

Hearring, Frank # 1006445  
Warm Springs Correctional Center  
P.O. Box 7007  
Carson City, Nevada, 89702

Electronically Filed  
11/26/2018 11:47 AM  
Steven D. Grierson  
CLERK OF THE COURT

*Steven D. Grierson*

DEFENDANT, In Propria Persona

Electronically Filed  
Dec 03 2018 01:59 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

IN THE 8<sup>th</sup> JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF Clark  
State of Nevada

Plaintiff,

Vs.  
Frank Hearring

Defendant.

CASE No. C-13-291159-1

DEPT. No. XX

Dkt. No. \_\_\_\_\_

NOTICE OF APPEAL

Please take notice that Frank Hearring Defendant, and in his proper person, hereby appeals to the Nevada Court of Appeals, the judgment(s) in the above-entitled action(s) entered in this Honorable Court on or about the 6<sup>th</sup> day of November, 2018. This notice of Appeal is timely filed pursuant to NRAP 4(b).

DATED this 19<sup>th</sup> day of November, 2018.

RESPECTFULLY SUBMITTED,

Frank 71  
DEFENDANT, In Propria Persona

RECEIVED

NOV 26 2018

CLERK OF THE COURT

**CERTIFICATE OF MAILING**

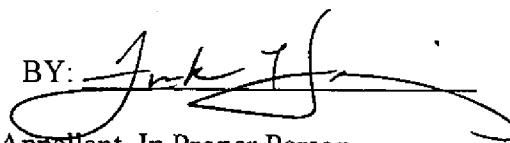
I, Frank Herring certify under the penalties of perjury, that service was made of this NOTICE OF APPEAL & DESIGNATION OF RECORD ON APPEAL, pursuant to NRCP 5(b), by placing same in the United States mail, postage prepaid and addressed as follows:

Steven B. Wolfson  
District Attorney  
200 Lewis Avenue 3rd Floor  
Las Vegas, NV 89155-1160

(Copy to)

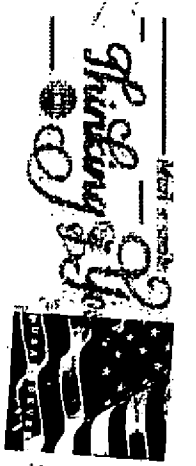
Carl Arnold  
1428 South Jones Blvd  
Las Vegas, NV 89146

DATED this 19<sup>th</sup> day of November, 20 18

BY:   
Appellant, In Proper Person

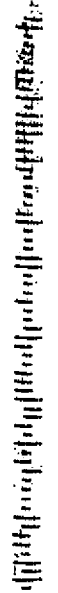
Frank Herring #1006445  
U.S. G.C.  
P.O. Box 7007  
Carson City, NV 89702

RENO NV 894  
20 NOV 2018 PM 2 T



Steven D. Grier  
Clerk of the Court  
300 Lewis Avenue, 3rd Floor  
Las Vegas, NV 89155-1160

8910186300





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6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**  
7 **STATE OF NEVADA IN AND FOR**  
8 **THE COUNTY OF CLARK**  
9

10 STATE OF NEVADA,

11 Plaintiff(s),

12 vs.

13 FRANK HEARRING  
14 aka FRANK HEARRING, JR.,

15 Defendant(s),

Case No: C-13-291159-1

Dept No: XII

16  
17 **CASE APPEAL STATEMENT**  
18

19 1. Appellant(s): Frank Hearing

20 2. Judge: Michelle Leavitt

21 3. Appellant(s): Frank Hearing

22 Counsel:

23 Frank Hearing #1006445  
24 P.O. Box 7007  
Carson City, NV 89702

25 4. Respondent: The State of Nevada

26 Counsel:

27 Steven B. Wolfson, District Attorney  
28 200 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. Has Appellant Ever Been 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: July 15, 2013

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

Type of Judgment or Order Being Appealed: Misc. Order

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 68968

12. Child Custody or Visitation: N/A

Dated This 27 day of November 2018.

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: Frank Herring

Hearring, Frank # 1006445  
Warm Springs Correctional Center  
P.O. Box 7007  
Carson City, Nevada 89702  
Appellant, In Proper Person

*Steven D. Grierson*

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

Frank Hearring  
Appellant,

Vs.

State of Nevada  
Respondent.

CASE No. C-13-291159-1

DEPT. No. XX

Dkt. No. \_\_\_\_\_

**DESIGNATION OF RECORD ON APPEAL**

Please take notice that Frank Hearring, Appellant, and in his proper person, hereby files this Designation of Record on Appeal in the above entitled action, pursuant to NRAP 10(b); and respectfully herein asks this Honorable Court to designate the record on appeal, to be certified by the Clerk of the District Court and transcribed to the Clerk of the Nevada Court of Appeals: All motions, pleadings, judgments and transcripts.

DATED this 19<sup>th</sup> day of November, 2018.

RESPECTFULLY SUBMITTED,

*Frank Hearring*  
Appellant in pro se

RECEIVED  
NOV 26 2018

CLERK OF THE COURT

33

## EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY****CASE NO. C-13-291159-1**

State of Nevada  
vs  
Frank Herring

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§

Location: **Department 12**  
Judicial Officer: **Leavitt, Michelle**  
Filed on: **07/15/2013**  
Case Number History:  
Cross-Reference Case Number: **C291159**  
Defendant's Scope ID #: **1774466**  
ITAG Booking Number: **1300028814**  
ITAG Case ID: **1502004**  
Lower Court Case # Root: **13F08177**  
Lower Court Case Number: **13F08177X**  
Supreme Court No.: **68968**

**CASE INFORMATION**

Offense	Deg	Date	Case Type:	Felony/Gross Misdemeanor
1. MURDER (SECOND DEGREE) WITH THE USE OF A DEADLY WEAPON	F	05/17/2013		
Filed As: MURDER WITH USE OF A DEADLY WEAPON	F	7/15/2013	Case Status:	<b>01/08/2014 Closed</b>
Arrest: 05/31/2013				
2. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON	F	05/17/2013		
Arrest: 05/31/2013				
3. DISCHARGING A FIREARM AT OR INTO STRUCTURE, VEHICLE, AIRCRAFT OR WATERCRAFT	F	05/17/2013		
Arrest: 05/31/2013				
4. POSSESSION OF FIREARM BY EX-FELON	F	05/17/2013		
Arrest: 05/31/2013				

**Statistical Closures**

01/08/2014 Guilty Plea with Sentence (before trial) (CR)


**DATE****CASE ASSIGNMENT****Current Case Assignment**


Case Number C-13-291159-1  
Court Department 12  
Date Assigned 07/02/2018  
Judicial Officer Leavitt, Michelle


**PARTY INFORMATION****Defendant Herring, Frank****Plaintiff State of Nevada**

**Wolfson, Steven B**  
702-671-2700(W)

**DATE****EVENTS & ORDERS OF THE COURT****INDEX****EVENTS**

07/15/2013  Criminal Bindover

07/15/2013  Information

07/26/2013  Notice of Witnesses and/or Expert Witnesses

**CASE SUMMARY**  
**CASE NO. C-13-291159-1**

	<i>Notice of Expert Witnesses [NRS 174.234(2)]</i>
08/08/2013	 Notice of Witnesses and/or Expert Witnesses <i>Notice of Witnesses [NRS 174.234(1)(a)]</i>
08/09/2013	 Notice of Witnesses and/or Expert Witnesses <i>Supplemental Notice of Witnesses [NRS 174.234(1)(a)]</i>
08/12/2013	 Notice of Witnesses and/or Expert Witnesses <i>Second Supplemental Notice of Witnesses[NRS 174.234(1)(a)]</i>
09/05/2013	 Reporters Transcript <i>Transcript of Hearing Held on July 11, 2013</i>
09/16/2013	 Notice of Witnesses and/or Expert Witnesses <i>Supplemental Notice of Expert Witnesses [NRS 174.234(2)]</i>
09/17/2013	 Notice of Witnesses and/or Expert Witnesses <i>Second Supplemental Notice of Expert Witnesses [NRS 174.234(2)]</i>
09/24/2013	 Receipt of Copy
09/25/2013	 Motion in Limine
09/30/2013	 Notice of Witnesses and/or Expert Witnesses <i>Third Supplemental Notice of Witnesses [NRS 174.234(1)(a)]</i>
10/07/2013	 Guilty Plea Agreement
10/07/2013	 Amended Information <i>Amended Information Filed in Open Court</i>
11/19/2013	 PSI <i>Pre-Sentence Investigation Report (Unfiled) Confidential</i>
11/22/2013	 Motion to Marry
12/30/2013	 Judgment of Conviction <i>Judgment of Conviction (Plea of Guilty)</i>
01/08/2014	 Criminal Order to Statistically Close Case
05/15/2014	 Motion to Withdraw As Counsel <i>Motion to Withdraw Counsel</i>
05/15/2014	 Notice of Motion
11/12/2014	 Motion for Appointment of Attorney <i>Motion for the Appointment of Counsel; Request for Evidentiary Hearing</i>
11/25/2014	



# CASE SUMMARY

CASE NO. C-13-291159-1

	 Response <i>State's Response to Defendant's Motion for the Appointment of Counsel and Opposition to Defendant's Request for Evidentiary Hearing</i>
12/10/2014	 Motion to Withdraw Plea <i>Motion to Withdrawal Plea</i>
12/10/2014	 Notice of Motion
12/15/2014	 Order Denying Motion <i>Order Denying Defendant's Motion for the Appointment of Counsel and Request for Evidentiary Hearing</i>
12/18/2014	 Recorders Transcript of Hearing <i>Transcript of Hearing Held on October 7, 2013</i>
12/22/2014	 Opposition to Motion <i>State's Opposition to Defendant's Motion to Withdraw Plea</i>
12/26/2014	 Application <i>Application and Order for Transcripts</i>
01/16/2015	 Order Denying Motion <i>Order Denying Defendant's Motion to Withdraw Plea</i>
03/30/2015	 Petition for Writ of Habeas Corpus <i>Petition for Writ of Habeas Corpus (Post-Conviction)</i>
05/04/2015	Case Reassigned to Department 20 <i>Case reassigned from Judge Jerome Tao Dept 20</i>
05/26/2015	 Request <i>Request for Records/Court Case Documents</i>
05/26/2015	 Notice of Motion
05/29/2015	 Order for Petition for Writ of Habeas Corpus
07/31/2015	 Response <i>State's Response to Defendant's Post-Conviction Petition for Writ of Habeas Corpus</i>
09/14/2015	 Findings of Fact, Conclusions of Law and Order
09/21/2015	 Notice of Entry <i>Notice of Entry of Findings of Fact, Conclusions of Law and Order</i>
10/06/2015	 Notice of Appeal (criminal) <i>Notice of Appeal</i>
10/07/2015	 Case Appeal Statement
10/28/2015	 Request

# CASE SUMMARY









CASE NO. C-13-291159-1

*Request for Records/Court Case Documents*

10/28/2015	 Notice of Motion
12/03/2015	 Order Granting <i>Order Granting in Part and Denying in Part Defendant's Request for Records/Court Case Documents</i>
01/21/2016	 Notice of Motion <i>Notice of Motion</i>
01/21/2016	 Request <i>Request for Records/Court Case Documents</i>
02/17/2016	 Response <i>State's Response to Defendant's Request for Records/Court Case Documents</i>
03/02/2016	 Order <i>Order Denying Defendant's Request for Records/Court Case Documents</i>
03/08/2016	 Notice of Motion <i>Notice of Motion</i>
03/08/2016	 Motion <i>Motion for Withdrawal of Attorney of Record or in the Alternative, Request for Records/Court Case Documents</i>
03/11/2016	 Reply <i>Reply to State's Response to Defendants Motion for Request for records/Court Case Documents (Brady Material) in Order to Properly Appeal Defendant's Conviction</i>
04/12/2016	 Order <i>Order Denying Defendant's Motion for Withdrawal of Attorney of Record or in the Alternative, Request for Records/Court Case Documents</i>
05/13/2016	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>Nevada Supreme Court Clerk's Certificate Judgment - Affirmed</i>
10/06/2017	 Motion Filed By: Defendant Herring, Frank <i>Motion to Withdraw Counsel</i>
11/14/2017	 Order Granting Filed By: Plaintiff State of Nevada <i>Order Granting Defendant's Motion to Withdraw Counsel</i>
12/11/2017	 Motion to Modify Sentence Filed By: Plaintiff State of Nevada <i>Notice of Motion/ Motion for Modification of Sentence</i>
12/26/2017	 Opposition to Motion Filed By: Plaintiff State of Nevada <i>State's Opposition to Defendant's Motion for Sentence Modification</i>
12/29/2017	

# CASE SUMMARY

CASE NO. C-13-291159-1

	 Motion to Compel Filed By: Defendant Herring, Frank <i>Motion to Compel</i>
01/08/2018	 Order Denying Filed By: Plaintiff State of Nevada <i>Order Denying Defendant's Pro Per Motion for Modification of Sentence</i>
02/02/2018	 Order Granting Filed By: Plaintiff State of Nevada <i>Order Granting Defendant's Pro Per Motion to Compel</i>
06/06/2018	 Motion to Compel Filed By: Defendant Herring, Frank <i>Motion to Compel</i>
07/02/2018	Case Reassigned to Department 12 <i>Reassigned From Judge Johnson - Dept 20</i>
10/01/2018	 Motion Filed By: Defendant Herring, Frank <i>Motion for Order to Show Cause Contempt of Court and Monetary Sanctions</i>
11/26/2018	 Notice of Appeal (criminal) Party: Defendant Herring, Frank <i>Notice of Appeal</i>
11/26/2018	 Designation of Record on Appeal Filed By: Defendant Herring, Frank <i>Designation of Record on Appeal</i>
11/27/2018	 Case Appeal Statement Filed By: Defendant Herring, Frank <i>Case Appeal Statement</i>
	<b><u>DISPOSITIONS</u></b>
10/07/2013	<b>Disposition</b> (Judicial Officer: Tao, Jerome T.) 2. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON Amended Information Filed/Charges Not Addressed PCN: Sequence:  3. DISCHARGING A FIREARM AT OR INTO STRUCTURE, VEHICLE, AIRCRAFT OR WATERCRAFT Amended Information Filed/Charges Not Addressed PCN: Sequence:  4. POSSESSION OF FIREARM BY EX-FELON Amended Information Filed/Charges Not Addressed PCN: Sequence:
10/07/2013	<b>Plea</b> (Judicial Officer: Tao, Jerome T.) 1. MURDER (SECOND DEGREE) WITH THE USE OF A DEADLY WEAPON Guilty PCN: Sequence:
12/10/2013	<b>Disposition</b> (Judicial Officer: Tao, Jerome T.)

**CASE SUMMARY**  
**CASE NO. C-13-291159-1**

1. MURDER (SECOND DEGREE) WITH THE USE OF A DEADLY WEAPON  
Guilty  
PCN: Sequence:


12/10/2013 **Adult Adjudication** (Judicial Officer: Tao, Jerome T.)  
1. MURDER (SECOND DEGREE) WITH THE USE OF A DEADLY WEAPON  
05/17/2013 (F) 200.030.2 (DC50011)  
PCN: Sequence:


Sentenced to Nevada Dept. of Corrections  
Term: Life with the possibility of parole after:10 Years  
Consecutive Enhancement:Deadly Weapon, Minimum:96 Months, Maximum:240 Months  
Credit for Time Served: 293 Days

**Fee Totals:**

Administrative	
Assessment Fee	25.00
\$25	
DNA Analysis Fee	150.00
\$150	
Fee Totals \$	175.00

**HEARINGS**


07/18/2013  **Initial Arraignment** (9:30 AM) (Judicial Officer: De La Garza, Melisa)  
Trial Date Set;  
Journal Entry Details:  
*DEFT. HEARRING ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. COURT ORDERED, matter set for trial. COURT FURTHER ORDERED, Counsel is allowed 21 days from today and/or 21 days from the filing of the transcript for there to be any filings as to writs. CUSTODY 8/13/13 8:30 A.M. CALENDAR CALL (DEPT. 2) 8/19/13 9:00 A.M. JURY TRIAL (DEPT. 2) ;*

08/13/2013  **Calendar Call** (8:30 AM) (Judicial Officer: Tao, Jerome T.)  
*Calendar Call (#1)*  
Reset;  
Journal Entry Details:  
*Upon Court's inquiry, Mr. Arnold advised he just finished a murder trial and is not up to speed on this one. Additionally, he and Mr. Schwartzer just realized they do not have the Preliminary Hearing transcript. Mr. Arnold stated Defendant does not want to waive his right to a speedy trial and feels he could be ready in two weeks. Mr. Schwartzer advised this was a short setting and that there is discovery coming in every day. Following additional colloquy, COURT ORDERED, trial date VACATED and RESET on the first week of next criminal stack. CUSTODY 10/1/13 8:30 AM CALNEDAR CALL (#3) 10/7/13 9:00 AM JURY TRIAL (#3) ;*

08/19/2013 **CANCELED Jury Trial** (9:00 AM) (Judicial Officer: Tao, Jerome T.)  
*Vacated*  
*Jury Trial (#1)*

10/01/2013 **Calendar Call** (8:30 AM) (Judicial Officer: Tao, Jerome T.)  
*Calendar Call #2*  
Matter Heard;

10/01/2013 **Request** (8:30 AM) (Judicial Officer: Tao, Jerome T.)  
*State's Request: Motion in Limine*  
Granted;

10/01/2013  **All Pending Motions** (8:30 AM) (Judicial Officer: Tao, Jerome T.)  
Matter Heard;  
Journal Entry Details:  
*CALENDAR CALL...STATE'S REQUEST: MOTION IN LIMINE AS TO CALENDAR CALL: Upon Court's inquiry, Ms. Joseph advised the State is ready to proceed with 20-25 witnesses and lasting 7-8 days. Mr. Arnold advised he is ready as well. Mr. Schwartzer advised an offer has been submitted to Mr. Arnold. Conference at the Bench. Court advised*

# CASE SUMMARY

CASE NO. C-13-291159-1

*Jury selection would begin at 9:00 AM on Monday. AS TO MOTION IN LIMINE: Court noted it did not receive an opposition from Mr. Arnold. Mr. Arnold advised he has no objection as he was going to raise the same issues. COURT ORDERED, Motion GRANTED as unopposed. M. SCHWARTZER - L. JOSEPH / C. ARNOLD / 20-25 WITNESSES / 7-8 DAYS CUSTODY 10/7/13 9:00 AM JURY TRIAL ;*

10/07/2013  **Jury Trial** (9:00 AM) (Judicial Officer: Tao, Jerome T.)

*Jury Trial*

*Plea Entered;*

*Journal Entry Details:*


*Mr. Arnold advised this matter has been resolved. There being no objection, Amended Information and Guilty Plea Agreement FILED IN OPEN COURT. NEGOTIATIONS: Defendant to plead guilty to Amended Information. State retains the right to argue at time of sentencing. Mr. Schwartzer concurred. DEFENDANT HEARING WITHDREW NOT GUILTY PLEAS AND PLED GUILTY to MURDER (SECOND DEGREE) WITH USE OF A DEADLY WEAPON (F). Court ACCEPTED plea; referred matter to the Division of Parole and Probation for a Pre-sentence Investigation Report and ORDERED, trial date VACATED and set for sentencing. CUSTODY 12/10/13 8:30 AM SENTENCING ;*

12/10/2013  **Sentencing** (8:30 AM) (Judicial Officer: Tao, Jerome T.)

*Defendant Sentenced;*

*Journal Entry Details:*

*DEFT. HEARING ADJUDGED GUILTY of MURDER (SECOND DEGREE) WITH USE OF A DEADLY WEAPON (F). Argument by the State. Colloquy regarding restitution. Statement by Deft. Argument by counsel. Victim Witness addressed the Court. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee and a \$150.00 DNA Analysis fee including testing to determine genetic markers, Deft. SENTENCED to LIFE in the Nevada Department of Corrections (NDC) with parole eligibility after TEN (10) YEARS, plus a CONSECUTIVE term of a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS and a MINIMUM of NINETY-SIX (96) MONTHS in the Nevada Department of Corrections (NDC) for the use of a deadly weapon, with TWO HUNDRED NINETY-THREE (293) DAYS credit for time served. FURTHER, matter SET for status check regarding restitution. NDC 01-09-14 8:30 AM STATUS CHECK: RESTITUTION ;*

12/17/2013  **Motion to Marry** (8:30 AM) (Judicial Officer: Tao, Jerome T.)

*Defendant Motion to Marry*

*Granted;*

*Journal Entry Details:*

*COURT ORDERED, motion GRANTED. Court directed Mr. Arnold to prepare and submit the appropriate Order. NDC ;*

12/17/2013 **CANCELED Motion to Marry** (8:30 AM) (Judicial Officer: Tao, Jerome T.)

*Vacated - On In Error*

*Defendant Motion to Marry*

01/09/2014  **Status Check** (8:30 AM) (Judicial Officer: Tao, Jerome T.)

**01/09/2014, 01/23/2014**

*Status Check: Restitution*

*Continued; Restitution*

*Off Calendar;*

*Journal Entry Details:*


*Court noted Defendant is in prison and not present. Upon Court's inquiry, Ms. Joseph advised they never received anything back from the victim's widow as to restitution and that it is unclear if she understands what would be covered under restitution. Following colloquy, COURT ORDERED, no restitution will be ordered and the matter is OFF CALENDAR. NDC ;*

*Continued; Restitution*

*Off Calendar;*

*Journal Entry Details:*

*Deft. present in custody. Mr. Radovic stated the victim was requesting restitution; however, the letter of restitution had been sent to the wrong address; therefore, requested the matter be continued two weeks to obtain proof of restitution. Mr. Arnold requested the Deft. be sent to prison to serve his term. Upon Court's inquiry, Deft. agreed with Mr. Arnold's representations. COURT ORDERED, matter CONTINUED, Deft. s presence WAIVED the next date. NDC 1/23/14 8:30 AM - STATUS CHECK: RESTITUTION ;*

06/12/2014  **Motion** (8:30 AM) (Judicial Officer: Tao, Jerome T.)

*Defendant's Pro Per Motion to Withdraw Counsel*

# CASE SUMMARY

CASE NO. C-13-291159-1

Motion Granted;

Journal Entry Details:

*Court advised Defendant is in the Nevada Department of Corrections and not present, that this is post-conviction in nature and Mr. Arnold is not present, however, COURT ORDERED, Deft's Pro Per Motion is GRANTED. Further, Mr. Arnold to be contacted to send the file to Defendant with the proper redactions. NDC CLERK'S NOTE: JEA contacted Mr. Arnold's Office to advise of above. ;*

12/04/2014



**Motion for Appointment of Attorney** (8:30 AM) (Judicial Officer: Tao, Jerome T.)

*Defendant's Motion for the Appointment of Counsel Request for Evidentiary Hearing*

Denied;

Journal Entry Details:

*Court noted Defendant is in prison, not present today and proffered a Motion for Counsel and a hearing. However, Court noted this is premature as Defendant has not filed a Writ of Habeas Corpus to show what grounds he wants to raise and if counsel need to be appointed and/or a hearing needs to be set. As this is premature, COURT ORDERED, DENIED. NDC ;*

01/06/2015



**Motion to Withdraw Plea** (8:30 AM) (Judicial Officer: Thompson, Charles)

*Defendant's Pro Per Motion to Withdraw Plea*

Motion Denied;

Journal Entry Details:

*Court noted Defendant is in prison and not present today, that he has proffered a Motion to Withdraw his Plea. Court advised it has read Defendant's Motion and the State's Response, the claim that his plea was not voluntary is belied by the record and the claim of ineffectiveness of counsel is without merit. Therefore, COURT ORDERED, Motion DENIED. NDC ;*

06/16/2015



**Motion** (8:30 AM) (Judicial Officer: Johnson, Eric)

*Defendant's Pro Per Request for Records/Court Case Documents*

Denied Without Prejudice;

Journal Entry Details:

*Court noted Defendant is in prison and not present today and that it did not receive a response from the State. Ms. Overly advised they have no opposition and submitted the matter. Court stated its FINDINGS including that this Motion needs to be more specific as to what Court records Defendant wants and why. Therefore, COURT ORDERED, Pro Per Motion DENIED WITHOUT PREJUDICE. NDC ;*

08/04/2015



**Petition for Writ of Habeas Corpus** (8:30 AM) (Judicial Officer: Johnson, Eric)

Denied;

Journal Entry Details:

*Defendant not present. Court noted it has an opposition from the State. Mr. Jones submitted on written opposition. Court stated its FINDINGS including that the Petition is untimely, filed one year past the filing of the Judgment of Conviction and Defendant has not shown good cause to overcome procedural bar. Therefore, COURT ORDERED, Petition DENIED. NDC ;*

11/19/2015



**Request** (9:00 AM) (Judicial Officer: Johnson, Eric)

*Defendant's Request for Records/Court Case Documents*

Granted in Part;

Journal Entry Details:

*Court noted Defendant is in prison and not present today, that he would like a copy of his Pre-sentence Report (PSI). Upon Court's inquiry, Mr. Jones took no position. COURT ORDERED, Pro Per Request is GRANTED IN PART/DENIED IN PART - it is GRANTED as to the request for the Pre-sentence Report and DENIED WITHOUT PREJUDICE as to other documents without specific requests. FURTHER, Clerk to send a copy of the PSI to Defendant. NDC CLERK'S NOTE: Clerk to send a copy of the PSI to the following address: Frank Herring #1006445 Ely State Prison P.O. Box 1989 Ely, NV 89301;*

02/23/2016



**Request** (8:30 AM) (Judicial Officer: Johnson, Eric)

*Defendants Notice of Motion - Request for Records/Court Case Documents*

Denied;

Journal Entry Details:

*Court noted Defendant is in the Nevada Department of Corrections and not present today. Upon Court's inquiry, Mr. Rowles submitted on the written pleadings. Court noted Defendant has filed an appeal to the Supreme Court and that he does not have a right to discovery pending an appeal. As this Court does not have jurisdiction to hear Defendant's*

# CASE SUMMARY

CASE NO. C-13-291159-1

*Motion, COURT ORDERED, DENIED. NDC;*

03/29/2016



**Motion** (8:30 AM) (Judicial Officer: Johnson, Eric)

*Defendant's Pro Per Motion for Withdrawal of Attorney of Record or in the Alternative, Request for Records/Court Case Documents*

Motion Denied;

Journal Entry Details:

*Court noted Defendant is in prison and not present today. Mr. Lexis advised he believes the Court has already signed an Order denying this Motion. Following colloquy, COURT ORDERED, Pro Per Motion DENIED. NDC;*

10/31/2017



**Motion** (8:30 AM) (Judicial Officer: Johnson, Eric)

*Defendant's Motion to Withdraw Counsel*

Granted;

Journal Entry Details:

*Defendant is in prison and not present today. There being nothing outstanding before the Court, COURT ORDERED, Pro Per Motion GRANTED. NDC CLERK'S NOTE: 11/8/17 A copy of this Minute Order was mailed to Defendant: FRANK HEARRING, JR #1006445 SOUTHERN DESERT CORRECTIONAL CENTER P.O. BOX 208 INDIAN SPRINGS, NV 89070;*

01/02/2018



**Motion to Modify Sentence** (8:30 AM) (Judicial Officer: Johnson, Eric)

*DEFT'S Proper Motion for Modification of Sentence*

Denied;

Journal Entry Details:

*Defendant is in prison and not present today. Court noted that generally the District Court lacks jurisdiction to modify a sentence once Defendant has started serving it. As authority, if Defendant can demonstrate the sentence was based on a materially untrue assumption or mistake of fact which worked to the extreme detriment of the Defendant it can be changed. In this case the Defendant claims the Detectives and Crime Scene Analysts were deficient in their investigation of this case and failed to investigation the entirety of the crime. Court advised this is not a basis for modifying a sentence. THEREFORE, COURT ORDERED, Motion DENIED. NDC CLERK'S NOTE: 1/4/18 A copy of this Minute Order was mailed to Defendant: FRANK HEARRING #1006445 SOUTHERN DESERT CORRECTIONAL CENTER P.O. BOX 208 INDIAN SPRINGS, NV 89070-0208;*

01/23/2018



**Motion to Compel** (8:30 AM) (Judicial Officer: Johnson, Eric)

*Defendant's Pro per Motion to Compel*

Granted;

Journal Entry Details:

*Defendant is in prison and not present today. Court noted it is unclear what Defendant wants Mr. Arnold to compel to, but feels it might be his file. Therefore, COURT ORDERED, Motion GRANTED and Mr. Arnold is directed to send the file to Defendant. NDC CLERK'S NOTE: A copy of this Minute Order was e-mailed to Mr. Arnold and a hard copy mailed to Defendant: FRANK HEARRING, JR #1006445 SOUTHERN DESERT CORRECTIONAL CENTER P.O. BOX 208 INDIAN SPRINGS, NV 89070;*

06/28/2018



**Motion to Compel** (9:00 AM) (Judicial Officer: Johnson, Eric)

*Defendant's Pro Per Motion to Compel Attorney Carl Arnold Esq.*

Matter Heard;

Journal Entry Details:

*Defendant is in prison and not present today. Court noted that in January 2018, Court Ordered Mr. Arnold to turn over his file to Defendant, however, Defendant claims that he has not received it. COURT ORDERED, matter SET for hearing in THIRTY (30) DAYS for a Show Cause Hearing for Mr. Arnold to either demonstrate that he has sent the file to Defendant or to show cause why he hasn't complied with the Court's January Order. NDC 7/26/18 9:00 AM SHOW CAUSE HEARING;*

07/31/2018



**Show Cause Hearing** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

**07/31/2018, 08/02/2018, 09/04/2018, 09/11/2018**

*Show Cause Hearing*

Continued;

Continued;

Continued;

Off Calendar;

Journal Entry Details:



EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**

**CASE NO. C-13-291159-1**

*Def. not present; incarcerated in Nevada Department of Corrections (NDC). Court advised former counsel this matter was carried over from Department 20. Upon Court's inquiry, Mr. Arnold confirmed the filed was turned over to Def. previously, he copied the file and sent it over to Def. again last week, and there is a receipt. COURT ORDERED, matter OFF CALENDAR. NDC CLERK'S NOTE: A copy of the above minute order has been delivered by regular mail to: Frank Herring, #1006445, P.O. BOX 7007, Carson City, Nevada 89702. ///* sb;

Continued;

Continued;

Continued;

Off Calendar;

Journal Entry Details:

*Def. not present; incarcerated in Nevada Department of Corrections (NDC). Mr. Arnold not present. COURT ORDERED, matter CONTINUED once more, for Mr. Arnold to appear and make representations regarding whether or not he has turned over the case file to Def. NDC 9/11/18 8:30 A.M. SHOW CAUSE HEARING CLERK'S NOTE: JEA notified Mr. Arnold's office and informed Mr. Arnold regarding continuance date, and Mr. Arnold needing to appear to make representations to the Court. A copy of the above minute order has been forwarded Mr. Arnold. ///* sb  
*CLERK'S NOTE: A copy of the above minute order has been delivered by regular mail to: Frank Herring, #1006445, Southern Desert Correctional Center, S.D.C.C., P.O. BOX 208, Indian Springs, Nevada 89018. ///* sb;

Continued;

Continued;

Continued;

Off Calendar;

Journal Entry Details:

*Def. not present; was not transported and is incarcerated in Nevada Department of Corrections (NDC). Former counsel Carl Arnold, Esq., not present. At request of Mr. Arnold, which was made to Chambers prior to the case being called, COURT ORDERED, matter CONTINUED for Mr. Arnold to appear and make representations regarding whether the case file was turned over to Def. FURTHER, Mr. Arnold to turn over the case file to Def, if not already done so. NDC 9/04/18 8:30 A.M. SHOW CAUSE HEARING CLERK'S NOTE: JEA notified Mr. Arnold regarding next Court date. ///* sb  
*CLERK'S NOTE: A copy of the above minute order was delivered by regular mail to Frank Herring, #1006445, Southern Desert Correctional Center, P.O. BOX 208, Indian Springs, Nevada 89018. ///* sb ;

Continued;

Continued;

Continued;

Off Calendar;

Journal Entry Details:

*Def. not present; not transported. Former counsel Carl Arnold, Esq., not present. COURT ORDERED, matter CONTINUED for Mr. Arnold to appear and make representations regarding whether the case file was turned over to Def. NDC 8/02/18 8:30 A.M. SHOW CAUSE HEARING CLERK'S NOTE: JEA notified Mr. Arnold regarding next Court date. ///* sb  
*CLERK'S NOTE: A copy of the above minute order was delivered by regular mail to Frank Herring, #1006445, Southern Desert Correctional Center, P.O. BOX 208, Indian Springs, Nevada 89018. ///* sb;

11/06/2018



**Motion (8:30 AM)** (Judicial Officer: Leavitt, Michelle)

*Defendant's Pro Per Motion For Order To Show Cause, Contempt Of Court And Monetary Sanctions*

Off Calendar; Defendant's Pro Per Motion For Order To Show Cause, Contempt Of Court And Monetary Sanctions

Journal Entry Details:

*Def. not present; incarcerated in Nevada Department of Corrections (NDC). COURT ORDERED, Motion TAKEN OFF CALENDAR, as former defense counsel had turned the file over to Def. NDC CLERK'S NOTE: A copy of the above minute order has been delivered by regular mail to: Frank Herring, #1006445, P.O. BOX 7007, Carson City, Nevada 89702. ///* sb;

DATE

FINANCIAL INFORMATION

**Defendant** Herring, Frank

Total Charges

175.00

Total Payments and Credits

113.07

**Balance Due as of 11/27/2018**

**61.93**



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**July 18, 2013**

---

C-13-291159-1      State of Nevada  
                                 vs  
                                 Frank Herring

---

**July 18, 2013      9:30 AM      Initial Arraignment**

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

**COURT CLERK:** Roshonda Mayfield

**RECORDER:** Kiara Schmidt

**REPORTER:**

**PARTIES**

**PRESENT:**      Arnold, Carl E.      Attorney  
                                 Herring, Frank, Jr.      Defendant  
                                 Mitchell, Scott Steven      Attorney  
                                 State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- DEFT. HEARRING ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE.  
COURT ORDERED, matter set for trial. COURT FURTHER ORDERED, Counsel is allowed 21 days  
from today and/or 21 days from the filing of the transcript for there to be any filings as to writs.

CUSTODY

8/13/13 8:30 A.M. CALENDAR CALL (DEPT. 2)

8/19/13 9:00 A.M. JURY TRIAL (DEPT. 2)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**August 13, 2013**

---

C-13-291159-1      State of Nevada  
                                 vs  
                                 Frank Herring

---

**August 13, 2013      8:30 AM      Calendar Call**

**HEARD BY:** Tao, Jerome T.      **COURTROOM:** RJC Courtroom 10D

**COURT CLERK:** Linda Skinner

**RECORDER:** Sara Richardson

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Arnold, Carl E.	Attorney
	Herring, Frank, Jr.	Defendant
	Schwartz, Michael J.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Upon Court's inquiry, Mr. Arnold advised he just finished a murder trial and is not up to speed on this one. Additionally, he and Mr. Schwartz just realized they do not have the Preliminary Hearing transcript. Mr. Arnold stated Defendant does not want to waive his right to a speedy trial and feels he could be ready in two weeks. Mr. Schwartz advised this was a short setting and that there is discovery coming in every day. Following additional colloquy, COURT ORDERED, trial date VACATED and RESET on the first week of next criminal stack.

**CUSTODY**

10/1/13 8:30 AM CALNEDAR CALL (#3)

10/7/13 9:00 AM JURY TRIAL (#3)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**October 01, 2013**

---

C-13-291159-1      State of Nevada  
                                 vs  
                                 Frank Herring

---

**October 01, 2013      8:30 AM      All Pending Motions**

**HEARD BY:** Tao, Jerome T.      **COURTROOM:** RJC Courtroom 10D

**COURT CLERK:** Linda Skinner

**RECORDER:** Sara Richardson

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Arnold, Carl E.	Attorney
	Herring, Frank, Jr.	Defendant
	Joseph, Lindsey D	Attorney
	Schwartzter, Michael J.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- CALENDAR CALL...STATE'S REQUEST: MOTION IN LIMINE

AS TO CALENDAR CALL: Upon Court's inquiry, Ms. Joseph advised the State is ready to proceed with 20-25 witnesses and lasting 7-8 days. Mr. Arnold advised he is ready as well. Mr. Schwartzter advised an offer has been submitted to Mr. Arnold. Conference at the Bench. Court advised Jury selection would begin at 9:00 AM on Monday.

AS TO MOTION IN LIMINE: Court noted it did not receive an opposition from Mr. Arnold. Mr. Arnold advised he has no objection as he was going to raise the same issues. COURT ORDERED, Motion GRANTED as unopposed.

M. SCHWARTZER - L. JOSEPH / C. ARNOLD / 20-25 WITNESSES / 7-8 DAYS

CUSTODY

10/7/13 9:00 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**October 07, 2013**

---

C-13-291159-1      State of Nevada  
                                 vs  
                                 Frank Herring

---

**October 07, 2013      9:00 AM      Jury Trial**

**HEARD BY:** Tao, Jerome T.

**COURTROOM:** RJC Courtroom 10D

**COURT CLERK:** Linda Skinner

**RECORDER:** Sara Richardson

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Arnold, Carl E.	Attorney
	Herring, Frank, Jr.	Defendant
	Joseph, Lindsey D	Attorney
	Schwartz, Michael J.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Mr. Arnold advised this matter has been resolved. There being no objection, Amended Information and Guilty Plea Agreement FILED IN OPEN COURT. NEGOTIATIONS: Defendant to plead guilty to Amended Information. State retains the right to argue at time of sentencing. Mr. Schwartz concurred. DEFENDANT HEARING WITHDREW NOT GUILTY PLEAS AND PLED GUILTY to MURDER (SECOND DEGREE) WITH USE OF A DEADLY WEAPON (F). Court ACCEPTED plea; referred matter to the Division of Parole and Probation for a Pre-sentence Investigation Report and ORDERED, trial date VACATED and set for sentencing.

**CUSTODY**

12/10/13 8:30 AM SENTENCING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**December 10, 2013**

---

C-13-291159-1      State of Nevada  
vs  
Frank Herring

---

**December 10, 2013      8:30 AM      Sentencing**

**HEARD BY:** Tao, Jerome T.

**COURTROOM:** RJC Courtroom 10D

**COURT CLERK:** Katherine Streuber

**RECORDER:** Sara Richardson

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Arnold, Carl E.	Attorney
	Herring, Frank, Jr.	Defendant
	Joseph, Lindsey D	Attorney
	Schwartzter, Michael J.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- DEFT. HEARRING ADJUDGED GUILTY of MURDER (SECOND DEGREE) WITH USE OF A DEADLY WEAPON (F). Argument by the State. Colloquy regarding restitution. Statement by Deft. Argument by counsel. Victim Witness addressed the Court. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee and a \$150.00 DNA Analysis fee including testing to determine genetic markers, Deft. SENTENCED to LIFE in the Nevada Department of Corrections (NDC) with parole eligibility after TEN (10) YEARS, plus a CONSECUTIVE term of a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS and a MINIMUM of NINETY-SIX (96) MONTHS in the Nevada Department of Corrections (NDC) for the use of a deadly weapon, with TWO HUNDRED NINETY-THREE (293) DAYS credit for time served. FURTHER, matter SET for status check regarding restitution.

NDC

01-09-14 8:30 AM STATUS CHECK: RESTITUTION

PRINT DATE: 11/27/2018

Page 6 of 27

Minutes Date: July 18, 2013



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**December 17, 2013**

---

C-13-291159-1      State of Nevada  
vs  
Frank Herring

---

**December 17, 2013      8:30 AM      Motion to Marry**

**HEARD BY:** Tao, Jerome T.

**COURTROOM:** RJC Courtroom 10D

**COURT CLERK:** Carole D'Aloia

**RECORDER:** Sara Richardson

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Arnold, Carl E.	Attorney
	Herring, Frank, Jr.	Defendant
	Rhoades, Kristina A.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- COURT ORDERED, motion GRANTED. Court directed Mr. Arnold to prepare and submit the appropriate Order.

NDC



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**January 09, 2014**

---

C-13-291159-1      State of Nevada  
                                 vs  
                                 Frank Herring

---

**January 09, 2014**

**8:30 AM**

**Status Check**

**Restitution**

**HEARD BY:** Togliatti, Jennifer

**COURTROOM:** RJC Courtroom 10D

**COURT CLERK:** Athena Trujillo  
Andrea Natali

**RECORDER:** Sara Richardson

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Arnold, Carl E.	Attorney
	Herring, Frank, Jr.	Defendant
	Radovic, Michael	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Deft. present in custody. Mr. Radovic stated the victim was requesting restitution; however, the letter of restitution had been sent to the wrong address; therefore, requested the matter be continued two weeks to obtain proof of restitution. Mr. Arnold requested the Deft. be sent to prison to serve his term. Upon Court's inquiry, Deft. agreed with Mr. Arnold's representations. COURT ORDERED, matter CONTINUED, Deft. s presence WAIVED the next date.

NDC

1/23/14 8:30 AM - STATUS CHECK: RESTITUTION

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**January 23, 2014**

---

C-13-291159-1      State of Nevada  
                                 vs  
                                 Frank Herring

---

**January 23, 2014      8:30 AM      Status Check**

**HEARD BY:** Tao, Jerome T.      **COURTROOM:** RJC Courtroom 10D

**COURT CLERK:** Linda Skinner

**RECORDER:** Sara Richardson

**REPORTER:**

**PARTIES**

**PRESENT:**      Arnold, Carl E.      Attorney  
                                 Joseph, Lindsey D      Attorney  
                                 State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- Court noted Defendant is in prison and not present. Upon Court's inquiry, Ms. Joseph advised they never received anything back from the victim's widow as to restitution and that it is unclear if she understands what would be covered under restitution. Following colloquy, COURT ORDERED, no restitution will be ordered and the matter is OFF CALENDAR.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**June 12, 2014**

---

C-13-291159-1      State of Nevada  
                                 vs  
                                 Frank Herring

---

**June 12, 2014**

**8:30 AM**

**Motion**

**HEARD BY:** Tao, Jerome T.

**COURTROOM:** RJC Courtroom 10D

**COURT CLERK:** Linda Skinner

**RECORDER:** Sara Richardson

**REPORTER:**

**PARTIES**

**PRESENT:**      Jones, Jr., John T.      Attorney  
                                 State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- Court advised Defendant is in the Nevada Department of Corrections and not present, that this is post-conviction in nature and Mr. Arnold is not present, however, COURT ORDERED, Deft's Pro Per Motion is GRANTED. Further, Mr. Arnold to be contacted to send the file to Defendant with the proper redactions.

NDC

CLERK'S NOTE: JEA contacted Mr. Arnold's Office to advise of above.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**December 04, 2014**

---

C-13-291159-1      State of Nevada  
vs  
Frank Herring

---

**December 04, 2014      8:30 AM      Motion for Appointment of  
Attorney**

**HEARD BY:** Tao, Jerome T.      **COURTROOM:** RJC Courtroom 10D

**COURT CLERK:** Linda Skinner

**RECORDER:** Sara Richardson

**REPORTER:**

**PARTIES**

**PRESENT:**      PORTZ, KENNETH      Attorney  
State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- Court noted Defendant is in prison, not present today and proffered a Motion for Counsel and a hearing. However, Court noted this is premature as Defendant has not filed a Writ of Habeas Corpus to show what grounds he wants to raise and if counsel need to be appointed and/or a hearing needs to be set. As this is premature, COURT ORDERED, DENIED.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**January 06, 2015**

---

C-13-291159-1      State of Nevada  
                                 vs  
                                 Frank Herring

---

**January 06, 2015      8:30 AM      Motion to Withdraw Plea**

**HEARD BY:** Thompson, Charles      **COURTROOM:** RJC Courtroom 10D

**COURT CLERK:** Linda Skinner

**RECORDER:** Susan Dolorfino

**REPORTER:**

**PARTIES**

**PRESENT:**      State of Nevada      Plaintiff  
                                 Sudano, Michelle L.      Attorney

**JOURNAL ENTRIES**

- Court noted Defendant is in prison and not present today, that he has proffered a Motion to Withdraw his Plea. Court advised it has read Defendant's Motion and the State's Response, the claim that his plea was not voluntary is belied by the record and the claim of ineffectiveness of counsel is without merit. Therefore, COURT ORDERED, Motion DENIED.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**June 16, 2015**

---

C-13-291159-1      State of Nevada  
                                 vs  
                                 Frank Herring

---

**June 16, 2015**

**8:30 AM**

**Motion**

**HEARD BY:** Johnson, Eric

**COURTROOM:** RJC Courtroom 10D

**COURT CLERK:** Linda Skinner

**RECORDER:**

**REPORTER:** Amber McClane

**PARTIES**

**PRESENT:**      Overly, Sarah      Attorney  
                         State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- Court noted Defendant is in prison and not present today and that it did not receive a response from the State. Ms. Overly advised they have no opposition and submitted the matter. Court stated its FINDINGS including that this Motion needs to be more specific as to what Court records Defendant wants and why. Therefore, COURT ORDERED, Pro Per Motion DENIED WITHOUT PREJUDICE.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**August 04, 2015**

---

C-13-291159-1      State of Nevada  
                                 vs  
                                 Frank Herring

---

**August 04, 2015      8:30 AM      Petition for Writ of Habeas  
Corpus**

**HEARD BY:** Johnson, Eric      **COURTROOM:** RJC Courtroom 10D

**COURT CLERK:** Linda Skinner

**RECORDER:**

**REPORTER:** Amber McClane

**PARTIES**

**PRESENT:** Jones, Jr., John T.      Attorney  
                                 State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- Defendant not present. Court noted it has an opposition from the State. Mr. Jones submitted on written opposition. Court stated its FINDINGS including that the Petition is untimely, filed one year past the filing of the Judgment of Conviction and Defendant has not shown good cause to overcome procedural bar. Therefore, COURT ORDERED, Petition DENIED.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**November 19, 2015**

---

C-13-291159-1      State of Nevada  
                                 vs  
                                 Frank Herring

---

**November 19, 2015      9:00 AM      Request**

**HEARD BY:** Johnson, Eric      **COURTROOM:** RJC Courtroom 10D

**COURT CLERK:** Linda Skinner

**RECORDER:**

**REPORTER:** Amber McClane

**PARTIES**

**PRESENT:**      Jones, Jr., John T.      Attorney  
                                 State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- Court noted Defendant is in prison and not present today, that he would like a copy of his Pre-sentence Report (PSI). Upon Court's inquiry, Mr. Jones took no position. COURT ORDERED, Pro Per Request is GRANTED IN PART/DENIED IN PART - it is GRANTED as to the request for the Pre-sentence Report and DENIED WITHOUT PREJUDICE as to other documents without specific requests. FURTHER, Clerk to send a copy of the PSI to Defendant.

NDC

CLERK'S NOTE: Clerk to send a copy of the PSI to the following address:  
Frank Herring #1006445  
Ely State Prison  
P.O. Box 1989  
Ely, NV 89301



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**February 23, 2016**

---

C-13-291159-1      State of Nevada  
                                 vs  
                                 Frank Herring

---

**February 23, 2016      8:30 AM      Request**

**HEARD BY:** Johnson, Eric      **COURTROOM:** RJC Courtroom 10D

**COURT CLERK:** Linda Skinner

**RECORDER:**

**REPORTER:** Amber McClane

**PARTIES**

**PRESENT:**      Rowles, William C.      Attorney  
                                 State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- Court noted Defendant is in the Nevada Department of Corrections and not present today. Upon Court's inquiry, Mr. Rowles submitted on the written pleadings. Court noted Defendant has filed an appeal to the Supreme Court and that he does not have a right to discovery pending an appeal. As this Court does not have jurisdiction to hear Defendant's Motion, COURT ORDERED, DENIED.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**March 29, 2016**

---

C-13-291159-1      State of Nevada  
                                 vs  
                                 Frank Herring

---

**March 29, 2016      8:30 AM      Motion**

**HEARD BY:** Johnson, Eric      **COURTROOM:** RJC Courtroom 10D

**COURT CLERK:** Linda Skinner

**RECORDER:**

**REPORTER:** Amber McClane

**PARTIES**

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

**JOURNAL ENTRIES**

- Court noted Defendant is in prison and not present today. Mr. Lexis advised he believes the Court has already signed an Order denying this Motion. Following colloquy, COURT ORDERED, Pro Per Motion DENIED.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**October 31, 2017**

---

C-13-291159-1      State of Nevada  
                                 vs  
                                 Frank Herring

---

**October 31, 2017      8:30 AM      Motion**

**HEARD BY:** Johnson, Eric      **COURTROOM:** RJC Courtroom 12A

**COURT CLERK:** Linda Skinner

**RECORDER:** Trisha Garcia

**REPORTER:**

**PARTIES**

**PRESENT:**      State of Nevada      Plaintiff  
                         Thomson, Megan      Attorney

**JOURNAL ENTRIES**

- Defendant is in prison and not present today. There being nothing outstanding before the Court,  
COURT ORDERED, Pro Per Motion GRANTED.

NDC

CLERK'S NOTE: 11/8/17 A copy of this Minute Order was mailed to Defendant:

FRANK HEARRING, JR #1006445  
SOUTHERN DESERT CORRECTIONAL CENTER  
P.O. BOX 208  
INDIAN SPRINGS, NV 89070

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**January 02, 2018**

---

C-13-291159-1      State of Nevada  
vs  
Frank Herring

---

**January 02, 2018      8:30 AM      Motion to Modify Sentence**

**HEARD BY:** Johnson, Eric      **COURTROOM:** RJC Courtroom 12A

**COURT CLERK:** Linda Skinner

**RECORDER:** Angie Calvillo

**REPORTER:**

**PARTIES**

**PRESENT:**      State of Nevada      Plaintiff  
Thomson, Megan      Attorney

**JOURNAL ENTRIES**

- Defendant is in prison and not present today. Court noted that generally the District Court lacks jurisdiction to modify a sentence once Defendant has started serving it. As authority, if Defendant can demonstrate the sentence was based on a materially untrue assumption or mistake of fact which worked to the extreme detriment of the Defendant it can be changed. In this case the Defendant claims the Detectives and Crime Scene Analysts were deficient in their investigation of this case and failed to investigation the entirety of the crime. Court advised this is not a basis for modifying a sentence. THEREFORE, COURT ORDERED, Motion DENIED.

NDC

CLERK'S NOTE: 1/4/18 A copy of this Minute Order was mailed to Defendant:

FRANK HEARRING #1006445  
SOUTHERN DESERT CORRECTIONAL CENTER  
P.O. BOX 208  
INDIAN SPRINGS, NV 89070-0208

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**January 23, 2018**

---

C-13-291159-1      State of Nevada  
                                 vs  
                                 Frank Herring

---

**January 23, 2018      8:30 AM      Motion to Compel**

**HEARD BY:** Johnson, Eric      **COURTROOM:** RJC Courtroom 12A

**COURT CLERK:** Linda Skinner

**RECORDER:** Sandra Pruchnic

**REPORTER:**

**PARTIES**

**PRESENT:**      Beverly, Leah C      Attorney  
                                 State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- Defendant is in prison and not present today. Court noted it is unclear what Defendant wants Mr. Arnold to compel to, but feels it might be his file. Therefore, COURT ORDERED, Motion GRANTED and Mr. Arnold is directed to send the file to Defendant.

NDC

CLERK'S NOTE: A copy of this Minute Order was e-mailed to Mr. Arnold and a hard copy mailed to Defendant:

FRANK HEARRING, JR #1006445  
SOUTHERN DESERT CORRECTIONAL CENTER  
P.O. BOX 208  
INDIAN SPRINGS, NV 89070

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**June 28, 2018**

---

C-13-291159-1      State of Nevada  
vs  
Frank Herring

---

**June 28, 2018      9:00 AM      Motion to Compel**

**HEARD BY:** Johnson, Eric      **COURTROOM:** RJC Courtroom 12A

**COURT CLERK:** Linda Skinner

**RECORDER:** Angie Calvillo

**REPORTER:**

**PARTIES**

**PRESENT:**      State of Nevada      Plaintiff  
Wong, Hetty O.      Attorney

**JOURNAL ENTRIES**

- Defendant is in prison and not present today. Court noted that in January 2018, Court Ordered Mr. Arnold to turn over his file to Defendant, however, Defendant claims that he has not received it. COURT ORDERED, matter SET for hearing in THIRTY (30) DAYS for a Show Cause Hearing for Mr. Arnold to either demonstrate that he has sent the file to Defendant or to show cause why he hasn't complied with the Court's January Order.

NDC

7/26/18 9:00 AM SHOW CAUSE HEARING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**July 31, 2018**

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C-13-291159-1      State of Nevada  
                                 vs  
                                 Frank Herring

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**July 31, 2018      8:30 AM      Show Cause Hearing**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Botzenhart

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

**PRESENT:**      Kern, Samuel R.      Attorney  
                                 State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- Deft. not present; not transported. Former counsel Carl Arnold, Esq., not present. COURT ORDERED, matter CONTINUED for Mr. Arnold to appear and make representations regarding whether the case file was turned over to Deft.

NDC

8/02/18 8:30 A.M. SHOW CAUSE HEARING

CLERK'S NOTE: JEA notified Mr. Arnold regarding next Court date.    /// sb

CLERK'S NOTE: A copy of the above minute order was delivered by regular mail to Frank Herring, #1006445, Southern Desert Correctional Center, P.O. BOX 208, Indian Springs, Nevada 89018.    /// sb

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**August 02, 2018**

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C-13-291159-1      State of Nevada  
                                 vs  
                                 Frank Herring

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**August 02, 2018      8:30 AM      Show Cause Hearing**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Botzenhart

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

**PRESENT:**      Holthus, Mary Kay      Attorney  
                                 State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- Deft. not present; was not transported and is incarcerated in Nevada Department of Corrections (NDC). Former counsel Carl Arnold, Esq., not present. At request of Mr. Arnold, which was made to Chambers prior to the case being called, COURT ORDERED, matter CONTINUED for Mr. Arnold to appear and make representations regarding whether the case file was turned over to Deft. FURTHER, Mr. Arnold to turn over the case file to Deft, if not already done so.

NDC

9/04/18 8:30 A.M. SHOW CAUSE HEARING

CLERK'S NOTE: JEA notified Mr. Arnold regarding next Court date. /// sb

CLERK'S NOTE: A copy of the above minute order was delivered by regular mail to Frank Herring, #1006445, Southern Desert Correctional Center, P.O. BOX 208, Indian Springs, Nevada 89018. /// sb



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**September 04, 2018**

C-13-291159-1      State of Nevada  
vs  
Frank Herring

**September 04, 2018      8:30 AM      Show Cause Hearing**

**HEARD BY:** Leavitt, Michelle

**COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Botzenhart

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

**PRESENT:**      Dickerson, Michael      Attorney  
State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- Deft. not present; incarcerated in Nevada Department of Corrections (NDC). Mr. Arnold not present. COURT ORDERED, matter CONTINUED once more, for Mr. Arnold to appear and make representations regarding whether or not he has turned over the case file to Deft.

NDC

9/11/18 8:30 A.M. SHOW CAUSE HEARING

CLERK'S NOTE: JEA notified Mr. Arnold's office and informed Mr. Arnold regarding continuance date, and Mr. Arnold needing to appear to make representations to the Court. A copy of the above minute order has been forwarded Mr. Arnold. /// sb

CLERK'S NOTE: A copy of the above minute order has been delivered by regular mail to: Frank Herring, #1006445, Southern Desert Correctional Center, S.D.C.C., P.O. BOX 208, Indian Springs, Nevada 89018. /// sb

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**September 11, 2018**

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C-13-291159-1      State of Nevada  
                                 vs  
                                 Frank Herring

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**September 11, 2018      8:30 AM      Show Cause Hearing**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Botzenhart

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

**PRESENT:**      Arnold, Carl E.      Plaintiff  
                                 State of Nevada      Attorney  
                                 Thomson, Megan

**JOURNAL ENTRIES**

- Deft. not present; incarcerated in Nevada Department of Corrections (NDC). Court advised former counsel this matter was carried over from Department 20. Upon Court's inquiry, Mr. Arnold confirmed the filed was turned over to Deft. previously, he copied the file and sent it over to Deft. again last week, and there is a receipt. COURT ORDERED, matter OFF CALENDAR.

NDC

CLERK'S NOTE: A copy of the above minute order has been delivered by regular mail to: Frank Herring, #1006445, P.O. BOX 7007, Carson City, Nevada 89702. /// sb

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**November 06, 2018**

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C-13-291159-1      State of Nevada  
                                 vs  
                                 Frank Herring

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**November 06, 2018      8:30 AM      Motion      Defendant's Pro Per  
Motion For Order To  
Show Cause,  
Contempt Of Court  
And Monetary  
Sanctions**

**HEARD BY:** Leavitt, Michelle

**COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Botzenhart

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

**PRESENT:**      Beverly, Leah C      Attorney  
                                 State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- Deft. not present; incarcerated in Nevada Department of Corrections (NDC). COURT ORDERED, Motion TAKEN OFF CALENDAR, as former defense counsel had turned the file over to Deft.

NDC

CLERK'S NOTE: A copy of the above minute order has been delivered by regular mail to: Frank Herring, #1006445, P.O. BOX 7007, Carson City, Nevada 89702.    ///    sb



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE  
**NOTICE OF DEFICIENCY**  
ON APPEAL TO NEVADA SUPREME COURT

**FRANK HEARRING #1006445**  
**P.O. BOX 7007**  
**CARSON CITY, NV 89702**

**DATE: November 27, 2018**  
**CASE: C-13-291159-1**

**RE CASE:** STATE OF NEVADA vs. FRANK HEARRING aka FRANK HEARRING, JR.

NOTICE OF APPEAL FILED: November 26, 2018

**YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.**

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- ☐ Case Appeal Statement  
- NRAP 3 (a)(1), Form 2
- ☒ Order
- ☒ Notice of Entry of Order

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NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (e) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

# Certification of Copy

State of Nevada }  
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DESIGNATION OF  
RECORD ON APPEAL; DISTRICT COURT DOCKET ENTRIES; DISTRICT COURT MINUTES;  
NOTICE OF DEFICIENCY

STATE OF NEVADA,

Plaintiff(s),

vs.

FRANK HEARRING  
aka FRANK HEARRING, JR.,

Defendant(s).

Case No: C-13-291159-1

Dept No: XII

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 27 day of November 2018.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk