

1 GLENN M. DOOLIN ID NO. 1023173

2 SOUTHERN DESERT CORRECTIONAL CTN.
3 20825 COLD CREEK RD.
4 P.O. BOX 208
5 INDIAN SPRINGS, NV 89070

FILED

JAN 29 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

6 IN THE COURT OF APPEALS OF
7 THE STATE OF NEVADA

8 GLENN MILLER DOOLIN

9 PETITIONER,

10 v.

11 THE STATE OF NEVADA

12 DEPARTMENT OF CORRECTIONS

13 RESPONDANT

CASE NO.: 73698 COA

DEPT. NO.: _____

DOCKET: _____

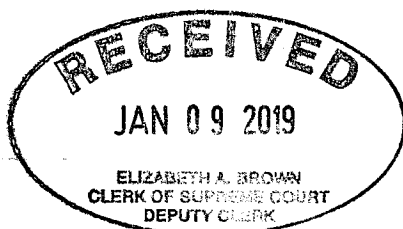
14 PETITION FOR REHEARING PURSUANT TO
15 NV ST RAP RULE 40(C)(2)(B) IN THE ABOVE
16 TITLED CASE, DESIGNATED AS 134 Nev. Advanced Opinion 98.

17 COMES NOW, Petitioner, Glenn Miller Doolin, herein above respectfully
18 moves this Honorable Court for an REHEARING OF THE WRIT OF HABEAS
19 CORPUS PURSUANT TO RULE 40(C)(2)(B).

20 This Motion is made and based upon the accompanying Memorandum of Points and
21 Authorities,

22 DATED: this 24 day of DECEMBER 2018

23 BY: Glenn M. Doolin
24 GLENN M. DOOLIN # 1023173
25 Defendant In Proper Personam



RECEIVED
DEC 31 2018
RK OF THE COURT

19-04358

ADDITIONAL FACTS OF THE CASE:

On December 17th 2018 Petitioner received the Affirmed decision, designated as 134 Nev. Advanced Opinion 98, in the Above titled Case No. 73698, and Submits his request, Pursuant to NV. ST. R.A.P. Rule 40(C)(2)(B).

Specifically petitioner objects to the Courts Conclusion that "both the Sentence and Category of Conviction are enhanced when an offender is adjudicated a habitual Criminal pursuant to NRS 207.010", and that "such an adjudication will always enhance a Conviction for a lower Category felony to either a Category A or B felony, holding that NRS 209.4465(8)(d) precludes application of Statutory Credits to an offender's parole eligibility and minimum term for a Sentence imposed pursuant to NRS 207.010."

ARGUMENT

Again, petitioner points out that an adjudication of habitual Criminality is Not a "Conviction" within the Meaning of NRS 209.4465(8)(d), and that the Conflict between NRS 209.4465(8)(d) and NRS 207.010(a) is being interpreted by the Court of Appeals as "Punishment for a Category B felony is also 'Convicted of a Category B felony'."

1 This line of reasoning and statutory
2 interpretation is in stark contrast to the
3 holding in the Edgington v. Edgington, 119 Nev.
4 577, 582-83, 80 P3d 1282, 1286 (2003) decision as
5 the very interpretation of this Court creates
6 an ambiguity by construction of an
7 interpretation. The Court also observes that
8 the statutes themselves use different language
9 and that the Nevada Supreme Court has ruled
10 in previous cases that habitual criminality
11 adjudication "is NOT considered a separate
12 conviction," See: Howards, 83 Nev. at 56, 422 P2d at 550,
13 and other Nevada Supreme Court cases in which
14 the Court ruled that habitual criminality is
15 A "STATUS", Not to be confused with a
16 "Conviction".

17 It is petitioner's position that
18 the 2007 Amendment of NRS 209.4465 (8)(d)
19 was intended by the legislature to apply
20 only to those "Convicted" of Category
21 A-B felonies, and that the exception
22 promulgated at NRS 209.4465 (7)(b)
23 supports this position. To interpret
24 otherwise, creates a clear ambiguity
25 that requires the application of the
26 Rule of Clarity.

Conclusion

It should be clear, and it is not, that the recent decisions by the Supreme Court of Nevada, i.e. Williams v. State, 133 Nev. advanced Opinion 75 and Vonseydewitz v. Legrand, 2015 Nev. unpub. Lexis 778 have been so misinterpreted and misapplied by various County District Courts, and the (NDOC), that all petitions regarding the NRS 209.4465 et seq. must be transferred to the Eighth Judicial District Court (Linda Bell) and that a Court Order is required by (NDOC) to have the credits applied. IS indicative of the laws ambiguity.

NRS 209.4465(8)(d)'s provision cannot be reconciled by this Court's vague interpretation that the legislature's intent in Amending 209.4465 to include (8)(d) means anything other than what it states.

Under 209.4465(2)(b) a Category (B) felony would be eligible to receive the credits.

In other words NRS 209.4465(7)(b) and NRS 209.4465(8)(d) ARE conflicting!! requiring the rule of unity to be applied. THERE IS NO ROOM FOR CONSTRUCTION.

CERTIFICATE OF SERVICE BY MAILING

I, Glenn W. Doolin, hereby certify, pursuant to NRCP 5(b), that on this 24
day of December, 20 18 I mailed a true and correct copy of the foregoing, "Petition for Rehearing, pursuant to NRAP 40 (CRB)"
by placing document in a sealed pre-postage paid envelope and deposited said envelope in the
United State Mail addressed to the following:

ATTENTION CLERK: I AM UNABLE TO
TRIMLY MAKE COPIES AND
THEREFORE CANNOT REASONABLY SERVE
THE A.G.. PLEASE NOTIFY AND
RETURN A STAMPED FILED COPY
TO ME.

THANK YOU!

CC:FILE

DATED: this 24 day of December, 20 18


Glenn W. 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 _____

PETITION FOR REHEARING PURSUANT TO NEAP 40 (2B)
(Title of Document)

COA
filed in ~~District~~ Court Case number 73698 COA

☒ 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

10/24/18
Date

Glenn W. Doolin
Print Name

PETITIONER
Title