

# IN THE SUPREME COURT OF THE STATE OF NEVADA

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Elizabeth A. Brown  
Clerk of Supreme Court

CEDRIC LEROB JACKSON,  
Appellant(s),

vs.

STATE OF NEVADA,  
Respondent(s),

Case No: 10C265339-1

Docket No: 72409

# RECORD ON APPEAL VOLUME 4

ATTORNEY FOR APPELLANT  
CEDRIC JACKSON # 1130512,  
PROPER PERSON  
P.O. BOX 208  
INDIAN SPRINGS, NV 89070

ATTORNEY FOR RESPONDENT  
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1 it deviated from best practices or most common custom.” Harrington v. Richter, 562 U.S. 86,  
2 88, 131 S. Ct. 770, 778 (2011). Further, “[e]ffective counsel does not mean errorless counsel,  
3 but rather counsel whose assistance is ‘[w]ithin the range of competence demanded of  
4 attorneys in criminal cases.’” Jackson v. Warden, Nevada State Prison, 91 Nev. 430, 432, 537  
5 P.2d 473, 474 (1975) (quoting McMann v. Richardson, 397 U.S. 759, 771, 90 S. Ct. 1441,  
6 1449 (1970)).

7 A Court begins with a presumption of effectiveness and then must determine whether  
8 the petitioner has demonstrated by a preponderance of the evidence that counsel was  
9 ineffective. Means v. State, 120 Nev. 1001, 1011-12, 103 P.3d 25, 32-33 (2004). The role of  
10 a court in considering alleged ineffective assistance of counsel is “not to pass upon the merits  
11 of the action not taken but to determine whether, under the particular facts and circumstances  
12 of the case, trial counsel failed to render reasonably effective assistance.” Donovan v. State,  
13 94 Nev. 671, 675, 584 P.2d 708, 711 (1978) (citing Cooper v. Fitzharris, 551 F.2d 1162, 1166  
14 (9th Cir. 1977)).

15 In considering whether trial counsel was effective, this Court must determine whether  
16 counsel made a “sufficient inquiry into the information that is pertinent to his client’s case,”  
17 and then whether counsel made “a reasonable strategy decision on how to proceed with his  
18 client’s case.” Doleman v State, 112 Nev. 843, 846, 921 P.2d 278, 280 (1996) (citing  
19 Strickland, 466 U.S. at 690-91, 104 S. Ct. at 2066).

20 Counsel cannot be deemed ineffective for failing to make futile objections. Ennis v.  
21 State, 122 Nev. 694, 137 P.3d 1095 (2006). Additionally, strategic and tactical decisions are  
22 “virtually unchallengeable absent extraordinary circumstances.” Doleman, 112 Nev. at 846,  
23 921 P.2d at 280. Trial counsel “has the immediate and ultimate responsibility of deciding if  
24 and when to object, which witnesses, if any, to call, and what defenses to develop.”  
25 Wainwright v. Sykes, 433 U.S. 72, 93, 97 S. Ct. 2497, 2510 (1977); accord Rhyne v. State,  
26 118 Nev. 1, 8, 38 P.3d 163, 167 (2002).

27 In order to meet the “prejudice” prong of the test, the petitioner must show a reasonable  
28 probability that, but for counsel’s errors, the result of the proceedings would have been

1 different. McNelson v. State, 115 Nev. 396, 403, 990 P.2d 1263, 1268 (1999). "A reasonable  
2 probability is a probability sufficient to undermine confidence in the outcome." Strickland,  
3 466 U.S. at 694, 104 S. Ct. at 2068. Indeed, "it is not enough to show that the errors had some  
4 conceivable effect on the outcome of the proceeding." Harrington, 562 U.S. at 104, 131 S. Ct.  
5 at 787 (quotation and citation omitted). Instead, the defendant must demonstrate that but for  
6 counsel's incompetence the results of the proceeding would have been different:

7 In assessing prejudice under Strickland, the question is not  
8 whether a court can be certain counsel's performance had no effect  
9 on the outcome or whether it is possible a reasonable doubt might  
10 have been established if counsel acted differently. Instead,  
11 Strickland asks whether it is reasonably likely the results would  
12 have been different. This does not require a showing that  
13 counsel's actions more likely than not altered the outcome, but the  
14 difference between Strickland's prejudice standard and a more-  
15 probable-than-not standard is slight and matters only in the rarest  
16 case. The likelihood of a different result must be substantial, not  
17 just conceivable.

18 Id. at 111-12, 131 S. Ct. at 791-92 (internal quotation marks and citations omitted).

19 A. Counsel Was Not Ineffective For Failing to Object to the Consecutive  
20 Sentence.

21 As the State noted *supra*, Defendant had no right to have a factual determination on the  
22 deadly weapon enhancement be made by a jury. The District Court's finding and the  
23 subsequent imposition of the consecutive sentence was legal and valid. Thus, any objection  
24 made by counsel regarding the imposition of that sentence would have been futile. Because  
25 counsel cannot be deemed ineffective for failing to make futile objections, his performance  
26 was not deficient. See Ennis, 122 Nev. 694, 137 P.3d 1095.

27 Likewise, because such an objection would have been futile, Defendant cannot  
28 demonstrate prejudice. The District Court was correct in imposing the sentence and therefore  
any objection would have been overruled. Defendant cannot show, then, that the result of the  
proceedings, or his sentence, would have been any different had counsel objected.

For each of these reasons, Defendant has failed to demonstrate that counsel was  
ineffective. Therefore, this claim should be denied.

//

1           **B.     Counsel Was Not Ineffective For Failing to Inform Defendant About the**  
2           **Procedural Bars to Post-Conviction Petitions.**

3           Defendant's final claim is that counsel was ineffective for failing to inform him of the  
4           one-year time bar that applies to post-conviction petitions for writs of habeas corpus. To the  
5           extent that Defendant's final claim is brought as a freestanding claim and not an attempt to  
6           demonstrate good cause to the procedural bars, he has failed to demonstrate that counsel had  
7           any obligation to provide him with such information or that he was prejudiced by any deficient  
8           performance.

9           First, the State notes that Defendant cites no relevant authority. He cites to Hill v.  
10          Lockhart, 474 U.S. 52, 106 S.Ct. 366 (1985), wherein the United States Supreme Court  
11          addressed a defendant's allegation that his guilty plea was entered involuntarily because his  
12          counsel was ineffective for incorrectly advising him about parole eligibility, and to Padilla v.  
13          Kentucky, 559 U.S. 356, 130 S.Ct. 1473 (2010), wherein the Court addressed a defendant's  
14          allegation that his guilty plea was entered involuntarily because his counsel was ineffective  
15          for failing to correctly advise him of clear immigration consequences that would result from  
16          his conviction. Petition Memorandum at 5. Defendant's claim involves post-guilty plea  
17          advice that he claims he should have been given. There is no imaginable circumstance where  
18          Defendant would not have pleaded guilty if, after having pleaded guilty, counsel had informed  
19          him that he only had one-year from the date of the Judgment of Conviction to file a post-  
20          conviction petition. Thus, the cited authority is irrelevant and Defendant's subsequent  
21          argument is not cogent. By providing no relevant authority and no cogent argument, he has  
22          failed to meet his burden in demonstrating ineffective assistance. See Browning v. State, 120  
23          Nev. 347, 365, 91 P.3d 39, 52 (2004); Lader v. Warden, 121 Nev. 682, 120 P.3d 1164 (2005);  
24          Colwell, 118 Nev. at 813, 59 P.3d at 467; Evans v. State, 117 Nev. 609, 646, 28 P.3d 498, 523  
25          (2001). Therefore, this claim should be denied.

26          Second, even if Defendant has presented relevant authority and cogent argument, he  
27          cannot demonstrate deficient performance or prejudice. Generally, counsel is not  
28          constitutionally required to advise a defendant who has pleaded guilty of his right to appeal.

1 Thomas v. State, 115 Nev. 148, 150, 979 P.2d 222, 223 (1999). Further, there is no entitlement  
2 to counsel on post-conviction. Under the U.S. Constitution, the Sixth Amendment provides  
3 no right to counsel in post-conviction proceedings. Coleman v. Thompson, 501 U.S. 722, 752,  
4 111 S. Ct. 2546, 2566 (1991). In McKague v. Warden, 112 Nev. 159, 163, 912 P.2d 255, 258  
5 (1996), the Nevada Supreme Court similarly observed that “[t]he Nevada Constitution...does  
6 not guarantee a right to counsel in post-conviction proceedings, as we interpret the Nevada  
7 Constitution’s right to counsel provision as being coextensive with the Sixth Amendment to  
8 the United States Constitution.” McKague specifically held that with the exception of NRS  
9 34.820(1)(a) (entitling appointed counsel when petitioner is under a sentence of death), one  
10 does not have “any constitutional or statutory right to counsel at all” in post-conviction  
11 proceedings. Id. at 164, 912 P.2d at 258.

12 It can be inferred from these two facts – that there is no right to post-conviction counsel  
13 and that, even regarding proceedings where a defendant is entitled to counsel, there is no  
14 obligation for trial counsel to inform the defendant about those proceedings – that there was  
15 no obligation for counsel to inform Defendant of the one-year time bar that applies to post-  
16 conviction petitions. Thus, counsel cannot be found to have been deficient in his performance.  
17 Finally, *in arguendo*, even if counsel was deficient in his performance, Defendant cannot  
18 demonstrate prejudice on this claim. By and through the GPA, Defendant stated that he  
19 understood he was waiving his right to appeal and also that he understood that he remained  
20 “free to challenge [his] conviction through other post-conviction remedies including a habeas  
21 corpus petition pursuant to NRS Chapter 34.” GPA at 5. Because Defendant was already  
22 aware of his right to challenge his conviction and the GPA directed him to the relevant  
23 statutory chapter that enumerates the procedural rules governing the process by which he could  
24 challenge his conviction, he could not have been prejudiced by counsel’s failure to inform him  
25 of the time bar as he already had been informed of his rights and where he could find all  
26 relevant information.

27 For these reasons, this claim should be denied.

28 //

1 CONCLUSION


2 For the foregoing reasons, the State respectfully requests that this Court deny  
3 Defendant's Petition as procedurally barred. If, however, this Court considers the Petition on  
4 the merits, the State requests each claim, and the Petition as a whole, be denied.

5 DATED this 20th day of January, 2017.

6 Respectfully submitted,

7 STEVEN B. WOLFSON  
8 Clark County District Attorney  
9 Nevada Bar #001565

10 BY

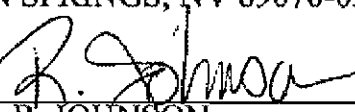
11   
12 STEVEN S. OWENS  
13 Chief Deputy District Attorney  
14 Nevada Bar #004352

15 CERTIFICATE OF MAILING

16 I hereby certify that service of the above and foregoing was made this 20th day of  
17 January, 2017, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

18 CEDRIC LEROB JACKSON #1130512  
19 SOUTHERN DESERT CORRECTIONAL CENTER  
20 P.O. BOX 208  
21 INDIAN SPRINGS, NV 89070-0208

22 BY

23   
24 R. JOHNSON  
25 Secretary for the District Attorney's Office  
26  
27  
28

AR/SSO/rj/M-1

1 CEDRIC L. JACKSON

2 In Propria Personam  
3 Post Office Box 208, S.D.C.C.  
4 Indian Springs, Nevada 89018

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5 IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
6 IN AND FOR THE COUNTY OF CLARK

CLERK OF THE COURT

9 THE STATE OF NEVADA  
10 Plaintiff,

11 vs.

12 CEDRIC L. JACKSON  
13 Defendant.

Case No. C265339

Dept. No. X

Docket \_\_\_\_\_

16 **NOTICE OF APPEAL**

17 NOTICE IS HEREBY GIVEN, That the Petitioner/Defendant,  
18 CEDRIC L. JACKSON, in and through his proper person, hereby  
19 appeals to the Supreme Court of Nevada from the ORDER denying and/or  
20 dismissing the

21 PETITION FOR WRIT OF HABEAS CORPUS w/ MEMORANDUM

22 \_\_\_\_\_  
23 ruled on the 25<sup>TH</sup> day of JANUARY, 2017.

24 \_\_\_\_\_  
25 Dated this 7<sup>TH</sup> day of FEBRUARY, 2017.

Respectfully Submitted.

26 x Cedric Jackson

RECEIVED  
FEB 13 2017  
CLERK OF THE COURT

CERTIFICATE OF SERVICE BY MAILING

I, Cedrick L. Jackson, hereby certify, pursuant to NRCP 5(b), that on this 7<sup>TH</sup> day of FEBRUARY, 2017, I mailed a true and correct copy of the foregoing, "

NOTICE of Appeal

by placing document in a sealed pre-postage paid envelope and deposited said envelope in the United State Mail addressed to the following:

STEVEN GRILSON  
CLERK OF THE COURT  
200 LEWIS AVE., 3RD FLOOR  
LAS VEGAS, NV  
89155-1160

CC: FILE

DATED: this 7<sup>TH</sup> day of FEBRUARY, 2017.

x Cedrick Jackson 1130512

/In Propria Personam  
Post Office Box 208, S.D.C.C.  
Indian Springs, Nevada 89018  
IN FORMA PAUPERIS:

AFFIRMATION  
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding \_\_\_\_\_

NOTICE of APPEAL

(Title of Document)

filed in District Court Case number C269339

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

-OR-

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

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

\_\_\_\_\_  
(State specific law)

-or-

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

x CJ  
Signature

2-7-17  
Date

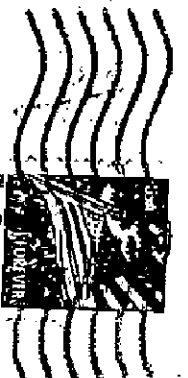
x Cedric Jackson  
Print Name

PETITIONER/APPELLANT  
Title

Cedric Jackson #1130312  
P.O. Box 208/Spec  
Indian Springs, NV 89407

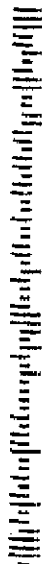
LAS VEGAS, NV 890

10 FEB 2017 PM 2 L



STEVEN GIBERSON  
CLERK OF THE COURT  
200 LEWIS AVE, 2nd floor  
LAS VEGAS, NV 89155-1160

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Original  
FEB 10 2017  
Southern Nevada  
Correctional Center

Cedrick L. Jackson # 1130512  
Petitioner/In Propria Persona  
Post Office Box 208, SDCC  
Indian Springs, Nevada 89070-0208

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IN THE 8<sup>TH</sup> JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF CLARK  
*Alvin D. Schuman*  
CLERK OF THE COURT

THE STATE OF NEVADA,  
Plaintiff,

vs.

Cedrick L. Jackson,  
Defendant.

CASE No. C265339  
DEPT. No. X

DESIGNATION OF RECORD ON APPEAL

TO: STEVEN GRILSON  
CLERK OF THE COURT  
200 LEWIS AVE. 3RD FLOOR  
LAS VEGAS, NV  
89155-1160

The above-named Plaintiff hereby designates the entire record of the above-entitled case, to include all the papers, documents, pleadings, and transcripts thereof, as and for the Record on Appeal.

DATED this 7<sup>TH</sup> day of FEBRUARY, 2017.

RESPECTFULLY SUBMITTED BY:

x Cedric Jackson  
# 1130512  
Plaintiff/In Propria Persona

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1 ASTA

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5  
6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**  
7 **STATE OF NEVADA IN AND FOR**  
8 **THE COUNTY OF CLARK**

9 STATE OF NEVADA,

10 Plaintiff(s),

11 vs.

12  
13 CEDRIC L. JACKSON  
14 aka CEDRIC JACKSON,

15 Defendant(s),

Case No: 10C265339-1

Dept No: X

16  
17 **CASE APPEAL STATEMENT**

18 1. Appellant(s): Cedric Jackson

19 2. Judge: Jessie Walsh

20 3. Appellant(s): Cedric Jackson

21 Counsel:

22  
23 Cedric Jackson #1130512  
24 P.O. Box 208  
Indian Springs, NV 89070

25 4. Respondent: The State of Nevada

26 Counsel:

27 Steven B. Wolfson, District Attorney  
28 200 Lewis Ave.

Las Vegas, NV 89101  
(702) 671-2700

5. Appellant(s)'s Attorney Licensed in Nevada: N/A  
Permission Granted: N/A

Respondent(s)'s Attorney Licensed in Nevada: Yes  
Permission Granted: N/A

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

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

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

9. Date Commenced in District Court: June 14, 2010

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

Type of Judgment or Order Being Appealed: Writ of Habeas Corpus

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 71752

12. Child Custody or Visitation: N/A

Dated This 14 day of February 2017.

Steven D. Grierson, Clerk of the Court

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk

200 Lewis Ave

PO Box 551601

Las Vegas, Nevada 89155-1601

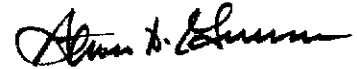
(702) 671-0512

cc: Cedric Jackson

1 **FCL**

2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 STEVEN S. OWENS  
6 Chief Deputy District Attorney  
7 Nevada Bar #004352  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

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CLERK OF THE COURT

DISTRICT COURT  
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

CASE NO: 10C265339-1

12 CEDRIC LEROB JACKSON,  
13 #1581340

DEPT NO: X

14 Defendant.

FINDINGS OF FACT, CONCLUSIONS OF  
LAW, AND ORDER

DATE OF HEARING: JANUARY 25, 2017  
TIME OF HEARING: 8:30 A.M.

18 THIS CAUSE having come on for hearing before the Honorable JOSEPH T.  
19 BONAVENTURE, District Judge, on the 25th day of January, 2017, the Petitioner not being  
20 present, proceeding in forma pauperis, the Respondent being represented by STEVEN B.  
21 WOLFSON, Clark County District Attorney, by and through HETTY WONG, Chief Deputy  
22 District Attorney, and the Court having considered the matter, including briefs, transcripts,  
23 and documents on file herein, now therefore, the Court makes the following findings of fact  
24 and conclusions of law:

25 **FINDINGS OF FACT, CONCLUSIONS OF LAW**

26 On June 16, 2010, the State of Nevada charged CEDRIC LEROB JACKSON  
27 (hereinafter "Defendant") by way of Information as follows: COUNT 1 – Murder with Use  
28 of a Deadly Weapon (Felony – NRS 200.010, 200.030, 193.165), COUNT 2 – Attempt Murder

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14 COUNT 2 – Attempt Murder with Use of a Deadly Weapon (Category B Felony – NRS  
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16 to both counts in the Amended Information.

17 Defendant appeared before the District Court on November 14, 2014, and was  
18 sentenced on COUNT 1 to a maximum of 25 years with a minimum parole eligibility of 10  
19 years, plus a consecutive term of 12 years with a minimum parole eligibility of four years for  
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23 COUNT 1. Defendant received 1,748 days credit for time served. The Judgment of  
24 Conviction was entered on November 21, 2014.

25 On June 22, 2016, Defendant filed a Motion to Modify and/or Correct by Setting Aside  
26 Illegal Sentence Based Upon Lack of Subject Matter Jurisdiction (“Motion to Modify”). The  
27 State filed its response to that motion on July 12, 2016. The District Court denied the motion  
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1 July 13, 2016. On November 14, 2016, Defendant filed an untimely Notice of Appeal from  
2 that denial. The matter is still pending before the Nevada Supreme Court.

3 On January 1, 2017, Defendant filed the instant Petition for Writ of Habeas Corpus  
4 ("Petition"). The State responded on January 20, 2017. The Court now orders the Petition  
5 denied.

6 **I. DEFENDANT'S PETITION IS PROCEDURALLY BARRED AND MUST BE**  
7 **DENIED.**

8 Defendant's Petition for Writ of Habeas Corpus is time barred with no good cause  
9 shown for delay. Pursuant to NRS 34.726(1):

10 Unless there is good cause shown for delay, a petition that  
11 challenges the validity of a judgment or sentence must be filed  
12 within 1 year of the entry of the judgment of conviction or, if an  
13 appeal has been taken from the judgment, within 1 year after the  
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15 subsection, good cause for delay exists if the petitioner  
demonstrates to the satisfaction of the court:

- 16 (a) That the delay is not the fault of the petitioner; and  
17 (b) That dismissal of the petition as untimely will  
18 unduly prejudice the petitioner.

19 A showing of good cause and prejudice may overcome procedural bars. "To establish  
20 good cause, appellants *must* show that an impediment external to the defense prevented their  
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22 where the factual or legal basis for a claim was not reasonably available at the time of default."  
23 Clem v. State, 119 Nev. 615, 621, 81 P.3d 521, 525 (2003) (emphasis added).

24 In the instant case, the Judgment of Conviction was filed on November 21, 2014, and  
25 Defendant did not file a direct appeal. Thus, the one-year time bar began to run from this date.  
26 The instant Petition was not filed until January 6, 2017, more than two years after the Judgment  
27 of Conviction was entered and in excess of the one-year time frame. Absent a showing of  
28 good cause for this delay and undue prejudice, Defendant's claim must be dismissed because  
of its tardy filing.

Additionally, Defendant has not even alleged good cause, and certainly has not  
demonstrated that an external impediment prevented his compliance with NRS 34.726(1).

1 Accordingly, because his Petition was not filed within the one-year timeframe and he has not  
2 shown good cause, the Petition is denied.

3 **II. DEFENDANT'S PETITION DOES NOT COMPLY WITH NRS 34.735 AND**  
4 **MUST BE DENIED.**

5 NRS 34.735 requires that a defendant filing a post-conviction Petition for Writ of  
6 Habeas Corpus answer 23 questions set forth within the statute. In the present case, Defendant  
7 has not met the relevant statutory requirement to file his petition in the proper form because  
8 he has failed to answer all 23 questions. Therefore, his Petition is denied for failing to meet  
9 the standard set forth by NRS 34.735.

10 **III. THE DISTRICT COURT DID NOT ERR IN IMPOSING A SENTENCE FOR**  
11 **USE OF A DEADLY WEAPON.**

12  
13 Defendant's first claim is that the District Court erred by imposing a consecutive  
14 sentence on each of the two counts for use of a deadly weapon. Specifically, he argues that  
15 such an enhancement sentence should not have been imposed without factual findings being  
16 made by a jury or Defendant admitting to using a deadly weapon. Petition Memorandum at  
17 1-3. He claims that neither happened and thus the sentence is illegal. *Id.* However, this issue  
18 has already been adjudicated by this Court and *res judicata* prevents further review.  
19 Additionally, this case involved a guilty plea and the right to trial by jury was waived, thus  
20 Defendant's claim has no merit.

21 Moreover, in conjunction with claiming that there was no factual finding at the time of  
22 the guilty plea (that he did not admit) Defendant claims that he was not properly canvassed as  
23 to the enhancement portion of the sentence. Petition Memorandum at 2. This claim, though,  
24 is belied by the record.

25 **A. This Claim Is Waived.**

26 In challenging the imposition of the consecutive sentence, Defendant has brought forth  
27 a claim that should have been raised on direct appeal. As the claim was not raised in such a  
28 proceeding, it is waived on post-conviction review.

1 NRS 34.810(1) reads:

2 The court shall dismiss a petition if the court determines that:

3 (a) The petitioner's conviction was upon a plea of guilty  
4 or guilty but mentally ill and the petition is not based upon an  
5 allegation that the plea was involuntarily or unknowingly or that  
6 the plea was entered without effective assistance of counsel.

7 (b) The petitioner's conviction was the result of a trial  
8 and the grounds for the petition could have been:

9 (2) Raised in a direct appeal or a prior petition  
10 for a writ of habeas corpus or post-conviction relief.

11 The Nevada Supreme Court has held that "challenges to the validity of a guilty plea and  
12 claims of ineffective assistance of trial and appellate counsel must first be pursued in post-  
13 conviction proceedings.... [A]ll other claims that are appropriate for a direct appeal must be  
14 pursued on direct appeal, or they will be *considered waived in subsequent proceedings.*"  
15 Franklin v. State, 110 Nev. 750, 752, 877 P.2d 1058, 1059 (1994) (emphasis added)  
16 (disapproved on other grounds by Thomas v. State, 115 Nev. 148, 979 P.2d 222 (1999)).

17 Since this claim does not challenge the validity of Defendant's guilty plea, nor does it  
18 allege ineffective assistance of counsel, and Defendant did not raise it on a direct appeal from  
19 the Judgment of Conviction, it must be deemed waived and is denied.

20 **B. This Court Has Already Adjudicated This Matter.**

21 Even if this Court were to entertain this claim, it falls under the doctrine of *res judicata*.  
22 For an issue to fall under *res judicata*, it must have already been decided in a prior proceeding.  
23 The following three conditions must be met: (1) the issue decided in the prior litigation must  
24 be identical to the issue presented in the current action, (2) the initial ruling must have been  
25 on the merits and have become final, and (3) the party against whom the judgment is asserted  
26 must have been a party or in privity with a party to the prior litigation. Pulley v. Preferred  
27 Risk Mutual Insurance, 111 Nev. 856, 858, 897 P.2d 1101, 1102-03 (1995).

28 When Defendant filed his Motion to Modify, he made the exact same claim that he  
brings here. This Court denied that motion. See Order Denying Defendant's Pro Per Motion  
to Appoint Counsel and Order Denying Defendant's Pro Per Motion to Modify and/or Correct  
by Setting Aside Illegal Sentence Based Upon Lack of Subject Matter Jurisdiction at 2.

1 Because Defendant reiterates the same arguments here, using the exact same language from  
2 the Motion to Modify – see Petition Memorandum at 2-3 – the District Court previously ruled  
3 on the issue on the merits, and Defendant was a party in that case, the doctrine of *res judicata*  
4 applies here. Accordingly, this claim is denied.

5 **C. Defendant Had No Right to a Determination on the Facts by a Jury.**

6 Defendant's claim regarding a factual determination that should have been made by a  
7 jury is completely without merit. In Apprendi v. New Jersey, 530 U.S. 466, 120 S.Ct. 2348  
8 (2000), the United States Supreme Court announced that "[o]ther than the fact of a prior  
9 conviction, any fact that increases the penalty for a crime beyond the prescribed statutory  
10 maximum must be submitted to a jury, and proved beyond a reasonable doubt." Id. 530 U.S.  
11 at 490, 120 S.Ct. 2362-63. However, the Supreme Court has also held that "the valid entry of  
12 a guilty plea in a state criminal court involves the waiver of several federal constitutional  
13 rights. Among these 'is the right to trial by jury.'" Colwell v. State, 118 Nev. 807, 823, 59  
14 P.3d 463, 474 (2002) (citing Boykin v. Alabama, 395 U.S. 238, 89 S.Ct. 1709 (1969)). The  
15 Nevada Supreme Court has ruled held that when a defendant pleads guilty, he waives the right  
16 guaranteed by Apprendi to have enhancing or aggravating facts determined by a jury and  
17 provide beyond a reasonable doubt. Id. 118 Nev. at 822-23, 59 P.3d 473-74.

18 Defendant pleaded guilty and knowingly waived all rights to trial by jury. Defendant's  
19 guilty plea and waiver of his right to trial by jury also served to waive his right to have any  
20 enhancing or aggravating facts determined by a jury and proved beyond a reasonable doubt.  
21 Therefore, this claim, being completely without merit, is denied.

22 **D. Defendant's Claim Regarding the Plea Canvass and His Knowledge Is**  
23 **Belied by the Record.**

24 Defendant's claim regarding the plea canvass, there being no admission as to the facts  
25 required for the enhancement, and his knowledge regarding these issues is belied by the record.  
26 "Bare" and "naked" allegations are not sufficient to warrant post-conviction relief, nor are  
27 those belied and repelled by the record. Hargrove v. State, 100 Nev. 498, 502, 686 P.2d 222,  
28 225 (1984). "A claim is 'belied' when it is contradicted or proven to be false by the record as

1 it existed at the time the claim was made.” Mann v. State, 118 Nev. 351, 354, 46 P.3d 1228,  
2 1230 (2002). NRS 34.735(6) states in relevant part that a Defendant “*must* allege specific facts  
3 supporting the claims in the petition,” and that “[f]ailure to allege specific facts rather than just  
4 conclusions may cause your petition to be dismissed.” (emphasis added).

5 Defendant’s claim is belied by the Guilty Plea Agreement (GPA) entered on September  
6 17, 2014, wherein he acknowledged the offenses with which he was charged and the possible  
7 sentences they carried. Therefore, Defendant’s claim about being unaware of the consecutive  
8 sentence and being improperly canvassed is belied by the record.

9 For these reasons, the sentence was appropriate and legal. The District Court did not  
10 err in rendering such a sentence. Therefore, this claim is denied.

#### 11 **IV. DEFENDANT’S COUNSEL WAS NOT INEFFETIVE.**

12 Defendant also raises two claims of ineffective assistance of counsel. First, he claims  
13 that counsel was for ineffective for failing to object to the District Court imposing the  
14 consecutive term of imprisonment for use of a deadly weapon. Second, he claims that counsel  
15 was ineffective for failing to inform Defendant that he only had one year to file a post-  
16 conviction petition. As for his first claim, Defendant cannot demonstrate either deficient  
17 performance or prejudice for the reasons provided *supra* demonstrating that he had no right to  
18 a jury making a factual determination. His second claim also fails as counsel has no obligation  
19 to provide such information.

20 Ineffective assistance of counsel claims are analyzed under a two-prong test set forth in  
21 Strickland v. Washington, 466 U.S. 668, 687, 104 S. Ct. 2052, 2064 (1984), wherein the  
22 petitioner must show: (1) that counsel’s performance was deficient, and (2) that the deficient  
23 performance prejudiced the defense.

##### 24 **A. Counsel Was Not Ineffective For Failing to Object to the Consecutive** 25 **Sentence.**

26 As this Court stated *supra*, Defendant had no right to have a factual determination on  
27 the deadly weapon enhancement be made by a jury. The District Court’s finding and the  
28 subsequent imposition of the consecutive sentence was legal and valid. Thus, any objection

1 made by counsel regarding the imposition of that sentence would have been futile. Because  
2 counsel cannot be deemed ineffective for failing to make futile objections, his performance  
3 was not deficient. Likewise, because such an objection would have been futile, Defendant  
4 cannot demonstrate prejudice.

5 For each of these reasons, Defendant has failed to demonstrate that counsel was  
6 ineffective. Therefore, this claim is denied.

7 **B. Counsel Was Not Ineffective For Failing to Inform Defendant About the**  
8 **Procedural Bars to Post-Conviction Petitions.**

9 Defendant's final claim is that counsel was ineffective for failing to inform him of the  
10 one-year time bar that applies to post-conviction petitions for writs of habeas corpus. He has  
11 failed to demonstrate that counsel had any obligation to provide him with such information or  
12 that he was prejudiced by any deficient performance.

13 Defendant has cited no relevant authority. Thus, his subsequent argument is not cogent.  
14 By providing no relevant authority and no cogent argument, he has failed to meet his burden  
15 in demonstrating ineffective assistance. See Browning v. State, 120 Nev. 347, 365, 91 P.3d  
16 39, 52 (2004); Lader v. Warden, 121 Nev. 682, 120 P.3d 1164 (2005); Colwell, 118 Nev. at  
17 813, 59 P.3d at 467; Evans v. State, 117 Nev. 609, 646, 28 P.3d 498, 523 (2001). Therefore,  
18 this claim is denied.

19 Second, even if Defendant has presented relevant authority and cogent argument, he  
20 cannot demonstrate deficient performance or prejudice. Generally, counsel is not  
21 constitutionally required to advise a defendant who has pleaded guilty of his right to appeal.  
22 Thomas v. State, 115 Nev. 148, 150, 979 P.2d 222, 223 (1999). Further, there is no entitlement  
23 to counsel on post-conviction. It can be inferred from these two facts – that there is no right  
24 to post-conviction counsel and that, even regarding proceedings where a defendant is entitled  
25 to counsel, there is no obligation for trial counsel to inform the defendant about those  
26 proceedings – that there was no obligation for counsel to inform Defendant of the one-year  
27 time bar that applies to post-conviction petitions. Thus, counsel cannot be found to have been  
28 deficient in his performance.

1 Finally, *in arguendo*, even if counsel was deficient in his performance, Defendant  
2 cannot demonstrate prejudice on this claim. Through the GPA, Defendant stated that he  
3 understood he was waiving his right to appeal and also that he understood that he remained  
4 "free to challenge [his] conviction through other post-conviction remedies including a habeas  
5 corpus petition pursuant to NRS Chapter 34." Because Defendant was already aware of his  
6 right to challenge his conviction and the GPA directed him to the relevant statutory chapter  
7 that enumerates the procedural rules governing the process by which he could challenge his  
8 conviction, he could not have been prejudiced by counsel's failure to inform him of the time  
9 bar as he already had been informed of his rights and where he could find all relevant  
10 information.

11 For these reasons, this claim is denied.

12 **ORDER**

13 THEREFORE, IT IS HEREBY ORDERED that the Petition for Post-Conviction Relief  
14 shall be, and it is, hereby denied.

15 DATED this 21<sup>st</sup> day of February, 2017.

16  
17   
DISTRICT JUDGE 

18 STEVEN B. WOLFSON  
19 Clark County District Attorney  
Nevada Bar #001565

20 BY   
21 STEVEN S. OWENS

22 Deputy District Attorney  
23 Nevada Bar #004352  
24  
25  
26  
27  
28

CERTIFICATE OF SERVICE

I certify that on the 15th day of February, 2017, I mailed a copy of the foregoing proposed Findings of Fact, Conclusions of Law, and Order to:

CEDRIC LEROB JACKSON #1130512  
SOUTHERN DESERT CORRECTIONAL CENTER  
P.O. BOX 208  
INDIAN SPRINGS, NV 89070-0208

BY



R. JOHNSON

Secretary for the District Attorney's Office

AR/SSO/rj/M-1

  
CLERK OF THE COURT

NEO

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

CEDRIC JACKSON,

Petitioner,

vs.

THE STATE OF NEVADA,

Respondent,

Case No: 10C265339-1

Dept No: X

**NOTICE OF ENTRY OF FINDINGS OF  
FACT, CONCLUSIONS OF LAW AND  
ORDER**

**PLEASE TAKE NOTICE** that on March 7, 2017, 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 March 15, 2017.

STEVEN D. GRIERSON, CLERK OF THE COURT

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk

CERTIFICATE OF MAILING

I hereby certify that on this 15 day of March 2017, I placed a copy of this Notice of Entry in:

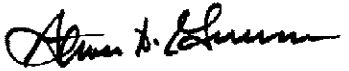
- ☒ The bin(s) located in the Regional Justice Center of:  
Clark County District Attorney's Office  
Attorney General's Office – Appellate Division-
- ☒ The United States mail addressed as follows:  
Cedric Jackson # 1130512  
P.O. Box 208  
Indian Springs, NV 89070

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk

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2 STEVEN B. WOLFSON  
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13 #1581340

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2 shown good cause, the Petition is denied.

3 **II. DEFENDANT'S PETITION DOES NOT COMPLY WITH NRS 34.735 AND**  
4 **MUST BE DENIED.**

5 NRS 34.735 requires that a defendant filing a post-conviction Petition for Writ of  
6 Habeas Corpus answer 23 questions set forth within the statute. In the present case, Defendant  
7 has not met the relevant statutory requirement to file his petition in the proper form because  
8 he has failed to answer all 23 questions. Therefore, his Petition is denied for failing to meet  
9 the standard set forth by NRS 34.735.

10 **III. THE DISTRICT COURT DID NOT ERR IN IMPOSING A SENTENCE FOR**  
11 **USE OF A DEADLY WEAPON.**

12  
13 Defendant's first claim is that the District Court erred by imposing a consecutive  
14 sentence on each of the two counts for use of a deadly weapon. Specifically, he argues that  
15 such an enhancement sentence should not have been imposed without factual findings being  
16 made by a jury or Defendant admitting to using a deadly weapon. Petition Memorandum at  
17 1-3. He claims that neither happened and thus the sentence is illegal. *Id.* However, this issue  
18 has already been adjudicated by this Court and *res judicata* prevents further review.  
19 Additionally, this case involved a guilty plea and the right to trial by jury was waived, thus  
20 Defendant's claim has no merit.

21 Moreover, in conjunction with claiming that there was no factual finding at the time of  
22 the guilty plea (that he did not admit) Defendant claims that he was not properly canvassed as  
23 to the enhancement portion of the sentence. Petition Memorandum at 2. This claim, though,  
24 is belied by the record.

25 **A. This Claim Is Waived.**

26 In challenging the imposition of the consecutive sentence, Defendant has brought forth  
27 a claim that should have been raised on direct appeal. As the claim was not raised in such a  
28 proceeding, it is waived on post-conviction review.

1 NRS 34.810(1) reads:

2 The court shall dismiss a petition if the court determines that:

3 (a) The petitioner's conviction was upon a plea of guilty  
4 or guilty but mentally ill and the petition is not based upon an  
5 allegation that the plea was involuntarily or unknowingly or that  
6 the plea was entered without effective assistance of counsel.

7 (b) The petitioner's conviction was the result of a trial  
8 and the grounds for the petition could have been:

9 ... (2) Raised in a direct appeal or a prior petition  
10 for a writ of habeas corpus or post-conviction relief.

11 The Nevada Supreme Court has held that "challenges to the validity of a guilty plea and  
12 claims of ineffective assistance of trial and appellate counsel must first be pursued in post-  
13 conviction proceedings.... [A]ll other claims that are appropriate for a direct appeal must be  
14 pursued on direct appeal, or they will be *considered waived in subsequent proceedings.*"  
15 Franklin v. State, 110 Nev. 750, 752, 877 P.2d 1058, 1059 (1994) (emphasis added)  
16 (disapproved on other grounds by Thomas v. State, 115 Nev. 148, 979 P.2d 222 (1999)).

17 Since this claim does not challenge the validity of Defendant's guilty plea, nor does it  
18 allege ineffective assistance of counsel, and Defendant did not raise it on a direct appeal from  
19 the Judgment of Conviction, it must be deemed waived and is denied.

20 **B. This Court Has Already Adjudicated This Matter.**

21 Even if this Court were to entertain this claim, it falls under the doctrine of *res judicata*.  
22 For an issue to fall under *res judicata*, it must have already been decided in a prior proceeding.  
23 The following three conditions must be met: (1) the issue decided in the prior litigation must  
24 be identical to the issue presented in the current action, (2) the initial ruling must have been  
25 on the merits and have become final, and (3) the party against whom the judgment is asserted  
26 must have been a party or in privity with a party to the prior litigation. Pulley v. Preferred  
27 Risk Mutual Insurance, 111 Nev. 856, 858, 897 P.2d 1101, 1102-03 (1995).

28 When Defendant filed his Motion to Modify, he made the exact same claim that he  
brings here. This Court denied that motion. See Order Denying Defendant's Pro Per Motion  
to Appoint Counsel and Order Denying Defendant's Pro Per Motion to Modify and/or Correct  
by Setting Aside Illegal Sentence Based Upon Lack of Subject Matter Jurisdiction at 2.

1 Because Defendant reiterates the same arguments here, using the exact same language from  
2 the Motion to Modify – see Petition Memorandum at 2-3 – the District Court previously ruled  
3 on the issue on the merits, and Defendant was a party in that case, the doctrine of *res judicata*  
4 applies here. Accordingly, this claim is denied.

5 **C. Defendant Had No Right to a Determination on the Facts by a Jury.**

6 Defendant's claim regarding a factual determination that should have been made by a  
7 jury is completely without merit. In Apprendi v. New Jersey, 530 U.S. 466, 120 S.Ct. 2348  
8 (2000), the United States Supreme Court announced that "[o]ther than the fact of a prior  
9 conviction, any fact that increases the penalty for a crime beyond the prescribed statutory  
10 maximum must be submitted to a jury, and proved beyond a reasonable doubt." Id. 530 U.S.  
11 at 490, 120 S.Ct. 2362-63. However, the Supreme Court has also held that "the valid entry of  
12 a guilty plea in a state criminal court involves the waiver of several federal constitutional  
13 rights. Among these 'is the right to trial by jury.'" Colwell v. State, 118 Nev. 807, 823, 59  
14 P.3d 463, 474 (2002) (citing Boykin v. Alabama, 395 U.S. 238, 89 S.Ct. 1709 (1969)). The  
15 Nevada Supreme Court has ruled held that when a defendant pleads guilty, he waives the right  
16 guaranteed by Apprendi to have enhancing or aggravating facts determined by a jury and  
17 provide beyond a reasonable doubt. Id. 118 Nev. at 822-23, 59 P.3d 473-74.

18 Defendant pleaded guilty and knowingly waived all rights to trial by jury. Defendant's  
19 guilty plea and waiver of his right to trial by jury also served to waive his right to have any  
20 enhancing or aggravating facts determined by a jury and proved beyond a reasonable doubt.  
21 Therefore, this claim, being completely without merit, is denied.

22 **D. Defendant's Claim Regarding the Plea Canvass and His Knowledge Is**  
23 **Belied by the Record.**

24 Defendant's claim regarding the plea canvass, there being no admission as to the facts  
25 required for the enhancement, and his knowledge regarding these issues is belied by the record.  
26 "Bare" and "naked" allegations are not sufficient to warrant post-conviction relief, nor are  
27 those belied and repelled by the record. Hargrove v. State, 100 Nev. 498, 502, 686 P.2d 222,  
28 225 (1984). "A claim is 'belied' when it is contradicted or proven to be false by the record as

1 it existed at the time the claim was made.” Mann v. State, 118 Nev. 351, 354, 46 P.3d 1228,  
2 1230 (2002). NRS 34.735(6) states in relevant part that a Defendant “*must* allege specific facts  
3 supporting the claims in the petition,” and that “[f]ailure to allege specific facts rather than just  
4 conclusions may cause your petition to be dismissed.” (emphasis added).

5 Defendant’s claim is belied by the Guilty Plea Agreement (GPA) entered on September  
6 17, 2014, wherein he acknowledged the offenses with which he was charged and the possible  
7 sentences they carried. Therefore, Defendant’s claim about being unaware of the consecutive  
8 sentence and being improperly canvassed is belied by the record.

9 For these reasons, the sentence was appropriate and legal. The District Court did not  
10 err in rendering such a sentence. Therefore, this claim is denied.

#### 11 **IV. DEFENDANT’S COUNSEL WAS NOT INEFFECTIVE.**

12 Defendant also raises two claims of ineffective assistance of counsel. First, he claims  
13 that counsel was for ineffective for failing to object to the District Court imposing the  
14 consecutive term of imprisonment for use of a deadly weapon. Second, he claims that counsel  
15 was ineffective for failing to inform Defendant that he only had one year to file a post-  
16 conviction petition. As for his first claim, Defendant cannot demonstrate either deficient  
17 performance or prejudice for the reasons provided *supra* demonstrating that he had no right to  
18 a jury making a factual determination. His second claim also fails as counsel has no obligation  
19 to provide such information.

20 Ineffective assistance of counsel claims are analyzed under a two-prong test set forth in  
21 Strickland v. Washington, 466 U.S. 668, 687, 104 S. Ct. 2052, 2064 (1984), wherein the  
22 petitioner must show: (1) that counsel’s performance was deficient, and (2) that the deficient  
23 performance prejudiced the defense.

##### 24 **A. Counsel Was Not Ineffective For Failing to Object to the Consecutive** 25 **Sentence.**

26 As this Court stated *supra*, Defendant had no right to have a factual determination on  
27 the deadly weapon enhancement be made by a jury. The District Court’s finding and the  
28 subsequent imposition of the consecutive sentence was legal and valid. Thus, any objection

1 made by counsel regarding the imposition of that sentence would have been futile. Because  
2 counsel cannot be deemed ineffective for failing to make futile objections, his performance  
3 was not deficient. Likewise, because such an objection would have been futile, Defendant  
4 cannot demonstrate prejudice.

5 For each of these reasons, Defendant has failed to demonstrate that counsel was  
6 ineffective. Therefore, this claim is denied.

7 **B. Counsel Was Not Ineffective For Failing to Inform Defendant About the**  
8 **Procedural Bars to Post-Conviction Petitions.**

9 Defendant's final claim is that counsel was ineffective for failing to inform him of the  
10 one-year time bar that applies to post-conviction petitions for writs of habeas corpus. He has  
11 failed to demonstrate that counsel had any obligation to provide him with such information or  
12 that he was prejudiced by any deficient performance.

13 Defendant has cited no relevant authority. Thus, his subsequent argument is not cogent.  
14 By providing no relevant authority and no cogent argument, he has failed to meet his burden  
15 in demonstrating ineffective assistance. See Browning v. State, 120 Nev. 347, 365, 91 P.3d  
16 39, 52 (2004); Lader v. Warden, 121 Nev. 682, 120 P.3d 1164 (2005); Colwell, 118 Nev. at  
17 813, 59 P.3d at 467; Evans v. State, 117 Nev. 609, 646, 28 P.3d 498, 523 (2001). Therefore,  
18 this claim is denied.

19 Second, even if Defendant has presented relevant authority and cogent argument, he  
20 cannot demonstrate deficient performance or prejudice. Generally, counsel is not  
21 constitutionally required to advise a defendant who has pleaded guilty of his right to appeal.  
22 Thomas v. State, 115 Nev. 148, 150, 979 P.2d 222, 223 (1999). Further, there is no entitlement  
23 to counsel on post-conviction. It can be inferred from these two facts – that there is no right  
24 to post-conviction counsel and that, even regarding proceedings where a defendant is entitled  
25 to counsel, there is no obligation for trial counsel to inform the defendant about those  
26 proceedings – that there was no obligation for counsel to inform Defendant of the one-year  
27 time bar that applies to post-conviction petitions. Thus, counsel cannot be found to have been  
28 deficient in his performance.

1 Finally, *in arguendo*, even if counsel was deficient in his performance, Defendant  
2 cannot demonstrate prejudice on this claim. Through the GPA, Defendant stated that he  
3 understood he was waiving his right to appeal and also that he understood that he remained  
4 "free to challenge [his] conviction through other post-conviction remedies including a habeas  
5 corpus petition pursuant to NRS Chapter 34." Because Defendant was already aware of his  
6 right to challenge his conviction and the GPA directed him to the relevant statutory chapter  
7 that enumerates the procedural rules governing the process by which he could challenge his  
8 conviction, he could not have been prejudiced by counsel's failure to inform him of the time  
9 bar as he already had been informed of his rights and where he could find all relevant  
10 information.

11 For these reasons, this claim is denied.

12 **ORDER**

13 THEREFORE, IT IS HEREBY ORDERED that the Petition for Post-Conviction Relief  
14 shall be, and it is, hereby denied.

15 DATED this 21<sup>st</sup> day of February, 2017.

16  
17   
DISTRICT JUDGE 

18 STEVEN B. WOLFSON  
19 Clark County District Attorney  
Nevada Bar #001565

20  
21 BY   
22 STEVEN S. OWENS  
23 Deputy District Attorney  
24 Nevada Bar #004352  
25  
26  
27  
28

CERTIFICATE OF SERVICE

I certify that on the 15th day of February, 2017, I mailed a copy of the foregoing proposed Findings of Fact, Conclusions of Law, and Order to:

CEDRIC LEROB JACKSON #1130512  
SOUTHERN DESERT CORRECTIONAL CENTER  
P.O. BOX 208  
INDIAN SPRINGS, NV 89070-0208

BY



R. JOHNSON

Secretary for the District Attorney's Office

AR/SSO/rj/M-1

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

CEDRIC LEROB JACKSON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

**Supreme Court No. 71752**  
District Court Case No. C265339

**FILED**

**MAR 30 2017**

*Elizabeth A. Brown*  
CLERK OF COURT

**CLERK'S CERTIFICATE**

STATE OF NEVADA, ss.

I, Elizabeth A. Brown, the duly appointed and qualified Clerk of the Supreme Court of the State of Nevada, do hereby certify that the following is a full, true and correct copy of the Judgment in this matter.

**JUDGMENT**

The court being fully advised in the premises and the law, it is now ordered, adjudged and decreed, as follows:

"ORDER this appeal DISMISSED."

Judgment, as quoted above, entered this 28th day of February, 2017.

IN WITNESS WHEREOF, I have subscribed  
my name and affixed the seal of the Supreme  
Court at my Office in Carson City, Nevada this  
March 27, 2017.

Elizabeth A. Brown, Supreme Court Clerk

By: Jessica Rodriguez  
Deputy Clerk



10C265339-1  
CCJD  
NV Supreme Court Clerks Certificate/Judgm  
4636406



IN THE SUPREME COURT OF THE STATE OF NEVADA

CEDRIC LEROB JACKSON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 71752

**FILED**

FEB 28 2017

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

*ORDER DISMISSING APPEAL*

This is a pro se appeal from a district court order denying a motion to modify and/or correct an illegal sentence. Eighth Judicial District Court, Clark County; Jessie Elizabeth Walsh, Judge.

The notice of appeal was untimely filed. NRAP 4(b); NRAP 26(a); NRAP 26(c). Because an untimely notice of appeal fails to vest jurisdiction in this court, *Lozada v. State*, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994), we conclude that we lack jurisdiction to consider this appeal, and we

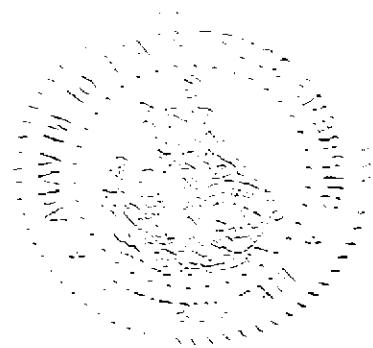
ORDER this appeal DISMISSED.

*[Signature]*, J.  
Hardesty

*[Signature]*, J.  
Parraguirre

*[Signature]*, J.  
Stiglich

cc: Hon. Jessie Elizabeth Walsh, District Judge  
Cedric Lerob Jackson  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk




**CERTIFIED COPY**

This document is a full, true and correct copy of  
the original on file and of record in my office.

DATE: 03/27/2013

Supreme Court Clerk, State of Nevada

By  Deputy

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

CEDRIC LEROB JACKSON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

**Supreme Court No. 71752**  
District Court Case No. C265339

**REMITTITUR**

TO: Steven D. Grierson, Eighth District Court Clerk

Pursuant to the rules of this court, enclosed are the following:

Certified copy of Judgment and Opinion/Order.  
Receipt for Remittitur.

DATE: March 27, 2017

Elizabeth A. Brown, Clerk of Court

By: Jessica Rodriguez  
Deputy Clerk

cc (without enclosures):

Hon. Jessie Elizabeth Walsh, District Judge  
Cedric Lerob Jackson  
Clark County District Attorney  
Attorney General/Carson City

**RECEIPT FOR REMITTITUR**

Received of Elizabeth A. Brown, Clerk of the Supreme Court of the State of Nevada, the  
REMITTITUR issued in the above-entitled cause, on MAR 30 2017.

HEATHER UNGERMANN

Deputy District Court Clerk

**RECEIVED**

**MAR 30 2017**

CLERK OF THE COURT

1

17-10091

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****June 23, 2010**

10C265339-1

State of Nevada  
vs  
Cedric Jackson

**June 23, 2010****9:00 AM****Initial Arraignment**

**INITIAL  
ARRAIGNMENT  
Court Clerk: Kristen  
Brown  
Reporter/Recorder:  
Kiara Schmidt Heard  
By: EUGENE  
MARTIN**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

<b>PRESENT:</b>	Jackson, Cedric L	Defendant
	Keenan, Nell	Attorney
	Laurent, Christopher J.	Attorney
	Winder, Dan M.	Attorney

**JOURNAL ENTRIES**

- Mr. Bindrup requested matter be CONTINUED to tomorrow and will notify Ms. Keenan of the continuance, COURT SO ORDERED.

RECALLED: Ms. Keenan and Mr. Winder present and requested matter be heard at 10:30 am instead of 1:30 pm tomorrow, COURT SO ORDERED. Ms. Keenan stated that she will notify Mr. Bindrup of the new time.

CUSTODY (BOTH)

6/24/10 10:30 AM ARRAIGNMENT CONTINUED (BOTH)

PRINT DATE: 06/06/2017

Page 1 of 24

Minutes Date: June 23, 2010

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****June 24, 2010**

10C265339-1

State of Nevada  
vs  
Cedric Jackson

**June 24, 2010****10:30 AM****Arraignment Continued**

**ARRAIGNMENT  
CONTINUED Relief  
Clerk: Roshonda  
Mayfied  
Reporter/Recorder:  
Kiara Schmidt Heard  
By: Randall Weed**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Jackson, Cedric L  
Keenan, Nell  
Winder, Dan M.

Defendant  
Attorney  
Attorney

**JOURNAL ENTRIES**

- DEFT'S JACKSON and COLEMAN ARRAIGNED, PLED NOT GUILTY and WAIVED THE 60-DAY RULE. COURT ORDERED, matter set for trial. COURT ORDERED, matter set for status check regarding trial setting before Department 20 as requested by counsel.

CUSTODY (BOTH)

7/7/10 8:30 A.M. STATUS CHECK: TRIAL SETTING (DEPT. 20)

PRINT DATE: 06/06/2017

Page 2 of 24

Minutes Date: June 23, 2010

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****July 07, 2010**

10C265339-1

State of Nevada  
vs  
Cedric Jackson

**July 07, 2010****8:30 AM****All Pending Motions**

**ALL PENDING  
MOTIONS 7/7/10  
Relief Clerk: Carole  
D'Aloia  
Reporter/Recorder:  
Julie Lever Heard  
By: LEE GATES**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Jackson, Cedric L  
Jimenez, Sonia V.  
Weinstock, Arnold

Defendant  
Attorney  
Attorney

**JOURNAL ENTRIES**

- STATUS CHECK: TRIAL SETTING (BOTH)...DEFENDANT'S MOTION FOR DISCOVERY (JACKSON)

Mr. Weinstock appeared for Mr. Winder and advised Defendant's motion for discovery is being worked out with the D.A.'s Office. COURT ORDERED, all discovery required by statute and case law be provided to the defense. As to trial setting, parties requested a 5/2/11 date and, COURT SO ORDERED.

CUSTODY (BOTH)

4/27/11 9:00 AM CALENDAR CALL

5/2/11 1:00 PM JURY TRIAL

PRINT DATE: 06/06/2017

Page 3 of 24

Minutes Date: June 23, 2010

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****November 15, 2010**

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10C265339-1      State of Nevada  
                         vs  
                         Cedric Jackson

---

**November 15, 2010      9:00 AM      Motion to Withdraw as  
Counsel**

**HEARD BY:** Bonaventure, Joseph T.      **COURTROOM:** RJC Courtroom 11D

**COURT CLERK:** Carol Foley  
                         Linda Denman

**RECORDER:**

**REPORTER:** Kim Tuchman

**PARTIES**

<b>PRESENT:</b>	Jackson, Cedric L	Defendant
	Jimenez, Sonia V.	Attorney
	State of Nevada	Plaintiff
	Winder, Dan M.	

**JOURNAL ENTRIES**

- Mr. Winder advised he is moving to withdraw as Defendant Jackson can no longer pay his fee, and since co-defendant is presently being represented by the Special Public Defender's Office he would like to go through the procedure to see if he is appointed to represent Defendant through Drew Christensen. Ms. Jimenez noted the Public Defender's office has a conflict. Court noted he has no objection to Mr. Winder being appointed. COURT ORDERED motion GRANTED and matter set for confirmation of counsel.

**CUSTODY**

11/22/2010 9:00 AM CONFIRMATION OF COUNSEL

PRINT DATE: 06/06/2017

Page 4 of 24

Minutes Date: June 23, 2010

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****November 22, 2010**

10C265339-1      State of Nevada  
                         vs  
                         Cedric Jackson

**November 22, 2010      9:00 AM      Confirmation of Counsel**

**HEARD BY:** Bonaventure, Joseph T.      **COURTROOM:** RJC Courtroom 11D

**COURT CLERK:** Carol Foley  
                         Linda Denman

**RECORDER:**

**REPORTER:** Gina Shrader

**PARTIES**

<b>PRESENT:</b>	Jackson, Cedric L	Defendant
	Jimenez, Sonia V.	Attorney
	Samples, Peg	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Court ORDERED Mr. Winder, who was not present, CONFIRMED as counsel for Defendant Jackson. Court FURTHER ORDERED a status check to confirm a second attorney who will be appointed as well. Court further directed that Mr. Winder be apprised of his appointment.

**CUSTODY**

1/10/2011 9:00 AM STATUS CHECK: CONFIRMATION OF CO-COUNSEL

CLERK'S NOTE: Mr. Winder appeared in court after this matter had been handled and was advised of his confirmation and the next court date./ld

PRINT DATE: 06/06/2017

Page 5 of 24

Minutes Date: June 23, 2010

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****January 10, 2011**

10C265339-1

State of Nevada  
vs  
Cedric Jackson

**January 10, 2011****8:30 AM****Status Check****HEARD BY:** Walsh, Jessie**COURTROOM:** RJC Courtroom 14B**COURT CLERK:** Teri Berkshire**RECORDER:** Victoria Boyd**REPORTER:****PARTIES****PRESENT:**

Christensen, Nell E.  
Jackson, Cedric L.  
Jimenez, Sonia V.  
Palm, Patricia A.  
State of Nevada  
Winder, Dan M.

Attorney  
Defendant  
Attorney  
Attorney  
Plaintiff  
Attorney

**JOURNAL ENTRIES**

- Mr. Winder advised this is on for status check to confirm appointment of counsel. Further, counsel advised Ms. Palm is co-counsel. COURT SO ORDERED. Colloquy regarding trial date. Counsel to place matter on calendar for status check, if trial date needs to be moved.

04/27/11 8:30 AM CALENDAR CALL

05/02/11 1:30 PM JURY TRIAL

**CUSTODY**

PRINT DATE: 06/06/2017

Page 6 of 24

Minutes Date: June 23, 2010

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****March 30, 2011**

10C265339-1      State of Nevada  
                         vs  
                         Cedric Jackson

**March 30, 2011      8:30 AM      Hearing**

**HEARD BY:** Walsh, Jessie      **COURTROOM:** RJC Courtroom 14B

**COURT CLERK:** Teri Berkshire

**RECORDER:** Victoria Boyd

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Jackson, Cedric L	Defendant
	Jimenez, Sonia V.	Attorney
	State of Nevada	Plaintiff
	Winder, Dan M.	Attorney

**JOURNAL ENTRIES**

- APPEARANCES CONTINUED: Mr. Bindrup Esq., and Ms. Maningo Esq., present for co-deft. Coleman.

Mr. Winder advised Ms. Palm is co-counsel, however, she could not be here today. Mr. Jimenez advised the State put this matter on as a courtesy, however, this is a defense request to continue trial. Upon Court's inquiry, counsel stated trial will take approximately 3 weeks with half days. COURT ORDERED, trial date VACATED and RESET.

CUSTODY (BOTH)

06/20/11 8:30 AM CALENDAR CALL

06/25/11 1:00 PM JURY TRIAL

PRINT DATE: 06/06/2017

Page 7 of 24

Minutes Date: June 23, 2010

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****February 06, 2012**

10C265339-1

State of Nevada  
vs  
Cedric Jackson

**February 06, 2012****10:00 AM****Motion to Sever****HEARD BY:** Walsh, Jessie**COURTROOM:** RJC Courtroom 14B**COURT CLERK:** Teri Berkshire**RECORDER:** Victoria Boyd**REPORTER:****PARTIES****PRESENT:**

Christensen, Nell E.  
Jackson, Cedric L  
Palm, Patricia A.  
State of Nevada  
Winder, Dan M.

Attorney  
Defendant  
Attorney  
Plaintiff  
Attorney

**JOURNAL ENTRIES**

- APPEARANCES CONTINUED: Ivette Maningo Esq., and Scott Bindrup Esq., present for co-deft. Coleman.

Ms. Maningo advised deft. Coleman is not on calendar today. Court So Noted. Argument by Ms. Palm in support of Deft's Motion to Sever Trial of Defts. Argument by Ms. Christensen in opposition. Following arguments, COURT ORDERED, motion DENIED. Ms. Christensen to prepare the order.

PRINT DATE: 06/06/2017

Page 8 of 24

Minutes Date: June 23, 2010

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 21, 2012**

10C265339-1      State of Nevada  
                         vs  
                         Cedric Jackson

**May 21, 2012      8:30 AM      Motion to Continue Trial**

**HEARD BY:** Gates, Lee A.      **COURTROOM:** RJC Courtroom 14B

**COURT CLERK:** Teri Berkshire

**RECORDER:** Victoria Boyd

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Christensen, Nell E.	Attorney
	Jackson, Cedric L	Defendant
	Jimenez, Sonia V.	Attorney
	Palm, Patricia A.	Attorney
	State of Nevada	Plaintiff
	Winder, Dan M.	Attorney

**JOURNAL ENTRIES**

- APPEARANCES CONTINUED: Ms. Maningo and Mr. Bindrup present for co-deft. Coleman.

Counsel advised the co-deft. was not transported. COURT ORDERED, matter CONTINUED for co-deft. to be transported.

**CUSTODY**

05/30/12 8:30 AM    DEFT'S MOTION BY DEFT. JACKSON TO CONTINUE TRIAL

PRINT DATE: 06/06/2017

Page 9 of 24

Minutes Date: June 23, 2010

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 30, 2012**

10C265339-1      State of Nevada  
                         vs  
                         Cedric Jackson

**May 30, 2012      8:30 AM      Motion to Continue Trial**

**HEARD BY:** Walsh, Jessie      **COURTROOM:** RJC Courtroom 14B

**COURT CLERK:** Teri Berkshire

**RECORDER:** Victoria Boyd

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Christensen, Nell E.	Attorney
	Jackson, Cedric L	Defendant
	Jimenez, Sonia V.	Attorney
	Palm, Patricia A.	Attorney
	State of Nevada	Plaintiff
	Winder, Dan M.	Attorney

**JOURNAL ENTRIES**

- APPEARANCES CONTINUED: Scott Bindrup and Ivette Maningo for co-deft. Coleman

Following arguments by counsel, COURT ORDERED, Defendant s Motion to Continue Trial, GRANTED. FURTHER COURT ORDERED, trial date VACATED and RE-SET.

**CUSTODY (BOTH)**

06/19/13 8:30 AM CALENDAR CALL (BOTH)

06/24/13 1:00 PM JURY TRIAL (BOTH)

PRINT DATE: 06/06/2017

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Minutes Date: June 23, 2010

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****September 05, 2012**

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10C265339-1      State of Nevada  
                         vs  
                         Cedric Jackson

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**September 05, 2012      8:30 AM      Motion****HEARD BY:** Walsh, Jessie**COURTROOM:** RJC Courtroom 14B**COURT CLERK:** Teri Berkshire**RECORDER:** Victoria Boyd**REPORTER:****PARTIES**

<b>PRESENT:</b>	Christensen, Nell E.	Attorney
	Jackson, Cedric L	Defendant
	Palm, Patricia A.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- There being no opposition, COURT ORDERED motion GRANTED. Following review, ORDER SIGNED IN OPEN COURT.

**CUSTODY**

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****April 22, 2013**

10C265339-1

State of Nevada  
vs  
Cedric Jackson

**April 22, 2013****8:30 AM****All Pending Motions****HEARD BY:** Walsh, Jessie**COURTROOM:** RJC Courtroom 14B**COURT CLERK:** Teri Berkshire**RECORDER:** Victoria Boyd**REPORTER:****PARTIES**

<b>PRESENT:</b>	Christensen, Nell E.	Attorney
	Jackson, Cedric L	Defendant
	Palm, Patricia A.	Attorney
	Pieper, Danielle K.	Attorney
	State of Nevada	Plaintiff
	Weinstock, Arnold, ESQ	Attorney

**JOURNAL ENTRIES**

- Defendant Jackson's Motion to Continue Trial...Defendant Jackson's Motion to Sever Trial

APPEARANCES CONTINUED: Scott Bindrup Esq., and Robert Arroyo Esq., present for co-deft. Coleman.

Court noted no opposition to the motion to continue trial. Ms. Palm stated there is still outstanding discovery. Colloquy regarding trial date. Mr. Bindrup stated his opposition to the motion to continue. Upon Court's inquiry regarding new ballistics this late in the game, Ms. Christensen advised its not new ballistics, but a defense request. Further counsel stated she will get together with Ms. Palm as to the discovery. Ms. Palm advised she will do a motion if needed. COURT ORDERED, Defendant Jackson's Motion to Continue Trial, GRANTED. Arguments by Ms. Palm in support of Deft's motion to Sever. Arguments by Mr. Bindrup and Ms. Christensen in opposition. Following arguments, Court Stated its Findings and ORDERED, motion DENIED. FURTHER, trial date VACATED and RE-SET.

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Inquiry by Ms. Palm as to the pretrial transcripts and that they should be getting them. Court so noted.

CUSTODY (BOTH)

06/18/14 8:30 AM CALENDAR CALL

06/23/14 1:00 PM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****June 04, 2014**

10C265339-1

State of Nevada  
vs  
Cedric Jackson

**June 04, 2014****8:30 AM****Request****HEARD BY:** Walsh, Jessie**COURTROOM:** RJC Courtroom 14B**COURT CLERK:** Teri Berkshire**RECORDER:** Victoria Boyd**REPORTER:****PARTIES****PRESENT:**

Demonte, Noreen  
Jackson, Cedric L  
Mercer, Elizabeth A.  
Palm, Patricia A.  
State of Nevada

Attorney  
Defendant  
Attorney  
Attorney  
Plaintiff

**JOURNAL ENTRIES**

- APPEARANCES CONTINUED: Mr. Arroyo present for co-deft. Coleman.

Ms. Palm advised she filed a joinder to Deft's Motion to Dismiss or in the Alternative to Compel Disclosure of Brady Material and to Continue Trial. Following arguments by counsel, Court Stated its Findings and ORDERED, Deft's Motion to Dismiss or in the Alternative to Compel Disclosure of Brady Material, DENIED. FURTHER COURT ORDERED, motion to Continue Trial, GRANTED. Colloquy regarding trial date. Upon Court's inquiry, counsel advised the trial will take 3-4 weeks. Ms. Palm advised she has out of state witnesses and 5 experts. Further there are multiple investigators. COURT ORDERED, trial date VACATED and RE-SET on the date given.

**CUSTODY**

02/09/15 8:30 AM CALENDAR CALL

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02/23/15 1:00 PM JURY TRIAL

Clerk's note: On 08/22/14, Minutes amended to reflect correct parties present. tb

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****September 17, 2014**

10C265339-1      State of Nevada  
                         vs  
                         Cedric Jackson

**September 17, 2014    8:30 AM      Request**

**HEARD BY:** Walsh, Jessie

**COURTROOM:** RJC Courtroom 14B

**COURT CLERK:** Dania Batiste

**RECORDER:** Victoria Boyd

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Demonte, Noreen	Attorney
	Jackson, Cedric L	Defendant
	Mercer, Elizabeth A.	Attorney
	Palm, Patricia A.	Attorney
	State of Nevada	Plaintiff
	Winder, Dan M.	Attorney

**JOURNAL ENTRIES**

- Amended Information and Guilty Plea Agreement (GPA) FILED IN OPEN COURT.

Following a conference at the Bench, Ms. Palm read the negotiations on the record. State concurred. During canvass, COURT ORDERED, matter TRAILED for Defendant to be allotted additional time to read the GPA before proceeding.

**MATTER RECALLED**

Upon the Court's inquiry, Defendant advised he has read the GPA, understands what the document entails, and has had an opportunity to speak with his counsel. COURT SO NOTED.

DEFT. JACKSON ARRAIGNED and PLED GUILTY to COUNT 1: SECOND DEGREE MURDER WITH USE OF A DEADLY WEAPON (F) and COUNT 2: ATTEMPT MURDER WITH USE OF A

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DEADLY WEAPON (F). Court ACCEPTED plea, and, ORDERED, matter referred to the Division of Parole and Probation (P & P) and SET for sentencing. COURT FURTHER ORDERED, calendar call and trial dates VACATED.

CUSTODY

11/19/2014      8:30 am      Sentencing

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****November 19, 2014**

10C265339-1      State of Nevada  
                         vs  
                         Cedric Jackson

**November 19, 2014      8:30 AM      Sentencing**

**HEARD BY:** Walsh, Jessie      **COURTROOM:** RJC Courtroom 14B

**COURT CLERK:** Teri Berkshire

**RECORDER:** Victoria Boyd

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Demonte, Noreen	Attorney
	Jackson, Cedric L	Defendant
	Mercer, Elizabeth A.	Attorney
	Palm, Patricia A.	Attorney
	State of Nevada	Plaintiff
	Winder, Dan M.	Attorney

**JOURNAL ENTRIES**

- DEFT. JACKSON ADJUDGED GUILTY of COUNT - 1 SECOND DEGREE MURDER WITH USE OF A DEADLY WEAPON (F) and COUNT 2 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (F). Arguments by counsel. Statement by deft. Victim speaker, Sworn statements given. Matter submitted. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, \$3.00 DNA Administrative Assessment fee and a \$150.00 DNA Analysis fee including testing to determine genetic markers, Deft. SENTENCED to a MAXIMUM of TWENTY-FIVE (25) YEARS and a MINIMUM of TEN (10) YEARS in the Nevada Department of Corrections (NDC); Plus a CONSECUTIVE TERM of a MINIMUM of FOUR (4) YEARS and a MAXIMUM of TWELVE (12) YEARS for USE OF DEADLY WEAPON. As to COUNT 2 - Deft. SENTENCED to a MAXIMUM of SIXTY (60) MONTHS and a MINIMUM of TWENTY-FOUR (24) MONTHS in the Nevada Department of Corrections (NDC); Plus a CONSECUTIVE TERM of a MINIMUM of TWELVE (12) MONTHS and a MAXIMUM of THIRTY (30) MONTHS for USE OF DEADLY WEAPON; CONCURRENT with COUNT 1; with 1748 DAYS credit for time served. CASE CLOSED.

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BOND EXONERATED.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****August 24, 2015**

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10C265339-1      State of Nevada  
                         vs  
                         Cedric Jackson

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**August 24, 2015      8:30 AM      Motion to Withdraw as  
Counsel**

**HEARD BY:** Thompson, Charles      **COURTROOM:** RJC Courtroom 14B

**COURT CLERK:** Teri Berkshire  
Cynthia Molerres

**RECORDER:** Victoria Boyd

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Jones, Jr., John T.	Attorney
	State of Nevada	Plaintiff
	Weinstock, Arnold, ESQ	Attorney

**JOURNAL ENTRIES**

- Deft. not present and in the Nevada Department of corrections. There being no opposition, COURT ORDERED motion GRANTED. Court directed counsel to notify deft. and send the file.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****January 04, 2016**

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10C265339-1      State of Nevada  
                         vs  
                         Cedric Jackson

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**January 04, 2016      8:30 AM      Motion**

**HEARD BY:** Bonaventure, Joseph T.      **COURTROOM:** RJC Courtroom 14B

**COURT CLERK:** Teri Berkshire

**RECORDER:** Victoria Boyd

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Burns, J Patrick	Attorney
	State of Nevada	Plaintiff
	Winder, Dan M.	Attorney

**JOURNAL ENTRIES**

- Deft. not present and in the Nevada Department of Corrections. Matter submitted. Court Stated its Findings and ORDERED, motion DENIED. State to prepare the order.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

## COURT MINUTES

**July 13, 2016**

10C265339-1                      State of Nevada  
vs  
Cedric Jackson

**July 13, 2016                      8:30 AM                      All Pending Motions**

**HEARD BY:** Walsh, Jessie                      **COURTROOM:** RJC Courtroom 14B

**COURT CLERK:** Kathy Klein  
Katrina Hernandez

**RECORDER:** Victoria Boyd

**REPORTER:**

## PARTIES

**PRESENT:** State of Nevada Plaintiff  
Thomson, Megan Attorney

## JOURNAL ENTRIES

- Ms. Thomson submitted on the pleadings. Court stated its findings and ORDERED as follows:  
As to DEFENDANT'S PRO PER MOTION TO WITHDRAW COUNSEL, Counsel is no longer on the case, MOOT;  
as to DEFENDANT'S PRO PER MOTION TO MODIFY AND/OR CORRECT BY SETTING ASIDE ILLEGAL SENTENCE BASE UPON LACK OF SUBJECT MATTER JURISDICTION, DENIED;  
and as to DEFENDANT'S PRO PER MOTION TO APPOINT COUNSEL, DENIED. State to prepare the order.

NDC

\*CLERK'S NOTE: The above Minute Order was distributed via electronic mail to: CEDRIC JACKSON #1130512, SOUTHERN DESERT CORRECTIONAL CENTER, P.O. BOX 208, INDIAN SPRINGS, NEVADA 89070-0208./KH 7-20-16

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****July 27, 2016**

10C265339-1

State of Nevada  
vs  
Cedric Jackson

**July 27, 2016****8:30 AM****Motion****HEARD BY:** Walsh, Jessie**COURTROOM:** RJC Courtroom 14B**COURT CLERK:** Louisa Garcia**RECORDER:** Victoria Boyd**REPORTER:****PARTIES****PRESENT:**

State of Nevada  
Thomson, Megan

Plaintiff  
Attorney

**JOURNAL ENTRIES**

- Defendant not present, in the Nevada Department of Corrections.

Court advised it previously denied all of Defendant's motions. COURT ORDERED, said motion also DENIED, as being MOOT. State to prepare Order.

NDC

CLERK'S NOTE: The above Minute Order was distributed to: CEDRIC JACKSON #1130512, SOUTHERN DESERT CORRECTIONAL CENTER, P.O. BOX 208, INDIAN SPRINGS, NEVADA 89070-0208. /lg 8-11-16.

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****January 25, 2017**

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10C265339-1      State of Nevada  
                         vs  
                         Cedric Jackson

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**January 25, 2017      8:30 AM      Petition for Writ of Habeas  
Corpus**

**HEARD BY:** Bonaventure, Joseph T.      **COURTROOM:** RJC Courtroom 14B

**COURT CLERK:** Teri Berkshire

**RECORDER:** Victoria Boyd

**REPORTER:**

**PARTIES**

**PRESENT:**      State of Nevada      Plaintiff  
                         Wong, Hetty O.      Attorney

**JOURNAL ENTRIES**

- Deft. not present and in the Nevada Department of Corrections. Matter submitted. Court noted deft. filed an appeal to the Nevada Supreme Court, and this Court is divested of Jurisdiction. Further, this Petition is time barred under NRS 34.7261. COURT ORDERED, Petition for Writ of Habeas Corpus, DENIED. State to prepare the order.

NDC

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# Certification of Copy and Transmittal of Record

State of Nevada }  
County of Clark } SS:

Pursuant to the Supreme Court order dated May 15, 2017, I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, do hereby certify that the foregoing is a true, full and correct copy of the complete trial court record for the case referenced below. The record comprises four volumes with pages numbered 1 through 782.

STATE OF NEVADA,

Plaintiff(s),

vs.

CEDRIC L. JACKSON aka CEDRIC  
JACKSON,

Defendant(s),

Case No: 10C265339-1

Dept. No: X

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 6 day of June 2017.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk