

*Steven D. Grierson*

NOA

Gregory Scott Hermanski  
A/K/A Robert James Day #69140

N.M.C.C., P.O. Box 7000  
Carson City, NV 89702  
(defendant, pro se).

Electronically Filed  
Dec 31 2019 11:05 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

District Court  
Clark County, Nevada

The State of Nevada,  
plaintiff,

vs

Case No. C167783

Dept. No. VI

Gregory Scott Hermanski,  
defendant.

Notice of Appeal

Notice is hereby given that Gregory Scott Hermanski, defendant herein, hereby appeals to the Supreme Court of Nevada from "Order denying defendant's" Motion to Correct Judgment of Conviction entered in this action on the 10<sup>th</sup> day of December, 2019.

Respectfully Submitted,

dated this 16<sup>th</sup> day of December, 2019

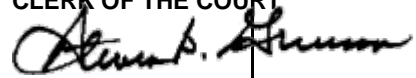
*Gregory S. Hermanski*  
Gregory Scott Hermanski

RECEIVED

DEC 19 2019

CLERK OF THE COURT





1 ASTA

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

9  
10 STATE OF NEVADA,

11 Plaintiff(s),

12 vs.

13 GREGORY S. HERMANSKI  
14 aka ROBERT JAMES DAY,

15 Defendant(s),

Case No: 00C167783

Dept No: VI

16  
17 **CASE APPEAL STATEMENT**

18 1. Appellant(s): Gregory S. Hermanski

19 2. Judge: Jacqueline M. Bluth

20 3. Appellant(s): Gregory S. Hermanski

21 Counsel:

22 Gregory S. Hermanski #69140  
23 P.O. Box 7000  
24 Carson City, NV 89702

25 4. Respondent: The State of Nevada

26 Counsel:

27 Steven B. Wolfson, District Attorney  
28 200 Lewis Ave.

Las Vegas, NV 89101  
(702) 671-2700

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

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

6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: Yes

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: June 8, 2000

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): 38028, 41405, 47011, 47963, 55718, 58688, 58871,  
64951, 65298, 65389, 65616, 65673, 68392

12. Child Custody or Visitation: N/A

Dated This 20 day of December 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: Gregory S. Hermanski

DROA

Gregory Scott Hermanski  
A/K/A Robert James Day # 69140  
N.M.C.C., P.O. Box 7000  
Carson City, NV 89702

District Court  
Clark County, Nevada

The State of Nevada,  
plaintiff,

 $V_c$ 

Case no. C167783

Dept. No. VI

Gregory Scott Hermanski,  
defendant.

### Designation of Record on Appeal

To: Steven D. Grierson, Clerk  
Eighth Judicial Dist. Court  
200 Lewis Ave., 3rd Floor  
Las Vegas, NV 89155-1160

Please take notice that defendant, Gregory Scott Hermanski, does hereby designate the entire record in the above styled cause as and for the record on appeal.

executed this 16<sup>th</sup> day of December, 2019. Gregory S. Herman  
Gregory Scott Herman

## Certificate of Service

I, Gregory Scott Hermanski, do hereby certify pursuant to NRCP 5(b) that in accordance with Nevada Rules of Appellate Procedure 4(b), on this 16<sup>th</sup> day of December, 2019, I served a true and correct copy of the foregoing "Notice of Appeal" and "Designation of Record on Appeal" by depositing same in the outgoing legal mail in the Northern Nevada Correctional Center law library, first-class postage fully pre-paid and addressed as follows:

Steven B. Wolfson, District Attorney  
500 Grand Central PKY  
P.O. Box 552215  
Las Vegas, NV 89155-2215

executed this 16<sup>th</sup> day of December, 2019. Gregory S. Hermanski  
Gregory Scott Hermanski

