

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
May 08 2017 10:37 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

GLENN MILLER DOOLIN,
Appellant(s),

vs.

STATE OF NEVADA,
Respondent(s),

Case No: C-12-284106-1

Docket No: 72189

RECORD ON APPEAL VOLUME 2

ATTORNEY FOR APPELLANT
GLENN DOOLIN # 1023173,
PROPER PERSON
P.O. BOX 208
INDIAN SPRINGS, NV 89070

ATTORNEY FOR RESPONDENT
STEVEN B. WOLFSON,
DISTRICT ATTORNEY
200 LEWIS AVE.
LAS VEGAS, NEVADA 89101

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2
3
4 Exhibit K-

5 This Exhibit Shows the face of the Attorney that
6 performed the illegal, unconstitutional, unlawful,
7 Invalid void Nevada Revised Statutes;

8 It also in the News Article raises very serious
9 question about this Person Russell W. McDonald ...

10 According to Exhibit A Congratulations in the
11 Joint Concurrent Resolution States that he is a
12 Native Born Nevadan, when in fact he was
13 born in October 1917 in Prosser Creek California,

14 It may be questionable that he completed Law
15 School at Stanford University or was ever a Rhode
16 Scholar from Oxford University in London England,
17 there is so much hidden and cover up of Stealth
18 Fraud and Criminal fraud and his designed
19 operations of a Criminal operated Enterprise
20 than known as the Statute Revision Commission
21 i.e. Legislative Counsel and the Legislative Counsel
22 Bureau ...
23
24
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28

Russ McDonald celebrates 30 years of public service

"It wasn't for the money," Russ McDonald explained, in the wake of a standing ovation Tuesday.

The Washoe County commissioners had just taken a break in their regular meeting to celebrate a special anniversary.

McDonald, 60, is celebrating 30 years of public service. His last full-time post was as Washoe County manager, but along the line, he's worn a large share of the other hats that government in all its forms has to offer.

While public service may not pave the path to financial wealth, McDonald said, it has its own treasures to offer.

He told the overflow crowd of county employees and friends in the commission chambers Tuesday that one of his greatest delights in working in government is "the ability to always know what's going to happen next."

Casting a grin and an eye toward the scattered reporters in the chambers, he added, "...even before the press knew."

County employees treated McDonald to an anniversary cake-cutting in February. The commissioners did their part Tuesday, adopting a resolution which started out conventionally enough, with five "whereases."

But the "therefore be it resolved" had a brand new twist. It did not say

McDonald's a jolly good fellow in legalese. Instead, the commissioners resolved to throw a party.

The official object of the county party, according to the resolution, is to provide "an opportunity for his countless friends and admirers to spend an evening of remembering and congratulation."

It all will take place at Harrah's Convention Center in Reno Saturday, June 24.

McDonald, who was born in Prosser Creek, Calif. in October 1917, is one of Nevada's great living legends. He's been toasted in the past for accomplishing on his own what entire legislatures couldn't do in mass.

McDonald started his career as a 308-a-month Reno deputy city attorney. He spent another 21 years as director of the state's Statute Revision Commission and then as director of the state's Legislative Counsel Bureau. In 1971, he was appointed Washoe County manager, a post he held until his retirement in 1976.

Since that time, McDonald has been working for the county as a consultant and lobbyist.

McDonald's writing of the complete Nevada Revised Statutes often is cited as his greatest accomplishment in government. He also worked in the preparation of the municipal



RUSS McDONALD

148 / 47
21 48A

Clem Doolin

1023173

SOCC P.O. Box 200

Indian Springs, W 89020

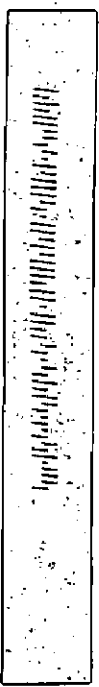
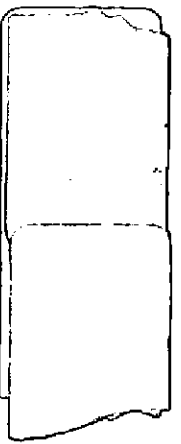
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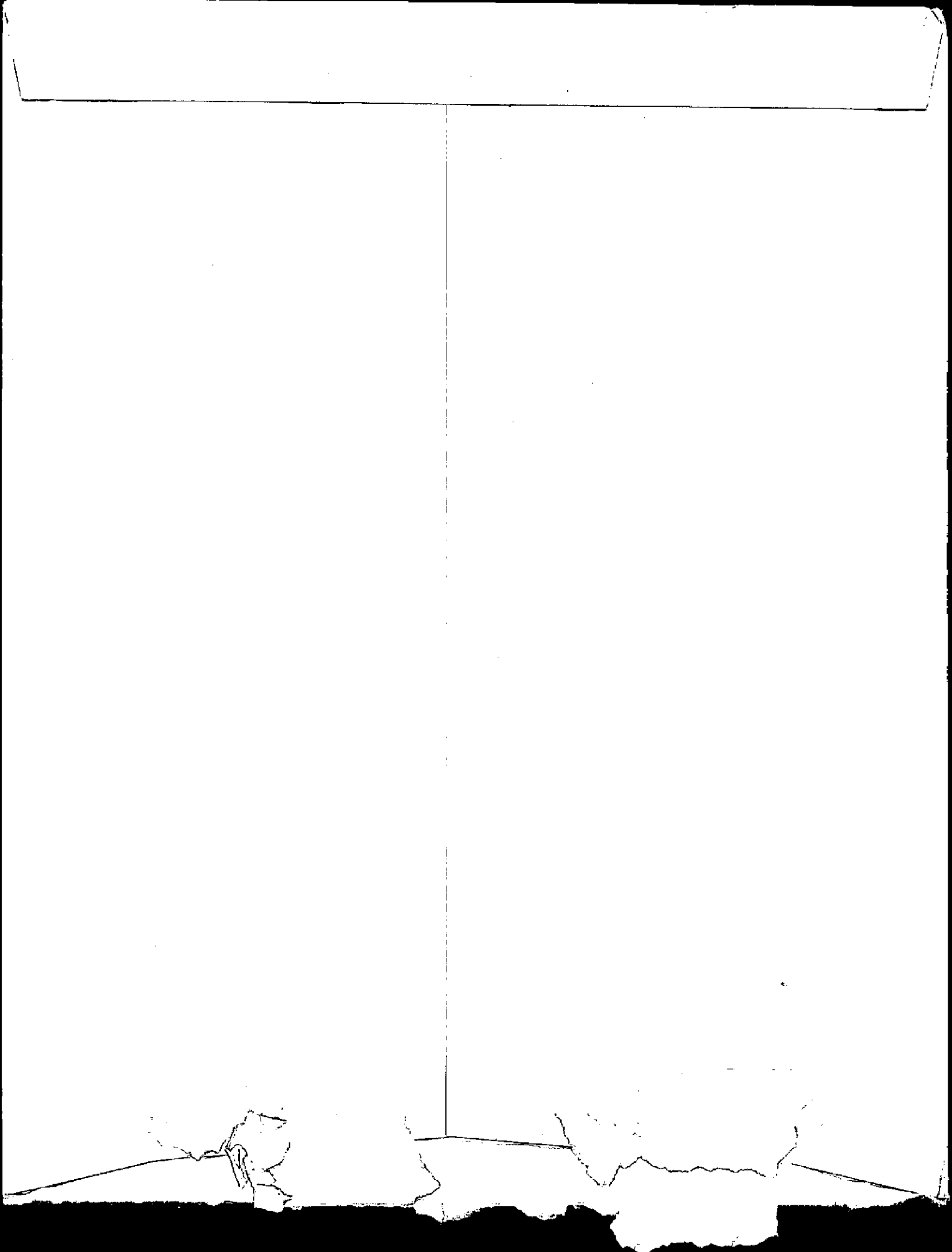
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CLERK OF THE DISTRICT COURT
200 Lewis Ave 3rd Floor
Las Vegas, NV 89155-1160

LEGAL MAIL
CONFIDENTIAL





Alan D. Quinn

CLERK OF THE COURT

MC
DA
PP

Case No. C284106-1

Dept. No. XXV

IN THE Eighth JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF CLARK

STATE OF NEVADA

Plaintiff

vs.

Glenn Doolin

Defendant

Case No. C284106-1

Dept No. XXV

Docket _____

NOTICE OF MOTION

YOU WILL PLEASE TAKE NOTICE, that Modification of Defendant's
Sentence with Supported Affidavit Attached

will come on for hearing before the above-entitled Court on the 9 day of February, 2015,
at the hour of 9 o'clock a. M. In Department XXV, of said Court.

CC:FILE

DATED: this 15 day of JAN., 2015.

BY: Glenn Doolin
Glenn Doolin #1023123
Defendant /In Propria Personam

RECEIVED

JAN 28 2015

CLERK OF THE COURT

1 **RSPN**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 RYAN J. MACDONALD
6 Deputy District Attorney
7 Nevada Bar #012615
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff


CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

CASE NO: C-12-284106-1

12 GLENN DOOLIN,
13 aka Glenn Miller Doolin, #1990096

DEPT NO: XXV

14 Defendant.

15 STATE'S RESPONSE TO DEFENDANT'S PRO PER MOTION
16 FOR MODIFICATION OF SENTENCE

17 DATE OF HEARING: FEBRUARY 9, 2015
18 TIME OF HEARING: 9:00 AM

19 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County
20 District Attorney, through RYAN J. MACDONALD, Deputy District Attorney, and hereby
21 submits the attached Points and Authorities in Response to Defendant's Pro Per Motion for
22 Modification of Sentence.

23 This response is made and based upon all the papers and pleadings on file herein, the
24 attached points and authorities in support hereof, and oral argument at the time of hearing, if
25 deemed necessary by this Honorable Court.

26 //

27 //

28 //

1 **POINTS AND AUTHORITIES**

2 **STATEMENT OF THE CASE**

3 On June 18, 2012, GLENN DOOLIN, aka Glenn Miller Doolin (hereinafter
4 "Defendant") was charged by way of Criminal Complaint with: COUNT 1 – Grand Larceny
5 Auto (Category C Felony – NRS 205.228.2) and COUNT 2 – Possession of Burglary Tools
6 (Gross Misdemeanor – NRS 205.080). On September 17, 2012, pursuant to negotiations, an
7 Information was filed charging Defendant with COUNT 1 – Grand Larceny Auto. On
8 November 6, 2012, an Amended Information was filed charging Defendant with: COUNT 1
9 – Grand Larceny Auto and COUNT 2 – Possession of Burglary Tools. Defendant pleaded not
10 guilty to the charges in the Amended Information that same day. On December 3, 2012,
11 Defendant notified the court that the matter was resolved. The jury trial date was vacated and
12 the case was set for a status check regarding negotiations.

13 On January 9, 2013, Defendant pleaded guilty to the charges in the Amended
14 Information and the Guilty Plea Agreement was filed in open court. Defendant was sentenced
15 on April 10, 2013, under the small habitual criminal statute as follows: COUNT 1 – a
16 minimum of SIXTY (60) MONTHS and a maximum of ONE HUNDRED FIFTY (150)
17 MONTHS to run consecutive with Case Numbers C283685 and C262611, and as to COUNT
18 2 – TWELVE (12) MONTHS to run consecutive with COUNT 1, ZERO (0) DAYS credit for
19 time served. The Judgment of Conviction was filed on April 26, 2013.

20 On January 30, 2015, Defendant filed a Motion for Modification of Sentence. The
21 State's response is as follows.

22 **ARGUMENT**

23 **I. DEFENDANT'S CLAIMS ARE NOT COGNIZABLE IN A MOTION FOR**
24 **MODIFICATION OF SENTENCE**

25 Defendant requests a modification of his sentence because: 1) he has a drug addiction,
26 2) the sentencing judge could have sentenced Defendant to drug court, 3) ineffective assistance
27 of plea counsel, and 4) Defendant would not have pleaded guilty if he was told about the
28

1 possibility of being sentenced as a small habitual criminal. None of these claims entitle
2 Defendant to a modification of his sentence.

3 In general, a district court lacks jurisdiction to modify a sentence once the defendant
4 has started serving it. Passanisi v. State, 108 Nev. 318, 322, 831 P.2d 1371, 1373 (1992),
5 overruled on other grounds by Harris v. State, 130 Nev. ___, ___, 329 P.3d 619, 627--28
6 (2014). However, a district court does have inherent authority to correct, vacate or modify a
7 sentence where the defendant can demonstrate both: 1) that the District Court actually
8 sentenced the defendant based upon a materially untrue assumption, which worked to the
9 defendant's extreme detriment; and 2) the mistake was sufficient to rise to the level of a Due
10 Process violation. Edwards v. State, 112 Nev. 704, 707, 918 P.2d 321, 324 (1996); see also
11 Passanisi, 108 Nev. at 322, 831 P.2d at 1373. Not every mistake or error during sentencing
12 gives rise to a Due Process violation. State v. District Court, 100 Nev. 90, 97, 677 P.2d 1044,
13 1048 (1984). The Nevada Supreme Court has emphasized that a "motion to modify a sentence
14 is limited in scope to sentences based on mistaken assumptions about a defendant's criminal
15 record which work to the extreme detriment of the defendant." Edwards, 112 Nev. at 708, 918
16 P.2d at 325.

17 None of Defendant's claims are mistakes of fact about his criminal record. His
18 acceptance of his drug addiction and hope for rehabilitation are not facts relevant to a
19 modification of a sentence. Defendant's claims of ineffective assistance of counsel and any
20 confusion regarding his Guilty Plea Agreement are not cognizable in a motion for a
21 modification of sentence. Additionally, Defendant received the sentence that he bargained for
22 in his Guilty Plea Agreement. His sentence was due to negotiations. Defendant's Motion for
23 Modification of Sentence should be denied.

24 //

25 //

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1 CONCLUSION


2 Based on the foregoing, the State requests the court DENY Defendant's Motion for
3 Modification of Sentence.

4 DATED this 6th day of February, 2015.

5 Respectfully submitted,

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

9 BY



10 RYAN J. MACDONALD
11 Deputy District Attorney
12 Nevada Bar #012615

13 CERTIFICATE OF MAILING

14 I hereby certify that service of the above and foregoing was made this 6th day of
15 February, 2015, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

16 GLENN DOOLIN,
17 aka Glenn Miller Doolin #1023173
18 SOUTHERN DESERT CORRECTIONAL CENTER
19 P.O. BOX 208
20 INDIAN SPRINGS, NEVADA 89070-0208

21 BY


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

28 GC/RM/rj/M-1

9
PLEASE FILE
LEFT SIDE

DISTRICT COURT
CLARK COUNTY, NEVADA

GLENN DOOLIN,

PETITIONER,
Plaintiff,

VS.

BRYAN S. WILLIAMS - WARDEN

Defendant,
RESPONDENTS.

Case No. C 12-289/06

Dept. No. XXV

Docket _____

ORDER

Upon reading the motion of defendant, GLENN DOOLIN, requesting withdrawal of counsel, RYAN BASHES, Esq., of the Clark county Public Defender's Office, and Good Cause Appearing,

IT IS HEREBY ORDERED that defendant's Motion for Withdrawal of Counsel is GRANTED.

IT IS HEREBY FURTHER ORDERED that Counsel deliver to defendant at his address, all documents, papers, pleadings, discovery and any other tangible property in the above-entitled case.

DATED and DONE this ____ day of _____, 20__.

