

IN THE SUPREME COURT OF THE STATE OF NEVADA

LEO ERICK RAMSUNDAR,
Appellant(s),

vs.

THE STATE OF NEVADA,
Respondent(s),

Electronically Filed
Feb 25 2021 03:12 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case No: A-20-823374-W

Docket No: 82458

RECORD ON APPEAL

ATTORNEY FOR APPELLANT
LEO RAMSUNDAR #1122438,
PROPER PERSON
P.O. BOX 650
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

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10/20/2020



CLERK OF THE COURT

A-20-823374-W

XV

Case No.
Dept. No.IN THE 8th JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR THE COUNTY OF ClarkLeo Ramsundar
Petitioner,

v.

PETITION FOR WRIT
OF HABEAS CORPUS
(POSTCONVICTION)Calvin Johnson
Respondent.

* Evidentiary Hearing Requested.

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 but 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 or sentence. Failure to raise all grounds in this petition may preclude you from filing future petitions challenging your conviction and sentence.
- (6) You must allege specific facts supporting the claims in the petition you file seeking relief from any conviction or sentence. Failure to allege specific facts rather than just conclusions may cause your petition to be dismissed. If your petition contains a claim of ineffective assistance of counsel, that claim will operate to waive the attorney-client privilege for the proceeding in which you claim your counsel was ineffective.
- (7) When the petition is fully completed, the original and one copy must be filed with the clerk of the state district court for the county in which you were convicted. One copy must be mailed to the respondent, one copy to the Attorney General's Office, and one copy to the district attorney of the county in which you were convicted or to the original prosecutor if you are challenging your original conviction or sentence. Copies must conform in all particulars to the original submitted for filing.

PETITION

1. Name of institution and county in which you are presently imprisoned or where and how you are presently restrained of your liberty: High Desert State Prison
2. Name and location of court which entered the judgment of conviction under attack: 8th JD
200 Lewis Ave., Las Vegas NV. 89155
3. Date of judgment of conviction: 2-6-20
4. Case number: C-18-334131-1
5. (a) Length of sentence: 18-60 months

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CLERK OF THE COURT

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

2 6. Are you presently serving a sentence for a conviction other than the conviction under attack in this motion?

3 Yes No

4 If "yes," list crime, case number and sentence being served at this time: unavailable

5
6
7 7. Nature of offense involved in conviction being challenged: Obtaining money
8 under False Pretense

9 8. What was your plea? (check one)

10 (a) Not guilty

11 (b) Guilty ☒

12 (c) Guilty but mentally ill

13 (d) Nolo contendere

14 9. If you entered a plea of guilty or guilty but mentally ill to one count of an indictment or information, and a
15 plea of not guilty to another count of an indictment or information, or if a plea of guilty or guilty but mentally ill was
16 negotiated, give details:

17
18 10. If you were found guilty or guilty but mentally ill after a plea of not guilty, was the finding made by: (check one)

19 (a) Jury N/A

20 (b) Judge without a jury

21 11. Did you testify at the trial? Yes No N/A

22 12. Did you appeal from the judgment of conviction? Yes No N/A

23 13. If you did appeal, answer the following: N/A

24 (a) Name of court:

25 (b) Case number or citation:

26 (c) Result:

27 (d) Date of result:

28 (Attach copy of order or decision, if available.)

1 14. If you did not appeal, explain briefly why you did not: Did not know of the
2 right to appeal

3
4 15. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any
5 petitions, applications or motions with respect to this judgment in any court, state or federal? Yes No X

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

7 (a) (1) Name of court: N/A

8 (2) Nature of proceeding: N/A

9
10 (3) Grounds raised: N/A

11
12
13 (4) Did you receive an evidentiary hearing on your petition, application or motion? Yes No N/A

14 (5) Result: N/A

15 (6) Date of result: N/A

16 (7) If known, citations of any written opinion or date of orders entered pursuant to such result:

17 N/A

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

19 (1) Name of court: N/A

20 (2) Nature of proceeding: N/A

21 (3) Grounds raised: N/A

22 (4) Did you receive an evidentiary hearing on your petition, application or motion? Yes No N/A

23 (5) Result: N/A

24 (6) Date of result: N/A

25 (7) If known, citations of any written opinion or date of orders entered pursuant to such result:

26 N/A

27 (c) As to any third or subsequent additional applications or motions, give the same information as above, list
28 them on a separate sheet and attach.

1 (d) Did you appeal to the highest state or federal court having jurisdiction, the result or action taken on any
2 petition, application or motion?

3 (1) First petition, application or motion? Yes No N/A

4 Citation or date of decision:

5 (2) Second petition, application or motion? Yes No N/A

6 Citation or date of decision:

7 (3) Third or subsequent petitions, applications or motions? Yes No N/A

8 Citation or date of decision:

9 (e) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you
10 did not. (You must relate specific facts in response to this question. Your response may be included on paper which
11 is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in
12 length.) N/A

13
14 17. Has any ground being raised in this petition been previously presented to this or any other court by way of
15 petition for habeas corpus, motion, application or any other postconviction proceeding? If so, identify: NO

16 (a) Which of the grounds is the same: N/A

17
18 (b) The proceedings in which these grounds were raised: N/A

19
20 (c) Briefly explain why you are again raising these grounds. (You must relate specific facts in response to this
21 question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your
22 response may not exceed five handwritten or typewritten pages in length.) N/A

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

1
2 19. Are you filing this petition more than 1 year following the filing of the judgment of conviction or the filing
3 of a decision on direct appeal? If so, state briefly the reasons for the delay. (You must relate specific facts in
4 response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the
5 petition. Your response may not exceed five handwritten or typewritten pages in length.) **NO**.....
6

7 20. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment
8 under attack? Yes No **X**.....

9 If yes, state what court and the case number: **N/A**.....
10

11 21. Give the name of each attorney who represented you in the proceeding resulting in your conviction and on
12 direct appeal: **Timothy R. Treffinger**.....
13

14 22. Do you have any future sentences to serve after you complete the sentence imposed by the judgment under
15 attack? Yes No

16 If yes, specify where and when it is to be served, if you know:
17

18 23. State concisely every ground on which you claim that you are being held unlawfully. Summarize briefly the
19 facts supporting each ground. If necessary you may attach pages stating additional grounds and facts
20 supporting same.
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1 (a) Ground ONE: Ineffective assistance of Counsel, A
2 violation of the Sixth Amendment to the U.S.
3 Constitution.

4
5 Supporting FACTS (Tell your story briefly without citing cases or law.):

6 1 On 1-7-2020, Petitioner was sentenced to 18 to 60
7 months consecutive to Case No. C-334298 for a
8 total Aggregated sentence of 3 to 10 years, see
9 Exhibit "A" Attached hereto.

10 2 Petitioner was incarcerated in pre-trial
11 detention on 1-30-2018.

12 3 Petitioner's Attorney Timothy R. Treffinger, failed
13 to secure the appropriate time credits applied
14 to Petitioner's sentence (for Pre-trial detention).

15 4 The failure of Petitioner's Counsel to obtain
16 the appropriate time credits toward Petitioner's
17 sentence violates the Nevada Supreme Court's
18 decision in ADKT No. 411, Felony and Misdemeanor
19 trial Cases standard 16, 17, 18 pages 39, 41,
20 42; And constitutes Ineffective assistance
21 of Counsel. Williams v Taylor, 529 U.S.
22 362 [2000].

23 5 Petitioner is prejudiced by having to
24 serve additional time in prison.

1 Request For Relief

2

3 Petitioner requests this Court hold a
4 hearing and provide Petitioner with time
5 served credits from 1-30-2018 to 1-7-20

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BEFORE, petitioner prays that the court grant petitioner relief to which petitioner may be entitled in this proceeding.

EXECUTED at High Desert State Prison on the 26 day of the month of September 2020.

[Signature]
*Leo Ramsundar # 1122438
High Desert State Prison
Post Office Box 650
Indian Springs, Nevada 89070
Petitioner in Proper Person

VERIFICATION

Under penalty of perjury, the undersigned declares that the undersigned is the petitioner named in the foregoing petition and knows the contents thereof; that the pleading is true of the undersigned's own knowledge, except as to those matters stated on information and belief, and as to such matters the undersigned believes them to be true.

[Signature]
*Leo Ramsundar # 1122438
High Desert State Prison
Post Office Box 650
Indian Springs, Nevada 89070
Petitioner in Proper Person

AFFIRMATION (Pursuant to NRS 239B.030)

The undersigned does hereby affirm that the preceeding PETITION FOR WRIT OF HABEAS CORPUS filed in District Court Case Number _____ Does not contain the social security number of any person.

[Signature]
*Leo Ramsundar # 1122438
High Desert State Prison
Post Office Box 650
Indian Springs, Nevada 89070
Petitioner in Proper Person

CERTIFICATE OF SERVICE BY MAIL

I, Leo Ramsundar, hereby certify pursuant to N.R.C.P. 5(b), that on this 5 day of the month of October, 2020, I mailed a true and correct copy of the foregoing PETITION FOR WRIT OF HABEAS CORPUS addressed to:

Warden High Desert State Prison
Post Office Box 650
Indian Springs, Nevada 89070

Attorney General of Nevada
100 North Carson Street
Carson City, Nevada 89701

Clark County District Attorney's Office
200 Lewis Avenue
Las Vegas, Nevada 89155

[Signature]
*Leo Ramsundar # 1122438
High Desert State Prison
Post Office Box 650
Indian Springs, Nevada 89070
Petitioner in Proper Person

* Print your name and NDOC back number and sign

-10-
8

EXHIBIT

A

Steven D. Grierson

1 AJOC

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DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-VS-

LEO RAMSUNDAR aka
Leo Erick Ramsundar
#2742016

Defendant.

CASE NO. C-18-334131-1

DEPT. NO. XXIX

AMENDED JUDGMENT OF CONVICTION

(PLEA OF GUILTY)

The Defendant previously appeared before the Court with counsel and entered a plea of guilty to the crime of OBTAINING MONEY UNDER FALSE PRETENSES (Category B Felony) in violation of NRS 205.380; thereafter, on the 7th day of January, 2020, the Defendant was present in court for sentencing with counsel TIMOTHY R. TREFFINGER, ESQ., and good cause appearing.

THE DEFENDANT IS HEREBY ADJUDGED guilty of said offense and, in addition to the \$25.00 Administrative Assessment Fee, \$6,219.10 Restitution and \$3.00 DNA Collection Fee, the Defendant is sentenced as follows: a MAXIMUM of SIXTY (60) MONTHS with a

<input type="checkbox"/> Nolle Prosequi (before trial)	<input type="checkbox"/> Bench (Non-Jury) Trial
<input type="checkbox"/> Dismissed (after diversion)	<input type="checkbox"/> Dismissed (during trial)
<input type="checkbox"/> Dismissed (before trial)	<input type="checkbox"/> Acquittal
<input checked="" type="checkbox"/> Guilty Plea with Sent (before trial)	<input type="checkbox"/> Guilty Plea with Sent. (during trial)
<input type="checkbox"/> Transferred (before/during trial)	<input type="checkbox"/> Conviction
<input type="checkbox"/> Other Manner of Disposition	