**CASE No. 00C167783**

~~~~~

|                              |                      |
|------------------------------|----------------------|
| Location:                    | Department 6         |
| Judicial Officer:            | Bluth, Jacqueline M. |
| Filed on:                    | 06/08/2000           |
| Case Number History:         |                      |
| Cross-Reference Case Number: | C167783              |
| Defendant's Scope ID #:      | 1679345              |
| Lower Court Case # Root:     | 00F06978             |
| Lower Court Case Number:     | 00F06978X            |
| Supreme Court No.:           | 55718                |
|                              | 58688                |
|                              | 58871                |
|                              | 64951                |
|                              | 65298                |
|                              | 65389                |
|                              | 65616                |
|                              | 65673                |
|                              | 68392                |

| Offense                                            | Statute     | Deg | Date       | Case Type:   | Felony/Gross Misdemeanor |
|----------------------------------------------------|-------------|-----|------------|--------------|--------------------------|
| 1. ROBBERY WITH USE OF A DEADLY WEAPON             | 200.380*165 | F   | 01/01/1900 | Case Status: | <b>03/31/2014 Closed</b> |
| 2. BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON | 205.060*165 | F   | 01/01/1900 |              |                          |

|            |                                        |
|------------|----------------------------------------|
| 03/31/2014 | Other Manner of Disposition - Criminal |
| 01/11/2012 | Other Manner of Disposition - Criminal |
| 06/01/2010 | USJR Reporting Statistical Closure     |
| 03/16/2006 | USJR Reporting Statistical Closure     |
| 01/13/2005 | USJR Reporting Statistical Closure     |
| 06/20/2002 | USJR Reporting Statistical Closure     |
| 12/05/2000 | USJR Reporting Statistical Closure     |
| 01/31/2005 | USJR Reporting Statistical Closure     |
| 05/06/2003 | USJR Reporting Statistical Closure     |
| 03/15/2010 | USJR Reporting Statistical Closure     |
| 05/11/2001 | USJR Reporting Statistical Closure     |
| 05/10/2006 | USJR Reporting Statistical Closure     |



|                  |                      |
|------------------|----------------------|
| Case Number      | 00C167783            |
| Court            | Department 6         |
| Date Assigned    | 04/29/2019           |
| Judicial Officer | Bluth, Jacqueline M. |

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

## EVENTS

# CASE SUMMARY

CASE NO. 00C167783

|            |                                                                                                                                                                                         |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 06/08/2000 |  Criminal Bindover                                                                                     |
| 06/09/2000 |  Information                                                                                           |
| 06/19/2000 |  Order<br><i>Order (Commitment)</i>                                                                    |
| 06/21/2000 |  Reporters Transcript<br><i>Transcript of Hearing Held on June 6, 2000</i>                             |
| 08/25/2000 |  Order                                                                                                 |
| 09/27/2000 |  Order                                                                                                 |
| 10/04/2000 |  Order to Transport Defendant<br><i>Order to Transport Defendant (Found Competent per NRS 178.460)</i> |
| 10/04/2000 |  Findings of Competency<br><i>Findings (of Competency)</i>                                             |
| 11/15/2000 |  Remittitur to the Lower Court<br><i>Remittitur</i>                                                    |
| 11/17/2000 |  Order<br><i>Order (Remand)</i>                                                                       |
| 12/06/2000 |  Criminal Bindover                                                                                   |
| 12/07/2000 |  Information                                                                                         |
| 01/09/2001 |  Reporters Transcript<br><i>Transcript of Hearing Held on December 4, 2000</i>                       |
| 01/23/2001 |  Notice of Witnesses<br><i>Notice of Witnesses [NRS 174.234(1)(b)]</i>                               |
| 02/21/2001 |  Amended Information                                                                                 |
| 02/21/2001 |  Motion<br><i>Motion and Notice of Motion to Amend Information</i>                                   |
| 02/21/2001 |  Order<br><i>Order to Amend Information</i>                                                          |
| 02/21/2001 |  Amended Information<br><i>Amended Information Amended by Interlineation on 03/12/2001</i>           |
| 02/21/2001 |  Amended Information<br><i>Amended Information Amended by Interlineation on 03/13/2001</i>           |



# CASE SUMMARY

















CASE NO. 00C167783

|            |                                                                                                                                                                                                              |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 02/22/2001 |  Motion to Dismiss<br><i>Motion to Dismiss Information</i>                                                                  |
| 02/22/2001 |  Expert Witness List<br>Filed By: Defendant Hermanski, Gregory S<br><i>Witness List</i>                                     |
| 02/27/2001 |  Notice of Witnesses<br><i>Notice of Witnesses [NRS 174.234 (1)(b)]</i>                                                     |
| 03/09/2001 |  Motion to Dismiss<br>Filed By: Defendant Hermanski, Gregory S<br><i>Motion to Dismiss for Failure to Preserve Evidence</i> |
| 03/14/2001 |  Jury List                                                                                                                  |
| 03/15/2001 |  Verdict                                                                                                                    |
| 03/15/2001 |  Proposed Jury Instructions Not Used At Trial                                                                               |
| 03/15/2001 |  Instructions to the Jury                                                                                                   |
| 03/20/2001 |  Motion<br><i>Motion and Notice of Motion to Amend Information</i>                                                          |
| 03/26/2001 |  Amended Information<br><i>Second Amended Information</i>                                                                 |
| 03/26/2001 |  Order<br><i>Order to Amended Information</i>                                                                             |
| 04/25/2001 |  PSI<br><i>Pre-Sentence Investigation Report (Unfiled) Confidential</i>                                                   |
| 05/08/2001 |  PSI<br><i>Corrected Pre-Sentence Investigation Report (Unfiled) Confidential</i>                                         |
| 05/18/2001 |  Judgment of Conviction<br><i>Judgment of Conviction (Plea of Guilty)</i>                                                 |
| 05/18/2001 |  Judgment of Conviction<br><i>Judgment of Conviction Amended by Interlineation on 10/02/2002</i>                          |
| 06/08/2001 |  Request<br>Filed by: Defendant Hermanski, Gregory S<br><i>Request for Rough Draft Transcript</i>                         |
| 06/08/2001 |  Notice of Appeal<br>Filed By: Defendant Hermanski, Gregory S                                                             |
| 06/08/2001 |  Case Appeal Statement                                                                                                    |

# CASE SUMMARY

















CASE NO. 00C167783

Filed By: Defendant Hermanski, Gregory S

|            |                                                                                                                                                                                                                                                       |
|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 07/02/2001 |  Reporters Transcript<br><i>Transcript of Hearing Held on March 13, 2001</i>                                                                                         |
| 07/02/2001 |  Reporters Transcript<br><i>Transcript of Hearing Held on March 14, 2001</i>                                                                                         |
| 07/02/2001 |  Reporters Transcript<br><i>Transcript of Hearing Held on May 9, 2001</i>                                                                                            |
| 07/02/2001 |  Reporters Transcript<br><i>Transcript of Hearing Held on March 12, 2001</i>                                                                                         |
| 09/25/2001 |  Order<br>Filed By: Defendant Hermanski, Gregory S<br><i>Order for Transcript</i>                                                                                    |
| 11/01/2001 |  Reporters Transcript<br><i>Transcript of Hearing Held on February 21, 2001</i>                                                                                      |
| 02/15/2002 |  Order for Production of Inmate<br><i>Order for Production of Inmate Robert James Day, BAC #69140</i>                                                                |
| 04/18/2002 |  NV Supreme Court Clerks Certificate/Judgment - Affirmed<br><i>Nevada Supreme Court Clerks Certificate/Judgment - Affirmed in Part and Remand; Rehearing Denied</i> |
| 07/19/2002 |  Motion for New Trial<br><i>Motion for a New Trial</i>                                                                                                             |
| 07/19/2002 |  Motion to Vacate<br><i>Motion to Vacate Sentence as an Habitual Criminal</i>                                                                                      |
| 07/19/2002 |  Order<br>Filed By: Defendant Hermanski, Gregory S<br><i>Order for Transcript</i>                                                                                  |
| 08/27/2002 |  Declaration<br>Filed By: Defendant Hermanski, Gregory S<br><i>Declaration of Defendant</i>                                                                        |
| 08/28/2002 |  Motion to Dismiss<br><i>Motion to Dismiss Count Pursuant to Habitual Criminal Statute, NRS 207.010</i>                                                            |
| 08/30/2002 |  Motion for New Trial<br><i>Motion for a New Trial</i>                                                                                                             |
| 09/26/2002 |  Order for Production of Inmate<br><i>Order for Production of Inmate Robert James Day, BAC #69140</i>                                                              |
| 10/01/2002 |  Motion for New Trial                                                                                                                                              |

# CASE SUMMARY

CASE NO. 00C167783

|            |                                                                                                                                                                                                                        |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | Filed By: Defendant Hermanski, Gregory S<br><i>Motion for a New Trial</i>                                                                                                                                              |
| 10/02/2002 |  Opposition to Motion<br><i>State's Opposition to Defendant's Motion to Vacate Sentence as an Habitual Criminal</i>                   |
| 10/02/2002 |  Opposition to Motion<br><i>State's Opposition to Defendant's Motion for New Trial</i>                                                |
| 12/03/2002 |  Motion to Dismiss Counsel<br><i>Motion to Dismiss Counsel and Appointment of Substitute Counsel</i>                                  |
| 12/03/2002 |  Response<br><i>State's Response to Defendant's Motion for New Trial</i>                                                              |
| 12/04/2002 |  Objection<br>Filed By: Defendant Hermanski, Gregory S                                                                                |
| 12/26/2002 |  Notice of Intent<br><i>Notice of Intent to Seek Punishment as a Habitual Criminal</i>                                                |
| 12/30/2002 |  Order<br>Filed By: Defendant Hermanski, Gregory S<br><i>Order Appointing Counsel</i>                                                 |
| 02/11/2003 |  Reporters Transcript<br><i>Transcript of Hearing Held on April 26, 2000</i>                                                        |
| 02/20/2003 |  PSI<br><i>Pre-Sentence Investigation Report (Unfiled) Confidential</i>                                                             |
| 04/01/2003 |  Order for Production of Inmate<br><i>Order for Production of Inmate Robert James Day, aka, Gregory Scott Hermanski, BAC #69140</i> |
| 05/07/2003 |  Notice of Appeal (criminal)<br>Party: Defendant Hermanski, Gregory S<br><i>Notice of Appeal</i>                                    |
| 05/07/2003 |  Case Appeal Statement                                                                                                              |
| 05/08/2003 |  Notice of Appeal (criminal)<br>Party: Defendant Hermanski, Gregory S<br><i>Notice of Appeal</i>                                    |
| 05/08/2003 |  Designation of Record on Appeal<br>Filed By: Defendant Hermanski, Gregory S                                                        |
| 05/08/2003 |  Case Appeal Statement                                                                                                              |
| 05/16/2003 |  Amended Judgment of Conviction                                                                                                     |








# CASE SUMMARY

CASE NO. 00C167783

|            |                                                                                                                                                                                                                  |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 05/20/2003 |  Notice of Appeal (criminal)<br>Party: Defendant Hermanski, Gregory S<br><i>Notice of Appeal</i>                                |
| 05/20/2003 |  Designation of Record on Appeal<br>Filed By: Defendant Hermanski, Gregory S                                                    |
| 05/20/2003 |  Case Appeal Statement                                                                                                          |
| 05/22/2003 |  Notice of Appeal (criminal)<br>Party: Defendant Hermanski, Gregory S<br><i>Notice of Appeal</i>                                |
| 05/30/2003 |  Case Appeal Statement                                                                                                          |
| 02/27/2004 |  Reporters Transcript<br><i>Transcript of Hearing Held on April 30, 2003</i>                                                    |
| 08/02/2004 |  NV Supreme Court Clerks Certificate/Judgment - Affirmed<br><i>Nevada Supreme Court Clerk's Certificate Judgment - Affirmed</i> |
| 08/26/2004 |  Order<br>Filed By: Defendant Hermanski, Gregory S<br><i>Order for Excess Fees</i>                                              |
| 01/14/2005 |  Motion to Withdraw As Counsel<br><i>Motion to Withdraw Counsel</i>                                                           |
| 02/08/2005 |  Order Granting Motion<br><i>Order Granting Defendant's Motion to Withdraw Counsel</i>                                        |
| 07/13/2005 |  Petition for Writ of Habeas Corpus<br>Filed by: Defendant Hermanski, Gregory S                                               |
| 07/18/2005 |  Order for Petition for Writ of Habeas Corpus                                                                                 |
| 09/20/2005 |  Opposition<br><i>State's Opposition to Defendant's Petition for Writ of Habeas Corpus (Post-Conviction)</i>                  |
| 10/05/2005 |  Motion<br><i>Motion for Prisoner Transportation Order</i>                                                                    |
| 10/05/2005 |  Notice of Motion<br>Filed By: Defendant Hermanski, Gregory S                                                                 |
| 10/24/2005 |  Opposition to Motion<br><i>State's Opposition to Defendant's Motion for Prisoner Transportation</i>                          |
| 10/24/2005 |  Opposition to Motion<br><i>State's Opposition to Defendant's Motion for Prisoner Transportation</i>                          |






# CASE SUMMARY

CASE NO. 00C167783

|            |                                                                                                                                                                                                                               |
|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12/08/2005 |  Supplemental<br><i>State's Supplemental Response to Defendant's Petition for Writ of Habeas Corpus (Post-Conviction)</i>                    |
| 01/19/2006 |  Order Denying Motion<br><i>Order Denying Defendant's Pro Per Motion to Reconsider Motion for Prisoner Transportation</i>                    |
| 03/03/2006 |  Findings of Fact, Conclusions of Law and Order                                                                                              |
| 03/06/2006 |  Notice of Entry of Decision and Order                                                                                                       |
| 03/16/2006 |  Motion to Rehear<br><i>Petitioner's Motion for Rehearing on Decision Entered March 3, 2006</i>                                              |
| 03/23/2006 |  Opposition to Motion<br><i>State's Opposition to Defendant's Motion for Rehearing</i>                                                       |
| 03/27/2006 |  Notice of Appeal (criminal)<br>Party: Defendant Hermanski, Gregory S<br><i>Notice of Appeal</i>                                             |
| 03/28/2006 |  Case Appeal Statement                                                                                                                       |
| 04/11/2006 |  Order Denying Motion<br><i>Order Denying Petitioner's Motion for Rehearing on Decision Entered March 3, 2006</i>                           |
| 07/27/2006 |  Amended Judgment of Conviction<br><i>Second Amended Judgment of Conviction</i>                                                            |
| 08/10/2006 |  NV Supreme Court Clerks Certificate/Judgment - Affirmed<br><i>Nevada Supreme Court Clerk's Certificate Judgment - Affirmed and Remand</i> |
| 08/11/2006 |  Motion to Stay<br><i>Defendant's Motion to Stay Proceedings and Motion for Appointment of Counsel</i>                                     |
| 08/22/2006 |  Opposition to Motion<br><i>State's Opposition to Defendant's Motion to Stay Proceedings and Motion for Appointment of Counsel</i>         |
| 08/28/2006 |  Notice of Appeal (criminal)<br>Party: Defendant Hermanski, Gregory S<br><i>Notice of Appeal</i>                                           |
| 08/28/2006 |  Case Appeal Statement                                                                                                                     |
| 08/29/2006 |  Order Denying Motion<br><i>Order Denying Defendant's Motion to Stay Proceedings and Motion for Appointment of Counsel</i>                 |
| 11/02/2006 |  NV Supreme Court Clerks Certificate/Judgment - Dismissed<br><i>Nevada Supreme Court Clerk's Certificate Judgment - Dismissed</i>          |

# CASE SUMMARY

CASE NO. 00C167783

|            |                                                                                                                                                                                                                                                                                                                                           |
|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 02/09/2010 |  Motion to Correct Sentence<br><i>Notice of Motion and Motion to Correct an Illegal Sentence or in the Alternative Motion for Modification of Sentence</i>                                                                                               |
| 02/19/2010 |  Opposition to Motion<br><i>State's Opposition to Defendant's Motion to Correct Illegal Sentence or in the Alternative Motion for Modification of Sentence</i>                                                                                           |
| 03/09/2010 |  Order Denying Motion<br><i>Order Denying Defendant's Motion to Correct Illegal Sentence or in the Alternative Motion for Modification of Sentence</i>                                                                                                   |
| 03/25/2010 |  Motion to Reconsider<br><i>Motion for Reconsideration</i>                                                                                                                                                                                               |
| 03/25/2010 |  Notice of Appeal (criminal)<br>Party: Defendant Hermanski, Gregory S<br><i>Notice of Appeal</i>                                                                                                                                                         |
| 03/27/2010 |  Case Appeal Statement                                                                                                                                                                                                                                   |
| 04/08/2010 |  Order Denying Motion<br><i>Order Denying Defendant's Pro Per Motion to Reconsider</i>                                                                                                                                                                   |
| 10/11/2010 |  NV Supreme Court Clerks Certificate/Judgment - Affirmed<br><i>Nevada Supreme Court Clerk's Certificate Judgment - Affirmed</i>                                                                                                                         |
| 04/25/2011 |  Motion to Correct Sentence<br>Filed by: Defendant Hermanski, Gregory S<br><i>"Notice of Motion and Motion to Correct an Illegal Sentence or, in the Alternative, Motion for Modification of Sentence"</i>                                             |
| 05/06/2011 |  Opposition to Motion<br><i>State's Opposition to Defendant's Pro Per Motion to Correct Illegal Sentence or in the Alternative Motion for Modification of Sentence</i>                                                                                 |
| 05/19/2011 |  Points and Authorities<br>Filed by: Defendant Hermanski, Gregory S<br><i>Supplemental Points and Authorities in Support of Motion to Correct an Illegal Sentence or, in the Alternative, Motion for Modification of Sentence</i>                      |
| 05/20/2011 |  Order Denying Motion<br>Filed By: Plaintiff State of Nevada<br><i>Order Denying Defendant's Pro Per Motion to Correct Illegal Sentence or, in the Alternative, Motion for Modification of Sentence</i>                                                |
| 05/24/2011 |  Motion<br>Filed By: Defendant Hermanski, Gregory S<br><i>"Defendant's Motion for Leave to File Supplemental Points and Authorities in Support of Motion to Correct an Illegal Sentence or in the Alternative Motion for Modification of Sentence"</i> |
| 05/24/2011 |  Motion<br>Filed By: Defendant Hermanski, Gregory S                                                                                                                                                                                                    |

# CASE SUMMARY

CASE NO. 00C167783

*Defendant's Motion for Leave to File "Defendant's Response to State's Opposition to Defendant's Pro Per Motion to Correct an Illegal Sentence or in the Alternative Motion for Modification of Sentence"*

05/24/2011



Response

Filed by: Defendant Hermanski, Gregory S  
*Defendant's Response to "State's Opposition to Defendant's Pro Per Motion to Correct an Illegal Sentence or in the Alternative, Motion for Modification of Sentence"*

06/02/2011



Opposition to Motion

*State's Opposition to Defendant's Motion for Leave to File Defendant's Response to State's Opposition to Defendant's Pro Per Motion to Correct Illegal Sentence or in the Alternative Motion for Modification of Sentence*

06/02/2011



Opposition to Motion

*State's Opposition to Defendant's Motion for Leave to File Supplemental Points and Authorities in Support of Motion to Correct Illegal Sentence or in the Alternative Motion for Modification of Sentence*

06/16/2011



Notice of Motion

Filed By: Defendant Hermanski, Gregory S  
*Notice of Motion/Motion for Extension of Time*

06/21/2011



Motion to Reconsider

Filed By: Defendant Hermanski, Gregory S  
*Motion for Reconsideration*

06/24/2011



Notice of Appeal (criminal)

Party: Defendant Hermanski, Gregory S  
*Notice of Appeal*

06/28/2011



Case Appeal Statement

06/28/2011



Opposition to Motion

*State's Opposition to Defendant's Motion for Extension of Time*

06/29/2011



Opposition to Motion

*State's Opposition to Defendant's Motion for Reconsideration*

07/07/2011



Notice of Entry of Order

07/11/2011



Order Denying Motion

Filed By: Plaintiff State of Nevada  
*Order Denying Defendant's Pro Per Motion for Leave to File Supplemental Points and Authorities in Support of Motion to Correct an Illegal Sentence or in the Alternative Motion for Modification of Sentence and Defendant's Pro Per Motion for Leave to File Defendant's Response to State's Opposition to Defendant's Pro Per Motion to Correct an Illegal Sentence or in the Alternative Motion for Modification of Sentence*

07/12/2011



Notice of Entry of Order

07/21/2011


















Notice of Motion

Filed By: Defendant Hermanski, Gregory S  
*Notice of Motion/Motion for Leave to File Motion for Reconsideration*

# CASE SUMMARY









CASE NO. 00C167783

|            |                                                                                                                                                                                                                                                                                                                                                              |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 07/21/2011 |  Notice of Motion<br>Filed By: Defendant Hermanski, Gregory S<br><i>Notice of Motion/Motion for Reconsideration</i>                                                                                                                                                         |
| 07/22/2011 |  Opposition to Motion<br><i>State's Opposition to Defendant's Notice of Motion/Motion for Leave to File Motion for Reconsideration</i>                                                                                                                                      |
| 07/25/2011 |  Notice of Appeal (criminal)<br>Party: Defendant Hermanski, Gregory S<br><i>Notice of Appeal</i>                                                                                                                                                                            |
| 07/26/2011 |  Case Appeal Statement<br>Filed By: Plaintiff State of Nevada                                                                                                                                                                                                               |
| 08/09/2011 |  Reply to Opposition<br>Filed by: Defendant Hermanski, Gregory S<br><i>"Defendant's Reply to State's Opposition"</i>                                                                                                                                                        |
| 08/11/2011 |  Order Denying Motion<br>Filed By: Plaintiff State of Nevada<br><i>Order Denying Defendant's Pro Per Motion for Leave to File Motion for Reconsideration</i>                                                                                                                |
| 08/12/2011 |  Notice of Entry of Order                                                                                                                                                                                                                                                   |
| 10/04/2011 |  NV Supreme Court Clerks Certificate/Judgment - Dismissed<br><i>Nevada Supreme Court Clerk's Certificate Judgment - Dismissed</i>                                                                                                                                         |
| 12/20/2011 |  NV Supreme Court Clerks Certificate/Judgment - Affirmed<br><i>Nevada Supreme Court Clerk's Certificate Judgment - Affirmed</i>                                                                                                                                           |
| 01/11/2012 |  Criminal Order to Statistically Close Case<br>Filed By: Plaintiff State of Nevada                                                                                                                                                                                        |
| 12/12/2013 |  Notice of Motion<br>Filed By: Defendant Hermanski, Gregory S<br><i>Notice of Motion and Motion to Correct Illegal Sentence</i>                                                                                                                                           |
| 12/12/2013 |  Motion<br>Filed By: Defendant Hermanski, Gregory S<br><i>Motion to Extend Prison Copy Work Limit</i>                                                                                                                                                                     |
| 12/16/2013 |  Motion for Leave to Proceed in Forma Pauperis<br><i>Motion for Leave to Proceed in Forma Pauperis (Sealed)</i>                                                                                                                                                           |
| 12/16/2013 |  Affidavit in Support of Application Proceed Forma Pauperis<br><i>Affidavit in Support of Request to Proceed in Forma Pauperis (Sealed)</i>                                                                                                                               |
| 12/16/2013 |  Petition for Writ of Habeas Corpus<br><i>Petition for Writ of Habeas Corpus (Post Conviction); (Appointment of Counsel and Evidentiary Hearing Requested); Newly Discovered Evidence; Court's Jurisdiction Invoked Pursuant (but not limited) to NRS 34.500 et. seq.</i> |



# CASE SUMMARY

CASE NO. 00C167783

|            |                                                                                                                                                                                                                                                                                                                                                                                |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12/24/2013 |  Order for Petition for Writ of Habeas Corpus                                                                                                                                                                                                                                                 |
| 01/02/2014 |  Response<br>Filed by: Plaintiff State of Nevada<br><i>State's Response to Defendant's Motion to Correct Illegal Sentence and Motion to Extend Prison Copy Work Limit.</i>                                                                                                                    |
| 01/13/2014 |  Motion<br>Filed By: Defendant Hermanski, Gregory S<br><i>Motion to Extend Prison Copy Work Limit</i>                                                                                                                                                                                         |
| 01/13/2014 |  Amended Petition<br>Filed By: Defendant Hermanski, Gregory S<br><i>"First Amended" Petition for Writ of Habeas Corpus (Post Conviction); (Evidentiary Hearing and Appointment of Counsel Requested); (Based on Recently Available Constitutional Law) and "Newly Discovered Evidence")</i> . |
| 01/17/2014 |  Statement<br>Filed by: Defendant Hermanski, Gregory S<br><i>Petitioner's Statement of Cause for Delay</i>                                                                                                                                                                                    |
| 01/24/2014 |  Order Denying Motion<br>Filed By: Plaintiff State of Nevada<br><i>Order Denying Defendant's Pro Se Motion to Extend Prison Copy Work Limit and Defendant's Pro Se Motion to Correct Illegal Sentence</i>                                                                                     |
| 01/30/2014 |  Opposition to Motion<br>Filed By: Defendant Hermanski, Gregory S<br><i>Opposition to Motion to Extend Prison Copywork Limit</i>                                                                                                                                                            |
| 01/31/2014 |  Response<br>Filed by: Plaintiff State of Nevada<br><i>State's Response and Motion to Dismiss Defendant's Petition for Writ of Habeas Corpus and "First Amended" Petition for Writ of Habeas Corpus</i>                                                                                     |
| 02/04/2014 |  Notice of Appeal (criminal)<br>Party: Defendant Hermanski, Gregory S<br><i>Notice of Appeal</i>                                                                                                                                                                                            |
| 02/04/2014 |  Designation of Record on Appeal<br>Filed By: Defendant Hermanski, Gregory S                                                                                                                                                                                                                |
| 02/04/2014 |  Motion<br>Filed By: Defendant Hermanski, Gregory S<br><i>Renewed Motion to Extend Prison Copy-Work Limit</i>                                                                                                                                                                               |
| 02/05/2014 |  Case Appeal Statement<br>Filed By: Defendant Hermanski, Gregory S                                                                                                                                                                                                                          |
| 02/05/2014 |  Motion to Reconsider<br>Filed By: Defendant Hermanski, Gregory S<br><i>Motion for Reconsideration</i>                                                                                                                                                                                      |
| 02/05/2014 |  Notice of Motion                                                                                                                                                                                                                                                                           |

# CASE SUMMARY

CASE NO. 00C167783

Filed By: Defendant Hermanski, Gregory S

02/11/2014



Objection

Filed By: Defendant Hermanski, Gregory S

*Petitioner's Objection and Motion to Strike Respondent's Opposition to Motion to Extend Prison Copy-Work Limit*

02/18/2014



Notice

Filed By: Defendant Hermanski, Gregory S

*Judicial Notice*

02/19/2014



Opposition

Filed By: Defendant Hermanski, Gregory S

*"Petitioner's Opposition to 'State's Response and Motion to Dismiss Defendant's Petition for Writ of Habeas Corpus and First Amended Petition for Writ of Habeas Corpus'."*

02/20/2014



Opposition to Motion

Filed By: Plaintiff State of Nevada

*State's Opposition to Defendant's Motion for Reconsideration*

02/21/2014



Response

Filed by: Plaintiff State of Nevada

*State's Response to New Claims Raised in Defendant's Reply to the State's Response to Defendant's Petition for Writ of Habeas Corpus (Post-Conviction)*

02/21/2014



Opposition to Motion

Filed By: Plaintiff State of Nevada

*Opposition to Renewed Motion to Extend Prison Copywork Limit*

02/25/2014



Notice of Motion

Filed By: Defendant Hermanski, Gregory S

*Notice of Motion and Motion to Vacate Habitual Felon Adjudication and Sentence*

03/12/2014



Opposition to Motion

Filed By: Plaintiff State of Nevada

*State's Opposition to Defendant's Motion to Vacate Habitual Offender Adjudication and Sentence*

03/24/2014



Response

Filed by: Defendant Hermanski, Gregory S

*Defendant's Response to State's Opposition to Defendant's Motion to Vacate Habitual Felon Adjudication and Sentence*

03/24/2014



Notice of Appeal (criminal)

Party: Defendant Hermanski, Gregory S

*Notice of Appeal*

03/24/2014



Designation of Record on Appeal

Filed By: Defendant Hermanski, Gregory S

03/27/2014



Case Appeal Statement

Filed By: Defendant Hermanski, Gregory S



03/31/2014



Criminal Order to Statistically Close Case















# CASE SUMMARY

CASE NO. 00C167783

|            |                                                                                                                                                                                                                                                                                                                                                                                     |
|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 03/31/2014 |  Order Denying Motion<br>Filed By: Plaintiff State of Nevada<br><i>Order Denying Defendant's Motion to Vacate Habitual Felon Adjudication and Sentence</i>                                                                                                                                         |
| 04/01/2014 |  Findings of Fact, Conclusions of Law and Order<br>Filed By: Plaintiff State of Nevada                                                                                                                                                                                                             |
| 04/04/2014 |  Notice of Appeal (criminal)<br>Party: Defendant Hermanski, Gregory S<br><i>Notice of Appeal</i>                                                                                                                                                                                                   |
| 04/04/2014 |  Designation of Record on Appeal<br>Filed By: Defendant Hermanski, Gregory S                                                                                                                                                                                                                       |
| 04/07/2014 |  Notice of Entry<br>Filed By: Plaintiff State of Nevada<br><i>Notice of Entry of Findings of Fact, Conclusions of Law and Order</i>                                                                                                                                                                |
| 04/07/2014 |  Case Appeal Statement<br>Filed By: Defendant Hermanski, Gregory S                                                                                                                                                                                                                                 |
| 04/08/2014 |  Notice of Motion<br>Filed By: Defendant Hermanski, Gregory S<br><i>Notice of Motion and Motion for Leave to File Motion for Reconsideration</i>                                                                                                                                                   |
| 04/08/2014 |  Motion<br>Filed By: Defendant Hermanski, Gregory S<br><i>Motion for Leave to File Motion for Reconsideration</i>                                                                                                                                                                                |
| 04/08/2014 |  Notice of Motion<br>Filed By: Defendant Hermanski, Gregory S<br><i>Notice of Motion and Motion for Reconsideration</i>                                                                                                                                                                          |
| 04/08/2014 |  Motion to Reconsider<br>Filed By: Defendant Hermanski, Gregory S<br><i>Motion for Reconsideration</i>                                                                                                                                                                                           |
| 04/10/2014 |  Order Denying Motion<br>Filed By: Defendant Hermanski, Gregory S<br><i>Order Denying Motion to Extend Copywork Limit</i>                                                                                                                                                                        |
| 04/24/2014 |  Opposition to Motion<br>Filed By: Plaintiff State of Nevada<br><i>State's Opposition to Defendant's Motion for Reconsideration and Countermotion for Determination of Vexatious Litigation and Request for Order to Show Cause Why the Court Should Not Issue a Pre-Filing Injunction Order</i> |
| 05/06/2014 |  Notice of Appeal (criminal)<br>Party: Defendant Hermanski, Gregory S<br><i>Notice of Appeal</i>                                                                                                                                                                                                 |
| 05/06/2014 |  Designation of Record on Appeal<br>Filed By: Defendant Hermanski, Gregory S                                                                                                                                                                                                                     |








# CASE SUMMARY

CASE NO. 00C167783

|            |                                                                                                                                                                                                                                                                                                                                                                                                      |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 05/07/2014 |  Case Appeal Statement<br>Filed By: Defendant Hermanski, Gregory S                                                                                                                                                                                                                                                  |
| 05/12/2014 |  Response<br>Filed by: Defendant Hermanski, Gregory S<br><i>"Defendant's Response to State's Opposition to Defendant's Motion for Reconsideration and Countermotion for Determination of Vexatious Litigation and Request for Order to Show Cause Why the Court Should Not Issue a Pre-Filing Injunction Order"</i> |
| 05/13/2014 |  Notice of Appeal (criminal)<br>Party: Defendant Hermanski, Gregory S<br><i>Notice of Appeal</i>                                                                                                                                                                                                                    |
| 05/13/2014 |  Case Appeal Statement<br>Filed By: Defendant Hermanski, Gregory S                                                                                                                                                                                                                                                  |
| 06/02/2014 |  Order Denying<br>Filed By: Plaintiff State of Nevada<br><i>Order Denying Countermotion for Determination of Vexatious Litigation and Request for Order to Show Cause Why the Court Should Not Issue a Pre-Filing Injunction Order</i>                                                                              |
| 06/02/2014 |  Order Denying Motion<br>Filed By: Plaintiff State of Nevada<br><i>Order Denying Defendant's Motion for Reconsideration and Order Denying Defendant's Motion for Leave to File Motion for Reconsideration</i>                                                                                                       |
| 07/15/2014 |  NV Supreme Court Clerks Certificate/Judgment - Affirmed<br><i>Nevada Supreme Court Clerk's Certificate Judgment - Affirmed</i>                                                                                                                                                                                   |
| 07/16/2014 |  NV Supreme Court Clerks Certificate/Judgment - Dismissed<br><i>Nevada Supreme Court Clerk's Certificate Judgment - Dismissed</i>                                                                                                                                                                                 |
| 12/17/2014 |  NV Supreme Court Clerks Certificate/Judgment - Affirmed<br><i>Nevada Supreme Court Clerk's Certificate Judgment - Affirmed; Rehearing Granted, Appeal Reinstated; Affirmed</i>                                                                                                                                   |
| 02/27/2015 |  NV Supreme Court Clerks Certificate/Judgment - Affirmed<br><i>Nevada Supreme Court Clerk's Certificate Judgment - Affirmed; Rehearing Denied</i>                                                                                                                                                                 |
| 03/13/2015 |  Petition for Writ of Habeas Corpus<br>Filed by: Defendant Hermanski, Gregory S<br><i>Petition for Writ of Habeas Corpus (Post Conviction); (Evidentiary Hearing and Appointment of Counsel Requested).; Newly Discovered Evidence</i>                                                                            |
| 03/13/2015 |  Motion for Leave to Proceed in Forma Pauperis<br>Filed By: Defendant Hermanski, Gregory S<br><i>Motion for Leave to Proceed in Forma Pauperis (Sealed)</i>                                                                                                                                                       |
| 03/13/2015 |  Affidavit in Support of Application Proceed Forma Pauperis<br>Filed By: Defendant Hermanski, Gregory S<br><i>Affidavit in Support of Request to Proceed In Forma Pauperis (Sealed)</i>                                                                                                                           |
| 03/23/2015 |  Order for Petition for Writ of Habeas Corpus                                                                                                                                                                                                                                                                     |

# CASE SUMMARY

CASE NO. 00C167783

|            |                                                                                                                                                                                                                                                                                                                     |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 03/23/2015 |  Notice of Hearing                                                                                                                                                                                                                 |
| 03/23/2015 |  Amended Petition<br>Filed By: Defendant Hermanski, Gregory S<br><i>(Amended) Petition for Writ of Habeas Corpus (Post Conviction); (Evidentiary Hearing and Appointment of Counsel Requested); Newly Discovered Evidence</i>      |
| 04/07/2015 |  Motion<br>Filed By: Defendant Hermanski, Gregory S<br><i>Motion for Prisoner Transportation Order (Oral Argument Requested)</i>                                                                                                   |
| 04/07/2015 |  Notice of Motion<br>Filed By: Defendant Hermanski, Gregory S                                                                                                                                                                      |
| 04/07/2015 |  Affidavit<br>Filed By: Defendant Hermanski, Gregory S<br><i>Affidavit of Defendant</i>                                                                                                                                            |
| 05/22/2015 |  Response<br>Filed by: Plaintiff State of Nevada<br><i>State's Response and Motion to Dismiss to Defendant's Post-Conviction Petition for Writ of Habeas Corpus and Amended Post-Conviction Petition for Writ of Habeas Corpus</i> |
| 06/15/2015 |  Reply<br>Filed by: Defendant Hermanski, Gregory S<br><i>Defendant's Reply to State's Response and Motion to Dismiss Defendant's Post-Conviction Habeas Petition and Request for Order Requiring Production of Documents</i>      |
| 07/06/2015 |  Designation of Record on Appeal<br>Filed By: Defendant Hermanski, Gregory S                                                                                                                                                     |
| 07/06/2015 |  Notice of Appeal (criminal)<br>Party: Defendant Hermanski, Gregory S<br><i>"Notice of Appeal"</i>                                                                                                                               |
| 07/06/2015 |  Case Appeal Statement<br>Filed By: Defendant Hermanski, Gregory S                                                                                                                                                               |
| 07/30/2015 |  Findings of Fact, Conclusions of Law and Order<br>Filed By: Plaintiff State of Nevada                                                                                                                                           |
| 08/04/2015 |  Notice of Entry<br>Filed By: Plaintiff State of Nevada<br><i>Notice of Entry of Findings of Fact, Conclusions of Law and Order</i>                                                                                              |
| 01/28/2016 |  NV Supreme Court Clerks Certificate/Judgment - Affirmed<br><i>Nevada Supreme Court Clerk's Certificate Judgment - Affirmed</i>                                                                                                  |
| 04/29/2019 | Administrative Reassignment - Judicial Officer Change<br><i>To Judge Jacqueline M. Bluth</i>                                                                                                                                                                                                                        |
| 10/22/2019 |  Motion<br>Filed By: Defendant Hermanski, Gregory S                                                                                                                                                                              |

# CASE SUMMARY

CASE NO. 00C167783

## *Motion to Correct Judgment of Conviction*

10/22/2019



Notice of Motion

Filed By: Defendant Hermanski, Gregory S

11/06/2019



Opposition

Filed By: Plaintiff State of Nevada

*State's Opposition to Defendant's Motion to Correct Judgment of Conviction*

11/07/2019



Motion

Filed By: Defendant Hermanski, Gregory S

*Supplemental Motion to Correct Judgment of Conviction*

11/07/2019



Notice of Motion

Filed By: Defendant Hermanski, Gregory S

11/18/2019



Motion

Filed By: Defendant Hermanski, Gregory S

*Motion for Enlargement of Time*

11/18/2019



Notice of Motion

Filed By: Defendant Hermanski, Gregory S

11/21/2019



Response

Filed by: Defendant Hermanski, Gregory S

*Defendant's Response to State's Opposition to Defendant's Motion to Correct Judgment of Conviction*

12/10/2019



Order

Filed By: Plaintiff State of Nevada

*Order Denying Defendant's Motion to Correct Judgment of Conviction*

12/19/2019



Notice of Appeal (criminal)

*Notice of Appeal*

12/19/2019



Designation of Record on Appeal

*Designation of Record on Appeal*

12/20/2019



Case Appeal Statement

Filed By: Defendant Hermanski, Gregory S

*Case Appeal Statement*

## **DISPOSITIONS**

01/01/1900

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

1. ROBBERY WITH USE OF A DEADLY WEAPON

Not Guilty

PCN: Sequence:

01/01/1900

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

2. BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON

Not Guilty

PCN: Sequence:

# CASE SUMMARY

CASE No. 00C167783

