niece to school.

Deborah Richardson: Yeah.

Sean Hoeffgen: Uh, but bottom line is, uh, you know, based on the -- the testimony of the officer, there's plenty -- although the street portion of it was faded, there is markings there. In fact, there's little dots there too to indicate what the lanes are. But more importantly, there are signs throughout the intersection; in particular, southbound indicating that that particular lane is a right turn only lane.

And, you know, I mean, I guess if I had seen photographs of what the sign looked like back on mark 16, that would suggest that one would be able to know for sure what the sign said. You know, that's not -- that's not what the testimony was presented as such. Based on that, I'll make a finding of guilty. Uh, City wants to be heard on the fine?

Deep Goswami: I'll submit to the court, Your Honor.

Sean Hoeffgen: What was the bail on that?

[Bang]

Sean Hoeffgen: Was that the 100 plus?

Deep Goswami: I think it's 100 plus. I --

Sean Hoeffgen: All right. Okay, so the fine is \$195.00 total. It's a \$100.00 city fine. There's a \$95.00 assessment added on to that. Are you going to be able to pay that all at once, or are you going to need monthly payments?

Deborah Richardson: Um --

Sean Hoeffgen: There is a \$40.00 difference if you need payments.

Deborah Richardson: I'll pay it then.

Sean Hoeffgen: If you need -

Deborah Richardson: [Laughs]

Sean Hoeffgen: Yeah, if you could - can you pay it today?

Deborah Richardson: Yes.

Sean Hoeffgen: All right. Um, any - uh, City's position on points?

Deep Goswami: I - I was gonna see if she wants to do level one traffic school. So, I don't have an issue with making it into a parking ticket.

Sean Hoeffgen: All right. So if you go to traffic school level one, there's no points for the violation. I think this is - it's a [inaudible] [00:10:48] traffic control device. It's a four point ticket. But once you do the traffic school, within two weeks, it becomes zero points. It's off your record basically. So, all right. So, just go get a number today for payments. And then you can pay it. And then do the class and then it's not on your record. And then you're all done.

Deborah Richardson: All right?

Sean Hoeffgen: Okay?

Deborah Richardson: Thank you.

Sean Hoeffgen: All right. Good luck.

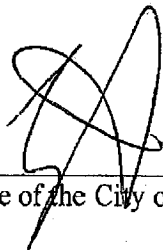
[End of Audio]

Duration: 11 minutes

CERTIFICATE OF SERVICE

I hereby certify that on the 22th day of February, 2016, service of this Brief was made via electronic-mail provided for:

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and
jejamah@yahoo.com



Employee of the City of North Las Vegas

EXHIBIT 11PR

EXHIBIT 11PR

IN THE SUPREME COURT OF THE STATE OF NEVADA

LAS VEGAS JUSTICE COURT; AND
DIANA L. SULLIVAN, JUSTICE OF
THE PEACE,

Appellants,

vs.

THE STATE OF NEVADA,

Respondent.

No. 67209

FILED

MAR 21 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER GRANTING MOTION TO DISMISS APPEAL

This is an appeal from a district court order granting respondent's petition for a writ of mandamus and directing the justice court to file a third amended complaint in an underlying criminal case. Eighth Judicial District Court, Clark County; Carolyn Ellsworth, Judge.

Respondent has filed a motion to dismiss this appeal based on, among other things, a contention that appellants are not aggrieved by the order challenged on appeal and thus lack standing to appeal. Appellants have filed an opposition and respondent has replied. Having considered these filings, we agree with respondent.

Only an aggrieved party may appeal. NRAP 3A(a); *Valley Bank of Nevada v. Ginsburg*, 110 Nev. 440, 446, 874 P.2d 729, 734 (1994). A party is aggrieved "when either a personal right or right of property is adversely and substantially affected' by a district court's ruling." *Valley Bank*, 110 Nev. at 446, 874 P.2d at 734 (quoting *Estate of Hughes v. First Nat'l Bank*, 96 Nev. 178, 180, 605 P.2d 1149, 1150 (1980)). The personal or property rights of appellants were not affected by the district court's order. And we decline appellants' invitation to adopt foreign authority holding that a lower court has standing to challenge a decision that affects the validity of its procedures. Therefore, we conclude that appellants are

not "aggrieved" such that they have standing to appeal the district court's order¹ and we

ORDER this appeal DISMISSED.

Douglas J.
Douglas
Gibbons J.
Gibbons

cc: Hon. Carolyn Ellsworth, District Judge
Joseph A. Tommasino
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

¹Given this conclusion, we decline to address respondent's remaining contentions.

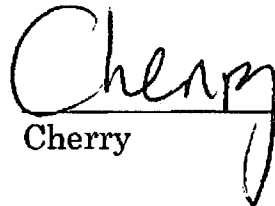
CHERRY, J., dissenting:

I disagree with the majority and would accept appellants' invitation to adopt foreign authority holding that a lower court has standing to challenge a decision that affects the validity of its procedures.

I congratulate Justice of the Peace Diana L. Sullivan in her now unsuccessful but gallant attempt to stop "Judge shopping" in the Las Vegas Justice Court.

This case illustrates an obvious attempt by the State to avoid the random assignment of criminal cases in the Las Vegas Justice Court.

For the above reasons I respectfully dissent.

 _____ J.
Cherry