1 MINIMUM parole eligibility of EIGHTTEEN (18) MONTHS in the Nevada Department of
2 Corrections (NDC); CONSECUTIVE to C334298; with COURT reserving jurisdiction on credit
3 for time served. As the \$150.00 DNA Analysis Fee and Genetic Testing have been previously
4 imposed, the Fee and Testing in the current case are WAIVED. The AGGREGATE TOTAL
5 sentence is TEN (10) YEARS MAXIMUM with a MINIMUM of THREE (3) YEARS.
6

7 THEREAFTER, on the 4th day of February, 2020, pursuant to a COURT order an
8 Amended Judgment of Conviction reflects the following addition: the Defendant is given ONE
9 (1) DAY credit for time served.
10

11 DATED this 5 day of February, 2020

12
13 
14 DAVID M. JONES
15 DISTRICT COURT JUDGE

16 August 10, 2020



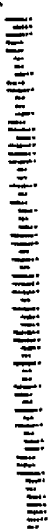
22 CERTIFIED COPY
23 ELECTRONIC SEAL (NRS 1.190(3))
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EO Ramsundar
1122438 - HDSF
0. Box 650
Indian Springs, NV. 89070

LAS VEGAS NV 890
7 OCT 2020 PM 5:39:39

Clerk
8th JB
200 Lewis Ave
3702 Las Vegas, NV. 89155

89155-000293



1 PPOW

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

5 Leo Ramsundar,

6 Petitioner,

7 vs.

8 Calvin Johnson,

9 Respondent,

Case No: A-20-823374-W
Department 29

**ORDER FOR PETITION FOR
WRIT OF HABEAS CORPUS**

10
11 Petitioner filed a Petition for Writ of Habeas Corpus (Post-Conviction Relief) on
12 October 20, 2020. The Court has reviewed the Petition and has determined that a response would assist
13 the Court in determining whether Petitioner is illegally imprisoned and restrained of his/her liberty, and
14 good cause appearing therefore,

15 **IT IS HEREBY ORDERED** that Respondent shall, within 45 days after the date of this Order,
16 answer or otherwise respond to the Petition and file a return in accordance with the provisions of NRS
17 34.360 to 34.830, inclusive.

18 **IT IS HEREBY FURTHER ORDERED** that this matter shall be placed on this Court's
19 January 5, 2021 10:15 a.m.

20 Calendar on the _____ day of _____, 20____, at the hour of

21 _____ o'clock for further proceedings.

Dated this 27th day of October, 2020

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23 
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25 District Court Judge
BZA 6EA 7D5E B0D5
26 David M Jones
27 District Court Judge
28

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4	5	6 Leo Ramsundar, Plaintiff(s)	CASE NO: A-20-823374-W
7	8	vs.	DEPT. NO. Department 29
9	10	Calvin Johnson, Defendant(s)	

11 **AUTOMATED CERTIFICATE OF SERVICE**

12 Electronic service was attempted through the Eighth Judicial District Court's
13 electronic filing system, but there were no registered users on the case.

14 If indicated below, a copy of the above mentioned filings were also served by mail
15 via United States Postal Service, postage prepaid, to the parties listed below at their last
known addresses on 10/28/2020

16 Leo Ramsundar	#1122438
	Po Box 650
	Indian Springs, NV, 89070



**DISTRICT COURT
CLARK COUNTY, NEVADA**

Leo Ramsundar, Plaintiff(s)	Case No.: A-20-823374-W
vs.	C-18-334131-1
Calvin Johnson, Defendant(s)	Department 29

NOTICE OF DEPARTMENT REASSIGNMENT

NOTICE IS HEREBY GIVEN that the above-entitled action has been reassigned to Judge David M Jones.

☒ This reassignment is due to: NRS 34.730 designation.

ANY TRIAL DATE AND ASSOCIATED TRIAL HEARINGS STAND BUT MAY BE RESET BY THE NEW DEPARTMENT.

Any motions or hearings presently scheduled in the FORMER department will be heard by the NEW department as set forth below.

Petition for Writ of Habeas Corpus, on 01/05/2021, at 10:15 AM

PLEASE INCLUDE THE NEW DEPARTMENT NUMBER ON ALL FUTURE FILINGS.

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Heather Kordenbrock
Heather Kordenbrock, Deputy Clerk of the Court

CERTIFICATE OF SERVICE

I hereby certify that this 27th day of October, 2020

☒ I mailed, via first-class, postage fully prepaid, the foregoing Clerk of the Court, Notice of Department Reassignment to:
Leo Ramsundar #1122438
Po Box 650
Indian Springs NV 89070

/s/ Heather Kordenbrock
Heather Kordenbrock, Deputy Clerk of the Court



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

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

11 -vs-

12 LEO RAMSUNDAR, aka
13 Leo Erick Ramsundar,
14 #2742016

Defendant.

CASE NO: A-20-823374-W

DEPT NO: XXIX

15 **STATE'S RESPONSE TO PETITIONER'S PETITION FOR WRIT OF HABEAS**
16 **CORPUS (POST CONVICTION)**

17 DATE OF HEARING: JANUARY 5, 2021
18 TIME OF HEARING: 10:15 AM

19 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County
20 District Attorney, through KAREN MISHLER, Chief Deputy District Attorney, and hereby
21 submits the attached Points and Authorities in Response to Petitioner's Petition for Writ of
22 Habeas Corpus (Post Conviction).

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

26 //

27 //

28 //

V:\2018\401\78\201840178C-RSPN-(LEO RAMSUNDAR)-002.DOCX

1 **POINTS AND AUTHORITIES**

2 **STATEMENT OF THE CASE**

3 On August 15, 2018, LEO RAMSUNDAR, aka Leo Erick Ramsundar (hereinafter
4 "Petitioner"), was charged by way of Indictment with: Counts 1-5 - POSSESSION OF
5 CREDIT OR DEBIT CARD WITHOUT CARDHOLDER'S CONSENT (Category D Felony
6 - NRS 205.690; and Count 6 - POSSESSION OF BURGLARY TOOLS (Gross Misdemeanor
7 - NRS 205.080).

8 On November 5, 2019, Petitioner, pursuant to Guilty Plea Agreement, pled
9 guilty to one count OBTAINING MONEY UNDER FALSE PRETENSES (Category B
10 Felony - NRS 205.380).

11 On November 14, 2019, the State filed a Motion to File Amended Guilty Plea
12 Agreement to include an additional case to be dismissed. On December 27, 2019, the Amended
13 Guilty Plea was filed.

14 On January 7, 2020, Petitioner was sentenced to eighteen (18) to sixty (60)
15 months in the Nevada Department of Corrections consecutive to C334298 for an aggregate
16 total sentence of three (3) to ten (10) years. The Judgment of Conviction was filed on January
17 16, 2020. On February 6, 2020, an Amended Judgment of Conviction was filed to reflect
18 Petitioner's credit for time served. On November 16, 2020, a Second Amended Judgment of
19 Conviction was filed removing the aggregate sentence language.

20 On October 12, 2020, Petitioner filed a Motion to Withdraw Counsel. On
21 October 22, 2020, Petitioner's Motion was granted.

22 On October 20, 2020, Petitioner filed the instant Petition for Writ of Habeas
23 Corpus. The State responds as follows:

24 **STATEMENT OF THE FACTS**

25 On July 7, 2017, employees at the Aria Hotel and Casino Spa located a nude
26 male guest asleep in the spa locker room. The employee observed two lockers which appeared
27 to be pried open and immediately notified security staff. Security officers attempted to wake
28 the guest, who was later identified as Petitioner; however, he was unresponsive. Eventually

1 Petitioner awoke and identified himself as Jason Knight. Security staff asked Petitioner about
2 his belongings and he stated he had a backpack. For verification purposes, the security officer
3 asked what was in the backpack and Petitioner stated his backpack contained notebooks, a
4 baggie containing a white crystal substance, and a glass smoking pipe.

5 Petitioner was transported to a holding room and full search of his backpack revealed
6 multiple Indian identification cards, three notebooks containing multiple names, addresses,
7 and credit card numbers, a "Digilock" device, a small crowbar, hotel room keys, credit/gift
8 cards, mail, two glass pipes, and two plastic bags with a crystal-like substance. A security
9 investigator advised Petitioner that he was positively identified through the casino security
10 database and he immediately complained of chest pains. The investigator asked Petitioner if
11 he used any illegal narcotics and he admitted using heroin and taking four ecstasy pills;
12 subsequently, he was transported to the hospital. Shortly after Petitioner was transported to the
13 hospital, officers responded to the hotel spa and impounded Petitioner's backpack.

14 Detectives reviewed the notebooks located within Petitioner's backpack and contacted
15 five of the eleven named victim's whose addresses and credit card numbers were written in the
16 notebooks. Through telephonic contact, victim #18, victim #13, victim #14, victim #15, and
17 victim #16 confirmed their credit card information, advised that their credit cards were
18 compromised, and expressed a desire to press charges against Petitioner.

19 ARGUMENT

20 I. PETITIONER RECEIVED EFFECTIVE ASSISTANCE OF COUNSEL.

21 Petitioner claims that counsel was ineffective for allegedly failing to obtain the
22 appropriate amount of credit for time served at sentencing. Petition at 6. The Sixth Amendment
23 to the United States Constitution provides that, "[i]n all criminal prosecutions, the accused
24 shall enjoy the right . . . to have the Assistance of Counsel for his defense." The United States
25 Supreme Court has long recognized that "the right to counsel is the right to the effective
26 assistance of counsel." Strickland v. Washington, 466 U.S. 668, 686, 104 S. Ct. 2052, 2063
27 (1984); see also State v. Love, 109 Nev. 1136, 1138, 865 P.2d 322, 323 (1993).

28 //

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

12 The court begins with the presumption of effectiveness and then must determine
13 whether the defendant has demonstrated by a preponderance of the evidence that counsel was
14 ineffective. Means v. State, 120 Nev. 1001, 1011, 103 P.3d 25, 32 (2004). "Effective counsel
15 does not mean errorless counsel, but rather counsel whose assistance is '[w]ithin the range of
16 competence demanded of attorneys in criminal cases.'" Jackson v. Warden, 91 Nev. 430, 432,
17 537 P.2d 473, 474 (1975).

18 Counsel cannot be ineffective for failing to make futile objections or arguments. See
19 Ennis v. State, 122 Nev. 694, 706, 137 P.3d 1095, 1103 (2006). Trial counsel has the
20 "immediate and ultimate responsibility of deciding if and when to object, which witnesses, if
21 any, to call, and what defenses to develop." Rhyne v. State, 118 Nev. 1, 8, 38 P.3d 163, 167
22 (2002).

23 Based on the above law, the role of a court in considering allegations of ineffective
24 assistance of counsel is "not to pass upon the merits of the action not taken but to determine
25 whether, under the particular facts and circumstances of the case, trial counsel failed to render
26 reasonably effective assistance." Donovan v. State, 94 Nev. 671, 675, 584 P.2d 708, 711
27 (1978). This analysis does not mean that the court should "second guess reasoned choices
28 between trial tactics nor does it mean that defense counsel, to protect himself against

1 allegations of inadequacy, must make every conceivable motion no matter how remote the
2 possibilities are of success." *Id.* To be effective, the constitution "does not require that counsel
3 do what is impossible or unethical. If there is no bona fide defense to the charge, counsel
4 cannot create one and may disserve the interests of his client by attempting a useless charade."
5 *United States v. Cronin*, 466 U.S. 648, 657 n.19, 104 S. Ct. 2039, 2046 n.19 (1984).

6 "There are countless ways to provide effective assistance in any given case. Even the
7 best criminal defense attorneys would not defend a particular client in the same way."
8 *Strickland*, 466 U.S. at 689, 104 S. Ct. at 689. "Strategic choices made by counsel after
9 thoroughly investigating the plausible options are almost unchallengeable." *Dawson v. State*,
10 108 Nev. 112, 117, 825 P.2d 593, 596 (1992); see also *Ford v. State*, 105 Nev. 850, 853, 784
11 P.2d 951, 953 (1989). In essence, the court must "judge the reasonableness of counsel's
12 challenged conduct on the facts of the particular case, viewed as of the time of counsel's
13 conduct." *Strickland*, 466 U.S. at 690, 104 S. Ct. at 2066.

14 Even if a defendant can demonstrate that his counsel's representation fell below an
15 objective standard of reasonableness, he must still demonstrate prejudice and show a
16 reasonable probability that, but for counsel's errors, the result of the trial would have been
17 different. *McNelson v. State*, 115 Nev. 396, 403, 990 P.2d 1263, 1268 (1999) (citing
18 *Strickland*, 466 U.S. at 687, 104 S. Ct. at 2064). "A reasonable probability is a probability
19 sufficient to undermine confidence in the outcome." *Id.* (citing *Strickland*, 466 U.S. at 687-89,
20 694, 104 S. Ct. at 2064-65, 2068).

21 The Nevada Supreme Court has held "that a habeas corpus petitioner must prove the
22 disputed factual allegations underlying his ineffective-assistance claim by a preponderance of
23 the evidence." *Means v. State*, 120 Nev. 1001, 1012, 103 P.3d 25, 33 (2004). Furthermore,
24 claims of ineffective assistance of counsel asserted in a petition for post-conviction relief must
25 be supported with specific factual allegations, which if true, would entitle the petitioner to
26 relief. *Hargrove v. State*, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984). "Bare" and "naked"
27 allegations are not sufficient, nor are those belied and repelled by the record. *Id.* NRS
28 34.735(6) states in relevant part, "[Petitioner] must allege specific facts supporting the claims

1 in the petition[.] . . . Failure to allege specific facts rather than just conclusions may cause your
2 petition to be dismissed." (emphasis added).

3 Here, Petitioner claims that counsel was ineffective for failing to obtain the appropriate
4 amount of credit for time served at sentencing. Petition at 6. As an initial matter, Petitioner's
5 claim is not cognizable in a post-conviction petition for writ of habeas corpus. NRS
6 34.810(1)(a) limits a petitioner who pleads guilty to claims that the plea was not voluntarily
7 entered into or was entered without effective assistance of counsel. See *Gonzalez v. State*, 136
8 Nev. Adv. Op. 60, 2020 WL 5889017 (Nev. Ct. App. Oct. 1, 2020). Moreover, Petitioner
9 provides no documentation supporting his claim that he is entitled to additional credit or that
10 his credit was calculated incorrectly. Petitioner further provides no explanation as to what he
11 believes to be the inaccuracy in the calculation. Therefore, Petitioner's claim is bare, naked
12 and only appropriate for summary denial. *Hargrove*, 100 Nev. at 502, 686 P.2d at 225. Thus,
13 Petitioner's Petition must be denied.

14 **I. PETITIONER IS NOT ENTITLED TO AN EVIDENTIARY HEARING.**

15 NRS 34.770 determines when a defendant is entitled to an evidentiary hearing. It reads:

- 16 1. The judge or justice, upon review of the return, answer and all
17 supporting documents which are filed, shall determine whether
18 an evidentiary hearing is required. A petitioner must not be
19 discharged or committed to the custody of a person other than the
20 respondent *unless an evidentiary hearing is held*.
21 2. If the judge or justice determines that the petitioner is not
entitled to relief and an evidentiary hearing is not required, he
shall dismiss the petition without a hearing.
22 3. If the judge or justice determines that an evidentiary hearing
is required, he shall grant the writ and shall set a date for the
hearing.

23 The Nevada Supreme Court has held that if a petition can be resolved without
24 expanding the record, then no evidentiary hearing is necessary. *Marshall v. State*, 110 Nev.
25 1328, 885 P.2d 603 (1994); *Mann v. State*, 118 Nev. 351, 356, 46 P.3d 1228, 1231 (2002). A
26 defendant is entitled to an evidentiary hearing if his petition is supported by specific factual
27 allegations, which, if true, would entitle him to relief unless the factual allegations are repelled
28 by the record. *Marshall*, 110 Nev. at 1331, 885 P.2d at 605; see also *Hargrove v. State*, 100
Nev. 498, 503, 686 P.2d 222, 225 (1984) (holding that "[a] defendant seeking post-conviction

1 relief is not entitled to an evidentiary hearing on factual allegations belied or repelled by the
2 record"). "A claim is 'belied' when it is contradicted or proven to be false by the record as it
3 existed at the time the claim was made." Mann, 118 Nev. at 354, 46 P.3d at 1230 (2002). It is
4 improper to hold an evidentiary hearing simply to make a complete record. See State v. Eighth
5 Judicial Dist. Court, 121 Nev. 225, 234, 112 P.3d 1070, 1076 (2005) ("The district court
6 considered itself the 'equivalent of . . . the trial judge' and consequently wanted 'to make as
7 complete a record as possible.' This is an incorrect basis for an evidentiary hearing.").

8 Further, the United States Supreme Court has held that an evidentiary hearing is not
9 required simply because counsel's actions are challenged as being unreasonable strategic
10 decisions. Harrington v. Richter, 131 S. Ct. 770, 788 (2011). Although courts may not indulge
11 post hoc rationalization for counsel's decisionmaking that contradicts the available evidence
12 of counsel's actions, neither may they insist counsel confirm every aspect of the strategic basis
13 for his or her actions. Id. There is a "strong presumption" that counsel's attention to certain
14 issues to the exclusion of others reflects trial tactics rather than "sheer neglect." Id. (citing
15 Yarborough v. Gentry, 540 U.S. 1, 124 S. Ct. 1 (2003)). Strickland calls for an inquiry in the
16 objective reasonableness of counsel's performance, not counsel's subjective state of mind. 466
17 U.S. 668, 688, 104 S. Ct. 2052, 2065 (1994).

18 Here, Petitioner has only presented meritless claims of ineffective assistance of
19 counsel. Even if Petitioner provided support for his claims, this Court would not be empowered
20 to grant Petitioner relief on his claims because, as discussed supra, these claims are barred
21 from consideration pursuant to NRS 34.810(1)(a). Therefore, there is no reason to expand the
22 record and an evidentiary hearing is unnecessary. Marshall, 110 Nev. 1328, 885 P.2d 603;
23 Mann, 118 Nev. at 356, 46 P.3d at 1231. Petitioner's request for an evidentiary hearing should
24 be denied.

25 //

26 //

27 //

28 //

1 **CONCLUSION**

2 For the foregoing reasons, Petitioner's Petition must be denied.

3 DATED this 17th day of December, 2020.

4 Respectfully submitted,

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

8 BY

BB
KAREN MISHLER
Chief Deputy District Attorney
Nevada Bar #013730

for

10
11
12
13
14 **CERTIFICATE OF MAILING**

15 I hereby certify that service of the above and foregoing was made this 17th day of
16 December, 2020, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

17 LEO RAMSUNDAR, BAC #1122438
18 HIGH DESERT STATE PRISON
19 P.O. BOX 650
INDIAN SPRINGS, NV 89070

20 BY

C. Garcia
C. Garcia
Secretary for the District Attorney's Office

21
22
23
24
25
26
27
28 KM/ss/cg/L2

ORDER
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
BERNARD ZADROWSKI
Chief Deputy District Attorney
Nevada Bar #6545
200 Lewis Avenue
Las Vegas, NV 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

LEO RAMSUNDAR, aka,
Leo Erick Ramsundar, #2742016

Defendant.

CASE NO: A-20-823374-W

DEPT NO: II

ORDER DENYING DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS

DATE OF HEARING: January 7, 2021

TIME OF HEARING: 11:00 A.M.

THIS MATTER having come on for hearing before the above entitled Court on the 7th day of January, 2021, the Defendant not being present, represented in PROPER PERSON, the Plaintiff being represented by STEVEN B. WOLFSON, District Attorney, through BERNARD ZADROWSKI, Chief Deputy District Attorney, and the Court having heard without argument, based on the pleadings and good cause appearing therefor,

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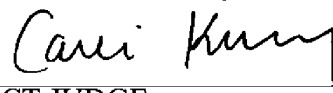
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1 Court Denies Mr. Ramsundar's petition as the Nevada Court of Appeals found in
2 Gonzalez v. State that a petition for ineffective assistance of counsel to be cognizable must
3 be limited to claims that challenge the validity of the guilty plea agreement, since this petition
4 challenges credit time served; and, also is a bare naked allegation without any support to the
5 petition.

6 IT IS HEREBY ORDERED that the Defendant's Petition for Writ of Habeas Corpus,
7 shall be, and it is DENIED.

8 DATED this _____ day of January, 2021. Dated this 19th day of January, 2021

9 

10 DISTRICT JUDGE

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

0FA D48 13F5 E29D
Carli Kierny
District Court Judge

13
14 BY


BERNARD ZADROWSKI
Chief Deputy District Attorney
Nevada Bar #6545

15
16
17
18
19 CERTIFICATE OF SERVICE

20 I certify that on the 19th day of January, 2021, I mailed a copy of the foregoing Order
21 to:

22 LEO RAMSUNDAR, BAC #1122438
23 H.D.S.P.
24 P.O. BOX 650
INDIAN SPRINGS, NV 89070

25
26 BY


Secretary for the District Attorney's Office

27
28 jm/L2

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Leo Ramsundar, Plaintiff(s)

CASE NO: A-20-823374-W

7 vs.

DEPT. NO. Department 2

8 Calvin Johnson, Defendant(s)

9
10 **AUTOMATED CERTIFICATE OF SERVICE**

11 Electronic service was attempted through the Eighth Judicial District Court's
12 electronic filing system, but there were no registered users on the case. The filer has been
13 notified to serve all parties by traditional means.
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1 NEOJ

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

4 LEO RAMSUNDAR,

5
6 Petitioner,

Case No: A-20-823374-W

Dept. No: II

7 vs.

8 CALVIN JOHNSON,

9 Respondent,

NOTICE OF ENTRY OF ORDER

10
11 **PLEASE TAKE NOTICE** that on January 19, 2021, the court entered a decision or order in this matter,
12 a 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 January 22, 2021.

