

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTOPHER LENARD BLOCKSON,
Appellant(s),

vs.

THE STATE OF NEVADA
DEPARTMENT OF CORRECTIONS;
AND JERRY HOWELL WARDEN,
Respondent(s),

Electronically Filed
Jul 02 2020 01:40 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case No: A-20-810466-W

Docket No: 81360

RECORD ON APPEAL

ATTORNEY FOR APPELLANT
CHRISTOPHER BLOCKSON #50821,
PROPER PERSON
P.O. BOX 208
INDIAN SPRINGS, NV 89070

ATTORNEY FOR RESPONDENT
STEVEN B. WOLFSON,
DISTRICT ATTORNEY
200 LEWIS AVE.
LAS VEGAS, NV 89155-2212

I N D E X

<u>VOL</u>	<u>DATE</u>	<u>PLEADING</u>	<u>PAGE NUMBER:</u>
1	06/16/2020	CASE APPEAL STATEMENT	140 - 141
1	07/02/2020	CERTIFICATION OF COPY AND TRANSMITTAL OF RECORD	
1	06/15/2020	DESIGNATION OF RECORD ON APPEAL	126 - 139
1	07/02/2020	DISTRICT COURT MINUTES	142 - 142
1	02/13/2020	MEMORANDUM OF ARGUMENT AND LEGAL AUTHORITIES IN SUPPORT OF WRIT OF HABEAS CORPUS (POST CONVICTION)	35 - 83
1	06/04/2020	MOTION FOR DISCHARGE IN PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)	119 - 122
1	06/15/2020	NOTICE OF APPEAL	124 - 125
1	05/14/2020	NOTICE OF ENTRY OF ORDER	111 - 118
1	06/10/2020	NOTICE OF HEARING	123 - 123
1	05/05/2020	ORDER	104 - 110
1	02/20/2020	ORDER SETTING BRIEFING SCHEDULE AND HEARING RE: PETITION FOR WRIT OF HABEAS CORPUS	91 - 92
1	02/13/2020	PETITION FOR WRIT OF HABEAS CORPUS (POST- CONVICTION)	1 - 34
1	02/13/2020	PROSECUTORIAL MISCONDUCT MOTION TO APPOINT COUNSEL ON HABEAS REVIEW	84 - 90
1	03/27/2020	STATE'S RESPONSE TO PETITIONER'S PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION), MEMORANDUM OF ARGUMENT AND LEGAL AUTHORITIES IN SUPPORT OF WRIT OF HABEAS CORPUS (POST-CONVICTION), AND MOTION TO APPOINT COUNSEL	93 - 103

Please Stamp
File + Return

Christopher Blackson, 50821

Petitioner/In Propria Persona
Post Office Box 208, SDCC
Indian Springs, Nevada 89070

FILED

FEB 13 2020

Ch. 18
CLERK OF COURT

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

Christopher Blackson,

Petitioner,

vs.

Nevada Dept. of Corrections,
and Terry Howell
Warden

Respondent(s).

A-20-810466-W
Dept. XXX

Case No. C-18-336552-1

Dept. No. _____

Docket _____

PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)

INSTRUCTIONS:

- (1) This petition must be legibly handwritten or typewritten signed by the petitioner and verified.
- (2) Additional pages are not permitted except where noted or with respect to the facts which you rely upon to support your grounds for relief. No citation of authorities need be furnished. If briefs or arguments are submitted, they should be submitted in the form of a separate memorandum.
- (3) If you want an attorney appointed, you must complete the Affidavit in Support of Request to Proceed in Forma Pauperis. You must have an authorized officer at the prison complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution.
- (4) You must name as respondent the person by whom you are confined or restrained. If you are in a specific institution of the department of corrections, name the warden or head of the institution. If you are not in a specific institution of the department within its custody, name the director of the department of corrections.
- (5) You must include all grounds or claims for relief which you may have regarding your conviction and sentence.

CLERK OF THE COURT

FEB 13 2020

RECEIVED

1 Failure to raise all grounds in this petition may preclude you from filing future petitions
2 challenging your conviction and sentence.

3 (6) You must allege specific facts supporting the claims in the petition you file seeking relief
4 from any conviction or sentence. Failure to allege specific facts rather than just conclusions may
5 cause your petition to be dismissed. If your petition contains a claim of ineffective assistance of
6 counsel, that claim will operate to waive the attorney-client privilege for the proceeding in which
7 you claim your counsel was ineffective.

8 (7) If your petition challenges the validity of your conviction or sentence, the original and one
9 copy must be filed with the clerk of the district court for the county in which the conviction
10 occurred. Petitions raising any other claim must be filed with the clerk of the district court for the
11 county in which you are incarcerated. One copy must be mailed to the respondent, one copy to the
12 attorney general's office, and one copy to the district attorney of the county in which you were
13 convicted or to the original prosecutor if you are challenging your original conviction or sentence.
14 Copies must conform in all particulars to the original submitted for filing.

10 PETITION

11 1. Name of institution and county in which you are presently imprisoned or where and who you
12 are presently restrained of your liberty: SDCC, Clark County

13 2. Name the location of court which entered the judgment of conviction under attack: 8th
14 Judicial District, Clark County, Nevada

15 3. Date of judgment of conviction: 4-22-2019

16 4. Case number: C-18-336552-1

17 5. (a) Length of sentence: 47-120 months aggregated

18 (b) If sentence is death, state any date upon which execution is scheduled: _____

19 6. Are you presently serving a sentence for a conviction other than the conviction under attack in
20 this motion:

21 Yes _____ No ☒ If "Yes", list crime, case number and sentence being served at this time: _____

22
23 7. Nature of offense involved in conviction being challenged: Count 1; Cruelty
24 to Animals (NRS 574.100.1a) a Category D Felony.
25 Count 2; ownership or possession of Firearm by prohibited
26 person (NRS 202.360) a Category B Felony.
27
28

- 1 8. What was your plea? (Check one)
- 2 (a) Not guilty ☐
- 3 (b) Guilty ☒
- 4 (c) Nolo contendere ☐
- 5 9. If you entered a guilty plea to one count of an indictment or information, and a not guilty plea
- 6 to another count of an indictment or information, or if a guilty plea was negotiated, give details: guilty
- 7 plea; Plead guilty to Count 1; NRS 574.100.1a and Count 2; NRS 202.300.
- 8 Count 3 dismissed; NRS 202.287. No habitual treatment or Federal referral
- 9 10. If you were found guilty after a plea of not guilty, was the finding made by: (check one)
- 10 (a) Jury ☐
- 11 (b) Judge without a jury ☐
- 12 11. Did you testify at trial? Yes ☐ No ☒
- 13 12. Did you appeal from the judgment of conviction?
- 14 Yes ☒ No ☐
- 15 13. If you did appeal, answer the following:
- 16 (a) Name of court: Nevada Supreme Court
- 17 (b) Case number or citation: 78731
- 18 (c) Result: Appeal withdrawn voluntarily
- 19 (d) Date of appeal: January 16, 2020
- 20 (Attach copy of order or decision, if available). attached as Exhibit "E"
- 21 14.) If you did not appeal, explain briefly why you did not: NA
- 22 _____
- 23 _____
- 24 15. Other than a direct appeal from the judgment of conviction and sentence, have you previously
- 25 filed any petitions, applications or motions with respect to this judgment in any court, state or
- 26 federal? Yes ☐ No ☒
- 27
- 28

1 16. If your answer to No 15 was "Yes", give the following information:

2 (a) (1) Name of court: NA

3 (2) Nature of proceedings: NA

4

5 (3) Grounds raised: NA

6

7

8 (4) Did you receive an evidentiary hearing on your petition, application or motion?

9 Yes ___ No ___ NA

10 (5) Result: NA

11 (6) Date of result: NA

12 (7) If known, citations of any written opinion or date of orders entered pursuant to each

13 result: NA

14 (b) As to any second petition, application or motion, give the same information:

15 (1) Name of Court: NA

16 (2) Nature of proceeding: NA

17 (3) Grounds raised: NA

18 (4) Did you receive an evidentiary hearing on your petition, application or motion?

19 Yes ___ No ___ NA

20 (5) Result: NA

21 (6) Date of result: NA

22 (7) If known, citations or any written opinion or date of orders entered pursuant to each

23 result: NA

24 (c) As to any third or subsequent additional application or motions, give the same

25 information as above, list them on a separate sheet and attach.

26

27

28

1 (d) Did you appeal to the highest state or federal court having jurisdiction, the result or action
2 taken on any petition, application or motion?
3 (1) First petition, application or motion?
4 Yes ____ No ____ NA
5 Citation or date of decision: NA
6 (2) Second petition, application or motion?
7 Yes ____ No ____ NA
8 Citation or date of decision: NA
9 (e) If you did not appeal from the adverse action on any petition, application or motion,
10 explain briefly why you did not. (You may relate specific facts in response to this question. Your
11 response may be included on paper which is 8 1/2 x 11 inches attached to the petition. Your response
12 may not exceed five handwritten or typewritten pages in length). NA
13 _____
14 _____
15 17. Has any ground being raised in this petition been previously presented to this or any other
16 court by way of petition for habeas corpus, motion or application or any other post-conviction
17 proceeding? If so, identify:
18 (a) Which of the grounds is the same: NA
19 _____
20 (b) The proceedings in which these grounds were raised: NA
21 _____
22 (c) Briefly explain why you are again raising these grounds. (You must relate specific facts
23 in response to this question. Your response may be included on paper which is 8 1/2 x 11 inches
24 attached to the petition. Your response may not exceed five handwritten or typewritten pages in
25 length). NA
26 _____
27 _____
28 _____

1 18. If any of the grounds listed in Nos. 23(a), (b), (c), and (d), or listed on any additional pages
2 you have attached, were not previously presented in any other court, state or federal, list briefly what
3 grounds were not so presented, and give your reasons for not presenting them. (You must relate
4 specific facts in response to this question. Your response may be included on paper which is 8 1/2 x
5 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten
6 pages in length). See Response to Question 18 attached (page 13).

8 19. Are you filing this petition more than one (1) year following the filing of the judgment of
9 conviction or the filing of a decision on direct appeal? If so, state briefly the reasons for the delay.
10 (You must relate specific facts in response to this question. Your response may be included on
11 paper which is 8 1/2 x 11 inches attached to the petition. Your response may not exceed five
12 handwritten or typewritten pages in length). NA

15 20. Do you have any petition or appeal now pending in any court, either state or federal, as to the
16 judgment under attack?

17 Yes ___ No ☒

18 If "Yes", state what court and the case number: _____

20 21. Give the name of each attorney who represented you in the proceeding resulting in your
21 conviction and on direct appeal: Michael Troiano in district court,
22 Jason Makris on direct Appeal.

24 22. Do you have any future sentences to serve after you complete the sentence imposed by the
25 judgment under attack?

26 Yes ___ No ☒ If "Yes", specify where and when it is to be served, if you know: _____

Summarize briefly the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting same.

23. (a) GROUND ONE: illegal sentence; 5th and 14th amendments
Right to due process. NRS 574.100.1a is a misdemeanor
therefore sentence of 19 to 48 months in prison is
illegal

23. (a) SUPPORTING FACTS (Tell your story briefly without citing cases or law):

~~_____~~
A violation of NRS 574.100.1a is punishable as a
misdemeanor under provisions of NRS 574.100.7a and
7b on the first and second violation. The only way
that a violation of NRS 574.100.1a can be punished
as a felony is if charged and adjudicated under
NRS 574.100.6a, b, or 7c. The DA has alleged that
a violation of NRS 574.100.1a is a felony in every
pleading in this case.

In the cruelty to animals Admonishment of
Rights (see exhibit "3" attached to exhibit "A"; Plea
agreement). The DA made at least 6 proclamations
of NRS 574.100 that are factually untrue:

1) That any violation of NRS 574.100.1a is a
Felony. (page 2, paragraph 1; Bold heading)

2) That a violation of NRS 574.100.1a is
punishable pursuant to subsection 6a of
the statute though subsection 6a is un-
charged and adjudicated. (page 2,
paragraph 1; first sentence)

(a) Supporting Facts Continued

3) That a violation of NRS 574.100.1a is a Felony regardless of the existence of prior convictions. (page 2, paragraph 1, third sentence)

4) The DA omitted subsection 1a from NRS 574.100.7a that prescribes a misdemeanor for the first violation of subsection 1a. (page 2, paragraph 2; Bold heading)

5) The DA omitted subsection 1a from NRS 574.100.7b that prescribes a misdemeanor for the second violation of subsection 1a. (page 2, paragraph 3; Bold heading)

6) The DA omitted subsection 1a from NRS 574.100.7c that prescribes a Category C Felony for the third or subsequent violation of subsection 1a. (page 2, paragraph 4; Bold heading)

All of the above proclamations of the Cruelty to Animals statute are factually incorrect. Petitioner accepted 19 to 48 months in prison for a violation of NRS 574.100.1a

23. (b) GROUND TWO: 6th and 14th Amendment right to effective assistance of counsel.

23. (b) SUPPORTING FACTS (Tell your story briefly without citing cases or law):

Appellate Counsel was ineffective for the following reasons:

1) MR Makris Failed to do the first thing that any lawyer of competence would do; read the charge and compare it to the statute. Had MR Makris read the statute he would have known that a first time violation of NRS 574.100.1a is a misdemeanor not a felony.

2) MR Makris put in a motion to withdraw petitioner's direct appeal before petitioner had a chance to review the file that he gave me for the first time around January 1, 2020. When MR Makris returned to visit petitioner approximately January 10, 2020 I told Makris about the illegal sentence and the Abuse of Power, ~~that~~ on the part of DA, that I discovered. Makris told me that it was too late to raise these issues on direct appeal because he'd already submitted a motion to withdraw direct appeal.

3) The DA abuse of power in representing NRS 574.100.1a as a felony is obvious to anyone who can read. This tells petitioner that Makris never read the file; ineffective.

23. (c) GROUND THREE: Conviction in Count 1 and Count 2
illegal; Malicious prosecution and abuse of power vested
in the District Attorney by Amy Ferrera. This violates
Due Process of the 5th and 14th Amendment; U.S.C.

23. (c) SUPPORTING FACTS (Tell your story briefly without citing cases or law):
Starting with the Criminal Complaint (EXHIBIT "B")
all motions filed by Amy Ferrera represent NRS
574.100.1a a Felony.

The DA presented Petitioner with a plea agreement on
December 21, 2018. I had 10 minutes to review and
sign or face habitual treatment. I signed. I was not
given a copy of plea. The judge accepted plea on same day.

I was given a copy of case file approximately 7
days before Attorney Jason Makers withdrew direct
appeal. At this point I was able to read the
Animal Cruelty Admonishment of rights that I
signed.

Chief Deputy District Attorney made 6
factual misrepresentations of the statute in
the Cruelty to Animals Admonishment of rights
(See (a) Supporting Facts)

Petitioner never had reason to believe that a violation
of NRS 574.100.1a was not a Felony; The DA said
that it was and my lawyer did not object.

1 23. (d) GROUND FOUR: _____
2 _____
3 _____
4 _____
5 23. (d) SUPPORTING FACTS (Tell your story briefly without citing cases or law): _____
6 _____
7 _____
8 _____
9 _____
10 _____
11 _____
12 _____
13 _____
14 _____
15 _____
16 _____
17 _____
18 _____
19 _____
20 _____
21 _____
22 _____
23 _____
24 _____
25 _____
26 _____
27 _____
28

1 WHEREFORE, Christopher Blockson, prays that the court grant All
2 relief to which he may be entitled in this proceeding.
3 EXECUTED at Southern Desert Correction Center
4 on the 31 day of January, 20 20

5
6 Christopher L Blockson
7 Signature of Petitioner

8 **VERIFICATION**

9 Under penalty of perjury, pursuant to N.R.S. 208.165 et seq., the undersigned declares that he is
10 the Petitioner named in the foregoing petition and knows the contents thereof; that the pleading is
11 true and correct of his own personal knowledge, except as to those matters based on information and
12 belief, and to those matters, he believes them to be true.

13
14 Christopher L Blockson
15 Signature of Petitioner

16
17
18 _____
19 Attorney for Petitioner
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE BY MAILING

I, Christopher Blackson, hereby certify, pursuant to NRCP 5(b), that on this 4
day of February, 2020, I mailed a true and correct copy of the foregoing, "Petition for writ of Habeas Corpus (post conviction)"
by placing document in a sealed pre-postage paid envelope and deposited said envelope in the
United State Mail addressed to the following:

STEVEN GRIERSON
CLERK OF THE COURT
200 LEWIS STREET SUITE 3RD FLOOR
LAS VEGAS, NEVADA 89155-1160

Attorney General
HEROES MEMORIAL ARE BUILDING
CAPITAL COMPLEX
CARSON CITY, NEVADA 89710

STEVEN B. WOLFSON
CLARK COUNTY DISTRICT ATTORNEY
200 LEWIS AVENUE
LAS VEGAS, NEVADA 89155

CC:FILE

DATED: this 4 day of February, 2020

Christopher Blackson
Christopher Blackson #50821
In Propria Personam
Post Office Box 208, S.D.C.C.
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

Response To Question 18

(a) ground 1 not raised ~~in~~ in district court or direct Appeal because petitioner did not know sentence was illegal. In district court petitioner was rushed to sign the plea agreement in the hallway by Michael Troiano. IF petitioner did not take deal that Day DA threatened habitual treatment. I was not given a copy of Cruelty to Animals Admonishment of rights that I signed. Appellate Attorney did not notice that a violation of NRS 574.100.1a was a misdemeanor either. I was not until second visit from appellate attorney around January 2, 2019 that petitioner was given a copy of entire file. At that point I was able to review Admonishment of rights to discover that DA had misrepresented NRS 574.100.1a as a Felony but it is a misdemeanor. Additionally Appellate attorney advised ~~that~~ issues dealing with sentence were habeas issues (see exhibits "F" and "G" for letters from appellate attorney).

(b) ground 2 not raised because Appellate Counsel Jason Walker is counsel alleged to be ineffective. This habeas is the first opportunity to raise the issue.

(c) ground 3 not raised because petitioner ^{could not} ascertain what the DA had done until I receive the entire file around January 2, 2019. At that point I was able to compare NRS 574.100.1a to the declarations of ~~the~~ the statute made by the DA in the Cruelty to Animals admonishment of rights. At that point petitioner realized that the DA misrepresented NRS 574.100.1a in every filing in this case starting with the criminal complaint. The DA also misrepresented NRS 574.100.1a as a felony in the Animal Cruelty Admonishment of rights.

ORIGINAL

Guilty plea Agreement

9

1 GPA
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 AMY FERREIRA
6 Chief Deputy District Attorney
7 Nevada Bar #010347
8 200 Lewis Avenue
9 Las Vegas, NV 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

DEC 2 1 2018

BY *Kristen Brown*
KRISTEN BROWN, DEPUTY

DISTRICT COURT
CLARK COUNTY, NEVADA

C-18-33652-1
GPA
Guilty Plea Agreement
4806139



9 THE STATE OF NEVADA,
10 Plaintiff,

11 -vs-

12 CHRISTOPHER BLOCKSON, aka,
13 Christopher Lenard Blockson,
14 #1220853

14 Defendant.

CASE NO: C-18-33652-1

DEPT NO: XXX

15 GUILTY PLEA AGREEMENT

16 I hereby agree to plead guilty to: COUNT 1 - CRUELTY TO ANIMALS (Category
17 D Felony - NRS 574.100.1a - NOC 55977), and COUNT 2 - OWNERSHIP OR
18 POSSESSION OF FIREARM BY PROHIBITED PERSON (Category B Felony - NRS
19 202.360 - NOC 51460), as more fully alleged in the charging document attached hereto as
20 Exhibit "1".

21 My decision to plead guilty is based upon the plea agreement in this case which is as
22 follows:

23 As to Count 1, the parties agree to a sentence of nineteen (19) to forty-eight (48) months
24 in the Nevada Department of Corrections. As to Count 2, the parties agree to a sentence of
25 twenty-eight (28) to seventy-two (72) months in the Nevada Department of Corrections to run
26 consecutively to count 1 for a total aggregate sentence of forty-seven (47) to one hundred
27 twenty (120) months. The Defendant agrees to pay all restitution The Defendant agrees to
28 forfeit the firearm. The State agrees not to make federal referral and not to seek habitual

Defense exhibit "A"

W:\2018\2018F060194\18F06094-GPA-(BLOCKSON_CHRISTOPHER)-001.DOCX

[Handwritten marks]

13

App

1 criminal treatment. Further, the State will not oppose dismissal of the remaining count at entry
2 of plea.

3 I agree to the forfeiture as set forth in the Stipulation for Compromise of Seized
4 Property which is attached hereto and incorporated herein by reference as Exhibit "2".

5 I understand that the State will use this conviction, and any other conviction from this
6 or any other State which prohibits the same or similar conduct, to enhance the penalty for any
7 similar subsequent offense, as detailed in the Cruelty to Animals: admonishment of Rights,
8 which I have reviewed with my attorney, attached hereto as Exhibit "3."

9 I agree to the forfeiture of any and all weapons or any interest in any weapons seized
10 and/or impounded in connection with the instant case and/or any other case negotiated in
11 whole or in part in conjunction with this plea agreement.

12 I understand and agree that, if I fail to interview with the Department of Parole and
13 Probation, fail to appear at any subsequent hearings in this case, or an independent magistrate,
14 by affidavit review, confirms probable cause against me for new criminal charges including
15 reckless driving or DUI, but excluding minor traffic violations, the State will have the
16 unqualified right to argue for any legal sentence and term of confinement allowable for the
17 crime(s) to which I am pleading guilty, including the use of any prior convictions I may have
18 to increase my sentence as an habitual criminal to five (5) to twenty (20) years, life without
19 the possibility of parole, life with the possibility of parole after ten (10) years, or a definite
20 twenty-five (25) year term with the possibility of parole after ten (10) years.

21 Otherwise I am entitled to receive the benefits of these negotiations as stated in this
22 plea agreement.

23 CONSEQUENCES OF THE PLEA

24 I understand that by pleading guilty I admit the facts which support all the elements of
25 the offense(s) to which I now plead as set forth in Exhibit "1".

26 As To Count 1, I understand that as a consequence of my plea of guilty The Court
27 must sentence me to imprisonment in the Nevada Department of Corrections for a minimum
28 term of not less than ONE (1) year and a maximum term of not more than FOUR (4) years.



plea

1 The minimum term of imprisonment may not exceed forty percent (40%) of the maximum
2 term of imprisonment. I understand that I may also be fined up to \$5,000.00. I understand that
3 the law requires me to pay an Administrative Assessment Fee.

4 As to Count 2, I understand that as a consequence of my plea of guilty The Court must
5 sentence me to imprisonment in the Nevada Department of Corrections for a minimum term
6 of not less than ONE (1) year and a maximum term of not more than SIX (6) years. The
7 minimum term of imprisonment may not exceed forty percent (40%) of the maximum term of
8 imprisonment. I understand that I may also be fined up to \$5,000.00. I understand that the law
9 requires me to pay an Administrative Assessment Fee.

10 I understand that, if appropriate, I will be ordered to make restitution to the victim of
11 the offense(s) to which I am pleading guilty and to the victim of any related offense which is
12 being dismissed or not prosecuted pursuant to this agreement. I will also be ordered to
13 reimburse the State of Nevada for any expenses related to my extradition, if any.

14 As to Count 1 and Count 2, I understand that I am eligible for probation for the offense
15 to which I am pleading guilty. I understand that, except as otherwise provided by statute, the
16 question of whether I receive probation is in the discretion of the sentencing judge.

17 I understand that I must submit to blood and/or saliva tests under the Direction of the
18 Division of Parole and Probation to determine genetic markers and/or secretor status.

19 I understand that if I am pleading guilty to charges of Burglary, Invasion of the Home,
20 Possession of a Controlled Substance with Intent to Sell, Sale of a Controlled Substance, or
21 Gaming Crimes, for which I have prior felony conviction(s), I will not be eligible for probation
22 and may receive a higher sentencing range.

23 I understand that if more than one sentence of imprisonment is imposed and I am
24 eligible to serve the sentences concurrently, the sentencing judge has the discretion to order
25 the sentences served concurrently or consecutively.

26 I understand that information regarding charges not filed, dismissed charges, or charges
27 to be dismissed pursuant to this agreement may be considered by the judge at sentencing.

28 I have not been promised or guaranteed any particular sentence by anyone. I know that

plea

1 my sentence is to be determined by the Court within the limits prescribed by statute.

2 I understand that if my attorney or the State of Nevada or both recommend any specific
3 punishment to the Court, the Court is not obligated to accept the recommendation.

4 I understand that if the offense(s) to which I am pleading guilty was committed while I
5 was incarcerated on another charge or while I was on probation or parole that I am not eligible
6 for credit for time served toward the instant offense(s).

7 I understand that if I am not a United States citizen, any criminal conviction will likely
8 result in serious negative immigration consequences including but not limited to:

- 9 1. The removal from the United States through deportation;
- 10 2. An inability to reenter the United States;
- 11 3. The inability to gain United States citizenship or legal residency;
- 12 4. An inability to renew and/or retain any legal residency status; and/or
- 13 5. An indeterminate term of confinement, with the United States Federal
14 Government based on my conviction and immigration status.

15 Regardless of what I have been told by any attorney, no one can promise me that this
16 conviction will not result in negative immigration consequences and/or impact my ability to
17 become a United States citizen and/or a legal resident.

18 I understand that the Division of Parole and Probation will prepare a report for the
19 sentencing judge prior to sentencing. This report will include matters relevant to the issue of
20 sentencing, including my criminal history. This report may contain hearsay information
21 regarding my background and criminal history. My attorney and I will each have the
22 opportunity to comment on the information contained in the report at the time of sentencing.
23 Unless the District Attorney has specifically agreed otherwise, the District Attorney may also
24 comment on this report.

25 WAIVER OF RIGHTS

26 By entering my plea of guilty, I understand that I am waiving and forever giving up the
27 following rights and privileges:

28 ///

plea

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1. The constitutional privilege against self-incrimination, including the right to refuse to testify at trial, in which event the prosecution would not be allowed to comment to the jury about my refusal to testify.
2. The constitutional right to a speedy and public trial by an impartial jury, free of excessive pretrial publicity prejudicial to the defense, at which trial I would be entitled to the assistance of an attorney, either appointed or retained. At trial the State would bear the burden of proving beyond a reasonable doubt each element of the offense(s) charged.
3. The constitutional right to confront and cross-examine any witnesses who would testify against me.
4. The constitutional right to subpoena witnesses to testify on my behalf.
5. The constitutional right to testify in my own defense.
6. The right to appeal the conviction with the assistance of an attorney, either appointed or retained, unless specifically reserved in writing and agreed upon as provided in NRS 174.035(3). I understand this means I am unconditionally waiving my right to a direct appeal of this conviction, including any challenge based upon reasonable constitutional, jurisdictional or other grounds that challenge the legality of the proceedings as stated in NRS 177.015(4). However, I remain free to challenge my conviction through other post-conviction remedies including a habeas corpus petition pursuant to NRS Chapter 34.

VOLUNTARINESS OF PLEA

I have discussed the elements of all of the original charge(s) against me with my attorney and I understand the nature of the charge(s) against me.

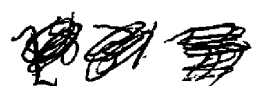
I understand that the State would have to prove each element of the charge(s) against me at trial.

I have discussed with my attorney any possible defenses, defense strategies and circumstances which might be in my favor.

All of the foregoing elements, consequences, rights, and waiver of rights have been thoroughly explained to me by my attorney.

I believe that pleading guilty and accepting this plea bargain is in my best interest, and that a trial would be contrary to my best interest.

I am signing this agreement voluntarily, after consultation with my attorney, and I am not acting under duress or coercion or by virtue of any promises of leniency, except for those set forth in this agreement.




plea

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

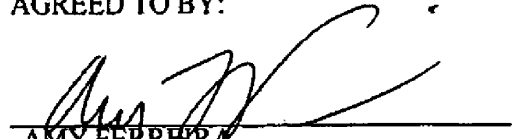
I am not now under the influence of any intoxicating liquor, a controlled substance or other drug which would in any manner impair my ability to comprehend or understand this agreement or the proceedings surrounding my entry of this plea.

My attorney has answered all my questions regarding this guilty plea agreement and its consequences to my satisfaction and I am satisfied with the services provided by my attorney.

DATED this 21 day of December, 2018.


CHRISTOPHER BLOCKSON, aka,
Christopher Lenard Blockson
Defendant

AGREED TO BY:


AMY FERRERA
Chief Deputy District Attorney
Nevada Bar #010347



Plea

CERTIFICATE OF COUNSEL:

I, the undersigned, as the attorney for the Defendant named herein and as an officer of the court hereby certify that:

1. I have fully explained to the Defendant the allegations contained in the charge(s) to which guilty pleas are being entered.
2. I have advised the Defendant of the penalties for each charge and the restitution that the Defendant may be ordered to pay.
3. I have inquired of Defendant facts concerning Defendant's immigration status and explained to Defendant that if Defendant is not a United States citizen any criminal conviction will most likely result in serious negative immigration consequences including but not limited to:

- a. The removal from the United States through deportation;
- b. An inability to reenter the United States;
- c. The inability to gain United States citizenship or legal residency;
- d. An inability to renew and/or retain any legal residency status; and/or
- e. An indeterminate term of confinement, by with United States Federal Government based on the conviction and immigration status.

Moreover, I have explained that regardless of what Defendant may have been told by any attorney, no one can promise Defendant that this conviction will not result in negative immigration consequences and/or impact Defendant's ability to become a United States citizen and/or legal resident.

4. All pleas of guilty offered by the Defendant pursuant to this agreement are consistent with the facts known to me and are made with my advice to the Defendant.
5. To the best of my knowledge and belief, the Defendant:
 - a. Is competent and understands the charges and the consequences of pleading guilty as provided in this agreement,
 - b. Executed this agreement and will enter all guilty pleas pursuant hereto voluntarily, and
 - c. Was not under the influence of intoxicating liquor, a controlled substance or other drug at the time I consulted with the Defendant as certified in paragraphs 1 and 2 above.

Dated: This 21 day of December, 2018.


MICHAEL TROIANO, ESQ.

mlb/dvu

ORIGINAL

1 INFM
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 AMY FERRIERA
6 Chief Deputy District Attorney
7 Nevada Bar #010347
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

DEC 10 2018

BY: *Shannon M. Emmons*
SHANNON M. EMMONS, DEPUTY

C-18-336552-1
INFM
Informados

DISTRICT COURT
CLARK COUNTY, NEVADA

12/10/18
10:00 AM
TROIANO

THE STATE OF NEVADA,
Plaintiff,

CASE NO: C-18-336552-1

-vs-

DEPT NO: XXX

CHRISTOPHER BLOCKSON, aka,
Christopher Lenard Blockson, #1220853
Defendant.

INFORMATION

STATE OF NEVADA }
COUNTY OF CLARK } ss.

STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

That CHRISTOPHER BLOCKSON, aka, Christopher Lenard Blockson, the Defendant(s) above named, having committed the crimes of CRUELTY TO ANIMALS (Category D Felony - NRS 574.100.1a - NOC 55977); OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON (Category B Felony - NRS 202.360 - NOC 51460) and DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR VEHICLE (Category B Felony - NRS 202.287 - NOC 51445), on or about the 4th day of April, 2018, within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada,

///

EXHIBIT "I" W:\001\001\8F06094\1\8F06094-INFM-(BLOCKSON_CHRISTOPHER)-001.DOCX

[Handwritten signatures]

1 COUNT 1 - CRUELTY TO ANIMALS

2 did willfully, unlawfully, maliciously and feloniously torture or unjustifiably maim,
3 mutilate or kill a Pit Bull dog, by shooting and/or stabbing and/or cutting said dog, and/or by
4 failing to get medical treatment for said dog.

5 COUNT 2 - OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON

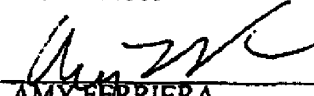
6 did willfully, unlawfully, and feloniously own, or have in his possession and/or under
7 his custody or control, a firearm, to wit: a Ruger .357 revolver, bearing Serial No. 575-15259,
8 the Defendant being a convicted felon, having in 1996, been convicted of Possession of
9 Controlled Substance with Intent to Sell, in Case No. C135719, in the Eighth Judicial District
10 Court, Clark County, a felony under the laws of the State of Nevada.

11 COUNT 3 - DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR
12 VEHICLE

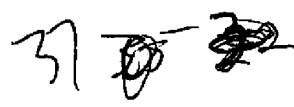
13 did willfully, unlawfully, maliciously, and feloniously, while in, on or under a vehicle,
14 located at 3675 Cambridge Street, Apartment No. 230, thereof, Las Vegas, Clark County,
15 Nevada, discharge a firearm within or from the vehicle, while being within an area designated
16 by a City or County Ordinance as a populated area for the purpose of prohibiting the discharge
17 of weapons.

18 STEVEN B. WOLFSON
19 Clark County District Attorney
Nevada Bar #001565

20 BY

21 
22 AMY FERRIERA
23 Chief Deputy District Attorney
24 Nevada Bar #010347

25
26
27 18F06094X/mlb/dvu
28 LVMPD EV#1804043713
(TK2)

31 

STIPULATION FOR COMPROMISE OF SEIZED PROPERTY

DEFENDANT CHRISTOPHER BLOCKSON, aka, ID# 1220853 CRIMINALCASE# C-18-336552-1
Christopher Lenard Blockson
Seizing Law Enforcement Agency LAS VEGAS METROPOLITAN POLICE DEPARTMENT
Seizure Event Number 1804043713

IT IS HEREBY STIPULATED and AGREED by and between STEVEN B. WOLFSON, Clark County District Attorney through his undersigned Deputy, and the Defendant that a stipulation for compromise be entered into and resolved as part of the negotiations in the aforementioned criminal case(s) pertaining to property impounded or seized by the aforementioned law enforcement agency under the aforementioned event number(s), as follows:

I. PROSECUTOR CHECKS THE APPROPRIATE PARAGRAPHS:

- X a. TOTAL FORFEITURE: That Defendant agrees to release and waive any and all right, title and interest in said property as being forfeited to the seizing law enforcement agency and subject to disposition pursuant to Nevada Revised Statutes 179.1175, 179.118 and 179.1185.

Property To Be Forfeited: ANY AND ALL PROPERTY SEIZED UNDER THE LAS VEGAS METROPOLITAN POLICE DEPARTMENT EVENT NO. 1804043713, INCLUDING BUT NOT LIMITED TO THE HANDGUN SEIZED IN THE INSTANT CASE.

2. That the Defendant hereby authorizes the District Attorney's Office and the seizing law enforcement agency to take such action as is necessary, including, but not limited to, using this agreement to secure a judgment or an ex-parte order in any contemplated or pending companion forfeiture proceeding in order to give full force and effect to this agreement.
3. That the parties agree that this forfeiture, or any subsequent action taken to secure full force and effect of this agreement, does not and will not be considered as putting the Defendant in jeopardy of life, limb or property for the same offense under the Fifth Amendment of the United States Constitution and under Section Eight of Article One of the Nevada Constitution; and, that this forfeiture, or any subsequent action taken to secure full force and effect of this agreement, does not or will not constitute an excessive fine under the Eighth Amendment of the United States Constitution and under Section Six of Article One of the Nevada Constitution.
4. That the parties agree that any breach, withdrawal, repeal, rejection or any other abrogation of the negotiations in the aforementioned criminal case(s) shall not have any effect upon the finality of this stipulation; and, that any breach, withdrawal, repeal, rejection or any other abrogation of this stipulation shall not have any effect upon the finality of the negotiations in the aforementioned criminal case(s).
5. That this Stipulation for Compromise shall incorporate all of the protections attendant to such stipulations as contemplated under the provisions of NRS 48.105 as to all parties named herein; and, this Stipulation for Compromise shall not be construed in any fashion as an admission pertaining to any criminal charges, and shall not and does not constitute an admission of civil liability or fault on the part of any of the undersigned parties, or their present or former agents, servants, employees or others.
6. That the parties agree to accept these terms in full settlement and satisfaction of any and all civil claims and demands which each party or assignees may have against each other, agents and employees on account of the seizure or impoundment of said property.
7. That this Stipulation for Compromise shall forever, and completely bar any action or claim in any tribunal in any matter whatsoever, whether State, Federal or otherwise by the Defendant herein concerning the forfeiture of said property.
8. That the respective parties bear their own civil costs and attorney's fees which may have been occasioned and occurred as a result of the seizure and forfeiture of said property.

EXHIBIT "2"

w:\2018\2018F060\94\18F06094-STIP-(Blockson__Christopher)-001.docx

IT IS SO STIPULATED and AGREED

Defendant	<u>Christopher Z Blockson</u>	Date	<u>12/21/19</u>
Attorney for Defendant, Nevada Bar #	<u>MTZ #1130</u>	Date	<u>12/21/19</u>
Clark County Deputy District Attorney, Nevada Bar #010347	<u>[Signature]</u>	Date	<u>12/19/18</u>

EXHIBIT "2"

w:\2018\2018F\060194\18F06094-STIP-(Blockson__Christopher)-001.docx



EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

CHRISTOPHER BLOCKSON, aka,
Christopher Lenard Blockson, #1220853

Defendant.

CASE NO: C-18-336552-1

DEPT NO: XXX

ANIMAL CRUELTY ADMONISHMENT OF RIGHTS (NRS 574.100) (Revised 7/26/16)

I am the Defendant in this case. At this time, I am charged with animal cruelty regarding an animal belonging to me or to another, having either willfully and unlawfully committed an act of torture or unjustifiably maimed, mutilated, or killed an animal, and/or overdrove, overloaded, tortured, cruelly beat or unjustifiably injured, maimed, mutilated or killed an animal, and/or deprived an animal of necessary sustenance, food or drink, or neglected or refused to furnish it such sustenance or drink, and/or caused, procured or allowed an animal to be overdriven, overloaded, tortured, cruelly beaten, or unjustifiably injured, maimed, mutilated or killed or to be deprived of necessary food or drink, and/or instigated, engaged in, or in any way furthered an act of cruelty to any animal, or any act tending to produce such cruelty, and/or abandoned an animal in circumstances other than those prohibited in NRS 574.110, and/or unlawfully restrained a dog, and/or used an unlawful enclosure for a dog, and/or intentionally engaged in horse tripping for sport, entertainment, competition or practice, and/or knowingly organized, sponsored, promoted, oversaw or received money for the admission of any person to a charreada or rodeo that includes horse tripping in violation of NRS 574.100.

I AM AWARE THAT I HAVE EACH OF THE FOLLOWING RIGHTS AND THAT I WILL BE WAIVING THESE RIGHTS IF I PLEAD GUILTY OR NOLO CONTENDERE:

1. The right to a speedy trial;
2. The right to require the State to prove the charge(s) against me beyond a reasonable doubt;
3. The right to confront and question all witnesses against me;
4. The right to subpoena witnesses on my behalf and compel their attendance;
5. The right to remain silent and not be compelled to testify if there were a trial; and
6. The right to appeal my conviction except on constitutional or jurisdictional grounds.

I AM ALSO AWARE THAT BY PLEADING GUILTY OR NOLO CONTENDERE I AM ADMITTING THE STATE COULD FACTUALLY PROVE THE CHARGE(S) AGAINST ME. I AM ALSO AWARE THAT MY PLEA OF GUILTY OR NOLO CONTENDERE MAY HAVE THE FOLLOWING CONSEQUENCES:

1. I understand the State will use this conviction, and any other conviction from this or any other State which prohibits the same or similar conduct, to enhance the penalty for any subsequent offense;
2. I understand that, as a consequence of my plea of guilty or nolo contendere, if I am not a citizen of the United States, I may, in addition to other consequences provided by law, be removed, deported, or excluded from entry into the United States or denied naturalization;
3. I understand that sentencing is entirely up to the court and the following range of penalties for committing the offense described above will apply:

DEFENDANT'S INITIALS: CB

DEFENDANT'S ATTORNEY'S INITIALS (if applicable): WAB

EXHIBIT "3"

PAGE 1 of 2

not so is suspended or according to 7a

ANY VIOLATION FOR TORTURING OR UNJUSTIFIABLY MAIMING, MUTILATING, OR KILLING AN ANIMAL (FELONY - NRS 574.100.1a)

(A) Except as otherwise provided in (B), is a category D felony and shall be punished as provided in NRS 193.130. (B) If the act was committed in order to threaten, intimidate, or terrorize another person, is a category C felony and shall be punished as provided in NRS 193.130. A violation of NRS 574.100.1a is a felony regardless of the existence of prior convictions, and any conviction under NRS 574.100.1a will be used to enhance any subsequent conviction under any subsection of NRS 574.100.

This is quoting NRS 574.100.1a + b

FIRST OFFENSE WITHIN 7 YEARS (MISDEMEANOR - NRS 574.100.1b-1/2/3/5):

At least 2 days, but not more than 6 months in the Clark County Detention Center and at least 48 hours, but not more than 120 hours of community service; a fine of not less than \$200 nor more than \$1,000 in addition to certain fees and assessments that are required by statute; further, the Court must impose restitution costs associated with the care and impoundment of any mistreated animal, including, without limitation, money expended for veterinary treatment, feed, and housing. The Court may also order the surrender of ownership or possession of any mistreated animal.

not what statute says. it says a violation of sections 1, 2, 3, 5 are misdemeanors

SECOND OFFENSE WITHIN 7 YEARS (MISDEMEANOR - NRS 574.100.1b-1/2/3/5):

At least 10 days, but not more than 6 months in the Clark County Detention Center or in residential confinement; a fine of not less than \$500 nor more than \$1,000 in addition to certain fees and assessments that are required by statute; and at least 100 hours, but not more than 200 hours of community service; further, the Court must impose restitution costs associated with the care and impoundment of any mistreated animal, including, without limitation, money expended for veterinary treatment, feed, and housing. The Court may also order the surrender of ownership or possession of any mistreated animal.

THIRD OFFENSE OR ANY SUBSEQUENT OFFENSE WITHIN 7 YEARS (FELONY - NRS 574.100.1b-1/2/3/5):

A Category C felony for which you may be placed on probation or imprisoned in a Nevada State Prison for a term of not less than 1 year, but not more than 5 years; and/or a fine of not more than \$10,000 in addition to certain fees and assessments that are required by statute. Further, the Court must impose restitution costs associated with the care and impoundment of any mistreated animal, including, without limitation, money expended for veterinary treatment, feed, and housing. The Court may also order the surrender of ownership or possession of any mistreated animal.

ALL DEFENDANTS MUST INITIAL EITHER #1 OR #2 BELOW-DO NOT INITIAL BOTH

X *[Signature]*

1. I am represented by an attorney in this case. My attorney has fully discussed these matters with me and advised me about my legal rights. My attorney is Michael T. Colan.
2. I have declined to have an attorney represent me and I have chosen to represent myself. I have made this decision even though there are dangers and disadvantages in self-representation in a criminal case, including but not limited to, the following:
 - (a) Self-representation is often unwise, and a defendant may conduct a defense to his or her own detriment;
 - (b) A defendant who represents himself or herself is responsible for knowing and complying with the same procedural rules as lawyers, and cannot expect help from the Judge in complying with those procedural rules;
 - (c) A defendant representing himself or herself will not be allowed to complain on appeal about the competency or effectiveness of his or her representation;
 - (d) The state is represented by experienced professional attorneys who have the advantage of skill, training and ability;
 - (e) A defendant unfamiliar with legal procedures may allow the prosecutor an advantage, may not make effective use of legal rights, and may make tactical decisions that produce unintended consequences; and
 - (f) The effectiveness of the defense may well be diminished by a defendant's dual role as attorney and accused.

Christopher J. Klaber 1-13-66 12/21/18
 DEFENDANT'S SIGNATURE DATE OF BIRTH DATE

I HAVE REVIEWED THIS ADMONISHMENT WITH MY CLIENT AND HE/SHE UNDERSTANDS THE RIGHTS HE/SHE IS WAIVING AND THE CONSEQUENCES OF HIS/HER PLEA OF GUILTY/NOLO CONTENDERE TO THIS OVERDRIVING, TORTURING, INJURING OR ABANDONING AN ANIMAL AND/OR FAILURE TO PROVIDE SUSTENANCE AND/OR HORSE TRIPPING AND/OR OTHER ACT OF ANIMAL CRUELTY CHARGE.

WAT
 DEFENDANT'S ATTORNEY (if applicable)

11300
 BAR NUMBER

41

18F06094X
CRM
Criminal Complaint
9303819



JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA

FILED

2018 APR 17 A 9:08

THE STATE OF NEVADA,

Plaintiff,

-vs-

CHRISTOPHER BLOCKSON, aka,
Christopher Lenard Blockson #1220853,

Defendant.

JUSTICE COURT
LAS VEGAS, NEVADA

CASE NO: 18F06094X

BY DEPT NO: 2

CRIMINAL COMPLAINT

The Defendant above named having committed the crimes of CRUELTY TO ANIMALS (Category D Felony - NRS 574.100.1a - NOC 55977); OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON (Category B Felony - NRS 202.360 - NOC 51460) and DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR VEHICLE (Category B Felony - NRS 202.287 - NOC 51445), in the manner following, to-wit: That the said Defendant, on or about the 4th day of April, 2018, at and within the County of Clark, State of Nevada,

COUNT 1 - CRUELTY TO ANIMALS

did willfully, unlawfully, maliciously and feloniously torture or unjustifiably maim, mutilate or kill a Pit Bull dog, by shooting and/or stabbing and/or cutting said dog.

COUNT 2 - OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON

did willfully, unlawfully, and feloniously own, or have in his possession and/or under his custody or control, a firearm, to wit: a Ruger .357 revolver, bearing Serial No. 575-15259, the Defendant being a convicted felon, having in 1996, been convicted of Possession of Controlled Substance with Intent to Sell, in Case No. C135719, in the Eighth Judicial District Court, Clark County, a felony under the laws of the State of Nevada.

COUNT 3 - DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR VEHICLE

did willfully, unlawfully, maliciously, and feloniously, while in, on or under a vehicle, located at 3675 Cambridge Street, Apartment No. 230, thereof, Las Vegas, Clark County,

Defense exhibit "B"

W:\2018\2018F06094\18F06094-COMP-()-001.DOCX

1 Nevada, discharge a firearm within or from the vehicle, while being within an area designated
2 by a City or County Ordinance as a populated area for the purpose of prohibiting the discharge
3 of weapons.

4 All of which is contrary to the form, force and effect of Statutes in such cases made and
5 provided and against the peace and dignity of the State of Nevada. Said Complainant makes
6 this declaration subject to the penalty of perjury.

7
8
9 04/13/18
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

27 18F06094X/lal
28 LVMPD EV# 1804043713
(TK2)

W:\2018\2018F06094\18F06094-COMP-()-001.DOCX

29
05/01/18

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTOPHER LENARD BLOCKSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 78731

FILED

JAN 16 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

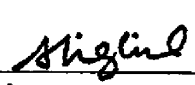
ORDER DISMISSING APPEAL

This is a direct appeal from a judgment of conviction. Eighth Judicial District Court, Clark County; Jerry A. Wiese, Judge.

Appellant's counsel has filed a notice of voluntary withdrawal of this appeal. Counsel advises this court that he has informed appellant of the legal consequences of voluntarily withdrawing this appeal, including that appellant cannot hereafter seek to reinstate this appeal, and that any issues that were or could have been brought in this appeal are forever waived. Having been so informed, appellant consents to a voluntary dismissal of this appeal. Cause appearing, we

ORDER this appeal DISMISSED.¹


Gibbons

 J.
Stiglich

 J.
Silver

¹Because no remittitur will issue in this matter, *see* NRAP 42(b), the one-year period for filing a post-conviction habeas corpus petition under NRS 34.726(1) shall commence to run from the date of this order.

Given this dismissal, this court takes no action in regard to the documents filed on December 10, 20, and 24, 2019.

Exhibit E

20-02158

cc: Hon. Jerry A. Wiese, District Judge
Makris Legal Services, LLC
Attorney General/Carson City
Clark County District Attorney
Christopher Lenard Blockson
Eighth District Court Clerk



400 S. 4TH STREET
SUITE 500
LAS VEGAS, NEVADA 89101
PHONE: (702) 793-4023
FACSIMILE: (702) 793-4001
JASON.MAKRIS@MAKRISLEGAL.COM

January 13, 2020

VIA USPS First Class Mail, Postage Paid

CHRISTOPHER BLOCKSTON

#50821

Nevada Department of Corrections - Southern Desert State Prison

PO Box 208

Indian Springs, Nevada 89070

Re: Letter Postmarked January 10, 2020

Dear Mr. Blockston:

This is in response to your letter postmarked January 10, 2020. Contrary to your letter, I have no issues with going against any Clark County District Attorney and calling them out. In our previous visit, we discussed the fact that you were not getting the proper credits applied to your felonies; this is a matter which requires correction through the post-conviction process. Additionally, I did not see any legal basis for withdrawing your guilty plea agreement, as you stated in numerous hearings that you did not want to withdraw the agreement. Therefore, there were no issues which I saw that a direct appeal could address. Indeed, you specifically addressed at our meeting on January 10, 2020, that you did not wish to withdraw your guilty plea agreement due to the fact of the other benefits that you received as part of the deal. For these reasons, a withdrawal of the direct appeal was appropriate in order for you to seek the proper relief through a post-conviction petition for writ of habeas corpus.

At our meeting on January 10, 2020, you then brought up the issue of the statutory language and the seeming incorrect application to your case. This is stated again in your letter, as well as the issue with the Judgment of Conviction. I have attached a copy, and you will note that it states on page 2 that Count 3 was dismissed. Again, these issues are properly addressed through post-conviction relief.

As to the *Admonishment of Rights*, this is actually a form drafted by the Clark County District Attorney's Office. I did speak with Court staff to make this determination, and it was pointed out to me that it was noted in the Guilty Plea Agreement itself as an Exhibit, and thus must have been drafted by the District Attorney.

I wish you the best of luck in this matter.

Exhibit "F"



400 S. 4TH STREET
SUITE 500
LAS VEGAS, NEVADA 89101
PHONE: (702) 793-4023
FACSIMILE: (702) 793-4001
JASON.MAKRIS@MAKRISLEGAL.COM

January 17, 2020

VIA USPS First Class Mail, Postage Paid

CHRISTOPHER BLOCKSTON
#50821
Nevada Department of Corrections - Southern Desert State Prison
PO Box 208
Indian Springs, Nevada 89070

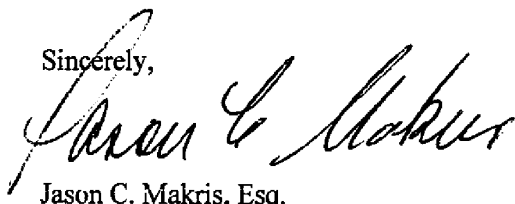
Re: Telephone Call and Nevada Supreme Court Dismissal of Direct Appeal

Dear Mr. Blockston:

This letter is in response to your telephone inquiry of January 14, 2020. I am including copies of the Nevada Revised Statutes pertaining to pre-trial issues and post-conviction relief, as you requested. Additionally, I am providing you with a copy of the Nevada Supreme Court's Notice of Dismissal of your Direct Appeal.

Please be advised the time clock starts running on your ability to file a *Petition for Writ of Habeas Corpus* as of the date of the dismissal. I wish you luck.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason C. Makris".

Jason C. Makris, Esq.

EXHIBIT "G"

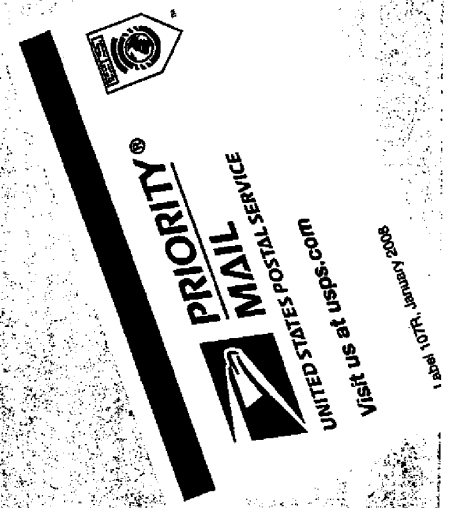
Christopher Blackson #50821
P.O. Box 208
Indian Springs, Nevada, 89070

Hasler
02/11/2020
USPS MAIL
\$008
ZIP
011E1

Count

CONFIDENTIAL

Steven Griso
Clerk of The Court
200 Lewis Ave, 3rd F
Las Vegas, Nevada 89151



Please Stamp Filed Below

Christopher Blockson NO. 50821

FILED

FEB 13 2020

CLERK OF COURT

SOUTHERN DESERT CORRECTIONAL CTN.
20825 COLD CREEK RD.
P.O. BOX 208
INDIAN SPRINGS, NV 89070

In the 8th Judicial District Court of
The State of Nevada In and For
The County of Clark

Christopher Blockson

Petitioner

v.

Nevada Department of Corrections

And Jerry Howell, Warden

CASE NO.: C-18-336552-1

DEPT. NO.:

DOCKET: A-20-810466-W
Dept. XXX

Memorandum of Argument And Legal Authorities In
Support of writ of Habeas Corpus (Post Conviction)

COMES NOW, Petitioner, Christopher Blockson, herein above respectfully
moves this Honorable Court for an order Granting relief From illegal sentence
in count 1, ineffective Assistance of counsel, and malicious
prosecution and Abuse of power by Amy Ferrera.

This Motion is made and based upon the accompanying Memorandum of Points and
Authorities,

DATED: this 28 day of January, 2020

BY: Christopher L Blockson
Christopher L Blockson # 50821
Defendant In Proper Personam

CLERK OF THE COURT

FEB 13 2020

Case History

On December 21, 2018 petitioner plead guilty to ~~the~~ count 1 and count 2 of the information (attached as exhibit "1" to Defense exhibit "A"; guilty plea agreement). On 4-16-2019 petitioner was sentenced to 19 to 48 months on count 1 and 28 to 72 months on count 2 for a total aggregate amount of 47 to 120 months. Count 3 dismissed.

Direct Appeal

Petitioner filed a timely notice of appeal. Petitioner was assigned Nevada Supreme Court # 78731. Attorney Jason Makris was appointed by the District Court to represent petitioner on direct appeal. MR. Makris visited petitioner once in prison. Approximately three months later petitioner wrote the Nevada Supreme Court expressing my desire to withdraw the direct appeal because MR. Makris was not communicating with me. I preferred to drop the appeal rather than have MR. Makris making strategic decisions regarding my case without consulting me.

MR. Makris finally visited with petitioner a second time. At that time Makris informed me that there was no appealable issue. Therefore, petitioner agreed to withdraw direct appeal. MR. Makris informed me that I could get more time as a habitual offender or be referred to federal prosecution for the gun. I did not wish to withdraw my guilty plea. I was

ADDITIONAL FACTS OF THE CASE:

1 given a copy of the entire case file. That is when petitioner realized
2 that I was ineffectively represented by Appellate Counsel. MR Walker
3 Failed to note that a violation of NRS 574.100.1a is a misdemeanor,
4 not a Felony. Sentence in Count 1; cruelty to animals (NRS 574.100.1a)
5 is illegal. The overall process has been tainted by the malicious
6 prosecution of petitioner by Amy Ferrera. Ms Ferrera has
7 submitted fraudulent pleading in the case starting with the
8 criminal complaint. Ms Ferrera criminally made false statements
9 of law in the Cruelty to Animals Admonishment of Rights.
10 Everything the DA did in this case was a deliberate attempt to
11 deprive petitioner of his liberty without due process of law.

Argument

(a) Ground 1; Illegal Sentence

14 Petitioner entered into the plea agreement in good faith. Petitioner accepted
15 the plea agreement to avoid habitual criminal treatment or Federal
16 referral. (see sentencing transcript; exhibit "D" page 13, line 15)
17 The state agreed not to make Federal referral, ~~and~~ seek habitual treatment and
18 to drop count 3. (see exhibit "A" plea agreement, page 1, line 28.
19 The people should be held to the unique terms of the agree-
20 ment because Petitioner did not break the agreement, the
21 people did:

22 Unique terms of a plea agreement will be enforced, even
23 in cases where there has not been substantial compliance with this
24 section, provided that the totality of the circumstances indicates
25 that the guilty plea was knowing, voluntary and intelligent. Sparks v.
26 State, 121 Nev. 107, 110 P.3d 486.

1 The DA illegally altered the language of NRS 574.100.1a
2 (which is a misdemeanor) to a Felony. This misrepresentation of
3 the statute can be seen in every Filing by the prosecuting
4 Attorney in this case; From the criminal complaint to the
5 judgement of conviction (see criminal complaint attached as
6 exhibit "B" and Judgement of conviction attached as
7 exhibit "C").

8 The DA knew that a violation of NRS 574.100.1a was a
9 misdemeanor and not a Felony. The truth can be seen most
10 blatantly in the "Cruelty to Animals admonishment of
11 rights" (attached as exhibit "3" to exhibit "A"; plea
12 agreement). In this document the DA stated the
13 deceptions openly: 1) That any violation of NRS 574.100.1a is a Felony.
14 (page 2, paragraph 1; Bold heading), 2) A violation of NRS 574.100.1a
15 is punishable pursuant to subsection 6a of the statute even though
16 subsection 6a uncharged and adjudicated. (page 2, paragraph 1;
17 First sentence), 3) A violation of NRS 574.100.1a is a Felony regard-
18 less of the existence of prior convictions. (page 2 +
19 paragraph 1, third sentence), 4) The DA omitted subsection
20 1a from NRS 574.100.7a that labels a violation of sub-
21 section 1a a misdemeanor on the first offense. (page 2, para-
22 graph 2; Bold heading), 5) The DA omitted subsection 1a from
23 NRS 574.100.7b that labels a violation of subsection 1a
24 a misdemeanor on the second offense. (page 2, paragraph
25 3; Bld heading), 6) The DA omitted subsection 1a from
26 NRS 574.100.7c that labels it a Category C Felony
27 on the third or any subsequent offense. (page 2,

1 paragraph 4; Bold heading)

2 Every single one of the above proclamations are
3 False. Now I shall go one by one explaining why they are False.

4 The Chief Deputy DA has ignored the legislative intent in
5 NRS 574.100 in favor of her own version of the statute.

6 I point again to the Animal Cruelty admonishment of rights.

7 On page 1 paragraph 1, the document describes the acts
8 prohibited under NRS 574.100.1, 2, 3 and 5. The prohibited
9 acts are all misdemeanors on the first offense pursuant
10 to subsection 7a of the statute.

11 Now see the Bold heading on page 2, paragraph 1
12 OF THE CRUELTY TO ANIMALS ADMONISHMENT OF RIGHTS:

13 Any violation for torturing, unjustifiably maiming,
14 mutilating or kill animal (Felony - NRS 574.100.1a).

15 This is a complete misrepresentation of the statute. A violation
16 of subsection 1a is a misdemeanor pursuant to subsections
17 7a and 7b. The only way that a violation of subsection
18 1a can be a felony is if charged and adjudicated guilty
19 under the provisions of subsections 6a, 6b, or 7c.

20 Cruelty to Animals admonishment of rights; page 2
21 paragraph 1, first two sentences. The language is from
22 subsection 6a and b of the statute. It describes the
23 punishment for the willful and malicious violation
24 of subsection 1a in the first sentence. However, sub-
25 section 6 is only applicable if charged and adjudicated.

26 The DA has paired the felonious language of subsections
27 6a + b with the Bold heading that any violation

ADDITIONAL FACTS OF THE CASE:

of Subsection 1a is a Felony. This gives the impression that subsection 6a is the prescribed punishment for the first/any violation of Subsection 1a.

First off, the DA does not get to "build a statute". The DA can not take the uncharged unadjudicated punishment of subsection 6a and attach it to a violation of subsection 1a.

Cruelty to Animals Admonishment of rights; page 2, paragraph 1, third sentence;

A violation of NRS 574.100.1a is a Felony regardless of the existence of prior convictions.

We know that a violation of NRS 574.100.1a is not a Felony regardless of the existence of prior convictions because subsections 7a and 7b provide misdemeanors for the first and second violations of subsections 1, 2, 3 and 5.

This is coming from a seasoned Chief Deputy District Attorney. Ms. Ferreira is a special prosecutor. She rewrote the statute to fit her own agenda.

Cruelty to Animals Admonishment of rights page 2, paragraph 2; Bold heading. The DA would have us believe that NRS 574.100.7a reads:

Except as otherwise provided in subsection 6, a person who violates subsections 1b-F/1. 2/1. 3/1. 5 for the first offense within the immediately preceding 7 years is guilty of a misdemeanor.

* Notice that Subsection 1a is omitted from the state's version of Subsection 7a. *

1 The real NRS 574.100.7a is inclusive of subsection 1a and
2 reads: Except as otherwise provided in subsection 6,
3 a person who violates subsections 1, 2, 3 and 5 ~~for~~ the
4 first offense within the immediately preceding 7 years
5 is guilty of a misdemeanor.

6 Cruelty to Animals Admonishment of Rights; page 2
7 paragraph 3. The people omitted subsection 1a from
8 NRS 574.100.7b. This subsection of the statute provides
9 a misdemeanor for the second violation of subsections
10 1, 2, 3 and 5.

11 Cruelty to Animals Admonishment of Rights; page 2
12 paragraph 4. The DA omitted subsection 1a from NRS 574.
13 100.7c. This subsection of the statute provides a category
14 "C" Felony for the third or subsequent violation of
15 subsections 1, 2, 3 ~~and~~ and 5.

16 The misrepresentations of the statute render the
17 entire statute nonsensical and meaningless. In
18 the cruelty to animals admonishment page 2 paragraph
19 1; the DA proclaims that Any violation of NRS 574.100.1a
20 is a Felony. Yet page 2 paragraph 4 omits sub-
21 section 1a from the provisions of subsection 7c
22 that provides a category "C" Felony for the third
23 violation of subsection 1a.

24 Quoting the Nevada Supreme Court in Jessica Williams
25 v. State of Nevada Dept. of Corrections, and Jo County
26 warden, 402 P.3d 1260:

27 "This court avoids statutory interpretations that

1. Verber's language meaningless or superfluous, "Hobbs, 127
2 Nev. at 237, 251 P.3d at 179 and "whenever possible...
3 will interpret a rule or statute in harmony with other
4 Rules or statutes, "Watson Rounds v. Eighth Judicial
5 Dist. Court, 131 Nev., Adv. Op. 79, 358 P. 3d 228, 232
6 (2015) (quotation marks omitted).

7
8 I was never intended to Receive Due Process

9
10 Petitioner had never even appeared in court on the
11 charge when Chief Deputy DA Ferriera decided to
12 Railroad me. The DA struck on April 17, 2018
13 with the filing of the criminal complaint (see criminal
14 complaint attached as exhibit B).

15 Observe the language in Count 1 paragraph 1:

16 Category D Felony - NRS 574.100.1a...

17 Now look at count 1, paragraph 2, cruelty to Animals:

18 did willfully, unlawfully, maliciously and feloniously
19 torture, or unjustifiably maim or kill...

20
21 In order to catch the deception we must examine
22 subsection 1a to determine what the statute says.

23 NRS 574.100.1a:

24 1. A person shall not

25 (a) torture or unjustifiably maim mutilate or kill:

26 1) An animal kept for companionship or pleasure ~~or~~
27 whether belonging ~~to~~ to that person or another; OR

28 2) Any cat or dog

1 Notice that NRS 574.100.1a does not describe the
2 prohibited acts in the statute as a category "D"
3 Felony; Nor does subsection 7a that prescribes the
4 punishment for a first time violation of subsection
5 1a. Neither Subsection uses the language willful,
6 malicious or Felony as the DA did in the
7 criminal complaint. So where did the language
8 come from?

9 The DA Borrowed it! She took the language
10 of NRS 574.100.1a (a misdemeanor) and wove it
11 with the language and punishment of a Felony violation
12 of NRS 574.100.6a. In order to make a violation of
13 NRS 574.100.1a a Felony... All that the DA had
14 to do was allege that it was in the criminal
15 complaint.

16 Where legislative intent can be clearly discerned
17 from the plain language of the statute, it is the
18 duty of the court to effectuate, rather than
19 nullify, the legislative purpose. Sparks v. State,
20 121 Nev. 107, 110 P.3d 486, 121 Nev. Adv. Rep. 12,
21 2005 Nev. Lexis 13 (Nev. 2005)

22 Stripped of the Felony, willful and malicious language
23 of Subsection 6a, does NRS 574.100.1a describe a misdemeanor
24 or a Felony? It is petitioner's argument that a violation
25 of NRS 574.100.1a is a misdemeanor.

26 The only appearance that the uncharged and unadjudicated
27 NRS 574.100.6a makes before this court is an illegal one.

28 Pursuant to NRS 574.100.7a a first time violation of

1 NRS 574.100.1a is punishable with not less than two days
2 but not more than 6 months in the county jail.

3 § 114 Nev. 387 A district court may correct an
4 illegal sentence only to the extent necessary to bring
5 the ~~statute~~ sentence into compliance with the
6 statute. "U.S. v. Fogel, 264 U.S. App. D. C. 292, 829
7 F.2d 77, 88 (D.C. Cir. 1987).
8

9 Argument

10 (b) ground 2; ineffective assistance of counsel
11 Petitioner Rest on same supporting facts for ground
12 2 as stated in the writ of Habeas Corpus.
13

14 Argument

15 (c) ground 3; malicious prosecution/abuse of power
16 The purpose of the criminal complaint is intended solely
17 to put the defendant on formal written notice of the
18 charge he must defend. See Sanders v. Sheriff,
19 Washoe County, 85 Nev. 179, 451 P.2d 718, 1969 Nev.
20 Lexis 5112 (Nev. 1969).

21 In the criminal complaint the DA alleges that a
22 violation of NRS 574.100.1a is a felony, but it's a misdemeanor.
23 How can the due process purpose of the criminal
24 complaint be ~~be~~ satisfied if the complaint does
25 not accurately represent the statute alleged to have
26 been violated? The DA attaches the language and
27 punishment of a felony violation of NRS 574.100.6a to
28 the misdemeanor charge (NRS 574.100.1a). From the
29 onset I believe that I was fighting a category "D" felony.

1 The criminal complaint, Amended Complaint, Information,
2 plea agreement and Admonishment of Rights For Animal
3 cruelty were all Filed by Amy Ferreira knowing
4 them all to contain false and/or altered representations
5 of the Cruelty to Animal statute (NRS 574.100). This
6 is in violation of NRS 199.130

7 Additionally, the DA has offered the Admonishment of
8 Rights as Evidence of the cruelty to animal statute
9 (NRS 574.100). Knowing that said Admonishment
10 contained altered language of the statute, specifically:

11 1) That Any violation of NRS 574.100.1a is a Felony.

12 2) That a violation of NRS 574.100.1a is punishable pursuant to
13 NRS 574.100.6a, even though subsection 6a unchanged
14 and unadjudicated:

15 3) That a violation of NRS 574.100.1a is a Felony
16 regardless of the existence of prior convictions

17 4) That a violation of NRS 574.100.1a is not a
18 misdemeanor on the first offense.

19 5) That a violation of NRS 574.100.1a is not a misdemeanor
20 on the second offense.

21 6) That a violation of NRS 574.100.1a is not a Felony
22 on the third or subsequent offense.

23 From the onset of criminal proceeding in this case, the DA
24 has done everything within her power to retard the
25 Due process requirements of the 14th. Amendment of
26 the United State Constitution. Additionally she has
27 maliciously prosecuted petitioner in violation of
28 NRS 199.310. This is a clear and unwarranted case

1 of ^{abuse} ~~violation~~ of the power vested in the District Attorney.
2 Petitioner realized that the screeners in the DA's office
3 charged petitioner with a misdemeanor and that as
4 Ferreira felt it should have been a Felony. Otherwise
5 petitioner would have been charged with a Felony violation of
6 the statute from the beginning rather than go through all
7 this switching & borrowing of language to make
8 the misdemeanor appear to be a Felony.
9 The DA is going to undoubtably argue that because of all this
10 that my plea must have been entered into ~~unintentionally~~
11 ~~unintentionally~~ unknowing and involuntarily, ... so
12 let's start the process again. NO! I accepted the
13 plea bargain because of the time that I was
14 offered. It was better than habitual treatment. I only
15 later realized that the sentence in Court 2 was illegal.
16 (see sentencing transcripts exhibit D; page 13, line 15
17 attached). I did not wish to withdraw my plea then or now.
18 The deal was the best that I could do under the cir-
19 cumstances. The DA had her mind made up. She never
20 wanted to entertain the possibility that a rescued pit bull
21 purchased by my wife really attacked me. My lawyer went
22 along with her. Michael Troiano was my lawyer in district
23 court. He was ineffective as well. I have not alleged
24 ineffective assistance of counsel because his failure
25 actually helped petitioner. The only thing that mattered
26 to the DA was that I was a potential habitual
27 offender. Thus I could be incarcerated or face life in
28 prison. The DA is the one who sabotaged the state's case

CONCLUSION

1 in her illegal, zealous, ~~and~~ unethical ~~and~~, and unbecoming
2 prosecution of petitioner.

3 The judgment of conviction is correct in that petitioner
4 was adjudicated guilty of MRS 574.00.1a. The sentence is
5 incorrect and illegal. Therefore petitioner only seeks to correct
6 the illegal sentence in Count 1.

7 The people violated the Good Faith agreement between
8 petitioner and the state. The people should be held to
9 the other terms of the agreement; no habitual treatment
10 and no Federal prosecution.

11 I pray that the DA or the Judge will prevent Chief
12 Deputy DA FERRERA from further prosecution of
13 petitioner. I fear that I will not be treated fairly
14 due to her violations of my rights thus far.

15 I presented mitigating circumstances at sentencing;
16 work in the community and volunteering at a church
17 for almost two years prior to this case. Your honor
18 but for the conduct of the people I come before
19 you again. Pleading for the opportunity of drug
20 treatment (see sentencing transcripts; exhibit D).

21 The petitioner is asking that the court bring this ~~case~~ ^{sentence}
22 in Count 1 into compliance with the statute. MRS 574.00.1a
23 is punishable pursuant to MRS 574.00.7a with no less than
24 2 days but not more than 6 months. Petitioner had 74 days
25 credit for time served at sentencing. (see exhibit "C")

26 Petitioner ask the court to modify the sentence in Count 1;
27 ownership or possession of a firearm by prohibited person. Suspend
28 the remainder of the sentence in Count 2. Grant

1 probation pending the completion of extensive in-patient drug
2 treatment program of no less than 6 months but no
3 more than one year. At the completion of program probation recorded
4 You Honor, I have one year in or 28-72 months or can't
5 2. IF your Honor should agree to the proposed ~~amendment~~ modification
6 of sentence, it would be a fair compromise. I would
7 still have the rest of the sentence to do if I fail the
8 program. But more importantly it would give me the
9 opportunity to get the help that I want. I'm 54 years
10 old recently diagnosed with crippling arthritis. I'll be
11 in a wheelchair within five years.

12 I'm not interested in money. All that I want is
13 to be treated fairly and to have the rest of my life back.
14 I'll agree not to pursue legal action against the State,
15 the DA, or Any Ferrera professionally or privately.
16 I understand why we are where we are and I accept
17 my culpability.

18 I'm also wise enough not to get into a pissing
19 contest with the state. Even if I win I lose.
20 I do have a history. It took me a long time to get it
21 together but I do now. This is the last lesson I
22 needed. Hopefully it will not require my life. I've
23 never been to prison sober. I was not in trouble for
24 8 years before this charge. I could have dealt with
25 the situation differently. I am remorseful for that.
26 I pray that the Court and the people see that I was not
27 on the streets hurting people or committing property crimes. I am
28 working in the community and volunteering at church.

1 WHEREFORE, Christopher Blackman, prays that the court grant all
2 relief to which he may be entitled in this proceeding.

3 EXECUTED at Southern Desert Correctional Center
4 on the 8 day of January, 2020

5
6 Christopher J. Blackman
7 Signature of Petitioner

8 VERIFICATION

9 Under penalty of perjury, pursuant to N.R.S. 208.165 et seq., the undersigned declares that he is
10 the Petitioner named in the foregoing petition and knows the contents thereof; that the pleading is
11 true and correct of his own personal knowledge, except as to those matters based on information and
12 belief, and to those matters, he believes them to be true.

13
14 Christopher J. Blackman
15 Signature of Petitioner

16
17
18 _____
Attorney for Petitioner

19
20
21
22
23
24
25
26
27
28
15
24
26
28

CERTIFICATE OF SERVICE BY MAILING

I, Christopher Blackson, hereby certify, pursuant to NRCP 5(b), that on this 13
day of January, 20 20 I mailed a true and correct copy of the foregoing, "Habeas Corpus
post conviction challenge; illegal sentence due to Prosecutorial Misconduct"
by placing document in a sealed pre-postage paid envelope and deposited said envelope in the
United State Mail addressed to the following:

Steven Griferson
CLERK OF the Court
200 Lewis Ave, 3rd Floor
Las Vegas, Nevada 89155-1160

Attorney General
Hughes Memorial Building
Capitol Complex
Carson City, Nevada 89710

Steven B. Wolfson
Clark County District Attorney
200 Lewis Avenue
Las Vegas, Nevada, 89155

CC:FILE

DATED: this 8 day of January, 20 20.

Christopher J. Blackson
Christopher Blackson #50821
/In Propria Personam
Post Office Box 208, S.D.C.C.
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

ORIGINAL

Guilty plea Agreement

9

1 GPA
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 AMY FERREIRA
6 Chief Deputy District Attorney
7 Nevada Bar #010347
8 200 Lewis Avenue
9 Las Vegas, NV 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

DEC 21 2018

BY *Kristen Brown*
KRISTEN BROWN, DEPUTY

DISTRICT COURT
CLARK COUNTY, NEVADA

C-18-33652-1
GPA
Guilty Plea Agreement
4805139



THE STATE OF NEVADA,

Plaintiff,

-vs-

CASE NO: C-18-33652-1

CHRISTOPHER BLOCKSON, aka,
Christopher Lenard Blockson,
#1220853

DEPT NO: XXX

Defendant.

GUILTY PLEA AGREEMENT

I hereby agree to plead guilty to: **COUNT 1 - CRUELTY TO ANIMALS (Category D Felony - NRS 574.100.1a - NOC 55977), and COUNT 2 - OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON (Category B Felony - NRS 202.360 - NOC 51460)**, as more fully alleged in the charging document attached hereto as Exhibit "I".

My decision to plead guilty is based upon the plea agreement in this case which is as follows:

As to Count 1, the parties agree to a sentence of nineteen (19) to forty-eight (48) months in the Nevada Department of Corrections. As to Count 2, the parties agree to a sentence of twenty-eight (28) to seventy-two (72) months in the Nevada Department of Corrections to run consecutively to count 1 for a total aggregate sentence of forty-seven (47) to one hundred twenty (120) months. The Defendant agrees to pay all restitution. The Defendant agrees to forfeit the firearm. The State agrees not to make federal referral and not to seek habitual

Exhibit A

\\2018\2018F\060194\18F06094-GPA-(BLOCKSON_CHRISTOPHER)-001.DOCX

[Handwritten signature]

13

114

1 criminal treatment. Further, the State will not oppose dismissal of the remaining count at entry
2 of plea.

3 I agree to the forfeiture as set forth in the Stipulation for Compromise of Seized
4 Property which is attached hereto and incorporated herein by reference as Exhibit "2".

5 I understand that the State will use this conviction, and any other conviction from this
6 or any other State which prohibits the same or similar conduct, to enhance the penalty for any
7 similar subsequent offense, as detailed in the Cruelty to Animals: admonishment of Rights,
8 which I have reviewed with my attorney, attached hereto as Exhibit "3."

9 I agree to the forfeiture of any and all weapons or any interest in any weapons seized
10 and/or impounded in connection with the instant case and/or any other case negotiated in
11 whole or in part in conjunction with this plea agreement.

12 I understand and agree that, if I fail to interview with the Department of Parole and
13 Probation, fail to appear at any subsequent hearings in this case, or an independent magistrate,
14 by affidavit review, confirms probable cause against me for new criminal charges including
15 reckless driving or DUI, but excluding minor traffic violations, the State will have the
16 unqualified right to argue for any legal sentence and term of confinement allowable for the
17 crime(s) to which I am pleading guilty, including the use of any prior convictions I may have
18 to increase my sentence as an habitual criminal to five (5) to twenty (20) years, life without
19 the possibility of parole, life with the possibility of parole after ten (10) years, or a definite
20 twenty-five (25) year term with the possibility of parole after ten (10) years.

21 Otherwise I am entitled to receive the benefits of these negotiations as stated in this
22 plea agreement.

23 CONSEQUENCES OF THE PLEA

24 I understand that by pleading guilty I admit the facts which support all the elements of
25 the offense(s) to which I now plead as set forth in Exhibit "1".

26 As To Count 1, I understand that as a consequence of my plea of guilty The Court
27 must sentence me to imprisonment in the Nevada Department of Corrections for a minimum
28 term of not less than ONE (1) year and a maximum term of not more than FOUR (4) years.

plea

1 The minimum term of imprisonment may not exceed forty percent (40%) of the maximum
2 term of imprisonment. I understand that I may also be fined up to \$5,000.00. I understand that
3 the law requires me to pay an Administrative Assessment Fee.

4 As to Count 2, I understand that as a consequence of my plea of guilty The Court must
5 sentence me to imprisonment in the Nevada Department of Corrections for a minimum term
6 of not less than ONE (1) year and a maximum term of not more than SIX (6) years. The
7 minimum term of imprisonment may not exceed forty percent (40%) of the maximum term of
8 imprisonment. I understand that I may also be fined up to \$5,000.00. I understand that the law
9 requires me to pay an Administrative Assessment Fee.

10 I understand that, if appropriate, I will be ordered to make restitution to the victim of
11 the offense(s) to which I am pleading guilty and to the victim of any related offense which is
12 being dismissed or not prosecuted pursuant to this agreement. I will also be ordered to
13 reimburse the State of Nevada for any expenses related to my extradition, if any.

14 As to Count 1 and Count 2, I understand that I am eligible for probation for the offense
15 to which I am pleading guilty. I understand that, except as otherwise provided by statute, the
16 question of whether I receive probation is in the discretion of the sentencing judge.

17 I understand that I must submit to blood and/or saliva tests under the Direction of the
18 Division of Parole and Probation to determine genetic markers and/or secretor status.

19 I understand that if I am pleading guilty to charges of Burglary, Invasion of the Home,
20 Possession of a Controlled Substance with Intent to Sell, Sale of a Controlled Substance, or
21 Gaming Crimes, for which I have prior felony conviction(s), I will not be eligible for probation
22 and may receive a higher sentencing range.

23 I understand that if more than one sentence of imprisonment is imposed and I am
24 eligible to serve the sentences concurrently, the sentencing judge has the discretion to order
25 the sentences served concurrently or consecutively.

26 I understand that information regarding charges not filed, dismissed charges, or charges
27 to be dismissed pursuant to this agreement may be considered by the judge at sentencing.

28 I have not been promised or guaranteed any particular sentence by anyone. I know that

plea

1 my sentence is to be determined by the Court within the limits prescribed by statute.

2 I understand that if my attorney or the State of Nevada or both recommend any specific
3 punishment to the Court, the Court is not obligated to accept the recommendation.

4 I understand that if the offense(s) to which I am pleading guilty was committed while I
5 was incarcerated on another charge or while I was on probation or parole that I am not eligible
6 for credit for time served toward the instant offense(s).

7 I understand that if I am not a United States citizen, any criminal conviction will likely
8 result in serious negative immigration consequences including but not limited to:

- 9 1. The removal from the United States through deportation;
- 10 2. An inability to reenter the United States;
- 11 3. The inability to gain United States citizenship or legal residency;
- 12 4. An inability to renew and/or retain any legal residency status; and/or
- 13 5. An indeterminate term of confinement, with the United States Federal
14 Government based on my conviction and immigration status.

15 Regardless of what I have been told by any attorney, no one can promise me that this
16 conviction will not result in negative immigration consequences and/or impact my ability to
17 become a United States citizen and/or a legal resident.

18 I understand that the Division of Parole and Probation will prepare a report for the
19 sentencing judge prior to sentencing. This report will include matters relevant to the issue of
20 sentencing, including my criminal history. This report may contain hearsay information
21 regarding my background and criminal history. My attorney and I will each have the
22 opportunity to comment on the information contained in the report at the time of sentencing.
23 Unless the District Attorney has specifically agreed otherwise, the District Attorney may also
24 comment on this report.

25 WAIVER OF RIGHTS

26 By entering my plea of guilty, I understand that I am waiving and forever giving up the
27 following rights and privileges:

28 ///

plea

1. The constitutional privilege against self-incrimination, including the right to refuse to testify at trial, in which event the prosecution would not be allowed to comment to the jury about my refusal to testify.
2. The constitutional right to a speedy and public trial by an impartial jury, free of excessive pretrial publicity prejudicial to the defense, at which trial I would be entitled to the assistance of an attorney, either appointed or retained. At trial the State would bear the burden of proving beyond a reasonable doubt each element of the offense(s) charged.
3. The constitutional right to confront and cross-examine any witnesses who would testify against me.
4. The constitutional right to subpoena witnesses to testify on my behalf.
5. The constitutional right to testify in my own defense.
6. The right to appeal the conviction with the assistance of an attorney, either appointed or retained, unless specifically reserved in writing and agreed upon as provided in NRS 174.035(3). I understand this means I am unconditionally waiving my right to a direct appeal of this conviction, including any challenge based upon reasonable constitutional, jurisdictional or other grounds that challenge the legality of the proceedings as stated in NRS 177.015(4). However, I remain free to challenge my conviction through other post-conviction remedies including a habeas corpus petition pursuant to NRS Chapter 34.

VOLUNTARINESS OF PLEA

I have discussed the elements of all of the original charge(s) against me with my attorney and I understand the nature of the charge(s) against me.

I understand that the State would have to prove each element of the charge(s) against me at trial.

I have discussed with my attorney any possible defenses, defense strategies and circumstances which might be in my favor.

All of the foregoing elements, consequences, rights, and waiver of rights have been thoroughly explained to me by my attorney.

I believe that pleading guilty and accepting this plea bargain is in my best interest, and that a trial would be contrary to my best interest.


I am signing this agreement voluntarily, after consultation with my attorney, and I am not acting under duress or coercion or by virtue of any promises of leniency, except for those set forth in this agreement.

plea

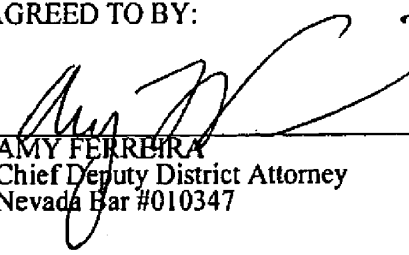
1 I am not now under the influence of any intoxicating liquor, a controlled substance or
2 other drug which would in any manner impair my ability to comprehend or understand this
3 agreement or the proceedings surrounding my entry of this plea.


4 My attorney has answered all my questions regarding this guilty plea agreement and its
5 consequences to my satisfaction and I am satisfied with the services provided by my attorney.

6 DATED this 2 day of December, 2018.

7
8 
9 CHRISTOPHER BLOCKSON, aka,
Christopher Lenard Blockson
10 Defendant

11 AGREED TO BY:

12
13 
14 AMY FERREIRA
15 Chief Deputy District Attorney
Nevada Bar #010347
16
17
18
19
20
21
22
23
24
25
26
27
28



Pea

1 CERTIFICATE OF COUNSEL:

2 I, the undersigned, as the attorney for the Defendant named herein and as an officer of the court
3 hereby certify that:

- 4 1. I have fully explained to the Defendant the allegations contained in the
charge(s) to which guilty pleas are being entered.
- 5 2. I have advised the Defendant of the penalties for each charge and the restitution
6 that the Defendant may be ordered to pay.
- 7 3. I have inquired of Defendant facts concerning Defendant's immigration status
and explained to Defendant that if Defendant is not a United States citizen any
8 criminal conviction will most likely result in serious negative immigration
consequences including but not limited to:
- 9 a. The removal from the United States through deportation;
- 10 b. An inability to reenter the United States;
- 11 c. The inability to gain United States citizenship or legal residency;
- 12 d. An inability to renew and/or retain any legal residency status; and/or
- 13 e. An indeterminate term of confinement, by with United States Federal
Government based on the conviction and immigration status.

14 Moreover, I have explained that regardless of what Defendant may have been
15 told by any attorney, no one can promise Defendant that this conviction will not
16 result in negative immigration consequences and/or impact Defendant's ability
to become a United States citizen and/or legal resident.

- 17 4. All pleas of guilty offered by the Defendant pursuant to this agreement are
18 consistent with the facts known to me and are made with my advice to the
Defendant.
- 19 5. To the best of my knowledge and belief, the Defendant:
- 20 a. Is competent and understands the charges and the consequences of
pleading guilty as provided in this agreement,
- 21 b. Executed this agreement and will enter all guilty pleas pursuant hereto
22 voluntarily, and
- 23 c. Was not under the influence of intoxicating liquor, a controlled
24 substance or other drug at the time I consulted with the Defendant as
certified in paragraphs 1 and 2 above.

25 Dated: This 21 day of December, 2018.

26 
MICHAEL TROIANO, ESQ.

27 mlb/dvu

ORIGINAL

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

DEC 10 2018

BY: *Shannon M. Ermons*
SHANNON M. ERMONS, DEPUTY

C-18-336552-1
INFM
Information

INFM
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
AMY FERRIERA
Chief Deputy District Attorney
Nevada Bar #010347
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

I.A. 12/10/18
10:00 AM
TROIANO

THE STATE OF NEVADA,
Plaintiff,

-vs-

CHRISTOPHER BLOCKSON, aka,
Christopher Lenard Blockson, #1220853
Defendant.

CASE NO: C-18-336552-1

DEPT NO: XXX

INFORMATION

STATE OF NEVADA }
COUNTY OF CLARK } ss.

STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

That CHRISTOPHER BLOCKSON, aka, Christopher Lenard Blockson, the Defendant(s) above named, having committed the crimes of CRUELTY TO ANIMALS (Category D Felony - NRS 574.100.1a - NOC 55977); OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON (Category B Felony - NRS 202.360 - NOC 51460) and DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR VEHICLE (Category B Felony - NRS 202.287 - NOC 51445), on or about the 4th day of April, 2018, within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada,

///

EXHIBIT "I"

\\PDM0175\F06094\18F06094-INFM-(BLOCKSON_CHRISTOPHER)-001.DOCX

1 COUNT 1 - CRUELTY TO ANIMALS

2 did willfully, unlawfully, maliciously and feloniously torture or unjustifiably maim,
3 mutilate or kill a Pit Bull dog, by shooting and/or stabbing and/or cutting said dog, and/or by
4 failing to get medical treatment for said dog.

5 COUNT 2 - OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON

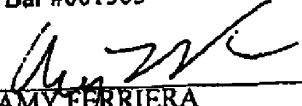
6 did willfully, unlawfully, and feloniously own, or have in his possession and/or under
7 his custody or control, a firearm, to wit: a Ruger .357 revolver, bearing Serial No. 575-15259,
8 the Defendant being a convicted felon, having in 1996, been convicted of Possession of
9 Controlled Substance with Intent to Sell, in Case No. C135719, in the Eighth Judicial District
10 Court, Clark County, a felony under the laws of the State of Nevada.

11 COUNT 3 - DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR
12 VEHICLE

13 did willfully, unlawfully, maliciously, and feloniously, while in, on or under a vehicle,
14 located at 3675 Cambridge Street, Apartment No. 230, thereof, Las Vegas, Clark County,
15 Nevada, discharge a firearm within or from the vehicle, while being within an area designated
16 by a City or County Ordinance as a populated area for the purpose of prohibiting the discharge
17 of weapons.

18 STEVEN B. WOLFSON
19 Clark County District Attorney
20 Nevada Bar #001565

21 BY

22 
23 AMY FERRIERA
24 Chief Deputy District Attorney
25 Nevada Bar #010347

26
27 18F06094X/mlb/dvu
28 LVMPD EV#1804043713
(TK2)

STIPULATION FOR COMPROMISE OF SEIZED PROPERTY

DEFENDANT CHRISTOPHER BLOCKSON, aka, ID# 1220853 CRIMINALCASE# C-18-336552-1
 Christopher Lenard Blockson
Seizing Law Enforcement Agency LAS VEGAS METROPOLITAN POLICE DEPARTMENT
Seizure Event Number 1804043713

IT IS HEREBY STIPULATED and AGREED by and between STEVEN B. WOLFSON, Clark County District Attorney through his undersigned Deputy, and the Defendant that a stipulation for compromise be entered into and resolved as part of the negotiations in the aforementioned criminal case(s) pertaining to property impounded or seized by the aforementioned law enforcement agency under the aforementioned event number(s), as follows:

1. PROSECUTOR CHECKS THE APPROPRIATE PARAGRAPHS:

- X a. TOTAL FORFEITURE: That Defendant agrees to release and waive any and all right, title and interest in said property as being forfeited to the seizing law enforcement agency and subject to disposition pursuant to Nevada Revised Statutes 179.1175, 179.118 and 179.1185.

Property To Be Forfeited: ANY AND ALL PROPERTY SEIZED UNDER THE LAS VEGAS METROPOLITAN POLICE DEPARTMENT EVENT NO. 1804043713, INCLUDING BUT NOT LIMITED TO THE HANDGUN SEIZED IN THE INSTANT CASE.

2. That the Defendant hereby authorizes the District Attorney's Office and the seizing law enforcement agency to take such action as is necessary, including, but not limited to, using this agreement to secure a judgment or an ex-parte order in any contemplated or pending companion forfeiture proceeding in order to give full force and effect to this agreement.
3. That the parties agree that this forfeiture, or any subsequent action taken to secure full force and effect of this agreement, does not and will not be considered as putting the Defendant in jeopardy of life, limb or property for the same offense under the Fifth Amendment of the United States Constitution and under Section Eight of Article One of the Nevada Constitution; and, that this forfeiture, or any subsequent action taken to secure full force and effect of this agreement, does not or will not constitute an excessive fine under the Eighth Amendment of the United States Constitution and under Section Six of Article One of the Nevada Constitution.
4. That the parties agree that any breach, withdrawal, repeal, rejection or any other abrogation of the negotiations in the aforementioned criminal case(s) shall not have any effect upon the finality of this stipulation; and, that any breach, withdrawal, repeal, rejection or any other abrogation of this stipulation shall not have any effect upon the finality of the negotiations in the aforementioned criminal case(s).
5. That this Stipulation for Compromise shall incorporate all of the protections attendant to such stipulations as contemplated under the provisions of NRS 48.105 as to all parties named herein; and, this Stipulation for Compromise shall not be construed in any fashion as an admission pertaining to any criminal charges, and shall not and does not constitute an admission of civil liability or fault on the part of any of the undersigned parties, or their present or former agents, servants, employees or others.
6. That the parties agree to accept these terms in full settlement and satisfaction of any and all civil claims and demands which each party or assignees may have against each other, agents and employees on account of the seizure or impoundment of said property.
7. That this Stipulation for Compromise shall forever, and completely bar any action or claim in any tribunal in any matter whatsoever, whether State, Federal or otherwise by the Defendant herein concerning the forfeiture of said property.
8. That the respective parties bear their own civil costs and attorney's fees which may have been occasioned and occurred as a result of the seizure and forfeiture of said property.

EXHIBIT "2"

w:\2018\2018F060\94118F06094-STIP-(Blockson_Christopher)-001.docx



IT IS SO STIPULATED and AGREED

Defendant	<u>Christopher Z Blockson</u>	<u>12/21/19</u>
		Date
Attorney for Defendant, Nevada Bar #	<u>MTZ #1130</u>	<u>12/21/19</u>
		Date
Clark County Deputy District Attorney, Nevada Bar #010347	<u>[Signature]</u>	<u>12/19/18</u>
		Date

EXHIBIT "2"

w:\2018\2018F06094\18F06094-STIP-(Blockson_Christopher)-001.docx

[Handwritten initials and marks]

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

CHRISTOPHER BLOCKSON, aka,
Christopher Lenard Blockson, #1220853

Defendant.

CASE NO: C-18-336552-1

DEPT NO: XXX

ANIMAL CRUELTY ADMONISHMENT OF RIGHTS (NRS 574.100) (Revised 7/26/16)

I am the Defendant in this case. At this time, I am charged with animal cruelty regarding an animal belonging to me or to another, having either willfully and unlawfully committed an act of torture or unjustifiably maimed, mutilated, or killed an animal, and/or overdrove, overloaded, tortured, cruelly beat or unjustifiably injured, maimed, mutilated or killed an animal, and/or deprived an animal of necessary sustenance, food or drink, or neglected or refused to furnish it such sustenance or drink, and/or caused, procured or allowed an animal to be overdriven, overloaded, tortured, cruelly beaten, or unjustifiably injured, maimed, mutilated or killed or to be deprived of necessary food or drink, and/or instigated, engaged in, or in any way furthered an act of cruelty to any animal, or any act tending to produce such cruelty, and/or abandoned an animal in circumstances other than those prohibited in NRS 574.110, and/or unlawfully restrained a dog, and/or used an unlawful enclosure for a dog, and/or intentionally engaged in horse tripping for sport, entertainment, competition or practice, and/or knowingly organized, sponsored, promoted, oversaw or received money for the admission of any person to a charreada or rodeo that includes horse tripping in violation of NRS 574.100.

I AM AWARE THAT I HAVE EACH OF THE FOLLOWING RIGHTS AND THAT I WILL BE WAIVING THESE RIGHTS IF I PLEAD GUILTY OR NOLO CONTENDERE:

1. The right to a speedy trial;
2. The right to require the State to prove the charge(s) against me beyond a reasonable doubt;
3. The right to confront and question all witnesses against me;
4. The right to subpoena witnesses on my behalf and compel their attendance;
5. The right to remain silent and not be compelled to testify if there were a trial; and
6. The right to appeal my conviction except on constitutional or jurisdictional grounds.

I AM ALSO AWARE THAT BY PLEADING GUILTY OR NOLO CONTENDERE I AM ADMITTING THE STATE COULD FACTUALLY PROVE THE CHARGE[S] AGAINST ME. I AM ALSO AWARE THAT MY PLEA OF GUILTY OR NOLO CONTENDERE MAY HAVE THE FOLLOWING CONSEQUENCES:

1. I understand the State will use this conviction, and any other conviction from this or any other State which prohibits the same or similar conduct, to enhance the penalty for any subsequent offense;
2. I understand that, as a consequence of my plea of guilty or nolo contendere, if I am not a citizen of the United States, I may, in addition to other consequences provided by law, be removed, deported, or excluded from entry into the United States or denied naturalization;
3. I understand that sentencing is entirely up to the court and the following range of penalties for committing the offense described above will apply:

DEFENDANT'S INITIALS: CB

DEFENDANT'S ATTORNEY'S INITIALS (if applicable): WAB

EXHIBIT "3"

PAGE 1 of 2

ANIMAL CRUELTY ADMONISHMENT OF RIGHTS (NRS 574.100)

CASE NO: C-18-336552-1

**ANY VIOLATION FOR TORTURING OR UNJUSTIFIABLY MAIMING,
MUTILATING, OR KILLING AN ANIMAL (FELONY - NRS 574.100.1a)**

(A) Except as otherwise provided in (B), is a category D felony and shall be punished as provided in NRS 193.130. (B) If the act was committed in order to threaten, intimidate, or terrorize another person, is a category C felony and shall be punished as provided in NRS 193.130. A violation of NRS 574.100.1a is a felony regardless of the existence of prior convictions, and any conviction under NRS 574.100.1a will be used to enhance any subsequent conviction under any subsection of NRS 574.100.

FIRST OFFENSE WITHIN 7 YEARS (MISDEMEANOR - NRS 574.100.1b-1/2/3/5):

At least 2 days, but not more than 6 months in the Clark County Detention Center and at least 48 hours, but not more than 120 hours of community service; a fine of not less than \$200 nor more than \$1,000 in addition to certain fees and assessments that are required by statute; further, the Court must impose restitution costs associated with the care and impoundment of any mistreated animal, including, without limitation, money expended for veterinary treatment, feed, and housing. The Court may also order the surrender of ownership or possession of any mistreated animal.

SECOND OFFENSE WITHIN 7 YEARS (MISDEMEANOR - NRS 574.100.1b-1/2/3/5):

At least 10 days, but not more than 6 months in the Clark County Detention Center or in residential confinement; a fine of not less than \$500 nor more than \$1,000 in addition to certain fees and assessments that are required by statute; and at least 100 hours, but not more than 200 hours of community service; further, the Court must impose restitution costs associated with the care and impoundment of any mistreated animal, including, without limitation, money expended for veterinary treatment, feed, and housing. The Court may also order the surrender of ownership or possession of any mistreated animal.

**THIRD OFFENSE OR ANY SUBSEQUENT OFFENSE WITHIN
7 YEARS (FELONY - NRS 574.100.1b-1/2/3/5):**

A Category C felony for which you may be placed on probation or imprisoned in a Nevada State Prison for a term of not less than 1 year, but not more than 5 years; and/or a fine of not more than \$10,000 in addition to certain fees and assessments that are required by statute. Further, the Court must impose restitution costs associated with the care and impoundment of any mistreated animal, including, without limitation, money expended for veterinary treatment, feed, and housing. The Court may also order the surrender of ownership or possession of any mistreated animal.

ALL DEFENDANTS MUST INITIAL EITHER #1 OR #2 BELOW-DO NOT INITIAL BOTH

X 1
2

I am represented by an attorney in this case. My attorney has fully discussed these matters with me and advised me about my legal rights. My attorney is Michael Treacy.
I have declined to have an attorney represent me and I have chosen to represent myself. I have made this decision even though there are dangers and disadvantages in self-representation in a criminal case, including but not limited to, the following:

- (a) Self-representation is often unwise, and a defendant may conduct a defense to his or her own detriment;
- (b) A defendant who represents himself or herself is responsible for knowing and complying with the same procedural rules as lawyers, and cannot expect help from the Judge in complying with those procedural rules;
- (c) A defendant representing himself or herself will not be allowed to complain on appeal about the competency or effectiveness of his or her representation;
- (d) The state is represented by experienced professional attorneys who have the advantage of skill, training and ability;
- (e) A defendant unfamiliar with legal procedures may allow the prosecutor an advantage, may not make effective use of legal rights, and may make tactical decisions that produce unintended consequences; and
- (f) The effectiveness of the defense may well be diminished by a defendant's dual role as attorney and accused.

Christopher J. Blackman 1-13-66 12/21/18
DEFENDANT'S SIGNATURE DATE OF BIRTH DATE

I HAVE REVIEWED THIS ADMONISHMENT WITH MY CLIENT AND HE/SHE UNDERSTANDS THE RIGHTS HE/SHE IS WAIVING AND THE CONSEQUENCES OF HIS/HER PLEA OF GUILTY/NOLO CONTENDERE TO THIS OVERDRIVING, TORTURING, INJURING OR ABANDONING AN ANIMAL AND/OR FAILURE TO PROVIDE SUSTENANCE AND/OR HORSE TRIPPING AND/OR OTHER ACT OF ANIMAL CRUELTY CHARGE.

WAT
DEFENDANT'S ATTORNEY (if applicable)

11300
BAR NUMBER

18F06094X
CRM
Criminal Complaint
9383819



JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA

FILED

2018 APR 17 A 9:08

THE STATE OF NEVADA,

Plaintiff,

-VS-

CHRISTOPHER BLOCKSON, aka,
Christopher Lenard Blockson #1220853,

Defendant.

JUSTICE COURT
LAS VEGAS, NV
CASE NO: 18F06094X
BY DEPT NO: 2

CRIMINAL COMPLAINT

The Defendant above named having committed the crimes of CRUELTY TO ANIMALS (Category D Felony - NRS 574.100.1a - NOC 55977); OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON (Category B Felony - NRS 202.360 - NOC 51460) and DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR VEHICLE (Category B Felony - NRS 202.287 - NOC 51445), in the manner following, to-wit: That the said Defendant, on or about the 4th day of April, 2018, at and within the County of Clark, State of Nevada,

COUNT 1 - CRUELTY TO ANIMALS

did willfully, unlawfully, maliciously and feloniously torture or unjustifiably maim, mutilate or kill a Pit Bull dog, by shooting and/or stabbing and/or cutting said dog.

COUNT 2 - OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON

did willfully, unlawfully, and feloniously own, or have in his possession and/or under his custody or control, a firearm, to wit: a Ruger .357 revolver, bearing Serial No. 575-15259, the Defendant being a convicted felon, having in 1996, been convicted of Possession of Controlled Substance with Intent to Sell, in Case No. C135719, in the Eighth Judicial District Court, Clark County, a felony under the laws of the State of Nevada.

COUNT 3 - DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR VEHICLE

did willfully, unlawfully, maliciously, and feloniously, while in, on or under a vehicle, located at 3675 Cambridge Street, Apartment No. 230, thereof, Las Vegas, Clark County,

Exhibit "B"

[Handwritten signature]

W:\2018\2018F06094\18F06094-COMP-()-001.DOCX

1 Nevada, discharge a firearm within or from the vehicle, while being within an area designated
2 by a City or County Ordinance as a populated area for the purpose of prohibiting the discharge
3 of weapons.

4 All of which is contrary to the form, force and effect of Statutes in such cases made and
5 provided and against the peace and dignity of the State of Nevada. Said Complainant makes
6 this declaration subject to the penalty of perjury.

7
8 04/13/18
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

27 18F06094X/lal
28 LVMPD EV# 1804043713
(TK2)

WA\2018\2018F06094\18F06094-COMP-()-001.DOCX



JOC page 1 of 2

Electronically Filed
4/22/2019 6:38 AM
Steven D. Grierson
CLERK OF THE COURT

Steven D. Grierson

1 JOC

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

CASE NO. C-18-336552-1

-vs-

DEPT. NO. XXX

CHRISTOPHER BLOCKSON
Christopher Lenard Blockson
#1220853

Defendant.

JUDGMENT OF CONVICTION
(PLEA OF GUILTY)

The Defendant previously appeared before the Court with counsel and entered a plea of guilty to the crimes of COUNT 1 – CRUELTY TO ANIMALS (Category D Felony) in violation of NRS 574.100.1a; COUNT 2 – OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON (Category B Felony) in violation of NRS 202.360; and COUNT 3 – DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR VEHICLE (Category B Felony) in violation of NRS 202.287; thereafter, on the 16th day of April, 2019, the Defendant was present in court for sentencing with counsel MICHAEL TROIANO, ESQ., and good cause appearing,

EXHIBIT "C"

Case Number: C-18-336552-1

[Handwritten signatures]

1 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in
 2 addition to the \$25.00 Administrative Assessment, \$250.00 Indigent Defense Civil
 3 Assessment Fee, and \$150.00 DNA Analysis Fee including testing to determine
 4 genetic markers plus \$3.00 DNA Collection Fee, the Defendant is sentenced to the
 5 Nevada Department of Corrections (NDC) as follows: COUNT 1 - a MAXIMUM of
 6 FORTY-EIGHT (48) MONTHS with a MINIMUM Parole Eligibility of NINETEEN (19)
 7 MONTHS; COUNT 2 - a MAXIMUM of SEVENTY-TWO (72) MONTHS with a
 8 MINIMUM Parole Eligibility of TWENTY-EIGHT (28) MONTHS, CONSECUTIVE with
 9 COUNT 1; with SEVENTY-FOUR (74) DAYS credit for time served. The
 10 AGGREGATE TOTAL sentence is ONE HUNDRED TWENTY (120) MONTHS
 11 MAXIMUM with a MINIMUM of FORTY-SEVEN (47) MONTHS. COUNT 3
 12 DISMISSED.

13 DATED this 18th day of April, 2019.

14
 15
 16
 17
 18 JERRY A. WIESE
 19 DISTRICT COURT JUDGE
 20
 21
 22
 23
 24
 25
 26
 27
 28

Steven D. Grierson

DISTRICT COURT
CLARK COUNTY, NEVADA

STATE OF NEVADA,)
)
Plaintiff,) CASE NO. C336552
) DEPT. NO. XXX
vs.)
)
CHRISTOPHER LENARD)
BLOCKSON,)
)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

SENTENCING

BEFORE THE HONORABLE JERRY A. WIESE, II

TUESDAY, APRIL 16, 2019

AT 9:28 A.M.

LAS VEGAS, NEVADA

For the State: AMY L. FERREIRA, ESQ.

For the Defendant: MICHAEL TROIANO, ESQ.

REPORTED BY: KIMBERLY A. FARKAS, NV CCR No. 741

Kimberly A. Farkas, RPR, CRR
(702) 671-3633 • realtimetrialslv@gmail.com

Defense exhibit "D"

~~exhibit "D"~~

Case Number: C-18-336552-1

[Signature]

1 LAS VEGAS, NEVADA, TUESDAY, APRIL 16, 2019

2
3 P R O C E E D I N G S

4 * * * * *

5
6 **THE MARSHAL:** Page 8, C336552.

7 **THE COURT:** Good morning. This is on for
8 sentencing today; right?

9 **MR. TROIANO:** We are, Your Honor.

10 **THE COURT:** Any reason we should not go
11 forward?

12 **MR. TROIANO:** Not from defense.

13 **THE COURT:** You reviewed the PSI with your
14 client?

15 **MR. TROIANO:** I did.

16 **THE COURT:** Are there any Stockmeier issues?

17 **MR. TROIANO:** Not that we're aware of.

18 **THE COURT:** Mr. Blockson, pursuant to the
19 guilty plea agreement, I hereby adjudicate you guilty
20 of count 1, cruelty to animals, category D, and count
21 2, ownership or possession of firearm by prohibited
22 person, which is a category B. Looks like on count 1,
23 the parties agreed to a sentence of 19 to 48. Count 2,
24 they agreed to a sentence of 28 to 72 running
25 consecutive, for an aggregate of 47 to 120, pay

Kimberly A. Farkas, RPR, CRR
(702) 671-3633 • realtimetrialslv@gmail.com

1 restitution, and forfeit the firearm. State is not
2 going to make any referral to the Feds or seek habitual
3 treatment. Right?

4 **MS. FERREIRA:** Good morning, Your Honor. Amy
5 Ferreira on behalf of The State. That is correct,
6 Your Honor, and I do stand by the negotiation.
7 However, the defendant did pick up a new case. So if I
8 can approach the Court with the reports from that case.

9 **THE COURT:** Okay.

10 **MS. FERREIRA:** That is case is a DUI, and
11 it's set for initial arraignment in the City of
12 Las Vegas Municipal Court on May the 20th. With that,
13 Your Honor, I'd submit it to the Court.

14 **THE COURT:** Okay. Mr. Blockson, before your
15 attorney argues, anything you want to tell me?

16 **THE DEFENDANT:** Yes, sir, I've got a lot to
17 say.

18 **THE COURT:** Uh-oh.

19 **THE DEFENDANT:** And I wrote it down. First
20 of all, sir, how are you today?

21 **THE COURT:** I'm great. How are you?

22 **THE DEFENDANT:** I've been better. So I'm
23 going to sit down so I can read better. Is that okay
24 with you?

25 **THE COURT:** Sure.

1 **THE DEFENDANT:** First of all, Your Honor,
2 last week, when I was here, I gave you some letters to
3 read. Did you get an opportunity to read those?

4 **THE COURT:** I did.

5 **THE DEFENDANT:** I have at least one more here
6 that I'm not sure that you got. And there's one from
7 last week that I still had two copies of so I'm not
8 sure if you received that. So I'll just tell us what
9 it is. It is a letter from Pat Walter, the executive
10 director of Casa de Luz. There's two of them from him.
11 One from a Robert Gelt, which is his subordinate at
12 Casa de Luz, and one from the young lady in the
13 audience. Her name is Ariel Dicks. I'm sure you don't
14 have that one so can I give that to read right now?

15 **THE COURT:** Sure. You want to grab that for
16 me, Curt. Thanks. Okay.

17 **THE DEFENDANT:** All right. So this is what I
18 have to say, Your Honor. First of all, I am deeply
19 remorseful. I accept full responsibility for
20 everything that happened. I apologize to my family, my
21 ex-wife, who purchased the dog for me, and my dog Tank,
22 and the State of Nevada.

23 Your Honor, there's a reason why I wanted you
24 to read those letters from work colleagues, Casa de
25 Luz, the faith-based community organization where I've

1 been volunteering for almost two years, and my work
2 reviews from Thumbtack. I wanted you to see the
3 pictures of what I do every week in the community. I
4 wanted you to read not what I have to say about me, but
5 what people in the community have to say about me.

6 As you've read, Your Honor, I've established
7 solid work and volunteer relationships in Las Vegas. I
8 have an 86 percent 5-star rating on Thumbtack, hired 80
9 times with 56 reviews. Courteous, fair, punctual,
10 polite, efficient, may God keep him strong, that's what
11 they said about me.

12 Even with the two or three bad reviews I had,
13 no one ever said I stole, was disrespectful, or tried
14 to cheat them.

15 For almost two years I have contributed to
16 the community by volunteering without a court order at
17 Casa de Luz. I successfully spearheaded community
18 outreach efforts at Gentle Touch Behavioral Health.
19 And although I'm a good handyman, sir, I'm better at
20 community outreach. In fact, I'm a specialist.

21 To help a man by taking him home, a blind
22 man, by taking him home from the food pantry. Having
23 arrived on a bus with the cedar smell of old lady, as I
24 sat and just talked to her gives me a feeling of
25 conviction that I'm doing something right.

Kimberly A. Farkas, RPR, CRR
(702) 671-3633 • realtimetrialslv@gmail.com

1 Your Honor, I was trying very, very hard to
2 change my life. That's why this is the first time that
3 I stand before a judge with so many people having said
4 positive things about me.

5 You and I both know that at my age, we don't
6 get better. We usually get worse. So these accolades
7 that I'm reading to you and that you've read are as a
8 direct result of the things that I did in the community
9 right now. I simply made a mistake. Again, I take
10 full responsibility.

11 Your Honor, I'm an alcoholic. I have an
12 addiction to meth. If you look at my PSI report, my
13 only problem since 2010 has been alcohol or drug
14 related. Even for this crime, there was a full crystal
15 meth pipe on my bedside table. When the detectives
16 searched my house, it was left there untouched,
17 unreported, and uncharged.

18 Your Honor, I have never been to jail or
19 prison without being drunk or high. While out on bail
20 and low-level electronic monitoring on this case, as
21 the DA just said, I caught a misdemeanor DUI. I was
22 mistakenly released by the city from their drunk tank
23 on February 19th with a dead ankle monitor still on my
24 ankle. I did not flee. I didn't cut the bracelet off.
25 I wanted to deal with the situation to put it behind

1 me, to move on with my life. So I turned myself in to
2 house arrest the next day when they opened up.

3 Your Honor, the reason why I caught the DUI
4 is because I was celebrating successful negotiations
5 with a new company that very day. The same
6 intellectual adult in me knows that getting drunk or
7 high is not what normal people do to celebrate success.
8 I used to think that I could will my addiction away. I
9 thought that if I just volunteered enough of my time to
10 a worthy cause, that God would remove my affliction.
11 Although volunteering did help me, it kept me anchored
12 to a purpose in life, it did not cure my addiction.

13 Further, I realize now that I need help more
14 than I can provide on my own. I need to let go of my
15 past and believe that I'm worthy of success. I need to
16 be able to strike a healthy balance between highs and
17 lows. I pray that counseling will do that for me,
18 Your Honor.

19 These are the reasons why I ask the Court to
20 consider intensive outpatient drug treatment and
21 probation. My colleague, who is here in the courtroom,
22 she kept my apartment for me. And I have a space with
23 two employees so I can continue my community outreach
24 in the neighborhoods.

25 And I direct your attention, Your Honor, to

1 page 4 of the PSI report. If you'll look, under the
2 influence, 1992; driving under the influence, '92; DUI,
3 '95; possession of controlled substance, '96;
4 possession of controlled substance, '09; possession of
5 paraphernalia, '09; loitering in a public place,
6 illegal drug activity, '09; use of possession of
7 paraphernalia, 2019; and now this latest DUI. In the
8 PSI report, Your Honor, there are 13 different arrests.
9 Nine of the charges have been alcohol or drug related.

10 Your Honor, I have never had treatment. And
11 although the record shows that I was drunk or high only
12 nine times, I assure you I was drunk every time.

13 Also, I've never been more deserving of a
14 program based on my efforts in the community right now.
15 I've never stood before a judge with over 100 people
16 saying, you know what, he's a good guy. And I have
17 proof of it, Your Honor. So based on that, that's all
18 I have to say, sir. Thank you.

19 **THE COURT:** You understand that the guilty
20 plea agreement that you entered into was a stipulation
21 to a term of years; right?

22 **THE DEFENDANT:** No, sir, I did not. What I
23 entered the plea agreement for is because, initially,
24 you know, the DA was talking habitual criminal. I'm
25 not from Vegas or I'm not familiar with you guys' laws

1 out here. The lawyer kept saying Chris, Chris, take
2 this deal. We don't want you to get more. So trusting
3 him, I took the deal. Now that I'm in custody talking
4 to people, I'm, like, man, that was probationable.

5 He never advised me anything, which is the
6 reason why I filed the motion to remove him as my
7 attorney. But then I figured that you, you know, based
8 on the conversation we had last week, was not willing
9 to remove him based on the motion being untimely.

10 It's just, you know, I figured that you don't
11 have to do what the PSI said. And if you were inclined
12 not to do so, then all you have to do is look at and
13 verify what I just put before you, Your Honor. I've
14 been doing this ever since I've been in Vegas. I
15 haven't been out here idly running around trying to
16 shoot dogs. You know, I mean, it's not something that
17 I do. I'm actually doing the contrary.

18 **THE COURT:** All right. Let me have you guys
19 come up for a second real quick.

20 (A discussion was held at the bench, not
21 reported.)

22 **THE COURT:** Mr. Troiano -- let me go to the
23 State first. I'm guessing that you're just asking for
24 what's in the guilty plea agreement?

25 **MS. FERREIRA:** Yes, Your Honor. The parties

1 had agreed to recommend a certain argument of time to
2 the Court, which was an aggregate sentence of 47 to 120
3 months. I'm asking the Court to follow the deal that
4 both the State and the Defendant entered into.

5 **THE COURT:** Mr. Troiano, I know you want to
6 make a record.

7 **MR. TROIANO:** Just a couple things, Judge.
8 Obviously, I'm in an awkward position because
9 Mr. Blockson signed a deal, which is stipulated prison,
10 and he's asking for probation today, which he, quite
11 frankly, is allowed to do, but my hands are tied due to
12 the good faith agreement between the State and myself.

13 As far as Mr. Blockson's representations, I
14 mean, my suggestion is -- I talked to him about it
15 multiple times and he continues to say he doesn't want
16 to withdraw his plea. But then when we come into Court
17 he says that he didn't enter it knowing and
18 voluntarily. I think that's confusing. I would ask
19 the Court to maybe clarify that with him.

20 Mr. Blockson is not a young kid. Eight prior
21 felonies; he's been to prison before. I've met with
22 him. I've discussed this case. And he's on video. He
23 spoke on the jail video, which he and everybody knows
24 is recorded, and admits to shooting the dog.

25 He's a prior felon. He can't have a firearm.

1 He admits to having a firearm via shooting an animal.
2 Obviously, I suggested that we enter into some sort of
3 negotiation because trial, in my experience doing this
4 11 years, would have been a complete disaster.

5 We discussed it. He stipulated to prison
6 time. And here we are today. I believe he was upset
7 because when he was remanded on the DUI case that he
8 picked up, he asked that I put in a motion having him
9 released on house arrest or some sort of drug or rehab
10 program, which I refused to do. I don't need to file
11 frivolous motions in front of the Court, especially
12 when he was due go forward on the sentencing two to
13 three weeks after which he went into custody.

14 It's really going to be what Mr. Blockson
15 thinks is in his best interest. If he truly believes I
16 didn't advise him, that he shouldn't take a deal even
17 though he admits to the crime on the jail video, and
18 wants to move forward and risk habitual treatment and
19 whatever else may come with it, and what Your Honor
20 could potentially sentence him to if he loses at trial
21 for shooting a dog, that's his right to do so.

22 To make an accurate record, at a future date,
23 we need an evidentiary hearing, I'm happy to swear in,
24 be cross-examined by his new counsel as well as the
25 State -- you're gonna get your moment -- regarding

Kimberly A. Farkas, RPR, CRR
(702) 671-3633 • realtimetrialslv@gmail.com

1 those issues. I'm not really sure what else I can say
2 to make a more accurate record for the Court. If he's
3 truly claiming he's uninformed, unaware, and didn't
4 know what was going on, he should suggest to the Court
5 to withdraw his plea and receive new counsel and then
6 we can go down that avenue.

7 **THE DEFENDANT:** Your Honor --

8 **THE COURT:** Mr. Blockson, here's the reason I
9 called them up. Because it sounded like you weren't
10 agreeing to what you previously agreed to in the guilty
11 plea agreement. And I said it sounded like you were
12 trying to withdraw the plea. Mr. Troiano said that
13 he's talked to you about that. You really don't want
14 to do that because you know that that brings back all
15 the original charges. You know that that brings back
16 the chance of getting the habitual treatment.

17 That being said, I mean, if you feel like you
18 still need the opportunity to withdraw your plea, I
19 mean, we can get new counsel to represent you for that,
20 at least to look at that issue.

21 **THE DEFENDANT:** Well, sir, that's a
22 possibility. However, I want to respond to what he
23 just said. The man just stood here and said he's met
24 with me. First of all, let's clarify --

25 **THE COURT:** We're not gonna argue about that.

1 **THE DEFENDANT:** Sir, every time I see him,
2 it's 10 minutes before we walk into a courtroom. And
3 then it's rush, rush, rush. I explained it to him.

4 What I do want to say is, yeah, I said on the
5 jail phone, yeah, I shot the dog, but it was in
6 response to a question of, Chris, what happened? I
7 shot the dog because he tried to bite me. What I'm
8 saying to you is I never said that I didn't shoot the
9 dog. I'm saying to him that I have mitigating
10 circumstances that are in play here. I need you to
11 listen. And he has refused to do so based on his own
12 representations or what he thinks. And I think he's
13 more an advocate for the State than for me based on
14 that right there.

15 Now, sir, I understand that withdrawing my
16 guilty plea would expose me to the habitual criminal.
17 I understand that. So that's the reason why I didn't
18 do that. That's the reason why I came in here today
19 and I said, well, Your Honor, if you're inclined to do
20 so, I have given you reason to do so, which is grant me
21 probation. If you don't want to, then you don't, but I
22 feel like my chances are better with you because in my
23 30 years I haven't seen a fair judge. And that's just
24 quite frank. So that's the reason why I made a
25 calculated effort to come in here and do it exactly



1 like it has been done.

2 **THE COURT:** Okay. All right. I understand.
3 So it's interesting because I think most of the
4 attorneys know when they enter a deal, when the defense
5 attorneys enter a deal with the State, they generally
6 can tell their clients that I'm probably one of the
7 judges that will follow the agreement. Usually, not
8 always. I don't think anybody can say always. But
9 usually I'm one of the judges that follows the
10 agreements. Because of that, the agreement in this
11 case was for jail time. I understand that you have the
12 mitigating circumstances, but based on the history and
13 other things, I think I'm just gonna follow the
14 agreement that was made.

15 In addition to the \$25 assessment fee,
16 there's a \$150 DNA fee, if that's not previously been
17 taken, an additional \$3 DNA fee, \$250 to the Indigent
18 Defense Fund, I'm just going to follow the
19 recommendation of the parties, the agreement in the
20 guilty plea agreement. Count 1, I'm sentencing you to
21 19 to 48 months in Nevada Department of Corrections.
22 Count 2 is 28 to 72 months in Nevada Department of
23 Corrections, consecutive to count 1, for a total
24 aggregate of 47 to 120 months.

25 How many days does he have?

Kimberly A. Farkas, RPR, CRR
(702) 671-3633 • realtimetrialslv@gmail.com

1 **MS. FERREIRA:** He had 16, Your Honor. I'm
2 not sure if he was technically remanded on this case
3 once the ankle bracelet became an issue. I can tell
4 the Court it's 16 days until that point in time.

5 **MR. TROIANO:** It would be an additional 58
6 days after he was brought into custody into CCDC.

7 **THE COURT:** Sounds like 74.

8 **MS. FERREIRA:** That's fine, Your Honor.

9 **THE COURT:** 74 days credit for time served.

10 **MR. TROIANO:** Your Honor, if we could, to
11 Mr. Blockson's benefit at this point, if he wishes to
12 seek any post-conviction relief, I would ask the Court
13 to withdraw me as counsel of record. He can petition
14 the Court for new appointed counsel and potentially
15 make an argument at a later time that I didn't do my
16 job. So I'd ask to withdraw at this point.

17 **THE COURT:** You're not opposed to that;
18 right?

19 **THE DEFENDANT:** Of course not.

20 **THE COURT:** Granted. Make sure you get him
21 the file or if he gets new counsel, give them the file.

22 **MR. TROIANO:** Yeah, once they send me, I
23 forward it all to counsel.

24 **THE DEFENDANT:** Your Honor, I have a
25 question.



1 **THE COURT:** Yes?

2 **THE DEFENDANT:** Post-conviction relief, do I
3 have to file a motion to officially remove him?

4 **THE COURT:** Nope.

5 **THE DEFENDANT:** Or did he just do that?

6 **THE COURT:** He just did it. He's trying to
7 make it easy on you. Otherwise, yes, you would have
8 had to file a motion.

9 **MR. TROIANO:** He needs to file a motion to be
10 appointed counsel.

11 **THE COURT:** Right. But as far as withdrawing
12 you, that's done today.

13 **MR. TROIANO:** That's done.

14 (Proceedings concluded at 9:49 A.M.)

15 -o0o-

16 **ATTEST:** FULL, TRUE, AND ACCURATE TRANSCRIPT OF
17 PROCEEDINGS.

18
19 *Kimberly A. Farkas*
20 75/ Kimberly A. Farkas, RPR, CRR

21
22
23
24
25

Kimberly A. Farkas, RPR, CRR
(702) 671-3633 • realtimetrialslv@gmail.com

Please Print Name and Address

FILED

FEB 13 2020

John J. Blinn
CLERK OF COURT

Christopher Blockson

Defendant / In Propria Personam
SDCC, Post Office Box-208
Indian Springs, Nevada 89070-0208.

DISTRICT COURT

CLARK COUNTY, NEVADA

A-20-810466-W
Dept. XXX

State of Nevada

Plaintiff,

vs.

Christopher Blockson

Defendant.

Case No. # *C-18336552-1*
Dept. No. # _____
Docket No. # _____

Prosecutorial Misconduct

MOTION TO APPOINT COUNSEL *on Habeas Review*

Date Of Hearing: _____

Time Of Hearing: _____

COMES NOW the Defendant *Christopher Blockson* in proper person and hereby moves this Honorable Court for an ORDER granting him Counsel in the herein proceeding action.

This Motion is made and based upon all papers and pleadings on File herein and attached Points and Authorities *and*

Dated: This *8* Day of *January*, 20 *20*.

Respectfully Submitted,

BY: *Christopher J. Blockson*
Christopher Blockson # *50821*
Defendant, In Forma Pauperis:

CLERK OF THE COURT

FEB 13 2020

RECEIVED

Filed in Conjunction With Writ of Habeas Corpus Petition

1 There is no constitutional right to counsel on habeas.
2 *Borin v. Vasquez*, 999 F.2d 45 (9th Cir. 1983).
3 Indigent state (2019 U.S. Dist. Lexis 3). prisoners
4 applying for habeas corpus relief are not entitled to
5 appointed counsel unless the circumstances indicate that
6 ~~that~~ an appointed counsel is necessary to prevent due process
7 violations. *Chaney v. Lewis*, 801 F.2d 1191, 1196
8 (9th Cir. 1986), cert denied, 481 U.S. 1023, 107 S.Ct. 1911,
9 95 L.Ed. 2d 516 (1987); *Kreiling v. Field*, 431
10 F.2d 638, 640 (9th Cir. 1970); *Esbridge v. Rhy*,
11 345 F.2d 778, 782 (9th Cir. 1965). cert denied,
12 382 U.S. 996, 86 S.Ct. 582, 15 L.Ed. 2d 483 (1966).
13
14 Your Honor, the circumstances in this case clearly warrant
15 that counsel is necessary to prevent due process violations.
16 The DA misrepresented a misdemeanor as a felony. Due process
17 was effectively crippled in this case because everyone in-
18 voluntarily assumed the charge was a real felony, even the
19 court. My attorney in District court was fooled and my
20 attorney on appeal. Neither thought to check the validity
21 of the charge. My direct appeal is over and nobody caught
22 the deception. That's exactly what the DA intended.
23 I was never supposed to get the file because I was
24 never supposed to appeal.
25 The court has the discretion to appoint counsel when
26 a judge "determines that the interest of justice so require."
27 *Terrouna v. Kenechore*, 912 F.2d 1176, 1181 (9th Cir. 1990)
28 quoting 18 U.S.C § 3006A(a)(2)(B). "In deciding whether to

Motion For Counsel

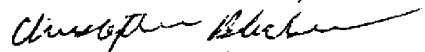
1 appoint counsel in a habeas proceeding, the district court
2 must evaluate the likelihood of success on the merits
3 as well as the ability of the petitioner to articulate
4 his claims pro se in light of the complexity of
5 the legal issues involved," *Weygant v. Cook*, 718
6 F.2d 952, 954 (9th Cir. 1983).

7 I am no match for the skill and experience of the
8 District Attorney, I need effective assistance of
9 counsel. I've already been under represented in
10 District Court and on appeal. I think that I
11 have a pretty good chance ~~at~~ prevailing on
12 the merits of the petition. All one needs
13 to do is compare the cruelty to Animals Admiration
14 of rights to the ~~act~~ actual statute.
15 District court abused its discretion in denying appellant's
16 petition for writ of Habeas Corpus without appointing
17 counsel under Nev. Rev. Stat. § 34.750(1), because
18 appellant moved for the appointment of counsel,
19 claimed he was indigent, and the failure to appoint
20 counsel prevented the meaningful litigation of appellant's
21 petition. *Rogers v. State*, 127 Nev. 981, 267 P.3d 802, 127
22 Nev. Adv. Rep. 88, 2011 Nev. Lexis 115 (Nev. 2011).

23 I do not have the access to the law library that
24 allows someone time to locate case law. I don't know
25 how to proceed. Additionally I'm in the hole which
26 further restricts my access to the law library. Humbly
27 and respectfully submitted

28

January 31, 2020


Christopher Blockson

23

POINTS AND AUTHORITIES

NRS.34.750 Appointment of Counsel for indigents;pleading supplemental to
petition;response to dismiss:

"If the Court is satisfied that the allegation of indigency is True and the
petition is Not dismissed summarily,the Court may appoint counsel to represent
the-"petitioner/defendant."

NRS.171.188 Procedure for appointment of attorney for indigent defendant:

"Any defendant charged with a public offense who is an indigent may, by oral
statement to the District Judge,justice of the peace,municipal judge or master,
request the appointment of an attorney to represent him."

NRS 178.397 Assignment of counsel;

"Every defendant accused of a gross misdemeanor or felony who is financially
unable to obtain counsel is entitled to have counsel assigned to represent him at
every stage of the proceedings from his initial appearance before a magistrate or
the court through appeal,unless he waives such appointment."

WHEREFORE ,petitioner/defendant,prays this Honorable Court will grant his
motion for the appointment of counsel to allow him the assistance that is needed
to insure that justice is served.

Dated:This 8 Day Of January, 20 20

Respectfully Submitted,

BY: Christopher L. Blockson
Christopher Blockson #50826
Defendant, In Forma Pauperis:

////

////

////

14 \$1

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding Motion to

appoint counsel on Habeas Review for prosecutorial misconduct
(Title of Document)

filed in District Court Case number C-18-336552-1

☒ Does not contain the social security number of any person.

-OR-

☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-or-

B. For the administration of a public program or for an application
for a federal or state grant.

Christopher F. Blackman
Signature

1/8/2020
Date

Christopher Hochson
Print Name

Attorney/Defendant
Title

195

CERTIFICATE OF SERVICE BY MAILING

I, Christopher Blockson, hereby certify, pursuant to NRCP 5(b), that on this 13
day of January, 2020, I mailed a true and correct copy of the foregoing, "Motion
to Appoint Counsel on Habeas review for prosecutorial misconduct"
by placing document in a sealed pre-postage paid envelope and deposited said envelope in the
United State Mail addressed to the following:

Steven Grierson,
CLERK OF THE COURT
200 Lewis Avenue, 3rd Floor
Las Vegas, NV 89155-1160

Attorney General
HERNANDEZ BUILDING
Capitol Complex
Carson City, Nevada 89710

Steven B. Wolfson
Clark County District Attorney
200 Lewis Avenue, 3rd Floor
Las Vegas, Nevada 89155

CC:FILE

DATED: this 8 day of January, 2020.

Christopher Blockson
Christopher Blockson # 50821
/In Propria Personam
Post Office Box 208, S.D.C.C.
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

Please stamp F-1 - return

SDCC

1 Christopher Blockson #50821

2 /In Propria Personam
3 Post Office Box 208 S.D.C.C.
4 Indian Springs, Nevada 89018

5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7 State of Nevada

8 Plaintiff,

Case No. C-18-336552-1

Dept. No.

10 vs.

FINANCIAL CERTIFICATE

11 Christopher Blockson
12 Defendant.

(On Motion for Leave to
Proceed in Forma Pauperis)


13
14 I, hereby certify that the defendant named herein above has the sum of \$ 19.99 on
15 account to his credit at the facility where said defendant is confined.

16 I further certify that the defendant likewise has the following securities to his credit
17 according to the records of said facility:


18 Trust 2 Balance of \$ 0

19 Savings Balance of \$ 69.86 inaccessible to him

20
21 DATED: this 8 day of Jan, 2020.

22
23 

24 NEVADA DEPARTMENT OF CORRECTIONS
25 Inmate Services Accountant
26
27
28



1 **ORDR**

2
3 **DISTRICT COURT**
4 **CLARK COUNTY, NEVADA**

5 CHRISTOPHER BLOCKSON,

Case No.: A-20-810466-W

Department: 30

6 Petitioner,

7 V.

8 NEVADA DEPARTMENT OF
9 CORRECTION, JERRY HOWELL,
WARDEN,

10 Respondent.

11
12 **ORDER SETTING BRIEFING SCHEDULE AND HEARING**
13 **RE: PETITION FOR WRIT OF HABEAS CORPUS**

14 Petitioner filed a Petition for Writ of Habeas Corpus (Post-Conviction Relief) on
15 February 13, 2020. The Court has reviewed the petition and has determined that a response
16 would assist the Court and, good cause appearing therefore,

17 IT IS HEREBY ORDERED that Respondent shall, within forty-five (45) days of
18 the date of this Order, answer or otherwise respond to the petition and file a return in
19 accordance with the provisions of NRS 34.360 to 34.830, inclusive.

20 IT IS FURTHER ORDERED that Petitioner shall, within fifteen (15) days of the
21 filing of an answer or response from the Respondent, be permitted to file a reply to
22 Respondent's responsive pleading.

23 IT IS FURTHER ORDERED that this matter shall be placed on this Court's
24 Calendar on 7th day of MAY, 2020, at 8:30 AM for further proceedings.

25 **DATED:** 2-20-20

26
27
28 
DISTRICT JERRY A. WIESE II
DEPARTMENT 30

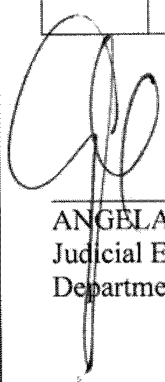
1
2
3 **CERTIFICATE OF SERVICE**

4 I hereby certify that on or about the date filed, a copy of the foregoing
5 was electronically served or served via US Mail as indicated to the following:

6

Served	Entity	Email/US Mail
X	PETITIONER	CHRISTOPHER BLOCKSON #50821 PO BOX 208, SDCC INDIAN SPRINGS, NEVADA 89070
X	RESPONDENT	STEVEN B. WOLFSON Clark County District Attorney Nevada Bar #001565 AMY FERREIRA Chief Deputy District Attorney Nevada Bar #010347 200 Lewis Avenue Las Vegas, Nevada 89155-2212
X	RESPONDENT	AARON FORD Nevada Attorney General 5420 Kietzke Lane #202 Reno, NV 89511

7
8
9
10
11
12
13
14
15

16
17
18 
19 ANGELA MCBRIDE
20 Judicial Executive Assistant
21 Department 24
22
23
24
25
26
27
28



1 **RSPN**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 KAREN MISHLER
6 Deputy District Attorney
7 Nevada Bar #013730
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Respondent

DISTRICT COURT
CLARK COUNTY, NEVADA

9 CHRISTOPHER BLOCKSON,
10 #1220853

Petitioner,

CASE NO: A-20-810466-W

-vs-

12 THE STATE OF NEVADA,

DEPT NO: XXX

Respondent.

15 **STATE'S RESPONSE TO PETITIONER'S PETITION FOR WRIT OF HABEAS**
16 **CORPUS (POST-CONVICTION), MEMORANDUM OF ARGUMENT AND LEGAL**
17 **AUTHORITIES IN SUPPORT OF WRIT OF HABEAS CORPUS (POST-**
18 **CONVICTION), AND MOTION TO APPOINT COUNSEL**

DATE OF HEARING: May 7, 2020
TIME OF HEARING: 8:30 AM

19 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County
20 District Attorney, through KAREN MISHLER, Deputy District Attorney, and hereby submits
21 the attached Points and Authorities in Response to Petitioner's Petition for Writ Of Habeas
22 Corpus (Post-Conviction), Memorandum of Argument and Legal Authorities in Support of
23 Writ Of Habeas Corpus (Post-Conviction), and Motion To Appoint Counsel.

24 This response is made and based upon all the papers and pleadings on file herein, the
25 attached points and authorities in support hereof, and oral argument at the time of hearing, if
26 deemed necessary by this Honorable Court.

27 //

28 C:\USERS\MARTINZI\APPDATA\LOCAL\MICROSOFT\WINDOWS\INETCACHE\CONTENT.OUTLOOK\CSLUVKJPA810466- BLOCKSON

CHRISTOPHER PWHC AND MTN TO APPT COUNSEL RESP_.DOCX

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

2
3
4
5
6
7
8

9

10
11
12

13
14
15
16
17
18
19
20

21
22
23
24
25

26

27

28

1 Other claims attacking the conviction or sentence must be raised by a timely filed direct appeal
2 or a timely filed Petition for a Post-Conviction Writ of Habeas Corpus per NRS 34.720-34.830,
3 or other appropriate motion. See id.

4 Under Ground 1, Petitioner argues that the State incorrectly alleged that a violation of
5 NRS 574.100(1)(a) is a felony in every pleading, including the Cruelty to Animals
6 Admonishment of Rights. Petition at 7-7a, 13; Memorandum at 3-10. He argues that he should
7 have been found guilty of a misdemeanor under NRS 574.100(7)(a)-(b) because a violation
8 under NRS 574.100(1)(a) can only be punished as a felony if it is charged and adjudicated
9 under NRS 574.100(6)(a)-(b) or NRS 574.100(7)(c). Id. Thus, he argues under Ground Three,
10 that the State thereby engaged in “malicious prosecution and abuse of power.” Petition at 9.
11 However, his claims are meritless.

12 As a threshold issue, a Petition for Writ of Habeas Corpus is not the appropriate vehicle
13 for Petitioner’s claim. NRS 34.810(1)(a) states that the Court must dismiss a petition if “[t]he
14 petitioner’s conviction was upon a plea of guilty or guilty but mentally ill and the petition is
15 not based upon an allegation that the plea was involuntarily or unknowingly entered or that
16 the plea was entered without effective assistance of counsel.” Here, Petitioner’s conviction
17 was based up on a plea of guilty. Regardless, Petitioner’s claim fails on the merits.

18 The State did not “build a statute.” Memorandum at 6. Petitioner is misinterpreting NRS
19 574.100. NRS 574.100(6) states in relevant part that a person who “willfully and maliciously”
20 violates NRS 574.100(1)(a) “is guilty of a category D felony.” There is a misdemeanor version
21 of this statute, but in this case, Petitioner was charged and convicted of the Category D felony
22 this statute also prescribes. Indeed, the criminal Information charging Petitioner clearly states
23 that Petitioner “willfully, unlawfully, maliciously, and feloniously” committed the crime of
24 Cruelty to Animals.

25 //

26 //

27 //

28 //

1 To the extent Petitioner argues that he was not charged with violating NRS 574.100(6),
2 his argument is belied by the Information which appropriately alleges that Petitioner violated
3 NRS 574.100(1)(a), and makes clear that he was charged with the Category D Felony portion
4 of the statute. Further, the Information complies with what is required under NRS 173.075.
5 Under this statute there is no requirement that the charging document also contain the
6 subsection of the statute which contains the penalty for the violation.

7 Moreover, the Cruelty to Animals Admonishment of Rights that Petitioner claims is
8 inaccurate is not a charging document. This document is instead a statement of rights provided
9 to defendants who plead guilty to violations under NRS 574.100, so that they are informed
10 that repeated violations of this statute can result in increased penalties.

11 Second, Petitioner appears to request a modification of his sentence for Count 2,
12 Ownership or Possession of Firearm by Prohibited Person, despite raising no claims regarding
13 the sentence for this count. Petition at 2; Memorandum at 13-14.

14 In general, a district court lacks jurisdiction to modify a sentence once the defendant
15 has started serving it. Passanisi v. State, 108 Nev. 318, 322, 831 P.2d 1371, 1373 (1992),
16 overruled on other grounds by Harris v. State, 130 Nev. Adv. Op. 47 (2014). However, a
17 district court does have inherent authority to correct, vacate or modify a sentence where the
18 defendant can demonstrate the sentence violates Due Process because it is based on a
19 materially untrue assumption or mistake of fact that has worked to the defendant's extreme
20 detriment. Edwards v. State, 112 Nev. 704, 707, 918 P.2d 321, 324 (1996); see also Passanisi,
21 108 Nev. at 322, 831 P.2d at 1373. Not every mistake or error during sentencing gives rise to
22 a Due Process violation. State v. District Court, 100 Nev. 90, 97, 677 P.2d 1044, 1048 (1984).
23 The Nevada Supreme Court has emphasized that a "motion to modify a sentence is limited in
24 scope to sentences based on mistaken assumptions about a defendant's criminal record which
25 work to the extreme detriment of the defendant." Edwards, 112 Nev. at 708, 918 P.2d at 325.

26 //

27 //

28 //

1 Here, Petitioner's claim is meritless as he has failed to demonstrate that he was
2 maliciously prosecuted in violation of NRS 199.130 for the reasons stated *supra* in Section
3 I.B. Further, Petitioner also states that he does not wish to withdraw his guilty plea whereby
4 he pled guilty to a Category D felony. Memorandum at 12. Unless he withdraws his plea, the
5 Court does not have the authority to adjudicate him guilty of a misdemeanor as Petitioner
6 requests. Further, Petitioner is requesting to receive the benefit of his guilty plea without being
7 subject to the punishment contemplated by the agreement, which is inappropriate. State v.
8 Second Judicial Dist. Court in & for Cty. of Washoe, 134 Nev. 384, 391, 421 P.3d 803, 808
9 (2018).

10 Therefore, Petitioner's claims should be denied.

11 **II. PETITIONER RECEIVED EFFECTIVE ASSISTANCE OF COUNSEL**

12 The Sixth Amendment to the United States Constitution provides that, "[i]n all criminal
13 prosecutions, the accused shall enjoy the right . . . to have the Assistance of Counsel for his
14 defense." The United States Supreme Court has long recognized that "the right to counsel is
15 the right to the effective assistance of counsel." Strickland v. Washington, 466 U.S. 668, 686,
16 104 S. Ct. 2052, 2063 (1984); see also State v. Love, 109 Nev. 1136, 1138, 865 P.2d 322, 323
17 (1993).

18 To prevail on a claim of ineffective assistance of trial counsel, a defendant must prove
19 he was denied "reasonably effective assistance" of counsel by satisfying the two-prong test of
20 Strickland, 466 U.S. at 686-87, 104 S. Ct. at 2063-64. See also Love, 109 Nev. at 1138, 865
21 P.2d at 323. Under the Strickland test, a defendant must show first that his counsel's
22 representation fell below an objective standard of reasonableness, and second, that but for
23 counsel's errors, there is a reasonable probability that the result of the proceedings would have
24 been different. 466 U.S. at 687-88, 694, 104 S. Ct. at 2065, 2068; Warden, Nevada State Prison
25 v. Lyons, 100 Nev. 430, 432, 683 P.2d 504, 505 (1984) (adopting the Strickland two-part test).
26 "[T]here is no reason for a court deciding an ineffective assistance claim to approach the
27 inquiry in the same order or even to address both components of the inquiry if the defendant
28 makes an insufficient showing on one." Strickland, 466 U.S. at 697, 104 S. Ct. at 2069.

1 The court begins with the presumption of effectiveness and then must determine
2 whether the defendant has demonstrated by a preponderance of the evidence that counsel was
3 ineffective. Means v. State, 120 Nev. 1001, 1011, 103 P.3d 25, 32 (2004). "Effective counsel
4 does not mean errorless counsel, but rather counsel whose assistance is '[w]ithin the range of
5 competence demanded of attorneys in criminal cases.'" Jackson v. Warden, 91 Nev. 430, 432,
6 537 P.2d 473, 474 (1975).

7 Counsel cannot be ineffective for failing to make futile objections or arguments. See
8 Ennis v. State, 122 Nev. 694, 706, 137 P.3d 1095, 1103 (2006). Trial counsel has the
9 "immediate and ultimate responsibility of deciding if and when to object, which witnesses, if
10 any, to call, and what defenses to develop." Rhyne v. State, 118 Nev. 1, 8, 38 P.3d 163, 167
11 (2002).

12 Based on the above law, the role of a court in considering allegations of ineffective
13 assistance of counsel is "not to pass upon the merits of the action not taken but to determine
14 whether, under the particular facts and circumstances of the case, trial counsel failed to render
15 reasonably effective assistance." Donovan v. State, 94 Nev. 671, 675, 584 P.2d 708, 711
16 (1978). This analysis does not mean that the court should "second guess reasoned choices
17 between trial tactics nor does it mean that defense counsel, to protect himself against
18 allegations of inadequacy, must make every conceivable motion no matter how remote the
19 possibilities are of success." Id. To be effective, the constitution "does not require that counsel
20 do what is impossible or unethical. If there is no bona fide defense to the charge, counsel
21 cannot create one and may disserve the interests of his client by attempting a useless charade."
22 United States v. Cronin, 466 U.S. 648, 657 n.19, 104 S. Ct. 2039, 2046 n.19 (1984).

23 "There are countless ways to provide effective assistance in any given case. Even the
24 best criminal defense attorneys would not defend a particular client in the same way."
25 Strickland, 466 U.S. at 689, 104 S. Ct. at 689. "Strategic choices made by counsel after
26 thoroughly investigating the plausible options are almost unchallengeable." Dawson v. State,
27 108 Nev. 112, 117, 825 P.2d 593, 596 (1992); see also Ford v. State, 105 Nev. 850, 853, 784
28 P.2d 951, 953 (1989). In essence, the court must "judge the reasonableness of counsel's

1 challenged conduct on the facts of the particular case, viewed as of the time of counsel's
2 conduct.” Strickland, 466 U.S. at 690, 104 S. Ct. at 2066.

3 , Even if a defendant can demonstrate that his counsel's representation fell below an
4 objective standard of reasonableness, he must still demonstrate prejudice and show a
5 reasonable probability that, but for counsel’s errors, the result of the trial would have been
6 different. McNelson v. State, 115 Nev. 396, 403, 990 P.2d 1263, 1268 (1999) (citing
7 Strickland, 466 U.S. at 687, 104 S. Ct. at 2064). “A reasonable probability is a probability
8 sufficient to undermine confidence in the outcome.” Id. (citing Strickland, 466 U.S. at 687-89,
9 694, 104 S. Ct. at 2064-65, 2068).

10 The Nevada Supreme Court has held “that a habeas corpus petitioner must prove the
11 disputed factual allegations underlying his ineffective-assistance claim by a preponderance of
12 the evidence.” Means v. State, 120 Nev. 1001, 1012, 103 P.3d 25, 33 (2004). Furthermore,
13 claims of ineffective assistance of counsel asserted in a petition for post-conviction relief must
14 be supported with specific factual allegations, which if true, would entitle the petitioner to
15 relief. Hargrove v. State, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984). “Bare” and “naked”
16 allegations are not sufficient, nor are those belied and repelled by the record. Id. NRS
17 34.735(6) states in relevant part, “[Petitioner] *must* allege specific facts supporting the claims
18 in the petition[.] . . . Failure to allege specific facts rather than just conclusions may cause your
19 petition to be dismissed.” (emphasis added).

20 Additionally, there is a strong presumption that appellate counsel's performance was
21 reasonable and fell within “the wide range of reasonable professional assistance.” See United
22 States v. Aguirre, 912 F.2d 555, 560 (2nd Cir. 1990); citing Strickland, 466 U.S. at 689, 104
23 S. Ct. at 2065. A claim of ineffective assistance of appellate counsel must satisfy the two-
24 prong test set forth by Strickland. Kirksey v. State, 112 Nev. 980, 998, 923 P.2d 1102, 1114
25 (1996). In order to satisfy Strickland’s second prong, the defendant must show that the omitted
26 issue would have had a reasonable probability of success on appeal. Id.

27 The professional diligence and competence required on appeal involves “winnowing
28 out weaker arguments on appeal and focusing on one central issue if possible, or at most on a

1 few key issues.” Jones v. Barnes, 463 U.S. 745, 751-52, 103 S. Ct. 3308, 3313 (1983). In
2 particular, a “brief that raises every colorable issue runs the risk of burying good arguments .
3 . . in a verbal mound made up of strong and weak contentions.” Id. at 753, 103 S. Ct. at 3313.
4 “For judges to second-guess reasonable professional judgments and impose on appointed
5 counsel a duty to raise every 'colorable' claim suggested by a client would disserve the very
6 goal of vigorous and effective advocacy.” Id. at 754, 103 S. Ct. at 3314.

7 Petitioner argues that his counsel was ineffective for: (1) failing to argue that NRS
8 574.100(1)(a) is a misdemeanor charge, not a felony, (2) depriving him of his right to appeal,
9 and (3) failing to read his file. Petition at 8. Such claims are meritless.

10 As for his first claim, as stated *supra*, Petitioner’s contention that he could only be
11 charged with a misdemeanor violation of NRS 574.100 is without merit, and therefore his
12 counsel cannot be considered ineffective for making such argument. See Ennis, 122 Nev. at
13 706, 137 P.3d at 1103.

14 Second, Petitioner was not deprived of his right to appeal because he told his counsel
15 to withdraw his appeal. Indeed, Petitioner states on Page 2 of his Memorandum that he told
16 appellate counsel to do just that. Further, Petitioner was informed of his right to appeal in his
17 Guilty Plea Agreement. Regardless, when a defendant is found guilty pursuant to a plea,
18 counsel normally does not have a duty to inform a defendant about his right to an appeal.
19 Toston v. State, 127 Nev. 971, 976-77, 267 P.3d 795, 799-800 (2011) (citing Thomas v. State,
20 115 Nev. 148, 150, 979 P.2d 222, 223 (1999)).

21 Third, his claim that counsel failed to read his file is belied by the record. Indeed,
22 Petitioner attached correspondence with his appellate counsel wherein counsel discusses the
23 instant case. Petition, Exhibit F and Exhibit G. This demonstrates that he viewed Petitioner’s
24 case in order to file his direct appeal.

25 //

26 //

27 //

28 //

1 Therefore, Petitioner's claims of ineffective assistance of counsel should be denied.

2 **III. PETITIONER IS NOT ENTITLED TO APPOINTMENT OF COUNSEL**

3 In Coleman v. Thompson, 501 U.S. 722, 752, 111 S.Ct. 2546, 2566 (1991), the United
4 States Supreme Court ruled the Sixth Amendment provides no right to counsel in post-
5 conviction proceedings. The Nevada Supreme Court has similarly observed that "[t]he Nevada
6 Constitution . . . does not guarantee a right to counsel in post-conviction proceedings, as we
7 interpret the Nevada Constitution's right to counsel provision as being coextensive with the
8 Sixth Amendment to the United States Constitution." McKague v. Warden, 112 Nev. 159, 163,
9 912 P.2d 255, 258 (1996). NRS 34.750(1) provides that a court has discretion to appoint a
10 defendant post-conviction counsel:

11 [a] petition may allege that the Defendant is unable to pay the costs of
12 the proceedings or employ counsel. If the court is satisfied that the
13 allegation of indigency is true and the petition is not dismissed
14 summarily, the court may appoint counsel at the time the court orders
the filing of an answer and a return. In making its determination, the
15 court may consider, among other things, the severity of the
consequences facing the petitioner and whether:
16 (a) The issues are difficult;
(b) The Defendant is unable to comprehend the proceedings; or
(c) Counsel is necessary to proceed with discovery.

17 Additionally, the Nevada Supreme Court has observed that a petitioner "must show that
18 the requested review is not frivolous before he may have an attorney appointed." Peterson v.
19 Warden, Nevada State Prison, 87 Nev. 134, 136, 483 P.2d 204, 205 (1971) (citing former
20 statute NRS 177.345(2)).

21 Pursuant to McKague and NRS 34.750(1), Petitioner is not entitled to appointment of
22 counsel. Due to Petitioner's claims being meritless, as discussed *supra*, Petitioner is not
23 entitled to counsel. Should this Court disagree, Petitioner still does not qualify for counsel
24 under NRS 34.750(1). First, Petitioner has asserted claims that are not overly complex in
25 nature as they do not require an expansion of the already existing record. Second, there is
26 nothing to indicate that Petitioner would be unable to comprehend the proceedings. After all,
27 he managed to file the instant Petition without counsel. Third, Petitioner's claims do not
28 //

1 warrant any further discovery, so counsel is unnecessary for such a task. Thus, Petitioner's
2 request should be denied.

3 **CONCLUSION**

4 Based on the foregoing, the State respectfully requests that Petitioner's Petition for Writ
5 of Habeas Corpus (Post-Conviction), Memorandum of Argument and Legal Authorities in
6 Support of Writ Of Habeas Corpus (Post-Conviction), and Motion To Appoint Counsel be
7 DENIED.

8 DATED this 27th day of March, 2020.

9 Respectfully submitted,
10 STEVEN B. WOLFSON
11 Clark County District Attorney
12 Nevada Bar #

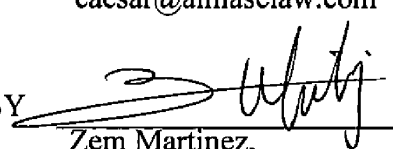
13 BY

14 
15 KAREN MISHLER
16 Deputy District Attorney
17 Nevada Bar #013730

18 **CERTIFICATE OF ELECTRONIC TRANSMISSION**

19 I hereby certify that service of the above and foregoing was made this 27th day of
20 March, 2020, by electronic transmission to: Caesar V. Almase, Esq
21 caesar@almaselaw.com

22 BY

23 
24 Zem Martinez,
25 Secretary for the District Attorney's Office

26
27
28 KM/bg/Appeals

**DISTRICT COURT
CLARK COUNTY, NEVADA
-oOo-**



CHRISTOPHER BLOCKSON,)
)
Petitioner,) CASE NO.: A-20-810466-W
) CASE NO.: A810466
) DEPT. NO.: XXX
vs.)
)
NEVADA DEPARTMENT OF)
CORRECTIONS AND JERRY)
HOWELL, WARDEN)
) ORDER
Respondent.)

INTRODUCTION.

The above-captioned matter is scheduled for hearing on Thursday, May 7, 2020, with regard to Petitioner's Petition for Writ of Habeas Corpus, and Motion for Appointment of Attorney. Pursuant to A.O. 20-01, and subsequent administrative orders of the Court, this matter is deemed "non-essential," and may be resolved after a hearing (held by alternative means), decided on the papers, or continued. The Court has determined that it would be appropriate to decide these matters on the papers, and consequently, this Order issues.

On 12/10/18, Christopher Blackson ("Petitioner") was charged in an Information in Case No. C336552 with: Count 1- Cruelty to Animals (Category D Felony- NRS 574.100.1a); Count 2- Ownership or Possession of Firearm by Prohibited Person (Category B Felony- NRS 202.360); and Count 3- Discharge of Firearm From or Within a Structure or Vehicle (Category B Felony- NRS 202.287).

Petitioner was represented by Michael Troiano at the trial level. Pursuant to a Guilty Plea Agreement (GPA) filed on 12/21/18, Petitioner pled guilty to one count of Cruelty to Animals and one count of Ownership or Possession of Firearm by Prohibited Person.

According to allegations contained in the Information, Petitioner pled guilty to willfully, unlawfully, maliciously and feloniously torturing, unjustifiably maiming or killing a Pit Bull dog, by shooting and/or stabbing and/or cutting said dog, and/or failing to get medical treatment for said dog. He was also charged with willfully,

1

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

1 unlawfully, and feloniously owing, or having in his possession and/or under his custody
2 or control, a Ruger .357 revolver after being convicted in 1996 of Possession of
3 Controlled Substance with Intent to Sell, which is a felony under Nevada law.

4 When Mr. Blockson pled guilty, at the time of his arraignment, pursuant to the
5 GPA, he was canvassed in part as follows:

6 All right. Before I can accept your plea of guilty, I have to go through the
7 Information with you to make sure that there's a factual basis. It says on or
8 about the fourth day of April 2018 in Clark County, Nevada, contrary to the laws
9 of the State of Nevada, on Count One, you did willfully, unlawfully, maliciously
10 and feloniously torture or unjustifiably maim, mutilate or kill a Pitbull dog by
11 shooting or stabbing or cutting said dog and/or failing to get medical treatment
12 for said dog.

13 Count Two, ownership or possession of a firearm by a prohibited person, you did
14 willfully, unlawfully and feloniously own or have possession and/or under your
15 custody or control a firearm, to wit, a Ruger .357 revolver bearing serial number
16 575-15259, the Defendant being a convicted felon having in 1996 being -- been
17 convicted of possession of a controlled substance with intent to sell in case
18 C135719 in the Eighth Judicial Court, a felony under the laws of the State of
19 Nevada.

20 Did you do those things?

21 THE DEFENDANT: Yes, sir.

22 (See Transcript of Hearing, December 21, 2018, at pgs. 7-8)

23 Petitioner now contends that this case arose when his wife brought home a
24 rescue dog, which then attacked him.

25 On 04/16/19, Petitioner was sentenced to 19-48 months on Count 1; and 28-72
26 months on Count 2, to run consecutive to Count 1. Petitioner received an aggregate
27 sentence of 47 to 120 months with 74 days' credit for time served. The Court dismissed
28 Count 3. The Judgment of Conviction (JOC) was filed on 04/22/19.

Petitioner filed his Notice of Appeal on 05/02/19, and the Court appointed
counsel (Jason Makris) on 05/23/19. Petitioner filed a Notice of Withdrawal of his
appeal on 12/30/19, and the Supreme Court filed an Order Dismissing Appeal on
01/16/20 in Case No. 78731.

LEGAL AND FACTUAL ANALYSIS.

Petitioner now argues that the sentence in Count 1 is illegal, because the State
incorrectly alleged a violation of NRS 574.100(1)(a) was a felony, but Petitioner believes
he should have been found guilty of a misdemeanor under NRS 574.100(7)(a-b).
Consequently, he believes that his sentence of 19-48 months on Count 1 was illegal.

1 Because he believes the District Attorney misrepresented the charge, his GPA was not
2 signed knowingly, voluntarily, and intelligently. Petitioner also argues, however, that
3 he accepted his plea deal because it was better than facing habitual treatment, and
4 consequently, he did enter his plea knowingly and voluntarily, and does not wish to
5 withdraw his plea, either then or now.

6 Petitioner argues that Appellate Counsel, Jason Makris was ineffective, for
7 failing to read the statute and compare it to the charge, and that Makris withdrew the
8 appeal before Petitioner had a chance to speak to him.

9 Petitioner also argues that the state engaged in malicious prosecution and abuse
10 of power, by failing to correctly charge Petitioner, and by only giving him 10 minutes to
11 review and sign the GPA or face habitual treatment, and he was not given a copy of the
12 GPA.

13 The State responds that the Petitioner's sentence is not facially illegal, he was
14 not maliciously prosecuted, and he is not entitled to sentence modification.

15 The State acknowledges that A Court may correct an illegal sentence at any time.
16 *Passanisi v. State*, 108 Nev. 318, 321, 831 P.2d 1371, 1372 (1992). "A motion to correct
17 an illegal sentence is an appropriate vehicle for raising the claim that a sentence is
18 facially illegal at any time; such a motion cannot be used as a vehicle for challenging the
19 validity of a judgment of conviction or sentence based on alleged errors occurring at
20 trial or sentencing." *Edwards*, 112 Nev. at 708, 918 P.2d at 324. "Motions to correct
21 illegal sentences address only the facial legality of a sentence." Motions to correct illegal
22 sentences evaluate whether the sentence imposed on the defendant is "at variance with
23 the controlling statute, or illegal in the sense that the court goes beyond its authority by
24 acting without jurisdiction or imposing a sentence in excess of the statutory maximum
25 provided." *Id.* (quoting *Allen v. United States*, 495 A.2d 1145, 1149 (D.C. 1985)). The
26 State argues that a Petition for Writ of Habeas Corpus is not the appropriate vehicle for
27 Petitioner's claim, because NRS 34.810(l)(a) states that ***the Court must dismiss a***
28 ***petition if "[t]he petitioner's conviction was upon a plea of guilty*** or guilty
but mentally ill and the petition is not based upon an allegation that the plea was
involuntarily or unknowingly entered or that the plea was entered without effective
assistance of counsel." Here, Petitioner's conviction was based up on a plea of guilty.
(NRS 34.8910, emphasis added).

1 If the Court considers the merits of the Petition, with regard to Ground 1, it
2 appears that the Petitioner is misinterpreting NRS 574.100. NRS 574.100(6) states in
3 relevant part that a person who "willfully and maliciously" violates NRS 574.100(1)(a)
4 "is guilty of a category D felony." The Petitioner's argument that he was not charged
5 with a violation of NRS 574.100(1) is belied by the record, as the Information alleges
6 this violation, and indicates that he was being charged with the Category D felony
7 portion of the statute. The Court finds that the Information complies with NRS
8 173.075.

9 Petitioner appears to request a modification of his sentence, but in general, a
10 District Court lacks jurisdiction to modify a sentence once a Defendant has started
11 serving it. *Passanisi v. State*, 108 Nev. 318, 322, 831 P.2d 1371, 1373 (1992) (overruled
12 on other grounds). A Court can correct a sentence if the Defendant can establish that
13 the sentence violates Due Process, and is based on a materially untrue assumption or
14 mistake of fact, that worked to the Defendant's extreme detriment. *Edwards v. State*,
15 112 Nev. 704, 707, 918 Pl2d 321, 324 (1996). Here, Petitioner's claim is without merit,
16 as he failed to demonstrate that he was maliciously prosecuted in violation of NRS
17 199.130. Plaintiff further indicates that he does not wish to withdraw his guilty plea. In
18 essence, Petitioner wants to receive the benefit of his GPA without serving the sentence
19 that he agreed to. This is inappropriate. *State v. Second Judicial Dist. Court in & for*
20 *Ctv. of Washoe*, 134 Nev. 384, 391, 21 P.3d 803, 808 (2018).

21 To prevail on a claim of ineffective assistance of trial counsel, a defendant must
22 prove he was denied "reasonably effective assistance" of counsel by satisfying the two-
23 prong test of *Strickland*, 466 U.S. at 686-87, 104 S. Ct. at 2063-64; *Love*, 109 Nev. at
24 1138, 865 P.2d at 323. Under the *Strickland* test, a defendant must show first that his,
25 counsel's representation fell below an objective standard of reasonableness, and
26 second, that but for counsel's errors, there is a reasonable probability that the result of
27 the proceedings would have been different. 466 U.S. at 687-88, 694, 104 S. Ct. at 2065,
28 2068; *Warden, Nevada State Prison v. Lyons*, 100 Nev. 430, 432, 683 P.2d 504, 505
(1984) (adopting the *Strickland* two-part test).

The court begins with the presumption of effectiveness and then must determine
whether the defendant has demonstrated by a preponderance of the evidence that
counsel was ineffective. *Means v. State*, 120 Nev. 1001, 1011, 103 P.3d 25, 32 (2004).

1 "Effective counsel does not mean errorless counsel, but rather counsel whose assistance
2 is '[w]ithin the range of competence demanded of attorneys in criminal cases.'" *Jackson*
3 *v. Warden*, 91 Nev. 430, 432, 537 P.2d 473, 474 (1975).

4 "A habeas corpus petitioner must prove the disputed factual allegations
5 underlying his ineffective-assistance claim by a preponderance of the evidence." *Means*
6 *v. State*, 120 Nev. 1001, 1012, 103 P.3d 25, 33 (2004). Furthermore, claims of
7 ineffective assistance of counsel asserted in a petition for post-conviction relief must be
8 supported with specific factual allegations, which if true, would entitle the petitioner to
9 relief. *Hargrove v. State*, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984). "Bare" and
10 "naked" allegations are not sufficient, nor are those belied and repelled by the record.
11 *Id.* NRS 34.735(6).

12 Petitioner argues that counsel was ineffective for failing to argue that NRS
13 574.100(1)(a) is a misdemeanor, not a felony. The court has already held that such
14 argument has no merit. Petitioner argues that counsel was ineffective for depriving
15 him of his right to appeal, but Petitioner specifically alleges in his Memorandum that
16 he "wrote the Nevada Supreme Court expressing my desire to withdraw the direct
17 appeal." (Memo at pg. 2). Consequently, that argument is belied by the record. Finally,
18 Petitioner argues that his counsel was ineffective for failing to read his file, but that
19 claim is belied by the record as well, by correspondence between Petitioner and
20 counsel, indicating familiarity with the file.

21 It is interesting that the Petitioner contends that he only had 10 minutes to
22 review and sign the GPA, and that he wasn't given a copy of it. The Court notes that at
23 the Arraignment, when he was canvassed, the following occurred:

24 THE COURT: In looking at the Guilty Plea Agreement, it looks like you signed it
25 on page 6, dated December 21; did you sign it today?

26 THE DEFENDANT: Yes, sir.

27 THE COURT: Did you have a chance to read it? Did you understand it before
28 you signed it?

THE DEFENDANT: Yeah, I understood.

THE COURT: Okay. You had a chance to talk to Mr. Troiano about it and he
answered any questions you had about it?

THE DEFENDANT: Who is that?

THE COURT: This attorney standing next to you.

THE DEFENDANT: Oh, yeah. I talked to him.

THE COURT: Do you understand that by signing the Guilty Plea Agreement
you're agreeing that you read it and understood it; correct?

THE DEFENDANT: That's -- that's correct, sir.

1 THE COURT: You understand that by signing it you're giving up important
2 Constitutional rights like right to go to trial, confront your accuser, to present
3 evidence on your own behalf; do you understand that?
4 THE DEFENDANT: Yes, sir.
5 THE COURT: Are you currently under the influence of any alcohol, medication,
6 narcotics or any substance that might affect your ability to understand these
7 documents or the process that we're going through?
8 THE DEFENDANT: No, sir.
9 THE COURT: Are you currently suffering from any emotional or physical
10 distress that's caused you to enter this plea?
11 THE DEFENDANT: No, sir.
12 THE COURT: Do you understand that the range of punishment for this -- these
13 charges as to Count One, it's up to one to four years and up to \$5,000 fine, and
14 Count Two is up to six years and up to a \$5,000 fine; do you understand that?
15 THE DEFENDANT: Yes, sir.
16 THE COURT: Do you understand that sentencing is strictly up to the Court,
17 nobody can promise you probation, leniency or any special treatment?
18 THE DEFENDANT: I understand.
19 THE COURT: Do you have any questions that you want to ask of me, your
20 attorney or the State before we go forward?
21 THE DEFENDANT: Are you the sentencing judge?
22 THE COURT: Am I what?
23 THE DEFENDANT: The sentencing judge --
24 THE COURT: I am in your case.
25 MR. TROIANO: Actually, yeah, he is.
26 THE COURT: And your case is assigned to Department 30, so I will be the
27 sentencing judge, but only after you do a PSI.
28 THE DEFENDANT: All right.
THE COURT: Any other questions?
THE DEFENDANT: No, sir.
THE COURT: Has your attorney made any promises to you that are not
contained in the Guilty Plea Agreement?
THE DEFENDANT: No.
THE COURT: Based on all the facts and circumstances, are you satisfied with the
services of your attorney?
THE DEFENDANT: Yes.

(See Transcript from Arraignment, December 21, 2018, at pgs. 5-7).

Petitioner has also requested that counsel be appointed for post-conviction purposes. The Court notes that the 6th Amendment to the Constitution does not provide a right to post-conviction counsel. *Coleman v. Thompson*, 501 U.S. 722, 752, 113 S.Ct. 2546, 2566 (1991). See also *McKague v. Warden*, 112 Nev. 159, 163, 912 P.2d 255, 258 (1996) (Extending *Coleman's* holding to NV). NRS 34.750(1) provides the Court with discretion to appoint post-conviction counsel if the issues are difficult, the

1 Defendant is unable to comprehend the proceedings, or counsel is necessary to proceed
2 with discovery. The Court finds that none of those issues is present in this case.

3 **CONCLUSION AND ORDER.**

4 Based upon the foregoing, this Court finds and concludes that Petitioner's
5 Petition for Writ of Habeas Corpus lacks merit, his arguments are belied by the record,
6 and he has failed to meet his burden in establishing that his Due Process rights were
7 violated. The Court finds no good cause to appoint counsel pursuant to NRS 34.750.
8 Consequently, and good cause appearing,

9 **IT IS HEREBY ORDERED ADJUDGED AND DECREED** that the Petition
10 for Writ of Habeas Corpus is hereby **DENIED**.

11 **IT IS FURTHER ORDERED ADJUDGED AND DECREED** that the
12 Motion for Appointment of Counsel is hereby **DENIED**.

13 The hearing set for May 7, 2020, in this matter is hereby taken "**off calendar**,"
14 as it is no longer necessary.

15 Dated this 5TH day of May, 2020.



JERRY A. WIESE II
DISTRICT COURT JUDGE
EIGHTH JUDICIAL DISTRICT COURT
DEPARTMENT XXX



1 NEOJ

2 **DISTRICT COURT**
3 **CLARK COUNTY, NEVADA**

4 CHRISTOPHER BLOCKSON,

5
6 Petitioner,

Case No: A-20-810466-W

Dept. No: XXX

7 vs.

8 NEVADA DEPARTMENT OF CORRECTION;
9 ET.AL.,

10 Respondent,

NOTICE OF ENTRY OF ORDER

11 **PLEASE TAKE NOTICE** that on May 5, 2020, the court entered a decision or order in this matter, a
12 true and correct copy of which is attached to this notice.

13 You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you
14 must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is
15 mailed to you. This notice was mailed on May 14, 2020.

16 STEVEN D. GRIERSON, CLERK OF THE COURT

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk

17
18
19 **CERTIFICATE OF E-SERVICE / MAILING**

20 I hereby certify that on this 14 day of May 2020, I served a copy of this Notice of Entry on the following:

21 ☒ By e-mail:

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

23 ☒ The United States mail addressed as follows:

24 Christopher Blockson # 50821
25 P.O. Box 208
Indian Springs, NV 89070

26
27 /s/ Amanda Hampton

Amanda Hampton, Deputy Clerk

**DISTRICT COURT
CLARK COUNTY, NEVADA
-oOo-**



CHRISTOPHER BLOCKSON,)
)
Petitioner,) CASE NO.: A-20-810466-W
) CASE NO.: A810466
) DEPT. NO.: XXX
vs.)
)
NEVADA DEPARTMENT OF)
CORRECTIONS AND JERRY)
HOWELL, WARDEN)
) ORDER
Respondent.)

INTRODUCTION.

The above-captioned matter is scheduled for hearing on Thursday, May 7, 2020, with regard to Petitioner's Petition for Writ of Habeas Corpus, and Motion for Appointment of Attorney. Pursuant to A.O. 20-01, and subsequent administrative orders of the Court, this matter is deemed "non-essential," and may be resolved after a hearing (held by alternative means), decided on the papers, or continued. The Court has determined that it would be appropriate to decide these matters on the papers, and consequently, this Order issues.

On 12/10/18, Christopher Blackson ("Petitioner") was charged in an Information in Case No. C336552 with: Count 1- Cruelty to Animals (Category D Felony- NRS 574.100.1a); Count 2- Ownership or Possession of Firearm by Prohibited Person (Category B Felony- NRS 202.360); and Count 3- Discharge of Firearm From or Within a Structure or Vehicle (Category B Felony- NRS 202.287).

Petitioner was represented by Michael Troiano at the trial level. Pursuant to a Guilty Plea Agreement (GPA) filed on 12/21/18, Petitioner pled guilty to one count of Cruelty to Animals and one count of Ownership or Possession of Firearm by Prohibited Person.

According to allegations contained in the Information, Petitioner pled guilty to willfully, unlawfully, maliciously and feloniously torturing, unjustifiably maiming or killing a Pit Bull dog, by shooting and/or stabbing and/or cutting said dog, and/or failing to get medical treatment for said dog. He was also charged with willfully,

1

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

1 unlawfully, and feloniously owing, or having in his possession and/or under his custody
2 or control, a Ruger .357 revolver after being convicted in 1996 of Possession of
3 Controlled Substance with Intent to Sell, which is a felony under Nevada law.

4 When Mr. Blockson pled guilty, at the time of his arraignment, pursuant to the
5 GPA, he was canvassed in part as follows:

6 All right. Before I can accept your plea of guilty, I have to go through the
7 Information with you to make sure that there's a factual basis. It says on or
8 about the fourth day of April 2018 in Clark County, Nevada, contrary to the laws
9 of the State of Nevada, on Count One, you did willfully, unlawfully, maliciously
10 and feloniously torture or unjustifiably maim, mutilate or kill a Pitbull dog by
11 shooting or stabbing or cutting said dog and/or failing to get medical treatment
12 for said dog.

13 Count Two, ownership or possession of a firearm by a prohibited person, you did
14 willfully, unlawfully and feloniously own or have possession and/or under your
15 custody or control a firearm, to wit, a Ruger .357 revolver bearing serial number
16 575-15259, the Defendant being a convicted felon having in 1996 being -- been
17 convicted of possession of a controlled substance with intent to sell in case
18 C135719 in the Eighth Judicial Court, a felony under the laws of the State of
19 Nevada.

20 Did you do those things?

21 THE DEFENDANT: Yes, sir.

22 (See Transcript of Hearing, December 21, 2018, at pgs. 7-8)

23 Petitioner now contends that this case arose when his wife brought home a
24 rescue dog, which then attacked him.

25 On 04/16/19, Petitioner was sentenced to 19-48 months on Count 1; and 28-72
26 months on Count 2, to run consecutive to Count 1. Petitioner received an aggregate
27 sentence of 47 to 120 months with 74 days' credit for time served. The Court dismissed
28 Count 3. The Judgment of Conviction (JOC) was filed on 04/22/19.

Petitioner filed his Notice of Appeal on 05/02/19, and the Court appointed
counsel (Jason Makris) on 05/23/19. Petitioner filed a Notice of Withdrawal of his
appeal on 12/30/19, and the Supreme Court filed an Order Dismissing Appeal on
01/16/20 in Case No. 78731.

LEGAL AND FACTUAL ANALYSIS.

Petitioner now argues that the sentence in Count 1 is illegal, because the State
incorrectly alleged a violation of NRS 574.100(1)(a) was a felony, but Petitioner believes
he should have been found guilty of a misdemeanor under NRS 574.100(7)(a-b).
Consequently, he believes that his sentence of 19-48 months on Count 1 was illegal.

1 Because he believes the District Attorney misrepresented the charge, his GPA was not
2 signed knowingly, voluntarily, and intelligently. Petitioner also argues, however, that
3 he accepted his plea deal because it was better than facing habitual treatment, and
4 consequently, he did enter his plea knowingly and voluntarily, and does not wish to
5 withdraw his plea, either then or now.

6 Petitioner argues that Appellate Counsel, Jason Makris was ineffective, for
7 failing to read the statute and compare it to the charge, and that Makris withdrew the
8 appeal before Petitioner had a chance to speak to him.

9 Petitioner also argues that the state engaged in malicious prosecution and abuse
10 of power, by failing to correctly charge Petitioner, and by only giving him 10 minutes to
11 review and sign the GPA or face habitual treatment, and he was not given a copy of the
12 GPA.

13 The State responds that the Petitioner's sentence is not facially illegal, he was
14 not maliciously prosecuted, and he is not entitled to sentence modification.

15 The State acknowledges that A Court may correct an illegal sentence at any time.
16 *Passanisi v. State*, 108 Nev. 318, 321, 831 P.2d 1371, 1372 (1992). "A motion to correct
17 an illegal sentence is an appropriate vehicle for raising the claim that a sentence is
18 facially illegal at any time; such a motion cannot be used as a vehicle for challenging the
19 validity of a judgment of conviction or sentence based on alleged errors occurring at
20 trial or sentencing." *Edwards*, 112 Nev. at 708, 918 P.2d at 324. "Motions to correct
21 illegal sentences address only the facial legality of a sentence." Motions to correct illegal
22 sentences evaluate whether the sentence imposed on the defendant is "at variance with
23 the controlling statute, or illegal in the sense that the court goes beyond its authority by
24 acting without jurisdiction or imposing a sentence in excess of the statutory maximum
25 provided." *Id.* (quoting *Allen v. United States*, 495 A.2d 1145, 1149 (D.C. 1985)). The
26 State argues that a Petition for Writ of Habeas Corpus is not the appropriate vehicle for
27 Petitioner's claim, because NRS 34.810(l)(a) states that ***the Court must dismiss a***
28 ***petition if "[t]he petitioner's conviction was upon a plea of guilty*** or guilty
but mentally ill and the petition is not based upon an allegation that the plea was
involuntarily or unknowingly entered or that the plea was entered without effective
assistance of counsel." Here, Petitioner's conviction was based up on a plea of guilty.
(NRS 34.8910, emphasis added).

1 If the Court considers the merits of the Petition, with regard to Ground 1, it
2 appears that the Petitioner is misinterpreting NRS 574.100. NRS 574.100(6) states in
3 relevant part that a person who "willfully and maliciously" violates NRS 574.100(1)(a)
4 "is guilty of a category D felony." The Petitioner's argument that he was not charged
5 with a violation of NRS 574.100(1) is belied by the record, as the Information alleges
6 this violation, and indicates that he was being charged with the Category D felony
7 portion of the statute. The Court finds that the Information complies with NRS
8 173.075.

9 Petitioner appears to request a modification of his sentence, but in general, a
10 District Court lacks jurisdiction to modify a sentence once a Defendant has started
11 serving it. *Passanisi v. State*, 108 Nev. 318, 322, 831 P.2d 1371, 1373 (1992) (overruled
12 on other grounds). A Court can correct a sentence if the Defendant can establish that
13 the sentence violates Due Process, and is based on a materially untrue assumption or
14 mistake of fact, that worked to the Defendant's extreme detriment. *Edwards v. State*,
15 112 Nev. 704, 707, 918 Pl2d 321, 324 (1996). Here, Petitioner's claim is without merit,
16 as he failed to demonstrate that he was maliciously prosecuted in violation of NRS
17 199.130. Plaintiff further indicates that he does not wish to withdraw his guilty plea. In
18 essence, Petitioner wants to receive the benefit of his GPA without serving the sentence
19 that he agreed to. This is inappropriate. *State v. Second Judicial Dist. Court in & for*
20 *Ctv. of Washoe*, 134 Nev. 384, 391, 21 P.3d 803, 808 (2018).

21 To prevail on a claim of ineffective assistance of trial counsel, a defendant must
22 prove he was denied "reasonably effective assistance" of counsel by satisfying the two-
23 prong test of *Strickland*, 466 U.S. at 686-87, 104 S. Ct. at 2063-64; *Love*, 109 Nev. at
24 1138, 865 P.2d at 323. Under the *Strickland* test, a defendant must show first that his,
25 counsel's representation fell below an objective standard of reasonableness, and
26 second, that but for counsel's errors, there is a reasonable probability that the result of
27 the proceedings would have been different. 466 U.S. at 687-88, 694, 104 S. Ct. at 2065,
28 2068; *Warden, Nevada State Prison v. Lyons*, 100 Nev. 430, 432, 683 P.2d 504, 505
(1984) (adopting the *Strickland* two-part test).

The court begins with the presumption of effectiveness and then must determine
whether the defendant has demonstrated by a preponderance of the evidence that
counsel was ineffective. *Means v. State*, 120 Nev. 1001, 1011, 103 P.3d 25, 32 (2004).

1 "Effective counsel does not mean errorless counsel, but rather counsel whose assistance
2 is '[w]ithin the range of competence demanded of attorneys in criminal cases.'" *Jackson*
3 *v. Warden*, 91 Nev. 430, 432, 537 P.2d 473, 474 (1975).

4 "A habeas corpus petitioner must prove the disputed factual allegations
5 underlying his ineffective-assistance claim by a preponderance of the evidence." *Means*
6 *v. State*, 120 Nev. 1001, 1012, 103 P.3d 25, 33 (2004). Furthermore, claims of
7 ineffective assistance of counsel asserted in a petition for post-conviction relief must be
8 supported with specific factual allegations, which if true, would entitle the petitioner to
9 relief. *Hargrove v. State*, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984). "Bare" and
10 "naked" allegations are not sufficient, nor are those belied and repelled by the record.
11 *Id.* NRS 34.735(6).

12 Petitioner argues that counsel was ineffective for failing to argue that NRS
13 574.100(1)(a) is a misdemeanor, not a felony. The court has already held that such
14 argument has no merit. Petitioner argues that counsel was ineffective for depriving
15 him of his right to appeal, but Petitioner specifically alleges in his Memorandum that
16 he "wrote the Nevada Supreme Court expressing my desire to withdraw the direct
17 appeal." (Memo at pg. 2). Consequently, that argument is belied by the record. Finally,
18 Petitioner argues that his counsel was ineffective for failing to read his file, but that
19 claim is belied by the record as well, by correspondence between Petitioner and
20 counsel, indicating familiarity with the file.

21 It is interesting that the Petitioner contends that he only had 10 minutes to
22 review and sign the GPA, and that he wasn't given a copy of it. The Court notes that at
23 the Arraignment, when he was canvassed, the following occurred:

24 THE COURT: In looking at the Guilty Plea Agreement, it looks like you signed it
25 on page 6, dated December 21; did you sign it today?

26 THE DEFENDANT: Yes, sir.

27 THE COURT: Did you have a chance to read it? Did you understand it before
28 you signed it?

THE DEFENDANT: Yeah, I understood.

THE COURT: Okay. You had a chance to talk to Mr. Troiano about it and he
answered any questions you had about it?

THE DEFENDANT: Who is that?

THE COURT: This attorney standing next to you.

THE DEFENDANT: Oh, yeah. I talked to him.

THE COURT: Do you understand that by signing the Guilty Plea Agreement
you're agreeing that you read it and understood it; correct?

THE DEFENDANT: That's -- that's correct, sir.

1 THE COURT: You understand that by signing it you're giving up important
2 Constitutional rights like right to go to trial, confront your accuser, to present
3 evidence on your own behalf; do you understand that?
4 THE DEFENDANT: Yes, sir.
5 THE COURT: Are you currently under the influence of any alcohol, medication,
6 narcotics or any substance that might affect your ability to understand these
7 documents or the process that we're going through?
8 THE DEFENDANT: No, sir.
9 THE COURT: Are you currently suffering from any emotional or physical
10 distress that's caused you to enter this plea?
11 THE DEFENDANT: No, sir.
12 THE COURT: Do you understand that the range of punishment for this -- these
13 charges as to Count One, it's up to one to four years and up to \$5,000 fine, and
14 Count Two is up to six years and up to a \$5,000 fine; do you understand that?
15 THE DEFENDANT: Yes, sir.
16 THE COURT: Do you understand that sentencing is strictly up to the Court,
17 nobody can promise you probation, leniency or any special treatment?
18 THE DEFENDANT: I understand.
19 THE COURT: Do you have any questions that you want to ask of me, your
20 attorney or the State before we go forward?
21 THE DEFENDANT: Are you the sentencing judge?
22 THE COURT: Am I what?
23 THE DEFENDANT: The sentencing judge --
24 THE COURT: I am in your case.
25 MR. TROIANO: Actually, yeah, he is.
26 THE COURT: And your case is assigned to Department 30, so I will be the
27 sentencing judge, but only after you do a PSI.
28 THE DEFENDANT: All right.
THE COURT: Any other questions?
THE DEFENDANT: No, sir.
THE COURT: Has your attorney made any promises to you that are not
contained in the Guilty Plea Agreement?
THE DEFENDANT: No.
THE COURT: Based on all the facts and circumstances, are you satisfied with the
services of your attorney?
THE DEFENDANT: Yes.

(See Transcript from Arraignment, December 21, 2018, at pgs. 5-7).

Petitioner has also requested that counsel be appointed for post-conviction
purposes. The Court notes that the 6th Amendment to the Constitution does not
provide a right to post-conviction counsel. *Coleman v. Thompson*, 501 U.S. 722, 752,
Ill S.Ct. 2546, 2566 (1991). See also *McKague v. Warden*, 112 Nev. 159, 163, 912 P.2d
255, 258 (1996) (Extending *Coleman's* holding to NV). NRS 34.750(1) provides the
Court with discretion to appoint post-conviction counsel if the issues are difficult, the

1 Defendant is unable to comprehend the proceedings, or counsel is necessary to proceed
2 with discovery. The Court finds that none of those issues is present in this case.

3 **CONCLUSION AND ORDER.**

4 Based upon the foregoing, this Court finds and concludes that Petitioner's
5 Petition for Writ of Habeas Corpus lacks merit, his arguments are belied by the record,
6 and he has failed to meet his burden in establishing that his Due Process rights were
7 violated. The Court finds no good cause to appoint counsel pursuant to NRS 34.750.
8 Consequently, and good cause appearing,

9 **IT IS HEREBY ORDERED ADJUDGED AND DECREED** that the Petition
10 for Writ of Habeas Corpus is hereby **DENIED**.

11 **IT IS FURTHER ORDERED ADJUDGED AND DECREED** that the
12 Motion for Appointment of Counsel is hereby **DENIED**.

13 The hearing set for May 7, 2020, in this matter is hereby taken "**off calendar**,"
14 as it is no longer necessary.

15 Dated this 5TH day of May, 2020.



16
17 JERRY A. WIESE II
18 DISTRICT COURT JUDGE
19 EIGHTH JUDICIAL DISTRICT COURT
20 DEPARTMENT XXX
21
22
23
24
25
26
27
28

FILED

JUN 04 2020

CLERK OF COURT

Christopher Blockson ID NO. 50821

SOUTHERN DESERT CORRECTIONAL CTN.
20825 COLD CREEK RD.
P.O. BOX 208
INDIAN SPRINGS, NV 89010

District Court
Clark County, Nevada

Christopher Blockson
Petitioner

v.

Nevada Department of
Corrections, Jerry Howell, Warden
Respondent

CASE NO.: A-20-810466-W

DEPT. NO.: 30

DOCKET:

Motion For Discharge In Petition For writ
Habeas Corpus (post conviction)

COMES NOW, Plaintiff, Christopher Blockson, herein above respectfully
moves this Honorable Court for an order granting discharge of
petitioner from the Nevada Department of Corrections
pursuant to NRS 34.500.3, 4, 9.

This Motion is made and based upon the accompanying Memorandum of Points and
Authorities,

DATED: this 14 day of May, 2020

BY: Christopher J Blockson
Christopher Blockson 50821
Defendant In Proper Personam

RECEIVED
MAY 21 2020
CLERK OF THE COURT

ADDITIONAL FACTS OF THE CASE:

1 Petitioner, Christopher Blockson, Filed a
2 petition for writ of Habeas Corpus (post
3 conviction) on February 13, 2020.

4 This court ordered the respondent to
5 answer or otherwise reply to the writ of
6 Habeas Corpus (post conviction) within
7 Forty-Five (45) days of the court order
8 dated February 20, 2020.

9 The court further ordered the petitioner
10 to reply to the respondent's responsive
11 pleading within Fifteen (15) days.

12 The respondent did not reply at all
13 to petitioner's petition for writ of
14 Habeas Corpus (post conviction).

15 The last scheduled court date in this
16 matter was May 7, 2020. As of today
17 May 12, 2020 I have heard nothing from
18 the court.

19 As the people did not contest any of the claims
20 raised in petitioner's petition for writ of Habeas Corpus,
21 the petitioner is entitled to discharge pursuant
22 to NRS 34.500.3, .4, .9.

23 I declare under penalty of perjury that the fore-
24 going is true and correct. Executed this 12 day
25 of May, 2020.

26 Christopher L. Blockson
27 Pro Se

CERTIFICATE OF SERVICE BY MAILING

I, Christopher Blockson, hereby certify, pursuant to NRCP 5(b), that on this 14
day of May, 2020, I mailed a true and correct copy of the foregoing, "Motion
For Discharge and Petition For Writ of Habeas Corpus (post
by placing document in a sealed pre-postage paid envelope and deposited said envelope in the ^{convention,}
United State Mail addressed to the following:

Steven B. Wolfson
Clark County District Attorney
Ann Forrester
Clark County District Attorney
200 Lewis Avenue
Las Vegas, Nevada 89155-2212

Steven Grierson, Clerk
Eight Judicial District Court
200 Lewis Avenue 3rd Floor
Las Vegas, Nevada 89155

ArRon Fyrd
Nevada Attorney General
5470 West Lake Lane #202
Reno, NV 89511

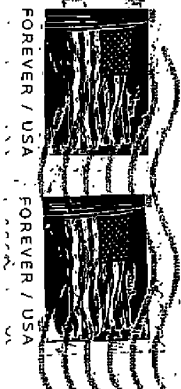
CC:FILE

DATED: this 14 day of May, 2020.

Christopher Blockson
Christopher Blockson #50821
/In Propria Personam
Post Office Box 208, S.D.C.C.
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

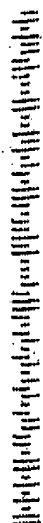
Christopher Blackburn
#50821
P.O. Box 208
Indian Springs, Nevada 89070

LAS VEGAS NV 890
19 MAY 2020 PM 4



Steven Grierson, Clerk
Eighth Judicial District Court
200 Lewis Avenue 3rd Floor
Las Vegas, Nevada 89155

BS101-630000



OUTGOING MAIL

MAY 16 2020

SOUTHERN DESERT
CORRECTIONAL CENTER



**DISTRICT COURT
CLARK COUNTY, NEVADA**

Christopher Blockson, Plaintiff(s)
vs.
Nevada Department of Correction,
Defendant(s)

Case No.: A-20-810466-W

Department 30

NOTICE OF HEARING

Please be advised that the Plaintiff's Motion to Discharge in Petition for Writ of Habeas Corpus (Post Conviction) in the above-entitled matter is set for hearing as follows:

Date: July 08, 2020

Time: Chambers

Location:
Regional Justice Center
200 Lewis Ave.
Las Vegas, NV 89101

NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Michelle McCarthy
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Michelle McCarthy
Deputy Clerk of the Court

ORIGINAL TO CLERK

Electronically Filed
6/15/2020 9:30 AM
Steven D. Grierson
CLERK OF THE COURT

Christopher Blockson #50821

In Propria Personam
Post Office Box 208, S.D.C.C.
Indian Springs, Nevada 89018

Steven D. Grierson

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

Plaintiff,

vs.

Defendant.

Case No. A-20-810466-W

Dept. No. 30

Docket _____

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN, That the Petitioner/Defendant,
Christopher Blockson, in and through his proper person, hereby
appeals to the Supreme Court of Nevada from the ORDER denying and/or
dismissing the

Writ of Habeas Corpus (post conviction)

ruled on the 3th day of May, 20 20

Dated this 28 day of May, 20 20

RECEIVED

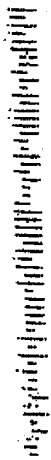
JUN 09 2020

CLERK OF THE COURT

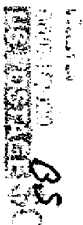
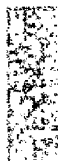
Respectfully Submitted,

Christopher L Blockson

Christopher Blockson #50821
P.O. Box 208
Indian Springs, Nevada 89070



Steven Griverson, Clerk
Eight Judicial District Court
200 Lewis Ave 3rd Fl
Las Vegas, NV 89155



Christopher Blockson, 50821
Petitioner/In Propria Persona
Post Office Box 208, SDCC
Indian Springs, Nevada 89070-0208

Electronically Filed
6/15/2020 9:33 AM
Steven D. Grierson
CLERK OF THE COURT

Steven D. Grierson

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

Christopher Blockson
Plaintiff,

vs.
Nevada Department of
Corrections and Jerry
Howell, warden
Defendant.

CASE No. A-20-810466-W
DEPT. No. 30

DESIGNATION OF RECORD ON APPEAL

TO: Steven Grierson, Clerk
Eight Judicial District Court
220 Lewis Ave 3rd Floor
Las Vegas, NV 89155

The above-named Plaintiff hereby designates the entire record of the above-entitled case, to include all the papers, documents, pleadings, and transcripts thereof, as and for the Record on Appeal.

DATED this 28th day of May, 2020.

RESPECTFULLY SUBMITTED BY:

Christopher L Blockson
Christopher Blockson # 50821
Plaintiff/In Propria Persona

1 On February 13, 2020 I Filed a writ of Habeas Corpus
2 For post-conviction relief with the 8th Judicial
3 District Court Clark County, Nevada.

4 On February 20, 2020 the judge ordered the
5 respondents to answer or otherwise respond to
6 petitioner's writ of Habeas Corpus within 45
7 days (see attached order).

8 The judge further ordered that I, petitioner, be
9 given the opportunity to reply to the respondent's
10 responsive pleading within 15 days of its filing.

11 On May 20, 2020 I received via U.S. mail
12 an order from the District Court for summary
13 dismissal of my writ of Habeas Corpus. I was
14 further informed that I had 33 days in
15 which to file my notice of appeal with the
16 clerk of the District Court. (see order attached)

17 I was not given an opportunity to reply
18 to respondent's responsive pleading in which the
19 DA apparently filed a motion for summary dismissal.
20 The DA never sent me a copy of their motion
21 to dismiss.

22 This is in violation of the 14th Amendment to
23 the United States Constitution; "Due process"
24 and "Equal protection of the laws."

1 It also violates the District Court's order that
2 I be allowed to respond and Nevada Revised
3 Statute 34.750(4).

4 I humbly ask the Supreme Court to
5 order the respondent's to provide petitioner
6 with a copy of their responsive pleading.

7 I further ask the Supreme Court to give
8 petitioner the opportunity to reply to respondent's
9 responsive pleading before this Court rules in
10 the matter.

11 Not allowing Petitioner to respond to
12 respondent's responsive pleading would work
13 to petitioner's extreme detriment in the
14 Fair resolution of petitioner's Writ of Habeas
15 Corpus.

16 I've been ignored and denied a copy of
17 respondent's responsive pleading by the same
18 DA, Amy Ferriera, on whom I alleged malicious
19 prosecution and abuse of power.

20 I declare under penalty of perjury that
21 the foregoing is true and correct to the best
22 of my knowledge and belief.

23
24 May 28, 2020

Christopher L. Blockson
Christopher Blockson, prose

CERTIFICATE OF SERVICE BY MAILING

I, Christopher Blockson, hereby certify, pursuant to NRCP 5(b), that on this 28
day of May, 20 20, I mailed a true and correct copy of the foregoing, "Notice of Appeal; Writ of Habeas Corpus (post-conviction)"
by placing document in a sealed pre-postage paid envelope and deposited said envelope in the
United State Mail addressed to the following:

STEVEN GRIFFINSON, CLERK
EIGHT JUDICIAL DISTRICT COURT
200 LEWIS AVENUE 3RD FLOOR
LAS VEGAS, NV 89155

STEVEN B. WOLFSON
CLARK COUNTY DISTRICT ATTORNEY
200 LEWIS AVENUE
LAS VEGAS, NEVADA 89155

CC:FILE

DATED: this 28 day of May, 20 20.

Christopher L Blockson
Christopher Blockson # 50821
/In Propria Personam
Post Office Box 208, S.D.C.C.
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

1 **ORDR**

2
3 **DISTRICT COURT**
4 **CLARK COUNTY, NEVADA**

5 CHRISTOPHER BLOCKSON,

6 Petitioner,

7 V.

8 NEVADA DEPARTMENT OF
9 CORRECTION, JERRY HOWELL,
WARDEN,

10 Respondent.

Case No.: A-20-810466-W

Department: 30

11
12 **ORDER SETTING BRIEFING SCHEDULE AND HEARING**
13 **RE: PETITION FOR WRIT OF HABEAS CORPUS**

14 Petitioner filed a Petition for Writ of Habeas Corpus (Post-Conviction Relief) on
15 February 13, 2020. The Court has reviewed the petition and has determined that a response
16 would assist the Court and, good cause appearing therefore,

17 IT IS HEREBY ORDERED that Respondent shall, within forty-five (45) days of
18 the date of this Order, answer or otherwise respond to the petition and file a return in
19 accordance with the provisions of NRS 34.360 to 34.830, inclusive.

20 IT IS FURTHER ORDERED that Petitioner shall, within fifteen (15) days of the
21 filing of an answer or response from the Respondent, be permitted to file a reply to
22 Respondent's responsive pleading.

23 IT IS FURTHER ORDERED that this matter shall be placed on this Court's
24 Calendar on 7th day of MAY, 2020, at 8:30 AM for further proceedings.

25 DATED: 2-20-20

26
27
28 
DISTRICT JERRY A. WIESE II
DEPARTMENT 30

1
2
3 **CERTIFICATE OF SERVICE**

4 I hereby certify that on or about the date filed, a copy of the foregoing
5 was electronically served or served via US Mail as indicated to the following:

6

Served	Entity	Email/US Mail
7 X	PETITIONER	CHRISTOPHER BLOCKSON #50821 PO BOX 208, SDCC INDIAN SPRINGS, NEVADA 89070
8 X	RESPONDENT	STEVEN B. WOLFSON Clark County District Attorney Nevada Bar #001565 AMY FERREIRA Chief Deputy District Attorney Nevada Bar #010347 200 Lewis Avenue Las Vegas, Nevada 89155-2212
13 X	RESPONDENT	AARON FORD Nevada Attorney General 5420 Kietzke Lane #202 Reno, NV 89511

14
15
16
17
18

19 ANGELA MCBRIDE
20 Judicial Executive Assistant
21 Department 24
22
23
24
25
26
27
28

COPY

Electronically Filed
5/14/2020 2:13 PM
Steven D. Grierson
CLERK OF THE COURT

Steven D. Grierson

1 NEOJ

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

4 CHRISTOPHER BLOCKSON,

5
6 Petitioner,

Case No: A-20-810466-W

Dept. No: XXX

7 vs.

8 NEVADA DEPARTMENT OF CORRECTION;
9 ET.AL.,

10 Respondent,

NOTICE OF ENTRY OF ORDER

11 PLEASE TAKE NOTICE that on May 5, 2020, the court entered a decision or order in this matter, a
12 true and correct copy of which is attached to this notice.

13 You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you
14 must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is
15 mailed to you. This notice was mailed on May 14, 2020.

16 STEVEN D. GRIERSON, CLERK OF THE COURT

17 /s/ Amanda Hampton

18 Amanda Hampton, Deputy Clerk

19 CERTIFICATE OF E-SERVICE / MAILING

20 I hereby certify that on this 14 day of May 2020, I served a copy of this Notice of Entry on the following:

21 ☒ By e-mail:

22 Clark County District Attorney's Office
23 Attorney General's Office - Appellate Division-

24 ☒ The United States mail addressed as follows:

25 Christopher Blockson # 50821
26 P.O. Box 208
27 Indian Springs, NV 89070

28 /s/ Amanda Hampton

Amanda Hampton, Deputy Clerk

DISTRICT COURT
CLARK COUNTY, NEVADA
-oOo-

Steven D. Grierson

CHRISTOPHER BLOCKSON,)
)
Petitioner,) CASE NO.: A-20-810466-W
) A810466
vs.) DEPT. NO.: XXX
)
NEVADA DEPARTMENT OF)
CORRECTIONS AND JERRY)
HOWELL, WARDEN)
)
Respondent.) ORDER
)

INTRODUCTION.

The above-captioned matter is scheduled for hearing on Thursday, May 7, 2020, with regard to Petitioner's Petition for Writ of Habeas Corpus, and Motion for Appointment of Attorney. Pursuant to A.O. 20-01, and subsequent administrative orders of the Court, this matter is deemed "non-essential," and may be resolved after a hearing (held by alternative means), decided on the papers, or continued. The Court has determined that it would be appropriate to decide these matters on the papers, and consequently, this Order issues.

On 12/10/18, Christopher Blackson ("Petitioner") was charged in an Information in Case No. C336552 with: Count 1- Cruelty to Animals (Category D Felony- NRS 574.100.1a); Count 2- Ownership or Possession of Firearm by Prohibited Person (Category B Felony- NRS 202.360); and Count 3- Discharge of Firearm From or Within a Structure or Vehicle (Category B Felony- NRS 202.287).

Petitioner was represented by Michael Troiano at the trial level. Pursuant to a Guilty Plea Agreement (GPA) filed on 12/21/18, Petitioner pled guilty to one count of Cruelty to Animals and one count of Ownership or Possession of Firearm by Prohibited Person.

According to allegations contained in the Information, Petitioner pled guilty to willfully, unlawfully, maliciously and feloniously torturing, unjustifiably maiming or killing a Pit Bull dog, by shooting and/or stabbing and/or cutting said dog, and/or failing to get medical treatment for said dog. He was also charged with willfully,

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

Case Number: A-20-810466-W

1 unlawfully, and feloniously owing, or having in his possession and/or under his custody
2 or control, a Ruger .357 revolver after being convicted in 1996 of Possession of
3 Controlled Substance with Intent to Sell, which is a felony under Nevada law.

4 When Mr. Blockson pled guilty, at the time of his arraignment, pursuant to the
5 GPA, he was canvassed in part as follows:

6 All right. Before I can accept your plea of guilty, I have to go through the
7 Information with you to make sure that there's a factual basis. It says on or
8 about the fourth day of April 2018 in Clark County, Nevada, contrary to the laws
9 of the State of Nevada, on Count One, you did willfully, unlawfully, maliciously
10 and feloniously torture or unjustifiably maim, mutilate or kill a Pitbull dog by
11 shooting or stabbing or cutting said dog and/or failing to get medical treatment
12 for said dog.

13 Count Two, ownership or possession of a firearm by a prohibited person, you did
14 willfully, unlawfully and feloniously own or have possession and/or under your
15 custody or control a firearm, to wit, a Ruger .357 revolver bearing serial number
16 575-15259, the Defendant being a convicted felon having in 1996 being -- been
17 convicted of possession of a controlled substance with intent to sell in case
18 C135719 in the Eighth Judicial Court, a felony under the laws of the State of
19 Nevada.

20 Did you do those things?

21 THE DEFENDANT: Yes, sir.

22 (See Transcript of Hearing, December 21, 2018, at pgs. 7-8)

23 Petitioner now contends that this case arose when his wife brought home a
24 rescue dog, which then attacked him.

25 On 04/16/19, Petitioner was sentenced to 19-48 months on Count 1; and 28-72
26 months on Count 2, to run consecutive to Count 1. Petitioner received an aggregate
27 sentence of 47 to 120 months with 74 days' credit for time served. The Court dismissed
28 Count 3. The Judgment of Conviction (JOC) was filed on 04/22/19.

Petitioner filed his Notice of Appeal on 05/02/19, and the Court appointed
counsel (Jason Makris) on 05/23/19. Petitioner filed a Notice of Withdrawal of his
appeal on 12/30/19, and the Supreme Court filed an Order Dismissing Appeal on
01/16/20 in Case No. 78731.

LEGAL AND FACTUAL ANALYSIS.

Petitioner now argues that the sentence in Count 1 is illegal, because the State
incorrectly alleged a violation of NRS 574.100(1)(a) was a felony, but Petitioner believes
he should have been found guilty of a misdemeanor under NRS 574.100(7)(a-b).
Consequently, he believes that his sentence of 19-48 months on Count 1 was illegal.

1 Because he believes the District Attorney misrepresented the charge, his GPA was not
2 signed knowingly, voluntarily, and intelligently. Petitioner also argues, however, that
3 he accepted his plea deal because it was better than facing habitual treatment, and
4 consequently, he did enter his plea knowingly and voluntarily, and does not wish to
5 withdraw his plea, either then or now.

6 Petitioner argues that Appellate Counsel, Jason Makris was ineffective, for
7 failing to read the statute and compare it to the charge, and that Makris withdrew the
8 appeal before Petitioner had a chance to speak to him.

9 Petitioner also argues that the state engaged in malicious prosecution and abuse
10 of power, by failing to correctly charge Petitioner, and by only giving him 10 minutes to
11 review and sign the GPA or face habitual treatment, and he was not given a copy of the
12 GPA.

13 ~~X~~ The State responds that the Petitioner's sentence is not facially illegal, he was
14 not maliciously prosecuted, and he is not entitled to sentence modification.

15 The State acknowledges that A Court may correct an illegal sentence at any time.
16 *Passanisi v. State*, 108 Nev. 318, 321, 831 P.2d 1371, 1372 (1992). "A motion to correct
17 an illegal sentence is an appropriate vehicle for raising the claim that a sentence is
18 facially illegal at any time; such a motion cannot be used as a vehicle for challenging the
19 validity of a judgment of conviction or sentence based on alleged errors occurring at
20 trial or sentencing." *Edwards*, 112 Nev. at 708, 918 P.2d at 324. "Motions to correct
21 illegal sentences address only the facial legality of a sentence." *Motions to correct illegal*
22 *sentences evaluate whether the sentence imposed on the defendant is "at variance with*
23 *the controlling statute, or illegal in the sense that the court goes beyond its authority by*
24 *acting without jurisdiction or imposing a sentence in excess of the statutory maximum*
25 *provided."* *Id.* (quoting *Allen v. United States*, 495 A.2d 1145, 1149 (D.C. 1985)). The
26 State argues that a Petition for Writ of Habeas Corpus is not the appropriate vehicle for
27 Petitioner's claim, because NRS 34.810(1)(a) states that ***the Court must dismiss a***
28 ***petition if "[t]he petitioner's conviction was upon a plea of guilty*** or guilty
but mentally ill and the petition is not based upon an allegation that the plea was
involuntarily or unknowingly entered or that the plea was entered without effective
assistance of counsel." Here, Petitioner's conviction was based up on a plea of guilty.
(NRS 34.8910, emphasis added).

Do
motion
to correct
illegal
sentence

1 If the Court considers the merits of the Petition, with regard to Ground 1, it
2 appears that the Petitioner is misinterpreting NRS 574.100. NRS 574.100(6) states in
3 relevant part that a person who "willfully and maliciously" violates NRS 574.100(1)(a)
4 "is guilty of a category D felony." The Petitioner's argument that he was not charged
5 with a violation of NRS 574.100(1) is belied by the record, as the Information alleges
6 this violation, and indicates that he was being charged with the Category D felony
7 portion of the statute. The Court finds that the Information complies with NRS
8 173.075.

9 Petitioner appears to request a modification of his sentence, but in general, a
10 District Court lacks jurisdiction to modify a sentence once a Defendant has started
11 serving it. *Passanisi v. State*, 108 Nev. 318, 322, 831 P.2d 1371, 1373 (1992) (overruled
12 on other grounds). A Court can correct a sentence if the Defendant can establish that
13 the sentence violates Due Process, and is based on a materially untrue assumption or
14 mistake of fact, that worked to the Defendant's extreme detriment. *Edwards v. State*,
15 112 Nev. 704, 707, 918 Pl2d 321, 324 (1996). Here, Petitioner's claim is without merit,
16 as he failed to demonstrate that he was maliciously prosecuted in violation of NRS
17 199.130. Plaintiff further indicates that he does not wish to withdraw his guilty plea. In
18 essence, Petitioner wants to receive the benefit of his GPA without serving the sentence
19 that he agreed to. This is inappropriate. *State v. Second Judicial Dist. Court in & for*
20 *Ctv. of Washoe*, 134 Nev. 384, 391, 21 P.3d 803, 808 (2018).

21 To prevail on a claim of ineffective assistance of trial counsel, a defendant must
22 prove he was denied "reasonably effective assistance" of counsel by satisfying the two-
23 prong test of *Strickland*, 466 U.S. at 686-87, 104 S. Ct. at 2063-64; *Love*, 109 Nev. at
24 1138, 865 P.2d at 323. Under the *Strickland* test, a defendant must show first that his,
25 counsel's representation fell below an objective standard of reasonableness, and
26 second, that but for counsel's errors, there is a reasonable probability that the result of
27 the proceedings would have been different. 466 U.S. at 687-88, 694, 104 S. Ct. at 2065,
28 2068; *Warden, Nevada State Prison v. Lyons*, 100 Nev. 430, 432, 683 P.2d 504, 505
(1984) (adopting the *Strickland* two-part test).

The court begins with the presumption of effectiveness and then must determine
whether the defendant has demonstrated by a preponderance of the evidence that
counsel was ineffective. *Means v. State*, 120 Nev. 1001, 1011, 103 P.3d 25, 32 (2004).

1 "Effective counsel does not mean errorless counsel, but rather counsel whose assistance
2 is '[w]ithin the range of competence demanded of attorneys in criminal cases.'" *Jackson*
3 *v. Warden*, 91 Nev. 430, 432, 537 P.2d 473, 474 (1975).

4 "A habeas corpus petitioner must prove the disputed factual allegations
5 underlying his ineffective-assistance claim by a preponderance of the evidence." *Means*
6 *v. State*, 120 Nev. 1001, 1012, 103 P.3d 25, 33 (2004). Furthermore, claims of
7 ineffective assistance of counsel asserted in a petition for post-conviction relief must be
8 supported with specific factual allegations, which if true, would entitle the petitioner to
9 relief. *Hargrove v. State*, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984). "Bare" and
10 "naked" allegations are not sufficient, nor are those belied and repelled by the record.
11 *Id.* NRS 34.735(6).

12 Petitioner argues that counsel was ineffective for failing to argue that NRS
13 574.100(1)(a) is a misdemeanor, not a felony. The court has already held that such
14 argument has no merit. Petitioner argues that counsel was ineffective for depriving
15 him of his right to appeal, but Petitioner specifically alleges in his Memorandum that
16 he "wrote the Nevada Supreme Court expressing my desire to withdraw the direct
17 appeal." (Memo at pg. 2). Consequently, that argument is belied by the record. Finally,
18 Petitioner argues that his counsel was ineffective for failing to read his file, but that
19 claim is belied by the record as well, by correspondence between Petitioner and
20 counsel, indicating familiarity with the file.

21 It is interesting that the Petitioner contends that he only had 10 minutes to
22 review and sign the GPA, and that he wasn't given a copy of it. The Court notes that at
23 the Arraignment, when he was canvassed, the following occurred:

24 THE COURT: In looking at the Guilty Plea Agreement, it looks like you signed it
25 on page 6, dated December 21; did you sign it today?

26 THE DEFENDANT: Yes, sir.

27 THE COURT: Did you have a chance to read it? Did you understand it before
28 you signed it?

THE DEFENDANT: Yeah, I understood.

THE COURT: Okay. You had a chance to talk to Mr. Troiano about it and he
answered any questions you had about it?

THE DEFENDANT: Who is that?

THE COURT: This attorney standing next to you.

THE DEFENDANT: Oh, yeah. I talked to him.

THE COURT: Do you understand that by signing the Guilty Plea Agreement
you're agreeing that you read it and understood it; correct?

THE DEFENDANT: That's -- that's correct, sir.

1 THE COURT: You understand that by signing it you're giving up important
2 Constitutional rights like right to go to trial, confront your accuser, to present
3 evidence on your own behalf; do you understand that?
4 THE DEFENDANT: Yes, sir.
5 THE COURT: Are you currently under the influence of any alcohol, medication,
6 narcotics or any substance that might affect your ability to understand these
7 documents or the process that we're going through?
8 THE DEFENDANT: No, sir.
9 THE COURT: Are you currently suffering from any emotional or physical
10 distress that's caused you to enter this plea?
11 THE DEFENDANT: No, sir.
12 THE COURT: Do you understand that the range of punishment for this -- these
13 charges as to Count One, it's up to one to four years and up to \$5,000 fine, and
14 Count Two is up to six years and up to a \$5,000 fine; do you understand that?
15 THE DEFENDANT: Yes, sir.
16 THE COURT: Do you understand that sentencing is strictly up to the Court,
17 nobody can promise you probation, leniency or any special treatment?
18 THE DEFENDANT: I understand.
19 THE COURT: Do you have any questions that you want to ask of me, your
20 attorney or the State before we go forward?
21 THE DEFENDANT: Are you the sentencing judge?
22 THE COURT: Am I what?
23 THE DEFENDANT: The sentencing judge --
24 THE COURT: I am in your case.
25 MR. TROLANO: Actually, yeah, he is.
26 THE COURT: And your case is assigned to Department 30, so I will be the
27 sentencing judge, but only after you do a PSI.
28 THE DEFENDANT: All right.
THE COURT: Any other questions?
THE DEFENDANT: No, sir.
THE COURT: Has your attorney made any promises to you that are not
contained in the Guilty Plea Agreement?
THE DEFENDANT: No.
THE COURT: Based on all the facts and circumstances, are you satisfied with the
services of your attorney?
THE DEFENDANT: Yes.

(See Transcript from Arraignment, December 21, 2018, at pgs. 5-7).

Petitioner has also requested that counsel be appointed for post-conviction
purposes. The Court notes that the 6th Amendment to the Constitution does not
provide a right to post-conviction counsel. *Coleman v. Thompson*, 501 U.S. 722, 752,
Ill S.Ct. 2546, 2566 (1991). See also *McKague v. Warden*, 112 Nev. 159, 163, 912 P.2d
255, 258 (1996) (Extending *Coleman's* holding to NV). NRS 34.750(1) provides the
Court with discretion to appoint post-conviction counsel if the issues are difficult, the

1 Defendant is unable to comprehend the proceedings, or counsel is necessary to proceed
2 with discovery. The Court finds that none of those issues is present in this case.

3 **CONCLUSION AND ORDER.**

4 Based upon the foregoing, this Court finds and concludes that Petitioner's
5 Petition for Writ of Habeas Corpus lacks merit, his arguments are belied by the record,
6 and he has failed to meet his burden in establishing that his Due Process rights were
7 violated. The Court finds no good cause to appoint counsel pursuant to NRS 34.750.
8 Consequently, and good cause appearing,

9 **IT IS HEREBY ORDERED ADJUDGED AND DECREED** that the Petition
10 for Writ of Habeas Corpus is hereby **DENIED**.

11 **IT IS FURTHER ORDERED ADJUDGED AND DECREED** that the
12 Motion for Appointment of Counsel is hereby **DENIED**.

13 The hearing set for May 7, 2020, in this matter is hereby taken "**off calendar**,"
14 as it is no longer necessary.

15 Dated this 5TH day of May, 2020.



16
17 JERRY A. WIESE II
18 DISTRICT COURT JUDGE
19 EIGHTH JUDICIAL DISTRICT COURT
20 DEPARTMENT XXX
21
22
23
24
25
26
27
28



1 ASTA

2
3
4
5
6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**
7 **STATE OF NEVADA IN AND FOR**
8 **THE COUNTY OF CLARK**

9 CHRISTOPHER BLOCKSON,

10 Plaintiff(s),

11 vs.

12
13 NEVADA DEPT. OF CORRECTIONS; JERRY
14 HOWELL WARDEN,

15 Defendant(s),

Case No: A-20-810466-W

Dept No: XXX

16
17 **CASE APPEAL STATEMENT**

18 1. Appellant(s): Christopher Blockson

19 2. Judge: Jerry A. Wiese

20 3. Appellant(s): Christopher Blockson

21 Counsel:

22
23 Christopher Blockson #50821
24 P.O. Box 208
Indian Springs, NV 89070

25 4. Respondent (s): Nevada Dept. of Corrections; Jerry Howell Warden

26 Counsel:

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

Las Vegas, NV 89155-2212

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

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

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

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

8. Appellant Granted Leave to Proceed in Forma Pauperis**: N/A
***Expires 1 year from date filed*
Appellant Filed Application to Proceed in Forma Pauperis: No
Date Application(s) filed: N/A

9. Date Commenced in District Court: February 13, 2020

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

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

11. Previous Appeal: No

Supreme Court Docket Number(s): N/A

12. Child Custody or Visitation: N/A

13. Possibility of Settlement: Unknown

Dated This 16 day of June 2020.

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: Christopher Blockson

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

June 23, 2020

A-20-810466-W	Christopher Blockson, Plaintiff(s)
	vs.
	Nevada Department of Correction, Defendant(s)

June 23, 2020

3:00 AM

Minute Order

HEARD BY: Wiese, Jerry A.

COURTROOM: Chambers

COURT CLERK: Lauren Kidd

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- At the request of the Court, Plaintiff's Motion to Discharge in Petition for Writ of Habeas Corpus (Post Conviction) previously set on this Court's civil calendar for July 8, 2020 at 9:00 a.m. is VACATED and RESET to this Court's criminal calendar for July 21, 2020 at 8:30 a.m.

07/21/20 8:30 AM MOTION TO DISCHARGE IN PETITION FOR WRIT OF HABEAS CORPUS

CLERK'S NOTE: A copy of the above minute order was distributed to all parties 06-23-20./lk

Certification of Copy and Transmittal of Record

State of Nevada }
County of Clark } SS:

Pursuant to the Supreme Court order dated July 1, 2020, I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, do hereby certify that the foregoing is a true, full and correct copy of the complete trial court record for the case referenced below. The record comprises one volume with pages numbered 1 through 142.

CHRISTOPHER BLOCKSON,

Plaintiff(s),

vs.

NEVADA DEPT. OF CORRECTIONS; JERRY
HOWELL WARDEN,

Defendant(s),

Case No: A-20-810466-W

Dept. No: XXX

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 2 day of July 2020.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk