



Electronically Filed  
Dec 21 2020 03:08 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

1 ORDR  
2 RENE L. VALLADARES  
3 Federal Public Defender  
4 Nevada State Bar No. 11479  
5 \*S. Alex Spelman  
6 Assistant Federal Public Defender  
7 Nevada State Bar No. 14278  
8 \*Jonathan M. Kirshbaum  
9 Nevada State Bar No. 12908C  
10 411 E. Bonneville, Ste. 250  
11 Las Vegas, Nevada 89101  
12 (702) 388-6577  
13 alex\_spelman@fd.org

14 \*Attorneys for Petitioner Evaristo J. Garcia

15 EIGHTH JUDICIAL DISTRICT COURT  
16 CLARK COUNTY

17 Evaristo Jonathan Garcia,

18 Petitioner,

19 v.

20 James Dzurenda, *et al.*,

21 Respondents.

Case No. A-19-791171-W

Dept. No. 29

Hearing Date: December 10, 2020

Time of Hearing: 10:15 A.M.

22 ORDER

23 This matter came before the Court on December 10, 2020 on Petitioner's  
24 motion for this Court to prepare and file the order on the post-conviction petition.  
25 Present were counsel for petitioner and respondents. After reviewing the motion,  
26 and hearing from both parties, this Court grants Petitioner's motion, and hereby  
27 rescinds the prior Findings of Fact, Conclusion of Law and Orders entered on  
November 18, 2020, December 2, 2020, and the Notice of Entry filed December 10,  
2020.

1 This Court will draft and file the Order as soon as possible. Petitioner's  
2 counsel shall provide a copy of this Order to the Nevada Supreme Court as soon as  
3 possible in the pending appeal, *Garcia v. Dzurenda*, Case No. 80255.

4 THEREFORE,

5 IT IS HEREBY ORDERED that the Motion for Court to Prepare and File  
6 Order on Petition for Writ of Habeas Corpus (Post-Conviction) is GRANTED.

7 IT IS HEREBY ORDERED the November 18, 2020 and December 2, 2020  
8 Findings of Fact, Conclusions of Law and Notice of Entry of the December 2 2020  
9 Order is RESCINDED.

10 IT IS HEREBY ORDERED this Court will draft and file the Order and Notice  
11 of Entry of the Order on Garcia's post-conviction petition as soon as possible.

12 IT IS HEREBY ORDERED that Petitioner provide the Nevada Supreme  
13 Court with a copy of this order as soon as possible in the pending appeal, *Garcia v.*  
14 *Dzurenda*, Case No. 80255.

15  
16 DATED this 17 day of December, 2020

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DISTRICT COURT JUDGE

22 RENE L. VALLADARES  
23 Federal Public Defender

24 BY /s/ Amelia L. Bizzaro  
25 Amelia L. Bizzaro  
26 Assistant Federal Public Defender  
27 Nevada Bar # 14278

**Rene L. Valladares**  
Federal Public Defender  
District of Nevada

**Lori C. Teicher**  
First Assistant

**Amelia L. Bizzaro**  
Assistant Federal Public Defender



**FEDERAL PUBLIC  
DEFENDER**

— District of Nevada —

411 E. Bonneville Ave.  
Suite #250  
Las Vegas, NV 89101  
Tel: 702-388-6577

December 21, 2020

**VIA USPS:**

Ms. Brown, Clerk of the Court  
Supreme Court of Nevada  
201 S. Carson St #201  
Carson City, NV 89701

Re: Garcia v. James Dzurenda, et al.  
Case No: 80255

Dear Ms. Brown:

On December 21, 2020, the district court issued an Order rescinding its previously filed Findings of Fact, Conclusions of Law and Order. I enclose a copy of that Order at the lower court's direction. Thank you.

Sincerely,

*/s/ Amelia L. Bizzaro*  
**AMELIA L. BIZZARO**  
Assistant Federal Public Defender

ALB/jp  
Enclosure