

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

Electronically Filed  
Jun 21 2021 10:59 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

JOHN FRANCIS DUNHAM,

Supreme Court Case No. 82405

Appellant,  
vs.

THE STATE OF NEVADA,

Respondent.

---

**On Appeal from Denial of Petition for Writ of Habeas Corpus  
(Post-Conviction) in the Ninth Judicial District Court,  
County of Douglas, State of Nevada**

**RESPONDENT'S APPENDIX**

MARK B. JACKSON  
Douglas County District Attorney  
Nevada Bar No. 4294  
P.O. Box 218  
Minden, NV 89423  
(775) 782-9800  
[mjackson@douglas.nv.gov](mailto:mjackson@douglas.nv.gov)

John E. Malone, Esq.  
1662 U.S. Highway 395  
Minden, NV 89423  
(775) 392-3342  
[jmalonelaw@gmail.com](mailto:jmalonelaw@gmail.com)  
*Attorney for Appellant*

ERIK A. LEVIN  
Deputy District Attorney  
Douglas County  
Nevada Bar No. 6719  
P.O. Box 218  
Minden, NV 89423  
(775) 782-9800  
[elevin@douglas.nv.gov](mailto:elevin@douglas.nv.gov)  
*Attorneys for Respondent*

**Document**

**Page(s)**

Judgment of Conviction

Case #16-CR-0159 (04/19/2017).....RA001-003

Notice of Appeal

Case #2016-CR-0159B (01/22/2021) .....RA004-006

1 CASE NO.

16-CR-0159

RECEIVED

FILED

2 DEPT. NO.

I

APR 19 2017

RECEIVED

Douglas County  
District Court Clerk

2017 APR 19 AM 8:55

APR 20 2017

BOBBIE R. WILLIAMS  
CLERK

DOUGLAS COUNTY  
DISTRICT ATTORNEY

BY DSW DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

. IN AND FOR THE COUNTY OF DOUGLAS

8 THE STATE OF NEVADA,

9 Plaintiff,

10 vs

JUDGMENT OF CONVICTION

11 JOHN FRANCIS DUNHAM,

12 Defendant,

13 \_\_\_\_\_/  
14 On the 15<sup>th</sup> day of February, 2017, the defendant

15 above-named appeared before the Court with counsel, Kristine  
16 Brown, Esq., and was found GUILTY BY JURY VERDICT of the crime  
17 of INVASION OF THE HOME, a category B felony, in violation of  
18 NRS 205.067 and was found NOT GUILTY BY JURY VERDICT of the  
19 crime of BURGLARY, a category B felony, in violation of NRS  
20 205.060, committed on or about October 25-26, 2016.

21 On the 14<sup>th</sup> day of April, 2017, the defendant above-  
22 named appeared before the Court for sentencing with counsel,  
23 Kristine Brown, Esq., and the State was represented by Deputy  
24 District Attorney, Richard Casper, Esq. No sufficient legal  
25 cause was shown by the defendant as to why judgment should not  
26 be pronounced against him. The Court adjudged the defendant  
27 guilty of the crime of INVASION OF THE HOME, a category B  
28 felony, in violation of NRS 205.067.

RA001

1 The Pre-Sentence Investigation Report was amended and the Court  
2 ordered the following corrections:

3 1) Page 2, Defendant Information:, the Court  
4 corrected the Age to be 44;

5 2) Page 4, 01/17/13 arrest date: in the disposition  
6 column, the Court struck "Disposition not available" and added  
7 "Pending warrant outstanding";  
8

9 3) Page 4, 10/26/16 arrest date: in the disposition  
10 column, the Court added "defendant found not guilty of Burglary  
11 at jury trial.";

12 4) Page 4, at the bottom of the page, the Court added  
13 "Other Information: There is an outstanding warrant from  
14 Monterey County, California."

15 5) Page 7, the line indicating CTS: the Court added  
16 "04/11/17-04/14/17 = 3", this was added to the 168 days to  
17 reflect the correct amount of CTS of 179 days.  
18

19 The Court then sentenced the defendant to  
20 imprisonment with the Nevada Department of Corrections for a  
21 maximum term of ninety-six (96) months with a minimum parole  
22 eligibility of thirty (38) months and ordered the defendant to  
23 pay the following to the District Court Clerk: three dollars  
24 (\$3.00) as an Administrative Assessment Fee pursuant to  
25 NRS 176.0623(1) for obtaining and testing the genetic markers,  
26 one hundred and fifty dollars (\$150.00) as a fee for obtaining  
27 and testing samples of blood and saliva to determine genetic  
28 markers pursuant to NRS 176.0915(1) and twenty-five dollars


1 (\$25.00) as an Administrative Assessment Fee.

2 The Court ordered the defendant to pay the fees  
3 immediately or, if not paid, the defendant shall appear before  
4 this Court within two weeks of his release from incarceration  
5 to arrange a payment schedule.

6 This judgment constitutes a lien, pursuant to  
7 NRS 176.275. If the defendant does not pay the fees as ordered  
8 by the Court, collection efforts may be undertaken against the  
9 defendant pursuant to the laws of this State.

10 The defendant is given credit for one hundred  
11 seventy-nine (179) day pre-sentence confinement time.

12  
13 Dated this 19 day of April, 2017

14  
15   
16 NATHAN TOD YOUNG  
17 DISTRICT JUDGE  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

RECEIVED

JAN 22 2021

Douglas County  
District Court Clerk

FILED

RECEIVED

JAN 22 2021

DOUGLAS COUNTY  
DISTRICT ATTORNEY

2021 JAN 22 PM 2:15

BOBBIE N. WILLIAMS  
CLERK

BY **D. GOEL** DEPUTY

JOHN E. MALONE  
State Bar No. 5706  
1662 N. U.S. Hwy 395  
Suite 202  
Minden, Nevada 89423  
(775) 392-3342  
jmalonelaw@gmail.com

IN THE NINTH JUDICIAL DISTRICT COURT, STATE OF NEVADA

IN AND FOR THE COUNTY OF DOUGLAS

JOHN FRANCIS DUNHAM,

Petitioner,

vs.

STATE OF NEVADA,

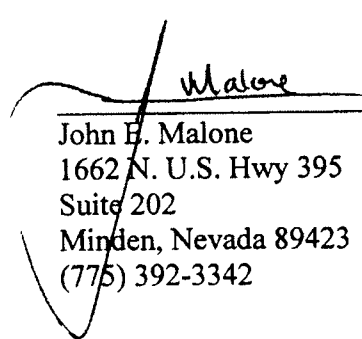
Respondent.

Case No. 2016-CR-00159B  
Dept. 1

NOTICE OF APPEAL

COMES NOW appellant John Francis Dunham, through his attorney, the undersigned John E. Malone, and appeals from the order denying his postconviction petition for a writ of habeas corpus. I affirm that this document does not contain the social security number of any person.

Dated this 22<sup>nd</sup> day of Jan, 2021.


  
John E. Malone  
1662 N. U.S. Hwy 395  
Suite 202  
Minden, Nevada 89423  
(775) 392-3342

CERTIFICATE OF SERVICE

Pursuant to NRCP 5 (b) I hereby certify that on this date I sent via first class mail, facsimile,  
electronic mail and/or hand delivery in Minden, Nevada, a true and correct copy of the foregoing  
NOTICE OF APPEAL to the following:

Douglas County District Attorney  
1038 Buckeye Rd.  
Minden, NV 89423

DATED this 22 day of January, 2021.

\_\_\_\_\_  
JOHN E. MALONE, ESQ.  
Attorney for Defendant

RA005

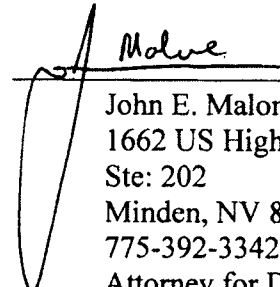
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

I affirm that this document does not contain the social security number of any person.

NRS 239B.030

Respectfully submitted:

DATED: 1-22-21

  
John E. Malone  
1662 US Highway 395  
Ste: 202  
Minden, NV 89423  
775-392-3342  
Attorney for Defendant



## **CERTIFICATE OF SERVICE**

I hereby certify that this document, **RESPONDENT'S APPENDIX**, was filed electronically with the Nevada Supreme Court on the 21<sup>st</sup> day of June, 2021. Service of the foregoing document shall be made in accordance with the Master Service List as follows:

John E. Malone, Esq.  
209 N. Pratt Ave.  
Carson City, NV 89701  
[jmalonelaw@gmail.com](mailto:jmalonelaw@gmail.com)  
*Attorney for Appellant*

Aaron Ford  
Nevada Attorney General  
100 N. Carson Street  
Carson City, NV 89701

/s/ Erik A. Levin  
Erik A. Levin  
Deputy District Attorney