

CLERK OF THE COURT

1 JOHN G. WATKINS, ESQ.
2 804 South Sixth Street
3 Las Vegas, Nevada 89101
4 Telephone: (702) 383-1006
5 Facsimile: (702) 383-8118
6 e mail: johngwatkins@hotmail.com

4 ELLEN J. BEZIAN, ESQ.,
5 Nevada Bar No. 6225
6 804 South Sixth Street
7 Las Vegas, Nevada 89101
8 (702) 471-7741
9 Facsimile: (702) 383-8118

Electronically Filed
Aug 22 2016 08:47 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

**DISTRICT COURT
CLARK COUNTY, NEVADA**

9 **WILLIAMS, JESSICA,**
10 Petitioner,

11 vs.

12 **NEVADA DEPARTMENT OF**
13 **CORRECTIONS (NDOC);**
14 **JO GENTRY, WARDEN,**
15 **(JEAN CONSERVATION CAMP),**
16 Respondent,

17 **STATE OF NEVADA,**
18 Real Party in Interest.

Case No.: **A-16-735072-W**
Dept. No.: **XXIV**

19
20 **NOTICE OF APPEAL**

21 NOTICE IS HEREBY GIVEN that Petitioner JESSICA WILLIAMS appeals to
22
23 the Supreme Court of Nevada, the "ORDER DENYING PETITIONER'S WRIT
24 OF HABEAS CORPUS (POST CONVICTION)¹" entered in the Eighth Judicial
25 District Court of the State of Nevada in and for the County of Clark, Department
26

27
28 ¹ Attached as Exhibit.

No. 24 on August 5, 2016 (Notice Of Entry Of Order on August 11, 2016).

/s/ John G. Watkins, Esq.

Ellen J. Bezian, Esq.

JOHN G. WATKINS, ESQ.

ELLEN J. BEZIAN, ESQ.

Nevada Bar No. 1574

Nevada Bar No. 6225

804 South Sixth Street

804 South Sixth Street

Las Vegas, Nevada 89101

Las Vegas, Nevada 89101

Telephone: (702) 383-1006

Telephone: (702) 471-7741

Facsimile: (702) 383-8118

Facsimile: (702) 383-8118

e mail: johngwatkins@hotmail.com

CERTIFICATE OF SERVICE BY MAIL

I, Sheila Varga, hereby certify pursuant to N.R.A.P. 3(d)(1), that on this 14th day of August, 2016 I mailed a true and correct copy of the foregoing NOTICE OF APPEAL addressed to:

Nevada Department Of Corrections
Jo Gentry, Warden
Jean Conversation Camp
3 Prison Road
PO Box 19859
Jean, Nevada 89019

Adam Laxalt, Attorney General
Dennis C. Wilson, Esq.
555 East Washington # 3900
Las Vegas, Nevada 89101

Jessica Williams # 68716
Jean Conservation Camp
Box 19859
Jean, Nevada 89019

/s/ Sheila Varga

Sheila Varga
an employee of John G. Watkins, Esq.

COPY

Electronically Filed
08/11/2016

Steven D. Grierson
CLERK OF THE COURT

NEOJ

DISTRICT COURT
CLARK COUNTY, NEVADA

JESSICA WILLIAMS,

Petitioner,

vs.

NEVADA DEPARTMENT OF CORRECTIONS
(NDOC); JO GENTRY, WARDEN, (JEAN
CONSERVATION CAMP),

Respondent,

STATE OF NEVADA,

Real Party in Interest

Case No: A-16-735072-W

Dept. No: XXIV

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that on August 5, 2016, the court entered a decision or order in this matter, a true and correct copy of which is attached to this notice.

You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is mailed to you. This notice was mailed on August 11, 2016.

STEVEN D. GRIERSON, CLERK OF THE COURT

/s/ Chaunte Pleasant

Chaunte Pleasant, Deputy Clerk

CERTIFICATE OF MAILING

I hereby certify that on this 11 day of August 2016, I placed a copy of this Notice of Entry in:

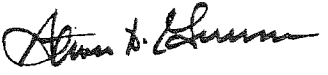
- ☒ The bin(s) located in the Regional Justice Center of:
Clark County District Attorney's Office
Attorney General's Office – Appellate Division-

1 ☒ The United States mail addressed as follows:

2 Jessica Williams # 68716 John G. Watkins, Esq.
3 P.O. Box 19859 804 South Sixth Street
4 Jean, NV 89019 Las Vegas, NV 89101

5 /s/ Chaunte Pleasant

6 Chaunte Pleasant, Deputy Clerk
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28


CLERK OF THE COURT

1 ORDR

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

4 WILLIAMS, JESSICA,
5 Petitioner,

CASE NO. A-16-735072-W
6 vs. DEPT NO. 24

7 NEVADA DEPARTMENT OF
8 CORRECTIONS (NDOC);
9 JO GENTRY, WARDEN, (JEAN
10 CONSERVATION CAMP),
11 Respondent,
12 STATE OF NEVADA,
13 Real Party in Interest.
14 _____/

15 **ORDER DENYING PETITIONER'S WRIT OF HABEAS CORPUS**
16 **(POST CONVICTION)**

17 Petitioner asks this Court to order that Petitioner is entitled to have NRS 209.4465 Statutory
18 Credits deducted from her minimum sentences as well as her maximum sentences.¹

19 Petitioner argues that "[t]he law until June 24, 2015 precluded NRS Chapter 209 'good time'
20 credits being deducted from a person's minimum sentence. See *Breault v. State*, 116 Nev. 311, 314,
21 996 P. 2d 888, 889 (2000) ("... credits earned to reduce his sentence pursuant to NRS Chapter 209
22 may only reduce the maximum term.")²

23 Petitioner contends that the law has been changed by an unpublished Nevada Supreme Court
24 disposition, *Vonseydewitz vs. Robert LeGrand*³ and that, as a result, the Nevada Department of
25 Corrections (hereafter NDOC) must apply NRS Chapter 209 Credits to Petitioner's minimum
26 sentences as well as her maximum sentences.⁴

27 The State opposes this petition contending that Petitioner's reliance upon *Vonseydewitz* is
28 _____

¹ Petition for Writ of Habeas Corpus (Post Conviction) (hereafter, "Petition"), filed April 14, 2016, p. 9:10-12.

² Petition, p. 8:1-4. Emphasis supplied by petitioner.

³ *Vonseydewitz vs. LeGrand*, "Order of Reversal and Remand", No 66159 (June 24, 2015); En banc reconsideration denied, February 19, 2016.

⁴ Petition, p. 9:2-6.

1 misplaced because it is an unpublished, three-judge panel decision with no value as a legal
2 precedent.⁵ The state further points out that the analysis and reasoning in *Vonseydewitz* directly
3 contradicts another earlier unpublished, three-judge panel decision, decided the year before
4 *Vonseydewitz*, which reached the opposite conclusion – i.e. no application of credits to minimum
5 term sentences -- under similar legal circumstances.⁶ None of the justices on the *Vonseydewitz* panel
6 were also on the *Kille* panel.

7 This Court concludes *Vonseydewitz* has not, in fact, changed the law and there is, therefore,
8 no error in the way that Petitioner's incarceration times have been calculated. For that reason, the
9 petition is denied.

10 ANALYSIS

11 The unpublished dispositions in *Kille* and *Vonseydewitz* are of no assistance to the Court in
12 its analysis other than to provide some insight into what three of our seven Supreme Court Justices
13 thought of the facts and circumstances presented in *Kille* and what three other members of the Court
14 thought of the facts and circumstances in *Vonseydewitz*. Since both cases reached opposite results
15 under legal circumstances which, on their face, appear to be comparable, little is gained from
16 reviewing either of these cases. The fact that the cases were not chosen for publication only
17 underscores their lack of value in considering this case.⁷

18 The statutes in question all have one thing in common: they are legislative enactments. As
19 such, it is crucially important to determine what the legislative intent was when the statutes were
20 enacted. Our goal is not to evaluate whether we agree or disagree with their intent, nor is it for those
21 of us in the judiciary to second-guess the wisdom of the legislature, regardless of how strongly we
22 may feel about the collective wisdom or lack thereof. Instead, our purpose in reviewing a statute
23 must be to consider what the legislature's goals and purposes were; what they were trying to
24 accomplish, not based upon what we might later substitute as our own rationale, but based upon
25 what was in the contemplation of the legislators at the time of enactment.

26 _____
27 ⁵ Response to Petition for Writ of Habeas Corpus (hereafter, "Response"), filed 6/28/16, p. 2:11-13.

28 ⁶ Response, p. 2:13-17).

⁷ "An unpublished disposition, while publically available, does not establish mandatory precedent" NRAP 36(c)(2).

1 It is understood that the statutes that were in effect at the time the offense was committed,
2 govern.⁸

3 Petitioner was convicted and sentenced under NRS 484.3795, which stated that a person who
4 violated the statute was "guilty of a category B felony and shall be punished by imprisonment in the
5 state prison for a minimum term of not less than 2 years and a maximum term of not more than 20
6 years." (Emphasis added.)⁹

7 The *Vonseydewitz* Court said that "...the lack of reference to parole eligibility in a minimum-
8 maximum statute suggests that the minimum term imposed was not the minimum term that must be
9 served before an offender was eligible for parole."¹⁰ This Court disagrees.

10 The legislative intent could not be more clearly expressed: the minimum term that a person
11 shall serve when convicted under NRS 484.3795 is two years. The Petitioner offers nothing to
12 suggest that a sentencing judge would be permitted to impose a minimum sentence of anything less
13 than two years. In this case, the sentencing Judge's compliance with the statute is clear and the
14 Judgment of Conviction lacks no clarity in sentencing the Petitioner to a "MAXIMUM term of
15 NINETY-SIX (96) MONTHS with a MINIMUM parole eligibility of THIRTY-SIX (36)
16 MONTHS" for Count I through Count VI.

17 In considering the application of NRS 209.4465(7) and NRS 213.120(2) relevant to
18 Petitioner's conviction, this Court concludes that these statutes are consistent and may be interpreted
19 in a manner which does not create a conflict.

20 At the time of Petitioner's offense in 2000, NRS 209.4465(7) provided that:

21 Credits earned pursuant to this section:

- 22 (a) Must be deducted from the maximum term imposed by the sentence; and
23 (b) Apply to eligibility for parole unless the offender was sentenced pursuant to a statute
24 which specifies a minimum sentence that must be served before a person becomes
eligible for parole.

25 ⁸ *Weaver v. Graham*, 450 U.S. 24, 31-33 (1981).

26 ⁹ It is true that there are some statutes which *emphasize* or state somewhat differently that a certain number of years must
27 be served before a person becomes eligible for parole, e.g. NRS 200.030(4)(b)(2); NRS 200.366(2)(a)(2) but, in terms
of analyzing legislative intent, the difference in phraseology does not, in this court's opinion, reflect any meaningful
difference.

28 ¹⁰ *Vonseydewitz*, p. 4.

1 NRS 213.120(2) provided, in part, that:

2
3 "a prisoner who was sentenced to prison for a crime committed on or after July 1, 1995, may
4 be paroled when he has served the minimum term to imprisonment imposed by the Court.
5 Any credits earned to reduce his sentence pursuant to chapter 209 of NRS while the prisoner
6 serves the minimum term of imprisonment may reduce only the maximum term of
7 imprisonment imposed and must not reduce the minimum term of imprisonment."

8 It is this Court's opinion that the legislature's expression of "minimum term" means
9 "minimum term" and that, by definition, a "minimum term" is not to be further diminished by
10 credits that would reduce the minimum term. Indeed, a "minimum term" is, by its nature,
11 irreducible: it is the minimum term.

12 Are we to conclude that when the legislature enacts a statute which states a convicted person
13 must serve a minimum term, and implements a provision for good-time credits which excludes
14 application toward minimum sentences, the legislature envisioned anything other than the convicted
15 person serving their required minimum term in prison? To attribute that kind of subliminal thinking
16 to the legislature would require jumping through imaginary hoops that depart from the trajectory of
17 logic and reason.

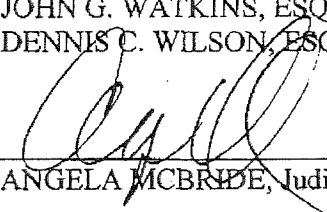
18 Accordingly, the petition for habeas corpus is denied.

19 DATED: August 5, 2016

20 
JIM CROCKETT, District Judge

21 I hereby certify that on or about the date filed, a copy of this Order was served upon the
22 parties as follows:

23 JOHN G. WATKINS, ESQ.
24 DENNIS C. WILSON, ESQ.

25 
ANGELA MCBRIDE, Judicial Executive Assistant

**EIGHTH JUDICIAL DISTRICT COURT**

Clark County, Nevada

Jim Crockett
District Court Judge

Department 24
ph: 702-671-0591
fax: 702-671-0598

TO: JOHN G. WATKINS, ESQ. @ 702-383-8118
TO: DENNIS C. WILSON, ESQ. @ 702-486-3768
FROM: ANGELA MCBRIDE, JEA - DC24
RE: Williams v. NDOC A-16-735072-W
DATE: August 5, 2015

See attached order re: Williams v. NDOC filed this date.


CLERK OF THE COURT

JOHN G. WATKINS, ESQ.
804 South Sixth Street
Las Vegas, Nevada 89101
Telephone: (702) 383-1006
Facsimile: (702) 383-8118
e mail: johnngwatkins@hotmail.com

ELLEN J. BEZIAN, ESQ.,
Nevada Bar No. 6225
804 South Sixth Street
Las Vegas, Nevada 89101
(702) 471-7741
Facsimile: (702) 383-8118

**DISTRICT COURT
CLARK COUNTY, NEVADA**

WILLIAMS, JESSICA,
Petitioner,

vs.

**NEVADA DEPARTMENT OF
CORRECTIONS (NDOC);
JO GENTRY, WARDEN,
(JEAN CONSERVATION CAMP),**
Respondent,

STATE OF NEVADA,
Real Party in Interest.

Case No.: **A-16-735072-W**
Dept. No.: **XXIV**

CASE APPEAL STATEMENT

1. Name of appellant filing this case appeal statement.

Jessica Williams

2. Identify the judge issuing the decision, judgment or order appealed from:

Honorable Judge Jim Crockett

3. Identify all parties to the proceedings in the district court (the use of et al.

1 to denote parties is prohibited):

2
3 Jessica Williams

4 Warden Jo Gentry

5
6 State of Nevada

7 4. Identify all parties involved in this appeal (the use of et al. to denote parties
8 is prohibited:

9 Jessica Williams

10 Warden Jo Gentry

11
12 State of Nevada

13 5. Set forth the name, law firm, address and telephone number of all counsel
14 on appeal and identify the party or parties whom they represent:

15 John G. Watkins, Esq.

16 Nevada Bar No. 1574

17 804 South Sixth Street

18 Las Vegas, Nevada 89101

19 Telephone: (702) 383-1006

20 Facsimile: (702) 383-8118

E mail: johnawatkins@hotmail.com

Ellen J. Bezian, Esq.

Nevada Bar No. 6225

804 South Sixth Street

Las Vegas, Nevada 89101

Telephone: (702) 472-7741

Facsimile: (702) 383-8118

21 Adam Laxalt, Attorney General

22 (Dennis C. Wilson, Esq.)

23 555 East Washington # 3900

24 Las Vegas, Nevada 89101

25 6. Indicate whether appellant was represented by appointed or retained counsel
26 in the district court:

27 Pro Bono: John G. Watkins, Esq.; Ellen J. Bezian, Esq.

7. Indicate whether appellant was represented by appointed or retained counsel in the district court:

Pro Bono: John G. Watkins, Esq.; Ellen J. Bezian, Esq.

8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave:

Jessica Williams is applying for *in forma pauperis* status.

9. Indicate the date the proceedings commenced in the district court (e.g. date of complaint, indictment, information or petition was filed):

Petition for Writ of Habeas Corpus (Post Conviction) filed April 14, 2016 requesting an Order that Jessica Williams is entitled to have NRS 209.4465 Statutory Credits deducted from her minimum sentences as well as her maximum sentences.

10. Whether the case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court or Court of Appeals:

Yes, the State Supreme Court: No. 37785; No. 41109.

DATED this 15th day of August, 2016.

/s/ John G. Watkins, Esq.

/s/ Ellen J. Bezian, Esq.

John G. Watkins, Esq.
Counsel for Petitioner

Ellen J. Bezian, Esq.
Counsel for Petitioner

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE BY MAIL

I, Sheila Varga, hereby certify that on this 15th day of August, 2016 I mailed
a true and correct copy of the foregoing CASE APPEAL STATEMENT addressed
to:

Nevada Department Of Corrections
Jo Gentry, Warden
Jean Conversation Camp
3 Prison Road
PO Box 19859
Jean, Nevada 89019

Adam Laxalt, Attorney General
Dennis C. Wilson, Esq.
555 East Washington # 3900
Las Vegas, Nevada 89101

Jessica Williams # 68716
Jean Conservation Camp
Box 19859
Jean, Nevada 89019

/s/ Sheila Varga

Sheila Varga
an employee of John G. Watkins, Esq.

DEPARTMENT 24
CASE SUMMARY
CASE NO. A-16-735072-W

Jessica Williams, Plaintiff(s)
vs.
Nevada Department of Corrections, Defendant(s)

§
§
§
§
§
§

Location: **Department 24**
Judicial Officer: **Crockett, Jim**
Filed on: **04/14/2016**
Case Number History:
Cross-Reference Case **A735072**
Number:
Defendant's Scope ID #: **1534178**

CASE INFORMATION

Case Type: **Writ of Habeas Corpus**
Case Flags: **Appealed to Supreme Court**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number A-16-735072-W
Court Department 24
Date Assigned 04/25/2016
Judicial Officer Crockett, Jim







PARTY INFORMATION

Plaintiff	Williams, Jessica	<i>Lead Attorneys</i> Watkins, John G. <i>Retained</i> 7023831006(W)
Defendant	Gentry, Jo	Wilson, Dennis C. <i>Retained</i> 7024863126(W)
	Nevada Department of Corrections	Adams, Danae <i>Retained</i> 7024554727(W)












DATE

EVENTS & ORDERS OF THE COURT

INDEX

04/14/2016	 Petition for Writ of Habeas Corpus Filed by: Plaintiff Williams, Jessica <i>Petition for Writ of Habeas Corpus (Post Conviction)</i>	
04/15/2016	 Notice of Hearing Filed By: Plaintiff Williams, Jessica <i>Notice of Hearing</i>	
04/25/2016	 Minute Order (8:00 AM) (Judicial Officer: Bell, Linda Marie) <i>Minute Order Re: Recusal</i>	
04/25/2016	 Notice of Department Reassignment	
05/11/2016	 Countermotion Filed By: Defendant Nevada Department of Corrections <i>Response and Countermotion to Vacate/Continue Hearing and Issue Order Directing Response</i>	
05/16/2016	 Motion	

DEPARTMENT 24
CASE SUMMARY
CASE NO. A-16-735072-W

	Filed By: Plaintiff Williams, Jessica <i>Motion To Amend Verification</i>	
05/17/2016	 Petition for Writ of Habeas Corpus (9:00 AM) (Judicial Officer: Crockett, Jim) 05/17/2016, 07/21/2016 Events: 04/14/2016 Petition for Writ of Habeas Corpus <i>Petitioner Jessica Williams' Petition for Writ of Habeas Corpus</i>	
05/17/2016	Response and Countermotion (9:00 AM) (Judicial Officer: Crockett, Jim) <i>Response and Countermotion to Vacate/Continue Hearing and Issue Order Directing Response</i>	
05/17/2016	 All Pending Motions (9:00 AM) (Judicial Officer: Crockett, Jim)	
05/17/2016	 Media Request and Order <i>Media Request And Order Allowing Camera Access To Court Proceedings.</i>	
06/28/2016	 Response Filed by: Defendant Gentry, Jo <i>Response to Petition for Writ of Habeas Corpus</i>	
07/08/2016	 Reply Filed by: Plaintiff Williams, Jessica <i>Petitioner's Reply To The State's Response To Petition For Writ Of Habeas Corpus</i>	
08/05/2016	 Order Denying <i>Order Denying Petitioner's Writ of Habeas Corpus (Post Conviction)</i>	
08/08/2016	 Notice of Appeal Filed By: Plaintiff Williams, Jessica <i>Notice Of Appeal</i>	
08/08/2016	 Case Appeal Statement Filed By: Plaintiff Williams, Jessica <i>Case Appeal Statement</i>	
08/11/2016	 Notice of Entry of Order	
08/15/2016	 Notice of Appeal Filed By: Plaintiff Williams, Jessica <i>Notice of Appeal</i>	
08/15/2016	 Case Appeal Statement Filed By: Plaintiff Williams, Jessica <i>Case Appeal Statement</i>	
DATE	FINANCIAL INFORMATION	
	Plaintiff Williams, Jessica	
	Total Charges	71.00
	Total Payments and Credits	48.00
	Balance Due as of 8/17/2016	23.00

DISTRICT COURT CIVIL COVER SHEET

A-16-735072 W

County, Nevada

Case No.

(Assigned by Clerk's Office)

VII

I. Party Information (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone):

L. WILLIAMS JESSICA

Defendant(s) (name/address/phone):

THE STATE OF NEVADA

Attorney (name/address/phone):

John G. Watkins
804 South Sixth Street
LV NV 89101
(702) 383-1006

Attorney (name/address/phone):

II. Nature of Controversy (please select the one most applicable filing type below)**Civil Case Filing Types**

Real Property	Negligence	Torts
Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	<input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
Probate Probate (select case type and estate value) <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate Estate Value <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	Judicial Review/Appeal Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Civil Writ <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant	<input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ	Other Civil Filing Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

A-16-735072-W
CCS
Civil Cover Sheet
4539411

Business Court filings should be filed using the Business Court Civil Coversheet.

4/14/16
Date

Signature of initiating party or representative

See other side for family-related case filings.


CLERK OF THE COURT

1 ORDR

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

4 WILLIAMS, JESSICA,
5 Petitioner,

6 vs.

CASE NO. A-16-735072-W
DEPT NO. 24

7 NEVADA DEPARTMENT OF
8 CORRECTIONS (NDOC);
9 JO GENTRY, WARDEN, (JEAN
10 CONSERVATION CAMP),
11 Respondent,

12 STATE OF NEVADA,
13 Real Party in Interest.
14 _____/

15 **ORDER DENYING PETITIONER'S WRIT OF HABEAS CORPUS**
16 **(POST CONVICTION)**

17 Petitioner asks this Court to order that Petitioner is entitled to have NRS 209.4465 Statutory
18 Credits deducted from her minimum sentences as well as her maximum sentences.¹

19 Petitioner argues that "[t]he law until June 24, 2015 precluded NRS Chapter 209 'good time'
20 credits being deducted from a person's minimum sentence. See *Breault v. State*, 116 Nev. 311, 314,
21 996 P. 2d 888, 889 (2000) ("... credits earned to reduce his sentence pursuant to NRS Chapter 209
22 **may only reduce the maximum term.**")²

23 Petitioner contends that the law has been changed by an unpublished Nevada Supreme Court
24 disposition, *Vonseydewitz vs. Robert LeGrand*³ and that, as a result, the Nevada Department of
25 Corrections (hereafter NDOC) must apply NRS Chapter 209 Credits to Petitioner's minimum
26 sentences as well as her maximum sentences.⁴

27 The State opposes this petition contending that Petitioner's reliance upon *Vonseydewitz* is

28 ¹ Petition for Writ of Habeas Corpus (Post Conviction) (hereafter, "Petition"), filed April 14, 2016, p. 9:10-12.

² Petition, p. 8:1-4. Emphasis supplied by petitioner.

³ *Vonseydewitz vs. LeGrand*, "Order of Reversal and Remand", No 66159 (June 24, 2015); En banc reconsideration denied, February 19, 2016.

⁴ Petition, p. 9:2-6.

1 misplaced because it is an unpublished, three-judge panel decision with no value as a legal
2 precedent.⁵ The state further points out that the analysis and reasoning in *Vonseydewitz* directly
3 contradicts another earlier unpublished, three-judge panel decision, decided the year before
4 *Vonseydewitz*, which reached the opposite conclusion – i.e. no application of credits to minimum
5 term sentences -- under similar legal circumstances.⁶ None of the justices on the *Vonseydewitz* panel
6 were also on the *Kille* panel.

7 This Court concludes *Vonseydewitz* has not, in fact, changed the law and there is, therefore,
8 no error in the way that Petitioner's incarceration times have been calculated. For that reason, the
9 petition is denied.

10 ANALYSIS

11 The unpublished dispositions in *Kille* and *Vonseydewitz* are of no assistance to the Court in
12 its analysis other than to provide some insight into what three of our seven Supreme Court Justices
13 thought of the facts and circumstances presented in *Kille* and what three other members of the Court
14 thought of the facts and circumstances in *Vonseydewitz*. Since both cases reached opposite results
15 under legal circumstances which, on their face, appear to be comparable, little is gained from
16 reviewing either of these cases. The fact that the cases were not chosen for publication only
17 underscores their lack of value in considering this case.⁷

18 The statutes in question all have one thing in common: they are legislative enactments. As
19 such, it is crucially important to determine what the legislative intent was when the statutes were
20 enacted. Our goal is not to evaluate whether we agree or disagree with their intent, nor is it for those
21 of us in the judiciary to second-guess the wisdom of the legislature, regardless of how strongly we
22 may feel about the collective wisdom or lack thereof. Instead, our purpose in reviewing a statute
23 must be to consider what the legislature's goals and purposes were; what they were trying to
24 accomplish, not based upon what we might later substitute as our own rationale, but based upon
25 what was in the contemplation of the legislators at the time of enactment.

26 _____
27 ⁵ Response to Petition for Writ of Habeas Corpus (hereafter, "Response"), filed 6/28/16, p. 2:11-13.

28 ⁶ Response, p. 2:13-17).

⁷ "An unpublished disposition, while publically available, does not establish mandatory precedent" NRAP 36(c)(2).

1 It is understood that the statutes that were in effect at the time the offense was committed,
2 govern.⁸

3 Petitioner was convicted and sentenced under NRS 484.3795, which stated that a person who
4 violated the statute was "guilty of a category B felony and shall be punished by imprisonment in the
5 state prison for a minimum term of not less than 2 years and a maximum term of not more than 20
6 years." (Emphasis added.)⁹

7 The *Vonseydewitz* Court said that "...the lack of reference to parole eligibility in a minimum-
8 maximum statute suggests that the minimum term imposed was not the minimum term that must be
9 served before an offender was eligible for parole."¹⁰ This Court disagrees.

10 The legislative intent could not be more clearly expressed: the minimum term that a person
11 shall serve when convicted under NRS 484.3795 is two years. The Petitioner offers nothing to
12 suggest that a sentencing judge would be permitted to impose a minimum sentence of anything less
13 than two years. In this case, the sentencing Judge's compliance with the statute is clear and the
14 Judgment of Conviction lacks no clarity in sentencing the Petitioner to a "MAXIMUM term of
15 NINETY-SIX (96) MONTHS with a MINIMUM parole eligibility of THIRTY-SIX (36)
16 MONTHS" for Count I through Count VI.

17 In considering the application of NRS 209.4465(7) and NRS 213.120(2) relevant to
18 Petitioner's conviction, this Court concludes that these statutes are consistent and may be interpreted
19 in a manner which does not create a conflict.

20 At the time of Petitioner's offense in 2000, NRS 209.4465(7) provided that:

21 Credits earned pursuant to this section:

- 22 (a) Must be deducted from the maximum term imposed by the sentence; and
23 (b) Apply to eligibility for parole unless the offender was sentenced pursuant to a statute
24 which specifies a minimum sentence that must be served before a person becomes
eligible for parole.

25 ⁸ *Weaver v. Graham*, 450 U.S. 24, 31-33 (1981).

26 ⁹ It is true that there are some statutes which *emphasize* or state somewhat differently that a certain number of years must
27 be served before a person becomes eligible for parole, e.g. NRS 200.030(4)(b)(2); NRS 200.366(2)(a)(2) but, in terms
28 of analyzing legislative intent, the difference in phraseology does not, in this court's opinion, reflect any meaningful
difference.

¹⁰ *Vonseydewitz*, p. 4.

1 NRS 213.120(2) provided, in part, that:

2
3 "a prisoner who was sentenced to prison for a crime committed on or after July 1, 1995, may
4 be paroled when he has served the minimum term to imprisonment imposed by the Court.
5 Any credits earned to reduce his sentence pursuant to chapter 209 of NRS while the prisoner
6 serves the minimum term of imprisonment may reduce only the maximum term of
7 imprisonment imposed and must not reduce the minimum term of imprisonment."

8 It is this Court's opinion that the legislature's expression of "minimum term" means
9 "minimum term" and that, by definition, a "minimum term" is not to be further diminished by
10 credits that would reduce the minimum term. Indeed, a "minimum term" is, by its nature,
11 irreducible: it is the minimum term.

12 Are we to conclude that when the legislature enacts a statute which states a convicted person
13 must serve a minimum term, and implements a provision for good-time credits which excludes
14 application toward minimum sentences, the legislature envisioned anything other than the convicted
15 person serving their required minimum term in prison? To attribute that kind of subliminal thinking
16 to the legislature would require jumping through imaginary hoops that depart from the trajectory of
17 logic and reason.

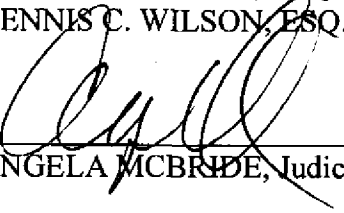
18 Accordingly, the petition for habeas corpus is denied.

19 DATED: August 5, 2016

20 
JIM CROCKETT, District Judge

21 I hereby certify that on or about the date filed, a copy of this Order was served upon the
22 parties as follows:

23 JOHN G. WATKINS, ESQ.
24 DENNIS C. WILSON, ESQ.

25 
ANGELA MCBRIDE, Judicial Executive Assistant


CLERK OF THE COURT

NEOJ

**DISTRICT COURT
CLARK COUNTY, NEVADA**

JESSICA WILLIAMS,

Petitioner,

vs.

NEVADA DEPARTMENT OF CORRECTIONS
(NDOC); JO GENTRY, WARDEN, (JEAN
CONSERVATION CAMP),

Respondent,

STATE OF NEVADA,

Real Party in Interest

Case No: A-16-735072-W

Dept. No: XXIV

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that on August 5, 2016, the court entered a decision or order in this matter, a true and correct copy of which is attached to this notice.

You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is mailed to you. This notice was mailed on August 11, 2016.

STEVEN D. GRIERSON, CLERK OF THE COURT

/s/ Chaunte Pleasant

Chaunte Pleasant, Deputy Clerk

CERTIFICATE OF MAILING

I hereby certify that on this 11 day of August 2016, I placed a copy of this Notice of Entry in:

- ☒ The bin(s) located in the Regional Justice Center of:
Clark County District Attorney's Office
Attorney General's Office – Appellate Division-

☒ The United States mail addressed as follows:

Jessica Williams # 68716
P.O. Box 19859
Jean, NV 89019

John G. Watkins, Esq.
804 South Sixth Street
Las Vegas, NV 89101

/s/ Chaunte Pleasant

Chaunte Pleasant, Deputy Clerk


CLERK OF THE COURT

1 ORDR

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

4 WILLIAMS, JESSICA,
5 Petitioner,

6 vs.

CASE NO. A-16-735072-W
DEPT NO. 24

7 NEVADA DEPARTMENT OF
8 CORRECTIONS (NDOC);
9 JO GENTRY, WARDEN, (JEAN
10 CONSERVATION CAMP),
11 Respondent,

12 STATE OF NEVADA,
13 Real Party in Interest.

14 **ORDER DENYING PETITIONER'S WRIT OF HABEAS CORPUS**
15 **(POST CONVICTION)**

16 Petitioner asks this Court to order that Petitioner is entitled to have NRS 209.4465 Statutory
17 Credits deducted from her minimum sentences as well as her maximum sentences.¹

18 Petitioner argues that "[t]he law until June 24, 2015 precluded NRS Chapter 209 'good time'
19 credits being deducted from a person's minimum sentence. See *Breault v. State*, 116 Nev. 311, 314,
20 996 P. 2d 888, 889 (2000) ("... credits earned to reduce his sentence pursuant to NRS Chapter 209
21 **may only reduce the maximum term.**")²

22 Petitioner contends that the law has been changed by an unpublished Nevada Supreme Court
23 disposition, *Vonseydewitz vs. Robert LeGrand*³ and that, as a result, the Nevada Department of
24 Corrections (hereafter NDOC) must apply NRS Chapter 209 Credits to Petitioner's minimum
25 sentences as well as her maximum sentences.⁴

26 The State opposes this petition contending that Petitioner's reliance upon *Vonseydewitz* is

27 ¹ Petition for Writ of Habeas Corpus (Post Conviction) (hereafter, "Petition"), filed April 14, 2016, p. 9:10-12.

28 ² Petition, p. 8:1-4. Emphasis supplied by petitioner.

³ *Vonseydewitz vs. LeGrand*, "Order of Reversal and Remand", No 66159 (June 24, 2015); En banc reconsideration denied, February 19, 2016.

⁴ Petition, p. 9:2-6.

1 misplaced because it is an unpublished, three-judge panel decision with no value as a legal
2 precedent.⁵ The state further points out that the analysis and reasoning in *Vonseydewitz* directly
3 contradicts another earlier unpublished, three-judge panel decision, decided the year before
4 *Vonseydewitz*, which reached the opposite conclusion – i.e. no application of credits to minimum
5 term sentences -- under similar legal circumstances.⁶ None of the justices on the *Vonseydewitz* panel
6 were also on the *Kille* panel.

7 This Court concludes *Vonseydewitz* has not, in fact, changed the law and there is, therefore,
8 no error in the way that Petitioner's incarceration times have been calculated. For that reason, the
9 petition is denied.

10 ANALYSIS

11 The unpublished dispositions in *Kille* and *Vonseydewitz* are of no assistance to the Court in
12 its analysis other than to provide some insight into what three of our seven Supreme Court Justices
13 thought of the facts and circumstances presented in *Kille* and what three other members of the Court
14 thought of the facts and circumstances in *Vonseydewitz*. Since both cases reached opposite results
15 under legal circumstances which, on their face, appear to be comparable, little is gained from
16 reviewing either of these cases. The fact that the cases were not chosen for publication only
17 underscores their lack of value in considering this case.⁷

18 The statutes in question all have one thing in common: they are legislative enactments. As
19 such, it is crucially important to determine what the legislative intent was when the statutes were
20 enacted. Our goal is not to evaluate whether we agree or disagree with their intent, nor is it for those
21 of us in the judiciary to second-guess the wisdom of the legislature, regardless of how strongly we
22 may feel about the collective wisdom or lack thereof. Instead, our purpose in reviewing a statute
23 must be to consider what the legislature's goals and purposes were; what they were trying to
24 accomplish, not based upon what we might later substitute as our own rationale, but based upon
25 what was in the contemplation of the legislators at the time of enactment.

26
27 ⁵ Response to Petition for Writ of Habeas Corpus (hereafter, "Response"), filed 6/28/16, p. 2:11-13.

⁶ Response, p. 2:13-17).

28 ⁷ "An unpublished disposition, while publically available, does not establish mandatory precedent" NRAP 36(c)(2).

1 It is understood that the statutes that were in effect at the time the offense was committed,
2 govern.⁸

3 Petitioner was convicted and sentenced under NRS 484.3795, which stated that a person who
4 violated the statute was "guilty of a category B felony and shall be punished by imprisonment in the
5 state prison for a minimum term of not less than 2 years and a maximum term of not more than 20
6 years." (Emphasis added.)⁹

7 The *Vonseydewitz* Court said that "...the lack of reference to parole eligibility in a minimum-
8 maximum statute suggests that the minimum term imposed was not the minimum term that must be
9 served before an offender was eligible for parole."¹⁰ This Court disagrees.

10 The legislative intent could not be more clearly expressed: the minimum term that a person
11 shall serve when convicted under NRS 484.3795 is two years. The Petitioner offers nothing to
12 suggest that a sentencing judge would be permitted to impose a minimum sentence of anything less
13 than two years. In this case, the sentencing Judge's compliance with the statute is clear and the
14 Judgment of Conviction lacks no clarity in sentencing the Petitioner to a "MAXIMUM term of
15 NINETY-SIX (96) MONTHS with a MINIMUM parole eligibility of THIRTY-SIX (36)
16 MONTHS" for Count I through Count VI.

17 In considering the application of NRS 209.4465(7) and NRS 213.120(2) relevant to
18 Petitioner's conviction, this Court concludes that these statutes are consistent and may be interpreted
19 in a manner which does not create a conflict.

20 At the time of Petitioner's offense in 2000, NRS 209.4465(7) provided that:

21 Credits earned pursuant to this section:

- 22 (a) Must be deducted from the maximum term imposed by the sentence; and
23 (b) Apply to eligibility for parole unless the offender was sentenced pursuant to a statute
24 which specifies a minimum sentence that must be served before a person becomes
eligible for parole.

25 ⁸ *Weaver v. Graham*, 450 U.S. 24, 31-33 (1981).

26 ⁹ It is true that there are some statutes which *emphasize* or state somewhat differently that a certain number of years must
27 be served before a person becomes eligible for parole, e.g. NRS 200.030(4)(b)(2); NRS 200.366(2)(a)(2) but, in terms
28 of analyzing legislative intent, the difference in phraseology does not, in this court's opinion, reflect any meaningful
difference.

¹⁰ *Vonseydewitz*, p. 4.

1 NRS 213.120(2) provided, in part, that:

2
3 "a prisoner who was sentenced to prison for a crime committed on or after July 1, 1995, may
4 be paroled when he has served the minimum term to imprisonment imposed by the Court.
5 Any credits earned to reduce his sentence pursuant to chapter 209 of NRS while the prisoner
6 serves the minimum term of imprisonment may reduce only the maximum term of
7 imprisonment imposed and must not reduce the minimum term of imprisonment."

8 It is this Court's opinion that the legislature's expression of "minimum term" means
9 "minimum term" and that, by definition, a "minimum term" is not to be further diminished by
10 credits that would reduce the minimum term. Indeed, a "minimum term" is, by its nature,
11 irreducible: it is the minimum term.

12 Are we to conclude that when the legislature enacts a statute which states a convicted person
13 must serve a minimum term, and implements a provision for good-time credits which excludes
14 application toward minimum sentences, the legislature envisioned anything other than the convicted
15 person serving their required minimum term in prison? To attribute that kind of subliminal thinking
16 to the legislature would require jumping through imaginary hoops that depart from the trajectory of
17 logic and reason.

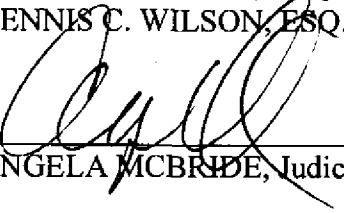
18 Accordingly, the petition for habeas corpus is denied.

19 DATED: August 5, 2016

20 
JIM CROCKETT, District Judge

21 I hereby certify that on or about the date filed, a copy of this Order was served upon the
22 parties as follows:

23 JOHN G. WATKINS, ESQ.
24 DENNIS C. WILSON, ESQ.

25 
ANGELA MCBRIDE, Judicial Executive Assistant

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

April 25, 2016

A-16-735072-W Jessica Williams, Plaintiff(s)
vs.
Nevada Department of Corrections, Defendant(s)

April 25, 2016 8:00 AM Minute Order

HEARD BY: Bell, Linda Marie **COURTROOM:** RJC Courtroom 03B

COURT CLERK: Sylvia Perez

RECORDER: Renee Vincent

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Based on the Court's personal knowledge of the case and to avoid the appearance of impropriety and implied bias, this Court hereby disqualifies itself and ORDERS, this case be REASSIGNED at random.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

May 17, 2016

A-16-735072-W Jessica Williams, Plaintiff(s)
vs.
Nevada Department of Corrections, Defendant(s)

May 17, 2016 9:00 AM All Pending Motions

HEARD BY: Crockett, Jim

COURTROOM: Phoenix Building Courtroom - 11th Floor

COURT CLERK: Theresa Lee

RECORDER:

REPORTER:

PARTIES

PRESENT: Bezian, Ellen J. Attorney
Watkins, John G. Attorney

JOURNAL ENTRIES

- PETITIONER JESSICA WILLIAMS' PETITION FOR WRIT OF HABEAS CORPUS...RESPONSE
AND COUNTERMOTION TO VACATE/CONTINUE HEARING AND ISSUE ORDER DIRECTING
RESPONSE

APPEARANCES CONTINUED: Dennis Wilson, DAG, present and representing the Attorney's General's Office.

Mr. Watkins advised the Court he filed a Motion to Amend since he left something out. He copied the Attorney General on this matter. Court noted that its Law Clerk printed out the Verification, and ORDERED, the Motion to Amend is GRANTED.

FURTHER ORDERED, the Court will pass this matter 45 days for the Attorney General's Office to file a Response. This motion has to do with calculation of credit for time served pursuant to the recent Nevada Supreme Court case. Court queried Mr. Watkins if that is the focus of his petition. Mr. Watkins concurred. Mr. Wilson stated that he does not necessarily agree because it is an unpublished opinion, but agreed with the Counsel's representations that it is the issue before the Court.

COURT ORDERED, AG's office to file their response in 45 days by 6/28/16, Mr. Watkins to file a reply in 10 days by 7/13/16, and the matter is CONTINUED to 7/21/16 at 9:00 A.M.

7/21/16 @ 9:00 A.M. CONTINUED SAME

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

July 21, 2016

A-16-735072-W	Jessica Williams, Plaintiff(s)
	vs.
	Nevada Department of Corrections, Defendant(s)

July 21, 2016	9:00 AM	Petition for Writ of Habeas Corpus
----------------------	----------------	---

HEARD BY: Crockett, Jim

COURTROOM: Phoenix Building Courtroom -
11th Floor

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER: Robert Cangemi

PARTIES

PRESENT:	Bezian, Ellen J.	Attorney
	Watkins, John G.	Attorney
	Wilson, Dennis C.	Attorney

JOURNAL ENTRIES

- Mr. Wakins argued there is nothing in the Statute that says Deft. has to serve a particular amount of time before she is released; Deft. is entitled to the minimum as well as maximum good time credits. Mr. Wilson argued the purpose of a minimum period is to set a parole eligibility date; no credits can be applied to accelerate or move up a parole date. Following additional argument, COURT ORDERED, a DECISION WILL ISSUE in two (2) weeks; the Court RESERVES THE RIGHT to request additional briefs. Additional argument and colloquy on the merits of the Motion.



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

JOHN G. WATKINS, ESQ.
804 SOUTH SIXTH STREET
LAS VEGAS, NV 89101

DATE: August 17, 2016
CASE: A-16-735072-W

RE CASE: JESSICA WILLIAMS vs. NEVADA DEPARTMENT OF CORRECTIONS (NDOC);
JO GENTRY, WARDEN, (JEAN CONSERVATION CAMP)

NOTICE OF APPEAL FILED: August 15, 2016

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS NOT TRANSMITTED HAVE BEEN MARKED:

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
- ☐ Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

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

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

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

***Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.*

Certification of Copy

State of Nevada }
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT
DOCKET ENTRIES; CIVIL COVER SHEET; ORDER DENYING PETITIONER'S WRIT OF
HABEAS CORPUS (POST CONVICTION); NOTICE OF ENTRY OF ORDER; DISTRICT COURT
MINUTES; NOTICE OF DEFICIENCY

JESSICA WILLIAMS,

Petitioner,

vs.

NEVADA DEPARTMENT OF CORRECTIONS
(NDOC); JO GENTRY, WARDEN, (JEAN
CONSERVATION CAMP),

Respondent,

STATE OF NEVADA,

Real Party in Interest.

Case No: A-16-735072-W

Dept. No: XXIV

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 17 day of August 2016.

Steven D. Grierson, Clerk of the Court

Chaunte Pleasant

Chaunte Pleasant, Deputy Clerk