DISTRICT COURT JUDGE



CERTIFICATE OF SERVICE BY MAILING

I, Glenn M. Doolin, hereby certify, pursuant to NRCP 5(b), that on this 9th
day of December, 2015, I mailed a true and correct copy of the foregoing, "MOTION TO
WITHDRAWAL OF COUNSEL"

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

Clark Co. P.D. Office
309 S. Third Street
Las Vegas, NV 89101

clerk's office judge
county copy

CC:FILE

DATED: this 6th day of December, 2015.

* Glenn M. Doolin 1023773
Glenn M. Doolin #1023773
/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 MOTION

TO WITHDRAWAL COUNSEL
(Title of Document)

filed in District Court Case number C12-284106

☒ 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 Glenn M. Doolin
Signature

12/6/15
Date

X Glenn M. Doolin
Print Name

PRO Sec
Title

MC
PP
DA
PD

Petitioner/In Propria Persona
Post Office Box 208, SDCC
Indian Springs, Nevada 89070

Electronically Filed
12/11/2015 11:45:40 AM

Alvin D. Doolin

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

GLENN DOOLIN,

PETITIONER.
Plaintiff,

vs.

BRIAN WILLIAMS - WARDEN

Defendant,
RESPONDENTS.

Case No. C12-284106

Dept. No. XXV

Docket _____

MOTION TO WITHDRAW COUNSEL

Date of Hearing: 1/4/16

Time of Hearing: 9 am

ORAL ARGUMENT REQUESTED, Yes _____ No ✓

COMES NOW, Defendant, GLENN DOOLIN, proceeding in proper
person, moves this Honorable Court for an ORDER Granting him permission to withdraw his
present counsel of record in the proceeding action, namely,

Ryan Basher

This Motion is made and based on all papers and pleadings on file with the Clerk of the Court
which are hereby incorporated by this reference, the Points and Authorities herein, and attached
Affidavit of Defendant.

DATED: this 6th day of DECEMBER, 2015.

BY: *Glenn Doolin* ✓
Glenn Doolin #1023173
Defendant In Propria Personam

CLERK OF THE COURT

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CLERK OF THE COURT

1 POINTS AND AUTHORITIES

2 The Nevada Revised Statute 7.055(1), which deals with the duty of a discharged attorney, states:

3 "An attorney who has been discharged by his client shall, upon demand and payment of the fee due from
4 the client, immediately deliver to the client all papers, documents, pleadings and items of tangible property
which belong to or were prepared for that client."

5 As can be seen in this case, the defendant does not owe any fees, in fact, they, meaning counsel(s)
6 of record, were appointed by the Court to represent the defendant, who was an indigent, in Case
7 Number, CA-284104 in Department No. XXV.

8 N.R.S. 7.055(2) gives this Court the power to Order the Attorney(s) of record to produce and
9 deliver to the defendant in his/her possession, which states:

10 "A client who, after demand therefore and payment of the fee due from him, does not receive from his
11 discharged attorney all papers, documents, pleadings and items of tangible personal property may, by
12 a motion filed after at least 5 days' notice to the attorney, obtain an order for the production of his papers,
Documents, pleadings and other property."

13 In numerous cases throughout this great land, the courts have held attorneys to a high degree of
14 professional responsibility and integrity. This carried from the time of hiring to and through the
15 attorney's termination of employment.

16 Supreme Court Rule 173 states quite clear that a withdrawn attorney owes his former client a
17 . . . prompt accounting of all his client's . . . property in his possession." This is echoed in Canon 2 of
18 the Code of Professional Responsibility of the American Bar Association, which states in pertinent
19 part EC 2-32: "A lawyer should protect the welfare of his client by . . . delivering to the client all
20 papers and property to which the client is entitled." Again in Disciplinary Rule 2-110(A)(2) of the
21 ABA, this is brought out that a withdrawn attorney must deliver to the client all papers and comply with
22 applicable laws on the subject.

23 In the cases of In Re Yount, 93 Ariz. 322, 380 P.2d 780 (1963) and State v. Alvey, 215 Kan. 460,
24 524 P.2d 747 (1974), both of which dealt with a factual situation involving a withdrawn attorney
25 refusing to deliver to a former client his documents after being requested to do so by the client. The
26 court in Yount, supra, ordered the attorney disbarred while in Alvey, supra, the court had the attorney
27 censured.

1 While not the intention of the Defendant in this case to have the attorney disbarred, these cases do
2 show a pattern in the court in considering the refusal to deliver to a former client all his documents
3 and property after being requested to do so, a serious infraction of the law and of professional ethics.
4 See, In Re Sullivan, 212 Kan. 233, 510 P.2d 1199 (1973).

5 In summary, this court has jurisdiction through NRS 7.055 to Order the attorney(s) to produce and
6 deliver to the Defendant all documents and personal property in his/their possession belonging to him
7 or prepared for him. The Defendant has fulfilled his obligations in trying to obtain the papers. The
8 attorney(s) is in discord with Cannon 2 of the Code of Professional responsibility and the Nevada
9 Supreme Court Rules 173, 176 and 203.

10

11 DATED: this 6th day of DECEMBER, 2015.

12

13

BY: Glenn M. Doolin 1023173
Glenn M. Doolin #1023173
Defendant/In Propria Personam

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AFFIDAVIT OF: GLENN DOOLIN

STATE OF NEVADA)
COUNTY OF CLARK) ss:

TO WHOM IT MAY CONCERN:

I X Glenn M. Doolin the undersigned, do hereby swear that all statements, facts and events within my foregoing Affidavit are true and correct of my own knowledge, information and belief, and as to those, I believe them to be True and Correct. Signed under the penalty of perjury, pursuant to, NRS. 29.010; 53.045; 208.165, and state the following:

FURTHER YOUR AFFIANT SAYETH NAUGHT.

EXECUTED At: Indian Springs, Nevada, this 6th day of DECEMBER

2015.

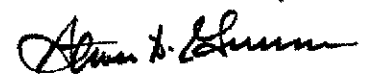
BY: X Glenn M. Doolin 1023173
GLENN M. DOOLIN 1023173
Post Office Box-233 (ADCC)
Indian Springs, Nevada 89327.
Affiant, In Propria Personam:

Allen Decker
Box 10-1023173
P.O. Box 208 (SDCC)
Desert Springs, NV. 89090



Clark County Clerk's Office
Attn: County Clerk
200 Lewis Ave
Las Vegas, NV. 89101

Legal notice / certified
1010186300 CENTS



CLERK OF THE COURT

COM
PHILIP J. KOHN, PUBLIC DEFENDER
NEVADA BAR NO. 0556
MICHAEL H. WILFONG, DEPUTY PUBLIC DEFENDER
NEVADA BAR NO. 10468
309 South Third Street, Suite 226
Las Vegas, Nevada 89155
(702) 455-4685
Attorney for Defendant

**DISTRICT COURT
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,

Plaintiff,

v.

GLENN MILLER DOOLIN,

Defendant.

CASE NO. C-12-284106-1

CERTIFICATE OF MAILING

This is to certify that on the 21st day of January, 2015 a true and correct copy of the following documents: cover correspondence to the Defendant, Judgment of Conviction, Pre-Sentence Investigation Report (PSI), **Supplemental** Pre-Sentence Investigation Report (PSI), various correspondence from the defendant to the attorney of record and the court, Guilty Plea Agreement, LVJC Criminal Complaint, LVMPD Temporary Custody Record, LVMPD Declaration of Arrest, LVMPD Voluntary Statement, Sentencing Memorandum, Dept. of Corrections correspondence, Amended Notice of Habitual Criminality, Sentencing correspondence on behalf of the Defendant, court documents from the State of Virginia, court documents from the state of North Carolina, Judgment of Conviction (CC244957), Eighth Judicial District Court Minutes dated June 17, 19th, 2008, court minutes dated July 31, 2008, District Court Information, Guilty Plea Agreement (C244957), Judgment of Conviction (C262611), court documents from the State of Georgia were deposited in the United States mail in Las Vegas, NV, in a sealed envelope,

1 postage prepaid to :

2 Glenn Miller Doolin, NDOC# 1023173
3 c/o Southern Desert Correctional Center (SDCC)
4 P.O. Box 208
5 Indian Springs, NV 89070
6

7 /s/ Carolyn Gray
8 An employee of the Clark County Public Defender
9
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THIS SEALED
DOCUMENT,
NUMBERED PAGE(S)
262 - 263
WILL FOLLOW VIA
U.S. MAIL

THIS SEALED
DOCUMENT,
NUMBERED PAGE(S)
264 - 268
WILL FOLLOW VIA
U.S. MAIL

Original
*Glenn Doolin *1023173

Petitioner/In Propria Persona
Post Office Box 208, SDCC
Indian Springs, Nevada 89070

Alvin L. Johnson

CLERK OF THE COURT

PPOW
CRIM
MAIL

IN THE Eighth JUDICIAL DISTRICT COURT OF
THE STATE OF NEVADA IN AND FOR THE
COUNTY OF CLARK

GLENN DOOLIN

Petitioner,

vs.

BRIAN S. WILLIAMS

et al.

Respondent(s).

Case No. C12-284106

Dept. No. XXV

Docket _____

PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)

INSTRUCTIONS:

- (1) This petition must be legibly handwritten or typewritten signed by the petitioner and verified.
- (2) Additional pages are not permitted except where noted or with respect to the facts which you rely upon to support your grounds for relief. No citation of authorities need be furnished. If briefs or arguments are submitted, they should be submitted in the form of a separate memorandum.
- (3) If you want an attorney appointed, you must complete the Affidavit in Support of Request to Proceed in Forma Pauperis. You must have an authorized officer at the prison complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution.
- (4) You must name as respondent the person by whom you are confined or restrained. If you are in a specific institution of the department of corrections, name the warden or head of the institution. If you are not in a specific institution of the department within its custody, name the director of the department of corrections.
- (5) You must include all grounds or claims for relief which you may have regarding your conviction and sentence.

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CLERK OF THE COURT

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CLERK OF THE COURT

15

20

1 Failure to raise all grounds in this petition may preclude you from filing future petitions
2 challenging your conviction and sentence.

3 (6) You must allege specific facts supporting the claims in the petition you file seeking relief
4 from any conviction or sentence. Failure to allege specific facts rather than just conclusions may
5 cause your petition to be dismissed. If your petition contains a claim of ineffective assistance of
6 counsel, that claim will operate to waive the attorney-client privilege for the proceeding in which
7 you claim your counsel was ineffective.

8 (7) If your petition challenges the validity of your conviction or sentence, the original and one
9 copy must be filed with the clerk of the district court for the county in which the conviction
10 occurred. Petitions raising any other claim must be filed with the clerk of the district court for the
11 county in which you are incarcerated. One copy must be mailed to the respondent, one copy to the
12 attorney general's office, and one copy to the district attorney of the county in which you were
13 convicted or to the original prosecutor if you are challenging your original conviction or sentence.
14 Copies must conform in all particulars to the original submitted for filing.

15 PETITION

16 1. Name of institution and county in which you are presently imprisoned or where and who you
17 are presently restrained of your liberty: SOUTHERN DESERT COR. CENTER

18 2. Name the location of court which entered the judgment of conviction under attack: Eighth
19 JUDICIAL DISTRICT COURT (200 LEWIS AVE - LAS VEGAS, NV)

20 3. Date of judgment of conviction: APRIL 26, 2013

21 4. Case number: C 12-284106

22 5. (a) Length of sentence: 60 MONTHS TO 150 MONTHS (12 TO 30 MONTHS)

23 (b) If sentence is death, state any date upon which execution is scheduled: N/A

24 6. Are you presently serving a sentence for a conviction other than the conviction under attack in
25 this motion:

26 Yes ☐ No ☒ If "Yes", list crime, case number and sentence being served at this time: N/A

27 7. Nature of offense involved in conviction being challenged: COUNT 2 - POSSESSION
28 OF BURGLARY TOOLS (GROSS MISDEMEANOR); COUNT 1 - GRAND
LARCENY; (CATEGORY C FELONY).

1 8. What was your plea? (Check one)

2 (a) Not guilty _____

3 (b) Guilty ☒

4 (c) Nolo contendere _____

5 9. If you entered a guilty plea to one count of an indictment or information, and a not guilty plea
6 to another count of an indictment or information, or if a guilty plea was negotiated, give details: _____

7 Court appointed counsel advised that all time
8 would run concurrently including county jail time

9 10. If you were found guilty after a plea of not guilty, was the finding made by: (check one)

10 (a) Jury _____

11 (b) Judge without a jury ☒

12 11. Did you testify at trial? Yes ☒ No _____

13 12. Did you appeal from the judgment of conviction?

14 Yes _____ No ☒

15 13. If you did appeal, answer the following:

16 (a) Name of court: N/A

17 (b) Case number or citation: N/A

18 (c) Result: N/A

19 (d) Date of appeal: N/A

20 (Attach copy of order or decision, if available).

21 14.) If you did not appeal, explain briefly why you did not: N/A

22 N/A

23 N/A

24 15. Other than a direct appeal from the judgment of conviction and sentence, have you previously
25 filed any petitions, applications or motions with respect to this judgment in any court, state or
26 federal? Yes _____ No ☒

27

28

16. If your answer to No 15 was "Yes", give the following information:

(a) (1) Name of court: N/A

(2) Nature of proceedings: N/A

(3) Grounds raised: N/A

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ___ No ✓

(5) Result: N/A

(6) Date of result: N/A

(7) If known, citations of any written opinion or date of orders entered pursuant to each result: N/A

(b) As to any second petition, application or motion, give the same information:

(1) Name of Court: N/A

(2) Nature of proceeding: N/A

(3) Grounds raised: N/A

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ___ No ✓

(5) Result: N/A

(6) Date of result: N/A

(7) If known, citations or any written opinion or date of orders entered pursuant to each result: N/A

(c) As to any third or subsequent additional application or motions, give the same information as above, list them on a separate sheet and attach.

1 (d) Did you appeal to the highest state or federal court having jurisdiction, the result or action
2 taken on any petition, application or motion?

3 (1) First petition, application or motion?

4 Yes ___ No ✓

5 Citation or date of decision: N/A

6 (2) Second petition, application or motion?

7 Yes ___ No ✓

8 Citation or date of decision: N/A

9 (e) If you did not appeal from the adverse action on any petition, application or motion,
10 explain briefly why you did not. (You may relate specific facts in response to this question. Your
11 response may be included on paper which is 8 1/2 x 11 inches attached to the petition. Your response
12 may not exceed five handwritten or typewritten pages in length). Court appointed

13 Counsel did not advise to appeal or not to appeal

14
15 17. Has any ground being raised in this petition been previously presented to this or any other
16 court by way of petition for habeas corpus, motion or application or any other post-conviction
17 proceeding? If so, identify:

18 (a) Which of the grounds is the same: None

19 None

20 (b) The proceedings in which these grounds were raised: N/A

21 N/A

22 (c) Briefly explain why you are again raising these grounds. (You must relate specific facts
23 in response to this question. Your response may be included on paper which is 8 1/2 x 11 inches
24 attached to the petition. Your response may not exceed five handwritten or typewritten pages in
25 length).