|            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 04/30/2003 | <p><b>Disposition</b> (Judicial Officer: User, Conversion)</p> <p>1. ROBBERY WITH USE OF A DEADLY WEAPON</p> <p>Guilty</p> <p>PCN: Sequence:</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 04/30/2003 | <p><b>Disposition</b> (Judicial Officer: User, Conversion)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 04/30/2003 | <p><b>Disposition</b> (Judicial Officer: User, Conversion)</p> <p>2. BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON</p> <p>Guilty</p> <p>PCN: Sequence:</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 04/30/2003 | <p><b>Disposition</b> (Judicial Officer: User, Conversion)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 04/30/2003 | <p><b>Adult Adjudication</b> (Judicial Officer: User, Conversion)</p> <p>1. ROBBERY WITH USE OF A DEADLY WEAPON</p> <p>01/01/1900 (F) 200.380*165 (200.380-165)</p> <p>PCN: Sequence:</p> <hr/> <p>Converted Disposition:<br/>Sentence# 0001: LAKES CROSSING</p> <p>Converted Disposition:<br/>Sentence# 0002:<br/>Minimum 120 Months to Maximum 300 Months<br/>Placement: NSP</p> <p>Converted Disposition:<br/>Sentence# 0003: CREDIT FOR TIME SERVED<br/>Minimum 382 Days to Maximum 382 Days</p> <p>Converted Disposition:<br/>Sentence# 0004: DNA FEE/GENETIC MARKERS ANALYSIS<br/>Amount: \$250.00</p> <p>Converted Disposition:<br/>Sentence# 0005: ADMINISTRATION FEE<br/>Amount: \$25.00</p> <p>Converted Disposition:<br/>Sentence# 0006: DEFENDANT RE-SENTENCED</p> <p>Converted Disposition:<br/>Sentence# 0007: LIFE WITHOUT POSSIBILITY OF PAROLE</p> <p>Converted Disposition:<br/>Sentence# 0008: DNA FEE/GENETIC MARKERS ANALYSIS<br/>Amount: \$150.00</p> <p>Converted Disposition:<br/>Sentence# 0009: ADMINISTRATION FEE<br/>Amount: \$25.00</p> <p>Comment (Deft Sentenced as to Habitual Criminal Statute.)</p> |
| 04/30/2003 | <p><b>Adult Adjudication</b> (Judicial Officer: User, Conversion)</p> <p>2. BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON</p> <p>01/01/1900 (F) 205.060*165 (205.060-165)</p> <p>PCN: Sequence:</p> <hr/> <p>Converted Disposition:<br/>Sentence# 0001: LIFE WITHOUT POSSIBILITY OF PAROLE<br/>Cons/Conc: Concurrent<br/>w/Charge Item: 0001<br/>and Sentence#: 0001</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|            | <p><b>HEARINGS</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 06/13/2000 | <p><b>Initial Arraignment</b> (9:00 AM)</p> <p>INITIAL ARRAIGNMENT Relief Clerk: BILLIE JO CRAIG Reporter/Recorder: TINA SMITH</p> <p>Heard By: Kathy Hardcastle</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

# CASE SUMMARY

CASE No. 00C167783

Matter Heard; INITIAL ARRAIGNMENT Relief Clerk: BILLIE JO CRAIG

Reporter/Recorder: TINA SMITH Heard By: Kathy Hardcastle

Journal Entry Details:

*Ms. Roundtree advised there were two incompetent reports and submitted the second report from Dr. Paglini. Pursuant to NRS 178.425, COURT ORDERED, defendant REMANDED to the custody of the Administrator of the Mental Hygiene and Mental Retardation Division for the Department of Human Resources for detention and treatment at a secure facility operated by the Mental Hygiene and Mental Retardation Division. L.C. ;*

10/04/2000

## Status Check (9:00 AM)

*COURT ADMINISTRATIONS' REQUEST FOR STATUS CHECK Relief Clerk: BILLIE JO CRAIG Reporter/Recorder: TINA SMITH Heard By: Hardcastle, Kathy*

Matter Continued; COURT ADMINISTRATIONS' REQUEST FOR STATUS CHECK Relief Clerk: BILLIE JO CRAIG Reporter/Recorder: TINA SMITH Heard By: Hardcastle, Kathy

Journal Entry Details:

*FINDINGS (OF COMPETENCY) AND ORDER TO TRANSPORT SIGNED AND FILED IN OPEN COURT. Court noted it received the reports. COURT ORDERED, matter CONTINUED for defendant to be present. L.C. ;*

10/25/2000

## Status Check (9:00 AM)

*COURT ADMINISTRATIONS' REQUEST FOR STATUS CHECK Court Clerk: DOROTHY KELLY Reporter/Recorder: TINA SMITH Heard By: Hardcastle, Kathy*

Matter Continued; COURT ADMINISTRATIONS' REQUEST FOR STATUS CHECK Court Clerk: DOROTHY KELLY Reporter/Recorder: TINA SMITH Heard By: Hardcastle, Kathy

Journal Entry Details:

*COURT ORDERED, matter CONTINUED for deft's presence. Court instructed counsel to call Lakes Crossing. L.C. COURT'S ADMINISTRATION'S REQUEST FOR STATUS CHECK ;*

11/08/2000

## Status Check (9:00 AM)

*COURT ADMINISTRATIONS' REQUEST FOR STATUS CHECK Court Clerk: DOROTHY KELLY Reporter/Recorder: TINA SMITH Heard By: Hardcastle, Kathy*

Matter Continued; COURT ADMINISTRATIONS' REQUEST FOR STATUS CHECK Court Clerk: DOROTHY KELLY Reporter/Recorder: TINA SMITH Heard By: Hardcastle, Kathy

Journal Entry Details:

*Deft not transported; therefore, COURT ORDERED, matter CONTINUED. L.C. COURT ADMINISTRATION'S REQUEST FOR STATUS CHECK ;*

11/14/2000

## Status Check (9:00 AM)

*COURT ADMINISTRATIONS' REQUEST FOR STATUS CHECK Relief Clerk: BILLIE JO CRAIG Reporter/Recorder: TINA SMITH Heard By: Kathy Hardcastle*

Remanded; COURT ADMINISTRATIONS' REQUEST FOR STATUS CHECK Relief Clerk: BILLIE JO CRAIG Reporter/Recorder: TINA SMITH Heard By: Kathy Hardcastle

Journal Entry Details:

*Court noted defendant competent. COURT ORDERED, matter REMANDED TO JUSTICE COURT to start over with a Preliminary Hearing on charges. CUSTODY 11/20/00 8:00 AM REMANDED TO JUSTICE COURT, DEPT. 1 ;*

12/11/2000

## Initial Arraignment (9:00 AM)

*INITIAL ARRAIGNMENT Relief Clerk: GREER JENNISON Reporter/Recorder: TINA SMITH Heard By: Kathy Hardcastle*

Matter Heard; INITIAL ARRAIGNMENT Relief Clerk: GREER JENNISON Reporter/Recorder: TINA SMITH Heard By: Kathy Hardcastle

Journal Entry Details:

*DEFENDANT DAY ARRAIGNED, PLED NOT GUILTY and INVOKED THE 60-DAY RULE. COURT ORDERED, matter set for trial. CUSTODY 2/21/01 9:00 AM CALENDAR CALL - DEPT. IV 2/26/01 10:30 AM JURY TRIAL - DEPT. IV ;*

02/21/2001

## Calendar Call (9:00 AM)

*CALENDAR CALL Court Clerk: DOROTHY KELLY Reporter/Recorder: TINA SMITH Heard By: Kathy Hardcastle*

Matter Heard; CALENDAR CALL Court Clerk: DOROTHY KELLY Reporter/Recorder: TINA SMITH Heard By: Kathy Hardcastle

Journal Entry Details:



# CASE SUMMARY

CASE No. 00C167783

AMENDED INFORMATION, MOTION TO AMEND INFORMATION FILED IN OPEN COURT. ORDER TO AMEND INFORMATION SIGNED AND FILED IN OPEN COURT. Ms. Khamisi stated Ms. Dickson informed her she is ready to proceed to trial; she requested a start date of next Tuesday or later. Ms. Campbell stated this is Mr. Fattig's case; trial should take two days with four to six witnesses. COURT ORDERED, matter CONTINUED for trial order. CUSTODY 02-23-01 9:00 A.M. STATUS CHECK: FINAL TRIAL ORDER ;

02/23/2001

**Status Check (9:00 AM)**

STATUS CHECK: FINAL TRIAL ORDER Court Clerk: DOROTHY KELLY  
Reporter/Recorder: TINA SMITH Heard By: Kathy Hardcastle  
Matter Heard; STATUS CHECK: FINAL TRIAL ORDER Court Clerk: DOROTHY KELLY  
Reporter/Recorder: TINA SMITH Heard By: Kathy Hardcastle  
Journal Entry Details:  
State announced ready for trial. Due to Court's schedule (murder trial), COURT ORDERED, trial date VACATED and RESET. CUSTODY 02-28-01 9:00 A.M. CALENDAR CALL 03-12-01 10:30 A.M. TRIAL BY JURY ;

02/26/2001

**CANCELED Jury Trial (10:30 AM)**

Vacated

02/28/2001

**Calendar Call (9:00 AM)**

CALENDAR CALL Court Clerk: DOROTHY KELLY Reporter/Recorder: TINA SMITH Heard By: Kathy Hardcastle  
Matter Heard; CALENDAR CALL Court Clerk: DOROTHY KELLY Reporter/Recorder: TINA SMITH Heard By: Kathy Hardcastle  
Journal Entry Details:  
Both sides announced ready for a one-and-one-half day trial. COURT ORDERED, Trial Date Stands, Deft's Motion to Dismiss Information to be heard before trial. CUSTODY 03-12-01 10:30 A.M. TRIAL BY JURY...DEFT'S MOTION TO DISMISS INFORMATION ;

03/05/2001

**Motion to Dismiss (9:00 AM)**

Events: 02/22/2001 Motion to Dismiss  
DEFT'S MOTION TO DISMISS INFORMATION Heard By: Kathy Hardcastle

**MINUTES**



Motion to Dismiss

Motion to Dismiss Information

Matter Continued; DEFT'S MOTION TO DISMISS INFORMATION Heard By: Kathy Hardcastle

03/12/2001

**Motion to Dismiss (9:00 AM)**

DEFT'S MOTION TO DISMISS INFORMATION Heard By: Kathy Hardcastle

03/12/2001

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

ALL PENDING MOTIONS FOR 3/12/01 Relief Clerk: BILLIE JO CRAIG Reporter/Recorder: LIZ GARCIA Heard By: Kathy Hardcastle  
Matter Heard; ALL PENDING MOTIONS FOR 3/12/01 Relief Clerk: BILLIE JO CRAIG Reporter/Recorder: LIZ GARCIA Heard By: Kathy Hardcastle  
Journal Entry Details:  
DEFT'S MOTION TO DISMISS INFORMATION...JURY TRIAL Court noted there was no legal basis to dismiss Information. A Supplemental Motion submitted to the Court. COURT ORDERED, Motion to Dismiss for Failure to Preserve Evidence is DENIED. Upon Court's inquiry, Ms. Dickson advised there were negotiations pending the outcome of this Motion. Mr. Hehn advised there was a Guilty Plea Agreement and a Second Amended Information in the file. Ms. Dickson requested matter trail to talk with defendant. COURT ORDERED, matter to TRAIL. RECALLED. Ms. Dickson requested additional time for defendant to make a decision. COURT ORDERED, matter to TRAIL until 1:30 PM today. RECALLED. Ms. Dickson advised defendant not arraigned on the Amended Information which included the habitual status. Also, there was a question as to the Amended Information indicating in Count II as Burglary while in Possession of a Firearm in the summary even though it was a knife. COURT ORDERED, the Amended Information AMENDED BY INTERLINEATION to indicate in the summary BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (F). Arguments regarding defendant taking stand and what prior convictions will be used. COURT ORDERED, this Motion and the Supplemental Motion DENIED as there is no legal basis and the Certified JOC

# CASE SUMMARY

CASE No. 00C167783

of 1984 can be used and others if certified and the State is prepared to present evidence. Ms. Dickson objected. COURT ORDERED, Trial CONTINUED to next day. CUSTODY 3/13/01 10:30 AM JURY TRIAL ;

03/12/2001

**Jury Trial (10:30 AM)**

TRIAL BY JURY Heard By: Kathy Hardcastle

03/13/2001

**Jury Trial (10:30 AM)**

TRIAL BY JURY Relief Clerk: BILLIE JO CRAIG Reporter/Recorder: LIZ GARCIA Heard By: Hardcastle, Kathy

Matter Continued; TRIAL BY JURY Relief Clerk: BILLIE JO CRAIG Reporter/Recorder: LIZ GARCIA Heard By: Hardcastle, Kathy

Journal Entry Details:

At 11:09 AM, the Jury Panel, counsel and defendant present. At 11:09 AM, Mr. Fattig made his introduction. At 11:10 AM, Ms. Dickson made her introduction. Voir dire oath given at 2:14 PM. Alternate sworn to try the case at 2:16 PM. The Clerk read the Amended Information to the Jury at 2:20 PM. Opening statements by Mr. Fattig. Opening statements by Ms. Dickson. Witnesses sworn and testified. Exhibits (see Worksheets). COURT ORDERED, EVENING RECESS. OUTSIDE THE PRESENCE OF THE JURY, the Court advised defendant of his right to testify on his own behalf. Defendant stated he understood. Colloquy regarding remaining witnesses and additional certified copies of convictions. At 5:10 PM, Court recessed for the evening. CUSTODY ;

03/14/2001

**Jury Trial (10:30 AM)**

TRIAL BY JURY Relief Clerk: BILLIE JO CRAIG Reporter/Recorder: LIZ GARCIA Heard By: Hardcastle, Kathy

Matter Continued; TRIAL BY JURY Relief Clerk: BILLIE JO CRAIG Reporter/Recorder: LIZ GARCIA Heard By: Hardcastle, Kathy

Journal Entry Details:

Jury Instructions settled in Open Court. Counsel stipulated to the presence of the Jury at 10:40 AM. Witnesses sworn and testified. (See Worksheets.) Exhibits (see Worksheets). At 11:54 AM, the State rests. COURT ORDERED, NOON RECESS. At 1:32 PM, counsel stipulated to the presence of the Jury. Testimony continues. At 2:13 PM, defense rests. The Court instructed the Jury on the laws which applied to the case. Closing arguments by Mr. Fattig at 2:27 PM. Closing arguments by Ms. Dickson at 3:16 PM. Rebuttal argument by Mr. Fattig at 3:38 PM. Bailiff sworn to take charge of the Jury at 3:49 PM. Bailiff sworn to take charge of the Alternate at 3:49 PM. OUTSIDE THE PRESENCE OF THE JURY, Ms. Dickson objected to the hearsay statements by the trucker as inadmissible hearsay, detective failed to look for defendant's shirt, and offer to truck driver of \$100.00 to take defendant to New Orleans. Court stated its findings. COURT ORDERED, objection OVERRULED. COURT ORDERED, EVENING RECESS. CUSTODY ;

03/15/2001

**Jury Trial (10:30 AM)**

TRIAL BY JURY Relief Clerk: BILLIE JO CRAIG Reporter/Recorder: LIZ GARCIA Heard By: Kathy Hardcastle

Matter Heard; TRIAL BY JURY Relief Clerk: BILLIE JO CRAIG Reporter/Recorder: LIZ GARCIA Heard By: Kathy Hardcastle

Journal Entry Details:

At the hour of 2:08 PM, the Jury returned with a verdict finding Defendant Day GUILTY OF COUNT I - ROBBERY WITH USE OF A DEADLY WEAPON (F) AND COUNT II - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (F). The Court thanked and excused the Jurors. The State will file for habitual offender treatment. COURT ORDERED, matter referred to P&P for a PSI and SET for Sentencing. CUSTODY 5/2/01 9:00 AM SENTENCING ;

03/26/2001

**Motion to Amend Information (9:00 AM)**

Events: 03/20/2001 Motion

STATE'S MOTION TO AMEND INFORMATION Relief Clerk: BILLIE JO CRAIG Reporter/Recorder: TINA SMITH Heard By: Kathy Hardcastle

Granted; STATE'S MOTION TO AMEND INFORMATION Relief Clerk: BILLIE JO CRAIG Reporter/Recorder: TINA SMITH Heard By: Kathy Hardcastle

Journal Entry Details:

COURT ORDERED, State's Motion to Amend Information is GRANTED. Ms. Dickson objected. ORDER TO AMEND INFORMATION AND SECOND AMENDED INFORMATION

# CASE SUMMARY

CASE No. 00C167783

SIGNED AND FILED IN OPEN COURT. CUSTODY ;

05/02/2001

## Sentencing (9:00 AM)

SENTENCING Court Clerk: DOROTHY KELLY Relief Clerk: KEITH REED/kar  
Reporter/Recorder: TINA SMITH Heard By: Hardcastle, Kathy

Matter Continued; SENTENCING Court Clerk: DOROTHY KELLY Relief Clerk: KEITH REED/kar Reporter/Recorder: TINA SMITH Heard By: Hardcastle, Kathy

Journal Entry Details:

Joy Mundy-Neal of Parole and Probation present. Court noted the Defendant refused to be interviewed for the Pre-Sentence Investigation Report (PSI). Ms. Dickson stated P & P requested the Deft. not make a statement due to his contention he is not guilty of the charges. DEFENDANT DAY ADJUDGED GUILTY of of COUNT I, ROBBERY WITH USE OF A DEADLY WEAPON (F) and COUNT II, BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (F). COURT ORDERED, matter CONTINUED to review a certified copy of the Judgment of Conviction. CUSTODY ;

05/09/2001

## Sentencing (9:00 AM)

SENTENCING Relief Clerk: BILLIE JO CRAIG Reporter/Recorder: TINA SMITH Heard By: Kathy Hardcastle

Matter Continued; SENTENCING Relief Clerk: BILLIE JO CRAIG Reporter/Recorder: TINA SMITH Heard By: Kathy Hardcastle

Journal Entry Details:

Brenda Lewis of the Dept. of P & P present. Ms. Dickson inquired if the Court received the Supplemental PSI. Arguments by counsel regarding habitual treatment. COURT ADJUDGED DEFENDANT DAY GUILTY OF COUNT I - ROBBERY WITH USE OF A DEADLY WEAPON (F) AND CT. II - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (F). Parties argued and submitted. Exhibits (see worksheet). COURT ORDERED, in addition to the \$25.00 Administrative Assessment Fee and \$250.00 DNA Analysis Fee and defendant to submit to a blood and/or saliva test to determine genetic markers or secretor status, Defendant ADJUDGED an HABITUAL OFFENDER. Defendant SENTENCED to a MAXIMUM of THREE HUNDRED (300) MONTHS and a MINIMUM of ONE HUNDRED TWENTY (120) MONTHS in the Nevada Department of Prisons, with THREE HUNDRED EIGHT-TWO (382) DAYS Credit For Time Served. RECALLED LATER. Mr. Fattig request defendant be sentenced in CT. II. The Court advised when a defendant is adjudged an habitual offender, sentence applies to both counts. NDP ;

02/06/2002

## Request of Court (9:00 AM)

AT THE REQUEST OF THE COURT CLARIFICATN SENTENCE/SUPREME CT VR 2/7  
Court Clerk: Dorothy Kelly Reporter/Recorder: Tina Smith Heard By: Hardcastle, Kathy

Matter Continued; AT THE REQUEST OF THE COURT CLARIFICATN  
SENTENCE/SUPREME CT VR 2/7 Court Clerk: Dorothy Kelly Reporter/Recorder: Tina Smith Heard By: Hardcastle, Kathy

Journal Entry Details:

Ms. Dickson stated the Deft. has not been transported. She further stated there is a motion for reconsideration in the Supreme Court. Court stated it has a remittitur. COURT ORDERED, matter CONTINUED; a Writ has to be prepared to have Deft. transported. NDC AT REQUEST OF COURT: CLARIFICATION OF SENTENCE PER SUPREME COURT ORDER ;

02/27/2002

## Request of Court (9:00 AM)

AT THE REQUEST OF THE COURT CLARIFICATN SENTENCE/SUPREME CT VR 2/7

06/26/2002

## Request (9:00 AM)

DEFT'S REQUEST RESENTENCING PURSUANT TO ORDER OF SUPREME COURT /14  
Court Clerk: Dorothy Kelly Reporter/Recorder: Tina Smith Heard By: Hardcastle, Kathy

Matter Continued; DEFT'S REQUEST RESENTENCING PURSUANT TO ORDER OF  
SUPREME COURT /14 Court Clerk: Dorothy Kelly Reporter/Recorder: Tina Smith Heard By: Hardcastle, Kathy

Journal Entry Details:

Court stated an Order to Transport Deft. has to be prepared. State advised it will prepare the Order. COURT ORDERED, matter CONTINUED. NDC DEFT'S REQUEST FOR RE-SENTENCING PURSUANT TO SUPREME COURT ORDER ;

07/24/2002

## Request (9:00 AM)

# CASE SUMMARY

CASE No. 00C167783

*DEFT'S REQUEST RESENTENCING PURSUANT TO ORDER OF SUPREME COURT /14  
Heard By: Kathy Hardcastle*

07/24/2002

**Motion for New Trial (9:00 AM)**

Events: 07/19/2002 Motion for New Trial

*DEFT'S MOTION FOR A NEW TRIAL /15 Heard By: Kathy Hardcastle*

07/24/2002

**Motion to Vacate (9:00 AM)**

Events: 07/19/2002 Motion to Vacate

*DEFT'S MOTION TO VACATE SENTENCE AS AN HABITUAL CRIMINAL /16 Heard By:  
Kathy Hardcastle*

07/25/2002

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

*ALL PENDING MOTIONS 07-25-02 Court Clerk: Dorothy Kelly Reporter/Recorder: Debra  
Van Blaricom Heard By: Kathy Hardcastle*

Matter Heard; ALL PENDING MOTIONS 07-25-02 Court Clerk: Dorothy Kelly  
Reporter/Recorder: Debra Van Blaricom Heard By: Kathy Hardcastle

Journal Entry Details:

*DEFT'S MOTION FOR A NEW TRIAL...DEFT'S MOTION TO VACATE SENTENCE AS AN  
HABITUAL CRIMINAL...DEFT'S REQUEST FOR RE-SENTENCING PURSUANT TO  
SUPREME COURT ORDER Ms. Dickson stated this was remanded from the Supreme Court  
for sentencing. She further stated she obtained information that records are not Mr. Day's  
records; fingerprints attached to a document do not match the Deft.'s. She requested the  
sentencing be vacated. State requested time to respond. COURT ORDERED, matter  
CONTINUED. Court advised Ms. Dickson the Deft. does not have to be present for the next  
Court date. Ms. Dickson responded the Deft. wants to be present. Court directed the State to  
prepare an Order to Transport Deft. to all proceedings. NDC 08-14-02 9:00 A.M. (MOTIONS  
AND REQUEST AS REFLECTED ABOVE) ;*

08/14/2002

**Request (9:00 AM)**

*DEFT'S REQUEST RESENTENCING PURSUANT TO ORDER OF SUPREME COURT /14  
Heard By: Kathy Hardcastle*

08/14/2002

**Motion for New Trial (9:00 AM)**

*DEFT'S MOTION FOR A NEW TRIAL /15 Heard By: Kathy Hardcastle*

08/14/2002

**Motion to Vacate (9:00 AM)**

*DEFT'S MOTION TO VACATE SENTENCE AS AN HABITUAL CRIMINAL /16 Heard By:  
Kathy Hardcastle*

08/14/2002

**Request of Court (9:00 AM)**

*AT THE REQUEST OF THE COURT/TRANSCRIPT OF VOIR DIRE/18 Heard By: Kathy  
Hardcastle*

08/14/2002

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

*ALL PENDING MOTIONS 08-14-02 Court Clerk: Dorothy Kelly Reporter/Recorder: Tina  
Smith Heard By: Kathy Hardcastle*

**MINUTES**

Matter Heard; ALL PENDING MOTIONS 08-14-02 Court Clerk: Dorothy Kelly  
Reporter/Recorder: Tina Smith Heard By: Kathy Hardcastle

Journal Entry Details:

*DEFT'S MOTION FOR A NEW TRIAL...DEFT'S MOTION TO VACATE SENTENCE AS AN  
HABITUAL CRIMINAL...DEFT'S REQUEST FOR RE-SENTENCING PURSUANT TO  
SUPREME COURT ORDER...AT THE REQUEST OF THE COURT: ADDRESS REQUEST  
FOR TRANSCRIPT OF VOIR DIRE Mr. Schubert requested a continuance as Deputy District  
Attorney, Scott Mitchell, is on vacation; COURT, SO ORDERED. NDC 08-28-02 9:00 A.M.  
MOTIONS AND REQUESTS AS REFLECTED ABOVE ;*

08/28/2002

**Request (9:00 AM)**

*DEFT'S REQUEST RESENTENCING PURSUANT TO ORDER OF SUPREME COURT /14  
Heard By: Kathy Hardcastle*

# CASE SUMMARY

CASE No. 00C167783

|            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 08/28/2002 | <b>Motion for New Trial (9:00 AM)</b><br><i>DEFT'S MOTION FOR A NEW TRIAL /15 Heard By: Kathy Hardcastle</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 08/28/2002 | <b>Motion to Vacate (9:00 AM)</b><br><i>DEFT'S MOTION TO VACATE SENTENCE AS AN HABITUAL CRIMINAL /16 Heard By: Kathy Hardcastle</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 08/28/2002 | <b>Request of Court (9:00 AM)</b><br><i>AT THE REQUEST OF THE COURT/TRANSCRIPT OF VOIR DIRE/18 Heard By: Kathy Hardcastle</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 08/28/2002 | <b>Status Check (9:00 AM)</b><br><i>STATUS CHECK: 08/28/02</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 08/28/2002 | <b>All Pending Motions (9:00 AM)</b><br><i>ALL PENDING MOTIONS 8-28-02 Relief Clerk: Alan Castle Reporter/Recorder: Tina Smith Heard By: Kathy Hardcastle</i><br>Matter Heard; ALL PENDING MOTIONS 8-28-02 Relief Clerk: Alan Castle Reporter/Recorder: Tina Smith Heard By: Kathy Hardcastle<br>Journal Entry Details:<br><i>DEFT'S MOTION FOR NEW TRIAL...DEFT'S MOTION TO VACATE SENTENCE AS A HABITUAL CRIMINAL...DEFT'S MOTION FOR RE-SENTENCING PURSUANT TO SUPREME COURT ORDER...AT THE REQUEST OF THE COURT: ADDRESS REQUEST OF VOIR DIRE Deft's motion to dismiss Count pursuant to habitual criminal statute, NRS 207.010 FILED IN OPEN COURT. Following colloquy regarding Deft's correct identity, COURT ORDERED, ALL MATTERS CONTINUED. FURTHER ORDERED, Deft. does not need remain here and is to be sent back to NDC. 10/2/02 9:00 AM DEFT'S MOTION FOR NEW TRIAL...DEFT'S MOTION TO VACATE SENTENCE AS A HABITUAL CRIMINAL...DEFT'S MOTION FOR RE-SENTENCING PURSUANT TO SUPREME COURT ORDER...AT THE REQUEST OF THE COURT: ADDRESS REQUEST OF VOIR DIRE...DEFT'S MOTION TO DISMISS COUNT PURSUANT TO HABITUAL CRIMINAL STATUTE, NRS 207.010 ;</i> |
| 09/09/2002 | <b>Motion (9:00 AM)</b><br>Events: 08/30/2002 Motion for New Trial<br><i>DEFT'S MTN FOR A NEW TRIAL/21 Relief Clerk: Denise Husted Reporter/Recorder: Tina Smith Heard By: Hardcastle, Kathy</i><br>Matter Continued; DEFT'S MTN FOR A NEW TRIAL/21 Relief Clerk: Denise Husted Reporter/Recorder: Tina Smith Heard By: Hardcastle, Kathy<br>Journal Entry Details:<br><i>COURT ORDERED, motion CONTINUED. NDC ;</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 10/02/2002 | <b>Request (9:00 AM)</b><br><i>DEFT'S REQUEST RESENTENCING PURSUANT TO ORDER OF SUPREME COURT /14 Heard By: Kathy Hardcastle</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 10/02/2002 | <b>Motion for New Trial (9:00 AM)</b><br><i>DEFT'S MOTION FOR A NEW TRIAL /15 Heard By: Kathy Hardcastle</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 10/02/2002 | <b>Motion to Vacate (9:00 AM)</b><br><i>DEFT'S MOTION TO VACATE SENTENCE AS AN HABITUAL CRIMINAL /16 Heard By: Kathy Hardcastle</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 10/02/2002 | <b>Request of Court (9:00 AM)</b><br><i>AT THE REQUEST OF THE COURT/TRANSCRIPT OF VOIR DIRE/18 Heard By: Kathy Hardcastle</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 10/02/2002 | <b>Motion (9:00 AM)</b><br><i>DEFT'S MTN FOR A NEW TRIAL/21 Heard By: Kathy Hardcastle</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 10/02/2002 | <b>Motion to Dismiss (9:00 AM)</b><br>Events: 08/28/2002 Motion to Dismiss<br><i>DEFT'S MOTION TO DISMISS PURSUANT TO HABITUAL CRIMINAL STATUTE, NRS</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

# CASE SUMMARY

CASE No. 00C167783

207.010 /23 Heard By: Kathy Hardcastle

10/02/2002

## All Pending Motions (9:00 AM)

ALL PENDING MOTIONS 10-02-02 Court Clerk: Dorothy Kelly Reporter/Recorder: Tina Smith Heard By: Kathy Hardcastle

Matter Heard; ALL PENDING MOTIONS 10-02-02 Court Clerk: Dorothy Kelly Reporter/Recorder: Tina Smith Heard By: Kathy Hardcastle

Journal Entry Details:

DEFT'S MOTION FOR A NEW TRIAL...DEFT'S MOTION TO VACATE SENTENCE AS AN HABITUAL CRIMINAL...DEFT'S REQUEST FOR RE-SENTENCING PURSUANT TO SUPREME COURT ORDER...AT THE REQUEST OF THE COURT: ADDRESS REQUEST FOR TRANSCRIPT OF VOIR DIRE...DEFT'S MOTION TO DISMISS COUNT PURSUANT TO HABITUAL CRIMINAL STATUTE, NRS 207.010...DEFT'S MOTION FOR A NEW TRIAL State's Opposition to Defendant's Motion to Vacate Sentence as an Habitual Criminal and State's Opposition to Defendant's Motion for New Trial FILED IN OPEN COURT. COURT ORDERED, Judgment of Conviction to be AMENDED BY INTERLINEATION to reflect Deft. found guilty pursuant to Jury Verdict. Ms. Dickson stated she has new evidence whereby the Deft. happened upon Mr. Beck who submitted an affidavit stating he was working with the Deft. on the day in question. Mr. Mitchell stated that as to the Motion to Vacate Sentence as an Habitual Criminal, he concurs with the motion; the State wants to resentence Deft., since he was not the person he was sentenced under. He further stated the Deft. admitted he is not Robert James Day; he is Gregory Scott Hermanski and from running an FBI identity, he is a twelve-time convicted felon and has an outstanding warrant from North Carolina and felony convictions from Florida and a Federal conviction. Mr. Mitchell further stated that Robert Day is someone the Deft. met, and because the Deft. pulled identity fraud in Court, the State will file new charges for perjury and identity fraud. Mr. Mitchell requested a new sentencing date be set and requested time to obtain ID materials from the other jurisdictions; the Deft. has convictions from 1969. Court stated it will leave everything as is and ORDERED, matter CONTINUED sixty (60) days. Court instructed the State to obtain information and when it is responded to the Court will decide what to do. Mr. Mitchell stated he wants a new Pre-Sentence Report and wants to have the Deft. at the jail. Ms. Dickson stated the Deft. does not want to talk to the Division of Parole and Probation; the State had Deft's fingerprints from day one. NDC 12-04-02 9:00 A.M. MOTIONS AS REFLECTED ABOVE ;

12/04/2002

## Request (9:00 AM)

DEFT'S REQUEST RESENTENCING PURSUANT TO ORDER OF SUPREME COURT /14 Court Clerk: Dorothy Kelly Reporter/Recorder: Tina Smith Heard By: Kathy Hardcastle

12/04/2002

## Motion for New Trial (9:00 AM)

DEFT'S MOTION FOR A NEW TRIAL /15 Heard By: Kathy Hardcastle

12/04/2002

## Motion to Vacate (9:00 AM)

DEFT'S MOTION TO VACATE SENTENCE AS AN HABITUAL CRIMINAL /16 Heard By: Kathy Hardcastle

12/04/2002

## Request of Court (9:00 AM)

AT THE REQUEST OF THE COURT/TRANSCRIPT OF VOIR DIRE/18 Heard By: Kathy Hardcastle

12/04/2002

## Motion (9:00 AM)

DEFT'S MTN FOR A NEW TRIAL/21 Relief Clerk: Denise Husted Reporter/Recorder: Tina Smith Heard By: Kathy Hardcastle

12/04/2002

## Motion to Dismiss (9:00 AM)

DEFT'S MOTION TO DISMISS PURSUANT TO HABITUAL CRIMINAL STATUTE, NRS 207.010 /23 Heard By: Kathy Hardcastle

12/04/2002

## All Pending Motions (9:00 AM)

ALL PENDING MOTIONS 12-04-02 Court Clerk: Dorothy Kelly Reporter/Recorder: Tina Smith Heard By: Kathy Hardcastle

Matter Heard; ALL PENDING MOTIONS 12-04-02 Court Clerk: Dorothy Kelly Reporter/Recorder: Tina Smith Heard By: Kathy Hardcastle

Journal Entry Details:

DEFT'S MOTION FOR A NEW TRIAL...DEFT'S MOTION TO VACATE SENTENCE AS AN

# CASE SUMMARY

CASE No. 00C167783

*HABITUAL CRIMINAL...DEFT'S REQUEST FOR RE-SENTENCING PURSUANT TO SUPREME COURT ORDER...AT THE REQUEST OF THE COURT: ADDRESS REQUEST FOR TRANSCRIPT OF VOIR DIRE...DEFT'S MOTION TO DISMISS COUNT PURSUANT TO HABITUAL CRIMINAL STATUTE, NRS 207.010...DEFT'S MOTION FOR A NEW TRIAL* Objection FILED IN OPEN COURT. Ms. Dickson stated the Deft. wants to file a motion objecting to the proceedings. As to the Motion to Vacate Sentence, Mr. Mitchell stated all parties are in agreement Deft. is Gregory Hermanski; he was sentenced as Robert Day; sentencing should be vacated, a new sentencing date set and a new Pre-Sentence Report prepared. He further stated the Deft. has a record that requires this Court to sentence him as a violent habitual criminal; he has two bank robbery certifications and one is on the way. Mr. Mitchell stated the State is prepared to say the Deft. has eleven (11) felony convictions; he requested the prior opposition be withdrawn as the State has verified Mr. Hermanski is not Robert James Day. Court noted the Deft. lied to the Court. Ms. Dickson stated there has been another motion filed by the Deft. Court stated it does not recognize motions filed by the Defendant; they are to be presented to his attorney. Ms. Dickson stated the Motion for a New Trial was based on confirmation the Deft. had a parole violation at the time he ran from police; she requested the copy of documentation and the Birth Certificate be made part of the record....(Defendant's Exhibits A and B). Court stated the Deft. could have made that known to counsel; it is not new evidence. Ms. Dickson stated a witness, Mr. Beck, was located in prison. COURT ORDERED, Deft's Motion for New Trial is DENIED. As to Habitual Criminal Charges, Ms. Dickson stated that is a jury question. Court stated the Deft. has misrepresented who he is; his name is Gregory Scott Hermanski. Mr. Mitchell stated the Deft's FBI number is 888420G. COURT ORDERED, matter REFERRED to the Division of Parole and Probation for a new Pre-Sentence Report and set for sentencing. COURT FURTHER ORDERED, Deft's Motion to Vacate Sentence as an Habitual Criminal is GRANTED; Deft's Request for Re-Sentencing Pursuant to Supreme Court Order is MOOT; At the Request of Court: Address Request for Transcript of Voir Dire is OFF CALENDAR; Deft's Motion to Dismiss Count Pursuant to Habitual Criminal Statute NRS 207.010 is MOOT. Due to Defendant's outburst in Court, Court stated it will hear the motion set for December 16th, without him; Defendant IS NOT TO BE PRESENT IN COURT ON December 16TH. NDC 12-16-02 9:00 A.M. DEFT'S PRO PER MOTION TO DISMISS COUNSEL/APPOINT COUNSEL ;

12/16/2002

**Motion to Dismiss (9:00 AM)**

Events: 12/03/2002 Motion to Dismiss Counsel

*DEFT'S PRO PER MTN TO DISMISS CNSL/APPOINT CNSL/25 Relief Clerk: Denise Husted Reporter/Recorder: Tina Smith Heard By: Kathy Hardcastle*

Granted; DEFT'S PRO PER MTN TO DISMISS CNSL/APPOINT CNSL/25 Relief Clerk: Denise Husted Reporter/Recorder: Tina Smith Heard By: Kathy Hardcastle

Journal Entry Details:

*Ms. Dickson advised the Court that the Defendant no longer wants her to represent him due to confusion regarding factual allegations of the Defendant's identity. COURT ORDERED, independent counsel is appointed to review the ineffective assistance of counsel claim; matter set for confirmation of counsel. NDC CLERK'S NOTE: Dept. IV Judicial Executive Assistant to notify appropriate counsel of Court date. 12/23/02 9:00 AM CONFIRMATION OF COUNSEL ;*

12/23/2002

**Motion for Confirmation of Counsel (9:00 AM)**

*CONFIRMATION OF COUNSEL/WOMMER Relief Clerk: Denise Husted Reporter/Recorder: Tina Smith Heard By: Hardcastle, Kathy*

Matter Continued; CONFIRMATION OF COUNSEL/WOMMER Relief Clerk: Denise Husted Reporter/Recorder: Tina Smith Heard By: Hardcastle, Kathy

Journal Entry Details:

*Ms. Dickson stated this matter is not at the post conviction stage yet, however there is a disagreement regarding factual allegations. Court directed Mr. Wommer to review the file prior to sentencing and matter CONTINUED to that date. Ms. Dickson stated she will give the file to Mr. Wommer. NDC ;*

01/22/2003

**Sentencing (9:00 AM)**

SENTENCING

01/22/2003

**Motion for Confirmation of Counsel (9:00 AM)**

*CONFIRMATION OF COUNSEL/WOMMER Heard By: Kathy Hardcastle*

01/22/2003

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

*ALL PENDING MOTIONS 01-22-03 Court Clerk: Dorothy Kelly Heard By: Kathy Hardcastle*

# CASE SUMMARY

CASE No. 00C167783

Matter Heard; ALL PENDING MOTIONS 01-22-03 Court Clerk: Dorothy Kelly Heard By: Kathy Hardcastle

Journal Entry Details:

*CONFIRMATION OF COUNSEL (WOMMER)...SENTENCING Carolyn Butts present for the Division of Parole and Probation (P&P). Ms. Dickson stated P&P is requesting a 30-day continuance; COURT, SO ORDERED. Court noted Mr. Wommer previously confirmed as counsel. NDC 02-26-03 9:00 A.M. SENTENCING ;*

02/26/2003

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

*SENTENCING Court Clerk: Carole D'Aloia Reporter/Recorder: Carrie Hansen Heard By: Hardcastle, Kathy*

Matter Continued; SENTENCING Court Clerk: Carole D'Aloia Reporter/Recorder: Carrie Hansen Heard By: Hardcastle, Kathy

Journal Entry Details:

*Officer C. Butts of the Division of Parole and Probation (P&P) present. Mr. Wommer advised Defendant was not transported and matter will need to be continued. Mr. Wommer further advised that Court appointed him since Ms. Dickson had a conflict and Mr. Wommer CONFIRMED as counsel. COURT ORDERED, matter CONTINUED and instructed the State to prepare an Order to Transport. CUSTODY (COC) ;*

03/26/2003

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

*SENTENCING Court Clerk: Dorothy Kelly Heard By: Hardcastle, Kathy*

Matter Continued; SENTENCING Court Clerk: Dorothy Kelly Heard By: Hardcastle, Kathy

Journal Entry Details:

*Carolyn Butts present for the Division of Parole and Probation. Mr. Wommer stated he substituted in as counsel for the Deft; he and the Deft. have been in contact. He further stated he has been in trial and has not been able to see the Deft. in the High Desert yet; the Deft. was not transported today. COURT ORDERED, matter CONTINUED; State to prepare an Order to Transport. NDC SENTENCING ;*

04/30/2003

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

*SENTENCING Court Clerk: Dorothy Kelly Reporter/Recorder: Carrie Hansen Heard By: Kathy Hardcastle*

Matter Continued; SENTENCING Court Clerk: Dorothy Kelly Reporter/Recorder: Carrie Hansen Heard By: Kathy Hardcastle

Journal Entry Details:

*William Lizura present for the Division of Parole and Probation (P&P). DEFT. HERMANSKI ADJUDGED GUILTY OF CT. I ROBBERY WITH USE OF A DEADLY WEAPON (F) AND CT. II - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (F). Court heard argument as to Deft's Habitual Criminal status. Mr. Mitchell noted Defendant's prior felonies and stated that under the law, the maximum penalty has to be imposed; it is not discretionary. Mr. Wommer stated he substituted in as counsel for sentencing; Ms. Dickson represented the Deft. previously. Mr. Wommer read Defendant's statement in Court. Court directed Mr. Wommer to put the matters contained in Deft's statement in a motion. Mr. Mitchell provided Court with certified copies of Deft's Judgment of Convictions along with other paperwork reflecting Deft's past convictions. DEFT. HERMANSKI ADJUDGED GUILTY AS A HABITUAL OFFENDER IN COUNTS I AND II. In addition to the \$25 Administrative Assessment Fee and \$150 DNA Fee, COURT ORDERED, Deft. SENTENCED in COUNT I to LIFE in the Nevada Department of Corrections WITHOUT the Possibility of Parole and in COUNT II to LIFE in the Nevada Department of Corrections WITHOUT the Possibility of Parole; Count II to run CONCURRENTLY with Count I with NO Credit for Time Served; Deft. to submit to a test to determine genetic markers. Court advised counsel he can file the appropriate motion as to credit for time served while Deft. serving Federal time. ;*

05/12/2003

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

*DEFT'S REQUEST TO CLARIFY APPOINTMENT OF COUNSEL/31 Relief Clerk: Billie Jo Craig Reporter/Recorder: Carrie Hansen Heard By: Kathy Hardcastle*

Matter Heard; DEFT'S REQUEST TO CLARIFY APPOINTMENT OF COUNSEL/31 Relief Clerk: Billie Jo Craig Reporter/Recorder: Carrie Hansen Heard By: Kathy Hardcastle

Journal Entry Details:

*COURT ORDERED, defendant's PRESENCE WAIVED today. Ms. Dickson requested clarification of who represents defendant. Mr. Wommer advised he was appointed to represent defendant only for the ineffectiveness of counsel problem. Court noted it had appointed Mr. Wommer to represent defendant. NDC ;*



# CASE SUMMARY

CASE No. 00C167783

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| 01/31/2005 | <p><b>Motion to Withdraw as Counsel (9:00 AM)</b><br/> Events: 01/14/2005 Motion to Withdraw As Counsel<br/> <i>DEFT'S PRO PER MTN TO WITHDRAW AS COUNSEL /32 Court Clerk: Alan Castle Reporter/Recorder: Loree Gallegos Heard By: Jennifer Togliatti</i><br/> Granted; DEFT'S PRO PER MTN TO WITHDRAW AS COUNSEL /32 Court Clerk: Alan Castle Reporter/Recorder: Loree Gallegos Heard By: Jennifer Togliatti<br/> Journal Entry Details:<br/> <i>Matter submitted. COURT ORDERED, petition GRANTED. By way of this minute order State to prepare the order and notify all interested parties. NDC ;</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 09/21/2005 | <p><b>Petition for Writ of Habeas Corpus (9:00 AM)</b><br/> <i>DEFT'S PTN FOR WRIT OF HABEAS CORPUS /33 Court Clerk: Alan Castle Reporter/Recorder: Kristen Lunkwitz Heard By: Togliatti, Jennifer</i><br/> Matter Continued; DEFT'S PTN FOR WRIT OF HABEAS CORPUS /33 Court Clerk: Alan Castle Reporter/Recorder: Kristen Lunkwitz Heard By: Togliatti, Jennifer<br/> Journal Entry Details:<br/> <i>At request of State, COURT ORDERED, matter CONTINUED. NDC ;</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 10/24/2005 | <p><b>Petition for Writ of Habeas Corpus (9:00 AM)</b><br/> <i>DEFT'S PTN FOR WRIT OF HABEAS CORPUS /33</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 10/24/2005 | <p><b>Motion (9:00 AM)</b><br/> Events: 10/05/2005 Motion<br/> <i>DEFT'S PRO PER MOTION FOR PRISONER TRANSPORTATION ORDER /34 Heard By: Jennifer Togliatti</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 10/24/2005 | <p><b>All Pending Motions (9:00 AM)</b><br/> <i>ALL PENDING MOTIONS 10-24-05 Relief Clerk: Judy McFadden Reporter/Recorder: Kristen Lunkwitz Heard By: Jennifer Togliatti</i><br/> Matter Heard; ALL PENDING MOTIONS 10-24-05 Relief Clerk: Judy McFadden Reporter/Recorder: Kristen Lunkwitz Heard By: Jennifer Togliatti<br/> Journal Entry Details:<br/> <i>DEFT'S PRO PER MOTION FOR PRISONER TRANSPORTATION ORDER...DEFT'S PETITION FOR WRIT OF HABEAS CORPUS STATE'S OPPOSITION TO DEFENDANT'S MOTION FOR PRISONER TRANSPORTATION FILED IN OPEN COURT. Deft. not present. Conference at Bench. Following Conference at Bench, Court informed it had explained to State and Ms. De La Garza regarding Court's time restraint regarding Deft's Petition for Writ of Habeas Corpus and that Court expects to begin medical leave in ten days that will last two months. Court stated it would need more time to prepare or have another Judge rule. COURT ORDERED, Motion for transport DENIED. Court stated regarding Petition for Writ, it must get up to speed on the case; ineffectual assistance of counsel is the 3rd ground for relief. FURTHER ORDERED, supplemental response from State; matter set for decision. Court directed State to supplement its Opposition to assist Court in addressing the 3rd ground. Court stated Deft. alleges habitual criminal and violent criminal statute did not enable him to challenge conviction. NDC 12/21/05 9:00 AM DECISION: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS/STATE'S SUPPLEMENT TO OPPOSITION ;</i></p> |
| 12/21/2005 | <p><b>Decision (9:00 AM)</b><br/> <i>DECISION: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS /36 Court Clerk: Alan Castle Reporter/Recorder: Kristen Lunkwitz Heard By: Brennan, James</i><br/> Matter Continued; DECISION: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS /36 Court Clerk: Alan Castle Reporter/Recorder: Kristen Lunkwitz Heard By: Brennan, James<br/> Journal Entry Details:<br/> <i>Upon State's inquiry regarding decision, Court stated the matter in on for decision, and Court has reviewed the petition and may have some questions. Ms. Dickson advised the Deft's motion to appear for oral argument was denied and Deft. has filed another motion regarding that denial. Further, Ms. Dickson represented the Deft. previously and notes the Deft. is well educated and articulate. Also, noted by Ms. Dickson is that the Deft's petition may have merit, but the Defendant himself would be the one to argue those merits. COURT FINDS the Court that previously denied the motion to appear for argument should hear the motion to reconsider and ORDERED, CONTINUED and set for hearing motion to reconsider appearance of Defendant for oral argument on petition. FURTHER, Deft's presence is WAIVED until such time as there is further order of the Court requiring Deft's presence. NDC 1/9/06 9:00 AM</i></p>                                                                                                                                                                                                                             |

# CASE SUMMARY

CASE No. 00C167783

DEFT'S PRO PER MOTION TO RECONSIDER APPEARANCE FOR ORAL ARGUMENT -  
IN RE DEFT'S PETITION FOR WRIT OF HABEAS CORPUS ;

01/09/2006

**Motion to Reconsider (9:00 AM)**

DEFT'S PRO PER MOTION TO RECONSIDER TRANSPORT DEFT FOR ORAL  
ARGUMENTS /37 Court Clerk: Cheryl Case Relief Clerk: Cynthia Georgilas/cg  
Reporter/Recorder: Kristen Lunkwitz Heard By: Jennifer Togliatti  
Denied; DEFT'S PRO PER MOTION TO RECONSIDER TRANSPORT DEFT FOR ORAL  
ARGUMENTS /37 Court Clerk: Cheryl Case Relief Clerk: Cynthia Georgilas/cg  
Reporter/Recorder: Kristen Lunkwitz Heard By: Jennifer Togliatti  
Journal Entry Details:  
Ms. Dickson advised she represented Defendant at trial and advised Defendant has real issues  
and would like to be transported in order to present them to this Court. COURT ORDERED,  
motion DENIED. Colloquy regarding Defendant's Writ. Court STATED it has reviewed Writ  
once before but will review Writ again, as well as procedural history and set for Status Check.  
NDC 01-18-06 9:00 AM STATUS CHECK: DEFT'S PETITION FOR WRIT OF HABEAS  
CORPUS ;

01/18/2006

**Status Check (9:00 AM)**

STATUS CHECK: DEFT'S WRIT OF HABEAS CORPUS Court Clerk: Alan Castle  
Reporter/Recorder: Kristen Lunkwitz Heard By: Jennifer Togliatti  
Matter Heard; STATUS CHECK: DEFT'S WRIT OF HABEAS CORPUS Court Clerk: Alan  
Castle Reporter/Recorder: Kristen Lunkwitz Heard By: Jennifer Togliatti  
Journal Entry Details:  
Court FINDS still considering and ORDERED, matter CONTINUED for Decision. NDC  
1/30/06 9:00 AM DECISION: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS ;

01/30/2006

**Decision (9:00 AM)**

DECISION: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS /36 Court Clerk: Alan  
Castle/ac Relief Clerk: Kathy Streuber Reporter/Recorder: Kristen Lunkwitz Heard By:  
Togliatti, Jennifer  
Matter Continued; DECISION: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS /36  
Court Clerk: Alan Castle/ac Relief Clerk: Kathy Streuber Reporter/Recorder: Kristen Lunkwitz  
Heard By: Togliatti, Jennifer  
Journal Entry Details:  
COURT ORDERED, matter CONTINUED for further consideration. FURTHER, Deft's  
presence WAIVED for these proceedings. NDC ;

02/03/2006

**Decision (9:00 AM)**

DECISION: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS /36 Court Clerk: Alan  
Castle Relief Clerk: Katherine Streuber/ks Reporter/Recorder: Kristen Lunkwitz Heard By:  
Jennifer Togliatti  
Denied; DECISION: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS /36 Court  
Clerk: Alan Castle Relief Clerk: Katherine Streuber/ks Reporter/Recorder: Kristen Lunkwitz  
Heard By: Jennifer Togliatti  
Journal Entry Details:  
COURT ORDERED, Deft's petition is DENIED. By way of this minute order State to prepare  
the order and notify all interested parties. NDC ;

03/27/2006

**Motion (9:00 AM)**

Events: 03/16/2006 Motion to Rehear  
PETITIONERS PRO PER MOTION FOR REHEARINGON DECISION ENTERED MARCH 3,  
2006/39 Relief Clerk: Melissas Swinn Reporter/Recorder: Janice David Heard By: Stephen  
Huffaker  
Denied; PETITIONERS PRO PER MOTION FOR REHEARINGON DECISION ENTERED  
MARCH 3, 2006/39 Relief Clerk: Melissas Swinn Reporter/Recorder: Janice David Heard By:  
Stephen Huffaker  
Journal Entry Details:  
Defendant not present as he is currently housed at the Nevada Department of Corrections.  
Court reviewed documents, stated its findings and ORDERED, motion DENIED. NDC ;



08/23/2006

**Motion to Stay (9:00 AM)**

Events: 08/11/2006 Motion to Stay  
DEFT'S PRO PER MTN TO STAY PROCEEDINGS & MTN FOR APPOINTMENT OF

# CASE SUMMARY

CASE No. 00C167783

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|            | <p><i>COUNSEL /40 Court Clerk: Alan Castle Relief Clerk: Kathy Klein/kk Reporter/Recorder: Kristen Lunkwitz Heard By: Jennifer Togliatti</i></p> <p>Denied; DEFT'S PRO PER MTN TO STAY PROCEEDINGS &amp; MTN FOR APPOINTMENT OF COUNSEL /40 Court Clerk: Alan Castle Relief Clerk: Kathy Klein/kk Reporter/Recorder: Kristen Lunkwitz Heard By: Jennifer Togliatti</p> <p>Journal Entry Details:</p> <p><i>Court waived Deft's presence. Ms. Dickson appeared on behalf of the Deft. in support of Deft's motion. COURT STATED FINDINGS and ORDERED, motion DENIED. State to prepare the order. CASE CLOSED. NDC ;</i></p>                                                                                                                                                                                                                                                                                                                                                          |
| 02/22/2010 | <p><b>Motion (9:00 AM)</b></p> <p>Events: 02/09/2010 Motion to Correct Sentence</p> <p><i>DEFT'S PRO PER MTN TO CORRECT AN ILLEGALSentence OR IN THE ALT MTN TO MODIFY/41 Court Clerk: Alan Paul Castle Reporter/Recorder: Cheryl Carpenter Heard By: Jennifer Togliatti</i></p> <p>Denied; DEFT'S PRO PER MTN TO CORRECT AN ILLEGALSentence OR IN THE ALT MTN TO MODIFY/41 Court Clerk: Alan Paul Castle Reporter/Recorder: Cheryl Carpenter Heard By: Jennifer Togliatti</p> <p>Journal Entry Details:</p> <p><i>Court waived Defendant's presence, as this Court does not entertain oral arguments in these types of proceedings and determination made specifically on the pleadings. Matter submitted. COURT Finds this Court agrees with State's opposition and ORDERED, motion DENIED. By way of this minute order State to prepare the Findings of Fact, Conclusions of Law that track the State's opposition and notify all interested parties. CASE CLOSED. NDC ;</i></p> |
| 04/05/2010 | <p><b>Motion to Reconsider (9:00 AM)</b></p> <p>Events: 03/25/2010 Motion to Reconsider</p> <p><i>DEFT'S PRO PER MTN TO RECONSIDER /42 Court Clerk: Alan Paul Castle/ac Relief Clerk: Shelly Landwehr Reporter/Recorder: Yvette Lester Heard By: Jennifer Togliatti</i></p> <p>Denied; DEFT'S PRO PER MTN TO RECONSIDER /42 Court Clerk: Alan Paul Castle/ac Relief Clerk: Shelly Landwehr Reporter/Recorder: Yvette Lester Heard By: Jennifer Togliatti</p> <p>Journal Entry Details:</p> <p><i>Court waived Defendant's presence, as this Court does not entertain oral arguments in these types of proceedings and determination made specifically on the pleadings. COURT FINDS no legal cause and ORDERED, motion DENIED. State to prepare the order denying motion and notify interested parties. CASE CLOSED. NDC ;</i></p>                                                                                                                                                  |
| 05/09/2011 | <p> <b>Motion (8:30 AM)</b> (Judicial Officer: Cadish, Elissa F.)</p> <p>Events: 04/25/2011 Motion to Correct Sentence</p> <p><i>Notice of Motion and Motion to Correct an Illegal Sentence or, in the Alternative, Motion for Modification of Sentence</i></p> <p>Denied;</p> <p>Journal Entry Details:</p> <p><i>DEFT'S MOTION TO CORRECT AN ILLEGAL SENTENCE OR, IN THE ALTERNATIVE, MOTION FOR MODIFICATION OF SENTENCE Without benefit of argument, COURT stated findings and ORDERED, Motion DENIED. NDC ;</i></p>                                                                                                                                                                                                                                                                                                                                                                         |
| 06/06/2011 | <p><b>Motion (8:30 AM)</b> (Judicial Officer: Cadish, Elissa F.)</p> <p>Events: 05/24/2011 Motion</p> <p><i>Defendant's Motion for Leave to File Supplemental Points and Authorities in Support of Motion to Correct an Illegal Sentence or in the Alternative Motion for Modification of Sentence</i></p> <p>Denied;</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 06/06/2011 | <p><b>Motion (8:30 AM)</b> (Judicial Officer: Cadish, Elissa F.)</p> <p>Events: 05/24/2011 Motion</p> <p><i>Defendant's Motion for Leave to File Defendant's Response to State's Opposition to Defendant's Pro Per Motion to Correct an Illegal Sentence or in the Alternative Motion for Modification of Sentence</i></p> <p>Denied;</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 06/06/2011 | <p> <b>All Pending Motions (8:30 AM)</b> (Judicial Officer: Cadish, Elissa F.)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

# CASE SUMMARY

CASE No. 00C167783

Matter Heard;

Journal Entry Details:

*DEFENDANT'S PRO PER MOTION FOR LEAVE TO FILE SUPPLEMENTAL POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO CORRECT AN ILLEGAL SENTENCE OR IN THE ALTERNATIVE MOTION FOR MODIFICATION OF SENTENCE...DEFENDANT' PRO PER MOTION FOR LEAVE TO FILE DEFENDANT'S RESPONSE TO STATE'S OPPOSITION TO DEFENDANT'S PRO PER MOTION TO CORRECT AN ILLEGAL SENTENCE OR IN THE ALTERNATIVE MOTION FOR MODIFICATION OF SENTENCE Without benefit of argument, COURT stated her findings and ORDERED, Deft's Pro Per Motion's DENIED. NDC ;*

06/29/2011



**Motion** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)

Events: 06/16/2011 Notice of Motion

*Notice of Motion/Motion for Extension of Time*

Denied;

Journal Entry Details:

*NOTICE OF MOTION/MOTION FOR EXTENSION OF TIME COURT noted the State has not filed the notice of entry of order from May 20, 2011 and ORDERED, Motion DENIED as MOOT; State to file the notice of entry of order from 5/20/2011 and send copy to Deft; Deft. will have 10 days under the rules after the notice of entry to file any motions for reconsideration that may be warranted. NDC CLERK'S NOTE: Minutes corrected this date. 7/6/11 dt ;*

07/06/2011



**Motion** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)

Events: 06/21/2011 Motion to Reconsider

*Pro Se Motion for Reconsideration*

Denied;

Journal Entry Details:

*Court noted the motion is premature because the order from May 20, 2011 has not been entered, stated findings and ORDERED, motion for reconsideration DENIED. NDC CLERK'S NOTE: The above minute order has been distributed to: Gregory S. Hermanski #69140, NNCC, POB 7000, Carson City, Nv. 89702 ;*

08/01/2011



**Motion For Reconsideration** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)

Events: 07/21/2011 Notice of Motion

*Notice of Motion/ Motion for Reconsideration*

No Jurisdiction;

Journal Entry Details:

*Deft. not present; incarcerated in the Nevada Department of Corrections (NDC). Court stated based on the Notice of Appeal having been filed in this matter, the Court does not have jurisdiction to entertain this motion. Additionally, if the Court considered the pleadings on the merits, Court will make findings, including that there were no facts of law presented in the relief being requested, and deny the motion. State to prepare the order. NDC CLERK'S NOTE: The above minute order has been distributed to: Gregory S. Hermanski #69140, NNCC, P.O. BOX 7000, Carson City, NV. 89702. /// sj ;*

09/11/2013



**At Request of Court** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)

*Clarification of Sentence/Credit for Time Served*

Matter Heard;

Journal Entry Details:

*Upon review of the Defendant's file, specifically the Second Amended Judgment of Conviction, the Court stated the Deft was not entitled to the credit for time served as it was discovered he was on parole at the time of the offence; the parole was unknown at the time of the original sentencing because the Deft. was using a false name. COURT ORDERED, ZERO (0) DAYS credit for time served STAYS. NDC CLERK'S NOTE: A copy of this minute order will be provided to Barbara Belt. (TS 9-20-13) ;*

01/08/2014




**Motion** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)

*Defendant's Motion to Extend Prison Copy Work Limit*

Denied Without Prejudice;




# CASE SUMMARY

CASE No. 00C167783

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| 01/08/2014 | <p><b>Motion to Correct Sentence</b> (8:30 AM) (Judicial Officer: Cadish, Elissa F.)<br/> <i>Defendant's Notice of Motion and Motion to Correct Illegal Sentence</i><br/> Denied;</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 01/08/2014 | <p> <b>All Pending Motions</b> (8:30 AM) (Judicial Officer: Cadish, Elissa F.)<br/> Decision Made;<br/> Journal Entry Details:<br/> <b>DEFENDANT'S PRO SE MOTION TO EXTEND PRISON COPY WORK LIMIT...DEFENDANT'S PRO SE MOTION TO CORRECT ILLEGAL SENTENCE</b> In the absence of the Deft., Court stated there will not be any argument and a ruling will be made based upon the papers. Court stated findings and <b>ORDERED</b>, Deft's Pro Se Motion To Correct Illegal Sentence <b>DENIED</b>; Deft's Pro Se Motion To Extend Prison Copy Work Limit <b>DENIED WITHOUT PREJUDICE</b> as the Deft. has not sufficiently established what needs to be copied to warrant the additional copies and needs to explain in more detail what the need for additional copies are. <b>NDC CLERK'S NOTE: The above minute order has been distributed to: Gregory S. Hermanski #69140, NNCC, POB 7000, Carson City Nv. 89702 ;</b></p>                                                                                                                                                                                                                                                                                                      |
| 02/03/2014 | <p> <b>Motion</b> (8:30 AM) (Judicial Officer: Cadish, Elissa F.)<br/> <i>Defendant's Motion to Extend Prison Copy Work Limit</i><br/> Denied Without Prejudice;<br/> Journal Entry Details:<br/> In the absence of the Defendant the Court stated there will not be any argument and a ruling will be issued on the papers. Court stated findings noting the motion was previously denied without prejudice January 8, 2014, the Defendant has still not made a showing of the need for the copies for any legal purposes and absent of that <b>ORDERED</b>, Defendant's Pro Se Motion To Extend Prison Copy Work Limit <b>DENIED WITHOUT PREJUDICE</b>; State to prepare the order. <b>NDC CLERK'S NOTE: The above minute order has been distributed to: Gregory S. Hermanski #69140, NNCC, POB 7000, Carson City Nv. 89702 ;</b></p>                                                                                                                                                                                                                                                                                                                                                                                            |
| 02/26/2014 | <p><b>Petition for Writ of Habeas Corpus</b> (8:30 AM) (Judicial Officer: Cadish, Elissa F.)<br/> Denied;</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 02/26/2014 | <p><b>Response and Countermotion</b> (8:30 AM) (Judicial Officer: Cadish, Elissa F.)<br/> <i>State's Response And Motion To Dismiss Defendant's Petition For Writ Of Habeas Corpus And "First Amended" Petition For Writ Of Habeas Corpus</i><br/> Granted;</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 02/26/2014 | <p><b>Motion</b> (8:30 AM) (Judicial Officer: Cadish, Elissa F.)<br/> <i>Defendant - Renewed Motion to Extend Prison Copy-Work Limit</i><br/> Denied;</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 02/26/2014 | <p><b>Motion For Reconsideration</b> (8:30 AM) (Judicial Officer: Cadish, Elissa F.)<br/> <i>Defendant - Motion for Reconsideration</i><br/> Denied;</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 02/26/2014 | <p> <b>All Pending Motions</b> (8:30 AM) (Judicial Officer: Cadish, Elissa F.)<br/> Decision Made;<br/> Journal Entry Details:<br/> <b>DEFT'S PRO SE RENEWED MOTION TO EXTEND PRISON COPY WORK LIMIT... PETITION FOR WRIT OF HABEAS CORPUS DEFT'S PRO SE MOTION FOR RECONSIDERATION STATE S RESPONSE AND MOTION TO DISMISS DEFT S PETITION FOR WRIT OF HABEAS CORPUS AND FIRST AMENDED PETITION FOR WRIT OF HABEAS CORPUS.</b> In the absence of the Defendant the Court stated there will not be any argument and a ruling will be issued based upon the papers. Court stated findings and <b>ORDERED</b>, Defendant's Pro Se Renewed Motion To Extend Prison Copy Work Limit <b>DENIED</b>; Petitioner's Objection And Motion To Strike Respondent's Opposition To Motion To Extend Prison Copy-Work Limit scheduled March 17th is <b>DENIED AS MOOT</b>; Deft's Petition For Writ of Habeas Corpus, Motion For Reconsideration and requests for counsel and an Evidentiary Hearing are <b>DENIED</b>; State s Motion To Dismiss <b>GRANTED</b>; State to prepare the order. <b>NDC CLERK'S NOTE: The above minute order has been distributed to: Gregory S. Hermanski #69140, NNCC, POB 7000, Carson City Nv. 89702 ;</b></p> |

# CASE SUMMARY

CASE NO. 00C167783

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| 02/26/2014 | <b>CANCELED All Pending Motions</b> (8:30 AM) (Judicial Officer: Cadish, Elissa F.)<br><i>Vacated - On In Error</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 03/17/2014 | <b>CANCELED Motion</b> (8:30 AM) (Judicial Officer: Cadish, Elissa F.)<br><i>Vacated - per Judge</i><br><i>Petitioner's Objection and Motion to Strike Respondent's Opposition to Motion to Extend Prison Copy-Work Limit</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 03/19/2014 |  <b>Motion to Vacate</b> (8:30 AM) (Judicial Officer: Cadish, Elissa F.)<br><i>Defendant's Motion to Vacate Habitual Felon Adjudication and Sentence</i><br>Motion Denied; Defendant's Motion to Vacate Habitual Felon Adjudication and Sentence<br>Journal Entry Details:<br><i>Without argument, Court advised sentenced imposed was not an illegal sentence, noted case had been previously examined by this Court and the Supreme Court and ORDERED, motion DENIED. State to prepare the order. NDC CLERK'S NOTE: The above minute order has been distributed to: Gregory S. Hermanski #69140 c/o Northern Nevada Correctional Center, P.O. Box 7000, Carson City, NV 89702. 03/24/14 kls ;</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 04/30/2014 | <b>Motion For Reconsideration</b> (8:30 AM) (Judicial Officer: Cadish, Elissa F.)<br><i>Def't's Notice of Motion and Motion for Leave to File Motion for Reconsideration</i><br>Denied;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 04/30/2014 | <b>Motion to Reconsider</b> (8:30 AM) (Judicial Officer: Cadish, Elissa F.)<br><i>Notice of Motion and Motion for Reconsideration</i><br>Denied;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 04/30/2014 | <b>Opposition and Countermotion</b> (8:30 AM) (Judicial Officer: Cadish, Elissa F.)<br><i>State's Opposition to Defendant's Motion For Reconsideration and Countermotion For Determination of Vexatious Litigation and Request For Order to Show Cause Why The Court Should Not Issue a Pre-Filing Injunction Order</i><br>Denied;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 04/30/2014 |  <b>All Pending Motions</b> (8:30 AM) (Judicial Officer: Cadish, Elissa F.)<br><i>Def't's Pro Se Motion for Leave to File Motin for Reconsideration...Def't's Pro Se Motion for Reconsideration ... State's Opposition to Defendant's Motion For Reconsideration and Countermotion For Determination of Vexatious Litigation and Request For Order to Show Cause Why The Court Should Not Issue a Pre-Filing Injunction Order</i><br>Decision Made; Def't's Pro Se Motion for leave to File Motin for Reconsideration...Def't's Pro Se Motion for Reconsideration ... State's Opposition to Defendant's Motion For Reconsideration and Countermotion For Determination of Vexatious Litigation and Request For Order to Show Cause Why The Court Should Not Issue a Pre-Filing Injunction Order<br>Journal Entry Details:<br><i>Michelle Sudano, Deputy District Attorney present. COURT NOTED that Deft is incarcerated at Nevada Department of Corrections and the Court will hear no argument today. COURT STATED its position on each motion and ORDERED: Both of the Def't's Pro Se Motions, DENIED. COURT FURTHER ORDERED, State's Countermotion, DENIED. COURT NOTED that the Judgments of Convictions were available and reviewed before Deft was sentenced as a Habitual Criminal. COURT STATED it warns Defendant that he can take up his issues with the Nevada Supreme Court and not this Court re habitual criminal treatment, absence of new facts or law, or he will be subject to sanctions. NDC CLERK'S NOTE: A copy of this minute order has been distributed to Deft: Gregory Scott Hermanski #69140 Northern Nevada Correctional Center P.O. Box 7000 Carson City, NV 89202 ;</i> |
| 04/29/2015 |  <b>Motion</b> (8:30 AM) (Judicial Officer: Cadish, Elissa F.)<br><i>Motion for Prisoner Transportation Order (Oral Argument Requested )</i><br>Denied;<br>Journal Entry Details:<br><i>Defendant not present. Court noted the Defendant seeks to be transported for the proceedings of June 17, 2015 and in the view of the Court there is no need for the Defendant's appearance as there is no Evidentiary Hearing, the record will not be expanded, and if an Evidentiary Hearing is needed the Defendant will be transported. COURT ORDERED, Defendant's Pro Per Motion For Prisoner Transportation (Oral Argument Requested) DENIED NDC 6-17-15</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

# CASE SUMMARY

CASE NO. 00C167783

8:30 AM DEFENDANT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS;  
DEFENDANT'S MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS CLERK'S  
NOTE: The above minute order has been distributed to: Gregory Scott Hermanski #69140,  
NNCC, POB 7000, Carson City Nv. 89702 ;

|            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 06/17/2015 | <b>Petition for Writ of Habeas Corpus (8:30 AM)</b> (Judicial Officer: Cadish, Elissa F.)<br>Denied;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 06/17/2015 | <b>Motion for Leave (8:30 AM)</b> (Judicial Officer: Cadish, Elissa F.)<br><i>Defendant's Motion for Leave to Proceed in Forma Pauperis</i><br>Granted;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 06/17/2015 |  <b>All Pending Motions (8:30 AM)</b> (Judicial Officer: Cadish, Elissa F.)<br>Matter Resolved;<br>Journal Entry Details:<br><i>Defendant's Pro Se Petition For Writ Of Habeas Corpus...Defendant's Pro Se Motion For Leave To Proceed In Forma Paupers In the absence of the Defendant, Court stated there will not be any argument and a ruling will be issued based upon the papers. Court stated findings and ORDERED, Motion To Dismiss Defendant's Pro Se Petition For Writ Of Habeas Corpus GRANTED; Defendant's Request For Evidentiary Hearing DENIED; Defendant's Pro Se Motion For Leave To Proceed In Forma Paupers GRANTED; State to prepare the order. NDC CLERK'S NOTE: The above minute order has been distributed to: Gregory S. Hermanski # 69140, NNCC POB 7000, Carson City Nv. 89702 ;</i> |
| 11/13/2019 |  <b>Motion (9:30 AM)</b> (Judicial Officer: Bluth, Jacqueline M.)<br><i>Motion to Correct Judgment of Conviction</i><br>Denied;<br>Journal Entry Details:<br><i>Court stated findings and ORDERED, Motion To Correct Judgment of Conviction DENIED; State's to prepare the order. NDC;</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 12/04/2019 |  <b>Motion (9:30 AM)</b> (Judicial Officer: Bluth, Jacqueline M.)<br><i>Supplemental Motion to Correct Judgment of Conviction</i><br>Denied;<br>Journal Entry Details:<br><i>Court stated findings and ORDERED, Supplemental Motion To Correct Judgment of Conviction DENIED. Ms. Clowers stated an order will be prepared. NDC ;</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 12/09/2019 |  <b>Motion (9:30 AM)</b> (Judicial Officer: Bluth, Jacqueline M.)<br><i>Motion for Enlargement of Time</i><br>Denied;<br>Journal Entry Details:<br><i>Court stated findings and ORDERED, Motion For Enlargement of time DENIED as the motion has already been ruled on. NDC ;</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

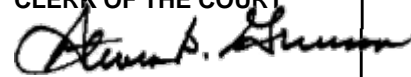
DATE

FINANCIAL INFORMATION

**Defendant** Hermanski, Gregory S  
Total Charges  
Total Payments and Credits  
**Balance Due as of 12/20/2019**

275.00  
0.00  
**275.00**





1 **ORDR**  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 SHANON CLOWERS  
6 Chief Deputy District Attorney  
7 Nevada Bar #010008  
8 200 Lewis Avenue  
9 Las Vegas, NV 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

8 DISTRICT COURT  
9 CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,  
11 Plaintiff,

12 -vs-

13 GREGORY SCOTT HERMANSKI, aka  
14 Robert James Day, #1679345

15 Defendant.

CASE NO: 00C167783

DEPT NO: VI

16 **ORDER DENYING DEFENDANT'S MOTION TO CORRECT JUDGMENT OF**  
17 **CONVICTION**

18 DATE OF HEARING: November 13, 2019  
19 TIME OF HEARING: 9:30 A.M.

20 THIS MATTER having come on for hearing before the above entitled Court on the  
21 13th day of November, 2019, the Defendant not being present, in Pro Per person, the Plaintiff  
22 being represented by STEVEN B. WOLFSON, District Attorney, through SHANON  
23 CLOWERS, Chief Deputy District Attorney, and without argument, based on the pleadings  
24 and good cause appearing therefor,

25 ///

26 ///

27 ///

28 ///



1 IT IS HEREBY ORDERED that the Defendant's Motion to Correct Judgment of  
2 Conviction, shall be, and it is DENIED.

3 DATED this 25<sup>th</sup> day of November, 2019.

4   
5 DISTRICT JUDGE

6 STEVEN B. WOLFSON  
7 Clark County District Attorney  
8 Nevada Bar #001565

Jacqueline Bluth 



9 BY


10 SHANON CLOWERS  
11 Chief Deputy District Attorney  
12 Nevada Bar #010008

13 CERTIFICATE OF SERVICE

14 I certify that on the 10<sup>th</sup> day of December, 2019, I mailed a copy of the foregoing  
15 Order to:

16 GREGORY SCOTT HERMANSKI, #69140  
17 NORTHERN NEVADA CORRECTIONAL CENTER  
18 P.O. BOX 7000  
19 CARSON CITY, NEVADA 89702

20  
21  
22 BY

  
Secretary for the District Attorney's Office

23  
24  
25  
26  
27  
28 rmj/L3

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 13, 2000

00C167783

The State of Nevada vs Gregory S Hermanski

June 13, 2000

9:00 AM

Initial Arraignment

**INITIAL  
ARRAIGNMENT**  
**Relief Clerk: BILLIE  
JO CRAIG**  
**Reporter/Recorder:  
TINA SMITH** **Heard  
By: Kathy Hardcastle**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

|                 |                      |           |
|-----------------|----------------------|-----------|
| <b>PRESENT:</b> | Hermanski, Gregory S | Defendant |
|                 | Moreo, Thomas J.     | Attorney  |
|                 | Public Defender      | Attorney  |
|                 | Roundtree, Stacey    | Attorney  |

**JOURNAL ENTRIES**

- Ms. Roundtree advised there were two incompetent reports and submitted the second report from Dr. Paglini. Pursuant to NRS 178.425, COURT ORDERED, defendant REMANDED to the custody of the Administrator of the Mental Hygiene and Mental Retardation Division for the Department of Human Resources for detention and treatment at a secure facility operated by the Mental Hygiene and Mental Retardation Division.  
L.C.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****October 04, 2000**

---

00C167783

The State of Nevada vs Gregory S Hermanski

---

**October 04, 2000****9:00 AM****Status Check**

**COURT  
ADMINISTRATION  
S' REQUEST FOR  
STATUS CHECK  
Relief Clerk: BILLIE  
JO CRAIG  
Reporter/Recorder:  
TINA SMITH Heard  
By: Hardcastle, Kathy**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Campbell, Cara L.  
Khamisi, Bitu  
Public Defender

Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES**

- FINDINGS (OF COMPETENCY) AND ORDER TO TRANSPORT SIGNED AND FILED IN OPEN COURT. Court noted it received the reports. COURT ORDERED, matter CONTINUED for defendant to be present.  
L.C.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****October 25, 2000**

---

00C167783

The State of Nevada vs Gregory S Hermanski

---

**October 25, 2000****9:00 AM****Status Check**

**COURT  
ADMINISTRATION  
S' REQUEST FOR  
STATUS CHECK  
Court Clerk:  
DOROTHY KELLY  
Reporter/Recorder:  
TINA SMITH Heard  
By: Hardcastle, Kathy**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Public Defender  
Roundtree, Stacey  
Villegas, Victoria A.

Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES**

- COURT ORDERED, matter CONTINUED for deft's presence. Court instructed counsel to call Lakes Crossing.

L.C.

COURT'S ADMINISTRATION'S REQUEST FOR STATUS CHECK

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

---

00C167783

The State of Nevada vs Gregory S Hermanski

---

**November 08, 2000****9:00 AM****Status Check****COURT  
ADMINISTRATION  
S' REQUEST FOR  
STATUS CHECK  
Court Clerk:  
DOROTHY KELLY  
Reporter/Recorder:  
TINA SMITH Heard  
By: Hardcastle, Kathy****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Campbell, Cara L.  
DeJulio, Douglas P.  
Public DefenderAttorney  
Attorney  
Attorney**JOURNAL ENTRIES**

- Deft not transported; therefore, COURT ORDERED, matter CONTINUED.  
L.C.

COURT ADMINISTRATION'S REQUEST FOR STATUS CHECK

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****November 14, 2000**

00C167783

The State of Nevada vs Gregory S Hermanski

**November 14, 2000****9:00 AM****Status Check****COURT  
ADMINISTRATION  
S' REQUEST FOR  
STATUS CHECK  
Relief Clerk: BILLIE  
JO CRAIG  
Reporter/Recorder:  
TINA SMITH Heard  
By: Kathy Hardcastle****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Campbell, Cara L.

Attorney

DeJulio, Douglas P.

Attorney

Hermanski, Gregory S

Defendant

Public Defender

Attorney

**JOURNAL ENTRIES**

- Court noted defendant competent. COURT ORDERED, matter REMANDED TO JUSTICE COURT to start over with a Preliminary Hearing on charges.

CUSTODY

11/20/00 8:00 AM REMANDED TO JUSTICE COURT, DEPT. 1

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****December 11, 2000**

00C167783

The State of Nevada vs Gregory S Hermanski

**December 11, 2000****9:00 AM****Initial Arraignment****INITIAL****ARRAIGNMENT****Relief Clerk: GREER****JENNISON****Reporter/Recorder:****TINA SMITH Heard****By: Kathy Hardcastle****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Dickson, Dianne

Attorney

Hermanski, Gregory S

Defendant

Moreo, Thomas J.

Attorney

Public Defender

Attorney

**JOURNAL ENTRIES**

- DEFENDANT DAY ARRAIGNED, PLED NOT GUILTY and INVOKED THE 60-DAY RULE.  
COURT ORDERED, matter set for trial.

CUSTODY

2/21/01 9:00 AM CALENDAR CALL - DEPT. IV

2/26/01 10:30 AM JURY TRIAL - DEPT. IV

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 21, 2001

00C167783

The State of Nevada vs Gregory S Hermanski

February 21, 2001

9:00 AM

Calendar Call

CALENDAR CALL

Court Clerk:

DOROTHY KELLY

Reporter/Recorder:

TINA SMITH Heard

By: Kathy Hardcastle

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

Campbell, Cara L.

Attorney

Hermanski, Gregory S

Defendant

Khamisi, Bitu

Attorney

Public Defender

Attorney

**JOURNAL ENTRIES**

- AMENDED INFORMATION, MOTION TO AMEND INFORMATION FILED IN OPEN COURT. ORDER TO AMEND INFORMATION SIGNED AND FILED IN OPEN COURT. Ms. Khamisi stated Ms. Dickson informed her she is ready to proceed to trial; she requested a start date of next Tuesday or later. Ms. Campbell stated this is Mr. Fattig's case; trial should take two days with four to six witnesses. COURT ORDERED, matter CONTINUED for trial order.

CUSTODY

02-23-01 9:00 A.M. STATUS CHECK: FINAL TRIAL ORDER



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****February 23, 2001**

00C167783

The State of Nevada vs Gregory S Hermanski

**February 23, 2001****9:00 AM****Status Check**

**STATUS CHECK:  
FINAL TRIAL  
ORDER Court Clerk:  
DOROTHY KELLY  
Reporter/Recorder:  
TINA SMITH Heard  
By: Kathy Hardcastle**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

DeJulio, Douglas P.

Attorney

Hehn, William A.

Attorney

Hermanski, Gregory S

Defendant

Public Defender

Attorney

**JOURNAL ENTRIES**

- State announced ready for trial. Due to Court's schedule (murder trial), COURT ORDERED, trial date VACATED and RESET.

CUSTODY

02-28-01 9:00 A.M. CALENDAR CALL

03-12-01 10:30 A.M. TRIAL BY JURY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****February 28, 2001**

---

00C167783

The State of Nevada vs Gregory S Hermanski

---

**February 28, 2001****9:00 AM****Calendar Call****CALENDAR CALL****Court Clerk:****DOROTHY KELLY****Reporter/Recorder:****TINA SMITH Heard****By: Kathy Hardcastle****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Dickson, Dianne

Attorney

Hermanski, Gregory S

Defendant

Public Defender

Attorney

Villegas, Victoria A.

Attorney

**JOURNAL ENTRIES**

- Both sides announced ready for a one-and-one-half day trial. COURT ORDERED, Trial Date Stands, Deft's Motion to Dismiss Information to be heard before trial.

**CUSTODY**

03-12-01 10:30 A.M. TRIAL BY JURY...DEFT'S MOTION TO DISMISS INFORMATION

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 12, 2001

00C167783

The State of Nevada vs Gregory S Hermanski

March 12, 2001

9:00 AM

All Pending Motions

**ALL PENDING  
MOTIONS FOR  
3/12/01 Relief Clerk:  
BILLIE JO CRAIG  
Reporter/Recorder:  
LIZ GARCIA Heard  
By: Kathy Hardcastle**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Dickson, Dianne

Attorney

Fattig, John T

Attorney

Hehn, William A.

Attorney

Hermanski, Gregory S

Defendant

Public Defender

Attorney

**JOURNAL ENTRIES**

**- DEFT'S MOTION TO DISMISS INFORMATION...JURY TRIAL**

Court noted there was no legal basis to dismiss Information. A Supplemental Motion submitted to the Court. COURT ORDERED, Motion to Dismiss for Failure to Preserve Evidence is DENIED.

Upon Court's inquiry, Ms. Dickson advised there were negotiations pending the outcome of this Motion. Mr. Hehn advised there was a Guilty Plea Agreement and a Second Amended Information in the file. Ms. Dickson requested matter trail to talk with defendant. COURT ORDERED, matter to TRAIL. RECALLED. Ms. Dickson requested additional time for defendant to make a decision. COURT ORDERED, matter to TRAIL until 1:30 PM today.

RECALLED. Ms. Dickson advised defendant not arraigned on the Amended Information which included the habitual status. Also, there was a question as to the Amended Information indicating in

Count II as Burglary while in Possession of a Firearm in the summary even though it was a knife. COURT ORDERED, the Amended Information AMENDED BY INTERLINEATION to indicate in the summary BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (F). Arguments regarding defendant taking stand and what prior convictions will be used. COURT ORDERED, this Motion and the Supplemental Motion DENIED as there is no legal basis and the Certified JOC of 1984 can be used and others if certified and the State is prepared to present evidence. Ms. Dickson objected. COURT ORDERED, Trial CONTINUED to next day.

CUSTODY

3/13/01 10:30 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 13, 2001

00C167783

The State of Nevada vs Gregory S Hermanski

March 13, 2001

10:30 AM

Jury Trial

**TRIAL BY JURY****Relief Clerk: BILLIE****JO CRAIG****Reporter/Recorder:****LIZ GARCIA Heard****By: Hardcastle, Kathy****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Dickson, Dianne

Attorney

Fattig, John T

Attorney

Hermanski, Gregory S

Defendant

Public Defender

Attorney

**JOURNAL ENTRIES**

- At 11:09 AM, the Jury Panel, counsel and defendant present. At 11:09 AM, Mr. Fattig made his introduction. At 11:10 AM, Ms. Dickson made her introduction. Voir dire oath given at 2:14 PM. Alternate sworn to try the case at 2:16 PM. The Clerk read the Amended Information to the Jury at 2:20 PM. Opening statements by Mr. Fattig. Opening statements by Ms. Dickson. Witnesses sworn and and testified. Exhibits (see Worksheets). COURT ORDERED, EVENING RECESS. OUTSIDE THE PRESENCE OF THE JURY, the Court advised defendant of his right to testify on his own behalf. Defendant stated he understood. Colloquy regarding remaining witnesses and additional certified copies of convictions. At 5:10 PM, Court recessed for the evening.

CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 14, 2001

00C167783

The State of Nevada vs Gregory S Hermanski

March 14, 2001

10:30 AM

Jury Trial

**TRIAL BY JURY****Relief Clerk: BILLIE****JO CRAIG****Reporter/Recorder:****LIZ GARCIA Heard****By: Hardcastle, Kathy****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Dickson, Dianne

Attorney

Fattig, John T

Attorney

Hermanski, Gregory S

Defendant

Public Defender

Attorney

**JOURNAL ENTRIES**

- Jury Instructions settled in Open Court. Counsel stipulated to the presence of the Jury at 10:40 AM. Witnesses sworn and testified. (See Worksheets.) Exhibits (see Worksheets). At 11:54 AM, the State rests. COURT ORDERED, NOON RECESS. At 1:32 PM, counsel stipulated to the presence of the Jury. Testimony continues. At 2:13 PM, defense rests. The Court instructed the Jury on the laws which applied to the case. Closing arguments by Mr. Fattig at 2:27 PM. Closing arguments by Ms. Dickson at 3:16 PM. Rebuttal argument by Mr. Fattig at 3:38 PM. Bailiff sworn to take charge of the Jury at 3:49 PM. Bailiff sworn to take charge of the Alternate at 3:49 PM. OUTSIDE THE PRESENCE OF THE JURY, Ms. Dickson objected to the hearsay statements by the trucker as inadmissible hearsay, detective failed to look for defendant's shirt, and offer to truck driver of \$100.00 to take defendant to New Orleans. Court stated its findings. COURT ORDERED, objection OVERRULED. COURT ORDERED, EVENING RECESS.

CUSTODY



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 15, 2001

00C167783

The State of Nevada vs Gregory S Hermanski

March 15, 2001

10:30 AM

Jury Trial

**TRIAL BY JURY****Relief Clerk: BILLIE****JO CRAIG****Reporter/Recorder:****LIZ GARCIA Heard****By: Kathy Hardcastle****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Dickson, Dianne

Attorney

Fattig, John T

Attorney

Hermanski, Gregory S

Defendant

Public Defender

Attorney

**JOURNAL ENTRIES**

- At the hour of 2:08 PM, the Jury returned with a verdict finding Defendant Day GUILTY OF COUNT I - ROBBERY WITH USE OF A DEADLY WEAPON (F) AND COUNT II - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (F). The Court thanked and excused the Jurors. The State will file for habitual offender treatment. COURT ORDERED, matter referred to P&P for a PSI and SET for Sentencing.

CUSTODY

5/2/01 9:00 AM SENTENCING



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****March 26, 2001**

00C167783

The State of Nevada vs Gregory S Hermanski

**March 26, 2001****9:00 AM****Motion to Amend  
Information****STATE'S MOTION  
TO AMEND  
INFORMATION  
Relief Clerk: BILLIE  
JO CRAIG  
Reporter/Recorder:  
TINA SMITH Heard  
By: Kathy Hardcastle****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Dickson, Dianne  
Hermanski, Gregory S  
Public Defender  
Villegas, Victoria A.

Attorney  
Defendant  
Attorney  
Attorney

**JOURNAL ENTRIES**

- COURT ORDERED, State's Motion to Amend Information is GRANTED. Ms. Dickson objected.  
ORDER TO AMEND INFORMATION AND SECOND AMENDED INFORMATION SIGNED AND  
FILED IN OPEN COURT.  
CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 02, 2001

00C167783

The State of Nevada vs Gregory S Hermanski

May 02, 2001

9:00 AM

Sentencing

**SENTENCING****Court Clerk:****DOROTHY KELLY****Relief Clerk: KEITH****REED/kar****Reporter/Recorder:****TINA SMITH Heard****By: Hardcastle, Kathy****HEARD BY:****COURTROOM:** No Location**COURT CLERK:** Denise Trujillo**RECORDER:** Lara Corcoran**REPORTER:****PARTIES****PRESENT:**

Dickson, Dianne

Attorney

Fattig, John T

Attorney

Hermanski, Gregory S

Defendant

Public Defender

Attorney

**JOURNAL ENTRIES**

- Joy Mundy-Neal of Parole and Probation present. Court noted the Defendant refused to be interviewed for the Pre-Sentence Investigation Report (PSI). Ms. Dickson stated P & P requested the Deft. not make a statement due to his contention he is not guilty of the charges. DEFENDANT DAY ADJUDGED GUILTY of of COUNT I, ROBBERY WITH USE OF A DEADLY WEAPON (F) and COUNT II, BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (F). COURT ORDERED, matter CONTINUED to review a certified copy of the Judgment of Conviction. CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 09, 2001

00C167783

The State of Nevada vs Gregory S Hermanski

May 09, 2001

9:00 AM

Sentencing

**SENTENCING****Relief Clerk: BILLIE****JO CRAIG****Reporter/Recorder:****TINA SMITH Heard****By: Kathy Hardcastle****HEARD BY:****COURTROOM:** No Location**COURT CLERK:** Denise Trujillo**RECORDER:** Lara Corcoran**REPORTER:****PARTIES****PRESENT:**

Dickson, Dianne

Attorney

Fattig, John T

Attorney

Hermanski, Gregory S

Defendant

Public Defender

Attorney

**JOURNAL ENTRIES**

- Brenda Lewis of the Dept. of P & P present. Ms. Dickson inquired if the Court received the Supplemental PSI. Arguments by counsel regarding habitual treatment. COURT ADJUDGED DEFENDANT DAY GUILTY OF COUNT I - ROBBERY WITH USE OF A DEADLY WEAPON (F) AND CT. II - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (F). Parties argued and submitted. Exhibits (see worksheet). COURT ORDERED, in addition to the \$25.00 Administrative Assessment Fee and \$250.00 DNA Analysis Fee and defendant to submit to a blood and/or saliva test to determine genetic markers or secretor status, Defendant ADJUDGED an HABITUAL OFFENDER. Defendant SENTENCED to a MAXIMUM of THREE HUNDRED (300) MONTHS and a MINIMUM of ONE HUNDRED TWENTY (120) MONTHS in the Nevada Department of Prisons, with THREE HUNDRED EIGHT-TWO (382) DAYS Credit For Time Served. RECALLED LATER. Mr. Fattig request defendant be sentenced in CT. II. The Court advised when a defendant is adjudged an habitual offender, sentence applies to both counts.

**00C167783**

NDP

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****February 06, 2002**

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00C167783

The State of Nevada vs Gregory S Hermanski

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**February 06, 2002****9:00 AM****Request of Court**

**AT THE REQUEST  
OF THE COURT  
CLARIFICATN  
SENTENCE/SUPRE  
ME CT VR 2/7 Court  
Clerk: Dorothy Kelly  
Reporter/Recorder:  
Tina Smith Heard  
By: Hardcastle, Kathy**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Dickson, Dianne  
Noxon, Arthur G.  
Public Defender

Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES**

- Ms. Dickson stated the Deft. has not been transported. She further stated there is a motion for reconsideration in the Supreme Court. Court stated it has a remittitur. COURT ORDERED, matter CONTINUED; a Writ has to be prepared to have Deft. transported.

NDC

AT REQUEST OF COURT: CLARIFICATION OF SENTENCE PER SUPREME COURT ORDER

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****June 26, 2002**

00C167783

The State of Nevada vs Gregory S Hermanski

**June 26, 2002****9:00 AM****Request****DEFT'S REQUEST  
RESENTENCING  
PURSUANT TO  
ORDER OF  
SUPREME COURT  
/14 Court Clerk:  
Dorothy Kelly  
Reporter/Recorder:  
Tina Smith Heard  
By: Hardcastle, Kathy****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Dickson, Dianne  
Noxon, Arthur G.  
Public DefenderAttorney  
Attorney  
Attorney**JOURNAL ENTRIES**

- Court stated an Order to Transport Deft. has to be prepared. State advised it will prepare the Order.  
COURT ORDERED, matter CONTINUED.

NDC

DEFT'S REQUEST FOR RE-SENTENCING PURSUANT TO SUPREME COURT ORDER

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 25, 2002

00C167783

The State of Nevada vs Gregory S Hermanski

July 25, 2002

9:00 AM

All Pending Motions

**ALL PENDING  
MOTIONS 07-25-02  
Court Clerk: Dorothy  
Kelly  
Reporter/Recorder:  
Debra Van Blaricom  
Heard By: Kathy  
Hardcastle**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:** Denise Trujillo**RECORDER:** Lara Corcoran**REPORTER:****PARTIES****PRESENT:**

Dickson, Dianne

Attorney

Hermanski, Gregory S

Defendant

Public Defender

Attorney

Schubert, David

Attorney

**JOURNAL ENTRIES**

- DEFT'S MOTION FOR A NEW TRIAL...DEFT'S MOTION TO VACATE SENTENCE AS AN HABITUAL CRIMINAL...DEFT'S REQUEST FOR RE-SENTENCING PURSUANT TO SUPREME COURT ORDER

Ms. Dickson stated this was remanded from the Supreme Court for sentencing. She further stated she obtained information that records are not Mr. Day's records; fingerprints attached to a document do not match the Deft.'s. She requested the sentencing be vacated. State requested time to respond.

COURT ORDERED, matter CONTINUED. Court advised Ms. Dickson the Deft. does not have to be present for the next Court date. Ms. Dickson responded the Deft. wants to be present. Court directed the State to prepare an Order to Transport Deft. to all proceedings.

NDC

**00C167783**

08-14-02 9:00 A.M. (MOTIONS AND REQUEST AS REFLECTED ABOVE)



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 14, 2002

00C167783

The State of Nevada vs Gregory S Hermanski

August 14, 2002

9:00 AM

All Pending Motions

**ALL PENDING  
MOTIONS 08-14-02  
Court Clerk: Dorothy  
Kelly  
Reporter/Recorder:  
Tina Smith Heard  
By: Kathy Hardcastle**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:** Denise Trujillo**RECORDER:** Lara Corcoran**REPORTER:****PARTIES****PRESENT:**

Dickson, Dianne

Attorney

Hermanski, Gregory S

Defendant

Public Defender

Attorney

Schubert, David

Attorney

**JOURNAL ENTRIES**

- DEFT'S MOTION FOR A NEW TRIAL...DEFT'S MOTION TO VACATE SENTENCE AS AN HABITUAL CRIMINAL...DEFT'S REQUEST FOR RE-SENTENCING PURSUANT TO SUPREME COURT ORDER...AT THE REQUEST OF THE COURT: ADDRESS REQUEST FOR TRANSCRIPT OF VOIR DIRE

Mr. Schubert requested a continuance as Deputy District Attorney, Scott Mitchell, is on vacation; COURT, SO ORDERED.

NDC

08-28-02 9:00 A.M. MOTIONS AND REQUESTS AS REFLECTED ABOVE

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 28, 2002

00C167783

The State of Nevada vs Gregory S Hermanski

August 28, 2002

9:00 AM

All Pending Motions

**ALL PENDING  
MOTIONS 8-28-02  
Relief Clerk: Alan  
Castle  
Reporter/Recorder:  
Tina Smith Heard  
By: Kathy Hardcastle**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:** Denise Trujillo**RECORDER:** Lara Corcoran**REPORTER:****PARTIES****PRESENT:**

|                      |           |
|----------------------|-----------|
| Dickson, Dianne      | Attorney  |
| Hermanski, Gregory S | Defendant |
| Lieberman, Gary H.   | Attorney  |
| Public Defender      | Attorney  |
| Schubert, David      | Attorney  |

**JOURNAL ENTRIES**

- DEFT'S MOTION FOR NEW TRIAL...DEFT'S MOTION TO VACATE SENTENCE AS A HABITUAL CRIMINAL...DEFT'S MOTION FOR RE-SENTENCING PURSUANT TO SUPREME COURT ORDER...AT THE REQUEST OF THE COURT: ADDRESS REQUEST OF VOIR DIRE Deft's motion to dismiss Count pursuant to habitual criminal statute, NRS 207.010 FILED IN OPEN COURT. Following colloquy regarding Deft's correct identity, COURT ORDERED, ALL MATTERS CONTINUED. FURTHER ORDERED, Deft. does not need remain here and is to be sent back to NDC. 10/2/02 9:00 AM DEFT'S MOTION FOR NEW TRIAL...DEFT'S MOTION TO VACATE SENTENCE AS A HABITUAL CRIMINAL...DEFT'S MOTION FOR RE-SENTENCING PURSUANT TO SUPREME COURT ORDER...AT THE REQUEST OF THE COURT: ADDRESS REQUEST OF VOIR DIRE...DEFT'S MOTION TO DISMISS COUNT PURSUANT TO HABITUAL CRIMINAL STATUTE,

**00C167783**

NRS 207.010

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****September 09, 2002**

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00C167783

The State of Nevada vs Gregory S Hermanski

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**September 09, 2002****9:00 AM****Motion****DEFT'S MTN FOR A  
NEW TRIAL/21****Relief Clerk: Denise  
Husted****Reporter/Recorder:****Tina Smith Heard****By: Hardcastle, Kathy****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Bauer, Elizabeth B.

Attorney

Dickson, Dianne

Attorney

Public Defender

Attorney

**JOURNAL ENTRIES**

- COURT ORDERED, motion CONTINUED.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 02, 2002

00C167783

The State of Nevada vs Gregory S Hermanski

October 02, 2002

9:00 AM

All Pending Motions

**ALL PENDING  
MOTIONS 10-02-02**  
**Court Clerk: Dorothy  
Kelly**  
**Reporter/Recorder:  
Tina Smith Heard**  
**By: Kathy Hardcastle**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:** Denise Trujillo**RECORDER:** Lara Corcoran**REPORTER:****PARTIES****PRESENT:**

Dickson, Dianne  
 Mitchell, Scott S.  
 Public Defender

Attorney  
 Attorney  
 Attorney

**JOURNAL ENTRIES**

- DEFT'S MOTION FOR A NEW TRIAL...DEFT'S MOTION TO VACATE SENTENCE AS AN HABITUAL CRIMINAL...DEFT'S REQUEST FOR RE-SENTENCING PURSUANT TO SUPREME COURT ORDER...AT THE REQUEST OF THE COURT: ADDRESS REQUEST FOR TRANSCRIPT OF VOIR DIRE...DEFT'S MOTION TO DISMISS COUNT PURSUANT TO HABITUAL CRIMINAL STATUTE, NRS 207.010...DEFT'S MOTION FOR A NEW TRIAL

State's Opposition to Defendant's Motion to Vacate Sentence as an Habitual Criminal and State's Opposition to Defendant's Motion for New Trial FILED IN OPEN COURT. COURT ORDERED, Judgment of Conviction to be AMENDED BY INTERLINEATION to reflect Deft. found guilty pursuant to Jury Verdict. Ms. Dickson stated she has new evidence whereby the Deft. happened upon Mr. Beck who submitted an affidavit stating he was working with the Deft. on the day in question. Mr. Mitchell stated that as to the Motion to Vacate Sentence as an Habitual Criminal, he concurs with the motion; the State wants to resentence Deft., since he was not the person he was

sentenced under. He further stated the Deft. admitted he is not Robert James Day; he is Gregory Scott Hermanski and from running an FBI identity, he is a twelve-time convicted felon and has an outstanding warrant from North Carolina and felony convictions from Florida and a Federal conviction. Mr. Mitchell further stated that Robert Day is someone the Deft. met, and because the Deft. pulled identity fraud in Court, the State will file new charges for perjury and identity fraud. Mr. Mitchell requested a new sentencing date be set and requested time to obtain ID materials from the other jurisdictions; the Deft. has convictions from 1969. Court stated it will leave everything as is and ORDERED, matter CONTINUED sixty (60) days. Court instructed the State to obtain information and when it is responded to the Court will decide what to do. Mr. Mitchell stated he wants a new Pre-Sentence Report and wants to have the Deft. at the jail. Ms. Dickson stated the Deft. does not want to talk to the Division of Parole and Probation; the State had Deft's fingerprints from day one.

NDC

12-04-02 9:00 A.M. MOTIONS AS REFLECTED ABOVE

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 04, 2002

00C167783

The State of Nevada vs Gregory S Hermanski

December 04, 2002

9:00 AM

All Pending Motions

**ALL PENDING  
MOTIONS 12-04-02  
Court Clerk: Dorothy  
Kelly  
Reporter/Recorder:  
Tina Smith Heard  
By: Kathy Hardcastle**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Dickson, Dianne

Attorney

Hermanski, Gregory S

Defendant

Mitchell, Scott S.

Attorney

Public Defender

Attorney

**JOURNAL ENTRIES**

- DEFT'S MOTION FOR A NEW TRIAL...DEFT'S MOTION TO VACATE SENTENCE AS AN HABITUAL CRIMINAL...DEFT'S REQUEST FOR RE-SENTENCING PURSUANT TO SUPREME COURT ORDER...AT THE REQUEST OF THE COURT: ADDRESS REQUEST FOR TRANSCRIPT OF VOIR DIRE...DEFT'S MOTION TO DISMISS COUNT PURSUANT TO HABITUAL CRIMINAL STATUTE, NRS 207.010...DEFT'S MOTION FOR A NEW TRIAL

Objection FILED IN OPEN COURT. Ms. Dickson stated the Deft. wants to file a motion objecting to the proceedings. As to the Motion to Vacate Sentence, Mr. Mitchell stated all parties are in agreement Deft. is Gregory Hermanski; he was sentenced as Robert Day; sentencing should be vacated, a new sentencing date set and a new Pre-Sentence Report prepared. He further stated the Deft. has a record that requires this Court to sentence him as a violent habitual criminal; he has two bank robbery certifications and one is on the way. Mr. Mitchell stated the State is prepared to say the Deft. has

eleven (11) felony convictions; he requested the prior opposition be withdrawn as the State has verified Mr. Hermanski is not Robert James Day. Court noted the Deft. lied to the Court. Ms. Dickson stated there has been another motion filed by the Deft. Court stated it does not recognize motions filed by the Defendant; they are to be presented to his attorney. Ms. Dickson stated the Motion for a New Trial was based on confirmation the Deft. had a parole violation at the time he ran from police; she requested the copy of documentation and the Birth Certificate be made part of the record....(Defendant's Exhibits A and B). Court stated the Deft. could have made that known to counsel; it is not new evidence. Ms. Dickson stated a witness, Mr. Beck, was located in prison. COURT ORDERED, Deft's Motion for New Trial is DENIED. As to Habitual Criminal Charges, Ms. Dickson stated that is a jury question. Court stated the Deft. has misrepresented who he is; his name is Gregory Scott Hermanski. Mr. Mitchell stated the Deft's FBI number is 888420G. COURT ORDERED, matter REFERRED to the Division of Parole and Probation for a new Pre-Sentence Report and set for sentencing. COURT FURTHER ORDERED, Deft's Motion to Vacate Sentence as an Habitual Criminal is GRANTED; Deft's Request for Re-Sentencing Pursuant to Supreme Court Order is MOOT; At the Request of Court: Address Request for Transcript of Voir Dire is OFF CALENDAR; Deft's Motion to Dismiss Count Pursuant to Habitual Criminal Statute NRS 207.010 is MOOT. Due to Defendant's outburst in Court, Court stated it will hear the motion set for December 16th, without him; Defendant IS NOT TO BE PRESENT IN COURT ON December 16TH.

NDC

12-16-02 9:00 A.M. DEFT'S PRO PER MOTION TO DISMISS COUNSEL/ APPOINT COUNSEL



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 16, 2002

00C167783

The State of Nevada vs Gregory S Hermanski

December 16, 2002

9:00 AM

Motion to Dismiss

**DEFT'S PRO PER  
MTN TO DISMISS  
CNSL/APPOINT  
CNSL/25 Relief  
Clerk: Denise Husted  
Reporter/Recorder:  
Tina Smith Heard  
By: Kathy Hardcastle**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

Dickson, Dianne  
Hart, Marty  
Public Defender

Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES**

- Ms. Dickson advised the Court that the Defendant no longer wants her to represent him due to confusion regarding factual allegations of the Defendant's identity. COURT ORDERED, independent counsel is appointed to review the ineffective assistance of counsel claim; matter set for confirmation of counsel.

NDC

CLERK'S NOTE: Dept. IV Judicial Executive Assistant to notify appropriate counsel of Court date.  
12/23/02 9:00 AM CONFIRMATION OF COUNSEL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****December 23, 2002**

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00C167783

The State of Nevada vs Gregory S Hermanski

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**December 23, 2002****9:00 AM****Motion for Confirmation of  
Counsel****CONFIRMATION  
OF  
COUNSEL/WOMME  
R Relief Clerk:  
Denise Husted  
Reporter/Recorder:  
Tina Smith Heard  
By: Hardcastle, Kathy****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Bauer, Elizabeth B.  
Dickson, Dianne  
Public DefenderAttorney  
Attorney  
Attorney**JOURNAL ENTRIES**

- Ms. Dickson stated this matter is not at the post conviction stage yet, however there is a disagreement regarding factual allegations. Court directed Mr. Wommer to review the file prior to sentencing and matter CONTINUED to that date. Ms. Dickson stated she will give the file to Mr. Wommer.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****January 22, 2003**

00C167783

The State of Nevada vs Gregory S Hermanski

**January 22, 2003****9:00 AM****All Pending Motions****ALL PENDING  
MOTIONS 01-22-03  
Court Clerk: Dorothy  
Kelly Heard By:  
Kathy Hardcastle****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Dickson, Dianne

Attorney

Hart, Marty

Attorney

Wommer, Paul E.

Attorney

**JOURNAL ENTRIES****- CONFIRMATION OF COUNSEL (WOMMER)...SENTENCING**

Carolyn Butts present for the Division of Parole and Probation (P&P). Ms. Dickson stated P&P is requesting a 30-day continuance; COURT, SO ORDERED. Court noted Mr. Wommer previously confirmed as counsel.

NDC

02-26-03 9:00 A.M. SENTENCING

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 26, 2003**

00C167783

The State of Nevada vs Gregory S Hermanski

**February 26, 2003****9:00 AM****Sentencing****SENTENCING****Court Clerk: Carole  
D'Aloia****Reporter/Recorder:****Carrie Hansen Heard****By: Hardcastle, Kathy****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Hehn, William A.

Attorney

Hermanski, Gregory S

Defendant

Wommer, Paul E.

Attorney

**JOURNAL ENTRIES**

- Officer C. Butts of the Division of Parole and Probation (P&P) present. Mr. Wommer advised Defendant was not transported and matter will need to be continued. Mr. Wommer further advised that Court appointed him since Ms. Dickson had a conflict and Mr. Wommer CONFIRMED as counsel. COURT ORDERED, matter CONTINUED and instructed the State to prepare an Order to Transport.

CUSTODY (COC)

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****March 26, 2003**

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00C167783

The State of Nevada vs Gregory S Hermanski

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**March 26, 2003****9:00 AM****Sentencing****SENTENCING  
Court Clerk: Dorothy  
Kelly Heard By:  
Hardcastle, Kathy****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Hart, Marty

Attorney

Wommer, Paul E.

Attorney

**JOURNAL ENTRIES**

- Carolyn Butts present for the Division of Parole and Probation. Mr. Wommer stated he substituted in as counsel for the Deft; he and the Deft. have been in contact. He further stated he has been in trial and has not been able to see the Deft. in the High Desert yet; the Deft. was not transported today.

COURT ORDERED, matter CONTINUED; State to prepare an Order to Transport.

NDC

SENTENCING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 30, 2003

00C167783

The State of Nevada vs Gregory S Hermanski

April 30, 2003

9:00 AM

Sentencing

**SENTENCING****Court Clerk: Dorothy  
Kelly****Reporter/Recorder:****Carrie Hansen Heard****By: Kathy Hardcastle****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Dickson, Dianne

Attorney

Hermanski, Gregory S

Defendant

Mitchell, Scott S.

Attorney

Wommer, Paul E.

Attorney

**JOURNAL ENTRIES**

- William Lizura present for the Division of Parole and Probation (P&P). DEFT. HERMANSKI ADJUDGED GUILTY OF CT. I ROBBERY WITH USE OF A DEADLY WEAPON (F) AND CT. II - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (F). Court heard argument as to Deft's Habitual Criminal status. Mr. Mitchell noted Defendant's prior felonies and stated that under the law, the maximum penalty has to be imposed; it is not discretionary. Mr. Wommer stated he substituted in as counsel for sentencing; Ms. Dickson represented the Deft. previously. Mr. Wommer read Defendant's statement in Court. Court directed Mr. Wommer to put the matters contained in Deft's statement in a motion. Mr. Mitchell provided Court with certified copies of Deft's Judgment of Convictions along with other paperwork reflecting Deft's past convictions. DEFT. HERMANSKI ADJUDGED GUILTY AS A HABITUAL OFFENDER IN COUNTS I AND II. In addition to the \$25 Administrative Assessment Fee and \$150 DNA Fee, COURT ORDERED, Deft. SENTENCED in COUNT I to LIFE in the Nevada Department of Corrections WITHOUT the Possibility of Parole and

in COUNT II to LIFE in the Nevada Department of Corrections WITHOUT the Possibility of Parole; Count II to run CONCURRENTLY with Count I with NO Credit for Time Served; Deft. to submit to a test to determine genetic markers. Court advised counsel he can file the appropriate motion as to credit for time served while Deft. serving Federal time.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 12, 2003

00C167783

The State of Nevada vs Gregory S Hermanski

May 12, 2003

9:00 AM

Request

**DEFT'S REQUEST  
TO CLARIFY  
APPOINTMENT  
OFCOUNSEL/31  
Relief Clerk: Billie Jo  
Craig  
Reporter/Recorder:  
Carrie Hansen Heard  
By: Kathy Hardcastle**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

Bauer, Elizabeth B.  
Dickson, Dianne  
Public Defender  
Roger, David J.  
Wommer, Paul E.

Attorney  
Attorney  
Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES**

- COURT ORDERED, defendant's PRESENCE WAIVED today. Ms. Dickson requested clarification of who represents defendant. Mr. Wommer advised he was appointed to represent defendant only for the ineffectiveness of counsel problem. Court noted it had appointed Mr. Wommer to represent defendant.

NDC



**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****January 31, 2005**

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00C167783

The State of Nevada vs Gregory S Hermanski

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**January 31, 2005****9:00 AM****Motion to Withdraw as  
Counsel****DEFT'S PRO PER  
MTN TO  
WITHDRAW AS  
COUNSEL /32 Court  
Clerk: Alan Castle  
Reporter/Recorder:  
Loree Gallegos  
Heard By: Jennifer  
Togliatti****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES  
PRESENT:****JOURNAL ENTRIES**

- Matter submitted. COURT ORDERED, petition GRANTED. By way of this minute order State to prepare the order and notify all interested parties.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**September 21, 2005**

00C167783

The State of Nevada vs Gregory S Hermanski

**September 21, 2005 9:00 AM**

**Petition for Writ of Habeas  
Corpus**

**DEFT'S PTN FOR  
WRIT OF HABEAS  
CORPUS/33 Court  
Clerk: Alan Castle  
Reporter/Recorder:  
Kristen Lunkwitz  
Heard By: Togliatti,  
Jennifer**

**HEARD BY:**

**COURTROOM:** No Location

**COURT CLERK:**

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:** Benedict, Susan M.

Attorney

**JOURNAL ENTRIES**

- At request of State, COURT ORDERED, matter CONTINUED.  
NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 24, 2005

00C167783

The State of Nevada vs Gregory S Hermanski

October 24, 2005

9:00 AM

All Pending Motions

**ALL PENDING  
MOTIONS 10-24-05  
Relief Clerk: Judy  
McFadden  
Reporter/Recorder:  
Kristen Lunkwitz  
Heard By: Jennifer  
Togliatti**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:

**JOURNAL ENTRIES**

- DEFT'S PRO PER MOTION FOR PRISONER TRANSPORTATION ORDER...DEFT'S PETITION FOR WRIT OF HABEAS CORPUS  
STATE'S OPPOSITION TO DEFENDANT'S MOTION FOR PRISONER TRANSPORTATION FILED IN OPEN COURT. Deft. not present. Conference at Bench. Following Conference at Bench, Court informed it had explained to State and Ms. De La Garza regarding Court's time restraint regarding Deft's Petition for Writ of Habeas Corpus and that Court expects to begin medical leave in ten days that will last two months. Court stated it would need more time to prepare or have another Judge rule. COURT ORDERED, Motion for transport DENIED. Court stated regarding Petition for Writ, it must get up to speed on the case; ineffectual assistance of counsel is the 3rd ground for relief. FURTHER ORDERED, supplemental response from State; matter set for decision. Court directed State to supplement its Opposition to assist Court in addressing the 3rd ground. Court stated Deft. alleges habitual criminal and violent criminal statute did not enable him to challenge conviction.  
NDC

**00C167783**

12/21/05 9:00 AM DECISION: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS/STATE'S  
SUPPLEMENT TO OPPOSITION

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****December 21, 2005**

00C167783

The State of Nevada vs Gregory S Hermanski

**December 21, 2005****9:00 AM****Decision****DECISION: DEFT'S  
PETITION FOR  
WRIT OF HABEAS  
CORPUS /36 Court  
Clerk: Alan Castle  
Reporter/Recorder:  
Kristen Lunkwitz  
Heard By: Brennan,  
James****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Dickson, Dianne  
Keenan, Nell  
Public DefenderAttorney  
Attorney  
Attorney**JOURNAL ENTRIES**

- Upon State's inquiry regarding decision, Court stated the matter in on for decision, and Court has reviewed the petition and may have some questions. Ms. Dickson advised the Deft's motion to appear for oral argument was denied and Deft. has filed another motion regarding that denial. Further, Ms. Dickson represented the Deft. previously and notes the Deft. is well educated and articulate. Also, noted by Ms. Dickson is that the Deft's petition may have merit, but the Defendant himself would be the one to argue those merits. COURT FINDS the Court that previously denied the motion to appear for argument should hear the motion to reconsider and ORDERED, CONTINUED and set for hearing motion to reconsider appearance of Defendant for oral argument on petition. FURTHER, Deft's presence is WAIVED until such time as there is further order of the Court requiring Deft's presence.

**00C167783**

NDC

1/9/06 9:00 AM DEFT'S PRO PER MOTION TO RECONSIDER APPEARANCE FOR ORAL  
ARGUMENT - IN RE DEFT'S PETITION FOR WRIT OF HABEAS CORPUS

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 09, 2006

00C167783

The State of Nevada vs Gregory S Hermanski

January 09, 2006

9:00 AM

Motion to Reconsider

DEFT'S PRO PER  
MOTION TO  
RECONSIDER  
TRANSPORT DEFT  
FOR ORAL  
ARGUMENTS /37  
Court Clerk: Cheryl  
Case Relief Clerk:  
Cynthia Georgilas/cg  
Reporter/Recorder:  
Kristen Lunkwitz  
Heard By: Jennifer  
Togliatti

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

Benedict, Susan M.  
Dickson, Dianne

Attorney  
Attorney

**JOURNAL ENTRIES**

- Ms. Dickson advised she represented Defendant at trial and advised Defendant has real issues and would like to be transported in order to present them to this Court. COURT ORDERED, motion DENIED. Colloquy regarding Defendant's Writ. Court STATED it has reviewed Writ once before but will review Writ again, as well as procedural history and set for Status Check.

NDC

01-18-06 9:00 AM STATUS CHECK: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 18, 2006

00C167783

The State of Nevada vs Gregory S Hermanski

January 18, 2006

9:00 AM

Status Check

**STATUS CHECK:**  
**DEFT'S WRIT OF**  
**HABEAS CORPUS**  
**Court Clerk: Alan**  
**Castle**  
**Reporter/Recorder:**  
**Kristen Lunkwitz**  
**Heard By: Jennifer**  
**Togliatti**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Pesci, Giancarlo

Attorney

**JOURNAL ENTRIES**

- Court FINDS still considering and ORDERED, matter CONTINUED for Decision.

NDC

1/30/06 9:00 AM DECISION: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 30, 2006

00C167783

The State of Nevada vs Gregory S Hermanski

January 30, 2006

9:00 AM

Decision

**DECISION: DEFT'S  
PETITION FOR  
WRIT OF HABEAS  
CORPUS /36 Court  
Clerk: Alan Castle/ac  
Relief Clerk: Kathy  
Streuber  
Reporter/Recorder:  
Kristen Lunkwitz  
Heard By: Togliatti,  
Jennifer**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Pesci, Giancarlo

Attorney

**JOURNAL ENTRIES**

- COURT ORDERED, matter CONTINUED for further consideration. FURTHER, Deft's presence  
WAIVED for these proceedings.  
NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****February 03, 2006**

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00C167783

The State of Nevada vs Gregory S Hermanski

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**February 03, 2006****9:00 AM****Decision**

**DECISION: DEFT'S  
PETITION FOR  
WRIT OF HABEAS  
CORPUS /36 Court  
Clerk: Alan Castle  
Relief Clerk:  
Katherine  
Streuber/ks  
Reporter/Recorder:  
Kristen Lunkwitz  
Heard By: Jennifer  
Togliatti**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Keenan, Nell

Attorney

**JOURNAL ENTRIES**

- COURT ORDERED, Deft's petition is DENIED. By way of this minute order State to prepare the order and notify all interested parties.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****March 27, 2006**

00C167783

The State of Nevada vs Gregory S Hermanski

**March 27, 2006****9:00 AM****Motion****PETITIONERS PRO  
PER MOTION FOR  
REHEARING ON  
DECISION  
ENTERED MARCH  
3, 2006/39 Relief  
Clerk: Melissas  
Swinn  
Reporter/Recorder:  
Janice David Heard  
By: Stephen Huffaker****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Brierly, Tracey J.

Attorney

**JOURNAL ENTRIES**

- Defendant not present as he is currently housed at the Nevada Department of Corrections. Court reviewed documents, stated its findings and ORDERED, motion DENIED.  
NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****August 23, 2006**

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00C167783

The State of Nevada vs Gregory S Hermanski

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**August 23, 2006****9:00 AM****Motion to Stay****DEFT'S PRO PER  
MTN TO STAY  
PROCEEDINGS  
&MTN FOR  
APPOINTMENT OF  
COUNSEL /40 Court  
Clerk: Alan Castle  
Relief Clerk: Kathy  
Klein/kk  
Reporter/Recorder:  
Kristen Lunkwitz  
Heard By: Jennifer  
Togliatti****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Brierly, Tracey J.  
Dickson, DianneAttorney  
Attorney**JOURNAL ENTRIES**

- Court waived Deft's presence. Ms. Dickson appeared on behalf of the Deft. in support of Deft's motion. COURT STATED FINDINGS and ORDERED, motion DENIED. State to prepare the order.  
CASE CLOSED.  
NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 22, 2010

00C167783

The State of Nevada vs Gregory S Hermanski

February 22, 2010

9:00 AM

Motion

DEFT'S PRO PER  
MTN TO CORRECT  
AN  
ILLEGALSentence  
OR IN THE ALT  
MTN TO  
MODIFY/41 Court  
Clerk: Alan Paul  
Castle  
Reporter/Recorder:  
Cheryl Carpenter  
Heard By: Jennifer  
Togliatti

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:

Morgan, Shawn A.

Attorney

**JOURNAL ENTRIES**

- Court waived Defendant's presence, as this Court does not entertain oral arguments in these types of proceedings and determination made specifically on the pleadings. Matter submitted. COURT Finds this Court agrees with State's opposition and ORDERED, motion DENIED. By way of this minute order State to prepare the Findings of Fact, Conclusions of Law that track the State's opposition and notify all interested parties. CASE CLOSED.  
NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****April 05, 2010**

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00C167783

The State of Nevada vs Gregory S Hermanski

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**April 05, 2010****9:00 AM****Motion to Reconsider****DEFT'S PRO PER  
MTN TO  
RECONSIDER /42  
Court Clerk: Alan  
Paul Castle/ac Relief  
Clerk: Shelly  
Landwehr  
Reporter/Recorder:  
Yvette Lester Heard  
By: Jennifer Togliatti****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Rinetti, Dena I.

Attorney

**JOURNAL ENTRIES**

- Court waived Defendant's presence, as this Court does not entertain oral arguments in these types of proceedings and determination made specifically on the pleadings. COURT FINDS no legal cause and ORDERED, motion DENIED. State to prepare the order denying motion and notify interested parties. CASE CLOSED.  
NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**May 09, 2011**

00C167783

The State of Nevada vs Gregory S Hermanski

**May 09, 2011**

**8:30 AM**

**Motion**

**HEARD BY:** Cadish, Elissa F.

**COURTROOM:** RJC Courtroom 15B

**COURT CLERK:** Denise Trujillo  
Monique Alberto

**RECORDER:** Jessica Ramirez

**REPORTER:**

**PARTIES**

**PRESENT:** State of Nevada Plaintiff  
Westmeyer, Daniel Attorney

**JOURNAL ENTRIES**

- DEFT'S MOTION TO CORRECT AN ILLEGAL SENTENCE OR, IN THE ALTERNATIVE,  
MOTION FOR MODIFICATION OF SENTENCE

Without benefit of argument, COURT stated findings and ORDERED, Motion DENIED.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**June 06, 2011**

00C167783

The State of Nevada vs Gregory S Hermanski

**June 06, 2011**

**8:30 AM**

**All Pending Motions**

**HEARD BY:** Cadish, Elissa F.

**COURTROOM:** RJC Courtroom 15B

**COURT CLERK:** Monique Alberto

**RECORDER:** Jessica Kirkpatrick

**REPORTER:**

**PARTIES**

**PRESENT:**

State of Nevada  
Westmeyer, Daniel

Plaintiff  
Attorney

**JOURNAL ENTRIES**

- DEFENDANT'S PRO PER MOTION FOR LEAVE TO FILE SUPPLEMENTAL POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO CORRECT AN ILLEGAL SENTENCE OR IN THE ALTERNATIVE MOTION FOR MODIFICATION OF SENTENCE...DEFENDANT' PRO PER MOTION FOR LEAVE TO FILE DEFENDANT'S RESPONSE TO STATE'S OPPOSITION TO DEFENDANT'S PRO PER MOTION TO CORRECT AN ILLEGAL SENTENCE OR IN THE ALTERNATIVE MOTION FOR MODIFICATION OF SENTENCE

Without benefit of argument, COURT stated her findings and ORDERED, Deft's Pro Per Motion's DENIED.

NDC



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****June 29, 2011**

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00C167783

The State of Nevada vs Gregory S Hermanski

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**June 29, 2011****8:30 AM****Motion****HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Keith Reed  
Denise Trujillo**RECORDER:** Jessica Ramirez**REPORTER:****PARTIES****PRESENT:** Nance, Aaron M. Attorney  
State of Nevada Plaintiff**JOURNAL ENTRIES****- NOTICE OF MOTION/MOTION FOR EXTENSION OF TIME**

COURT noted the State has not filed the notice of entry of order from May 20, 2011 and ORDERED, Motion DENIED as MOOT; State to file the notice of entry of order from 5/20/2011 and send copy to Deft; Deft. will have 10 days under the rules after the notice of entry to file any motions for reconsideration that may be warranted.

NDC

CLERK'S NOTE: Minutes corrected this date. 7/6/11 dt

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**July 06, 2011**

00C167783

The State of Nevada vs Gregory S Hermanski

**July 06, 2011**

**8:30 AM**

**Motion**

**HEARD BY:** Cadish, Elissa F.

**COURTROOM:** RJC Courtroom 15B

**COURT CLERK:** Keith Reed

**RECORDER:** Jessica Kirkpatrick

**REPORTER:**

**PARTIES**

**PRESENT:**

Nance, Aaron M.  
State of Nevada

Attorney  
Plaintiff

**JOURNAL ENTRIES**

- Court noted the motion is premature because the order from May 20, 2011 has not been entered, stated findings and ORDERED, motion for reconsideration DENIED.

NDC

CLERK'S NOTE: The above minute order has been distributed to: Gregory S. Hermanski #69140, NNCC, POB 7000, Carson City, Nv. 89702

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****August 01, 2011**

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00C167783

The State of Nevada vs Gregory S Hermanski

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**August 01, 2011****8:30 AM****Motion For  
Reconsideration****HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Susan Botzenhart**RECORDER:** Jessica Ramirez**REPORTER:****PARTIES****PRESENT:**Ferreira, Amy L.  
State of NevadaAttorney  
Plaintiff**JOURNAL ENTRIES**

- Deft. not present; incarcerated in the Nevada Department of Corrections (NDC). Court stated based on the Notice of Appeal having been filed in this matter, the Court does not have jurisdiction to entertain this motion. Additionally, if the Court considered the pleadings on the merits, Court will make findings, including that there were no facts of law presented in the relief being requested, and deny the motion. State to prepare the order.

NDC

CLERK'S NOTE: The above minute order has been distributed to: Gregory S. Hermanski #69140, NNCC, P.O. BOX 7000, Carson City, NV. 89702. /// sj

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**September 11, 2013**

00C167783

The State of Nevada vs Gregory S Hermanski

**September 11, 2013 8:30 AM**

**At Request of Court**

**HEARD BY:** Cadish, Elissa F.

**COURTROOM:** RJC Courtroom 15B

**COURT CLERK:** Teresa Slade

**RECORDER:** Jessica Kirkpatrick

**REPORTER:**

**PARTIES**

**PRESENT:**

Hamner, Christopher S.  
State of Nevada

Attorney  
Plaintiff

**JOURNAL ENTRIES**

- Upon review of the Defendant's file, specifically the Second Amended Judgment of Conviction, the Court stated the Deft was not entitled to the credit for time served as it was discovered he was on parole at the time of the offence; the parole was unknown at the time of the original sentencing because the Deft. was using a false name. COURT ORDERED, ZERO (0) DAYS credit for time served STAYS.

NDC

CLERK'S NOTE: A copy of this minute order will be provided to Barbara Belt. (TS 9-20-13)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 08, 2014

00C167783

The State of Nevada vs Gregory S Hermanski

January 08, 2014

8:30 AM

All Pending Motions

**HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Keith Reed  
Sylvia Perry**RECORDER:** Jessica Kirkpatrick**REPORTER:****PARTIES**

|                 |                                         |                       |
|-----------------|-----------------------------------------|-----------------------|
| <b>PRESENT:</b> | Smith, Tyler D., ESQ<br>State of Nevada | Attorney<br>Plaintiff |
|-----------------|-----------------------------------------|-----------------------|

**JOURNAL ENTRIES**

- DEFENDANT'S PRO SE MOTION TO EXTEND PRISON COPY WORK LIMIT...DEFENDANT'S PRO SE MOTION TO CORRECT ILLEGAL SENTENCE

In the absence of the Deft., Court stated there will not be any argument and a ruling will be made based upon the papers. Court stated findings and ORDERED, Deft's Pro Se Motion To Correct Illegal Sentence DENIED; Deft's Pro Se Motion To Extend Prison Copy Work Limit DENIED WITHOUT PREJUDICE as the Deft. has not sufficiently established what needs to be copied to warrant the additional copies and needs to explain in more detail what the need for additional copies are.

NDC

CLERK'S NOTE: The above minute order has been distributed to: Gregory S. Hermanski #69140, NNCC, POB 7000, Carson City Nv. 89702

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 03, 2014**

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00C167783

The State of Nevada vs Gregory S Hermanski

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**February 03, 2014****8:30 AM****Motion****HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Keith Reed**RECORDER:** Jessica Kirkpatrick**REPORTER:****PARTIES****PRESENT:**

State of Nevada

Plaintiff

Woodrum, Adam L.

Attorney

**JOURNAL ENTRIES**

- In the absence of the Defendant the Court stated there will not be any argument and a ruling will be issued on the papers. Court stated findings noting the motion was previously denied without prejudice January 8, 2014, the Defendant has still not made a showing of the need for the copies for any legal purposes and absent of that ORDERED, Defendant's Pro Se Motion To Extend Prison Copy Work Limit DENIED WITHOUT PREJUDICE; State to prepare the order.

NDC

CLERK'S NOTE: The above minute order has been distributed to: Gregory S. Hermanski #69140, NNCC, POB 7000, Carson City Nv. 89702

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 26, 2014

00C167783

The State of Nevada vs Gregory S Hermanski

February 26, 2014

8:30 AM

All Pending Motions

HEARD BY: Cadish, Elissa F.

COURTROOM: RJC Courtroom 15B

COURT CLERK: Keith Reed

RECORDER: Jessica Kirkpatrick

REPORTER:

**PARTIES****PRESENT:**

Smith, Gwynneth F.

Attorney

State of Nevada

Plaintiff

Wilson, Dennis C.

Attorney

**JOURNAL ENTRIES**

- DEFT'S PRO SE RENEWED MOTION TO EXTEND PRISON COPY WORK LIMIT... PETITION FOR WRIT OF HABEAS CORPUS DEFT S PRO SE MOTION FOR RECONSIDERATION STATE S RESPONSE AND MOTION TO DISMISS DEFT S PETITION FOR WRIT OF HABEAS CORPUS AND FIRST AMENDED PETITION FOR WRIT OF HABEAS CORPUS.

In the absence of the Defendant the Court stated there will not be any argument and a ruling will be issued based upon the papers. Court stated findings and ORDERED, Defendant's Pro Se Renewed Motion To Extend Prison Copy Work Limit DENIED; Petitioner's Objection And Motion To Strike Respondent's Opposition To Motion To Extend Prison Copy-Work Limit scheduled March 17th is DENIED AS MOOT; Deft's Petition For Writ of Habeas Corpus, Motion For Reconsideration and requests for counsel and an Evidentiary Hearing are DENIED; State s Motion To Dismiss GRANTED; State to prepare the order.

NDC

CLERK'S NOTE: The above minute order has been distributed to: Gregory S. Hermanski #69140, NNCC, POB 7000, Carson City Nv. 89702



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****March 19, 2014**

00C167783

The State of Nevada vs Gregory S Hermanski

**March 19, 2014****8:30 AM****Motion to Vacate****Defendant's Motion  
to Vacate Habitual  
Felon Adjudication  
and Sentence****HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Katherine Streuber**RECORDER:** Jessica Kirkpatrick**REPORTER:****PARTIES****PRESENT:**DiGiacomo, Sandra  
State of NevadaAttorney  
Plaintiff**JOURNAL ENTRIES**

- Without argument, Court advised sentenced imposed was not an illegal sentence, noted case had been previously examined by this Court and the Supreme Court and ORDERED, motion DENIED. State to prepare the order.

NDC

CLERK'S NOTE: The above minute order has been distributed to: Gregory S. Hermanski #69140 c/o Northern Nevada Correctional Center, P.O. Box 7000, Carson City, NV 89702. 03/24/14 kls

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****April 30, 2014**

00C167783

The State of Nevada vs Gregory S Hermanski

**April 30, 2014****8:30 AM****All Pending Motions**

**Deft's Pro Se Motion  
for leave to File  
Motin for  
Reconsideration...Def  
t's Pro Se Motion for  
Reconsideration ...  
State's Opposition to  
Defendant's Motion  
For Reconsideration  
and Countermotion  
For Determination of  
Vexatious Litigation  
and Request For  
Order to Show Cause  
Why The Court  
Should Not Issue a  
Pre-Filing Injunction  
Order**

**HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B

**COURT CLERK:** Keith Reed  
Sharon Chun

**RECORDER:** Jessica Kirkpatrick**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Michelle Sudano, Deputy District Attorney present.

COURT NOTED that Deft is incarcerated at Nevada Department of Corrections and the Court will

PRINT DATE: 12/20/2019

Page 65 of 71

Minutes Date: June 13, 2000

hear no argument today.

COURT STATED its position on each motion and ORDERED:

Both of the Deft's Pro Se Motions, DENIED.

COURT FURTHER ORDERED, State's Countermotion, DENIED.

COURT NOTED that the Judgments of Convictions were available and reviewed before Deft was sentenced as a Habitual Criminal. COURT STATED it warns Defendant that he can take up his issues with the Nevada Supreme Court and not this Court re habitual criminal treatment, absence of new facts or law, or he will be subject to sanctions.

NDC

CLERK'S NOTE: A copy of this minute order has been distributed to Deft:

Gregory Scott Hermanski #69140

Northern Nevada Correctional Center

P.O. Box 7000

Carson City, NV 89202

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****April 29, 2015**

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00C167783

The State of Nevada vs Gregory S Hermanski

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**April 29, 2015****8:30 AM****Motion****HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Keith Reed**RECORDER:** Jessica Kirkpatrick**REPORTER:****PARTIES****PRESENT:**State of Nevada  
Villani, Jacob J.Plaintiff  
Attorney**JOURNAL ENTRIES**

- Defendant not present.

Court noted the Defendant seeks to be transported for the proceedings of June 17, 2015 and in the view of the Court there is no need for the Defendant's appearance as there is no Evidentiary Hearing, the record will not be expanded, and if an Evidentiary Hearing is needed the Defendant will be transported. COURT ORDERED, Defendant's Pro Per Motion For Prisoner Transportation (Oral Argument Requested) DENIED

NDC

6-17-15 8:30 AM DEFENDANT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS;  
DEFENDANT'S MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

CLERK'S NOTE: The above minute order has been distributed to: Gregory Scott Hermanski #69140,  
NNCC, POB 7000, Carson City Nv. 89702

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****June 17, 2015**

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00C167783

The State of Nevada vs Gregory S Hermanski

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**June 17, 2015****8:30 AM****All Pending Motions****HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Keith Reed**RECORDER:** Jessica Kirkpatrick**REPORTER:****PARTIES****PRESENT:**State of Nevada  
Thoman, Charles W.Plaintiff  
Attorney**JOURNAL ENTRIES**

- Defendant's Pro Se Petition For Writ Of Habeas Corpus...Defendant's Pro Se Motion For Leave To Proceed In Forma Paupers

In the absence of the Defendant, Court stated there will not be any argument and a ruling will be issued based upon the papers. Court stated findings and ORDERED, Motion To Dismiss Defendant's Pro Se Petition For Writ Of Habeas Corpus GRANTED; Defendant's Request For Evidentiary Hearing DENIED; Defendant's Pro Se Motion For Leave To Proceed In Forma Paupers GRANTED; State to prepare the order.

NDC

CLERK'S NOTE: The above minute order has been distributed to: Gregory S. Hermanski # 69140, NNCC POB 7000, Carson City Nv. 89702

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**November 13, 2019**

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00C167783

The State of Nevada vs Gregory S Hermanski

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**November 13, 2019      9:30 AM      Motion**

**HEARD BY:** Bluth, Jacqueline M.

**COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Keith Reed

**RECORDER:** Patti Slattery

**REPORTER:**

**PARTIES**

**PRESENT:**

Clowers, Shanon  
State of Nevada

Attorney  
Plaintiff

**JOURNAL ENTRIES**

- Court stated findings and ORDERED, Motion To Correct Judgment of Conviction DENIED; State's to prepare the order.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**December 04, 2019**

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00C167783

The State of Nevada vs Gregory S Hermanski

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**December 04, 2019      9:30 AM      Motion**

**HEARD BY:** Bluth, Jacqueline M.

**COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Keith Reed

**RECORDER:** De'Awna Takas

**REPORTER:**

**PARTIES**

**PRESENT:**

Clowers, Shanon  
State of Nevada

Attorney  
Plaintiff

**JOURNAL ENTRIES**

- Court stated findings and ORDERED, Supplemental Motion To Correct Judgment of Conviction DENIED. Ms. Clowers stated an order will be prepared.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**December 09, 2019**

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00C167783

The State of Nevada vs Gregory S Hermanski

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**December 09, 2019      9:30 AM      Motion**

**HEARD BY:** Bluth, Jacqueline M.

**COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Keith Reed

**RECORDER:** De'Awna Takas

**REPORTER:**

**PARTIES**

|                 |                      |           |
|-----------------|----------------------|-----------|
| <b>PRESENT:</b> | Albright, Brandon B. | Attorney  |
|                 | State of Nevada      | Plaintiff |

**JOURNAL ENTRIES**

- Court stated findings and ORDERED, Motion For Enlargement of time DENIED as the motion has already been ruled on.

NDC





DEFENDANT'S EXHIBITS:

CASE NO. C167283

|                                  | OFFERED                  | ADMITTED                 |
|----------------------------------|--------------------------|--------------------------|
| A. <u>PHOTO - RBT. JAMES DAY</u> | <input type="checkbox"/> | <input type="checkbox"/> |
| B. _____                         | <input type="checkbox"/> | <input type="checkbox"/> |
| C. _____                         | <input type="checkbox"/> | <input type="checkbox"/> |
| D. _____                         | <input type="checkbox"/> | <input type="checkbox"/> |
| E. _____                         | <input type="checkbox"/> | <input type="checkbox"/> |
| F. _____                         | <input type="checkbox"/> | <input type="checkbox"/> |
| G. _____                         | <input type="checkbox"/> | <input type="checkbox"/> |
| H. _____                         | <input type="checkbox"/> | <input type="checkbox"/> |
| I. _____                         | <input type="checkbox"/> | <input type="checkbox"/> |
| J. _____                         | <input type="checkbox"/> | <input type="checkbox"/> |
| K. _____                         | <input type="checkbox"/> | <input type="checkbox"/> |
| L. _____                         | <input type="checkbox"/> | <input type="checkbox"/> |
| M. _____                         | <input type="checkbox"/> | <input type="checkbox"/> |
| N. _____                         | <input type="checkbox"/> | <input type="checkbox"/> |
| O. _____                         | <input type="checkbox"/> | <input type="checkbox"/> |
| P. _____                         | <input type="checkbox"/> | <input type="checkbox"/> |
| Q. _____                         | <input type="checkbox"/> | <input type="checkbox"/> |
| R. _____                         | <input type="checkbox"/> | <input type="checkbox"/> |
| S. _____                         | <input type="checkbox"/> | <input type="checkbox"/> |
| T. _____                         | <input type="checkbox"/> | <input type="checkbox"/> |
| U. _____                         | <input type="checkbox"/> | <input type="checkbox"/> |
| V. _____                         | <input type="checkbox"/> | <input type="checkbox"/> |
| W. _____                         | <input type="checkbox"/> | <input type="checkbox"/> |
| X. _____                         | <input type="checkbox"/> | <input type="checkbox"/> |
| Y. _____                         | <input type="checkbox"/> | <input type="checkbox"/> |
| Z. _____                         | <input type="checkbox"/> | <input type="checkbox"/> |

# VAULT EXHIBIT FORM

CASE NO. C167783

TRIAL DATE: 5/9/01

DEPT. NO. IV

JUDGE: KATHY HADCASTLE

CLERK: BILLIE JO CRAIG

THE STATE OF NEVADA

REPORTER: TINA SMITH

PLAINTIFF\_\_

ROBERT JAMES DAY

JOHN T. FATTIG

COUNSEL FOR PLAINTIFF

DEFENDANT\_\_

DIANNE JACKSON

COUNSEL FOR DEFENDANT

|    |                                                       | OFFERED |     | ADMITTED |  |
|----|-------------------------------------------------------|---------|-----|----------|--|
|    |                                                       | DATE    | OBJ | DATE     |  |
| 1) | VIOLATION RPT. DATED 3/27/80                          | 5/9     | ✓   |          |  |
| 2) | DEPT. OF JUSTICE, CERTIFICATE OF REC., 1/11/01        | 5/9     | ✓   |          |  |
| 3) | JUDGMENT OF COMMITMENT, FILE NO. 83 CRS 17476 # 77992 | 5/9     | ✓   |          |  |
| 4) | INDICTMENT, 94 CRS 4336                               | 5/9     | ✓   |          |  |
|    |                                                       |         |     |          |  |
|    |                                                       |         |     |          |  |
| A) | FBI, FORM FD-249                                      | 5/9     | ✓   |          |  |
| B) | NOTICE OF ACTION, 2/7/96                              | 5/9     | ✓   |          |  |
| C) | NOTICE OF ACTION, 10/25/95                            | 5/9     | ✓   |          |  |
|    |                                                       |         |     |          |  |
|    |                                                       |         |     |          |  |
|    |                                                       |         |     |          |  |
|    |                                                       |         |     |          |  |
|    |                                                       |         |     |          |  |
|    |                                                       |         |     |          |  |
|    |                                                       |         |     |          |  |
|    |                                                       |         |     |          |  |

5/9/01

DEFENDANT'S EXHIBITS:

State of Nevada  
vs

Robert James Day  
Judge Hardcastle (Kathy)  
Clt Recorder: Jina Smith  
Court Clerk: Dorothy Kelley

12-4-02  
State's atty: Scott Mitchell  
Defense atty: Dianne Dickson  
CASE NO. C 167783

OFFERED ADMITTED

A. ✓ Warrant Application & Warrant - Gregory Nermanaki

☐☐☒

12/4/02

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B. ✓ Copy of Birth Certificate - Robert Lee Day

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12/4/02

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

GREGORY S. HERMANSKI #69140  
P.O. BOX 7000  
CARSON CITY, NV 89702

DATE: December 20, 2019  
CASE: 00C167783

**RE CASE:** STATE OF NEVADA vs. GREGORY S. HERMANSKI aka ROBERT JAMES DAY

NOTICE OF APPEAL FILED: December 19, 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; DESIGNATION OF RECORD ON APPEAL; DISTRICT COURT DOCKET ENTRIES; ORDER DENYING DEFENDANT'S MOTION TO CORRECT JUDGMENT OF CONVICTION; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

STATE OF NEVADA,

Plaintiff(s),

vs.

GREGORY S. HERMANSKI  
aka ROBERT JAMES DAY,

Defendant(s).

Case No: 00C167783

Dept No: VI

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 20 day of December 2019.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk