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

3
4 MICHAEL ALAN LEE.
5 Appellant,
6 vs.
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8
9

THE STATE OF NEVADA,
Respondent.

) Case No. D-16-529649-B
)
) Docket No. 74089
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)
)
)
)

Electronically Filed
Oct 30 2017 01:54 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

10 **APPELLANT'S RESPONSE TO ORDER TO SHOW CAUSE**

11 COMES NOW Appellant, MICHAEL LEE, by and through undersigned
12
13 counsel, hereby respectfully responds to this Honorable Court's Order to Show
14 Cause.
15

16 This response is made and based upon the following Memorandum and all
17 papers and pleadings on file herein.
18

19 DATED this 30th day of October, 2017.

20 Respectfully submitted,

21 MAYFIELD, GRUBER & SHEETS

22 BY /s/ Damian Sheets

23 DAMIAN R. SHEETS, ESQ.

24 Nevada Bar No. 10755

25 726 S. Casino Center Blvd., Suite 211

26 Las Vegas, Nevada 89101

27 *Counsel for Appellant*
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A jury trial was held in Department 23, before the Honorable Stefany Miley. The trial began on August 4, 2014, and concluded on August 18, 2014. At the conclusion of the deliberation, the jury returned verdicts of guilty on both counts. Mr. Lee was sentenced on Count 1 (Murder) to Life without the possibility of parole, consecutive to case C199242; and Count 2 (Child Abuse and Neglect with Substantial Bodily Harm) to a maximum of 240 months with a minimum parole eligibility of 96 months, consecutive to Count 1.

Mr. Lee appealed the verdict on December 2, 2014 under Nevada Supreme Court case number 66963. This Honorable Court upheld the verdict on August 10, 2016.

Mr. Lee filed a Petition for Writ of Habeas Corpus in the district court on May 12, 2017, with an Errata filed June 19, 2017. The Petition was denied on June 28, 2017 with the Notice of Entry of Findings of Fact entered on August 2, 2017.

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1 **RESPONSE TO ORDER TO SHOW CAUSE**

2 Subsequent to the denial of the Mr. Lee's Petition for Writ of Habeas
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4 Corpus, Mr. Lee's counsel was diagnosed with a brain tumor and the firm was
5 forced to withdraw. On September 13, 2017, during the hearing on the Motion to
6
7 Withdraw filed by Mr. Lee's counsel, the district court granted Mr. Lee an
8 extension to October 25, 2017 to file his Notice of Appeal. (See attached Exhibit
9 "1" – Minutes from the September 13, 2017 hearing.)

10
11 **CONCLUSION**

12 Based upon the foregoing, Appellant respectfully requests this Court vacate
13
14 the Order to Show Cause and set a briefing schedule.

15 DATED this 30th day of October, 2017.

16
17 Respectfully submitted,
18 MAYFIELD, GRUBER & SHEETS

19 BY /s/ Damian Sheets
20 DAMIAN R. SHEETS, ESQ.
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CLARK COUNTY DISTRICT ATTORNEY
Regional Justice Center
200 Lewis Avenue
P.O. Box 552212
Las Vegas, Nevada 89155-2212
Counsel for Plaintiff/Respondent

ADAM LAXALT
Nevada Attorney General
100 North Carson Street
Carson City, Nevada 89701-4717
Counsel for Respondent

MICHAEL LEE
NDOC No. 81950
c/o High Desert State Prison
P.O. Box 650
Indian Springs, Nevada 89070-0650
Defendant/Appellant

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EXHIBIT 1

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REGISTER OF ACTIONS

CASE No. C-11-277650-1

State of Nevada vs Michael Lee

Case Type: **Felony/Gross Misdemeanor**

Date Filed: 11/17/2011

Location: **Department 23**

Cross-Reference Case Number: **C277650**

Defendant's Scope ID #: 1699107

Lower Court Case # Root: 11FH1653

Lower Court Case Number: 11FH1653A

Supreme Court No.: **66963**

74089

PARTY INFORMATION

Defendant **Lee, Michael A**
P O Box 20100
Jean, NV 89019
Other Agency Numbers
1699107 Scope ID Subject Identifier

Lead Attorneys
Damian Sheets
Retained
702-598-1299(W)

Plaintiff **State of Nevada**

Steven B Wolfson
702-671-2700(W)

CHARGE INFORMATION

Charges: Lee, Michael A	Statute	Level	Date
1. MURDER	200.010	Felony	06/13/2011
2. CHILD ABUSE/NEGLECT WITH SUBSTANTIAL BODILY HARM	200.508	Felony	06/13/2011

EVENTS & ORDERS OF THE COURT

08/30/2017 | **Motion to Withdraw as Counsel** (9:30 AM) (Judicial Officer Miley, Stefany)

08/30/2017, 09/13/2017

Potter Law Offices' Motion to Withdraw as Counsel and Stay Proceedings

Minutes

08/30/2017 9:30 AM

- Def't. not present. C.J. Potter IV Esq., present, advised Def't's parents were present today, noted they are meeting with two attorneys this week and requested a stay in order for them to file appeal, as Notice of Appeal is to be filed by September 13, 2017. COURT ORDERED, extension of 30 days in which to file appeal and matter CONTINUED. NDC 09-13-17 9:30 AM POTTER LAW OFFICES' MOTION TO WITHDRAW AS COUNSEL AND STAY PROCEEDINGS

09/13/2017 9:30 AM

- Deft. not present. C.J. Potter IV Esq. present. Mr. Lippmann advised Damian Sheets Esq. had been retained. COURT ORDERED, motion GRANTED IN PART. Counsel requested an extension to file the appeal for review of discovery. FURTHER, request for extension to file Notice of Appeal is GRANTED and is extended to October 25, 2017. NDC

Parties Present

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