

FILED

SEP 26 2019

Case No. A-19-797610-W

Dept. No. 15

Elizabeth A. Brown
CLERK OF COURT

IN THE 8th JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR THE COUNTY OF Clark
Electronically Filed
Oct 22 2019 09:15 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

State of Nevada

Petitioner/Plaintiff,

vs.

Matthew Washington

Respondent/Defendant.

NOTICE OF APPEAL

Notice is hereby given that Matthew Washington, Petitioner/Defendant
above named, hereby appeals to the Court of Appeals for the State of Nevada from the final
judgment / order (Notice of Entry of order, findings of fact,
Conclusion and law)

Entered in this action on the 3 day of September, 20 19.

Dated this 10 day of September, 20 19.

Matthew Washington

Matthew Washington
NDOC # 1061467
Appellant - Pro Per
Ely State Prison
P.O. Box 1989
Ely, Nevada 89301-1989

RECEIVED

SEP 26 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

RECEIVED
APPEALS

OCT 15 2019

CLERK OF THE COURT

A-19-797610-W
NOAS
Notice of Appeal
4869707



Docket 79834 Document 2019-43605

CERTIFICATE OF SERVICE BY MAIL

I, Washington, hereby certify pursuant to Rule 5(b) of the NRCF, that on this 12 day of September, 20 19, I served a true and correct copy of the above-entitled Notice of Appeal postage prepaid and addressed as follows:

Steve Wolfson
Dist. Attorney
200 Lewis Ave
LV NV 89155

Signature 

Print Name Matthew Washington *1061467
Ely State Prison
P.O. Box 1989
Ely, Nevada 89301-1989

MR. MATTHEW WASHINGTON #1004467
EUP/P.O. BOX 1989
ELY, NEVADA 89301

NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

13 SEP 2019 PM 3:1

FOREVER

Supreme Court of Nevada
Office of the Clerk

201 S. Carson Street, Suite 201

Elko, Nevada 89301

89701-478051

U6

SEP 12 2019

ELY STATE PRISON



1 ASTA

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3
4
5
6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**
7 **STATE OF NEVADA IN AND FOR**
8 **THE COUNTY OF CLARK**

9 MATTHEW WASHINGTON,

10 Plaintiff(s),

11 vs.

12 STATE OF NEVADA,

13 Defendant(s),
14
15

Case No: A-19-797610-W

Dept No: XV

16
17 **CASE APPEAL STATEMENT**

18 1. Appellant(s): Matthew Washington

19 2. Judge: Joe Hardy

20 3. Appellant(s): Matthew Washington

21 Counsel:

22 Matthew Washington #1061467
23 P.O. Box 1989
24 Ely, NV 89301-1989

25 4. Respondent (s): State of Nevada

26 Counsel:

27 Steven B. Wolfson, District Attorney
28 200 Lewis Ave.
Las Vegas, NV 89155-2212

1 5. Appellant(s)'s Attorney Licensed in Nevada: N/A
2 Permission Granted: N/A

3 Respondent(s)'s Attorney Licensed in Nevada: Yes
4 Permission Granted: N/A

5 6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No

6 7. Appellant Represented by Appointed Counsel On Appeal: N/A

7 8. Appellant Granted Leave to Proceed in Forma Pauperis**: N/A

8 **Expires 1 year from date filed

9 Appellant Filed Application to Proceed in Forma Pauperis: No
10 Date Application(s) filed: N/A

11 9. Date Commenced in District Court: June 17, 2019

12 10. Brief Description of the Nature of the Action: Civil Writ

13 Type of Judgment or Order Being Appealed: Civil Writ of Habeas Corpus

14 11. Previous Appeal: No

15 Supreme Court Docket Number(s): N/A

16 12. Child Custody or Visitation: N/A

17 13. Possibility of Settlement: Unknown

18 Dated This 17 day of October 2019.

19 Steven D. Grierson, Clerk of the Court

20 /s/ Heather Ungermann

21 Heather Ungermann, Deputy Clerk
22 200 Lewis Ave
23 PO Box 551601
24 Las Vegas, Nevada 89155-1601
25 (702) 671-0512

26
27 cc: Matthew Washington
28

CASE SUMMARY

CASE NO. A-19-797610-W

Matthew Washington, Plaintiff(s)
vs.
State of Nevada, Defendant(s)

§
§
§
§
§

Location: **Department 15**
 Judicial Officer: **Hardy, Joe**
 Filed on: **06/17/2019**
 Cross-Reference Case Number: **A797610**

CASE INFORMATION

Related Cases

C-13-294695-1 (Writ Related Case)

Case Type: **Writ of Habeas Corpus**

Statistical Closures

09/18/2019 Summary Judgment

Case Status: **09/18/2019 Closed**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number A-19-797610-W
 Court Department 15
 Date Assigned 06/17/2019
 Judicial Officer Hardy, Joe

PARTY INFORMATION

Plaintiff **Washington, Matthew**

Lead Attorneys

Pro Se

Defendant **State of Nevada**







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

DATE

EVENTS & ORDERS OF THE COURT

INDEX


EVENTS

06/17/2019	 Inmate Filed - Petition for Writ of Habeas Corpus Party: Plaintiff Washington, Matthew <i>Post Conviction</i>
06/17/2019	 Motion for Appointment of Attorney Filed By: Plaintiff Washington, Matthew <i>Ex Parte Motion for Appointment of Counsel and Request for Evidentiary Hearing</i>
07/05/2019	 Order for Petition for Writ of Habeas Corpus
07/05/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
08/14/2019	 Response Filed by: Defendant State of Nevada <i>State's Response to Defendant's Petition for Writ of Habeas Corpus, Motion for Appointment of Counsel, and Request for Evidentiary Hearing</i>
09/18/2019	 Order <i>Order Denying Petition for Writ of Habeas Corpus; Ex Parte Motion for Appointment of Counsel and Request for Evidentiary Hearing</i>

CASE SUMMARY
CASE NO. A-19-797610-W

09/23/2019  Notice of Entry of Order
Notice of Entry of Order


09/26/2019  Notice of Appeal

10/17/2019  Case Appeal Statement
Filed By: Plaintiff Washington, Matthew
Case Appeal Statement

HEARINGS

09/03/2019 **Petition for Writ of Habeas Corpus (8:30 AM)** (Judicial Officer: Hardy, Joe)
Denied;

09/03/2019 **Motion for Appointment of Attorney (8:30 AM)** (Judicial Officer: Hardy, Joe)
Ex Parte Motion for Appointment of Counsel and Request for Evidentiary Hearing
Denied;

09/03/2019  **All Pending Motions (8:30 AM)** (Judicial Officer: Hardy, Joe)
Matter Heard;
Journal Entry Details:
PETITION FOR WRIT OF HABEAS CORPUS...EX PARTE MOTION FOR APPOINTMENT OF COUNSEL AND REQUEST FOR EVIDENTIARY HEARING Having reviewed all the pleadings, and hearing no oral arguments from either party, **COURT ORDERED** the Petition for Writ of Habeas Corpus, and the Ex Parte Motion for Appointment of Counsel and Request for Evidentiary Hearing, were hereby **DENIED**, **FINDING** the following: (1) the Petition for Writ of Habeas Corpus was denied for all of the reasons set forth in the State's response; (2) the Petition for Writ of Habeas Corpus was time barred, successive, and an abuse of the Writ process; (3) movant failed to show good cause, or prejudice, to overcome the procedural bars; and (4) the Motion for Appointment of Counsel and Request for Evidentiary Hearing, lacked good cause. The State shall prepare the written Order. **COURT ORDERED** a status check regarding the submittal of the written Order, was hereby **SET**. **NDC 10/3/19 8:30 AM STATUS CHECK: ORDER CLERK'S NOTE: A copy of this minute order was mailed to: Matthew Washington #1061467 [Ely State Prison P.O. Box 1989 Ely, NV 89301]. (KD 9/4/19);**

10/03/2019 **CANCELED Status Check (8:30 AM)** (Judicial Officer: Hardy, Joe)
Vacated
Status Check: Order

DISTRICT COURT CIVIL COVER SHEET

A-19-797610-W
Dept. XV

County, Nevada

Case No. _____

(Assigned by Clerk's Office)

I. Party Information (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone):

Matthew Washington

Defendant(s) (name/address/phone):

State of Nevada

Attorney (name/address/phone):

Attorney (name/address/phone):

II. Nature of Controversy (please select the one most applicable filing type below)**Civil Case Filing Types**

Real Property	Negligence	Torts
Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	<input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
Probate	Construction Defect & Contract	Judicial Review/Appeal
Probate (select case type and estate value) <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate Estate Value <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Civil Writ		Other Civil Filing
Civil Writ <input checked="" type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrantum <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ		Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

Business Court filings should be filed using the Business Court civil coversheet.

June 17, 2019

Date

Signature of initiating party or representative

See other side for family-related case filings.

Steven D. Grierson

ORDR

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
STEVEN L. WATERS
Chief Deputy District Attorney
Nevada Bar #006162
200 Lewis Avenue
Las Vegas, NV 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

MATTHEW WASHINGTON,
#2685499

Defendant.

CASE NO: A-19-797610-W

DEPT NO: XV

**ORDER DENYING PETITION FOR WRIT OF HABEAS CORPUS...EX PARTE
MOTION FOR APPOINTMENT OF COUNSEL AND REQUEST FOR
EVIDENTIARY HEARING**

DATE OF HEARING: September 03, 2019
TIME OF HEARING: 8:30 A.M.

THIS MATTER having come on for hearing before the above entitled Court on the 3rd day of September, 2019, the Defendant not being present, IN PROPER PERSON, the Plaintiff being represented by STEVEN B. WOLFSON, District Attorney, through STEVEN L. WATERS, Chief Deputy District Attorney, and the Court having heard the arguments of counsel / without argument, based on the pleadings and good cause appearing therefor,

///

///

///

///

<input type="checkbox"/> Voluntary Dismissal	<input checked="" type="checkbox"/> Summary Judgment
<input type="checkbox"/> Involuntary Dismissal	<input type="checkbox"/> Stipulated Judgment
<input type="checkbox"/> Stipulated Dismissal	<input type="checkbox"/> Default Judgment
<input type="checkbox"/> Motion to Dismiss by Deft(s)	<input type="checkbox"/> Judgment of Arbitration

W:\2013\2013F\180\33\13F18033-ORDR-(WASHINGTON_MATTHEW)-001.DOCX

SEP 12 2019

1 IT IS HEREBY ORDERED that the Defendant's Pro Per Motion for Petition for Writ
2 of Habeas Corpus; Ex Parte Motion for Appointment of Counsel and Request for Evidentiary
3 Hearing, shall be, and it is DENIED, FINDING the following (1) the Petition for Writ of
4 Habeas Corpus was denied for all of the reasons set forth in the State's response; (2) the
5 Petition for Writ of Habeas Corpus was time barred, successive, and an abuse of the Writ
6 process; (3) movant failed to show good cause, or prejudice, to overcome the procedural bars;
7 and (4) the Motion for Appointment of Counsel and Request for Evidentiary Hearing, lacked
8 good cause..

9 DATED this 12th day of September, 2019.

10
11 Jeff Hardy
DISTRICT JUDGE 90

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

14
15 BY [Signature]

16 STEVEN L. WATERS
17 Chief Deputy District Attorney
Nevada Bar #006162

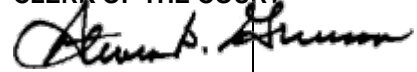
18 CERTIFICATE OF SERVICE

19 I certify that on the 18th day of Sept., 2019, I mailed a copy of the foregoing Order
20 to:

21 MATTHEW WASHINGTON, BAC #1061467
22 ELY STATE PRISON
P. O. BOX 1989
ELY, NEVADA 89301

23
24 BY /s/ J. HAYES
25 Secretary for the District Attorney's Office
26
27

28 13F18033X/jlh/GANG



NEOJ

**DISTRICT COURT
CLARK COUNTY, NEVADA**

MATTHEW WASHINGTON,

Petitioner,

vs.

STATE OF NEVADA,

Respondent,

Case No: A-19-797610-W

Dept. No: XV

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that on September 18, 2019, the court entered a decision or order in this matter, a true and correct copy of which is attached to this notice.

You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is mailed to you. This notice was mailed on September 23, 2019.

STEVEN D. GRIERSON, CLERK OF THE COURT

/s/ Debra Donaldson

Debra Donaldson, Deputy Clerk

CERTIFICATE OF E-SERVICE / MAILING

I hereby certify that on this 23 day of September 2019, I served a copy of this Notice of Entry on the following:

☒ By e-mail:

Clark County District Attorney's Office
Attorney General's Office – Appellate Division-

☒ The United States mail addressed as follows:

Matthew Washington # 1061467
P.O. Box 1989
Ely, NV 89301

/s/ Debra Donaldson

Debra Donaldson, Deputy Clerk

Steven D. Grierson

ORDR

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
STEVEN L. WATERS
Chief Deputy District Attorney
Nevada Bar #006162
200 Lewis Avenue
Las Vegas, NV 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

MATTHEW WASHINGTON,
#2685499

Defendant.

CASE NO: A-19-797610-W

DEPT NO: XV

**ORDER DENYING PETITION FOR WRIT OF HABEAS CORPUS...EX PARTE
MOTION FOR APPOINTMENT OF COUNSEL AND REQUEST FOR
EVIDENTIARY HEARING**

DATE OF HEARING: September 03, 2019

TIME OF HEARING: 8:30 A.M.

THIS MATTER having come on for hearing before the above entitled Court on the 3rd day of September, 2019, the Defendant not being present, IN PROPER PERSON, the Plaintiff being represented by STEVEN B. WOLFSON, District Attorney, through STEVEN L. WATERS, Chief Deputy District Attorney, and the Court having heard the arguments of counsel / without argument, based on the pleadings and good cause appearing therefor,

///

///

///

///

<input type="checkbox"/> Voluntary Dismissal	<input checked="" type="checkbox"/> Summary Judgment
<input type="checkbox"/> Involuntary Dismissal	<input type="checkbox"/> Stipulated Judgment
<input type="checkbox"/> Stipulated Dismissal	<input type="checkbox"/> Default Judgment
<input type="checkbox"/> Motion to Dismiss by Deft(s)	<input type="checkbox"/> Judgment of Arbitration

W:\2013\2013F\180\33\13F18033-ORDR-(WASHINGTON_MATTHEW)-001.DOCX

SEP 12 2019

1 IT IS HEREBY ORDERED that the Defendant's Pro Per Motion for Petition for Writ
2 of Habeas Corpus; Ex Parte Motion for Appointment of Counsel and Request for Evidentiary
3 Hearing, shall be, and it is DENIED, FINDING the following (1) the Petition for Writ of
4 Habeas Corpus was denied for all of the reasons set forth in the State's response; (2) the
5 Petition for Writ of Habeas Corpus was time barred, successive, and an abuse of the Writ
6 process; (3) movant failed to show good cause, or prejudice, to overcome the procedural bars;
7 and (4) the Motion for Appointment of Counsel and Request for Evidentiary Hearing, lacked
8 good cause..

9 DATED this 12th day of September, 2019.

10
11 
DISTRICT JUDGE 90

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

14
15 BY 

16 STEVEN L. WATERS
17 Chief Deputy District Attorney
Nevada Bar #006162

18 CERTIFICATE OF SERVICE

19 I certify that on the 18th day of Sept., 2019, I mailed a copy of the foregoing Order
20 to:

21 MATTHEW WASHINGTON, BAC #1061467
22 ELY STATE PRISON
P. O. BOX 1989
ELY, NEVADA 89301

23
24 BY /s/ J. HAYES
25 Secretary for the District Attorney's Office
26
27

28 13F18033X/jlh/GANG

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

September 03, 2019

A-19-797610-W Matthew Washington, Plaintiff(s)
vs.
State of Nevada, Defendant(s)

September 03, 2019 8:30 AM All Pending Motions

HEARD BY: Hardy, Joe **COURTROOM:** RJC Courtroom 11D

COURT CLERK: Kristin Duncan
Rem Lord

RECORDER: Sandra Pruchnic

REPORTER:

PARTIES

PRESENT: Waters, Steven L Attorney

JOURNAL ENTRIES

- PETITION FOR WRIT OF HABEAS CORPUS...EX PARTE MOTION FOR APPOINTMENT OF COUNSEL AND REQUEST FOR EVIDENTIARY HEARING

Having reviewed all the pleadings, and hearing no oral arguments from either party, COURT ORDERED the Petition for Writ of Habeas Corpus, and the Ex Parte Motion for Appointment of Counsel and Request for Evidentiary Hearing, were hereby DENIED, FINDING the following: (1) the Petition for Writ of Habeas Corpus was denied for all of the reasons set forth in the State's response; (2) the Petition for Writ of Habeas Corpus was time barred, successive, and an abuse of the Writ process; (3) movant failed to show good cause, or prejudice, to overcome the procedural bars; and (4) the Motion for Appointment of Counsel and Request for Evidentiary Hearing, lacked good cause. The State shall prepare the written Order.

COURT ORDERED a status check regarding the submittal of the written Order, was hereby SET.

NDC

10/3/19 8:30 AM STATUS CHECK: ORDER

CLERK'S NOTE: A copy of this minute order was mailed to: Matthew Washington #1061467 [Ely State Prison P.O. Box 1989 Ely, NV 89301]. (KD 9/4/19)

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; CIVIL COVER SHEET; ORDER DENYING PETITION FOR WRIT OF HABEAS CORPUS...EX PARTE MOTION FOR APPOINTMENT OF COUNSEL AND REQUEST FOR EVIDENTIARY HEARING; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES

MATTHEW WASHINGTON,

Plaintiff(s),

vs.

STATE OF NEVADA,

Defendant(s),

Case No: A-19-797610-W

Dept No: XV

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 17 day of October 2019.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk