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IN THE SUPREME COURT OF THE STATE OF NEVADA

CEASAR SANCHEZ VALENCIA,

Appellant,

v.

THE STATE OF NEVADA,

Respondent.

No. 75282

Electronically Filed
Sep 17 2018 11:46 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

APPELLANT'S REPLY APPENDIX "ARA"
ARA001 – ARA012

ATTORNEY FOR APPELLANT

GREGORY E. COYER, ESQ.

Nevada Bar No. 10013

600 S. Tonopah Drive, Suite 220

Las Vegas, Nevada 89106

Telephone: 702.802.3088

Facsimile: 702.802.3157

ATTORNEY FOR RESPONDENT

STEVEN B. WOLFSON, ESQ.

Clark County District Attorney

200 Lewis Avenue, 3rd Floor

Las Vegas, Nevada 89101

Telephone: 702.617.2700

Facsimile: 702.868.2415

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APPELLANT’S REPLY APPENDIX INDEX
(Alphabetical)

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CEASAR Valencia #1588390

330 S Casino Center Blvd
Las Vegas NV 89101

DISTRICT COURT
CLARK COUNTY, NEVADA

PP
DA
AOR: PD
MC

STATE OF NEVADA

Plaintiff,

vs.

Ceasar Valencia
#1588390

Defendant

Case No.: C-16-315580-1

Dept. No.: Electronically Filed
07/11/2016 11:21:46 AM

Docket No.:
8-2-16 @ 9:00 am
CLERK OF THE COURT

Motion to Dismiss Counsel and
Appointment of Alternate Counsel

COMES NOW, the defendant Ceasar Valencia #1588390, and moves this honorable Court to DISMISS COUNSEL, Public defender S LISK, and appoint other Counsel to represent this defendant. This motion is based upon all papers, pleadings and documents on file. Factual Statement set forth in POINTS AND AUTHORITIES contained therein.

Dated this 29th day of June 2016

#1588390
Ceasar Valencia
330 Casino Center
BLVD, LAS VEGAS, N.V.
89101 #1588390

1
2 - Points And Authorities

3 IT is respectfully requested of this
4 Court to grant this Motion to dismiss
5 Counsel and appoint other for the reason
6 listed below:

7
8 PROCEDURAL BACKGROUND
9 AND
10 FACTUAL Summary

11
12 Since Public Defender SLISK was
13 appointed on or about May 24 2016 defendant
14 Ceaser Valencia #1588390 has been prejudiced
15 and suffered manifest injustice based on
16 Counsel's refusal or failure to:

17
18 ① Communicate with defendant at detention
19 center.

20
21 ② Locate potential witnesses and have them
22 interviewed

23
24 ③ File appropriate motion in a timely
25 manner.

④ request and secure Exculpatory
Discovery Materials.

⑤

1 ⑤ Defendant has requested Copy of
2 Discovery with no availability till this date
3 nothing.

4 ⑥ Investigate as to Clients oral/written request
5 any defense that may help to mitigate or reduce
6 his Sentence.

7 ⑦ Talk To Defendant at any length as to
8 defendants feelings or being forced into
9 a plea bargain on or about May 31-2016.

10 ⑧ Address Said "mistaken" - Perhaps - -
11 information as to number of prior felonies
12 that influenced Said "deal".

13 ⑨ Thoroughly take investigative measures in
14 this Cases; and Subsequently not using all
15 available resources to assist in obtaining a
16 "fair" Sentence for defendant or attempt
17 at Finding Factual Basis as to defendants
18 "FELONIES" claim.

19 10 Convey to the defendant OFFER MADE by
20 the prosecution.

1
2 DEFENDANT, Cesar Valencia #1588390,
3 asserts he is being denied his rights to effective
4 representation due wholly inadequate action of
5 his Court appointed Counsel. Further, Counsel inmate
6 action comport to nothing more than visitation or
7 Defendant due process rights.

8 Counsel has not returned any of Defendant
9 phone calls; defendant has left numerous
10 messages with voice mail, Secretary and office clerks;
11 also defendant has written to said Counsel. Counsel
12 told defendant the following; Don't worry, when
13 sentencing comes I will bring the Felonics "Issue"
14 just wait. "Counsel was constantly not listening
15 not listening to my views during pretrial,
16 always telling me to "just wait" don't worry,"
17 and the like. Defendant has an unqualified right
18 to legal assistance that expresses loyalty
19 to said defendant. "The right to Counsel is
20 the right (also) to effective assistance
21 of Counsel." Cuyler V. Sullivan 100 S. Ct.
22 1708 (1980); and Frazier V. U.S. 18 F.3d
23 778 (9th Cir. 1994). Thus, the adversarial
24 process protected by the Sixth amendment
25 requires that the accused have "Counsel
action the role of an advocate

Anders v. California 83 S.Ct. 1396/1480 (1967). A party
whose counsel is unable to provide effective or adequate assistance
is no better than one who has no counsel at all; and appeal(s) would be
futile in its gesture. Evitts v. Lucey 105 S.Ct. 830 (1985);
Douglas v. California 83 S.Ct. 814 (1963). Appointed counsel for
this defendant has done nothing to fairly/properly represent
him since that "deal" day (of which defendant had less than
five (5) minutes to make an informed -- rushed -- decision),
this alone is a viable claim as to ineffective counsel.
Crandel v. Bonnell No. 92-5530 D.C. No. CV-90-
6419-WJR(S); Filed May 26 1994 (9th cir.).

Therefore, defendant contends that although
counsel has been appointed in this case the actions of
counsel, or lack thereof have created unfair
prejudice and obstacles which do not comport the
fair procedures owed to the defendant. The plurality
opinion in Evitts and Douglas, *infra*, made it very
clear that: "There is lacking that equality demanded
by the fourteenth Amendment were the 'rich man'
enjoys the benefit of the law being righteously
practiced

1 iii that, Counsel examination Step-by-step
2 (into the record of the Case), and research
3 of the law, and a marshaling of the facts/
4 arguments in his behalf is done as should
5 befit an advocate of defense; while the
6 indigent so burdened by a preliminary
7 determination in that his case is without
8 merit, is forced to shift for himself.

9 "1055 CT. at 842; 835 CT. at 816-17,
10 Notwithstanding the strong policy favoring
11 autonomy, "Ethical, professional and
12 Constitutional principals" establish Counsel
13 Standards owed to his client. See: American
14 Bar Association (ABA), and Professional
15 Responsibility Code (CPR). Defendant has
16 written a letter to filing a Complaint with
17 proper entity The State Bar of Nevada's
18 Office of Bar Counsel to investigate
19 allegations of profession misconduct,
20 Pursuant to the Rules of Professional
21 Conduct. So clearly, a conflict of interest
22 now exist between Counsel/client (defendant
23 as all faith and trust has been diminished
24 as a result of Counselsation or lack thereof,
25 and a "showing" of conflict of interest
26 requires no showing of prejudice.

- Cuyler v. Sullivan, 100 S.Ct. at 1717.

1 The Law addressess itself actualites

2 Adjudication is not a mere mechanical process
3 nor does it Compel any either/or determination
4 J. Griffin V. Illinois, 76 S.Ct. 585 592-594 (1956).

5
6 Therefore, fundamental fairness requires the
7 abolition of prejudice which defendant is
8 presently suffering. This is an actuality that
9 the law must address. Anything short of
10 abolition would further a manifest of injustice.
11 The "effectiveness (in assistance) of Counsel"
12 is an individual's most fundamental right, for
13 without it, every other right defendant
14 has to assert becomes affected.

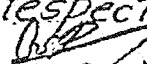
15 Dated this 29th day of June, 2016

16 Submitted,



17
18 Dated this 29th day of June 2016.

19 I Cesar Valencia #1588390, do Solemnely
20 Swear, under penalty of perjury that the
21 above (aforementioned) text of Motion to
22 Dismiss Counsel.... is accurate, and is
23 correct to the best of my knowledge.
24 (N.R.S. 171.102 and N.R.S. 208.165)

25 Respectfully Submitted,
26 

Cesar Valencia #1588390
330 S Casino Cent Blvd
Las Vegas NV 89101

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Cesar Valencia #1588390
3305 Cashocant Blvd
Las Vegas NV 89101

DISTRICT COURT
CLARK COUNTY, NEVADA

STATE OF NEVADA

Plaintiff,

vs.

Cesar Valencia #1588390

Defendant

) Case No.: C-16-315580-1

) Dept. No.: _____

) Docket No.: _____

Certification of Mailing

I Hearby Certify that on the 2 day of JUNE, 2016
I placed a true and Correct Copy of the
following document: Motion to Dismiss Counsel &
motion to Suppress Evidence
in the United States mail, with first-class postage
prepaid addressed to the following

① Clerk of District Court
200 Lewis, Ave
Las Vegas, N.V. 89155

③ Public Defender office
309 S, Third St
Las Vegas, N.V. 89155

② District Attorney
200 Lewis, Ave
Las Vegas, N.V. 89155
Per N.R.S. 53.045

I declare under penalty
of perjury that the foregoing
is true and Correct.

⑧

Cesar Valencia #1588390
3305 Cashocant Blvd
Las Vegas NV 89101

MC
DA
PP
Ad-
Gregory
Coyer
Ceasar Sanchez Valencía #1580390
330 S. Casino Cent Blvd
Las Vegas NV 89101
Defendant-Pro Se

DISTRICT COURT
CLARK COUNTY NEVADA

Ann L. Lamm
CLERK OF THE COURT

2
3
4 state of Nevada

5 PLAINTIFF

6 vs

7 Ceasar Sanchez Valencía #1580390

8 Defendant

Case No. C-16-315580-1

Dept No. II

11 NOTICE OF MOTION

12
13 YOU AND EACH OF YOU, will please take
14 notice that the undersigned will bring the foregoing:
15 MOTION TO SUPPRESS AND RETURN PROPERTY
16 TO DEFENDANT.

17 on hearing before the above - entitled court
18 on 19 day of JAN 20¹⁷ 9AM M
19 of said date in department 2

20
21 DATED this 12th day of
22 December 2016

23
24 respectfully Submitted
25 *[Signature]*

26 Ceasar Sanchez Valencía #1580390
27 330 S. Casino Cent Blvd
28 Las Vegas NV 89101
Defendant Pro Se

RECEIVED

DEC 28 2016

CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY JUDICIAL CENTER

Adam D. Johnson
CLERK OF THE COURT

ADJ-
Clerk
Cover
2

40
0A
pp
Ceasar Sanchez Valencia #1585390
330 S Casino cent Blvd
Las Vegas NV 89101
Defendant Pro Se

3
4 STATE OF NADA

5 Plaintiff

6 vs

7 Ceasar Sanchez Valencia #1585390

8 Defendant

Case No. C-16-315580-1

Dept No. II

11 NOTICE OF MOTION

12
13 YOU AND EACH OF YOU, will please take notice
14 that the undersigned will bring the foregoing:
15 MOTION FOR RIGHT OF ACCESS
16 TO THE COURTS

17 on hearing before the above-entitled court
18 on 19 day of JAN 2017 @ 9AM
19 of said date in Department 2.

21 Dated this 12th day of December
22 2016.

23 respectfully Submitted

24 Ceasar Valencia #1585390

25 Ceasar Sanchez Valencia

26 330 S Casino cent Blvd

27 1AS 1000 S NV 89101

28 Defendant Pro Se

RECEIVED

DEC 28 2016

RECEIVED

CLERK OF THE COURT

DEC 22 2016

#53

CLERK OF THE COURT

①

ARA010

#1588390

MC
DA 1

Cesar Sanchez Valencia
330 S Casino Cent Blvd
Las Vegas NV 89101
Defendant Pro Se

DISTRICT COURT
CLARK COUNTY NEVADA

Ann D. Schuman
CLERK OF THE COURT

PP 2

~~PP~~ 3

MR-4

State of Nevada

Case No. C-16-35580-1

Gregory

Plaintiff

Dept No. II

Capt 6

vs
Cesar Sanchez Valencia #1588390

7

DATE: 02/28/2017

8

Defendant

TIME: 9:00 AM

9

10

NOTICE OF MOTION

11

12

YOU AND EACH OF YOU, will please take notice
that the undersigned will bring the foregoing:
MOTION TO DISMISS COUNSEL AND
APPOINT ALTERNATE COUNSEL.

13

14

15

16

on hearing before the above-entitled
court on _____ day of _____ 2017
in of said date in Department 2.

17

18

19

20

21

Dated this 19th day
of January 2017

22

23

respectfully Submitted
Cesar Sanchez Valencia #1588390

24

25

Cesar Sanchez Valencia
330 S Casino Cent Blvd
Las Vegas NV 89101
Defendant Pro Se

26

RECEIVED

27

JAN 27 2017

28

CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY NEVADA

Allen D. Johnson
CLERK OF THE COURT

Caesar Sanchez Valenzuela #1588390
330 S Casino Cent Blvd
Las Vegas NV 89101
Defendant Pro Se

Case No. C-10-515580-1
Dept No. II

State of Nevada

Main Hall

VS

Caesar Sanchez Valenzuela #1588390

Defendant

DATE: 02/28/17

TIME: 9:00 AM

NOTICE OF MOTION

YOU AND EACH OF YOU, will please take notice
that the undersigned will bring the foregoing:
MOTION FOR RIGHT OF ACCESS TO THE
COURTS

on hearing before the above-entitled court
on _____ day of _____ 2017. M
of said date in department 2.

Dated this 19th day
of January 2017

respectfully submitted

Caesar Sanchez Valenzuela
#1588390
Caesar Sanchez Valenzuela
330 S Casino Cent.
Las Vegas NV 89101
Defendant Pro Se

CLERK OF THE COURT

FEB 03 2017

RECEIVED