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 22 day of January 2021, I served a copy of this Notice of Entry on the
21 following:

22 ☒ By e-mail:

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

23
24 ☒ The United States mail addressed as follows:

Leo Ramsundar # 1122438
P.O. Box 650
Indian Springs, NV 89070

25
26
27 /s/ Amanda Hampton

Amanda Hampton, Deputy Clerk

ORDER
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
BERNARD ZADROWSKI
Chief Deputy District Attorney
Nevada Bar #6545
200 Lewis Avenue
Las Vegas, NV 89155-2212
(702) 671-2500
Attorney for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,

Plaintiff,

-vs-

LEO RAMSUNDAR, aka,
Leo Erick Ramsundar, #2742016

Defendant.

CASE NO: A-20-823374-W

DEPT NO: II

ORDER DENYING DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS

DATE OF HEARING: January 7, 2021

TIME OF HEARING: 11:00 A.M.

THIS MATTER having come on for hearing before the above entitled Court on the 7th day of January, 2021, the Defendant not being present, represented in PROPER PERSON, the Plaintiff being represented by STEVEN B. WOLFSON, District Attorney, through BERNARD ZADROWSKI, Chief Deputy District Attorney, and the Court having heard without argument, based on the pleadings and good cause appearing therefor,

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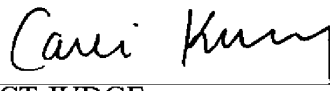
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1 Court Denies Mr. Ramsundar's petition as the Nevada Court of Appeals found in
2 Gonzalez v. State that a petition for ineffective assistance of counsel to be cognizable must
3 be limited to claims that challenge the validity of the guilty plea agreement, since this petition
4 challenges credit time served; and, also is a bare naked allegation without any support to the
5 petition.

6 IT IS HEREBY ORDERED that the Defendant's Petition for Writ of Habeas Corpus,
7 shall be, and it is DENIED.

8 DATED this _____ day of January, 2021. Dated this 19th day of January, 2021

9 

10 DISTRICT JUDGE

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

0FA D48 13F5 E29D
Carli Kierny
District Court Judge

13
14 BY


BERNARD ZADROWSKI
Chief Deputy District Attorney
Nevada Bar #6545

15
16
17
18
19 CERTIFICATE OF SERVICE

20 I certify that on the 19th day of January, 2021, I mailed a copy of the foregoing Order
21 to:

22 LEO RAMSUNDAR, BAC #1122438
23 H.D.S.P.
24 P.O. BOX 650
INDIAN SPRINGS, NV 89070

25
26 BY



Secretary for the District Attorney's Office

27
28 jm/L2

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Leo Ramsundar, Plaintiff(s)

CASE NO: A-20-823374-W

7 vs.

DEPT. NO. Department 2

8 Calvin Johnson, Defendant(s)

9
10 **AUTOMATED CERTIFICATE OF SERVICE**

11 Electronic service was attempted through the Eighth Judicial District Court's
12 electronic filing system, but there were no registered users on the case. The filer has been
13 notified to serve all parties by traditional means.
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Steven D. Grierson

1 Leo Ramsundar #1122438

2 In Proper Person
3 P.O. Box 650 H.D.S.P.
4 Indian Springs, Nevada 89018

5 8th JD DISTRICT COURT
6 Clark COUNTY NEVADA

7
8 THE STATE OF NEVADA,
9 Plaintiff,

10 -v-

11 LEO RAMSUNDAR,
12 Defendant,

Case No. A-20-823374-W
Dept. No. II
Docket _____

13
14 NOTICE OF APPEAL

15 Notice is hereby given that the Leo Ramsundar,
16 _____, by and through himself in proper person, does now appeal

17 to the Supreme Court of the State of Nevada, the decision of the District
18 Court Order denying a petition for writ of habeas
19 corpus on 01-19-2021 AS Attached as
20 EX. "A" hereto.

21 Dated this date, 1-26-2021.

22
23 Respectfully Submitted,

24 *Leo Ramsundar*
25 Leo Ramsundar #1122438
26 In Proper Person

27 RECEIVED

28 FEB - 1 2021

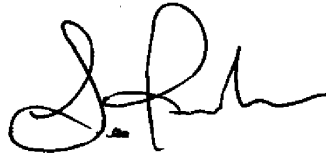
CLERK OF THE COURT

CERTIFICATE OF SERVICE BY MAILING

I, Leo Ramsundar, hereby certify, pursuant to NRCP 5(b), that on this 26
day of January, 2021, I mailed a true and correct copy of the foregoing, "Notice of Appeal"
by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,
addressed as follows:

CCDA
200 LEWIS AVE
LAS VEGAS, NV. 89155

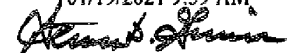
DATED: this 26 day of January, 2021.



Leo Ramsundar #1122438
/In Propria Persona
Post Office box 650 [HDSP]
Indian Springs, Nevada 89018

EXHIBIT

A


CLERK OF THE COURT

ORDR

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
BERNARD ZADROWSKI
Chief Deputy District Attorney
Nevada Bar #6545
200 Lewis Avenue
Las Vegas, NV 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

LEO RAMSUNDAR, aka,
Leo Erick Ramsundar, #2742016

Defendant.

CASE NO: A-20-823374-W

DEPT NO: II

ORDER DENYING DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS

DATE OF HEARING: January 7, 2021
TIME OF HEARING: 11:00 A.M.

THIS MATTER having come on for hearing before the above entitled Court on the 7th day of January, 2021, the Defendant not being present, represented in PROPER PERSON, the Plaintiff being represented by STEVEN B. WOLFSON, District Attorney, through BERNARD ZADROWSKI, Chief Deputy District Attorney, and the Court having heard without argument, based on the pleadings and good cause appearing therefor,

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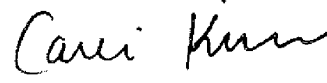
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1 Court Denies Mr. Ramsundar's petition as the Nevada Court of Appeals found in
2 Gonzalez v. State that a petition for ineffective assistance of counsel to be cognizable must
3 be limited to claims that challenge the validity of the guilty plea agreement, since this petition
4 challenges credit time served; and, also is a bare naked allegation without any support to the
5 petition.

6 IT IS HEREBY ORDERED that the Defendant's Petition for Writ of Habeas Corpus,
7 shall be, and it is DENIED.

8 DATED this _____ day of January, 2021. Dated this 19th day of January, 2021

9 

10 DISTRICT JUDGE

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

OFA D48 13F5 E29D
Carli Kiemy
District Court Judge

13
14 BY


15 BERNARD ZADROWSKI
Chief Deputy District Attorney
Nevada Bar #6545

16
17
18
19 CERTIFICATE OF SERVICE

20 I certify that on the 19th day of January, 2021, I mailed a copy of the foregoing Order
21 to:

22 LEO RAMSUNDAR, BAC #1122438
23 H.D.S.P.
24 P.O. BOX 650
INDIAN SPRINGS, NV 89070

25
26 BY


27 Secretary for the District Attorney's Office

28 jm/L2

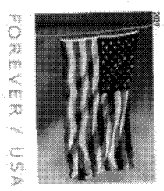
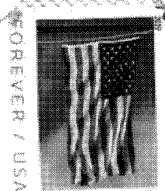
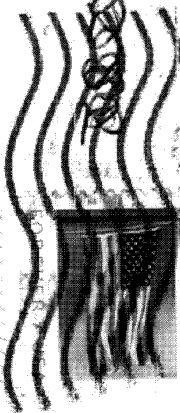
Leo Ramsundar
#1122438-H10SP
P.O. Box 650
Jordan Springs, N.V. 89070

LAS VEGAS
27 JAN 2021 PM 4 L

Clerk
8th JD

200 Lewis Ave

Las Vegas, N.V. 89155



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POSTAGE WILL BE PAID BY ADDRESSEE

HIGH DESERT STATE PRISON

JAN 26 2021

UNIT 10



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

9 LEO RAMSUNDAR,

10 Plaintiff(s),

11 vs.

12 CALVIN JOHNSON,

13 Defendant(s),

Case No: A-20-823374-W

Dept No: II

14
15
16 **CASE APPEAL STATEMENT**

17
18 1. Appellant(s): Leo Ramsundar

19 2. Judge: Carli Kierny

20 3. Appellant(s): Leo Ramsundar

21 Counsel:

22 Leo Ramsundar #1122438
23 P.O. Box 650
24 Indian Springs, NV 89070

25 4. Respondent (s): Calvin Johnson

26 Counsel:

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

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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: October 20, 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 8 day of February 2021.

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: Leo Ramsundar

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

January 05, 2021

A-20-823374-W	Leo Ramsundar, Plaintiff(s) vs. Calvin Johnson, Defendant(s)
---------------	--------------------------------------------------------------------

January 05, 2021 3:00 AM Minute Order

HEARD BY: Kierny, Carli

COURTROOM: Chambers

COURT CLERK: Jill Chambers

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- January 7, 2021 at 11:00 a.m. and 12:30 p.m.
Department 2 Formal Request to Appear REMOTELY

Please be advised that due to the COVID-19 pandemic, Department 2 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. You have the choice to appear either by phone or computer/video.

Dial the following number: 1-408-419-1715

Meeting ID: 862 737 972

Meeting URL: 4303

To connect by phone dial the number provided and enter the meeting ID followed by #

To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans.

You may also download the Blue Jeans app and join the meeting by entering the meeting ID

PLEASE NOTE the following protocol each participant will be required to follow:

PRINT DATE: 02/25/2021

Page 1 of 3

Minutes Date: January 05, 2021

Place your phone on MUTE while waiting for your matter to be called.
Do NOT place the call on hold since some phones may play wait/hold music.
Please do NOT use speaker phone as it causes a loud echo/ringing noise.
Please state your name each time you speak so that the court recorder can capture a clear record.
Please be mindful of rustling papers, background noise, and coughing or loud breathing.
Please be mindful of where your camera is pointing.
We encourage you to visit the [Bluejeans.com](https://www.bluejeans.com) website to get familiar with the Blue Jeans phone/videoconferencing system before your hearing.

If your hearing gets continued to a different date after you have already received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing.

Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

January 07, 2021

A-20-823374-W	Leo Ramsundar, Plaintiff(s) vs. Calvin Johnson, Defendant(s)
---------------	--------------------------------------------------------------------

January 07, 2021	11:00 AM	Petition for Writ of Habeas Corpus
------------------	----------	---------------------------------------

HEARD BY: Kierny, Carli

COURTROOM: RJC Courtroom 16B

COURT CLERK: Alan Castle

RECORDER: Jessica Kirkpatrick

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Bernard Zadrowski, Chief Deputy District Attorney also present on behalf of the State. Matter submitted. Court Denies Mr. Ramsundar's petition as the Nevada Court of Appeals found in Gonzalez v. State that a petition for ineffective assistance of counsel to be cognizable must be limited to claims that challenge the validity of the guilty plea agreement, since this petition challenges credit time served; and, also is a bare naked allegation without any support to the petition, COURT ORDERS, PETITION DENIED. FURTHER ORDERED, request for hearing DENIED. State to prepare the order and notify interested parties.

Certification of Copy and Transmittal of Record

State of Nevada }
County of Clark } SS:

Pursuant to the Supreme Court order dated February 22, 2021, 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 43.

LEO RAMSUNDAR,

Plaintiff(s),

vs.

CALVIN JOHNSON,

Defendant(s),

Case No: A-20-823374-W

Dept. No: II

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 25 day of February 2021.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk