

*Steven D. Grierson*

Electronically Filed  
Jan 15 2019 10:49 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

1 KEVIN BROOKS

2 Plaintiff, In Proper Person  
3 P.O. Box 650 H.D.S.P.  
4 Indian Springs, Nevada 89018

5 8<sup>th</sup> DISTRICT COURT  
6 CLARK COUNTY NEVADA

7  
8 KEVIN BROOKS,

9 Plaintiff,

10 -v-

11 STATE OF NEVADA,

12 Respondant,

Case No. C-093713

Dept.No. 16 B

Docket \_\_\_\_\_

13  
14 NOTICE OF APPEAL

15 Notice is hereby given that the Plaintiff, Kevin  
16 BROOKS, by and through himself in proper person, does now appeal  
17 to the Supreme Court of the State of Nevada, the decision of the District  
18 Court Denying his motion for modification of sentence  
19 ON December 10, 2018

20  
21 Dated this date, Jan. 1, 2019.

22  
23  
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25  
26  
27  
28  
CLERK OF THE COURT

RECEIVED  
JAN 07 2019

Respectfully Submitted,

Kevin Brooks

In Proper Person

**CERTIFICATE OF SERVICE BY MAILING**

I, KEVIN BROOKS, hereby certify, pursuant to NRCP 5(b), that on this 1<sup>st</sup>  
day of January, 2019, I mailed a true and correct copy of the foregoing, "

Notice of Appeal.

by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,  
addressed as follows:

CLERK, CLARK COUNTY COURT  
200 Lewis Ave 3rd Floor  
LAS VEGAS, NV. 89055

DATED: this 1<sup>st</sup> day of January, 2019.

Kevin Brooks

KEVIN BROOKS

#33384

Plaintiff

/In Propria Persona

Post Office box 650 [HDSP]

Indian Springs, Nevada 89018

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-083713

☒ 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.

Kevin Brooks  
Signature

1-1-2019  
Date

Kevin Brooks  
Print Name

Pro Per  
Title

Kelin Brooks # 33384

P.O. Box 650

Indian Springs W. 89070

LAS VEGAS

NV 890

04 JAN '79

PM 3 L

3762

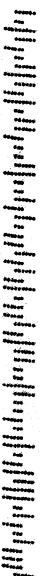
CLERK, CLARK COUNTY COURT

200 Lewis Ave. 3rd Floor

Las Vegas, NV, 89155-1160

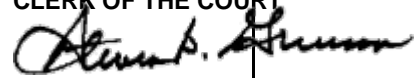
Legal mail

89101-630000





Pauline



1 ASTA

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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 STATE OF NEVADA,

10 Plaintiff(s),

11 vs.

12 RALPH KEVIN CLARK aka KEVIN BROOKS,

13 Defendant(s),

Case No: 90C093713-2

Dept No: XIX

14  
15  
16 **CASE APPEAL STATEMENT**

17  
18 1. Appellant(s): Kevin Brooks

19 2. Judge: William D. Kephart

20 3. Appellant(s): Kevin Brooks

21 Counsel:

22 Kevin Brooks #33384  
23 P.O. Box 650  
24 Indian Springs, NV 89070

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: March 28, 1990

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): 21722, 22285, 26131, 34575, 40941, 43621, 46807,  
47692, 48343, 48660, 48747, 48776, 55775, 63879, 74415, 76808

12. Child Custody or Visitation: N/A

Dated This 8 day of January 2019.

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: Kevin Brooks

**CASE SUMMARY****CASE NO. 90C093713-2****The State of Nevada vs Kevin Brooks**§  
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Location: **Department 19**  
 Judicial Officer: **Kephart, William D.**  
 Filed on: **03/28/1990**  
 Case Number History:  
 Cross-Reference Case Number: **C093713**  
 Defendant's Scope ID #: **1061224**  
 Lower Court Case # Root: **90F01383**  
 Lower Court Case Number: **90F01383B**  
 Supreme Court No.: **63879**  
**74415**  
**76808**

**CASE INFORMATION**

<b>Offense</b>	<b>Deg</b>	<b>Date</b>	<b>Case Type:</b>	<b>Felony/Gross Misdemeanor</b>
1. BURGLARY	F	01/01/1900		
2. BURGLARY	F	01/01/1900	Case Status:	<b>06/16/2010 Inactive</b>

**Related Cases**

90C093713-1 (Multi-Defendant Case)

**Statistical Closures**

01/05/2010 USJR Reporting Statistical Closure  
 03/27/2006 USJR Reporting Statistical Closure  
 12/20/2005 USJR Reporting Statistical Closure  
 09/28/2004 USJR Reporting Statistical Closure  
 04/04/2004 USJR Reporting Statistical Closure  
 06/12/2003 USJR Reporting Statistical Closure  
 04/19/1999 USJR Reporting Statistical Closure  
 11/09/1993 USJR Reporting Statistical Closure  
 01/21/1991 USJR Reporting Statistical Closure  
 10/14/2006 USJR Reporting Statistical Closure  
 03/11/2010 USJR Reporting Statistical Closure

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

Case Number 90C093713-2  
 Court Department 19  
 Date Assigned 01/05/2015  
 Judicial Officer Kephart, William D.







**PARTY INFORMATION**

		<i>Lead Attorneys</i>
<b>Defendant</b>	<b>Clark , Ralph Kevin</b>	<b>Pro Se</b>
<b>Plaintiff</b>	<b>State of Nevada</b>	<b>Wolfson, Steven B</b> 702-671-2700(W)

**DATE****EVENTS & ORDERS OF THE COURT****INDEX****EVENTS**03/28/1990  Criminal Bindover03/30/1990  Information

# CASE SUMMARY

CASE NO. 90C093713-2

04/03/1990	 Amended Information
04/04/1990	 Motion to Amend Information <i>Motion and Notice of Motion to Amend Information</i>
04/05/1990	 Amended Information
04/05/1990	 Order <i>Order to Amend Information</i>
04/12/1990	 Reporters Transcript <i>Transcript of Hearing Held on March 20, 1990</i>
04/13/1990	 Order <i>Order for Transcript</i>
04/25/1990	 Reporters Transcript <i>Transcript of Hearing Held on April 5, 1990</i>
05/29/1990	 Motion to Withdraw As Counsel <i>Motion to Withdraw as Attorney of Record for Defendant</i>
05/29/1990	 Notice of Motion
05/30/1990	 Receipt of Copy
06/13/1990	 Reporters Transcript <i>Transcript of Hearing Held on April 5, 1990</i>
06/25/1990	 Judgment of Conviction <i>Judgment of Conviction (Plea)</i>
06/28/1990	 Order for Production of Inmate
07/03/1990	 Jury List
07/09/1990	 Instructions to the Jury
07/09/1990	 Verdict
07/09/1990	 Verdict
08/03/1990	 Motion to Amend Information <i>Motion and Notice of Motion to Amend Information</i>
08/03/1990	 Memorandum <i>Memorandum and Exhibits in Support of Habitual Criminal Sentence</i>
08/07/1990	 Supplemental Exhibits <i>Supplemental Exhibits No. 9 and 10 in Support of Habitual Criminal Sentence</i>

# CASE SUMMARY

CASE NO. 90C093713-2

08/08/1990	 PSI <i>Pre-Sentence Investigation Report (Unfiled) Confidential</i>
08/15/1990	 Amended Information <i>Second Amended Information</i>
08/15/1990	 Reporters Transcript <i>Transcript of Hearing Held on May 25, 1990</i>
09/12/1990	 Opposition to Motion <i>Defendant's Opposition to Plaintiff's Motion to Amend Information</i>
09/13/1990	 Receipt of Copy
10/03/1990	 Notice of Appeal (criminal) <i>Notice of Appeal</i>
10/03/1990	 Receipt of Copy
10/03/1990	 Notice of Motion
10/03/1990	 Motion to Withdraw As Counsel <i>Motion to Withdraw as Attorney of Record for Defendant</i>
10/03/1990	 Receipt of Copy
10/05/1990	 Judgment of Conviction <i>Judgment of Conviction (Jury Trial)</i>
10/18/1990	 Order <i>Order for Transcript</i>
10/22/1990	 Designation of Record on Appeal <i>Designation of Contents of Record on Appeal</i>
10/24/1990	 Order
10/24/1990	 Order
10/24/1990	 Ex Parte Motion for Enlargement of Time <i>Ex Parte Motion to Extend Time to Submit Record on Appeal</i>
10/29/1990	 Order
11/09/1990	 Substitution of Attorney <i>Defendant's Constitutional Right to Act as His Own Counsel</i>
12/07/1990	 Reporters Transcript <i>Transcript of Hearing Held on September 21, 1990</i>












# CASE SUMMARY

CASE NO. 90C093713-2

12/11/1990	 Notice of Motion <i>Notice and Motion for Substitution and Removal of Attorney of Record</i>
12/11/1990	 Affidavit <i>Affidavit of</i>
12/19/1990	 Reporters Transcript <i>Transcript of Hearing Held on July 2, 1990</i>
12/19/1990	 Reporters Transcript <i>Transcript of Hearing Held on July 3, 1990</i>
12/19/1990	 Reporters Transcript <i>Transcript of Hearing Held on July 5, 1990</i>
12/19/1990	 Reporters Transcript <i>Transcript of Hearing Held on July 6, 1990</i>
12/19/1990	 Reporters Transcript <i>Transcript of Hearing Held on July 9, 1990</i>
12/20/1990	 Reporters Transcript <i>Transcript of Hearing Held on August 15, 1990</i>
01/08/1991	 Order
01/11/1991	 Document Filed <i>Defendant's Constitutional Right to Act as His Own Counsel</i>
02/07/1991	 Motion for Leave to Proceed in Forma Pauperis <i>Motion for Leave to Proceed in Forma Pauperis (Sealed)</i>
02/07/1991	 Petition <i>Petition for Post-Conviction Relief N.R.S. 177.315</i>
03/06/1991	 Motion to Withdraw As Counsel <i>Motion to Withdraw as Counsel and Allow Defendant to Proceed in Forma Pauperis (Sealed)</i>
03/06/1991	 Affidavit in Support <i>Affidavit in Support of Request to Proceed in Forma Pauperis (Sealed)</i>
03/06/1991	 Motion for Leave to Proceed in Forma Pauperis <i>Motion for Leave to Proceed in Forma Pauperis (Sealed)</i>
03/06/1991	 Memorandum of Points and Authorities <i>Memorandum of Points and Authorities in Support of the Judicial Notice for Withdrawal of Attorney of Record</i>
03/13/1991	 Order

# CASE SUMMARY


















CASE NO. 90C093713-2

03/14/1991	 Response <i>Response to Motion to Withdraw as Counsel and Allow Defendant to Proceed in Forma Pauperis, and Motion to Withdraw Plea (Sealed)</i>
03/22/1991	 Order
03/28/1991	 Notice of Appeal (criminal) <i>Notice of Appeal</i>
03/29/1991	 Motion for Leave to Proceed in Forma Pauperis <i>Motion for Leave to Proceed in Forma Pauperis (Sealed)</i>
03/29/1991	 Application <i>Application for Order to Have Direct Appeals Held in Abeyance</i>
04/12/1991	 Order <i>Order (Sealed)</i>
04/17/1991	 Petition <i>Petition for Post-Conviction Relief (NRS 177.315 et seq.)</i>
04/17/1991	 Motion for Leave to Proceed in Forma Pauperis <i>Motion for Leave to Proceed in Forma Pauperis (Sealed)</i>
04/17/1991	 Memorandum of Points and Authorities <i>Memorandum of Points and Authorities Insupport of Post Conviction Relief</i>
04/17/1991	 Affidavit in Support of Application Proceed Forma Pauperis <i>Affidavit in Support of Request to Proceed in Forma Pauperis (Sealed)</i>
05/09/1991	 Answer (Criminal) <i>Answer in Opposition to Petition for Post-Conviction Relief</i>
05/10/1991	 Motion for Appointment of Attorney <i>Motion for Appointment of Counsel</i>
05/10/1991	 Request <i>Request for Submission</i>
05/10/1991	 Notice of Motion
10/18/1991	 Motion for Substitution <i>Motion for Substitution of Counsel of Record Motion for Leave N.R.S 34.800(2) Motion for Transfer of Records N.E.S. 7.055</i>
10/18/1991	 Motion for Order
10/22/1991	 Order <i>Order Findings of Fact and Conclusions of Law</i>
10/24/1991	 Notice of Entry of Order



# CASE SUMMARY

CASE NO. 90C093713-2

10/25/1991	 Answer (Criminal) <i>State's Answer in Opposition to Defendant's Petition for Post Conviction Relief and Motion to Stay Post Conviction Relief</i>
10/25/1991	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>Nevada Supreme Court Clerk's Certificate Judgment - Dismissed and Remand</i>
01/31/1992	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>Nevada Supreme Court Clerk's Certificate Judgment - Dismissed</i>
03/04/1992	 Ex Parte Motion for Enlargement of Time
11/10/1993	 Motion for Production of Transcript <i>Motion for Production of Transcripts</i>
12/03/1993	 Motion for Leave to Proceed in Forma Pauperis <i>Motion for Leave to Proceed in Forma Pauperis and Supporting Declaration (Pursuant to 28 U.S.C. 1915) (and 28 U.S.C. 1746) (Sealed)</i>
12/03/1993	 Affidavit in Support of Application Proceed Forma Pauperis <i>Affidavit in Support of Motion to Proceed in Forma Pauperis (Sealed)</i>
12/03/1993	 Certificate <i>Financial Certificate (Sealed)</i>
12/03/1993	 Motion for Leave to Proceed in Forma Pauperis <i>Motion for Leave to Proceed in Forma Pauperis (Sealed)</i>
07/21/1994	 Order
08/12/1994	 Designation of Record on Appeal
08/12/1994	 Notice of Appeal (criminal) <i>Notice of Appeal</i>
12/01/1994	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>Nevada Supreme Court Clerk's Certificate Judgment - Dismissed</i>
04/09/1999	 Supplemental <i>Supplemental Memorandum</i>
04/09/1999	 Affidavit in Support of Application Proceed Forma Pauperis <i>Affidavit in Support of Motion to Proceed in Forma Pauperis (Sealed)</i>
04/09/1999	 Certificate <i>Financial Certificate (Sealed)</i>
04/09/1999	 Petition for Writ of Habeas Corpus <i>Petition for Writ of Habeas Corpus (Post-Conviction)</i>

# CASE SUMMARY

CASE NO. 90C093713-2

04/09/1999	 Motion for Leave to Proceed in Forma Pauperis <i>Motion for Leave to Proceed in Forma Pauperis (Sealed)</i>
04/20/1999	 Order
05/24/1999	 Response <i>State's Response to Defendant Kevin Brooks Petition for Writ of Habeas Corpus (Post Conviction)</i>
06/15/1999	 Motion <i>Motion for Extention of Time (First Request)</i>
06/15/1999	 Motion for Clarification
07/19/1999	 Findings of Fact, Conclusions of Law and Order
07/21/1999	 Notice of Entry of Order
07/23/1999	 Notice of Appeal (criminal) <i>Notice of Appeal</i>
07/23/1999	 Designation of Record on Appeal
07/23/1999	 Case Appeal Statement
12/07/1999	 Petition for Writ of Habeas Corpus <i>Petition for Writ of Habeas Corpus General Provisions Pursuant to N.R.S. 34.500</i>
12/07/1999	 Certificate <i>Financial Certificate (Sealed)</i>
12/07/1999	 Affidavit in Support of Application Proceed Forma Pauperis <i>Affidavit in Support of Motion to Proceed in Forma Pauperis (Sealed)</i>
12/07/1999	 Supplemental <i>Supplemental Memorandum</i>
12/07/1999	 Order <i>Order Transferring Habeas Petition to Court of Conviction</i>
12/07/1999	 Motion for Leave to Proceed in Forma Pauperis <i>Motion for Leave to Proceed in Forma Pauperis (Sealed)</i>
12/08/1999	 Order <i>Order Re: Petition for Writ of Habeas Corpus</i>
01/14/2000	 Opposition <i>State's Opposition to Defendant's Writ of Habeas Corpus (Post Conviction)</i>
01/31/2000	 Response

# CASE SUMMARY




















CASE NO. 90C093713-2

*Petitioner's Response to States Opposition to Petitioner's Writ of Habeas Corpus (General Provisions Pursuant to N.R.S. 34.500).*

02/28/2000	 Findings of Fact, Conclusions of Law and Order
03/01/2000	 Notice of Entry of Order
04/10/2001	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>Nevada Supreme Court Clerk's Certificate Judgment - Affirmed</i>
01/15/2003	 Motion to Vacate Sentence <i>Motion to Vacate or Correct Illegal Sentence</i>
01/22/2003	 Response <i>State's Response to Defendant's Motion to Vacate or Correct Illegal Sentence</i>
02/03/2003	 Order Denying Motion <i>Order Denying Defendant's Motion to Vacate or Correct Illegal Sentence</i>
02/11/2003	 Notice of Appeal (criminal) <i>Notice of Appeal</i>
02/11/2003	 Case Appeal Statement
03/31/2004	 Petition for Writ of Habeas Corpus <i>Petition for Writ of Habeas Corpus (Post-Conviction)</i>
03/31/2004	 Motion for Leave to Proceed in Forma Pauperis <i>Motion for Leave to Proceed in Forma Pauperis (Sealed)</i>
03/31/2004	 Certificate <i>Financial Certificate (Sealed)</i>
04/05/2004	 Order for Petition for Writ of Habeas Corpus
04/16/2004	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>Nevada Supreme Court Clerk's Certificate Judgment - Affirmed; Rehearing Denied</i>
05/17/2004	 Notice of Motion <i>Notice of Motion and State's Motion to Dismiss Defendant's Pro Per Petition for Writ of Habeas Corpus (Post-Conviction)</i>
05/27/2004	 Reply to Motion <i>Reply to States Motion to Dismiss Defendant's Pro Per Petition for Writ of Habeas Corpus.</i>
06/28/2004	 Findings of Fact, Conclusions of Law and Order <i>Findings of Fact, Conclusions of Law, and Order Dismissing Defendant's Petition for Writ of Habeas Corpus (Post Conviction)</i>
07/06/2004	 Notice of Entry of Decision and Order

# CASE SUMMARY


















CASE NO. 90C093713-2

07/07/2004	 Notice of Entry of Decision and Order
07/12/2004	 Notice of Appeal (criminal) <i>Notice of Appeal</i>
07/12/2004	 Designation of Record on Appeal
07/13/2004	 Case Appeal Statement
12/03/2004	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>Nevada Supreme Court Clerk's Certificate Judgment - Affirmed</i>
12/20/2005	 Motion to Produce <i>Motion of Defendant for Production of Favorable Evidence</i>
12/20/2005	 Motion to Dismiss <i>Motion to Dismiss Prosecution and Judgement of Conviction Due to Lack of Information</i>
01/04/2006	 Opposition to Motion to Dismiss <i>State's Opposition and Motion to Dismiss Defendant's Motion to Dismiss Prosecution and Judgment of Conviction Due to Lack of Information</i>
01/04/2006	 Response <i>State's Response to Defendant's Motion for Production of Favorable Evidence</i>
01/24/2006	 Order for Production of Inmate <i>Order for Production of Inmate Kevin Brooks, aka Ralph Kevin Clark, BAC #33384</i>
02/15/2006	 Case Appeal Statement
02/15/2006	 Notice of Appeal (criminal) <i>Notice of Appeal</i>
02/16/2006	 Case Appeal Statement
02/24/2006	 Motion to Reconsider <i>Motion for Reconsideration</i>
02/24/2006	 Notice of Appeal (criminal) <i>Notice of Appeal</i>
02/24/2006	 Case Appeal Statement
03/02/2006	 Opposition to Motion <i>State's Opposition to Defendant's Pro Per Motion for Reconsideration</i>
03/15/2006	 Order Denying Motion <i>Order Denying Defendant's Pro Per Motion for Reconsideration</i>
04/26/2006	 Order Denying Motion

# CASE SUMMARY

CASE NO. 90C093713-2

*Order Denying Defendant's Pro Per Motion to Dismiss Prosecution and Judgement of Conviction and Motion for Production of Favorable Evidence*

06/13/2006	 Motion <i>Motion for Written Judgment or Findings Pursuant to N.R.S 34.830</i>
06/21/2006	 Opposition to Motion <i>State's Opposition to Defendant's Pro Per Motion for Written Judgment or Findings</i>
08/10/2006	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>Nevada Supreme Court Clerk's Certificate Judgment - Affirmed</i>
09/20/2006	 Motion <i>Motion for Written Judgment or Findings Pursuant to N.R.S. 34.575 (1), 34.830 (2).</i>
09/28/2006	 Opposition to Motion <i>State's Opposition to Defendant's Pro Per Motion for Written Judgment or Findings</i>
10/06/2006	 Reply to Opposition <i>Reply to States Opposition to Defendant's Motion for Written Judgment or Findings Pursuant to N.R.S. 34.575(1), 34.830(2).</i>
10/26/2006	 Notice of Appeal (criminal) <i>Notice of Appeal</i>
10/26/2006	 Case Appeal Statement
10/30/2006	 Case Appeal Statement
10/31/2006	 Order Denying Motion <i>Order Denying Defendant's Pro Per Motion for Written Judgment or Findings</i>
01/10/2007	 Case Appeal Statement
01/10/2007	 Notice of Appeal (criminal) <i>Notice of Appeal</i>
01/11/2007	 Case Appeal Statement
02/05/2007	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>Nevada Supreme Court Clerk's Certificate Judgment - Dismissed; Rehearing Denied</i>
02/15/2007	 Order Denying <i>Order Denying Defendant's Pro Per Ex-Parte Petition for Enlargement of Time</i>
03/08/2007	 Order Denying <i>Order Denying Defendant's Pro Per Petition for Post-Conviction Relief</i>
03/12/2007	 Notice of Entry of Decision and Order
03/27/2007	 Motion

# CASE SUMMARY








CASE NO. 90C093713-2

## *Motion for Reconstruction*

03/27/2007	 Certificate of Service
04/09/2007	 Response <i>State's Response to Defendant's Motion for Reconsideration</i>
04/09/2007	 Case Appeal Statement
04/09/2007	 Notice of Appeal (criminal) <i>Notice of Appeal</i>
04/10/2007	 Case Appeal Statement
04/24/2007	 Opposition <i>Movant's Opposition to States Response to Defendant's Motion for Reconsideration</i>
09/13/2007	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>Nevada Supreme Court Clerk's Certificate Judgment - Affirmed; Rehearing Denied</i>
12/30/2009	 Affidavit in Support of Application Proceed Forma Pauperis <i>Affidavit in Support of Request to Proceed in Forma Pauperis (Sealed)</i>
12/30/2009	 Supplement <i>Supplement to Petition for Writ of Habeas Corpus</i>
12/30/2009	 Motion for Leave to Proceed in Forma Pauperis <i>Motion for Leave to Proceed in Forma Pauperis (Sealed)</i>
12/30/2009	 Petition for Writ of Habeas Corpus <i>Petition for Writ of Habeas Corpus (PostConviction)</i>
01/06/2010	 Order for Petition for Writ of Habeas Corpus
02/03/2010	 Response <i>State's Response and Motion to Dismiss Defendant's Pro Per Petition for Writ of Habeas Corpus</i>
02/25/2010	 Reply <i>Petitioners Reply to States Respone</i>
02/25/2010	 Points and Authorities <i>Points and Authorities in Support of Reply.</i>
03/29/2010	 Findings of Fact, Conclusions of Law and Order
03/30/2010	 Notice of Entry of Decision and Order
04/02/2010	 Notice of Appeal (criminal) <i>Notice of Appeal</i>

# CASE SUMMARY

CASE NO. 90C093713-2

04/06/2010	 Case Appeal Statement
10/20/2010	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>Nevada Supreme Court Clerk's Certificate Judgment - Affirmed</i>
12/11/2012	 Request <i>Alternative Motion Request for Records/Court Case Documents</i>
12/11/2012	 Request <i>Request for Transcript of Proceeding</i>
02/26/2013	 Petition for Writ of Habeas Corpus Filed by: Defendant Clark , Ralph Kevin <i>Petition for Writ of Habeas Corpus (PostConviction)</i>
02/26/2013	 Supplement Filed by: Defendant Clark , Ralph Kevin <i>Supplement to Petition for Writ of Habeas Corpus</i>
02/26/2013	 Motion for Leave to Proceed in Forma Pauperis Filed By: Defendant Clark , Ralph Kevin <i>Motion for Leave to Proceed in Forma Pauperis (Sealed)</i>
02/26/2013	 Certificate Filed By: Defendant Clark , Ralph Kevin <i>Financial Certificate on a Motion to Proceed in Forma Pauperis (Sealed)</i>
02/26/2013	 Affidavit in Support Filed By: Defendant Clark , Ralph Kevin <i>Affidavit in Support of Motion to Proceed in Forma Pauperis (Sealed)</i>
02/26/2013	 Motion for Appointment of Attorney Filed By: Defendant Clark , Ralph Kevin <i>Motion for the Appointment of Counsel; Request for Evidentiary Hearing</i>
03/12/2013	 Order for Petition for Writ of Habeas Corpus
03/27/2013	 Opposition to Motion <i>State's Opposition to Defendant's Motion for Appointment of Counsel &amp; Request for an Evidentiary Hearing</i>
04/03/2013	 Notice of Motion Filed By: Plaintiff State of Nevada <i>State's Notice of Motion and Motion for Determination of Vexatious Litigation &amp; Request for Order to Show Cause Why the Court Should Not Issue a Pre-Filing Injunction Order</i>
04/09/2013	 Order for Production of Inmate <i>Order for Production of Inmate Kevin Brooks, aka, Ralph Kevin Clark, BAC #33384</i>
04/22/2013	 Opposition to Motion Filed By: Defendant Clark , Ralph Kevin <i>Opposition to States Motion for Determination of Vexatious Litigation &amp; Request for Order to Show Cause Why the Court Should Not Issue a Pre-Filing Injunction Order</i>

# CASE SUMMARY

CASE NO. 90C093713-2

04/30/2013	 Response Filed by: Plaintiff State of Nevada <i>State's Response &amp; Motion to Dismiss Defendant's Petition for Writ of Habeas Corpus (Post-Conviction)</i>
04/30/2013	 Reply to Opposition Filed by: Plaintiff State of Nevada <i>State's Reply to Defendant's Opposition to Motion for Determination of Vexatious Litigation</i>
05/20/2013	 Reply <i>Defendants Reply to States Response and Motion to Dismiss Petition for Writ of Habeas Corpus.</i>
06/04/2013	 Motion for Order Filed By: Defendant Clark , Ralph Kevin <i>Motion for Court Order for Movant, Kevin Brooks, to Remain at High Desert State Prison Until the Court Rules on Movant's Petition.</i>
07/25/2013	 Criminal Order to Statistically Close Case
08/14/2013	 Findings of Fact, Conclusions of Law and Order Filed By: Plaintiff State of Nevada
08/15/2013	 Motion to Reconsider Filed By: Defendant Clark , Ralph Kevin <i>Motion for Reconsideration</i>
08/15/2013	 Notice of Motion Filed By: Defendant Clark , Ralph Kevin
08/20/2013	 Notice of Entry Filed By: Plaintiff State of Nevada <i>Notice of Entry of Findings of Fact, Conclusions of Law and Order</i>
08/23/2013	 Notice of Appeal (criminal) Party: Defendant Clark , Ralph Kevin <i>Notice of Appeal</i>
08/23/2013	 Case Appeal Statement Filed By: Defendant Clark , Ralph Kevin
08/30/2013	 Opposition to Motion Filed By: Plaintiff State of Nevada <i>State's Opposition to Defendant's Motion to Reconsider</i>
09/19/2013	 Request Filed by: Defendant Clark , Ralph Kevin <i>Request for Records/Court Case Documents</i>
09/19/2013	 Notice of Motion Filed By: Defendant Clark , Ralph Kevin



# CASE SUMMARY

CASE NO. 90C093713-2

09/20/2013	 Criminal Order to Statistically Close Case
10/16/2013	 Criminal Order to Statistically Close Case
05/12/2014	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>Nevada Supreme Court Clerk's Certificate Judgment - Affirmed; Rehearing Denied</i>
01/05/2015	Case Reassigned to Department 19 <i>District Court Case Reassignment 2015</i>
09/07/2017	 Motion to Correct Sentence <i>Motion for Correction of Illegal Sentence</i>
09/07/2017	 Notice of Motion
10/25/2017	 Order Denying Motion <i>Order Denying Defendant's Pro Per Motion Correction of Illegal Sentence</i>
11/02/2017	 Notice of Appeal (criminal) Party: Defendant Clark , Ralph Kevin <i>Notice of Appeal</i>
11/06/2017	 Case Appeal Statement
06/26/2018	 Notice of Motion Filed By: Defendant Clark , Ralph Kevin <i>Notice of Motion Motion for Modification of Sentence</i>
07/12/2018	 Opposition Filed By: Plaintiff State of Nevada <i>State's Opposition to Defendant's Supplemental Motion to Correct an Illegal Sentence or Alternatively Petition for Post-Conviction Relief</i>
08/02/2018	 Order Denying Motion Filed By: Plaintiff State of Nevada <i>Order Denying Defendant's Pro Per Motion for Modification of Sentence</i>
08/21/2018	 Motion to Reconsider Filed By: Defendant Clark , Ralph Kevin <i>Motion for Reconsideration</i>
08/24/2018	 Notice of Appeal (criminal) Party: Defendant Clark , Ralph Kevin <i>Notice of Appeal</i>
08/27/2018	 Case Appeal Statement Filed By: Defendant Clark , Ralph Kevin
08/27/2018	 Amended Case Appeal Statement
09/18/2018	 Brief Filed By: Plaintiff State of Nevada

# CASE SUMMARY

CASE NO. 90C093713-2

*State's Brief to Address the Court's Jurisdiction to Hear Defendant's Motion for Modification of Sentence and Motion for Reconsideration*

10/03/2018



Reply

Filed by: Defendant Clark , Ralph Kevin  
*Plaintiff's Reply to State's Brief*

10/25/2018



Order Granting

Filed By: Plaintiff State of Nevada  
*Order Granting Defendant's Pro Per Motion for Reconsideration and Order Denying Defendant's Motion to Correct an Illegal Sentence*

11/16/2018



Motion to Modify Sentence

Filed By: Defendant Clark , Ralph Kevin  
*Motion for Modification of Sentence*

12/05/2018



Opposition

Filed By: Plaintiff State of Nevada  
*State's Opposition to Defendant's Motion for Modification of Sentence*

12/29/2018



NV Supreme Court Clerks Certificate/Judgment - Affirmed

*Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed; Rehearing Denied; Review Denied*

01/07/2019



Notice of Appeal (criminal)

*Notice of Appeal*

01/08/2019



Case Appeal Statement

Filed By: Defendant Clark , Ralph Kevin  
*Case Appeal Statement*

## **DISPOSITIONS**

01/01/1900

**Plea** (Judicial Officer: User, Conversion)

1. BURGLARY  
Not Guilty  
PCN: Sequence:

01/01/1900

**Plea** (Judicial Officer: User, Conversion)

2. BURGLARY  
Not Guilty  
PCN: Sequence:

09/21/1990

**Disposition** (Judicial Officer: User, Conversion)

1. BURGLARY  
Guilty  
PCN: Sequence:

09/21/1990

**Disposition** (Judicial Officer: User, Conversion)

09/21/1990

**Disposition** (Judicial Officer: User, Conversion)

2. BURGLARY  
Guilty  
PCN: Sequence:

# CASE SUMMARY

CASE NO. 90C093713-2

09/21/1990	<b>Disposition</b> (Judicial Officer: User, Conversion)
09/21/1990	<b>Adult Adjudication</b> (Judicial Officer: User, Conversion) 1. BURGLARY 01/01/1900 (F) 205.060 (205.060) PCN: Sequence:
	Converted Disposition: Sentence# 0001: LIFE WITHOUT POSSIBILITY OF PAROLE Converted Disposition: Sentence# 0002: CREDIT FOR TIME SERVED Minimum 205 Days to Maximum 205 Days Converted Disposition: Sentence# 0003: ADMINISTRATION FEE Amount: \$20.00
09/21/1990	<b>Adult Adjudication</b> (Judicial Officer: User, Conversion) 2. BURGLARY 01/01/1900 (F) 205.060 (205.060) PCN: Sequence:
	Converted Disposition: Sentence# 0001: LIFE WITHOUT POSSIBILITY OF PAROLE Cons/Conc: Concurrent w/Charge Item: 0001 and Sentence#: 0001
	<b>HEARINGS</b>
04/03/1990	<b>Initial Arraignment</b> (9:00 AM) Events: 03/28/1990 Criminal Bindover <i>INITIAL ARRAIGNMENT Heard By: Carl Christensen</i>
05/25/1990	<b>Sentencing</b> (9:00 AM) <i>SENTENCING Heard By: Carl Christensen</i>
12/24/1990	<b>CANCELED Petition</b> (9:00 AM) Events: 12/11/1990 Notice of Motion <i>Vacated</i>
12/26/1990	<b>Petition</b> (9:00 AM) <i>PROPER PERSON MOTION FOR SUBSTITUTION AND REMOVAL OF ATTORNEY OF RECORD Heard By: Carl Christensen</i>
01/28/1991	<b>Petition</b> (9:00 AM) Events: 01/11/1991 Document Filed <i>PROPER PERSON MOTION TO ACT AS HIS OWN COUNSEL</i>
01/29/1991	<b>Petition</b> (9:00 AM) <i>PROPER PERSON MOTION TO ACT AS HIS OWN COUNSEL</i>
03/04/1991	<b>Petition</b> (9:00 AM) Events: 02/07/1991 Motion for Leave to Proceed in Forma Pauperis <i>PROPER PERSON MOTION TO PROCEED IN FORMAPAUPERIS Heard By: Michael Wendell</i>
03/04/1991	<b>Petition</b> (9:00 AM) Events: 02/07/1991 Petition <i>PROPER PERSON MOTION FOR POST CONVICTIONRELIEF Heard By: Michael Wendell</i>
03/04/1991	<b>All Pending Motions</b> (9:00 AM) <i>ALL PENDING MOTIONS (3-4-91) Court Clerk: RUTH REESE Reporter/Recorder: PATSY</i>

# CASE SUMMARY

CASE NO. 90C093713-2

*SMITH Heard By: Michael Wendell*

Matter Heard; ALL PENDING MOTIONS (3-4-91) Court Clerk: RUTH REESE

Reporter/Recorder: PATSY SMITH Heard By: Michael Wendell

Journal Entry Details:

*DEFENDANT'S PROPER PERSON MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS; DEFENDANT'S PROPER PERSON PETITION FOR POST-CONVICTION RELIEF State represented by David J. J. Roger. Deft. Kevin Brooks aka Ralph Kevin Clark, not present, in custody, Nevada State Prison, without benefit of counsel. COURT ORDERED, deferred ruling as to Defendant's Proper Person Motion for Leave to Proceed in Forma Pauperis; as to Defendant's Proper Person Petition for Post-Conviction Relief, denied, without prejudice; the Court does not have jurisdiction at this time, the matter is on Appeal to the Supreme Court; until Supreme Court rules, the Court will defer ruling on any matters. ;*

03/18/1991

## **Motion to Withdraw as Counsel (9:00 AM)**

Events: 03/06/1991 Motion to Withdraw As Counsel

*MOTION TO WITHDRAW AS COUNSEL AND ALLOW DEFENDANT TO PROCEED IN FORMA PAUPERIS*

03/18/1991

## **All Pending Motions (9:00 AM)**

*ALL PENDING MOTIONS (3/18/91) Relief Clerk: NANCY DORMAIER Reporter/Recorder: PATSY SMITH Heard By: Carl Christensen*

Matter Heard; ALL PENDING MOTIONS (3/18/91) Relief Clerk: NANCY DORMAIER Reporter/Recorder: PATSY SMITH Heard By: Carl Christensen

Journal Entry Details:

*PUBLIC DEFENDER'S MOTION TO WITHDRAW AS COUNSEL AND ALLOW DEFENDANT TO PROCEED IN FORMA PAUPERIS DEFENDANT'S MOTION TO WITHDRAW GUILTY PLEA Mr. Brooks advised he had no opposition to any of the motions. Ms. Van De Pol asked if the Court had received the State's opposition to withdraw. COURT ORDERED, Defendant's motion to withdraw guilty plea is denied making the other motions moot. CUSTODY (NSP) ;*

04/10/1991

## **Petition to Proceed in Forma Pauperis (9:00 AM)**

Events: 03/29/1991 Motion for Leave to Proceed in Forma Pauperis

*PRO PER MOTION TO PROCEED IN FORMA PAUPERIS (DEPT VIII) Relief Clerk: SANDRA SMITH Reporter/Recorder: TOM MERCER Heard By: Michael Wendell*

Denied; PRO PER MOTION TO PROCEED IN FORMA PAUPERIS (DEPT VIII) Relief Clerk: SANDRA SMITH Reporter/Recorder: TOM MERCER Heard By: Michael Wendell

Journal Entry Details:

*COURT ORDERED: This matter is on appeal and the Court does not have jurisdiction to make a ruling at this time. COURT FURTHER ORDERED: Motion is denied, State to prepare the order and Mr. Gibson to mail a copy to the defendant. CUSTODY (NSP) ;*

05/08/1991

## **Petition (9:00 AM)**

Events: 04/17/1991 Petition

*PROPER PERSON PETITION FOR POST CONVICTION RELIEF Heard By: Carl Christensen*

05/08/1991

## **Petition (9:00 AM)**

Events: 04/17/1991 Motion for Leave to Proceed in Forma Pauperis

*PROPER PERSON MOTION TO PROCEED IN FORMAPAUPERIS Heard By: Carl Christensen*

05/08/1991

## **All Pending Motions (9:00 AM)**

*ALL PENDING MOTIONS (05-8-91) Court Clerk: ELIZABETH D'ANGIOLELLA Reporter/Recorder: PATSY SMITH Heard By: CHRISTENSEN, CARL J.*

Matter Continued; ALL PENDING MOTIONS (05-8-91) Court Clerk: ELIZABETH D'ANGIOLELLA Reporter/Recorder: PATSY SMITH Heard By: CHRISTENSEN, CARL J.

Journal Entry Details:

*DEFENDANT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS DEFENDANT'S PRO PER PETITION FOR POST-CONVICTION RELIEF ----- Mr. Christensen stated the response is being typed and requested a continuance. COURT ORDERED, continued. CUSTODY, NSP ;*

05/15/1991

## **Petition (9:00 AM)**

# CASE SUMMARY

CASE No. 90C093713-2

	<i>PROPER PERSON PETITION FOR POST CONVICTION RELIEF</i> Heard By: Carl Christensen
05/15/1991	<b>Petition (9:00 AM)</b> <i>PROPER PERSON MOTION TO PROCEED IN FORMAPAUPERIS</i> Heard By: Carl Christensen
05/15/1991	<b>All Pending Motions (9:00 AM)</b> <i>ALL PENDING MOTIONS (05-8-91) Court Clerk: ELIZABETH D'ANGIOLELLA Reporter/Recorder: PATSY SMITH</i> Heard By: CHRISTENSEN, CARL J. Matter Continued; <i>ALL PENDING MOTIONS (05-8-91) Court Clerk: ELIZABETH D'ANGIOLELLA Reporter/Recorder: PATSY SMITH</i> Heard By: CHRISTENSEN, CARL J. Journal Entry Details: <i>DEFENDANT'S PRO PER MOTION FOR LEAVE TO PROCEED INFORMA PAUPERIS</i> <i>DEFENDANT'S PRO PER PETITION FOR POST-CONVICTION RELIEF</i> <i>DEFENDANT'S PRO PER MOTION TO APPOINT COUNSEL</i> ----- ----- Mr. Christiansen stated he has not receive copies of all motions. Mr. Ponticello furnished Mr. Christiansen with a copy of pro per motion. COURT ORDERED, continued. CUSTODY, NSP ;
05/15/1991	<b>Petition (9:00 AM)</b> Events: 05/10/1991 Motion for Appointment of Attorney <i>PROPER PERSON MOTION TO APPOINT COUNSEL</i> Heard By: Carl Christensen
05/20/1991	<b>Petition (9:00 AM)</b> <i>PROPER PERSON PETITION FOR POST CONVICTION RELIEF</i> Heard By: Carl Christensen
05/20/1991	<b>Petition (9:00 AM)</b> <i>PROPER PERSON MOTION TO PROCEED IN FORMAPAUPERIS</i> Heard By: Carl Christensen
05/20/1991	<b>All Pending Motions (9:00 AM)</b> <i>ALL PENDING MOTIONS (05-8-91) Court Clerk: ELIZABETH D'ANGIOLELLA Reporter/Recorder: PATSY SMITH</i> Heard By: Carl Christensen
05/20/1991	<b>Petition (9:00 AM)</b> <i>PROPER PERSON MOTION TO APPOINT COUNSEL</i> Heard By: Carl Christensen
05/20/1991	<b>All Pending Motions (9:00 AM)</b> <i>ALL PENDING MOTIONS 5/20/91 Relief Clerk: SANDRA SMITH Reporter/Recorder: PATSY SMITH</i> Heard By: Carl Christensen Denied; <i>ALL PENDING MOTIONS 5/20/91 Relief Clerk: SANDRA SMITH Reporter/Recorder: PATSY SMITH</i> Heard By: Carl Christensen Journal Entry Details: <i>DEFENDANT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS</i> <i>DEFENDANT'S PRO PER PETITION FOR POST-CONVICTION RELIEF</i> <i>DEFENDANT'S PRO PER MOTION TO APPOINT COUNSEL</i> Mr. Hillman advised Court this case is being handled by Howard Brooks, DPD who was unable to be present. Mr. Christensen stated that defendant fully and freely plead guilty and the sentence was commensurate with his prior record. In addition, there was no prejudice in this matter and State moves for denial of the Petition. COURT ORDERED: Defendant's motions are denied and State to prepare the order. CUSTODY (NSP) ;
10/28/1991	<b>Petition for Post Conviction Relief (9:00 AM)</b> <i>PETITION FOR POST CONVICTION RELIEF LTR 10-15-91</i>
10/28/1991	<b>Motion for Substitution (9:00 AM)</b> Events: 10/18/1991 Motion for Substitution <i>PRO PER MOTION FOR SUBSTITUTION OF COUNSEL OF RECORD</i> Heard By: Lee Gates
10/28/1991	<b>Petition to Proceed in Forma Pauperis (9:00 AM)</b> <i>PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS</i> Heard By: Lee

# CASE SUMMARY

CASE NO. 90C093713-2

	<i>Gates</i>
10/28/1991	<b>Petition (9:00 AM)</b> <i>PRO PER MOTION FOR TRANSFER OF RECORDS Heard By: Lee Gates</i>
10/28/1991	<b>Petition (9:00 AM)</b> Events: 10/18/1991 Motion for Order <i>PRO PER MOTION FOR ORDER TO STAY PENDINGPOST CONVICTION RELIEF Heard By: Lee Gates</i>
10/28/1991	<b>All Pending Motions (9:00 AM)</b> <i>ALL PENDING MOTIONS 10/28/91 Court Clerk: SANDRA SMITH Reporter/Recorder: YVONNE VALENTIN Heard By: Lee Gates</i> Matter Heard; <i>ALL PENDING MOTIONS 10/28/91 Court Clerk: SANDRA SMITH Reporter/Recorder: YVONNE VALENTIN Heard By: Lee Gates</i> Journal Entry Details: <i>HEARING: PETITION FOR POST CONVICTION RELIEF DEFENDANT'S PRO PER MOTION FOR SUBSTITUTION OF COUNSEL OF RECORD DEFENDANT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS DEFENDANT'S PRO PER MOTION FOR TRANSFER OF RECORDS DEFENDANT'S PRO PER MOTIN FOR ORDER TO STAY PENDING POST CONVICTION RELIEF Mr. Henry advised Court that defendant's motion has already been filed and requested Court deny defendant's Motion for Order To Stay. COURT stated that defendant as indicated he needs to review all the records to properly prepare his case. COURT ORDERED: Motion for Order To Stay is denied and matter continued for hearing on defendant's remaining motions. CUSTODY (NSP) 11/13/91 @9A.M. - DEFENDANT'S PRO PER MOTIONS ;</i>
11/13/1991	<b>Petition for Post Conviction Relief (9:00 AM)</b> <i>PETITION FOR POST CONVICTION RELIEF LTR 10-15-91</i>
11/13/1991	<b>Motion for Substitution (9:00 AM)</b> <i>PRO PER MOTION FOR SUBSTITUTION OF COUNSEL OF RECORD Heard By: Lee Gates</i>
11/13/1991	<b>Petition to Proceed in Forma Pauperis (9:00 AM)</b> <i>PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS Heard By: Lee Gates</i>
11/13/1991	<b>Petition (9:00 AM)</b> <i>PRO PER MOTION FOR TRANSFER OF RECORDS Heard By: Lee Gates</i>
11/13/1991	<b>All Pending Motions (9:00 AM)</b> <i>ALL PENDING MOTIONS 11/13/91 Court Clerk: SANDRA SMITH Heard By: Lee Gates</i> Matter Heard; <i>ALL PENDING MOTIONS 11/13/91 Court Clerk: SANDRA SMITH Heard By: Lee Gates</i> Journal Entry Details: <i>HEARING: PETITION FOR POST CONVICTION RELIEF DEFENDANT'S PRO PER MOTION FOR SUBSTITUTION OF COUNSEL OF RECORD DEFENDANT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS DEFENDANT'S PRO PER MOTION FOR TRANSFER OF RECORDS Mr. Henry stated that defendant does not cite any reason why he is requesting a stay and is not entitled to an Evidentiary Hearing. Mr. DeJulio advised Court all the necessary papers will be forwarded to defendant. COURT ORDERED: Defendant's Pro Per Motions are granted except Petition For Post Conviction Relief. The Public Defender's Office may withdraw as counsel and matter continued. Defendant is not required to be present. CUSTODY (NSP) 12/11/91 @9A.M. FURTHER PROCEEDINGS - HEARING: PETITION FOR POST CONVICTION RELIEF ;</i>
12/11/1991	<b>Petition for Post Conviction Relief (9:00 AM)</b> <i>PETITION FOR POST CONVICTION RELIEF LTR 10-15-91</i>
12/11/1991	<b>Further Proceedings (9:00 AM)</b> <i>FURTHER PROCEEDINGS Heard By: Lee Gates</i>
12/11/1991	<b>All Pending Motions (9:00 AM)</b>

# CASE SUMMARY

CASE No. 90C093713-2

	<p><i>ALL PENDING MOTIONS 12/16/91 Court Clerk: LEONE DUMIRE Reporter/Recorder: YVONNE VALENTIN Heard By: GATES, LEE A</i></p> <p>Matter Continued; <i>ALL PENDING MOTIONS 12/16/91 Court Clerk: LEONE DUMIRE Reporter/Recorder: YVONNE VALENTIN Heard By: GATES, LEE A</i></p> <p>Journal Entry Details:</p> <p><i>COURT ORDERED: MATTER IS CONTINUED FOR HEARING. CUSTODY NSP 12/16/91 @ 9 AM - HEARING: PETITION FOR POST CONVICTION RELIEF ;</i></p>
12/16/1991	<p><b>Petition for Post Conviction Relief (9:00 AM)</b></p> <p><i>PETITION FOR POST CONVICTION RELIEF LTR 10-15-91</i></p>
12/16/1991	<p><b>All Pending Motions (9:00 AM)</b></p> <p><i>ALL PENDING MOTIONS 12/16/91 Court Clerk: SANDRA SMITH Reporter/Recorder: YVONNE VALENTIN Heard By: Lee Gates</i></p> <p>Matter Heard; <i>ALL PENDING MOTIONS 12/16/91 Court Clerk: SANDRA SMITH Reporter/Recorder: YVONNE VALENTIN Heard By: Lee Gates</i></p> <p>Journal Entry Details:</p> <p><i>FURTHER PROCEEDINGS / HEARING: PETITION FOR POST CONVICTION RELIEF Defendant has requested a 90 day continuance and COURT ORDERED: Matter continued. CUSTODY (NSP) 3/9/92 @ 9A.M. - HEARING: PETITION FOR POST CONVICTION RELIEF ;</i></p>
03/09/1992	<p><b>Hearing (9:00 AM)</b></p> <p><i>HEARING: PETITION FOR POST CONVICTION HEARING</i></p>
03/09/1992	<p><b>Petition (9:00 AM)</b></p> <p>Events: 03/04/1992 Ex Parte Motion for Enlargement of Time</p> <p><i>PRO PER EX PARTE MOTION FOR ENLARGEMENT OF TIME Heard By: Lee Gates</i></p>
03/09/1992	<p><b>All Pending Motions (9:00 AM)</b></p> <p><i>ALL PENDING MOTIONS 3/9/92 Court Clerk: SANDRA BROUGH Reporter/Recorder: YVONNE VALENTIN Heard By: Lee Gates</i></p> <p>Matter Heard; <i>ALL PENDING MOTIONS 3/9/92 Court Clerk: SANDRA BROUGH Reporter/Recorder: YVONNE VALENTIN Heard By: Lee Gates</i></p> <p>Journal Entry Details:</p> <p><i>HEARING: PETITION FOR POST CONVICTION RELIEF....DEFENDANT'S PRO PER EX PARTE MOTION FOR ENLARGEMENT OF TIME State advised they have responded to deft.'s motions; the Court has continued four times per deft.'s request so he may reply to their opposition; and requests any motions for continuance be denied. COURT ORDERED, matter continued for one week for the Court's decision. NSP....3/16/92 @ 9:00 A.M. DECISION: DEFENDANT'S PETITION FOR POST CONVICTION RELIEF.....DECISION: DEFENDANT'S PRO PER EX PARTE MOTION FOR ENLARGEMENT OF TIME ;</i></p>
03/16/1992	<p><b>Decision (9:00 AM)</b></p> <p><i>HEARING JUDGE'S DECISION Court Clerk: SANDRA BROUGH Reporter/Recorder: YVONNE VALENTIN Heard By: Lee Gates</i></p> <p>Denied; <i>HEARING JUDGE'S DECISION Court Clerk: SANDRA BROUGH Reporter/Recorder: YVONNE VALENTIN Heard By: Lee Gates</i></p> <p>Journal Entry Details:</p> <p><i>DECISION: DEFENDANT'S PETITION FOR POST-CONVICTION RELIEF....PRO PER EX PARTE MOTION FOR ENLARGEMENT OF TIME Court FINDS the allegations in the petition are without merit, a justice of the peace does not have to be a lawyer by Statute and ORDERED deft.'s Petition for Post-Conviction Relief, DENIED. FURTHER this Court doesn't find there was ineffective assistance of counsel, deft.'s major contention is that he didn't get a copy of the preliminary hearing transcript; however deft.'s counsel was cognizant of all the facts, had the transcript in his possession and wasn't required to show it to the deft. and therefore ORDERED deft.'s Pro Per ExParte Motion for Enlargement of Time, DENIED. State to prepare Findings of Fact and Conclusions of Law. NSP ;</i></p>
11/22/1993	<p><b>Petition (8:45 AM)</b></p> <p>Events: 11/10/1993 Motion for Production of Transcript</p> <p><i>PROPER PERSON MOTION FOR PRODUCTION OF TRANSCRIPTS Relief Clerk: DOROTHY KELLY Reporter/Recorder: YVONNE VALENTIN Heard By: Lee Gates</i></p>

# CASE SUMMARY

CASE NO. 90C093713-2

	<p>Off Calendar; PROPER PERSON MOTION FOR PRODUCTION OF TRANSCRIPTS Relief Clerk: DOROTHY KELLY Reporter/Recorder: YVONNE VALENTIN Heard By: Lee Gates Journal Entry Details: <i>Court advised Court Reporter to inquire as to what defendant wants, and ORDERED, matter off calendar. CUSTODY (NDP) ;</i></p>
12/20/1993	<p><b>Petition (8:45 AM)</b> Events: 12/03/1993 Motion for Leave to Proceed in Forma Pauperis <i>PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS</i> Court Clerk: SANDRA BROUGH Reporter/Recorder: YVONNE VALENTIN Heard By: Lee Gates Granted; PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS Court Clerk: SANDRA BROUGH Reporter/Recorder: YVONNE VALENTIN Heard By: Lee Gates Journal Entry Details: <i>Deft. not present and in custody at the Nevada Department of Prisons. State advised no objection. COURT ORDERED, Deft.'s Pro Per Motion for Leave to Proceed in Forma Pauperis, GRANTED. NSP ;</i></p>
07/08/1994	<p><b>Request (8:45 AM)</b> <i>AT REQUEST OF DEFENDANT</i> Court Clerk: LINDA GROVES Reporter/Recorder: YVONNE VALENTIN Heard By: Lee Gates Granted; AT REQUEST OF DEFENDANT Court Clerk: LINDA GROVES Reporter/Recorder: YVONNE VALENTIN Heard By: Lee Gates Journal Entry Details: <i>Defendant not present and in custody at the Nevada Dept of Prisons. Mr. Pace stated he doesn't know why this case is on calendar. Colloquy regard- ing the case. COURT ORDERED, motion for transcripts DENIED. Defendant to be specific as to transcripts needed and the reasons why. NDP ;</i></p>
06/22/1999	<p><b>Petition for Writ of Habeas Corpus (8:30 AM)</b> Events: 04/09/1999 Petition for Writ of Habeas Corpus <i>DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS</i> Heard By: Joseph Pavlikowski</p>
06/22/1999	<p><b>Petition to Proceed in Forma Pauperis (8:30 AM)</b> Events: 04/09/1999 Motion for Leave to Proceed in Forma Pauperis <i>DEFT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS</i> Heard By: Joseph Pavlikowski</p>
06/22/1999	<p><b>Motion (8:30 AM)</b> Events: 06/15/1999 Motion <i>DEFT'S PRO PER MOTION FOR EXTENSION OF TIME</i> Heard By: Joseph Pavlikowski</p>
06/22/1999	<p><b>Motion to Clarify (8:30 AM)</b> Events: 06/15/1999 Motion for Clarification <i>DEFT'S PRO PER MOTION FOR CLARIFICATION</i> Heard By: Joseph Pavlikowski</p>
06/22/1999	<p><b>All Pending Motions (8:30 AM)</b> <i>ALL PENDING MOTIONS 6/22/99</i> Court Clerk: LINDA SKINNER Reporter/Recorder: JAMES HELLESO Heard By: Joseph Pavlikowski Matter Heard; ALL PENDING MOTIONS 6/22/99 Court Clerk: LINDA SKINNER Reporter/Recorder: JAMES HELLESO Heard By: Joseph Pavlikowski Journal Entry Details: <i>DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS...DEFT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS...DEFT'S PRO PER MOTION FOR EXTENSION OF TIME...DEFT'S PRO PER MOTION FOR CLARIFICATION COURT ORDERED, based on State's response, Deft's Pro Per Petition for Writ of Habeas Corpus; Deft's Pro Per Motion for Extension of Time and Deft's Pro Per Motion for Clarification are DENIED. FURTHER, Deft's Pro Per Motion for Leave to Proceed in Forma Pauperis is GRANTED. Court directed Mr. Brown to prepare the Order. NDP ;</i></p>
02/08/2000	<p><b>Petition for Writ of Habeas Corpus (9:00 AM)</b> <i>DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS</i> Heard By: Mark Gibbons</p>



# CASE SUMMARY

CASE No. 90C093713-2

02/08/2000	<p><b>Petition to Proceed in Forma Pauperis (9:00 AM)</b>  Events: 12/07/1999 Motion for Leave to Proceed in Forma Pauperis  <i>DEFT'S PRO PER MTN FOR LEAVE TO PROCEED IN FORMA PAUPERIS Heard By: Mark Gibbons</i></p>
02/08/2000	<p><b>All Pending Motions (9:00 AM)</b>  <i>ALL PENDING MOTIONS 2-8-00 Court Clerk: TINA HURD Reporter/Recorder: PATSY SMITH Heard By: Mark Gibbons</i>  Matter Heard; ALL PENDING MOTIONS 2-8-00 Court Clerk: TINA HURD  Reporter/Recorder: PATSY SMITH Heard By: Mark Gibbons  Journal Entry Details:  <i>DEFT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS...COURT ORDERED, motion GRANTED. DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS...Court advised he has reviewed the petition and the return. COURT ORDERED, petition DENIED as 1) it is time-barred, 2) it is successive with deft's other petitions and 3) this issue was raised on direct appeal and was rejected. Court stated he believes this petition was also denied by Judge Pavlikowski on June 22. NDP ;</i></p>
01/27/2003	<p><b>Motion (9:00 AM)</b>  Events: 01/15/2003 Motion to Vacate Sentence  <i>DEFT'S PRO PER MTN VACATE/CORRECT ILLEGAL SENTENCE/47 Court Clerk: Amber Farley Reporter/Recorder: Kristine Cornelius Heard By: Nancy Saitta</i>  Denied; DEFT'S PRO PER MTN VACATE/CORRECT ILLEGAL SENTENCE/47 Court Clerk: Amber Farley Reporter/Recorder: Kristine Cornelius Heard By: Nancy Saitta  Journal Entry Details:  <i>Court stated this motion is improper procedurally, and that the issue has already been determined to lack merit. Motion DENIED in its entirety. NDC CLERK'S NOTE: A copy of this minute order mailed to the Defendant via the address as listed in the pleadings. /af ;</i></p>
06/21/2004	<p><b>Petition for Writ of Habeas Corpus (9:00 AM)</b>  <i>DEFT'S PRO PER PTN FOR WRIT OF HABEAS CORPUS /48 Heard By: Nancy Saitta</i></p>
06/21/2004	<p><b>Motion to Dismiss (9:00 AM)</b>  Events: 05/17/2004 Notice of Motion  <i>STATE'S MTN TO DISMISS PTN FOR WRIT/49 Heard By: Nancy Saitta</i></p>
06/21/2004	<p><b>All Pending Motions (9:00 AM)</b>  <i>ALL PENDING MOTIONS 6/21/04 Court Clerk: Amber Farley Reporter/Recorder: Debra Vanblaricom Heard By: Nancy Saitta</i>  Matter Heard; ALL PENDING MOTIONS 6/21/04 Court Clerk: Amber Farley  Reporter/Recorder: Debra Vanblaricom Heard By: Nancy Saitta  Journal Entry Details:  <i>STATE'S MOTION TO DISMISS PETITION FOR WRIT OF HABEAS CORPUS The Court noted the State has argued that the petition is successive under Chapter 34, and the COURT SO FINDS. The COURT ORDERED, Motion is GRANTED and Petition is DISMISSED. The State may also include in their order that, based on the history of the pleadings in this case, the State does not have to respond to any additional filings unless ordered to do so by this Court. DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS As the Court granted the State's motion to dismiss the petition, the petition is now moot. NDC ;</i></p>
01/09/2006	<p><b>Motion (9:00 AM)</b>  Events: 12/20/2005 Motion to Produce  <i>DEFT'S PRO PER MTN FOR PRODUCTION OF FAVORABLE EVIDENCE/51 Heard By: Nancy Saitta</i></p>
01/09/2006	<p><b>Motion (9:00 AM)</b>  Events: 12/20/2005 Motion to Dismiss  <i>DEFT'S PRO PER MTN TO DISMISS PROSEC &amp; JUDGMN OF CONV DUE TO LACK OF INFO/52 Heard By: Nancy Saitta</i></p>
01/09/2006	<p><b>All Pending Motions (9:00 AM)</b>  <i>ALL PENDING MOTIONS 1-09-06 Court Clerk: Kristen Brown Reporter/Recorder: Jo Anne Pierpont Heard By: Joseph Pavlikowski</i></p>

# CASE SUMMARY

CASE No. 90C093713-2

Matter Heard; ALL PENDING MOTIONS 1-09-06 Court Clerk: Kristen Brown  
Reporter/Recorder: Jo Anne Pierpont Heard By: Joseph Pavlikowski  
Journal Entry Details:

*DEFT'S PRO PER MOTION TO DISMISS PROSECUTING AND JUDGMENT OF CONVICTION DUE TO LACK OF INFORMATION...DEFT'S PRO PER MOTION FOR PRODUCTION OF FAVORABLE EVIDENCE COURT ORDERED, matter CONTINUED for the deft. to be transported. NDC CONTINUED TO: 2/01/06 9:00 AM ;*

02/01/2006	<p><b>Motion (9:00 AM)</b>  <i>DEFT'S PRO PER MTN FOR PRODUCTION OF FAVORABLE EVIDENCE/51 Heard By: Nancy Saitta</i></p>
02/01/2006	<p><b>Motion (9:00 AM)</b>  <i>DEFT'S PRO PER MTN TO DISMISS PROSEC &amp; JUDGMN OF CONV DUE TO LACK OF INFO/52 Heard By: Nancy Saitta</i></p>
02/08/2006	<p><b>Motion (9:00 AM)</b>  <i>DEFT'S PRO PER MTN FOR PRODUCTION OF FAVORABLE EVIDENCE/51 Heard By: Nancy Saitta</i></p>
02/08/2006	<p><b>Motion (9:00 AM)</b>  <i>DEFT'S PRO PER MTN TO DISMISS PROSEC &amp; JUDGMN OF CONV DUE TO LACK OF INFO/52 Heard By: Nancy Saitta</i></p>
02/08/2006	<p><b>All Pending Motions (9:00 AM)</b>  <i>ALL PENDING MOTIONS 2-08-06 Court Clerk: Kristen Brown Reporter/Recorder: Jo Anne Pierpont Heard By: Nancy Saitta</i>  Matter Heard; ALL PENDING MOTIONS 2-08-06 Court Clerk: Kristen Brown Reporter/Recorder: Jo Anne Pierpont Heard By: Nancy Saitta  Journal Entry Details:  <i>DEFT'S PRO PER MOTION TO DISMISS PROSECUTION AND JUDGMENT OF CONVICTION DUE TO LACK OF INFORMATION...DEFT'S PRO PER MOTION FOR PRODUCTION OF FAVORABLE EVIDENCE Court stated that it doesn't see any new grounds; motions are restatements that have already been denied. Argument by the deft. Mr. Tomsheck argued motions are time barred by statute. Court stated its findings and ORDERED, Motions DENIED. NDC ;</i></p>
03/08/2006	<p><b>Motion to Reconsider (9:00 AM)</b>  Events: 02/24/2006 Motion to Reconsider  <i>DEFT'S PRO PER MOTION FOR RECONSIDERATION /55 Court Clerk: Kristen Brown Reporter/Recorder: Jo Anne Pierpont Heard By: Nancy Saitta</i>  Denied; DEFT'S PRO PER MOTION FOR RECONSIDERATION /55 Court Clerk: Kristen Brown Reporter/Recorder: Jo Anne Pierpont Heard By: Nancy Saitta  Journal Entry Details:  <i>Court noted the deft. is asking for additional time; Court has already heard the writs filed by the deft. and the State's position is this motion is not properly before the Court because the deft. did not seek leave of the Court. Court stated the deft. needs to follow the procedures as set forth in EDCR 2.24(a), therefore, ORDERED, Motion DENIED. NDC ;</i></p>
06/28/2006	<p><b>Motion (9:00 AM)</b>  Events: 06/13/2006 Motion  <i>DEFT'S PRO PER MTN FOR WRITTEN JUDGMENT OR FINDINGS PURSUANT TO NRS 34.830 /56 Relief Clerk: Carole D'Aloia Reporter/Recorder: Jo Anne Pierpont Heard By: Nancy Saitta</i>  Denied; DEFT'S PRO PER MTN FOR WRITTEN JUDGMENT OR FINDINGS PURSUANT TO NRS 34.830 /56 Relief Clerk: Carole D'Aloia Reporter/Recorder: Jo Anne Pierpont Heard By: Nancy Saitta  Journal Entry Details:  <i>Court noted the absence of the Defendant as he is currently serving his sentence in the Nevada Department of Corrections (NDC) and, ORDERED, Defendant's presence WAIVED this date. Regarding Defendant's pro per motion, Court advised the Judgment has already been entered and if Defendant wants a copy, he needs to request it from the Clerk of the Courts and, ORDERED, motion DENIED, Mr. Tomsheck to prepare and submit appropriate Order. NDC CLERK'S NOTE: A COPY OF THIS MINUTE ORDER MAILED TO: KEVIN BROOKS,</i></p>

# CASE SUMMARY



CASE No. 90C093713-2

#33384, P.O. BOX 1989, ELY, NV 89301 ON 7/5/06. cd ;

10/11/2006	<p><b>Motion (9:00 AM)</b>  Events: 09/20/2006 Motion  <i>DEFT'S PRO PER MOTION FOR WRITTEN JUDGMENT OR FINDINGS/57 Court Clerk: Kristen Brown Reporter/Recorder: Deniece Lopez Heard By: Nancy Saitta</i>  Denied; <i>DEFT'S PRO PER MOTION FOR WRITTEN JUDGMENT OR FINDINGS/57 Court Clerk: Kristen Brown Reporter/Recorder: Deniece Lopez Heard By: Nancy Saitta</i>  Journal Entry Details:  <i>Submitted by Mr. Rickert. Court stated it appears the deft. has already filed this motion two times and it's not clear what the deft. is requesting, ORDERED, Motion DENIED as there is no legally cognizable reason to grant the motion. NDC ;</i></p>
02/12/2007	<p><b>Status Check (9:00 AM)</b>  <i>STATUS CHECK: STATE'S ORDER RE 3/16/92 DECISION Court Clerk: Sharon Coffman/sc Relief Clerk: Linda Smith Reporter/Recorder: Sonia Riley Heard By: Gates, Lee A</i>  Matter Continued; <i>STATUS CHECK: STATE'S ORDER RE 3/16/92 DECISION Court Clerk: Sharon Coffman/sc Relief Clerk: Linda Smith Reporter/Recorder: Sonia Riley Heard By: Gates, Lee A</i>  Journal Entry Details:  <i>Court referred to an Order for the Supreme Court requesting a written Order from State for the March 16, 1992 decision on Defendant's Petition. Mr. Bawa undertook to have the Order prepared. COURT ORDERED, matter continued for status check. NDC ;</i></p>
02/26/2007	<p><b>Status Check (9:00 AM)</b>  <i>STATUS CHECK: STATE'S ORDER RE 3/16/92 DECISION Court Clerk: Sharon Coffman/sc Relief Clerk: Linda Smith Reporter/Recorder: Sonia Riley Heard By: Lee Gates</i>  Off Calendar; <i>STATUS CHECK: STATE'S ORDER RE 3/16/92 DECISION Court Clerk: Sharon Coffman/sc Relief Clerk: Linda Smith Reporter/Recorder: Sonia Riley Heard By: Lee Gates</i>  Journal Entry Details:  <i>State's Order having been filed, COURT ORDERED, matter OFF CALENDAR NDC ;</i></p>
04/11/2007	<p><b>Motion (8:30 AM)</b>  Events: 03/27/2007 Motion  <i>DEFT'S PRO PER MTN FOR RECONSTRUCTION/59 Court Clerk: Pamela Humphrey Reporter/Recorder: Richard Kangas Heard By: Elizabeth Halverson</i>  Denied; <i>DEFT'S PRO PER MTN FOR RECONSTRUCTION/59 Court Clerk: Pamela Humphrey Reporter/Recorder: Richard Kangas Heard By: Elizabeth Halverson</i>  Journal Entry Details:  <i>Deft. not present and in the custody of Nevada Department of Corrections. After Court's review of the pleadings and documents on file, COURT ORDERED, Motion DENIED. NDC ;</i></p>
03/10/2010	<p><b>Petition for Writ of Habeas Corpus (8:15 AM)</b>  <i>PTN FOR WRIT OF HABEAS CORPUS Heard By: David Barker</i></p>
03/10/2010	<p><b>Motion to Dismiss (8:15 AM)</b>  Events: 02/03/2010 Response  <i>STATE'S RESPONSE AND MTN TO DISMISS PTN FOR WRIT OF HABEAS CORPUS/61 Heard By: David Barker</i></p>
03/10/2010	<p><b>All Pending Motions (8:15 AM)</b>  <i>ALL PENDING MOTIONS 3/10/10 Court Clerk: Melissa Benson Reporter/Recorder: Richard Kangas Heard By: David Barker</i>  Matter Heard; <i>ALL PENDING MOTIONS 3/10/10 Court Clerk: Melissa Benson Reporter/Recorder: Richard Kangas Heard By: David Barker</i>  Journal Entry Details:  <i>PETITION FOR WRIT OF HABEAS CORPUS...STATE'S RESPONSE AND MOTION TO DISMISS PETITION FOR WRIT OF HABEAS CORPUS Court stated it is not entertaining any argument as Deft. is not present and ruling is being made, based upon the merits. COURT ORDERED, both motions DENIED as case was time barred and this is a successive petition. NDC CLERK'S NOTE: A COPY OF THIS MINUTE ORDER WILL BE MAILED TO DEFT. 3/11/10. MB 3/10/10 ;</i></p>

# CASE SUMMARY

CASE NO. 90C093713-2

03/27/2013	<p><b>Motion for Appointment</b> (8:15 AM) (Judicial Officer: Barker, David)  <i>Motion for the Appointment of Counsel and Request for Evidentiary Hearing</i>  Motion Denied;</p>
03/27/2013	<p><b>Motion for Leave</b> (8:15 AM) (Judicial Officer: Barker, David)  <i>Motion for Leave to Proceed in Forma Pauperis</i>  Moot;</p>
03/27/2013	<p> <b>All Pending Motions</b> (8:15 AM) (Judicial Officer: Barker, David)  Matter Heard;  Journal Entry Details:  <b>DEFT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS...DEFT'S PRO PER MOTION FOR THE APPOINTMENT OF COUNSEL AND REQUEST FOR EVIDENTIARY HEARING</b> State's Opposition to Deft's Motion for Appointment of Counsel and Request for an Evidentiary hearing <b>FILED IN OPEN COURT</b>. Court FINDS post conviction request made, previous petitions have been denied, appealed and Supreme Court affirmed denials. Also, Deft. had direct appeal and remittitur received in 1992. Additionally, Deft. has not articulated basis for new counsel or support for evidentiary hearing and <b>COURT ORDERED</b>, motion for the appointment of counsel and request for evidentiary hearing <b>DENIED</b>. <b>COURT ORDERED</b>, motion to proceed in forma pauperis <b>MOOT</b> as Deft. has already been permitted to do so. Court not making any findings of facts and not drawing any conclusions of law. <b>NDC CLERK'S NOTE:</b> The above minute order has been distributed to: Kevin Brooks #33384, Ely State Prison, P.O. Box 1989, Ely, NV 89301. aw ;</p>
05/20/2013	<p><b>Petition for Writ of Habeas Corpus</b> (8:15 AM) (Judicial Officer: Barker, David)  <b>05/20/2013, 07/22/2013</b>  <i>Deft's Pro Per Petition for Writ of Habeas Corpus (Post Conviction)</i>  Matter Continued;  Denied;  Matter Continued;  Denied;</p>
05/20/2013	<p><b>Motion</b> (8:15 AM) (Judicial Officer: Barker, David)  <b>05/20/2013, 07/22/2013</b>  <i>State's Motion for Determination of Vexatious Litigation &amp; Request for Order to Show Cause Why the Court Should Not Issue a Pre-Filing Injunction Order</i>  Matter Continued;  Denied Without Prejudice;  Matter Continued;  Denied Without Prejudice;</p>
05/20/2013	<p> <b>All Pending Motions</b> (8:15 AM) (Judicial Officer: Barker, David)  Matter Heard;  Journal Entry Details:  <b>DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)... STATE'S MOTION FOR DETERMINATION OF VEXATIOUS LITIGATION AND REQUEST FOR ORDER TO SHOW CAUSE WHY THE COURT SHOULD NOT ISSUE A PRE-FILING INJUNCTION ORDER</b> Court stated procedural history of the case, noted State sought request for this hearing, Deft. stands in factual opposition and not vexatious. Further, over the last 24 years, Deft. has sought relief without factual or legal basis to do so. Deft. not bringing up anything new. Statement by Deft. Colloquy. Further statement by Deft. <b>MATTER RECALLED:</b> Deft's Reply to State's Response and Motion to Dismiss Petition for Writ of Habeas Corpus <b>FILED IN OPEN COURT</b>. Deft. stated issues to the Court and argued he never was given opportunity for appeal. Colloquy. Mr. Cottner argued issue not addressed on direct appeal, one year time bar long expired, procedurally barred, Supreme Court has denied and affirmed on multiple occasions. Court noted Deft. has not filed any independent actions and focused on this case only. Mr. Cottner stated issue is the same over and over. Deft. stated he is not bringing same issue over and over. Further, Deft. stated he believes he was prejudiced when he could not represent himself. Colloquy. <b>COURT ORDERED</b>, matters <b>CONTINUED</b>. <b>NDC CONTINUED TO: 7/22/13 8:15 AM ;</b></p>

# CASE SUMMARY

CASE NO. 90C093713-2

06/26/2013



**Motion** (8:15 AM) (Judicial Officer: Barker, David)

*Deft's Pro Per Motion for Court Order for Movant, Kevin Brooks, to Remain at High Desert State Prison Until the Court Rules on Movant's Petition*

Motion Granted; Deft's Pro Per Motion for Court Order for Movant, Kevin Brooks, to Remain at High Desert State Prison Until the Court Rules on Movant's Petition

Journal Entry Details:

*Ms. Edwards advised the Attorney General's Office is to be present today for this matter. Court noted Deft. adjudicated guilty by way of second amended information filed in August of 1990, and is now seeking relief. Colloquy. COURT ORDERED, motion GRANTED AS STYLED. NDC CLERK'S NOTE: The above minute order has been distributed to: Kevin Brooks, #33384, P.O. Box 650 (HDSP), Indian Springs, NV 89018 kc ;*

07/22/2013



**All Pending Motions** (8:15 AM) (Judicial Officer: Barker, David)

Matter Heard;

Journal Entry Details:

*DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)... STATE'S MOTION FOR DETERMINATION OF VEXATIOUS LITIGATION AND REQUEST FOR ORDER TO SHOW CAUSE WHY THE COURT SHOULD NOT ISSUE PRE-FILING INJUNCTION ORDER Court stated after review, this is the fifth post conviction petition filed by Deft. since being convicted in 1990. Court FINDS petition is time barred, successive and Deft. has not shown good cause to overcome procedural bar and ORDERED, petition DENIED. As to State's Motion, COURT ORDERED, motion DENIED WITHOUT PREJUDICE. There is no information Deft. has filed additional actions outside the four corners of this original criminal conviction, nothing new in the record to indicate new civil filings challenging any aspect of this case, all five post conviction petitions and actions have been taken under this case number. However, the Court FINDS that five post conviction petitions that have been previously denied are of concern of the Court and future petitions will likely be dismissed pursuant to Chapter 34.810(2) without the need for the State to respond. State to prepare the finding of facts and conclusions of law. NDC CLERK'S NOTE: The above minute order has been distributed to: Kevin Brooks #33384, P.O. Box 650, 22010 Cold Creek Road, Indian Springs, NV 89070. aw ;*

09/09/2013



**Motion For Reconsideration** (8:15 AM) (Judicial Officer: Barker, David)

*Deft's Pro Per Motion For Reconsideration*

Motion Denied; Deft's Pro Per Motion For Reconsideration

Journal Entry Details:

*Court noted on July 22, 2013, the Court found Deft's fifth writ time barred, successive and no good cause to overcome procedural hurdle. Further, Court FINDS this Court lacks jurisdiction due to appeal being filed and ORDERED, motion DENIED. NDC CLERK'S NOTE: The above minute order has been distributed to: Kevin Brooks #33384, P.O. Box 650, Indian Springs, NV 89070. aw ;*

10/14/2013



**Motion** (8:15 AM) (Judicial Officer: Barker, David)

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

Off Calendar; Deft's Pro Per Request for Records/Court Case Documents

Journal Entry Details:

*Court noted Deft. adjudicated in 1990. On July 22, 2013, the Court denied the fifth petition with findings and facts and notice of appeal has been subsequently filed on that. The Nevada Supreme Court has directed the Clerk's office to transmit trial court record which they are in the process of doing. Further, the Court notes this is a boiler plate motion with no articulated facts or specifics. The Court believes with the Court directing the Clerk's office to comply with the Supreme Court direction to transmit entire record, Deft's dueling request is being addressed and ORDERED, this request is OFF CALENDAR. NDC CLERK'S NOTE: The above minute order has been distributed to: Kevin Brooks #33384, P.O. Box 650, Indian Springs, NV 89070. aw ;*

10/11/2017



**Motion** (8:30 AM) (Judicial Officer: Kephart, William D.)

*Defendant's Pro Per Motion for Correction of Illegal Sentence*

Denied;




Journal Entry Details:

*Court noted Defendant not present and in custody with the Nevada Department of Corrections. Ms. Demonte advised the State was not served with the motion and requested an opportunity to*

EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**

**CASE No. 90C093713-2**

	<p>file a response. Court stated Defendant was sentenced under NRS 207.010; Defendant claims the sentence is illegal as the priors used for purposes of the enhancement came from California and the habitual sentences which he was facing in California do not have the same sentencing scheme in Nevada; therefor, Nevada cannot use the convictions against him. Court FINDS based on the statute Defendant was eligible for habitual criminal status and COURT ORDERED, Motion DENIED. NDC CLERK'S NOTE: The above minute order has been distributed to: KEVIN BROOKS # 33384 HIGH DESERT STATE PRISON PO BOX 650 INDIAN SPRINGS, NV 89070;</p>
07/18/2018	<p> <b>Motion</b> (8:30 AM) (Judicial Officer: Kephart, William D.)</p> <p>Defendant's Pro Per Motion for Modification of Sentence</p> <p>Denied;</p> <p>Journal Entry Details:</p> <p>Court noted he has reviewed the motion and opposition; however, there is a pending appeal before the Supreme Court which divests this Court of jurisdiction; therefor, COURT ORDERED, Motion DENIED for lack of jurisdiction. NDC;</p>
09/12/2018	<p> <b>Motion For Reconsideration</b> (8:30 AM) (Judicial Officer: Kephart, William D.)</p> <p><b>09/12/2018, 10/10/2018</b></p> <p>Defendant's Pro Per Motion For Reconsideration</p> <p>Matter Continued;</p> <p>Granted;</p> <p>Journal Entry Details:</p> <p>Court noted Defendant not present and in custody with the Nevada Department of Corrections. Further, Court noted Defendant filed a previous motion to correct an illegal sentence which the Court believed that he lacked jurisdiction to hear the motion as there was a pending appeal addressing a previous denial of another motion; however, the State provided the Court case law which allows this Court to have jurisdiction of the motion. COURT ORDERED, Motion for Reconsideration GRANTED. Court FINDS Defendant has failed to support any claim that the sentencing judge relied on any material/untrue assumption of fact at the time of sentencing as the felony conviction used at sentencing contained a numerical mistake; although Defendant still suffered the same conviction of felony escape from 8/1983; therefore, COURT FURTHER ORDERED, Defendant's Motion to Correct an Illegal Sentence DENIED. NDC;</p> <p>Matter Continued;</p> <p>Granted;</p> <p>Journal Entry Details:</p> <p>Court noted Defendant not present and in custody with the Nevada Department of Corrections. Further, Court noted Defendant is seeking reconsideration of the Court's denial of the motion to modify sentence; however, Defendant has a current appeal pending from this Court's denial of his motion to correct an illegal sentence and the Court does not have jurisdiction over this matter pending the appeal. Mr. Osman advised his notes indicate the State's position is that the Court has jurisdiction over this issue and requested additional time to file an opposition. COURT ORDERED, matter CONTINUED and DIRECTED State to address the issue that this Court has jurisdiction to hear the motion. NDC CONTINUED TO: 10/10/2018 8:30 AM;</p>
12/10/2018	<p> <b>Motion to Modify Sentence</b> (8:30 AM) (Judicial Officer: Kephart, William D.)</p> <p>Kevin Brooks' Pro Per Motion for Modification of Sentence</p> <p>Denied;</p> <p>Journal Entry Details:</p> <p>COURT ORDERED, Motion DENIED; State to prepare the appropriate order consistent with their opposition. NDC;</p>

DATE

FINANCIAL INFORMATION

**Defendant** Clark , Ralph Kevin  
Total Charges  
Total Payments and Credits  
**Balance Due as of 1/8/2019**

36.00  
16.00  
**20.00**

CASE NO. C93713 TITLE STATE OF NEVADA VS. FRED WAYNE BURNEY aka DAVID LEWIS and  
RALPH KEVIN CLARK ,KEVIN BROOKS aka KEVIN RALPH CLARK

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES — HEARING	CONTINUED TO:
4-3-90 CARL CHRISTENSEN DEPT. VII D. TRUJILLO (CLERK) C. MILLER (REPORTER)	ARRAIGNMENT STATE REPRESENTED BY CHARLES PAINE, DDA. DEFT. BURNEY PRESENT IN CUSTODY WITH ROGER HILLMAN, DPD; DEFT. BROOKS PRESENT IN CUSTODY WITHOUT BENEFIT OF COUNSEL. BROOKS: COURT ORDERED, THIS MATTER CONTINUED FOR MR. BECKETT TO BE PRESENT, MR. PAINE TO CONTACT MR. BECKETT ABOUT NEXT HEARING. BURNEY: AMENDED INF. FILED IN OPEN COURT. MR. PAINE ADVISED AS PART OF THE NEGOTIATIONS STATE WILL BE FILING HABITUAL CRIMINAL CHARGES. DEFT. ADVISED HE WAS UNAWARE OF THE HABITUAL CRIMINAL ALLEGATIONS. MR. HILLMAN ALSO STATED THAT MR. JORGENSEN'S NOTE DID NOT REFLECT THERE WERE DISCUSSION REGARDING HABITUAL CRIMINAL ALLEGATIONS EITHER. COURT ORDERED, MATTER CONTINUED FOR MR. JORGENSEN TO TALK WITH DEFT. FURTHER, MR. JORGENSEN TO BE PRESENT OR FACE THE POSSIBILITY OF BEING FINED.	4-5-90 9 AM ARRAIGNMENT CONT. (BOTH)
4-5-90 CARL CHRISTENSEN DEPT. VII E. D'ANGIOLELLA (CLERK) CONNIE MILLER (REPORTER)	ARRAIGNMENT State represented by DDA, Robert Lucherini. Deft. BURNEY present in custody, represented by Craig Jorgenson, DPD. Deft. BROOKS present in custody, represented by Robert Beckett. BURNEY - Deft. ARRAIGNED and plead guilty to COUNT I, CONSPIRACY TO COMMIT BURGLARY, GM and COUNT II, ATTEMPT BURGLARY, Felony. Negotiations: State originally filed a Complaint charging two counts of burglary, and they have filed an amended Information charging one count of Conspiracy to Commit Burglary and one count of Attempt Burglary. Deft. to plead guilty. State not opposing the two running concurrently. State reserves the right to argue at sentencing which includes the right to file habitual criminal allegations.	5-8-90 9:30 A.M. SENTENCING (BURNEY)  JURY TRIAL 5-14-90 10 AM CALENDAR CALL 5-10-90 9 AM (CLARK aka Brooks)
	Court accepted the guilty plea and ORDERED, continued for sentencing.  BROOKS- Deft. stated his true name is "RALPH KEVIN CLARK". COURT ORDERED, all further proceedings will be had under the true name stated by deft. Ralph Kevin Clark aka Kevin Brooks. Deft. ARRAIGNED and plead not guilty. COURT ORDERED, set for jury trial. Mr. Paine filed in open court an amended Information charging the habitual criminal allegation. Court signed the Order to Amend Information in open Court. CUSTODY (BOTH)	

CASE NO. C93713 TITLE STATE OF NEVADA VS. KEVIN BROOKS aka RALPH KEVIN CLARK

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES — HEARING	CONTINUED TO:
4-26-90 CARL CHRISTENSEN DEPT. VII  E. D'ANGIOLELLA (CLERK)  CONNIE MILLER (REPORTER)	STATE'S ORAL MOTION TO CONTINUE TRIAL  State represented by DDA, Charles Paine. Deft. BROOKS present in custody, represented by Robert Beckett and Mitchell Posin. Mr. Posin advised he is substituting in as counsel in place of Mr. Beckett, and moved to continue the trial date and requested 21 days from today within which to file a writ. No objection to continuance by Mr. Paine. <del>COURT ORDERED, trial date of 5-14-90</del> is vacated and reset. Mr. Beckett allowed to withdraw as counsel and Mr. Posin is substituted in. Defense has 21 days from today to file writ. Mr. Beckett turned over his file in open court to Mr. Posin.  CUSTODY	JURY TRIAL 7-2-90 10 Am  CALENDAR CALL 6-28-90 9 AM (Brooks)
5-22-90 CARL CHRISTENSEN DEPT. VII  E. D'ANGIOLELLA (CLERK)  CONNIE MILLER (REPORTER)	SENTENCING  State represented by DDA, Robert Lucherini. Deft. BURNEY present in custody, represented by Craig Jorgenson, DPD. Paula Ullman, P&P Officer present. Mr. Lucherini stated he was advised by Mr. Henry Gordon that he will be representing deft. Burney and he would like to confer with counsel and requested a continuance. <del>with counsel and requested a continuance.</del> Mr. Lucherini stated he is trying to locate judgments of conviction and moved to continue for two weeks. COURT ORDERED, continued.  CUSTODY	5-25-90 9:30 AM SENTENCING
5-25-90 CARL CHRISTENSEN DEPT VII  E. D'ANGIOLELLA (CLERK)  CONNIE MILLER (REPORTER)	SENTENCING  State represented by DDA, Robert Lucherini. Deft. BURNEY present in custody, represented by Craig Jorgenson, DPD. Tamara Wolfe, P&P Officer present. Court adjudged deft. guilty of Conspiracy to Commit Burglary, gross misdemeanor Count I and Attempt Burglary, felony, Count II. <del>COURT ORDERED, deft. sentenced to confinement</del> for one year in CCDC for Conspiracy to Commit Burglary. Court finds and adjudges deft. as a habitual criminal and sentences deft. under little habitual criminal to ten years in NSP for Attempt Burglary under Count II. The sentence in CCDC under Count I will run concurrently with sentence in NSP under Count II. Deft. given 86 days credit for time served. Mr. Lucherini moved to admit three judgments of conviction. <del>PURTHER ORDERED, \$20 administrative assessment</del> fee imposed.  CUSTODY	

MINUTES — CRIMINAL



CASE NO. C93713TITLE STATE OF NEVADA VS. KEVIN BROOKS aka Ralph Kevin Clark

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES — HEARING	CONTINUED TO:
6-12-90 CARL CHRISTENSEN DEPT. VII  E. D'ANGIOLELLA (CLERK)  CONNIE MILLER (REPORTER)	<u>MITCHELL POSIN'S MOTION TO WITHDRAW AS ATTORNEY OF RECORD</u>  State represented by DDA, Michael O'Callaghan. Deft. BROOKS present in custody, represented by Mitchell Posin. Mr. Posin requested a short continuance as deft's father is trying to raise funds to retain him. COURT ORDERED, continued. CUSTODY	6-14-90 9 AM MITCHELL POSIN'S MOTION TO WITH- DRAW FROM FURTHER REPRESENTATION
6-14-90 CARL CHRISTENSEN DEPT. VII  E. D'ANGIOLELLA (CLERK)  CONNIE MILLER (REPORTER)	<u>MITCHELL POSIN'S MOTION TO WITHDRAW AS ATTORNEY OF RECORD</u>  State represented by DDA, Michael O'Callaghan. Deft. BROOKS present in custody, represented by Murray Posin. Mr. Posin moved to withdraw the motion & COURT SO ORDERED. CUSTODY	
6-28-90 CARL CHRISTENSEN DEPT. VII  E. D'ANGIOLELLA (CLERK)  CONNIE MILLER (REPORTER)	<u>CALENDAR CALL</u>  State represented by DDA, Charles Paine. Deft. BROOKS present in custody, represented by Murray Posin appearing for Mitchell Posin. Mr. Paine advised the State is ready and there are 12-20 witnesses (4 day trial), and Mr. O'Callaghan will try the case. COURT ORDERED, case sent to Overflow, Dept. XIV for Jury Trial. CUSTODY	7-2-90 10:00 A.M. JURY TRIAL (Overflow, Dept. XIV
7-2-90 DEPT. VIII JUDGE WENDELL  Ruth Reese, Clerk Patsy Smith, Reporter	<u>JURY TRIAL (OVERFLOW) (10:00 A.M.)</u> State represented by DDA, Michael O'Callaghan. Deft. Brooks present, in custody, represented by counsel, Mitchell Posin, who moved to con- tinue the trial on the basis of Defendant's mental incapacity; that Deft. was playing basketball on Saturday when he fell on his head, was unconscious, and was taken to Uni- versity Medical Center suffering a memory loss and a Catscan was done. Further, Defendant would not be able to effectively exercise his right to assist counsel at trial. Opposition by Mr. O'Callaghan who advised the Court Deft. is facing Habitual Criminal charges. COURT ORDERED, Motion to Continue is denied, the trial will commence this morning. ----- PROSPECTIVE JURY PANEL PRESENT: Clerk called roll with all answering present with the exception of those excused by the Jury Commissioner. JURY SELECTED AND SWORN TO TRY THE CASE. At this time the Clerk read the Information to the Jury. Opening statement by Mr. O'Callaghan. Defense reserved the right to make an Opening statement at this time. Court excluded witnesses. Testimony and evi- dence presented. (See Witness Sheet). OUTSIDE PRESENCE OF JURY: Officers Alexander Siciliano and Thomas Acklin sworn and testified.	7-3-90, 10:00 A.M. CONTINUATION OF JURY TRIAL

CASE NO. C93713 TITLE STATE OF NEVADA vs KEVIN BROOKS aka RALPH KEVIN CLARK

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES — HEARING	CONTINUED TO:
7-2-90 CONTINUED	Mr. Posin presented Motion to Suppress the testimony of Officers Sicliano and Acklin. Opposition by Mr. O'Callaghan. COURT ORDERED, Motion to Suppress is denied. JURY PRESENT: Continued testimony and evidence presented. At the hour of 4:45 P.M., Court excused the Jury until 10:00 A.M., July 3, 1990. OUTSIDE PRESENCE OF JURY: Mr. O'Callaghan requested Richard Good be permitted to testify and COURT ORDERED, he may be endorsed on the Information. Counsel stated there were two blacks on the Jury and both were excused and didn't want a problem down the line. At the hour of 4:50 P.M., Court recessed until 10:00 A.M., July 3, 1990.  (CUSTODY)	
7-3-90 DEPT. VIII JUDGE WENDELL  Ruth Reese, Clerk Patsy Smith, 10:15 A.M.	CONTINUATION OF JURY TRIAL State represented by DDA, Michael O'Callaghan. Deft. Brooks present, in custody, represented by counsel, Mitchell Posin. JURY PRESENT: Continued testimony and evidence presented. (See Witness and Exhibit Sheets). OUTSIDE PRESENCE OF JURY: Mr. Posin moved to exclude testimony of witness, Officer Shalhoob. COURT ORDERED, State is entitled to get in the information that this Defendant is Ralph Kevin Clark. Counsel stipulated Defendant's true name is Ralph Kevin Clark, S.S.551-41-5998, and the prints on Exhibit #4 are, in fact, Defendant's prints that were rolled in Clark County Jail. JURY PRESENT: Mr. O'Callaghan advised the Jury counsel had entered a stipulation that Ralph Kevin Clark, S.S.551-41-5998 and Exhibit #4, which has not been admitted which will be discussed later, are, in fact, Defendant's finger and palm prints. The Court accepted the stipulation. Continued testimony and evidence.. At the hour of 3:20 P.M., the Court recessed until 10:00 A.M., 7-5-90.  (CUSTODY)	7-5-90, 10A.M.  CONTINUATION OF JURY TRIAL
7-5-90 DEPT. VIII JUDGE WENDELL  Ruth Reese, Clerk Patsy Smith, Reporter 10:20 A.M.	CONTINUATION OF JURY TRIAL State represented by DDA, Michael O'Callaghan. Deft. Brooks present, in custody, represented by counsel, Mitchell Posin. JURY PRESENT: Continued testimony and evidence presented. (See Witness and Exhibit Sheets). OUTSIDE PRESENCE OF JURY: Mr. Posin moved for mistrial per statement of Mrs. Calabrese that when she testified at Preliminary Hearing in	7-6-90, 10A.M.,  CONTINUATION OF JURY TRIAL

CASE NO. C93713 TITLE STATE OF NEVADA vs KEVIN BROOKS aka RALPH KEVIN CLARK

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES — HEARING	CONTINUED TO:
7-5-90 CONTINUED	Justice Court that several people were brought in by the Bailiffs and it was clear Defendant was in custody. COURT ORDERED, Motion denied. Mr. Posin again moved for Mistrial because Mr. O'Callaghan introduced previously admitted Exhibits which were in his sole custody from the time Court recessed on Tuesday until they were delivered back today. Mr. O'Callaghan stated that he and Mr. Posin had stipulated the Exhibits could be removed	
	in order that they be examined by members of the Crime Lab. COURT ORDERED, Motion denied. Mr. Posin objected to the list prepared by the Calabreses of items taken from the house and stated because this is a burglary case, the value of the items is prejudicial. COURT ORDERED, Exhibit #19 will come in as is. Mr. Posin moved to have an independent examiner appointed for fingerprint analysis. The Court directed Mr. Posin to see if he	
	could find somebody locally that could do it on short notice. NOON RECESS. OUTSIDE PRESENCE OF JURY: Mr. O'Callaghan advised the Court he wanted to bring up the reason why he brought up the fact that Mrs. Calabrese stated in Justice Court Deft. was escorted in and he and Co-Deft. were talking back and forth with some people in the audience; she had never seen Deft. before and had no pre-	
	conceived idea who he was; she noticed Deft. looked right at her and then nudged the Deft. next to him with a snide smile looking right at her; he recognized her, she didn't recognize him. Mr. Posin stated in regard to fingerprint examiner, he has not been able to run one down. The Court advised Mr. Posin if he can find someone without delaying the trial, he can, otherwise, Court will not permit it. JURY PRESENT: Continuation of	
	testimony and evidence. OUTSIDE PRESENCE OF JURY: Court advised Deft. of his rights regarding testifying in his own behalf. Mr. O'Callaghan advised the Court Deft. has six prior felonies. JURY PRESENT: Continued testimony presented. STATE RESTED. Mr. Posin waived Opening statement and commenced presentation of Defendant's case. DEFENSE RESTED. At the hour of 3:50 P.M., Court recessed until 10:00 A.M., 7-6-90.	
	CUSTODY	

CASE NO. C93713 TITLE THE STATE OF NEVADA vs KEVIN BROOKS aka RALPH KEVIN CLARK

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES — HEARING	CONTINUED TO:
7-6-90 DEPT. VIII JUDGE WENDELL  Ruth Reese, Clerk Patsy Smith, Reporter	CONTINUATION OF JURY TRIAL State represented by DDA, Michael O'Callaghan. Deft. Brooks not present, in custody, represented by counsel, Mitchell Posin. Counsel advised the Court Defendant had fainted and was unconscious and was taken to University Medical Center by ambulance. JURY PRESENT: (10:45 A.M.) At this time the Court excused Alternate #2, <del>Bruce Steurer, and ORDERED, trial continued</del> until 10:00 A.M., Monday, 7-9-90.	
	(CUSTODY)	
7-9-90 DEPT. VIII JUDGE WENDELL  Ruth Reese, Clerk Patsy Smith, Reporter	CONTINUATION OF JURY TRIAL State represented by DDA, Michael O'Callaghan. Deft. Brooks present, in custody, represented by counsel, Mitchell Posin. OUTSIDE PRESENCE OF JURY: The Court stated what has been marked and received as Exhibit #19 will be withdrawn, remarked #19, will not be received, just to show on the record what the exhibit looked like. Exhibits #20 and #21 admitted without objection. JURY PRESENT: Alternate #2, Bruce Steurer, not present. NO REBUTTAL. At this time the Court INSTRUCTED the Jury. Opening argument by Mr. O'Callaghan. OUTSIDE PRESENCE OF JURY: Mr. Posin stated Mr. O'Callaghan has some "mug shots" of the Deft. sitting out on his desk which he feels the Jury could see and moved for a mistrial. COURT ORDERED, Motion is denied. JURY PRESENT: Answering argument by Mr. Posin. Closing argument by Mr. O'Callaghan. Alternate, Karin Yassine, excused by the Court with admonishment. At the hour of 12:35 P.M., the Bailiff was sworn to take charge of the Jury and the Jury retired to deliberate. 2:30 P.M. All present as of the opening session. At this time the Jury returned Verdicts of Guilty of Burglary, Counts I and II. The Court thanked the Jury for their services and excused them. COURT ORDERED, if bail, Defendant will be held without bail pending sentencing.	8-15-90, 9AM SENTENCING COUNTS I AND II
	(CUSTODY)	

CASE NO. C93713TITLE STATE OF NEVADA vs RALPH KEVIN CLARK aka KEVIN BROOKS

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES — HEARING	CONTINUED TO:
8-15-90 DEPT. VIII JUDGE WENDELL  Ruth Reese, Clerk Patsy Smith, Reporter	STATE'S MOTION TO AMEND INFORMATION State represented by DDA, Michael O'Callaghan. Deft. Clark present, in custody, represented by counsel, Mitchell Posin. Richard Nall present on behalf of Dept. of P&P. Mr. O'Cal- laghan moved to file Second Amended Informa- tion; the Amended Information was filed 4-5-90; after Defendant was convicted, it was discovered from records received from California that <del>Deft. has seven convictions evidenced by Ex-</del>	9-19-90, 9AM  SENTENCING, Second Amended Information
	hibit #10 attached to the Supplemental Ex- hibits #9 and #10 filed 8-7-90; 8-3-90, Ex- hibits #1 through #8 were filed to support Habitual Criminal charges. Mr. Posin requested time to respond. COURT ORDERED, sentencing is continued to 9-19-90, 9:00 A.M., and Mr. Posin is to respond by Friday, 9-7-90 and leave courtesy copy with the office and serve Mr. O'Callaghan and if Mr. O'Callaghan wants to respond, it is to be done by the 14th.	
	Mr. O'Callaghan advised the Court Defendant's true name is, in fact, Ralph Kevin Clark aka Kevin Brooks. At this time Mr. O'Callaghan filed Second Amended Information in Open Court. MARY FRINK sworn and testified. State's Ex- hibits #11 and #12 admitted into evidence. Court signed Order to Amend Information in Open Court.  (CUSTODY)	

CASE NO. C093713 TITLE THE STATE OF NEVADA VS. KEVIN BROOKS AKA RALPH KEVIN CLARK

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES — HEARING	CONTINUED TO:
9/19/90 MICHAEL J. WENDELL DEPT. VIII  R. REESE T. MEZA CLERKS/tm A. CHACON REPORTER	<u>SENTENCING</u> State represented by Michael O'Callaghan, DDA. Defendant Brooks present, in custody, with Mark Posin. Elizabeth Brownlee, Department of Parole and Probation, present. Mr. Posin requested matter be continued in order for Defendant's family who are coming in from out of town to be present since they wish to make statements. No objection by State. COURT ORDERED, matter continued.	9/21/90 @ 9 AM  SAME
9-21-90 DEPT. VIII JUDGE WENDELL  Ruth Reese, Clerk Russell Garcia, Reporter	<u>SENTENCING</u> State represented by DDA, Michael O'Callaghan. Deft. Brooks present, in custody, represented by counsel, Mitchell Posin. Alexander Konopka present on behalf of Dept. of P&P. Following arguments of counsel, Court overruled ob- jections of seventh conviction, 3-29-78; Court feels it is properly before the Court now at time of sentencing; Court designated Defendant as habitual case. In this case a Jury found Defendant Guilty of Counts I and II, Burglary; at this time the Court adjudges Defendant Guilty of each of those offenses. Court finds Defendant is Guilty of the crimes of Burglary Count I and Count II, and ORDERED, Defendant be imprisoned in Nevada State Prison for a term of life without possibility of parole to run concurrently; NRS 207.010, Sub-Paragraph (2), on felony convictions followed by proof beyond a reasonable doubt of at least three prior felonies, and, in this case, seven prior felonies, Defendant is so sentenced and re- manded to custody. The Court feels this matter should be taken to the Supreme Court and directed Mr. Posin to file Notice of Appeal.  CUSTODY	
10-15-90 DEPT. VIII JUDGE WENDELL  Ruth Reese, Clerk Patsy Smith, Reporter	<u>MITCHELL POSIN'S MOTION TO WITHDRAW AS ATTOR- NEY OF RECORD FOR DEFENDANT</u> State represented by DDA, Randall Weed. Deft. Brooks present, in custody, represented by counsel, Murraray Posin, who appeared in place and stead of Mitchell Posin, and presented Mitchell Posin's Motion to Withdraw as Attorney of Record for Defendant. There being no ob- jection by the State, COURT ORDERED, Motion is granted; the Court will confirm the Public Defender on Wednesday, October 17th, at 9:00 A.M., for purpose of Appeal. Mr. Posin ad- vised the Court the Notice of Appeal has been filed. The Court advised counsel Deft. will not have to be present for Confirmation of Counsel.  CUSTODY (NSP)	10-17-90, 9AM CONFIRMATION OF COUNSEL FOR PURPOSE OF APPEAL

CASE NO. C93713 TITLE STATE OF NEVADA vs KEVIN BROOKS aka RALPH KEVIN CLARK

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES — HEARING	CONTINUED TO:
10-17-90 DEPT. VIII JUDGE WENDELL  Ruth Reese, Clerk Patsy Smith, Reporter	<u>CONFIRMATION OF COUNSEL FOR PURPOSE OF APPEAL</u> State represented by DDA, Randall Weed. Deft. Brooks not present, in custody. DPD, Karen Brasier, present. COURT ORDERED, Public Defender's Office confirmed as counsel for Defendant; Notice of Appeal has been filed.  (CUSTODY)	
12-24-90 DEPT. VIII JUDGE WENDELL  S. SMITH RELIEF CLERK  SS	<u>DEFENDANT'S PRO PER MOTION FOR SUBSTITUTION AND REMOVAL OF ATTORNEY OF RECORD. AT REQUEST OF COURT, MATTER CONTINUED.</u>  CUSTODY (NSP)	12-26-90 @9A.M. DEFENDANT'S PRO PER MOTION FOR SUBSTITUTION AND REMOVAL OF ATTORNEY OF RECORD
12-26-90 DEPT. VIII JUDGE WENDELL  Ruth Reese, Clerk Patsy Smith, Reporter	<u>DEFENDANT'S PRO PER MOTION FOR SUBSTITUTION AND REMOVAL OF ATTORNEY OF RECORD</u> State represented by DDA, James Miller. Deft. Brooks present, in custody, represented by DPD, Michael Miller. Following statements of counsel and Defendant, the Court feels it does not have jurisdiction at this time to entertain Defendant's application but if it did have jurisdiction it would deny the Motion <del>under Supreme Court Rule (44).</del> COURT ORDERED, Mr. Robert Miller will continue to represent Defendant. The Court directed the District Attorney to prepare the appropriate Order.  CUSTODY (NSP)	
1-28-91 DEPT. VIII JUDGE WENDELL  Ruth Reese, Clerk Patsy Smith, Reporter	<u>DEFENDANT'S PRO PER CONSTITUTIONAL RIGHT TO ACT AS HIS OWN COUNSEL</u> State represented by DDA, Randall Weed. Deft. Brooks present without benefit of counsel, The Court advised counsel and Deft. Mr. Robert Miller was in Chambers and had to be in another Department. Deft. stated he had a conflict with the Public Defender's Office and desires to handle the matter himself. Mr. Weed stated the Court has no jurisdiction. Deft. advised the Court this matter should be before Judge Guy and not in this Department. COURT ORDERED, this matter will be on Judge Guy's Calendar tomorrow.  CUSTODY (NSP)	1-29-91, 9A.M. DEFENDANT'S PRO PER CONSTITUTIONAL RIGHT TO ACT AS HIS OWN COUNSEL  (DEPT. XI)

CASE NO. C93713TITLE STATE OF NEVADA VS. KEVIN BROOKS AKA RALPH KEVIN CLARK

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES — HEARING	CONTINUED TO:
1-29-91 ADDELIAR D. GUY T. ALMSTEAD (CLERK) SHARON COPE (RECORDER)	DEFENDANT'S PRO PER CONSTITUTIONAL RIGHT TO ACT AS HIS OWN COUNSEL (SHOULD HAVE BEEN FILED IN C96991) State represented by Gary Booker, DDA. Deft. Brooks present in custody with Karen Brasier, DPD. Court inquired of defendant why he wanted to represent himself. Deft. stated he was represented by Counsel that he paid for and was convicted and given two Life sentences and wanted to represent himself in this case. Statement by Mr. Booker. Court canvassed the defendant. Court noted that the defendant had calendared the wrong case and ORDERED this motion continued to calendar call.	1/31/at 9 AM MOTION CONTINUED AND CALENDAR CALL (See C96991)
	CUSTODY	



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****March 04, 1991**

90C093713-2

The State of Nevada vs Kevin Brooks

**March 04, 1991****9:00 AM****All Pending Motions**

**ALL PENDING  
MOTIONS (3-4-91)  
Court Clerk: RUTH  
REESE  
Reporter/Recorder:  
PATSY SMITH  
Heard By: Michael  
Wendell**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

**JOURNAL ENTRIES**

- DEFENDANT'S PROPER PERSON MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS;  
DEFENDANT'S PROPER PERSON PETITION FOR POST-CONVICTION RELIEF

State represented by David J. J. Roger. Deft. Kevin Brooks aka Ralph Kevin Clark, not present, in custody, Nevada State Prison, without benefit of counsel. COURT ORDERED, deferred ruling as to Defendant's Proper Person Motion for Leave to Proceed in Forma Pauperis; as to Defendant's Proper Person Petition for Post-Conviction Relief, denied, without prejudice; the Court does not have jurisdiction at this time, the matter is on Appeal to the Supreme Court; until Supreme Court rules, the Court will defer ruling on any matters.

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****March 18, 1991**

90C093713-2

The State of Nevada vs Kevin Brooks

**March 18, 1991****9:00 AM****All Pending Motions****ALL PENDING  
MOTIONS (3/18/91)  
Relief Clerk: NANCY  
DORMAIER  
Reporter/Recorder:  
PATSY SMITH  
Heard By: Carl  
Christensen****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:****JOURNAL ENTRIES**

- PUBLIC DEFENDER'S MOTION TO WITHDRAW AS COUNSEL AND ALLOW DEFENDANT TO  
PROCEED IN FORMA PAUPERIS

DEFENDANT'S MOTION TO WITHDRAW GUILTY PLEA

Mr. Brooks advised he had no opposition to any of the motions. Ms. Van De Pol asked if the Court  
had received the State's opposition to withdraw. COURT ORDERED, Defendant's motion to  
withdraw guilty plea is denied making the other motions moot.

CUSTODY (NSP)

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****April 10, 1991**

90C093713-2

The State of Nevada vs Kevin Brooks

**April 10, 1991****9:00 AM****Petition to Proceed in  
Forma Pauperis****PRO PER MOTION  
TO PROCEED IN  
FORMA  
PAUPERIS (DEPT  
VIII) Relief Clerk:  
SANDRA SMITH  
Reporter/Recorder:  
TOM MERCER  
Heard By: Michael  
Wendell****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Gibson, Thomas J.

Attorney

**JOURNAL ENTRIES**

- COURT ORDERED: This matter is on appeal and the Court does not have jurisdiction to make a ruling at this time. COURT FURTHER ORDERED: Motion is denied, State to prepare the order and Mr. Gibson to mail a copy to the defendant.

CUSTODY (NSP)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 08, 1991**

90C093713-2

The State of Nevada vs Kevin Brooks

**May 08, 1991****9:00 AM****All Pending Motions**

**ALL PENDING  
MOTIONS (05-8-91)  
Court Clerk:  
ELIZABETH  
D'ANGIOLELLA  
Reporter/Recorder:  
PATSY SMITH  
Heard By:  
CHRISTENSEN,  
CARL J.**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- DEFENDANT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS  
DEFENDANT'S PRO PER PETITION FOR POST-CONVICTION RELIEF -----  
----- Mr. Christensen stated the response is being typed and requested a  
continuance. COURT ORDERED, continued.  
CUSTODY, NSP

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 15, 1991

90C093713-2

The State of Nevada vs Kevin Brooks

May 15, 1991

9:00 AM

All Pending Motions

**ALL PENDING  
MOTIONS (05-8-91)**  
**Court Clerk:**  
**ELIZABETH  
D'ANGIOLELLA**  
**Reporter/Recorder:**  
**PATSY SMITH**  
**Heard By:**  
**CHRISTENSEN,  
CARL J.**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- DEFENDANT'S PRO PER MOTION FOR LEAVE TO PROCEED INFORMA PAUPERIS  
 DEFENDANT'S PRO PER PETITION FOR POST-CONVICTION RELIEF DEFENDANT'S PRO PER  
 MOTION TO APPOINT COUNSEL ----- Mr.  
 Christiansen stated he has not receive copies of all motions. Mr. Ponticello furnished Mr.  
 Christiansen with a copy of pro per motion. COURT ORDERED, continued.

CUSTODY, NSP

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 20, 1991**

90C093713-2

The State of Nevada vs Kevin Brooks

**May 20, 1991****9:00 AM****All Pending Motions**

**ALL PENDING  
MOTIONS 5/20/91  
Relief Clerk:  
SANDRA SMITH  
Reporter/Recorder:  
PATSY SMITH  
Heard By: Carl  
Christensen**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

**JOURNAL ENTRIES**

- DEFENDANT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

DEFENDANT'S PRO PER PETITION FOR POST-CONVICTION RELIEF

DEFENDANT'S PRO PER MOTION TO APPOINT COUNSEL

Mr. Hillman advised Court this case is being handled by Howard Brooks, DPD who was unable to be present. Mr. Christensen stated that defendant fully and freely plead guilty and the sentence was commensurate with his prior record. In addition, there was no prejudice in this matter and State moves for denial of the Petition. COURT ORDERED: Defendant's motions are denied and State to prepare the order.

CUSTODY (NSP)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****October 28, 1991**

90C093713-2

The State of Nevada vs Kevin Brooks

**October 28, 1991****9:00 AM****All Pending Motions****ALL PENDING  
MOTIONS 10/28/91****Court Clerk:****SANDRA SMITH****Reporter/Recorder:****YVONNE****VALENTIN Heard****By: Lee Gates****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

**JOURNAL ENTRIES**

**- HEARING: PETITION FOR POST CONVICTION RELIEF****DEFENDANT'S PRO PER MOTION FOR SUBSTITUTION OF COUNSEL OF RECORD****DEFENDANT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS****DEFENDANT'S PRO PER MOTION FOR TRANSFER OF RECORDS****DEFENDANT'S PRO PER MOTIN FOR ORDER TO STAY PENDING POST CONVICTION RELIEF**

Mr. Henry advised Court that defendant's motion has already been filed and requested Court deny defendant's Motion for Order To Stay. COURT stated that defendant as indicated he needs to review all the records to properly prepare his case. COURT ORDERED: Motion for Order To Stay is denied and matter continued for hearing on defendant's remaining motions.

**CUSTODY (NSP)****11/13/91 @9A.M. - DEFENDANT'S PRO PER MOTIONS**

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 13, 1991

90C093713-2

The State of Nevada vs Kevin Brooks

November 13, 1991

9:00 AM

All Pending Motions

**ALL PENDING  
MOTIONS 11/13/91  
Court Clerk:  
SANDRA SMITH  
Heard By: Lee Gates**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Brooks, Kevin

Defendant

DeJulio, Douglas P.

Attorney

**JOURNAL ENTRIES**

- HEARING: PETITION FOR POST CONVICTION RELIEF

DEFENDANT'S PRO PER MOTION FOR SUBSTITUTION OF COUNSEL OF RECORD

DEFENDANT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

DEFENDANT'S PRO PER MOTION FOR TRANSFER OF RECORDS

Mr. Henry stated that defendant does not cite any reason why he is requesting a stay and is not entitled to an Evidentiary Hearing. Mr. DeJulio advised Court all the necessary papers will be forwarded to defendant. COURT ORDERED: Defendant's Pro Per Motions are granted except Petition For Post Conviction Relief. The Public Defender's Office may withdraw as counsel and matter continued. Defendant is not required to be present.

CUSTODY (NSP)

12/11/91 @9A.M. FURTHER PROCEEDINGS - HEARING: PETITION FOR POST CONVICTION RELIEF



**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****December 11, 1991**

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90C093713-2

The State of Nevada vs Kevin Brooks

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**December 11, 1991****9:00 AM****All Pending Motions****ALL PENDING  
MOTIONS 12/16/91  
Court Clerk: LEONE  
DUMIRE  
Reporter/Recorder:  
YVONNE  
VALENTIN Heard  
By: GATES, LEE A****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:****JOURNAL ENTRIES****- COURT ORDERED: MATTER IS CONTINUED FOR HEARING.****CUSTODY NSP****12/16/91 @ 9 AM - HEARING: PETITION FOR POST CONVICTION RELIEF**

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****December 16, 1991**

90C093713-2

The State of Nevada vs Kevin Brooks

**December 16, 1991****9:00 AM****All Pending Motions****ALL PENDING  
MOTIONS 12/16/91****Court Clerk:****SANDRA SMITH****Reporter/Recorder:****YVONNE****VALENTIN Heard****By: Lee Gates****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Brooks, Kevin

Defendant

**JOURNAL ENTRIES**

- FURTHER PROCEEDINGS / HEARING: PETITION FOR POST CONVICTION RELIEF  
Defendant has requested a 90 day continuance and COURT ORDERED: Matter continued.  
CUSTODY (NSP)  
3/9/92 @9A.M. - HEARING: PETITION FOR POST CONVICTION RELIEF

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****March 09, 1992**

90C093713-2

The State of Nevada vs Kevin Brooks

**March 09, 1992****9:00 AM****All Pending Motions****ALL PENDING  
MOTIONS 3/9/92****Court Clerk:****SANDRA BROUGH****Reporter/Recorder:****YVONNE****VALENTIN Heard****By: Lee Gates****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

**JOURNAL ENTRIES**

- HEARING: PETITION FOR POST CONVICTION RELIEF....DEFENDANT'S PRO PER EX PARTE MOTION FOR ENLARGEMENT OF TIME

State advised they have responded to deft.'s motions; the Court has continued four times per deft.'s request so he may reply to their opposition; and requests any motions for continuance be denied.

COURT ORDERED, matter continued for one week for the Court's decision.

NSP....3/16/92 @ 9:00 A.M. DECISION: DEFENDANT'S PETITION FOR POST CONVICTION RELIEF.....DECISION: DEFENDANT'S PRO PER EX PARTE MOTION FOR ENLARGEMENT OF TIME

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****March 16, 1992**

90C093713-2

The State of Nevada vs Kevin Brooks

**March 16, 1992****9:00 AM****Decision**

**HEARING JUDGE'S  
DECISION Court  
Clerk: SANDRA  
BROUGH  
Reporter/Recorder:  
YVONNE  
VALENTIN Heard  
By: Lee Gates**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

**JOURNAL ENTRIES**

- DECISION: DEFENDANT'S PETITION FOR POST-CONVICTION RELIEF....PRO PER EX PARTE  
MOTION FOR ENLARGEMENT OF TIME

Court FINDS the allegations in the petition are without merit, a justice of the peace does not have to  
be a lawyer by Statute and ORDERED deft.'s Petition for Post-Conviction Relief, DENIED.

FURTHER this Court doesn't find there was ineffective assistance of counsel, deft.'s major contention  
is that he didn't get a copy of the preliminary hearing transcript; however deft.'s counsel was  
cognizant of all the facts, had the transcript in his possession and wasn't required to show it to the  
deft. and therefore ORDERED deft.'s Pro Per ExParte Motion for Enlargement of Time, DENIED.  
State to prepare Findings of Fact and Conclusions of Law.

NSP

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****November 22, 1993**

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90C093713-2

The State of Nevada vs Kevin Brooks

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**November 22, 1993****8:45 AM****Petition****PROPER PERSON  
MOTION FOR  
PRODUCTION OF  
TRANSCRIPTS  
Relief Clerk:  
DOROTHY KELLY  
Reporter/Recorder:  
YVONNE  
VALENTIN Heard  
By: Lee Gates****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES  
PRESENT:****JOURNAL ENTRIES**

- Court advised Court Reporter to inquire as to what defendant wants, and ORDERED, matter off calendar.

CUSTODY (NDP)

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****December 20, 1993**

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90C093713-2

The State of Nevada vs Kevin Brooks

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**December 20, 1993****8:45 AM****Petition****PRO PER MOTION  
FOR LEAVE TO  
PROCEED IN  
FORMA PAUPERIS  
Court Clerk:  
SANDRA BROUGH  
Reporter/Recorder:  
YVONNE  
VALENTIN Heard  
By: Lee Gates****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES  
PRESENT:****JOURNAL ENTRIES**

- Deft. not present and in custody at the Nevada Department of Prisons.

State advised no objection. COURT ORDERED, Deft.'s Pro Per Motion for Leave to Proceed in Forma Pauperis, GRANTED.

NSP

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****July 08, 1994**

90C093713-2

The State of Nevada vs Kevin Brooks

**July 08, 1994****8:45 AM****Request****AT REQUEST OF  
DEFENDANT Court  
Clerk: LINDA  
GROVES  
Reporter/Recorder:  
YVONNE  
VALENTIN Heard  
By: Lee Gates****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:****JOURNAL ENTRIES**

- Defendant not present and in custody at the Nevada Dept of Prisons. Mr. Pace stated he doesn't know why this case is on calendar. Colloquy regarding the case. COURT ORDERED, motion for transcripts DENIED. Defendant to be specific as to transcripts needed and the reasons why.  
NDP

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****June 22, 1999**

90C093713-2

The State of Nevada vs Kevin Brooks

**June 22, 1999****8:30 AM****All Pending Motions**

**ALL PENDING  
MOTIONS 6/22/99  
Court Clerk: LINDA  
SKINNER  
Reporter/Recorder:  
JAMES HELLESO  
Heard By: Joseph  
Pavlikowski**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Brown, Philip H.

Attorney

**JOURNAL ENTRIES**

- DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS...DEFT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS...DEFT'S PRO PER MOTION FOR EXTENSION OF TIME...DEFT'S PRO PER MOTION FOR CLARIFICATION

COURT ORDERED, based on State's response, Deft's Pro Per Petition for Writ of Habeas Corpus; Deft's Pro Per Motion for Extension of Time and Deft's Pro Per Motion for Clarification are DENIED. FURTHER, Deft's Pro Per Motion for Leave to Proceed in Forma Pauperis is GRANTED. Court directed Mr. Brown to prepare the Order.  
NDP



**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 08, 2000**

90C093713-2

The State of Nevada vs Kevin Brooks

**February 08, 2000****9:00 AM****All Pending Motions****ALL PENDING  
MOTIONS 2-8-00  
Court Clerk: TINA  
HURD  
Reporter/Recorder:  
PATSY SMITH  
Heard By: Mark  
Gibbons****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

De La Garza, Melisa

Attorney

**JOURNAL ENTRIES**

- DEFT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS...COURT ORDERED, motion GRANTED.

DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS...Court advised he has reviewed the petition and the return. COURT ORDERED, petition DENIED as 1) it is time-barred, 2) it is successive with deft's other petitions and 3) this issue was raised on direct appeal and was rejected. Court stated he believes this petition was also denied by Judge Pavlikowski on June 22.

NDP

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****January 27, 2003**

90C093713-2

The State of Nevada vs Kevin Brooks

**January 27, 2003****9:00 AM****Motion****DEFT'S PRO PER  
MTN  
VACATE/CORRECT  
ILLEGAL  
SENTENCE/47 Court  
Clerk: Amber Farley  
Reporter/Recorder:  
Kristine Cornelius  
Heard By: Nancy  
Saitta****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Pandukht, Taleen R.

Attorney

**JOURNAL ENTRIES**

- Court stated this motion is improper procedurally, and that the issue has already been determined to lack merit. Motion DENIED in its entirety.

NDC

CLERK'S NOTE: A copy of this minute order mailed to the Defendant via the address as listed in the pleadings. /af

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****June 21, 2004**

90C093713-2

The State of Nevada vs Kevin Brooks

**June 21, 2004****9:00 AM****All Pending Motions**

**ALL PENDING  
MOTIONS 6/21/04  
Court Clerk: Amber  
Farley  
Reporter/Recorder:  
Debra Vanblaricom  
Heard By: Nancy  
Saitta**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Stanton, David L.

Attorney

**JOURNAL ENTRIES**

- STATE'S MOTION TO DISMISS PETITION FOR WRIT OF HABEAS CORPUS The Court noted the State has argued that the petition is successive under Chapter 34, and the COURT SO FINDS. The COURT ORDERED, Motion is GRANTED and Petition is DISMISSED. The State may also include in their order that, based on the history of the pleadings in this case, the State does not have to respond to any additional filings unless ordered to do so by this Court.

DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS As the Court granted the State's motion to dismiss the petition, the petition is now moot.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****January 09, 2006**

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90C093713-2

The State of Nevada vs Kevin Brooks

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**January 09, 2006****9:00 AM****All Pending Motions****ALL PENDING  
MOTIONS 1-09-06  
Court Clerk: Kristen  
Brown  
Reporter/Recorder: Jo  
Anne Pierpont  
Heard By: Joseph  
Pavlikowski****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Saragosa, Melissa A.

Attorney

**JOURNAL ENTRIES**

- DEFT'S PRO PER MOTION TO DISMISS PROSECUTING AND JUDGMENT OF CONVICTION  
DUE TO LACK OF INFORMATION...DEFT'S PRO PER MOTION FOR PRODUCTION OF  
FAVORABLE EVIDENCE

COURT ORDERED, matter CONTINUED for the deft. to be transported.

NDC

CONTINUED TO: 2/01/06 9:00 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 08, 2006**

90C093713-2

The State of Nevada vs Kevin Brooks

**February 08, 2006****9:00 AM****All Pending Motions****ALL PENDING****MOTIONS 2-08-06****Court Clerk: Kristen  
Brown****Reporter/Recorder: Jo****Anne Pierpont****Heard By: Nancy****Saitta****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Brooks, Kevin

Defendant

Tomsheck, Joshua L.

Attorney

**JOURNAL ENTRIES**

- DEFT'S PRO PER MOTION TO DISMISS PROSECUTION AND JUDGMENT OF CONVICTION  
DUE TO LACK OF INFORMATION...DEFT'S PRO PER MOTION FOR PRODUCTION OF  
FAVORABLE EVIDENCE

Court stated that it doesn't see any new grounds; motions are restatements that have already been  
denied. Argument by the deft. Mr. Tomsheck argued motions are time barred by statute. Court  
stated its findings and ORDERED, Motions DENIED.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****March 08, 2006**

90C093713-2

The State of Nevada vs Kevin Brooks

**March 08, 2006****9:00 AM****Motion to Reconsider****DEFT'S PRO PER  
MOTION FOR  
RECONSIDERATIO  
N/55 Court Clerk:  
Kristen Brown  
Reporter/Recorder: Jo  
Anne Pierpont  
Heard By: Nancy  
Saitta****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Pate, Susan

Attorney

**JOURNAL ENTRIES**

- Court noted the deft. is asking for additional time; Court has already heard the writs filed by the deft. and the State's position is this motion is not properly before the Court because the deft. did not seek leave of the Court. Court stated the deft. needs to follow the procedures as set forth in EDCR 2.24(a), therefore, ORDERED, Motion DENIED.  
NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 28, 2006

90C093713-2

The State of Nevada vs Kevin Brooks

June 28, 2006

9:00 AM

Motion

DEFT'S PRO PER  
MTN FOR WRITTEN  
JUDGMENT OR  
FINDINGS  
PURSUANT TO NRS  
34.830 /56 Relief  
Clerk: Carole D'Aloia  
Reporter/Recorder: Jo  
Anne Pierpont  
Heard By: Nancy  
Saitta

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:** Tomsheck, Joshua L.

Attorney

**JOURNAL ENTRIES**

- Court noted the absence of the Defendant as he is currently serving his sentence in the Nevada Department of Corrections (NDC) and, ORDERED, Defendant's presence WAIVED this date. Regarding Defendant's pro per motion, Court advised the Judgment has already been entered and if Defendant wants a copy, he needs to request it from the Clerk of the Courts and, ORDERED, motion DENIED, Mr. Tomsheck to prepare and submit appropriate Order.  
NDC

CLERK'S NOTE: A COPY OF THIS MINUTE ORDER MAILED TO: KEVIN BROOKS, #33384, P.O. BOX 1989, ELY, NV 89301 ON 7/5/06. cd

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****October 11, 2006**

90C093713-2

The State of Nevada vs Kevin Brooks

**October 11, 2006****9:00 AM****Motion**

**DEFT'S PRO PER  
MOTION FOR  
WRITTEN  
JUDGMENT OR  
FINDINGS/57 Court  
Clerk: Kristen Brown  
Reporter/Recorder:  
Deniece Lopez  
Heard By: Nancy  
Saitta**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Rickert, David J.

Attorney

**JOURNAL ENTRIES**

- Submitted by Mr. Rickert. Court stated it appears the deft. has already filed this motion two times and it's not clear what the deft. is requesting, ORDERED, Motion DENIED as there is no legally cognizable reason to grant the motion.

NDC



**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 12, 2007**

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90C093713-2

The State of Nevada vs Kevin Brooks

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**February 12, 2007****9:00 AM****Status Check****STATUS CHECK:  
STATE'S ORDER RE  
3/16/92 DECISION  
Court Clerk: Sharon  
Coffman/sc Relief  
Clerk: Linda Smith  
Reporter/Recorder:  
Sonia Riley Heard  
By: Gates, Lee A****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Bawa, Ravindar N.

Attorney

**JOURNAL ENTRIES**

- Court referred to an Order for the Supreme Court requesting a written Order from State for the March 16, 1992 decision on Defendant's Petition. Mr. Bawa undertook to have the Order prepared. COURT ORDERED, matter continued for status check.  
NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 26, 2007**

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90C093713-2

The State of Nevada vs Kevin Brooks

---

**February 26, 2007****9:00 AM****Status Check****STATUS CHECK:  
STATE'S ORDER RE  
3/16/92 DECISION  
Court Clerk: Sharon  
Coffman/sc Relief  
Clerk: Linda Smith  
Reporter/Recorder:  
Sonia Riley Heard  
By: Lee Gates****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Pieper, Danielle K.

Attorney

**JOURNAL ENTRIES**

- State's Order having been filed, COURT ORDERED, matter OFF CALENDAR  
NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****April 11, 2007**

90C093713-2

The State of Nevada vs Kevin Brooks

**April 11, 2007****8:30 AM****Motion**

**DEFT'S PRO PER  
MTN FOR  
RECONSTRUCTION  
/59 Court Clerk:  
Pamela Humphrey  
Reporter/Recorder:  
Richard Kangas  
Heard By: Elizabeth  
Halverson**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Brooks, Kevin  
Nelson III, Roy L.

Defendant  
Attorney

**JOURNAL ENTRIES**

- Deft. not present and in the custody of Nevada Department of Corrections. After Court's review of the pleadings and documents on file, COURT ORDERED, Motion DENIED.  
NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****March 10, 2010**

90C093713-2

The State of Nevada vs Kevin Brooks

**March 10, 2010****8:15 AM****All Pending Motions**

**ALL PENDING  
MOTIONS 3/10/10  
Court Clerk: Melissa  
Benson  
Reporter/Recorder:  
Richard Kangas  
Heard By: David  
Barker**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Botelho, Agnes M.

Attorney

**JOURNAL ENTRIES**

- PETITION FOR WRIT OF HABEAS CORPUS...STATE'S RESPONSE AND MOTION TO DISMISS  
PETITION FOR WRIT OF HABEAS CORPUS

Court stated it is not entertaining any argument as Deft. is not present and ruling is being made,  
based upon the merits. COURT ORDERED, both motions DENIED as case was time barred and this  
is a successive petition.

NDC

CLERK'S NOTE: A COPY OF THIS MINUTE ORDER WILL BE MAILED TO DEFT. 3/11/10. MB  
3/10/10

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****March 27, 2013**

90C093713-2

The State of Nevada vs Kevin Brooks

**March 27, 2013****8:15 AM****All Pending Motions****HEARD BY:** Barker, David**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** April Watkins**RECORDER:** Debbie Winn**REPORTER:****PARTIES****PRESENT:**Ponticello, Frank M.  
State of NevadaAttorney  
Plaintiff**JOURNAL ENTRIES**

- DEFT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS...DEFT'S PRO PER MOTION FOR THE APPOINTMENT OF COUNSEL AND REQUEST FOR EVIDENTIARY HEARING

State's Opposition to Deft's Motion for Appointment of Counsel and Request for an Evidentiary hearing FILED IN OPEN COURT.

Court FINDS post conviction request made, previous petitions have been denied, appealed and Supreme Court affirmed denials. Also, Deft. had direct appeal and remittitur received in 1992. Additionally, Deft. has not articulated basis for new counsel or support for evidentiary hearing and COURT ORDERED, motion for the appointment of counsel and request for evidentiary hearing DENIED.

COURT ORDERED, motion to proceed in forma pauperis MOOT as Deft. has already been permitted to do so.

Court not making any findings of facts and not drawing any conclusions of law.

NDC

CLERK'S NOTE: The above minute order has been distributed to: Kevin Brooks #33384, Ely State Prison, P.O. Box 1989, Ely, NV 89301. aw

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****May 20, 2013**

90C093713-2

The State of Nevada vs Kevin Brooks

**May 20, 2013****8:15 AM****All Pending Motions****HEARD BY:** Barker, David**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** April Watkins**RECORDER:** Cheryl Carpenter**REPORTER:****PARTIES****PRESENT:**

Brooks, Kevin

Defendant

Cottner, Kyle

Attorney

State of Nevada

Plaintiff

**JOURNAL ENTRIES**

- DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)... STATE'S MOTION FOR DETERMINATION OF VEXATIOUS LITIGATION AND REQUEST FOR ORDER TO SHOW CAUSE WHY THE COURT SHOULD NOT ISSUE A PRE-FILING INJUNCTION ORDER

Court stated procedural history of the case, noted State sought request for this hearing, Deft. stands in factual opposition and not vexatious. Further, over the last 24 years, Deft. has sought relief without factual or legal basis to do so. Deft. not bringing up anything new. Statement by Deft. Colloquy. Further statement by Deft.

**MATTER RECALLED:**

Deft's Reply to State's Response and Motion to Dismiss Petition for Writ of Habeas Corpus FILED IN OPEN COURT. Deft. stated issues to the Court and argued he never was given opportunity for appeal. Colloquy. Mr. Cottner argued issue not addressed on direct appeal, one year time bar long expired, procedurally barred, Supreme Court has denied and affirmed on multiple occasions. Court noted Deft. has not filed any independent actions and focused on this case only. Mr. Cottner stated issue is the same over and over. Deft. stated he is not bringing same issue over and over. Further, Deft. stated he believes he was prejudiced when he could not represent himself. Colloquy. COURT

**90C093713-2**

ORDERED, matters CONTINUED.

NDC

CONTINUED TO: 7/22/13 8:15 AM



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****June 26, 2013**

90C093713-2

The State of Nevada vs Kevin Brooks

**June 26, 2013****8:15 AM****Motion****Deft's Pro Per Motion  
for Court Order for  
Movant, Kevin  
Brooks, to Remain at  
High Desert State  
Prison Until the  
Court Rules on  
Movant's Petition****HEARD BY:** Barker, David**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** April Watkins  
Keri Cromer**RECORDER:** Cheryl Carpenter**REPORTER:****PARTIES****PRESENT:** Edwards, Michelle  
State of NevadaAttorney  
Plaintiff**JOURNAL ENTRIES**

- Ms. Edwards advised the Attorney General's Office is to be present today for this matter. Court noted Deft. adjudicated guilty by way of second amended information filed in August of 1990, and is now seeking relief. Colloquy. COURT ORDERED, motion GRANTED AS STYLED.

NDC

CLERK'S NOTE: The above minute order has been distributed to: Kevin Brooks, #33384, P.O. Box 650 (HDSP), Indian Springs, NV 89018 kc

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****July 22, 2013**

90C093713-2

The State of Nevada vs Kevin Brooks

**July 22, 2013****8:15 AM****All Pending Motions****HEARD BY:** Barker, David**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** April Watkins**RECORDER:** Cheryl Carpenter**REPORTER:****PARTIES****PRESENT:**Giordani, John  
State of NevadaAttorney  
Plaintiff**JOURNAL ENTRIES**

- DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)... STATE'S MOTION FOR DETERMINATION OF VEXATIOUS LITIGATION AND REQUEST FOR ORDER TO SHOW CAUSE WHY THE COURT SHOULD NOT ISSUE PRE-FILING INJUNCTION ORDER

Court stated after review, this is the fifth post conviction petition filed by Deft. since being convicted in 1990. Court FINDS petition is time barred, successive and Deft. has not shown good cause to overcome procedural bar and ORDERED, petition DENIED.

As to State's Motion, COURT ORDERED, motion DENIED WITHOUT PREJUDICE. There is no information Deft. has filed additional actions outside the four corners of this original criminal conviction, nothing new in the record to indicate new civil filings challenging any aspect of this case, all five post conviction petitions and actions have been taken under this case number. However, the Court FINDS that five post conviction petitions that have been previously denied are of concern of the Court and future petitions will likely be dismissed pursuant to Chapter 34.810(2) without the need for the State to respond.

State to prepare the finding of facts and conclusions of law.

NDC

CLERK'S NOTE: The above minute order has been distributed to: Kevin Brooks #33384, P.O. Box 650, 22010 Cold Creek Road, Indian Springs, NV 89070. aw

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****September 09, 2013**

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90C093713-2

The State of Nevada vs Kevin Brooks

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**September 09, 2013 8:15 AM****Motion For  
Reconsideration****Deft's Pro Per Motion  
For Reconsideration****HEARD BY:** Barker, David**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** April Watkins**RECORDER:** Cheryl Carpenter**REPORTER:****PARTIES****PRESENT:**Edwards, Michelle  
State of NevadaAttorney  
Plaintiff**JOURNAL ENTRIES**

- Court noted on July 22, 2013, the Court found Deft's fifth writ time barred, successive and no good cause to overcome procedural hurdle. Further, Court FINDS this Court lacks jurisdiction due to appeal being filed and ORDERED, motion DENIED.

NDC

CLERK'S NOTE: The above minute order has been distributed to: Kevin Brooks #33384, P.O. Box 650, Indian Springs, NV 89070. aw

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****October 14, 2013**

90C093713-2

The State of Nevada vs Kevin Brooks

**October 14, 2013****8:15 AM****Motion**

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

**HEARD BY:** Barker, David**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** April Watkins**RECORDER:** Cheryl Carpenter**REPORTER:****PARTIES**

**PRESENT:**       Schwartzter, Michael J.                   Attorney  
                          State of Nevada                       Plaintiff

**JOURNAL ENTRIES**

- Court noted Deft. adjudicated in 1990. On July 22, 2013, the Court denied the fifth petition with findings and facts and notice of appeal has been subsequently filed on that. The Nevada Supreme Court has directed the Clerk's office to transmit trial court record which they are in the process of doing. Further, the Court notes this is a boiler plate motion with no articulated facts or specifics. The Court believes with the Court directing the Clerk's office to comply with the Supreme Court direction to transmit entire record, Deft's dueling request is being addressed and ORDERED, this request is OFF CALENDAR.

NDC

CLERK'S NOTE: The above minute order has been distributed to: Kevin Brooks #33384, P.O. Box 650, Indian Springs, NV 89070. aw

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****October 11, 2017**

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90C093713-2

The State of Nevada vs Kevin Brooks

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**October 11, 2017****8:30 AM****Motion****HEARD BY:** Kephart, William D.**COURTROOM:** RJC Courtroom 03E**COURT CLERK:** Tia Everett**RECORDER:** Christine Erickson**REPORTER:****PARTIES****PRESENT:**Demonte, Noreen C.  
State of NevadaAttorney  
Plaintiff**JOURNAL ENTRIES**

- Court noted Defendant not present and in custody with the Nevada Department of Corrections. Ms. Demonte advised the State was not served with the motion and requested an opportunity to file a response. Court stated Defendant was sentenced under NRS 207.010; Defendant claims the sentence is illegal as the priors used for purposes of the enhancement came from California and the habitual sentences which he was facing in California do not have the same sentencing scheme in Nevada; therefor, Nevada cannot use the convictions against him. Court FINDS based on the statute Defendant was eligible for habitual criminal status and COURT ORDERED, Motion DENIED.

NDC

CLERK'S NOTE: The above minute order has been distributed to:

KEVIN BROOKS # 33384  
HIGH DESERT STATE PRISON  
PO BOX 650  
INDIAN SPRINGS, NV 89070

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****July 18, 2018**

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90C093713-2

The State of Nevada vs Kevin Brooks

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**July 18, 2018****8:30 AM****Motion****HEARD BY:** Kephart, William D.**COURTROOM:** RJC Courtroom 16B**COURT CLERK:** Tia Everett**RECORDER:** Christine Erickson**REPORTER:****PARTIES****PRESENT:**Osman, Adam B.  
State of NevadaAttorney  
Plaintiff**JOURNAL ENTRIES**

- Court noted he has reviewed the motion and opposition; however, there is a pending appeal before the Supreme Court which divests this Court of jurisdiction; therefor, COURT ORDERED, Motion DENIED for lack of jurisdiction.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****September 12, 2018**

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90C093713-2

The State of Nevada vs Kevin Brooks

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**September 12, 2018 8:30 AM****Motion For  
Reconsideration****HEARD BY:** Kephart, William D.**COURTROOM:** RJC Courtroom 16B**COURT CLERK:** Tia Everett**RECORDER:** Christine Erickson**REPORTER:****PARTIES****PRESENT:**Osman, Adam B.  
State of NevadaAttorney  
Plaintiff**JOURNAL ENTRIES**

- Court noted Defendant not present and in custody with the Nevada Department of Corrections. Further, Court noted Defendant is seeking reconsideration of the Court's denial of the motion to modify sentence; however, Defendant has a current appeal pending from this Court's denial of his motion to correct an illegal sentence and the Court does not have jurisdiction over this matter pending the appeal. Mr. Osman advised his notes indicate the State's position is that the Court has jurisdiction over this issue and requested additional time to file an opposition. COURT ORDERED, matter CONTINUED and DIRECTED State to address the issue that this Court has jurisdiction to hear the motion.

NDC

CONTINUED TO: 10/10/2018 8:30 AM



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****October 10, 2018**

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90C093713-2

The State of Nevada vs Kevin Brooks

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**October 10, 2018****8:30 AM****Motion For  
Reconsideration****HEARD BY:** Kephart, William D.**COURTROOM:** RJC Courtroom 16B**COURT CLERK:** Tia Everett**RECORDER:** Christine Erickson**REPORTER:****PARTIES****PRESENT:**Holthus, Mary Kay  
State of NevadaAttorney  
Plaintiff**JOURNAL ENTRIES**

- Court noted Defendant not present and in custody with the Nevada Department of Corrections. Further, Court noted Defendant filed a previous motion to correct an illegal sentence which the Court believed that he lacked jurisdiction to hear the motion as there was a pending appeal addressing a previous denial of another motion; however, the State provided the Court case law which allows this Court to have jurisdiction of the motion. COURT ORDERED, Motion for Reconsideration GRANTED. Court FINDS Defendant has failed to support any claim that the sentencing judge relied on any material/untrue assumption of fact at the time of sentencing as the felony conviction used at sentencing contained a numerical mistake; although Defendant still suffered the same conviction of felony escape from 8/1983; therefore, COURT FURTHER ORDERED, Defendant's Motion to Correct an Illegal Sentence DENIED.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**December 10, 2018**

90C093713-2

The State of Nevada vs Kevin Brooks

**December 10, 2018      8:30 AM      Motion to Modify Sentence**

**HEARD BY:** Kephart, William D.

**COURTROOM:** RJC Courtroom 16B

**COURT CLERK:** Tia Everett

**RECORDER:** Christine Erickson

**REPORTER:**

**PARTIES**

**PRESENT:**

State of Nevada

Plaintiff

Zadrowski, Bernard B.

Attorney

**JOURNAL ENTRIES**

- COURT ORDERED, Motion DENIED; State to prepare the appropriate order consistent with their opposition.

NDC

(STATE'S)  
PLAINTIFF'S EXHIBITS

CASE NO. C 93713

OFFERED ADMITTED

1. Certified Copy, Judgment of Conviction
2. Certified Copy Judgment of Conviction
3. Certified Copy (4) pgs. Judgment of Conviction

☒ 5/25/90 ☒ No

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OFFERED ADMITTED

1. <u>Photo</u>	<input checked="" type="checkbox"/> 7-3-90	<input checked="" type="checkbox"/> 7-3-90
2. <u>Photo</u>	<input checked="" type="checkbox"/> 7-3-90	<input checked="" type="checkbox"/> 7-3-90
3. <u>Photo</u>	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
4. <u>Fingerprint Chart</u>	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
5. <u>Fingerprint Chart</u>	<input type="checkbox"/> <del>not offered</del>	<input type="checkbox"/>
6. <u>Diagram</u>	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
7. <u>Map (hand drawn)</u>	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
8. <u>Photos (Envelope) (Schirle address) (13)</u>	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
8A. <u>Photo</u>	<input checked="" type="checkbox"/> 7-3-90	<input checked="" type="checkbox"/> 7-3-90
8B. <u>Photo</u>	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
8C. <u>Photo</u>	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
8D. <u>Photo</u>	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
8E. <u>Photo</u>	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
8F. <u>Photo</u>	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
8G. <u>Photo</u>	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
8H. <u>Photo</u>	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
8I. <u>Photo</u>	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
8J. <u>Photo</u>	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
8K. <u>Photo</u>	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
8L. <u>Photo</u>	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
8M. <u>Photo</u>	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
8N. <u>Photo</u>	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
9. <u>Photos (Envelope - 18)</u>	<input checked="" type="checkbox"/> 7-3-90	<input checked="" type="checkbox"/> 7-3-90
9A. <u>Photo</u>	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
9B. <u>Photo</u>	<input checked="" type="checkbox"/> 7-3-90	<input checked="" type="checkbox"/> 7-3

	OFFERED	ADMITTED
9C. Photo	<input checked="" type="checkbox"/> 2.3.90	<input checked="" type="checkbox"/> 2.3.90
9D. Photo	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
9E. Photo	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
9F. Photo	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
9G. Photo	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
9H. Photo	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
9I. Photo	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
9J. Photo	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
9K. Photo	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
9L. Photo	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
9M. Photo	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
9N. Photo	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
9O. Photo	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
9P. Photo	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
9Q. Photo	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
9R. Photo	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
10. Photos (Envelope - 6)	<input checked="" type="checkbox"/> 2.3.90	<input checked="" type="checkbox"/> 2.3.90
10-A. Photo	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
10-B. Photo	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
10-C. Photo	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
10-D. Photo	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
10-E. Photo	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
10-F. Photo	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
11. Evidence Envelope	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
11A. Tennis Shoe	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "

OFFERED ADMITTED

11.B. Tennis Shoe	<input checked="" type="checkbox"/>	7-3-90	<input checked="" type="checkbox"/>	7-3-90
12. Evidence Envelope	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
12A. Tennis Shoe	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
12B. Tennis Shoe	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
13. Evidence Envelope & Contents	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
14. Evidence Envelope & Contents	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
15. Small Evidence Envelope	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
15A. Black glove	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
16. Evidence Box	<input checked="" type="checkbox"/>	7-3-90	<input checked="" type="checkbox"/>	7-3-90
16A. Plaster Cast (footwear)	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
17. Evidence Bag	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
17A. Pair Black leather gloves	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
18. Pictures (2)	<input checked="" type="checkbox"/>	7-5-	<input checked="" type="checkbox"/>	7-5-
19. List of Contents (Ins. Co.)	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	over " obj.
19A. Same " " " " (Victorians)	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
20. Extra large evidence Bag	<input checked="" type="checkbox"/>	7-9	<input checked="" type="checkbox"/>	7-9
21. Evidence Envelope	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
22. Evidence Box	<input checked="" type="checkbox"/>	7-5-	<input checked="" type="checkbox"/>	7-5-
22A. Plaster Cast - Partial footwear Print	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
23. Evidence Box	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
23A. Plaster Cast - Partial footwear Print	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
24. Evidence Envelope	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
24A. Photo (Latent - Right Palm) Exhibit #4	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
24B. Photo (Latent - Blow up of Exhibit #1)	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
25. no Exhibit (# not used)	<input type="checkbox"/>		<input type="checkbox"/>	
26A. Photo - Latent	<input checked="" type="checkbox"/>	7-5	<input checked="" type="checkbox"/>	7-5-90
26B. Photo - Latent	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"

**PLAINTIFF'S EXHIBITS**

CASE NO. 093713

	<b><u>OFFERED</u></b>	<b><u>ADMITTED</u></b>
1. <b>THE STATE OF TEXAS, COUNTY OF DALLAS, ss. I, _____, Clerk of the County Court, do hereby certify that the foregoing is a true and correct copy of the original of the same as the same is on file in the County Clerk's Office.</b>		
2. <b>IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said County Court at Dallas, Texas, this _____ day of _____, 20____.</b>		

[illegible]

11. Certified Copy Records (Calif.)  
12. Finger & Palm Print





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

KEVIN BROOKS #33384  
P.O. BOX 650  
INDIAN SPRINGS, NV 89070

DATE: January 8, 2019  
CASE: 90C093713-2

**RE CASE:** STATE OF NEVADA vs. RALPH KEVIN CLARK aka KEVIN BROOKS

NOTICE OF APPEAL FILED: January 7, 2019

**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; DISTRICT COURT  
DOCKET ENTRIES; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

STATE OF NEVADA,

Plaintiff(s),

vs.

RALPH KEVIN CLARK  
aka KEVIN BROOKS,

Defendant(s).

Case No: 90C093713-2

Dept No: XIX

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 January 2019.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk