

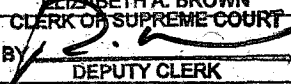
CARY PICKETT 57591
P.O. BOX 208
INDIAN SPRINGS
NV 89070

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

SEP 11 2018

CARY PICKETT

No 75042

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

petitioner

VS

REQUEST FOR REHEARING

THE STATE OF NEVADA

OR HEARING ENBANC

Respondent

Comes now petitioner Cary Pickett in pro-per and moves this honorable Court for a rehearing or a hearing ENBANC from an order filed Aug 24, 2018 Affirming the denial of petitioners motion for modification of his sentence, pursuant to NRAP 40 (c)

ARGUMENT

Petitioner is submitting his request as a question of law. Asking the Court to consider whether it would now be an appropriate time to expand the limited scope of issues permissible for the District Court to consider if it can modify a sentence it pronounced.

Currently Edwards v. State 112 Nev. 704, 708, 918 P.2d 321, 324 (1996) is the leading authority. In the twenty plus years since EDWARDS there has been a significant enough of an increase in the number of defendants who stipulate to treatment as a habitual offender as part of his guilty plea to WARRANT REVIEW.

RECEIVED
SEP 07 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

18-902042

IF either by inadvertence or excusable neglect the court was deprived of the opportunity to receive all of the information necessary to actually exercise the courts discretion to adjudicate under NRS 207.010 pursuant to WALKER v DEEDS 1995 50 F3d 670 (supra).

IN the case at bar the only factors other than the stipulation the court relied on as factor's against adjudication was accolades of defense counsel who only knew defendant approximately 90 day's.

CONCLUSION

Traditional sentencing versus the adwerment of fact as it applies to whether a court can or should be permitted the jurisdiction to review sentences after a motion for modification has been filed, is the question before the court.

SUBMITTED THIS 5th DAY OF SEPTEMBER 2018

BY

CARY RICKETT 57591

P.O. Box 208

INDIAN SPRINGS NV 89070

Defendant in proper

CERTIFICATE OF SERVICE BY MAIL

Pursuant to NRCF Rule 5(b), I hereby certify that on this date I did serve a true and correct copy of the foregoing document: Request for Rehearing Hearing En Banc, upon the following:

Dated this 5th day of September, 2018.

District Attorney
200 LEWIS
Las Vegas NV 89101

AND

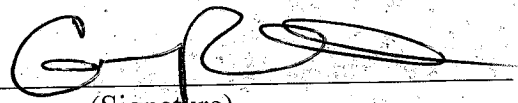
BY: Cary Pickett 57591
P.O. Box 208
INDIAN SPRINGS NV 89076
Defendant/Plaintiff
In Proper Person

AFFIRMATION PURSUANT TO NRS 239B.030

**** I certify that that the foregoing document DOES NOT contain the social security number of any persons.**

9-5-18

(Date)


(Signature)