26 N/A

27 N/A

1 18. If any of the grounds listed in Nos. 23(a), (b), (c), and (d), or listed on any additional pages
2 you have attached, were not previously presented in any other court, state or federal, list briefly what
3 grounds were not so presented, and give your reasons for not presenting them. (You must relate
4 specific facts in response to this question. Your response may be included on paper which is 8 1/2 x
5 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten
6 pages in length). Did not raise County Jail time sentence
7 because counsel stated all time would run concurrently

8 19. Are you filing this petition more than one (1) year following the filing of the judgment of
9 conviction or the filing of a decision on direct appeal? If so, state briefly the reasons for the delay.
10 (You must relate specific facts in response to this question. Your response may be included on
11 paper which is 8 1/2 x 11 inches attached to the petition. Your response may not exceed five
12 handwritten or typewritten pages in length). "Yes"; Court appointed
13 counsel never consulted with Petitioner regarding
14 any decisions to file or direct appeal.

15 20. Do you have any petition or appeal now pending in any court, either state or federal, as to the
16 judgment under attack?

17 Yes ___ No ☒

18 If "Yes", state what court and the case number: None

19 None

20 21. Give the name of each attorney who represented you in the proceeding resulting in your
21 conviction and on direct appeal: RYAN BASHOR - Public Defender
22 NO Direct appeal was filed in this case;
23

24 22. Do you have any future sentences to serve after you complete the sentence imposed by the
25 judgment under attack?

26 Yes ☒ No ___ If "Yes", specify where and when it is to be served, if you know: ___

27 County Jail Time 12 months to 30 months.
28

1 Summarize briefly the facts supporting each ground. If necessary, you may attach pages stating
2 additional grounds and facts supporting same.

3 23. (a) GROUND ONE: PETITIONER GLENN M. DOOLIN, ALLEGES THAT
4 HIS SENTENCE ON COUNT 1 (GRAND LARCENY) 60 MONTHS TO 150
5 MONTHS TO "STAY" ACCORDINGLY PER J.O.C.; BUT COUNT 2 POSSESSION
6 OF BURGLARY TOOLS TO RUN CONCURRENT WITH COUNT 1.

7 23. (a) SUPPORTING FACTS (Tell your story briefly without citing cases or law): ON
8 OR ABOUT APRIL 26, 2013, PETITIONER GLENN M. DOOLIN ENTERED
9 INTO A PLEA AGREEMENT ON COUNT 2 BURGLARY (POSSESSION) (TOOLS)
10 WHICH IS UNDER NEVADA LAW IS A PROBATIONABLE OFFENSE
11 WHICH WARRANTS A "IN CAMERA REVIEW BY THIS HONOR-
12 ABLE JUDGE TO CONSIDER RUNNING COUNT 2 A GROSS
13 MISDEMEANOR CONCURRENT WITH COUNT 1. PETITIONER
14 DOOLIN STATES THAT HE HAS APPROXIMATELY 3 1/2 YEARS RE-
15 MAINING ON HIS 60 MONTHS TO 150 MONTHS SENTENCE
16 WHICH WOULD "EXPIRE" THE 12 TO 30 MONTHS SENTENCE
17 ORDERED BY THE COURT SENIOR JUDGE. PETITIONER
18 DOOLIN PLEADS THAT THIS HONORABLE JUDGE WILL GRANT
19 HIS REQUEST TO RUN THE "COUNTY JAIL TIME" 12 MONTHS
20 TO 30 MONTHS CONCURRENTLY WITH HIS REMAINING
21 60 MONTHS TO 150 MONTHS SENTENCE. PETITIONER
22 STATES THAT THE STATE WILL NOT BE PREJUDICED
23 IF THIS COURT GRANTS HIS REQUEST; PLUS GRANTING
24 PETITIONER'S REQUEST WOULD "SAVE" TAX PAYER'S OF
25 NEVADA AND THE COUNTY UNNECESSARY FINANCIAL
26 BURDEN IF COUNTY JAIL TIME WOULD RUN CONCURRENTLY
27 WITH HIS REMAINING PRISON SENTENCE ACCORDINGLY.

1 23. (b) GROUND TWO: PETITIONER GLENN M. DOOLIN STATES THAT DURING
2 HIS GUILTY PLEA PROCEEDING HIS COURT APPOINTED COUNSEL NEVER
3 TOLD HIM THAT HE HAD TO SERVE "COUNTY JAIL TIME" AFTER HE COMPLETES
4 HIS [REDACTED] 60 MONTHS TO 150 MONTHS SENTENCE WAS INEFFECTIVE.

5 23. (b) SUPPORTING FACTS (Tell your story briefly without citing cases or law):
6 PETITIONER GLENN M. DOOLIN ALLEGES THAT UNDER STATE AND FEDERAL
7 LAW COURT APPOINTED COUNSEL SHOULD APPROPRIATELY COMMUNICATE
8 AND INFORM PETITIONER "EVERY" COURT ORDER PERTAINING TO
9 GUILTY PLEA AGREEMENTS WHICH INCLUDES SENTENCING PHASE AS
10 WELL AS THE FINAL JUDGEMENT OF CONVICTION ORDER SIGNED BY
11 THE SENTENCING TRIAL JUDGE. PETITIONER STATES THAT HE WAS ABANDON
12 BY THIS COURT APPOINTED COUNSEL FOR FAILURE TO INFORM HIM THAT HE
13 WOULD HAVE TO SERVE ADDITIONAL COUNTY TIME (12 MONTHS TO 30 MONTHS)
14 AFTER HE IS RELEASE FROM NDOP VIOLATES HIS 6TH AMENDMENT RIGHTS
15 TO A FAIR TRIAL. PETITIONER DOOLIN PRAY THAT THE COURT AND THE
16 STATE WOULD COME TO AN AGREEMENT TO RUN ALL "COUNTY JAIL TIME"
17 WITH THE REMAINING FINAL SENTENCE 60 MONTHS TO 150 MONTHS.
18 PETITIONER DOOLIN HAS SERVED $3\frac{1}{2}$ YRS. OF THAT FINAL SENTENCE. THIS
19 COUNTY JAIL TIME SENTENCE WOULD BE A ECONOMIC HARDSHIP
20 ON TAXPAYERS AND WOULD ADD TO CCDC OVERCROWDING PRO-
21 BLEMS - AS THIS IS A NON-VIOLENT CRIME.

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23. (c) GROUND THREE: _____

23. (c) SUPPORTING FACTS (Tell your story briefly without citing cases or law): _____

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23. (d) GROUND FOUR: _____

23. (d) SUPPORTING FACTS (Tell your story briefly without citing cases or law): _____

1 WHEREFORE, Glen Doolin prays that the court grant Post-conviction
2 relief to which he may be entitled in this proceeding.

3 EXECUTED at SDEC P.O. Box 208 Indian Springs, NV.
4 on the ~~14~~^{2nd} day of ~~January~~^{Feb.}, 2016.

5
6 *Glen Doolin*
7 Signature of Petitioner

8 VERIFICATION

9 Under penalty of perjury, pursuant to N.R.S. 208.165 et seq., the undersigned declares that he is
10 the Petitioner named in the foregoing petition and knows the contents thereof; that the pleading is
11 true and correct of his own personal knowledge, except as to those matters based on information and
12 belief, and to those matters, he believes them to be true.

13
14 *Glen Doolin*
15 Signature of Petitioner

16
17 PRO Se
18 Attorney for Petitioner

19
20 legal consultant
21 on behalf of Petitioner
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE BY MAILING

I, *Glenn Dodin, hereby certify, pursuant to NRCP 5(b), that on this 24
Feb. day of January, 2016, I mailed a true and correct copy of the foregoing, "WRIT OF
HABEAS CORPUS POST-CONVICTION"

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

Clark Co Dist Attorney
200 Lewis Ave
Las Vegas, NV
89155

ATTORNEY General office
100 N. Carson Street
Carson City, NV, 89708

Judge Courtney Cooper
200 Lewis Ave
Las Vegas, NV
89155

CC:FILE

DATED: this 24 day of Feb., 2016.

*Glenn Dodin # 162873
Glenn Dodin
/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 POST -

CONVICTION PETITION
(Title of Document)

filed in District Court Case number C12-~~28416~~ 28416

☒ 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.


Signature

2/2/16
1/19/16
Date

GLENN DOOLIN
Print Name

PRO Sec
Title

Glean Doolin #1023113
 P.O. Box-208 SOC
 Indian Springs, NV 89070

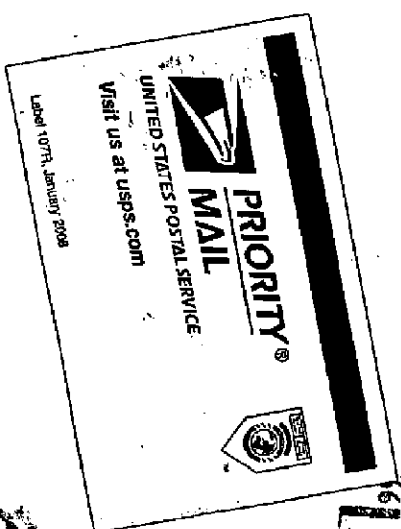
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 Las Vegas, NV
 89155-1160

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PPOW

FILED

DISTRICT COURT
CLARK COUNTY, NEVADA

2016 FEB 23 A 9:44

GLENN DOOLIN,

Petitioner,

vs.

BRIAN S. WILLIAMS ET,AL,
Respondent,

Walter S. Williams
CLERK OF THE COURT

Case No: C-12-284106-1
Dept No: 25

ORDER FOR PETITION FOR
WRIT OF HABEAS CORPUS

Petitioner filed a petition for writ of habeas corpus (Post-Conviction Relief) on February 9, 2016. The Court has reviewed the petition and has determined that a response would assist the Court in determining whether Petitioner is illegally imprisoned and restrained of his/her liberty, and good cause appearing therefore,

IT IS HEREBY ORDERED that Respondent shall, within 45 days after the date of this Order, answer or otherwise respond to the petition and file a return in accordance with the provisions of NRS 34.360 to 34.830, inclusive.

IT IS HEREBY FURTHER ORDERED that this matter shall be placed on this Court's

Calendar on the 13th day of April, 2016, at the hour of

9:00 am o'clock for further proceedings.

FEBRUARY 22, 2016

Walter S. Williams
District Court Judge

C-12-284106-1
OPWH
Order for Petition for Writ of Habeas Corpus
4525671

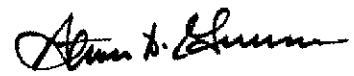


FEB 19 2016

CLERK OF THE COURT

FEB 23 2016

RECEIVED



CLERK OF THE COURT

1 **RSPN**
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**

7
8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

10 **THE STATE OF NEVADA,**

11 **Plaintiff,**

12 **-vs-**

CASE NO: C-12-284106-1

13 **GLENN DOOLIN,**
14 **aka Glenn Miller Doolin, #1990096**

DEPT NO: XXV

15 **Defendant.**

16 **STATE'S RESPONSE TO DEFENDANT'S PRO PER POST-CONVICTION**
17 **PETITION FOR WRIT OF HABEAS CORPUS**

18 **DATE OF HEARING: APRIL 13, 2016**
19 **TIME OF HEARING: 9:00 AM**

20 **COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County**
21 **District Attorney, through STEVEN S. OWENS, Chief Deputy District Attorney, and hereby**
22 **submits the attached Points and Authorities in Response to Defendant's Pro Per Post-**
23 **Conviction Petition for Writ of Habeas Corpus.**

24 **This response is made and based upon all the papers and pleadings on file herein, the**
25 **attached points and authorities in support hereof, and oral argument at the time of hearing, if**
26 **deemed necessary by this Honorable Court.**

27 **//**

28 **//**

//

//

1 **POINTS AND AUTHORITIES**

2 **STATEMENT OF THE CASE**

3 On November 6, 2012, GLENN DOOLIN, aka Glenn Miller Doolin (hereinafter
4 "Defendant") was charged by way of Information with the following: COUNT 1 – Grand
5 Larceny Auto (Category C Felony – NRS 205.228.2) and COUNT 2 – Possession of Burglary
6 Tools (Gross Misdemeanor – NRS 205.080).

7 On January 9, 2013, Defendant pleaded guilty to both of these charges. On April 10,
8 2013, Defendant was sentenced under the small habitual criminal statute as follows: COUNT
9 1 – a minimum of 60 months and a maximum of 150 months in the Nevada Department of
10 Corrections (NDC) to run consecutive to Case Numbers C283685 and C262611; and COUNT
11 2 – 12 months in the Clark County Detention Center (CCDC) to run consecutive to COUNT
12 1. Defendant received zero days credit for time served. On April 26, 2013, a Judgment of
13 Conviction was filed. Defendant did not file a direct appeal.

14 On January 30, 2015, Defendant filed a Motion to Modify Sentence. The State filed its
15 response on February 6, 2015. On February 9, 2015, Defendant's motion was denied.

16 Defendant filed the instant motion on February 9, 2016. The State responds as follows.

17 **ARGUMENT**

18 **I. DEFENDANT'S PETITION IS UNTIMELY**

19 Defendant's petition is time barred with no good cause shown for delay. Pursuant to
20 NRS 34.726(1):

21 Unless there is good cause shown for delay, a petition that
22 challenges the validity of a judgment or sentence must be filed
23 within 1 year of the entry of the judgment of conviction or, if an
24 appeal has been taken from the judgment, within 1 year after the
25 Supreme Court issues its remittitur. For the purposes of this
26 subsection, good cause for delay exists if the petitioner
demonstrates to the satisfaction of the court:

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

29 The Supreme Court of Nevada has held that NRS 34.726 should be construed by its plain
30 meaning. Pellegrini v. State, 117 Nev. 860, 873-74, 34 P.3d 519, 528 (2001). As per the

1 language of the statute, the one-year time bar prescribed by NRS 34.726 begins to run from
2 the date the Judgment of Conviction is filed or a remittitur from a timely direct appeal is filed.
3 Dickerson v. State, 114 Nev. 1084, 1087, 967 P.2d 1132, 1133-34 (1998).

4 The one-year time limit for preparing petitions for post-conviction relief under NRS
5 34.726 is strictly applied. In Gonzales v. State, 118 Nev. 590, 596, 53 P.3d 901, 904 (2002),
6 the Nevada Supreme Court rejected a habeas petition that was filed two days late, despite
7 evidence presented by the defendant that he purchased postage through the prison and mailed
8 the Notice within the one-year time limit.

9 Here, Defendant's Judgment of Conviction was filed on April 26, 2013. Defendant did
10 not file a direct appeal. Thus, Defendant had one year from the filing of the Judgment of
11 Conviction to raise a timely Post-Conviction Petition for Writ of Habeas Corpus. However,
12 Defendant did not bring the instant Petition until February 9, 2016, well beyond the statutory
13 time frame laid out in NRS 34.726. Absent a showing of good cause to excuse this delay,
14 Defendant's Petition must be dismissed because it was not filed within the one-year time
15 period.

16 **II. DEFENDANT HAS NOT SHOWN GOOD CAUSE AND PREJUDICE**

17 A showing of good cause and prejudice may overcome procedural bars. "To establish
18 good cause, appellants *must* show that an impediment external to the defense prevented their
19 compliance with the applicable procedural rule. A qualifying impediment might be shown
20 where the factual or legal basis for a claim was not reasonably available at the time of default."
21 Clem v. State, 119 Nev. 615, 621, 81 P.3d 521, 525 (2003) (emphasis added). The Court
22 continued, "appellants cannot attempt to manufacture good cause" Id. at 621, 81 P.3d at
23 526. In order to establish prejudice, the defendant must show "not merely that the errors of
24 [the proceedings] created possibility of prejudice, but that they worked to his actual and
25 substantial disadvantage, in affecting the state proceedings with error of constitutional
26 dimensions.'" Hogan v. Warden, 109 Nev. 952, 960, 860 P.2d 710, 716 (1993) (quoting
27 United States v. Frady, 456 U.S. 152, 170, 102 S. Ct. 1584, 1596 (1982)). To find good cause
28 there must be a "substantial reason; one that affords a legal excuse." Hathaway v. State, 119

1 Nev. 248, 252, 71 P.3d 503, 506 (2003) (quoting Colley v. State, 105 Nev. 235, 236, 773 P.2d
2 1229, 1230 (1989)). Clearly, any delay in the filing of the petition must not be the fault of the
3 petitioner. NRS 34.726(1)(a).

4 Defendant fails to even allege good cause to overcome the procedural bars. Rather,
5 Defendant only asserts his counsel never consulted with him “regarding any decisions to file
6 a direct appeal.” Pet. 6. However, Defendant does not put forth how consultation with his
7 counsel regarding a direct appeal was an impediment external to the defense that prevented
8 him from filing a timely petition. Because Defendant does not put forth any claims
9 demonstrating good cause sufficient to overcome the procedural bars that apply to his petition,
10 Defendant’s petition should be denied.

11 **III. APPLICATION OF THE PROCEDURAL BARS IS MANDATORY**

12 “Application of the statutory procedural default rules to post-conviction habeas
13 petitions is mandatory.” State v. Dist. Ct. (Riker), 121 Nev. 225, 231, 112 P.3d 1070, 1074
14 (2005). With this succinct, emphatic statement, the Nevada Supreme Court articulated the
15 *duty* that the District Court has to consider whether a defendant’s post-conviction petition
16 claims are procedurally barred. Id. The Riker Court further noted:

17 Habeas corpus petitions that are filed many years after conviction
18 are an unreasonable burden on the criminal justice system. The
19 necessity for a workable system dictates that there must exist a
time when a criminal conviction is final.

20 Id. Additionally, the Court held that procedural bars “cannot be ignored [by the district court]
21 when properly raised by the State.” Id. at 233, 112 P.3d at 1075. The Nevada Supreme Court
22 has granted no discretion to the district courts regarding whether to apply the statutory
23 procedural bars; the rules *must* be applied. This position was recently reaffirmed in State v.
24 Greene, 129 Nev. ___, 307 P.3d 322 (2013). There the Court ruled that the defendant’s petition
25 was “untimely, successive, and an abuse of the writ” and that the defendant failed to show
26 good cause and actual prejudice. Id. at 324, 307 P.3d at 326. Accordingly, the Court reversed
27 the District Court and ordered the defendant’s petition dismissed pursuant to the procedural
28 bars. Id. at 324, 307 P.3d at 322–23. The procedural bars are so fundamental to the post-

1 conviction process that they must be applied by this Court even if not raised by the State. See
2 Riker, 121 Nev. at 231, 112 P.3d at 1074.

3 Because Defendant failed to show good cause or prejudice, this Court is under a duty
4 to apply the procedural bars, and dismiss Defendant's Petition. Id.

5 **CONCLUSION**

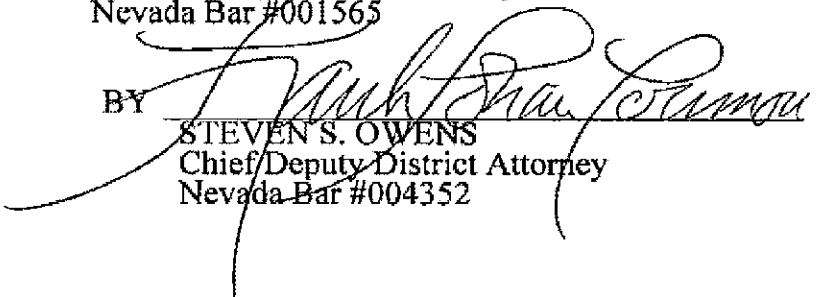
6 Based on the foregoing, the State respectfully requests that Defendant's Petition be
7 denied.

8 DATED this 5th day of April, 2016.

9 Respectfully submitted,

10 STEVEN B. WOLFSON
11 Clark County District Attorney
12 Nevada Bar #001565

13 BY

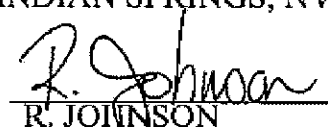
 *Steven S. Owens*
14 STEVEN S. OWENS
15 Chief/Deputy District Attorney
16 Nevada Bar #004352

17 **CERTIFICATE OF MAILING**

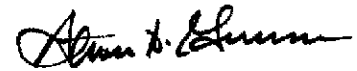
18 I hereby certify that service of the above and foregoing was made this 5th day of April,
19 2016, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

20 GLENN DOOLIN,
21 aka Glenn Miller Doolin #1023173
22 SOUTHERN DESERT CORRECTIONAL CENTER
23 P.O. BOX 208
24 INDIAN SPRINGS, NV 89070-0208

25 BY

 *R. Johnson*
26 R. JOHNSON
27 Secretary for the District Attorney's Office

28 CK/SSO/rj/M-1



CLERK OF THE COURT

FCL
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
STEVEN S. OWENS
Chief Deputy District Attorney
Nevada Bar #004352
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

CASE NO: C-12-284106-1

GLENN DOOLIN,
aka Glenn Miller Doolin, #1990096

DEPT NO: XXV

Defendant.

FINDINGS OF FACT, CONCLUSIONS OF
LAW AND ORDER

DATE OF HEARING: APRIL 13, 2016
TIME OF HEARING: 9:00 AM

THIS CAUSE having come on for hearing before the Honorable KATHLEEN DELANEY, District Judge, on the 13th day of April, 2016, the Petitioner not being present, PROCEEDING IN FORMA PAUPERIS, the Respondent being represented by STEVEN B. WOLFSON, Clark County District Attorney, by and through CHAD LEXIS, Deputy District Attorney, and the Court having considered the matter, including briefs, transcripts, and documents on file herein, now therefore, the Court makes the following findings of fact and conclusions of law:

FINDINGS OF FACT, CONCLUSIONS OF LAW

On November 6, 2012, GLENN DOOLIN, aka Glenn Miller Doolin was charged by way of Information with the following: COUNT 1 – Grand Larceny Auto (Category C Felony

MAY 6 2016

1 – NRS 205.228.2); and COUNT 2 – Possession of Burglary Tools (Gross Misdemeanor – NRS
2 205.080).

3 On January 9, 2013, Doolin pleaded guilty to both of these charges. On April 10, 2013,
4 Doolin was sentenced under the small habitual criminal statute as follows: COUNT 1 – a
5 minimum of 60 months and a maximum of 150 months in the Nevada Department of
6 Corrections (NDC) to run consecutive to Case Numbers C283685 and C262611; and COUNT
7 2 – 12 months in the Clark County Detention Center (CCDC) to run consecutive to COUNT
8 1. Doolin received zero days credit for time served. On April 26, 2013, a Judgment of
9 Conviction was filed. Doolin did not file a direct appeal.

10 On January 30, 2015, Doolin filed a Motion to Modify Sentence. The State filed its
11 response on February 6, 2015. On February 9, 2015, Doolin's Motion was denied.

12 Doolin filed a Post-Conviction Petition for Writ of Habeas Corpus February 9, 2016.
13 The State filed its Response on April 6, 2016. On April 13, 2016, this Court pronounced its
14 decision regarding Doolin's Petition. The Court did not entertain any argument because
15 Doolin was not transported. The Court now orders Doolin's Petition be denied.

16 PETITION CLAIMS

17 This Court finds Doolin's petition is time barred with no good cause shown for delay.
18 Pursuant to NRS 34.726(1):

19 Unless there is good cause shown for delay, a petition that
20 challenges the validity of a judgment or sentence must be filed
21 within 1 year of the entry of the judgment of conviction or, if an
22 appeal has been taken from the judgment, within 1 year after the
23 Supreme Court issues its remittitur. For the purposes of this
24 subsection, good cause for delay exists if the petitioner
25 demonstrates to the satisfaction of the court:

- 26 (a) That the delay is not the fault of the petitioner; and
27 (b) That dismissal of the petition as untimely will
28 unduly prejudice the petitioner.

25 The Supreme Court of Nevada has held that NRS 34.726 should be construed by its plain
26 meaning. Pellegrini v. State, 117 Nev. 860, 873-74, 34 P.3d 519, 528 (2001). As per the
27 language of the statute, the one-year time bar prescribed by NRS 34.726 begins to run from
28

1 the date the Judgment of Conviction is filed or a remittitur from a timely direct appeal is filed.
2 Dickerson v. State, 114 Nev. 1084, 1087, 967 P.2d 1132, 1133-34 (1998).

3 The one-year time limit for preparing petitions for post-conviction relief under NRS
4 34.726 is strictly applied. In Gonzales v. State, 118 Nev. 590, 596, 53 P.3d 901, 904 (2002),
5 the Nevada Supreme Court rejected a habeas petition that was filed two days late, despite
6 evidence presented by the defendant that he purchased postage through the prison and mailed
7 the Notice within the one-year time limit.

8 Here, Doolin's Judgment of Conviction was filed on April 26, 2013. Doolin did not
9 file a direct appeal. Thus, Doolin had one year from the filing of the Judgment of Conviction
10 to raise a timely Post-Conviction Petition for Writ of Habeas Corpus. However, Doolin did
11 not bring the instant Petition until February 9, 2016, well beyond the statutory time frame laid
12 out in NRS 34.726. This Court finds, absent a showing of good cause to excuse this delay,
13 Doolin's Petition is dismissed because it was not filed within the one-year time period.

14 A showing of good cause and prejudice may overcome procedural bars. "To establish
15 good cause, appellants *must* show that an impediment external to the defense prevented their
16 compliance with the applicable procedural rule. A qualifying impediment might be shown
17 where the factual or legal basis for a claim was not reasonably available at the time of default."
18 Clem v. State, 119 Nev. 615, 621, 81 P.3d 521, 525 (2003) (emphasis added). The Court
19 continued, "appellants cannot attempt to manufacture good cause" Id. at 621, 81 P.3d at
20 526. In order to establish prejudice, the defendant must show "not merely that the errors of
21 [the proceedings] created possibility of prejudice, but that they worked to his actual and
22 substantial disadvantage, in affecting the state proceedings with error of constitutional
23 dimensions.'" Hogan v. Warden, 109 Nev. 952, 960, 860 P.2d 710, 716 (1993) (quoting
24 United States v. Frady, 456 U.S. 152, 170, 102 S. Ct. 1584, 1596 (1982)). To find good cause
25 there must be a "substantial reason; one that affords a legal excuse." Hathaway v. State, 119
26 Nev. 248, 252, 71 P.3d 503, 506 (2003) (quoting Colley v. State, 105 Nev. 235, 236, 773 P.2d
27 1229, 1230 (1989)). Clearly, any delay in the filing of the petition must not be the fault of the
28 petitioner. NRS 34.726(1)(a).

1 This Court finds Doolin fails to even allege good cause to overcome the procedural
2 bars. Rather, Doolin only asserts his counsel never consulted with him “regarding any
3 decisions to file a direct appeal.” Pet. 6. However, Doolin does not put forth how consultation
4 with his counsel regarding a direct appeal was an impediment external to the defense that
5 prevented him from filing a timely petition. Because this Court finds Doolin does not put forth
6 any claims demonstrating good cause sufficient to overcome the procedural bars that apply to
7 his petition, Doolin’s petition is denied.

8 “Application of the statutory procedural default rules to post-conviction habeas
9 petitions is mandatory.” State v. Dist. Ct. (Riker), 121 Nev. 225, 231, 112 P.3d 1070, 1074
10 (2005). With this succinct, emphatic statement, the Nevada Supreme Court articulated the
11 *duty* that the District Court has to consider whether a defendant’s post-conviction petition
12 claims are procedurally barred. Id. The Riker Court further noted:

13 Habeas corpus petitions that are filed many years after conviction
14 are an unreasonable burden on the criminal justice system. The
15 necessity for a workable system dictates that there must exist a
time when a criminal conviction is final.

16 Id. Additionally, the Court held that procedural bars “cannot be ignored [by the district court]
17 when properly raised by the State.” Id. at 233, 112 P.3d at 1075. The Nevada Supreme Court
18 has granted no discretion to the district courts regarding whether to apply the statutory
19 procedural bars; the rules *must* be applied. This position was recently reaffirmed in State v.
20 Greene, 129 Nev. ___, 307 P.3d 322 (2013). There the Court ruled that the defendant’s petition
21 was “untimely, successive, and an abuse of the writ” and that the defendant failed to show
22 good cause and actual prejudice. Id. at 324, 307 P.3d at 326. Accordingly, the Court reversed
23 the District Court and ordered the defendant’s petition dismissed pursuant to the procedural
24 bars. Id. at 324, 307 P.3d at 322–23. The procedural bars are so fundamental to the post-
25 conviction process that they must be applied by this Court even if not raised by the State. See
26 Riker, 121 Nev. at 231, 112 P.3d at 1074.

27 Because Doolin failed to show good cause or prejudice, this Court finds it is under a
28 duty to apply the procedural bars, and dismiss Doolin’s Petition. Id.

1 **ORDER**

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

4 DATED this 12th day of May, 2016.

5
6 
DISTRICT JUDGE

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

10 BY 

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

14 **CERTIFICATE OF SERVICE**


15 I certify that on the 4th day of May, 2016, I mailed a copy of the foregoing proposed
16 Findings of Fact, Conclusions of Law, and Order to:

17 GLENN DOOLIN,
18 aka Glenn Miller Doolin #1023173
19 SOUTHERN DESERT CORRECTIONAL CENTER
P.O. BOX 208
INDIAN SPRINGS, NV 89070-0208

20 BY 

21 R. JOHNSON
22 Secretary for the District Attorney's Office

23
24
25
26
27
28 CK/SSO/rj/M-1



CLERK OF THE COURT

1 CSERV
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001563
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

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

CASE NO: C-12-284106-1

12 GLENN DOOLIN,
13 aka Glenn Miller Doolin, #1990096

DEPT NO: XXV

14 Defendant.

15 CERTIFICATE OF SERVICE

16 I certify that on the 17th day of May, 2016, I mailed a copy of the Findings of Fact,
17 Conclusions of Law, and Order to:

18 GLENN DOOLIN,
19 aka Glenn Miller Doolin #1023173
20 SOUTHERN DESERT CORRECTIONAL CENTER
21 P.O. BOX 208
22 INDIAN SPRINGS, NV 89070-0208

23 BY



24 R. JOHNSON

25 Secretary for the District Attorney's Office

26
27
28 SSO/rj/M-1

FILED

MAY 18 2016

Chante Pleasant
CLERK OF COURT

1 NEO

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

4 GLENN DOOLIN,

5
6 Petitioner,

7 VS.

8 THE STATE OF NEVADA,

9 Respondent,

Case No: C-12-284106-1

Dept No: XXV

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

11 PLEASE TAKE NOTICE that on May 17, 2016, the court entered a decision or order in this matter, a
12 true and correct copy of which is attached to this notice.

13 You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you
14 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 May 18, 2016.

15 STEVEN D. GRIERSON, CLERK OF THE COURT

16 *Chaunte Pleasant*

17 Chaunte Pleasant, Deputy Clerk

18
19 CERTIFICATE OF MAILING

20 I hereby certify that on this 18 day of May 2016, I placed a copy of this Notice of Entry in:

- 21 ☒ The bin(s) located in the Regional Justice Center of:
22 Clark County District Attorney's Office
Attorney General's Office – Appellate Division-
- 23 ☒ The United States mail addressed as follows:
24 Glenn Doolin # 1023173
25 P.O. Box 208
Indian Springs, NV 89070-0208

26 *Chaunte Pleasant*

27 Chaunte Pleasant, Deputy Clerk


CLERK OF THE COURT

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

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

11 -vs-

CASE NO: C-12-284106-1

12 GLENN DOOLIN,
13 aka Glenn Miller Doolin, #1990096

DEPT NO: XXV

14 Defendant.

15 FINDINGS OF FACT, CONCLUSIONS OF
16 LAW AND ORDER

17 DATE OF HEARING: APRIL 13, 2016
18 TIME OF HEARING: 9:00 AM

19 THIS CAUSE having come on for hearing before the Honorable KATHLEEN
20 DELANEY, District Judge, on the 13th day of April, 2016, the Petitioner not being present,
21 PROCEEDING IN FORMA PAUPERIS, the Respondent being represented by STEVEN B.
22 WOLFSON, Clark County District Attorney, by and through CHAD LEXIS, Deputy District
23 Attorney, and the Court having considered the matter, including briefs, transcripts, and
24 documents on file herein, now therefore, the Court makes the following findings of fact and
25 conclusions of law:

26 FINDINGS OF FACT, CONCLUSIONS OF LAW

27 On November 6, 2012, GLENN DOOLIN, aka Glenn Miller Doolin was charged by
28 way of Information with the following: COUNT 1 -- Grand Larceny Auto (Category C Felony

MAY 6 2016

W:\2012\2012F09527\12F09527-FCL-(DOOLIN_GLENN)-001.DOCX

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2 205.080).

3 On January 9, 2013, Doolin pleaded guilty to both of these charges. On April 10, 2013,
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8 1. Doolin received zero days credit for time served. On April 26, 2013, a Judgment of
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12 Doolin filed a Post-Conviction Petition for Writ of Habeas Corpus February 9, 2016.
13 The State filed its Response on April 6, 2016. On April 13, 2016, this Court pronounced its
14 decision regarding Doolin's Petition. The Court did not entertain any argument because
15 Doolin was not transported. The Court now orders Doolin's Petition be denied.

16 PETITION CLAIMS

17 This Court finds Doolin's petition is time barred with no good cause shown for delay.
18 Pursuant to NRS 34.726(1):

19 Unless there is good cause shown for delay, a petition that
20 challenges the validity of a judgment or sentence must be filed
21 within 1 year of the entry of the judgment of conviction or, if an
22 appeal has been taken from the judgment, within 1 year after the
23 Supreme Court issues its remittitur. For the purposes of this
24 subsection, good cause for delay exists if the petitioner
demonstrates to the satisfaction of the court:

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

25 The Supreme Court of Nevada has held that NRS 34.726 should be construed by its plain
26 meaning. Pellegrini v. State, 117 Nev. 860, 873-74, 34 P.3d 519, 528 (2001). As per the
27 language of the statute, the one-year time bar prescribed by NRS 34.726 begins to run from
28

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2 Dickerson v. State, 114 Nev. 1084, 1087, 967 P.2d 1132, 1133-34 (1998).

3 The one-year time limit for preparing petitions for post-conviction relief under NRS
4 34.726 is strictly applied. In Gonzales v. State, 118 Nev. 590, 596, 53 P.3d 901, 904 (2002),
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7 the Notice within the one-year time limit.

8 Here, Doolin's Judgment of Conviction was filed on April 26, 2013. Doolin did not
9 file a direct appeal. Thus, Doolin had one year from the filing of the Judgment of Conviction
10 to raise a timely Post-Conviction Petition for Writ of Habeas Corpus. However, Doolin did
11 not bring the instant Petition until February 9, 2016, well beyond the statutory time frame laid
12 out in NRS 34.726. This Court finds, absent a showing of good cause to excuse this delay,
13 Doolin's Petition is dismissed because it was not filed within the one-year time period.

14 A showing of good cause and prejudice may overcome procedural bars. "To establish
15 good cause, appellants *must* show that an impediment external to the defense prevented their
16 compliance with the applicable procedural rule. A qualifying impediment might be shown
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20 526. In order to establish prejudice, the defendant must show "not merely that the errors of
21 [the proceedings] created possibility of prejudice, but that they worked to his actual and
22 substantial disadvantage, in affecting the state proceedings with error of constitutional
23 dimensions.'" Hogan v. Warden, 109 Nev. 952, 960, 860 P.2d 710, 716 (1993) (quoting
24 United States v. Frady, 456 U.S. 152, 170, 102 S. Ct. 1584, 1596 (1982)). To find good cause
25 there must be a "substantial reason; one that affords a legal excuse." Hathaway v. State, 119
26 Nev. 248, 252, 71 P.3d 503, 506 (2003) (quoting Colley v. State, 105 Nev. 235, 236, 773 P.2d
27 1229, 1230 (1989)). Clearly, any delay in the filing of the petition must not be the fault of the
28 petitioner. NRS 34.726(1)(a).

1 This Court finds Doolin fails to even allege good cause to overcome the procedural
2 bars. Rather, Doolin only asserts his counsel never consulted with him "regarding any
3 decisions to file a direct appeal." Pet. 6. However, Doolin does not put forth how consultation
4 with his counsel regarding a direct appeal was an impediment external to the defense that
5 prevented him from filing a timely petition. Because this Court finds Doolin does not put forth
6 any claims demonstrating good cause sufficient to overcome the procedural bars that apply to
7 his petition, Doolin's petition is denied.

8 "Application of the statutory procedural default rules to post-conviction habeas
9 petitions is mandatory." State v. Dist. Ct. (Riker), 121 Nev. 225, 231, 112 P.3d 1070, 1074
10 (2005). With this succinct, emphatic statement, the Nevada Supreme Court articulated the
11 *duty* that the District Court has to consider whether a defendant's post-conviction petition
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13 Habeas corpus petitions that are filed many years after conviction
14 are an unreasonable burden on the criminal justice system. The
15 necessity for a workable system dictates that there must exist a
time when a criminal conviction is final.

16 Id. Additionally, the Court held that procedural bars "cannot be ignored [by the district court]
17 when properly raised by the State." Id. at 233, 112 P.3d at 1075. The Nevada Supreme Court
18 has granted no discretion to the district courts regarding whether to apply the statutory
19 procedural bars; the rules *must* be applied. This position was recently reaffirmed in State v.
20 Greene, 129 Nev. ___, 307 P.3d 322 (2013). There the Court ruled that the defendant's petition
21 was "untimely, successive, and an abuse of the writ" and that the defendant failed to show
22 good cause and actual prejudice. Id. at 324, 307 P.3d at 326. Accordingly, the Court reversed
23 the District Court and ordered the defendant's petition dismissed pursuant to the procedural
24 bars. Id. at 324, 307 P.3d at 322-23. The procedural bars are so fundamental to the post-
25 conviction process that they must be applied by this Court even if not raised by the State. See
26 Riker, 121 Nev. at 231, 112 P.3d at 1074.

27 Because Doolin failed to show good cause or prejudice, this Court finds it is under a
28 duty to apply the procedural bars, and dismiss Doolin's Petition. Id.

ORDER

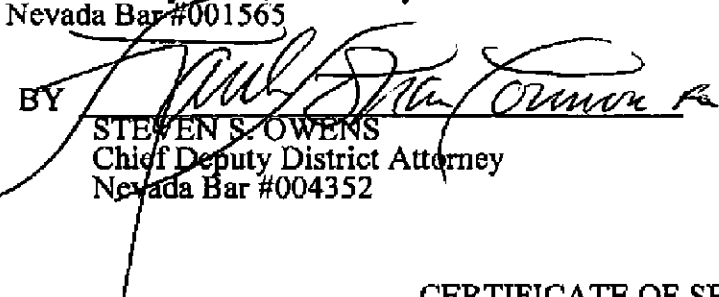
THEREFORE, IT IS HEREBY ORDERED that the Petition for Post-Conviction Relief shall be, and it is, hereby denied.

DATED this 12th day of May, 2016.


DISTRICT JUDGE

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

BY

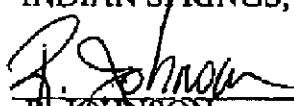

STEVEN S. OWENS
Chief Deputy District Attorney
Nevada Bar #004352

CERTIFICATE OF SERVICE

I certify that on the 4th day of May, 2016, I mailed a copy of the foregoing proposed Findings of Fact, Conclusions of Law, and Order to:

GLENN DOOLIN,
aka Glenn Miller Doolin #1023173
SOUTHERN DESERT CORRECTIONAL CENTER
P.O. BOX 208
INDIAN SPRINGS, NV 89070-0208

BY


R. JOHNSON
Secretary for the District Attorney's Office

CK/SSO/rj/M-1

Original

35

Electronically Filed
09/12/2016 12:53:14 PM

Glenn Doolin ID NO: 1023173

Southern Desert Correctional Center

Post Office Box 208

Indian Springs, Nevada 89070-0208

Allen B. Lamm

CLERK OF THE COURT

IN THE 8th JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
FOR THE COUNTY OF Clark

Plaintiff, *State of Nevada*

Case No: *C-12-284106-1*

V.

Dept. No: *25*

Defendant - *Glenn Doolin*

Date: 10/03/16

Time: 9:00 AM

NOTICE OF MOTION

MOTIONS FOR MODIFICATION OF SENTENCE

Comes now, Defendant, *Glenn Doolin*, pro per, and respectfully moves
this Honorable court for a modification of sentence.

This motion is based pursuant to the supporting Points and Authorities attached hereto, NRS
176.555, as well as all papers, pleading, and documents on file herein.

POINTS AND AUTHORITIES

1. STANDARD OF REVIEW

The Nevada Supreme Court has long recognized that Court's have the power and Jurisdiction to
Modify a sentence, see, *Staley v. State*, 787 P.2d 396, 106 Nev. 75 (1990):

"That if a sentencing court pronounces sentence within statutory limits, the court will have
Jurisdiction to MODIFY, suspend or other wise correct that sentence if it is based upon
materially untrue assumptions or mistakes which work to the extreme detriment of the
defendant"

MC
DA
PP

CLERK OF THE COURT

SEP 12 2016

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RECEIVED

CLERK OF THE COURT

SEP 12 2016

RECEIVED

1 Defendant believes that this court has, based upon Staley, the jurisdiction to MODIFY his
2 sentence, due to that sentence being pronounced based upon a Pre-Sentence Investigation Report which
3 did have several material facts in error, which will be discussed below in the statement of facts.

4 Respondent may argue that laches apply due to the fact that thee [3] years have passed since
5 sentence was pronounced. However, the Nevada Supreme Court held that such time requirement does not
6 apply to a request for Modification of Sentence, see, Passanisi v. State, 831 P2d 1371, 108 Nev. 318
7 (1995):
8

9 ... "we note that the trial court has inherent authority to correct a sentence at any time if such
10 sentence based on mistake of material fact that worked to the extreme detriment of the defendant.
11 (Citations Omitted). If the trial court has inherent authority to correct a sentence, a Fortiori, it has
12 the power to entertain a motion requesting it to exercise that inherent authority.... Thus, the time
13 limits and other restrictions with respect to a post-conviction relief do not apply to a Motion to
14 Modify a Sentence based on a claim that the sentence was illegal or was based on an untrue
15 assumption of the fact that amounted to denial of due process (Emphasis added) Id. 831 P2d at
16 1372n. 1. See also, Edwards v. State, 918 P2d 321, 324, 112 Nev. 704 (1996).

17 Defendant, as stated above, is alleging that his sentence by this Court was based upon
18 assumptions founded upon his Pre-Sentence Investigation Report (PSI) that had several factors in error,
19 and as such, his constitutional right to due process was violated. See, State v. District Court, 677 P2d
20 1044, 100 Nev. 90 (1984):

21 The district court's inherent authority to correct a judgment or sentence founded on mistake is in
22 accord with the constitutional considerations underlying the sentencing process. The United
23 States Supreme Court has expressly held that where a defendant is sentenced on the basis of
24 materially untrue assumptions concerning his criminal record, "(the) result whether caused by
25 carelessness or design, is inconsistent with due process of law". Townsend v. Burke, 736, 741,
26 68 S. Ct. 12552, 1255, 92 L. Ed. 1690 (1948). Further, the cases clearly established that
27 constitutionally Violate "materially untrue assumptions" concerning a criminal record may arise
28 either as a result of a sentencing judge's correct perception of misapprehension. (Emphasis in
29 original). Id. 677 P2d at 1048 n. 3.

30 Defendant would asks that this Court not perceive this request to be pointing the finger at the
31 Court and saying 'you were wrong' as that is not the case. Defendant is merely requesting that the Court
32 reconsider the sentence that was pronounced based upon mistakes of fact in the PSI report and at
33 sentencing.

II. STATEMENT OF FACTS

I Glenn Doolin #1023173 humbly request that this Court ~~to~~ would reconsider my judgement of conviction where Court 2 now is less consecutive to my 1st Court, in that, I am currently serving a sentence of 5 to 12 yrs. And ask that this Court run my Court 2 (misdemeanor) concurrent with my State Sentence, so that when my State Sentence is completed I can follow through with my parole plans for interstate compact back home to North Carolina. I have current letters of support from employers & family for the Courts to look at. Also I have taken "self-help" classes while being in prison to better my rehabilitation during this time I've learned alot. I humbly ask this Court to please show mercy on me. I hope that this Court can see that a 12 month County Sentence will be an extreme detriment to me with my already long term in prison, and that there would be no benefit to my rehabilitation to have to serve 12 additional months in County. Considering I have a network of support for my reentry back to society.

1 CONCLUSION

2 WHEREFORE, all of the above stated reasons, Defendant respectfully requests this Honorable Court to
3 Modify his/her Sentence in accordance with this Court's fair and just consideration of the facts of the case.
4

5 Dated this 6th day of Sept., 2016.

6
7
8 By: Glenn Doolin

9 Glenn Doolin #1023173

10 Southern Desert Correctional Center

11 P.O. BOX 208

12 INDIAN SPRINGS, NEVADA 89070-208
13
14
15
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27
28

1. Glenn Doolin, certify that the foregoing "Motion For
Modification of Sentence", was served upon the Respondent pursuant to NRCP 5 (b), by placing same in
the United States Postal Service, postage being fully pre-paid, and addressed as follows:

Clerk of Courts

District Attorney's Office

200 Lewis Ave. 3rd fl.

200 Lewis Ave. 3rd fl.

Las Vegas, NV 89155-1160

Las Vegas, NV 89155-2212

Dated this 6th day of Sept., 2016.

By: Glenn Doolin

Glenn Doolin #1023123

P.O. Box
Indian Springs, NV. 89070

Defendant, In Proper Person

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding Notice of

Motion for Modification of Sentence
(Title of Document)

filed in District Court Case number C-12-284106-1

☒ 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.

Glenn Dodson
Signature

9-6-16
Date

Glenn Dodson
Print Name

Pro-Res
Title

To Whom This May Concern:


I am writing you in regards to Glenn Doolin. Mr. Doolin is presently incarcerated in Nevada Department of Corrections and is housed at Southern Desert Correction Center.

I have known Mr. Doolin for about 30 yrs. I also have known about his battles and struggles with the disease of addiction.

Mr. Doolin and I have been corresponding for the past year or so, and today I know that he has changed. With that being said, I would like to assure the Nevada Justice System that Mr. Doolin does have a home to come to, and that Mr. Doolin will have no reason to return to the state of Nevada.

If possible would you please consider Mr. Doolin's plea for "mercy of the courts". So that he can return home.

Sincerely

Christy Gail Carter


To Whom This May Concern:

This letter is in support of Glenn Doolin who is currently serving time in the Nevada Department of Corrections. I have known and worked with Mr. Doolin for a lot of years in the past.

I knew that Mr. Doolin had a drug problem and that over the years he has gotten help, But all in all he was a good worker and a good person. I just believe the drugs got the best of him. For the past year or so I've got back in touch with Mr. Doolin, and I believe he has changed. I honestly think he is finished with the life of drugs.

I also am willing to allow Mr. Doolin to come work for me. I would also like for the courts to know that Mr. Doolin will have Employment and a network of support when he is released.

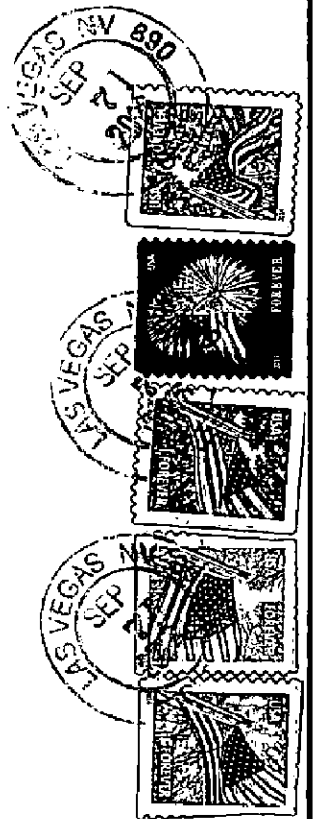
Thanks

TRACY George

Glean Doolin #1033113
P.O. Box-208-5000
Tadrian Springs, NV
89070

1033113

Clark of the Coast
200 - Lancia A.S. 3rd A.
Las Vegas, NV 89105-1160



Southern Desert
Correctional Center
SEP - 7 2016
Outgoing

1 IN THE 8th JUDICIAL DISTRICT COURT OF THE
2 STATE OF NEVADA IN AND FOR THE
3 COUNTY OF Clark
4

5 Glen Doolin)

6 Petitioner,)

7)
8 v.)

9) Case No. C-12-284106-1
10)

11 State of Nevada)

12) Dept. No. 25
13)

14 Respondent.)
15)

C-12-284106-1
LSF
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4682483



16 ORDER FOR TRANSPORTATION OF INMATE FOR COURT APPEARANCE
17 OR, IN THE ALTERNATIVE, FOR APPEARANCE BY TELEPHONE OR VIDEO
18 CONFERENCE

19 Based upon the above motion, I find that the presence of
20 Glen Doolin is necessary for the hearing that is scheduled in this
21 case on the _____ day of _____, at
22 _____.

23 THEREFOR, IT IS HEREBY ORDERED that,

24 ☐ Pursuant to NRS 209.274, Warden Jo Gentry
25 of Southern Desert Corr. Ctr. is hereby commanded to have
26 Glen Doolin #1023113 transported to appear before me at a hearing
27 scheduled for _____ at _____ at the
28 Clark County Courthouse. Upon completion of the hearing,

1 Glen D. Dorian # 68373 is to be transported back to the above
2 named institution.
3

4 ☐ Pursuant to NRS 209.274(2)(a), Petitioner shall be made available for telephonic
5 or video conference appearance by his or her institution. My clerk will contact
6 _____ at _____ to make
7 arrangements for the Court to initiate the telephone appearance for the hearing.
8

9 Dated this _____ day of _____,
10
11

12 _____
13 District Court Judge
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mc	1
DA	
pp	2

NDOC No. 1023173

Southern Desert Corr. Cnt.

In proper person

Electronically Filed
09/14/2016 04:09:17 PM

IN THE 8th JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR THE
COUNTY OF CLARK

CLERK OF THE COURT

Genn Doolin

Date: 10/05/16

Time: 9:00 AM

Petitioner,

V.

Case No. C-12-284106-1

State of Nevada

Dept. No. 25

Respondent.)

**MOTION AND ORDER FOR TRANSPORTATION
OF INMATE FOR COURT APPEARANCE
OR, IN THE ALTERNATIVE,
FOR APPEARANCE BY TELEPHONE OR VIDEO CONFERENCE**

Petitioner, Glenn Doolin, proceeding pro se, requests that this Honorable Court order transportation for his personal appearance or, in the alternative, that he be made available to appear by telephone or by video conference at the hearing in the instant case that is scheduled for _____ at _____.

RECEIVED

SEP 14 2016

CLERK OF THE COURT

1 In support of this Motion, I allege the following:

2 1. I am an inmate incarcerated at Southern District Court Corr. Ctr.
3 My mandatory release date is Feb. 2020.

4
5 2. The Department of Corrections is required to transport offenders to and
6
7 from Court if an inmate is required or requests to appear before a Court in this state.
8

9 NRS 209.274 Transportation of Offender to Appear Before Court states:

10 "1. Except as otherwise provided in this section, when an offender is
11 required or requested to appear before a Court in this state, the
12 Department shall transport the offender to and from Court on the day
13 scheduled for his appearance.

14 2. If notice is not provided within the time set forth in NRS 50.215, the
15 Department shall transport the offender to Court on the date scheduled
16 for his appearance if it is possible to transport the offender in the usual
17 manner for the transportation of offenders by the Department. If it is
18 not possible for the Department to transport the offender in the usual
19 manner:

20 (a) The Department shall make the offender available on the date scheduled
21 for his appearance to provide testimony by telephone or by video conference,
22 if so requested by the Court.

23 (b) The Department shall provide for special transportation of the offender to
24 and from the Court, if the Court so orders. If the Court orders special
25 transportation, it shall order the county in which the Court is located to
26 reimburse the Department for any cost incurred for the special transportation.

27 (c) The Court may order the county sheriff to transport the offender to and
28 from the Court at the expense of the county."

29 3. My presence is required at the hearing because:

1 ☒ I AM NEEDED AS A WITNESS.

2 My petition raises substantial issues of fact concerning events in which I
3 participated and about which only I can testify. *See U.S. v. Hayman*, 342 U.S.
4 205 (1952) (District Court erred when it made findings of fact concerning
5 Hayman's knowledge and consent to his counsel's representation of a witness
6 against Hayman without notice to Hayman or Hayman's presence at the
7 evidentiary hearing).

8 ☒ THE HEARING WILL BE AN EVIDENTIARY HEARING.

9 My petition raises material issues of fact that can be determined only in my
10 presence. *See Walker v. Johnston*, 312 U.S. 275 (1941) (government's contention
11 that allegations are improbable and unbelievable cannot serve to deny the
12 petitioner an opportunity to support them by evidence). The Nevada
13 Supreme Court has held that the presence of the petitioner for habeas corpus
14 relief is required at any evidentiary hearing conducted on the merits of the
15 claim asserted in the petition. *See Gebers v. Nevada*, 118 Nev. 500 (2002).

16 4. The prohibition against ex parte communication requires that I be present
17 at any hearing at which the state is present and at which issues concerning the claims
18 raised in my petition are addressed. U.S. Const. amends. V, VI.

19 5. If a person incarcerated in a state prison is required or is requested to
20 appear as a witness in any action, the Department of Corrections must be notified in
21 writing not less than 7 business days before the date scheduled for his appearance in
22 Court if the inmate is incarcerated in a prison located not more than 40 miles from
23 Las Vegas. NRS 50.215(4). If a person is incarcerated in a prison located 41 miles or
24 more from Las Vegas, the Department of Corrections must be notified in writing not
25 less than 14 business days before the date scheduled for the person's appearance in
26 Court.

27 6. Southwest Desert Correctional Center is located approximately

28 35 miles from Las Vegas, Nevada.

1 7. If there is insufficient time to provide the required notice to the Department
2 of Corrections for me to be transported to the hearing, I respectfully request that this
3 Honorable Court order the Warden to make me available on the date of the
4 scheduled appearance, by telephone, or video conference, pursuant to NRS
5 209.274(2)(a), so that I may provide relevant testimony and/or be present for the
6 evidentiary hearing.

7 8. The rules of the institution prohibit me from placing telephone calls from
8 the institution, except for collect calls, unless special arrangements are made with
9 prison staff. Nev. Admin. Code DOC 718.01. However, arrangements for my
10 telephone appearance can be made by contacting the following staff member at my
11 institution: _____
12 whose telephone number is _____

13
14 Dated this _____ day of _____
15
16 _____
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CERTIFICATE OF SERVICE BY MAILING

I, Glenn Doolin, hereby certify, pursuant to NRCP 5(b), that on this 6th
day of Sept 2016, I mailed a true and correct copy of the foregoing, "Motion
for Transportation for Court Appearance"
by placing document in a sealed pre-postage paid envelope and deposited said envelope in the
United State Mail addressed to the following:

Clert of the Court
200 W. 8th Ave. 3rd Fl.
Las Vegas NV 89155-

CC: FILE

DATED: this _____ day of _____, 20____.

Glenn Doolin
Glenn Doolin #1023173
/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 Motion and

Order for Transportation of inmate for court
(Title of Document)

filed in District Court Case number 12-284106-1

☒ 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-

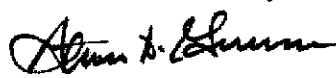
B. For the administration of a public program or for an application
for a federal or state grant.

[Signature]
Signature

9-6-16
Date

Glenn Doolin
Print Name

Pro-Pos
Title



CLERK OF THE COURT

1 RSPN
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

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

12 GLENN DOOLIN,
13 aka Glenn Miller Doolin, #1990096

14 Defendant.

CASE NO: C-12-284106-1

DEPT NO: XXV

15 STATE'S RESPONSE TO DEFENDANT'S PRO PER MOTION
16 FOR MODIFICATION OF SENTENCE

17 DATE OF HEARING: OCTOBER 3, 2016
18 TIME OF HEARING: 9:00 A.M.

19 Comes now, the State of Nevada, by STEVEN B. WOLFSON, Clark County District
20 Attorney, through STEVEN S. OWENS, Chief Deputy District Attorney, and hereby submits
21 the attached Points and Authorities in Response to Defendant's Pro Per Motion for
22 Modification of Sentence.

23 This response is made and based upon all the papers and pleadings on file herein, the
24 attached points and authorities in support hereof, and oral argument at the time of hearing, if
25 deemed necessary by this Honorable Court.

26 //

27 //

28 //

W:\2012\2012F\095\27\12F09527-RSPN-(DOOLIN_GLENN)-003.DOCX

1 POINTS AND AUTHORITIES

2 STATEMENT OF THE CASE

3 On November 6, 2012, GLENN DOOLIN, aka Glenn Miller Doolin (hereinafter
4 "Defendant") was charged by way of Information with one count of Grand Larceny Auto
5 (Category C Felony – NRS 205.228.2) and one count of Possession of Burglary Tools (Gross
6 Misdemeanor – NRS 205.080).

7 On January 9, 2013, Defendant pleaded guilty to both of these charges. On April 10,
8 2013, Defendant was sentenced under the small habitual criminal statute as follows: as to the
9 count of Grand Larceny Auto, he was sentenced to 60 to 150 months in the Nevada Department
10 of Corrections (NDC) to run consecutive to Case Numbers C283685 and C262611; as to the
11 count of Possession of Burglary Tools, he was sentenced to 12 months in the Clark County
12 Detention Center (CCDC) and this sentence was to run consecutive to the sentence imposed
13 for Grand Larceny Auto. On April 26, 2013, a Judgment of Conviction was filed. Defendant
14 did not file a direct appeal.

15 On January 30, 2015, Defendant filed a Motion to Modify Sentence. The State filed its
16 Response on February 6, 2015. And on February 9, 2015, Defendant's Motion was denied.
17 Defendant then filed a Post-Conviction Petition for Writ of Habeas Corpus on February 9,
18 2016, to which the State responded on April 6, 2016. On April 13, 2016, the Court denied
19 Defendant's petition and entered a Findings of Fact, Conclusions of Law and Order to that
20 effect on May 17, 2016.

21 Defendant subsequently filed another Motion for Modification of Sentence on
22 September 12, 2016. The State's Response is as follows.

23 ARGUMENT

24 The Court should deny Defendant's Motion for Modification of Sentence because the
25 claim he raises within is outside the scope of what can be raised in such a motion. In general,
26 a district court lacks jurisdiction to modify a sentence once the defendant has started serving
27 it. *Passanisi v. State*, 108 Nev. 318, 322, 831 P.2d 1371, 1373 (1992). However, a district
28 court does have inherent authority to correct, vacate, or modify a sentence where the defendant

1 can demonstrate the sentence violates due process because it is based on a materially untrue
2 assumption or mistake of fact that has worked to the defendant's extreme detriment. *Edwards*
3 *v. State*, 112 Nev. 704, 707, 918 P.2d 321, 324 (1996); *see also Passanisi*, 108 Nev. at 322,
4 831 P.2d at 1373. Not every mistake or error during sentencing gives rise to a due process
5 violation. *State v. District Court*, 100 Nev. 90, 97, 677 P.2d 1044, 1048 (1984). The Nevada
6 Supreme Court has emphasized that a "motion to modify a sentence is limited in scope to
7 sentences based on mistaken assumptions about a defendant's criminal record which work to
8 the extreme detriment of the defendant." *Edwards*, 112 Nev. at 708, 918 P.2d at 325.

9 Here, Defendant asks that this Court "run [his] COUNT 2 (misdemeanor) concurrent
10 with [his] state sentence." Def.'s Mot. for Modification of Sentence at 3. Defendant's claim,
11 however, is outside the scope of what can be raised in a motion to modify a sentence.
12 Defendant has not alleged any materially untrue assumption or mistake of fact that has worked
13 to his extreme detriment. That being the case, this Court should deny Defendant's request.

14 **CONCLUSION**

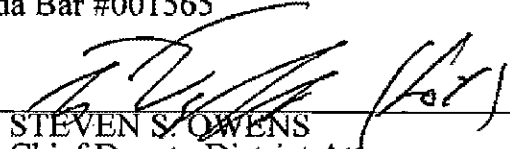
15 Based on the foregoing, the State requests this Court deny Defendant's Motion for
16 Modification of Sentence.

17 DATED this 30th day of September, 2016.

18 Respectfully submitted,

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

21 BY

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

CERTIFICATE OF MAILING

I hereby certify that service of the above and foregoing was made this 30th day of September, 2016, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

GLENN DOOLIN,
aka Glenn Miller Doolin #1023173
SOUTHERN DESERT CORRECTIONAL CENTER
P.O. BOX 208
INDIAN SPRINGS, NV 89070-0208

BY

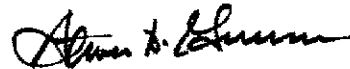


R. JOHNSON

Secretary for the District Attorney's Office

ARV/SSO/rj/M-1

COSCC



CLERK OF THE COURT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

STATE OF NEVADA

CASE NO.: C-12-284106-1

VS

DEPARTMENT 25

GLENN DOOLIN

CRIMINAL ORDER TO STATISTICALLY CLOSE CASE

Upon review of this matter and good cause appearing,

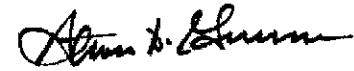
IT IS HEREBY ORDERED that the Clerk of the Court is hereby directed to statistically close this case for the following reason:

DISPOSITIONS:

- ☐ Nolle Prosequi (before trial)
- ☐ Dismissed (after diversion)
- ☐ Dismissed (before trial)
- ☐ Guilty Plea with Sentence (before trial)
- ☐ Transferred (before/during trial)
- ☐ Bench (Non-Jury) Trial
 - ☐ Dismissed (during trial)
 - ☐ Acquittal
 - ☐ Guilty Plea with Sentence (during trial)
 - ☐ Conviction
- ☐ Jury Trial
 - ☐ Dismissed (during trial)
 - ☐ Acquittal
 - ☐ Guilty Plea with Sentence (during trial)
 - ☐ Conviction
- ☒ Other Manner of Disposition

DATED this 26th day of October, 2016.


KATHLEEN E. DELANEY
DISTRICT COURT JUDGE



CLERK OF THE COURT

ORDR
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
MEGAN THOMSON
Chief Deputy District Attorney
Nevada Bar #011002
200 Lewis Avenue
Las Vegas, NV 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

CASE NO: C-12-284106-1

GLENN DOOLIN,
aka Glenn Miller Doolin, #1990096

DEPT NO: XXV

Defendant.

ORDER DENYING DEFENDANT'S PRO PER MOTION
FOR MODIFICATION OF SENTENCE

ORDER DENYING DEFENDANT'S PRO PER MOTION
FOR TRANSPORTATION OF INMATE FOR COURT APPEARANCE
OR, IN THE ALTERNATIVE, FOR APPEARANCE BY TELEPHONE
OR VIDEO CONFERENCE

DATE OF HEARING: OCTOBER 26, 2016
TIME OF HEARING: 9:00 A.M.

THIS MATTER having come on for hearing before the above entitled Court on the 26th day of October, 2016, the Defendant not being present, IN PROPER PERSON, the Plaintiff being represented by STEVEN B. WOLFSON, District Attorney, through MEGAN THOMSON, Chief Deputy District Attorney, without argument, based on the pleadings and good cause appearing therefor,

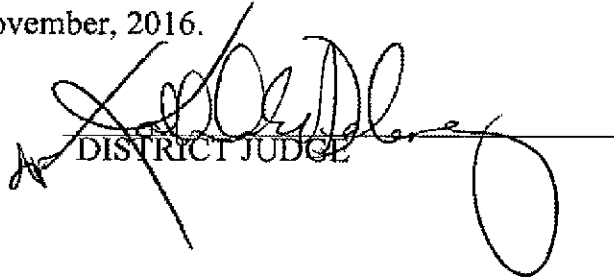
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NOV 22 2016

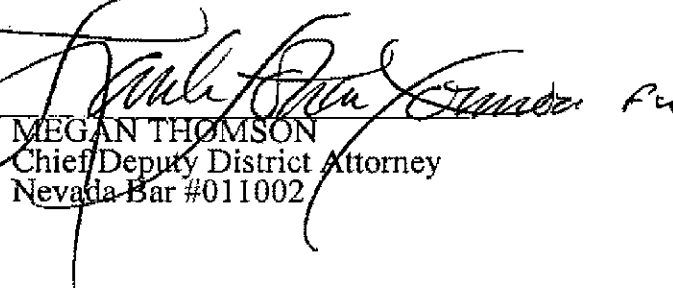
1 IT IS HEREBY ORDERED that the Defendant's Pro Per Motion for Modification of
2 Sentence and Defendant's Pro Per Motion for Transportation of Inmate for Court Appearance
3 or, in the Alternative, for Appearance by Telephone or Video Conference, shall be, and they
4 are DENIED as this Court does not have jurisdiction to modify sentence being outside the
5 scope.

6 DATED this 23rd day of November, 2016.

7
8 
DISTRICT JUDGE

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

11
12 BY


13 MEGAN THOMSON
14 Chief Deputy District Attorney
Nevada Bar #011002
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CERTIFICATE OF SERVICE

I certify that on the 5th day of December, 2016, I mailed a copy of the foregoing Order

to:

GLENN DOOLIN,
aka Glenn Miller Doolin #1023173
SOUTHERN DESERT CORRECTIONAL CENTER
P.O. BOX 208
INDIAN SPRINGS, NV 89070-0208

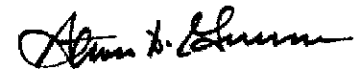
BY



R. JOHNSON

Secretary for the District Attorney's Office

jr for rj/M-1



CLERK OF THE COURT

ORDR
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
JONATHAN COOPER
Deputy District Attorney
Nevada Bar #012195
200 Lewis Avenue
Las Vegas, NV 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

GLENN DOOLIN,
aka Glenn Miller Doolin, #1990096

Defendant.

CASE NO: C-12-284106-1

DEPT NO: XXV

ORDER DENYING DEFENDANT'S PRO PER MOTIONS
FOR MODIFICATION OF SENTENCE

ORDER DENYING DEFENDANT'S PRO PER PETITION
FOR WRIT OF HABEAS CORPUS

DATE OF HEARING: FEBRUARY 9, 2015
TIME OF HEARING: 9:00 A.M.

THIS MATTER having come on for hearing before the above entitled Court on the 9th day of February, 2015, the Defendant not being present, IN PROPER PERSON, the Plaintiff being represented by STEVEN B. WOLFSON, District Attorney, through JONATHAN COOPER, Deputy District Attorney, without argument, based on the pleadings and good cause appearing therefor,

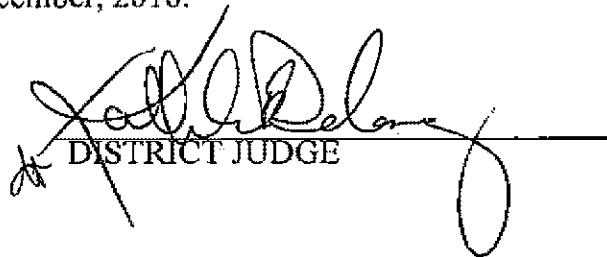
IT IS HEREBY ORDERED that the Defendant's Pro Per Motion for Modification of Sentence, shall be, and it is DENIED.

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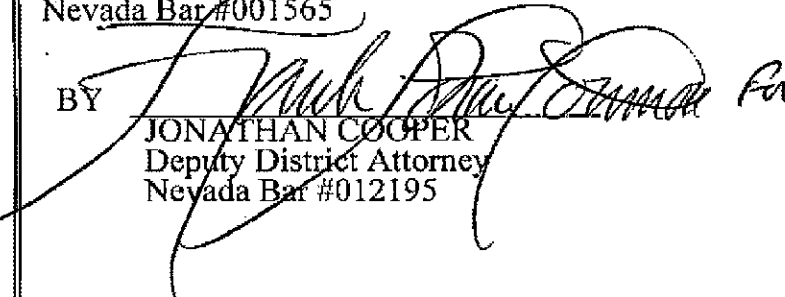
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1 To the extent that the defendant's motion was construed as a Petition for Writ of Habeas
2 Corpus, THE COURT FURTHER ORDERED, Petition is DENIED as being untimely
3 DATED this 8th day of December, 2016.

4
5 
6 DISTRICT JUDGE

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

10 BY


11 JONATHAN COOPER
12 Deputy District Attorney
13 Nevada Bar #012195
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1 CERTIFICATE OF SERVICE

2 I certify that on the 13th day of December, 2016, I mailed a copy of the foregoing
3 Order to:

4 GLENN DOOLIN,
5 aka Glenn Miller Doolin #1023173
6 SOUTHERN DESERT CORRECTIONAL CENTER
7 P.O. BOX 208
8 INDIAN SPRINGS, NV 89070-0208

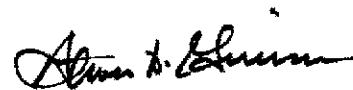
9 BY



R. JOHNSON

Secretary for the District Attorney's Office

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28 jr for rj/M-1



CLERK OF THE COURT

NEOJ

**DISTRICT COURT
CLARK COUNTY, NEVADA**

GLENN DOOLIN,

Petitioner,

vs.

THE STATE OF NEVADA,

Respondent,

Case No: C-12-284106-1

Dept. No: XXV

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that on December 13, 2016, the court entered a decision or order in this matter, a true and correct copy of which is attached to this notice.

You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is mailed to you. This notice was mailed on December 15, 2016.

STEVEN D. GRIERSON, CLERK OF THE COURT

/s/ Heather Ungermann

Heather Ungermann, Deputy Clerk

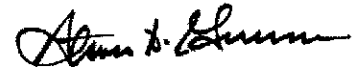
CERTIFICATE OF MAILING

I hereby certify that on this 15 day of December 2016, I placed a copy of this Notice of Entry in:

- ☒ The bin(s) located in the Regional Justice Center of:
Clark County District Attorney's Office
Attorney General's Office – Appellate Division-
- ☒ The United States mail addressed as follows:
Glenn Doolin # 1023173
P.O. Box 208
Indian Springs, NV 89070

/s/ Heather Ungermann

Heather Ungermann, Deputy Clerk



CLERK OF THE COURT

ORDR
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
JONATHAN COOPER
Deputy District Attorney
Nevada Bar #012195
200 Lewis Avenue
Las Vegas, NV 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

GLENN DOOLIN,
aka Glenn Miller Doolin, #1990096

Defendant.

CASE NO: C-12-284106-1

DEPT NO: XXV

ORDER DENYING DEFENDANT'S PRO PER MOTIONS
FOR MODIFICATION OF SENTENCE

ORDER DENYING DEFENDANT'S PRO PER PETITION
FOR WRIT OF HABEAS CORPUS

DATE OF HEARING: FEBRUARY 9, 2015
TIME OF HEARING: 9:00 A.M.

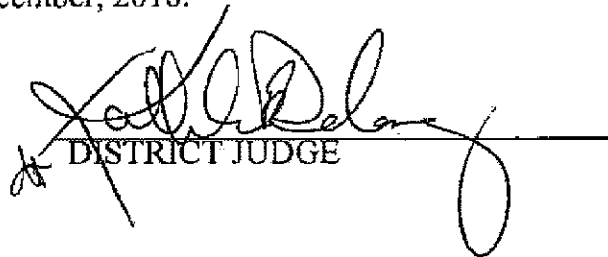
THIS MATTER having come on for hearing before the above entitled Court on the 9th day of February, 2015, the Defendant not being present, IN PROPER PERSON, the Plaintiff being represented by STEVEN B. WOLFSON, District Attorney, through JONATHAN COOPER, Deputy District Attorney, without argument, based on the pleadings and good cause appearing therefor,

IT IS HEREBY ORDERED that the Defendant's Pro Per Motion for Modification of Sentence, shall be, and it is DENIED.

//

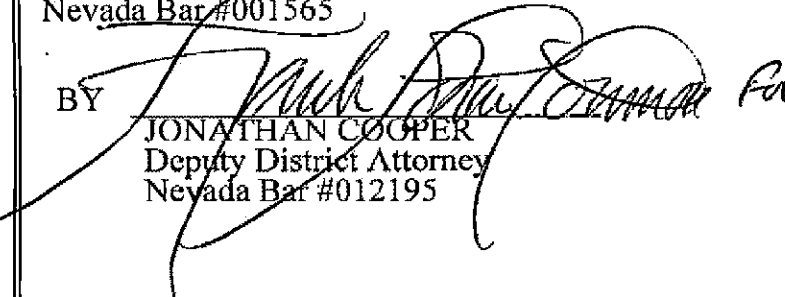
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1 To the extent that the defendant's motion was construed as a Petition for Writ of Habeas
2 Corpus, THE COURT FURTHER ORDERED, Petition is DENIED as being untimely
3 DATED this 8th day of December, 2016.

4
5
6 
DISTRICT JUDGE

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

10 BY


11 JONATHAN COOPER
12 Deputy District Attorney
13 Nevada Bar #012195
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1 CERTIFICATE OF SERVICE

2 I certify that on the 13th day of December, 2016, I mailed a copy of the foregoing
3 Order to:

4 GLENN DOOLIN,
5 aka Glenn Miller Doolin #1023173
6 SOUTHERN DESERT CORRECTIONAL CENTER
7 P.O. BOX 208
8 INDIAN SPRINGS, NV 89070-0208

9 BY



R. JOHNSON

Secretary for the District Attorney's Office

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28 jr for rj/M-1

Glenn Doolin 1023173
Petitioner/In Propria Persona
Post Office Box 208, SDCC
Indian Springs, Nevada 89070-0208

Allen L. Blum
CLERK OF THE COURT

IN THE 8th JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF CLARK

The State of Nevada,
Plaintiff,

vs.

Glenn M. Doolin,
Defendant.

CASE No. C-12-284106-1
DEPT. No. XXV (25)

DESIGNATION OF RECORD ON APPEAL

TO: Steven D. Grierson
Clerk of the Court
200 Lewis Ave. 3rd Fl.
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 26 day of December, 20 16.

RESPECTFULLY SUBMITTED BY:

Glenn M. Doolin
Glenn M. Doolin #1023173
Plaintiff/In Propria Persona

RECEIVED
JAN 13 2017
CLERK OF THE COURT

CERTIFICATE OF SERVICE BY MAILING

I, Glenn Doolin, hereby certify, pursuant to NRCP 5(b), that on this 26th
day of December, 2016, I mailed a true and correct copy of the foregoing, "Direct
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 D. Grierson
Clerk of the Court
200-Louis Ave 3rd Floor
Las Vegas, NV 89155-1160

Steven R. Wolfson
District Attorney
200 Louis Ave
P.O. Box 552212
Las Vegas, NV 89155-2212

CC:FILE

DATED: this 26 day of December, 2016.

Glenn Doolin
Glenn Doolin #1023173
/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 C-12-284106-1

☒ 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.

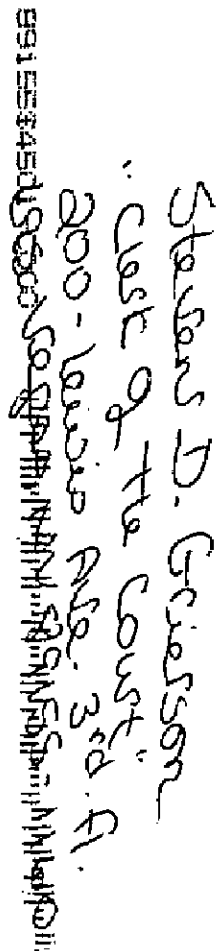
Glenn M. Doolin
Signature

Dec. 26, 2016
Date

Glenn M. Doolin
Print Name

Prose
Title

350



Stamped Filed
Copy Requested

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

Electronically Filed
01/13/2017 12:34:54 PM

Allen L. Johnson

5 IN THE 8th JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

6 IN AND FOR THE COUNTY OF CLARK

7
8 The State of Nevada

9 Plaintiff,

10 vs.

11 Glenn M. Doolin

12 Defendant.

Case No. C-12-284106-1

Dept. No. XXV (25)

Docket _____

13
14
15
16 **NOTICE OF APPEAL**

17 NOTICE IS HEREBY GIVEN, That the Petitioner/Defendant,
18 GLENN M. DOOLIN, 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 Motion for Modification of Sentence

22 _____
23 ruled on the 13 day of December, 20 16

24
25 Dated this 26 day of December, 20 16

26 Respectfully Submitted,

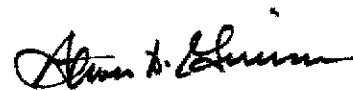
27 Glenn M. Doolin

28 Glenn Doolin

1023173

CLERK OF THE COURT

RECEIVED
JAN 13 2017



CLERK OF THE COURT

ASTA

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

STATE OF NEVADA,

Plaintiff(s),

vs.

GLENN DOOLIN aka GLENN MILLER DOOLIN,

Defendant(s),

Case No: C-12-284106-1

Dept No: XXV

CASE APPEAL STATEMENT

1. Appellant(s): Glenn Doolin

2. Judge: Kathleen E. Delaney

3. Appellant(s): Glenn Doolin

Counsel:

Glenn Doolin #1023173
P.O. Box 208
Indian Springs, NV 89070

4. Respondent: The State of Nevada

Counsel:

Steven B. Wolfson, District Attorney
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: No

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: September 12, 2012

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

Type of Judgment or Order Being Appealed: Misc. Order

11. Previous Appeal: No

Supreme Court Docket Number(s): N/A

12. Child Custody or Visitation: N/A

Dated This 18 day of January 2017.

Steven D. Grierson, Clerk of the Court

/s/ Heather Ungermann

Heather Ungermann, Deputy Clerk
200 Lewis Ave
PO Box 551601
Las Vegas, Nevada 89155-1601
(702) 671-0512

cc: Glenn Doolin

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 18, 2012

C-12-284106-1 State of Nevada
 vs
 Glenn Doolin

September 18, 2012 10:30 AM Initial Arraignment

HEARD BY: De La Garza, Melisa **COURTROOM:** RJC Lower Level Arraignment

COURT CLERK: Carole D'Aloia

RECORDER: Kiara Schmidt

REPORTER:

PARTIES

PRESENT: Doolin, Glenn Defendant
 Public Defender Attorney

JOURNAL ENTRIES

- Lynn Robinson, Chief Dep. D.A., present on behalf of the State and W. Jeremy Storms, Dep. P.D., present for Defendant. Following CONFERENCE AT BENCH, COURT ORDERED, matter CONTINUED for thirty (30) days.

CUSTODY (COC)

10/16/12 10:30 AM ARRAIGNMENT CONTINUED

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 16, 2012

C-12-284106-1 State of Nevada
 vs
 Glenn Doolin

October 16, 2012 10:30 AM Arraignment Continued

HEARD BY: De La Garza, Melisa **COURTROOM:** RJC Lower Level Arraignment

COURT CLERK: Sylvia Perez
 Carole D'Aloia
 Andrea Natali
 Katrina Hernandez

RECORDER: Kiara Schmidt

REPORTER:

PARTIES

PRESENT:	Doolin, Glenn	Defendant
	Mitchell, Scott S.	Attorney
	Public Defender	Attorney
	State of Nevada	Plaintiff
	Storms, William J.	Attorney

JOURNAL ENTRIES

- Pursuant to CONFERENCE AT BENCH, COURT ORDERED matter CONTINUED.

CUSTODY (COC)

11/6/12 10:30 AM ARRAIGNMENT CONTINUED

PRINT DATE: 05/08/2017

Page 2 of 16

Minutes Date: September 18, 2012

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 06, 2012

C-12-284106-1 State of Nevada
 vs
 Glenn Doolin

November 06, 2012 10:30 AM Arraignment Continued

HEARD BY: De La Garza, Melisa **COURTROOM:** RJC Lower Level Arraignment

COURT CLERK: Carole D'Aloia

RECORDER: Kiara Schmidt

REPORTER:

PARTIES

PRESENT: Doolin, Glenn Defendant
 Public Defender Attorney

JOURNAL ENTRIES

- Tom Carroll, Chief Dep. D.A., present on behalf of the State and Ryan Bashor, Dep. P.D., present for Defendant. Amended Information FILED IN OPEN COURT. DEFENDANT DOOLIN ARRAIGNED, PLED NOT GUILTY AND INVOKED THE SIXTY (60) DAY RULE. Court ACCEPTED plea and, ORDERED, matter set for JURY TRIAL.

CUSTODY (COC)

12/3/12 9:30 AM CALENDAR CALL

12/10/12 10:30 AM JURY TRIAL

PRINT DATE: 05/08/2017

Page 3 of 16

Minutes Date: September 18, 2012

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 03, 2012

C-12-284106-1 State of Nevada
 vs
 Glenn Doolin

December 03, 2012 9:30 AM Calendar Call

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 15A

COURT CLERK: Kristen Brown

RECORDER:

REPORTER: Brenda Schroeder

PARTIES

PRESENT:	Bashor, Ryan	Attorney
	Doolin, Glenn	Defendant
	O'Brien, Glen	Attorney
	Public Defender	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Bashor stated this matter is resolved and requested the trial date be vacated and set for a status check regarding negotiations. Statement by the deft. COURT ORDERED, Trial VACATED and matter set for status check regarding negotiations. State to prepare a transport order.

NIC (COC-NDC)

1/09/13 9:00 AM ENTRY OF PLEA

PRINT DATE: 05/08/2017

Page 4 of 16

Minutes Date: September 18, 2012

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 09, 2013

C-12-284106-1 State of Nevada
 vs
 Glenn Doolin

January 09, 2013 9:00 AM Entry of Plea

HEARD BY: Delaney, Kathleen E.

COURTROOM: RJC Courtroom 15A

COURT CLERK: Kristen Brown
 Tia Everett

RECORDER:

REPORTER: Brenda Schroeder

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Noreen Demonte, Deputy District Attorney, present on behalf of the State. Defendant present in custody and represented by Jeremy Storms, Deputy Public Defender.

NEGOTIATIONS are as contained in the Guilty Plea FILED IN OPEN COURT. DEFT. DOOLIN ARRAIGNED AND PLED GUILTY TO COUNT 1 - GRAND LARCENY (F) and COUNT 2 - POSSESSION OF BURGLARY TOOLS (F). Court ACCEPTED plea, and, ORDERED, matter referred to the Division of Parole and Probation (P & P) and SET for sentencing.

NIC (COC-NDC)

3/13/2013 9:00 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 13, 2013

C-12-284106-1 State of Nevada
 vs
 Glenn Doolin

March 13, 2013 9:00 AM Sentencing

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 15A

COURT CLERK: Kristen Brown
 Tia Everett

RECORDER:

REPORTER: Brenda Schroeder

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Noreen Demonte, Deputy District Attorney, present on behalf of the State. Defendant present in custody and represented by Ryan Bashor, Deputy Public Defender.

Ms. Demonte advised there are issues with the criminal history in the Pre Sentence Investigation Report (PSI) as well as issues with the habitual notice which was filed in this case. Further, Ms. Demonte requested the matter be continued to correct the PSI and file a new habitual notice. Colloquy regarding PSI errors. COURT ORDERED, matter CONTINUED.

NIC (COC-NDC)

CONTINUED TO: 4/03/2013 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 03, 2013

C-12-284106-1 State of Nevada
 vs
 Glenn Doolin

April 03, 2013 9:00 AM Sentencing

HEARD BY: Brennan, James **COURTROOM:** RJC Courtroom 15A

COURT CLERK: Kristen Brown

RECORDER:

REPORTER: Brenda Schroeder

PARTIES

PRESENT:	Dickson, Dianne M	Attorney
	Doolin, Glenn	Defendant
	Jimenez, Sonia V.	Attorney
	Public Defender	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Ms. Dickson requested matter be CONTINUED for Mr. Bashor's presence, COURT SO ORDERED.

NIC (COC-NDC)

4/10/13 9:00 AM SENTENCING

PRINT DATE: 05/08/2017

Page 7 of 16

Minutes Date: September 18, 2012

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 10, 2013**

C-12-284106-1 State of Nevada
 vs
 Glenn Doolin

April 10, 2013 9:00 AM Sentencing

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 15A

COURT CLERK: Kristen Brown

RECORDER:

REPORTER: Brenda Schroeder

PARTIES

PRESENT:	Bashor, Ryan	Attorney
	Demonte, Noreen C.	Attorney
	Doolin, Glenn	Defendant
	Public Defender	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Argument by Ms. Demonte. Certified Judgments of Convictions presented and ADMITTED. Statements by deft. and Mr. Bashor. DEFT DOOLIN ADJUDGED GUILTY of COUNT 1 - GRAND LARCENY AUTO (F) and COUNT 2 - POSSESSION OF BURGLARY TOOLS (GM). COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, Deft. SENTENCED under the SMALL HABITUAL CRIMINAL STATUTE as to COUNT 1 - to a MINIMUM of SIXTY (60) MONTHS and a MAXIMUM of ONE HUNDRED FIFTY (150) MONTHS in the Nevada Department of Corrections (NDC) to run CONSECUTIVE to C283685 and C262611; and as to COUNT 2 - to TWELVE (12) MONTHS in the Clark County Detention Center (CCDC) to run CONSECUTIVE to Count 1 with ZERO (0) DAYS credit for time served. COURT FURTHER ORDERED, the \$150.00 DNA Analysis fee including testing to determine genetic markers is WAIVED as it has already been taken. BOND, if any, EXONERATED.

NDC

PRINT DATE: 05/08/2017

Page 8 of 16

Minutes Date: September 18, 2012

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 09, 2015

C-12-284106-1 State of Nevada
 vs
 Glenn Doolin

February 09, 2015 9:00 AM Motion to Modify Sentence

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 15A

COURT CLERK: Kristen Brown

RECORDER:

REPORTER: Sharon Howard

PARTIES

PRESENT: Cooper, Jonathan Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Court stated that it is not taking any arguments today. Court stated its findings and ORDERED, Deft's Pro Per Motion for Modification is DENIED. Court stated that to the extent that the deft's motion was construed as a Petition for Writ of Habeas Corpus, ORDERED, Petition is DENIED as being untimely. State to prepare the Order.

NDC

CLERK'S NOTE: Minute order AMENDED to clarify the Court's statement regarding the Pro Per Petition for Writ of Habeas Corpus as one was never filed./kb

PRINT DATE: 05/08/2017

Page 9 of 16

Minutes Date: September 18, 2012

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 04, 2016

C-12-284106-1 State of Nevada
 vs
 Glenn Doolin

**January 04, 2016 9:00 AM Motion to Withdraw as
Counsel**

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 15A

COURT CLERK: Jennifer Kimmel

RECORDER:

REPORTER: Sharon Howard

PARTIES

PRESENT: Rhoades, Kristina A. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Court stated, Deputy Public Defender, Ryan Bashor was the Defendant's prior attorney and should have the file. COURT directed the Public Defender, Mr. Gutierrez, Esq. to file paperwork or something indicating the file has been sent to the Defendant. COURT ORDERED, matter set for Status Check.

NDC

2/1/16 9:00 A.M. STATUS CHECK: TRANSFER OF FILE

PRINT DATE: 05/08/2017

Page 10 of 16

Minutes Date: September 18, 2012

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 28, 2016

C-12-284106-1 State of Nevada
 vs
 Glenn Doolin

January 28, 2016 8:20 AM Minute Order

HEARD BY: Delaney, Kathleen E.

COURTROOM: RJC Courtroom 15A

COURT CLERK: Dania Batiste

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- COURT ORDERED, Status Check currently set for February 1, 2016 VACATED, as proof of mailing was filed on January 21, 2016 by the Public Defender's Office.

NDC

CLERK'S NOTE: A copy of this Minute Order has been electronically mailed to Deputy D.A. Kristina Rhoades, Esq., and Deputy P.D. Seth Gutierrez. /db 1.28.16

PRINT DATE: 05/08/2017

Page 11 of 16

Minutes Date: September 18, 2012

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 13, 2016

C-12-284106-1 State of Nevada
 vs
 Glenn Doolin

**April 13, 2016 9:00 AM Petition for Writ of Habeas
Corpus**

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 15A

COURT CLERK: Dania Batiste

RECORDER:

REPORTER: Sharon Howard

PARTIES

PRESENT: Lexis, Chad N. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Defendant not present, incarcerated in the Nevada Department of Corrections (NDC).

Noting no oral argument will be entertained for today's hearing, COURT ORDERED, Petition DENIED, as the State is correct in that it is barred by NRS 34.276; additionally, Defendant failed to show good cause or prejudice to overcome the mandatory procedural bar. State to prepare the order.

NIC

CLERK'S NOTE: A copy of this Minute Order has been mailed to Defendant. /db 4.14.2016

PRINT DATE: 05/08/2017

Page 12 of 16

Minutes Date: September 18, 2012

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 03, 2016

C-12-284106-1 State of Nevada
 vs
 Glenn Doolin

October 03, 2016 9:00 AM Motion to Modify Sentence

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 15A

COURT CLERK: Natalie Ortega

RECORDER:

REPORTER: Sharon Howard

PARTIES

PRESENT:

JOURNAL ENTRIES

- Deft. not present; incarcerated in the Nevada Department of Corrections (NDC). COURT ORDERED, matter CONTINUED.

NDC

CONTINUED TO: 10/5/16 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 05, 2016

C-12-284106-1 State of Nevada
 vs
 Glenn Doolin

October 05, 2016 9:00 AM Motion

HEARD BY: Delaney, Kathleen E.

COURTROOM: RJC Courtroom 15A

COURT CLERK: Natalie Ortega

RECORDER:

REPORTER: Sharon Howard

PARTIES

PRESENT:

JOURNAL ENTRIES

- COURT ORDERED, matter CONTINUED.

NDC

CONTINUED TO: 10/26/16 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 05, 2016

C-12-284106-1 State of Nevada
 vs
 Glenn Doolin

October 05, 2016 9:00 AM All Pending Motions

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 15A

COURT CLERK: Natalie Ortega

RECORDER:

REPORTER: Sharon Howard

PARTIES

PRESENT:

JOURNAL ENTRIES

- Defendant's Notice of Motion Motions for Modification of Sentence...Defendant's Pro Per Motion and Order for Transportation of Inmate for Court Appearance or, in the Alternative, for Appearance by Telephone or Video Conference

COURT ORDERED, matters CONTINUED.

NDC

CONTINUED TO: 10/26/16 9:00 AM

PRINT DATE: 05/08/2017

Page 15 of 16

Minutes Date: September 18, 2012

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 26, 2016

C-12-284106-1 State of Nevada
 vs
 Glenn Doolin

October 26, 2016 9:00 AM All Pending Motions

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 15A

COURT CLERK: Phyllis Irby

RECORDER:

REPORTER: Sharon Howard

PARTIES

PRESENT: State of Nevada Plaintiff
 Thomson, Megan Attorney

JOURNAL ENTRIES

- The Court noted upon review of the paperwork that has been provided, this Court does not have jurisdiction to modify sentence being outside the scope. COURT ORDERED, MOTIONS DENIED. The State to prepare the Orders.

NDC

Certification of Copy and Transmittal of Record

State of Nevada }
County of Clark } SS:

Pursuant to the Supreme Court order dated April 14, 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 two volumes with pages numbered 1 through 357.

STATE OF NEVADA,

Plaintiff(s),

vs.

GLENN DOOLIN,

Defendant(s),

Case No: C-12-284106-1

Dept. No: XXV

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 8 day of May 2017.

Steven D. Grierson, Clerk of the Court



Amber Lasby, Deputy Clerk

