

*Steven D. Grierson*

NEIL A. KAPLAN (Utah Bar No. 3974)  
[Application for pro hac pending]  
KATHERINE E. PEPIN (Utah Bar No. 16925)  
[Application for pro hac pending]  
CLYDE SNOW & SESSIONS, P.C.  
201 South Main Street, Suite 1300  
Salt Lake City, Utah 84111  
Telephone: (801) 322-2516  
Facsimile: (801) 521-6280  
[nak@clydesnow.com](mailto:nak@clydesnow.com)  
[kep@clydesnow.com](mailto:kep@clydesnow.com)

JENNIFER SPRINGER  
Nevada Bar No. 13767  
ROCKY MOUNTAIN INNOCENCE CENTER  
358 South 700 East, B235  
Salt Lake City, Utah 84102  
Telephone: (801) 355-1888  
[jspringer@rminnocence.org](mailto:jspringer@rminnocence.org)

*Attorneys for Petitioner Ashley Bennett*

**EIGHTH JUDICIAL DISTRICT COURT**

**CLARK COUNTY, NEVADA**

ASHLEY BENNETT

Petitioner,

vs.

STATE OF NEVADA

Respondent.

Case No.: A-20-810154-W  
Dept. No.: XII

**NOTICE OF APPEAL**

Petitioner Ashley Bennett hereby files his Notice of Appeal of the Eighth Judicial District Court Order Denying Defendant's Petition for Determination of Factual Innocence (the "Order") entered on January 18, 2021 (attached hereto as Exhibit 1). The notice of entry of the Order was filed and served on January 18, 2021. Ex. 1. Pursuant to NRS 34.970(9), "[a]ny order granting or

Electronically Filed  
Feb 18 2021 03:03 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

1 denying a hearing on a petition pursuant to this section may be appealed by either party.” Notice  
2 is hereby given that Mr. Bennett, Petitioner above named, appeals to the Supreme Court of  
3 Nevada from the Order.

4 The undersigned affirms pursuant to NRS 239B.030 that the preceding document does  
5 not contain the social security number of any person.

6 DATED this 16th day of February, 2021.

7 CLYDE SNOW & SESSIONS, PC

8 /s/ Katherine E. Pepin

9 Neil A. Kaplan

10 Utah Bar No. 3974 [*Pro hac application pending*]

Katherine E. Pepin

Utah Bar No. 16925 [*Pro hac application pending*]

11 ROCKY MOUNTAIN INNOCENCE CENTER

12 Jennifer Spring (NSB #13767)

13 SMITH WASHBURN

D. Loren Washburn (NSB #14297)

14 *Attorney for Petitioner Ashley Bennett*

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Pursuant to Nev. R. Civ. P 5(a), I hereby certify that on the 16th day of February, 2021, I

Electronic: by submitting electronically for filing and/or service with the Eighth Judicial District Court's e-filing system and served on counsel electronically in accordance with the E-service list to the following listed below:

Alexander Chen, Esq.  
Clark County District Attorney's Office  
200 Lewis Avenue  
Las Vegas, NV 89101

U.S. Registered Mail: by depositing same in the United States mail, first class registered mail postage fully prepaid to the persons and addresses listed below:

Office of the Attorney General  
State of Nevada  
100 N. Carson Street  
Carson City, NV 89701

U.S. Mail: a true copy was placed in outgoing mail in a sealed envelope addressed as follows:

Ashley W. Bennett  
Inmate No. 73265  
High Desert State Prison  
P.O. Box 650  
Indian Springs, NV 89070-0650

# **EXHIBIT 1**

**ORDR**

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
ALEXANDER G. CHEN  
Chief Deputy District Attorney  
Nevada Bar #010539  
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-

ASHLEY WILLIAM BENNETT,  
#1107300

Defendant.

CASE NO: A-20-810154-W  
C175914-1

DEPT NO: XII

**ORDER DENYING DEFENDANT'S PETITION FOR DETERMINATION OF  
FACTUAL INNOCENCE**

DATE OF HEARING: 12/07/2020  
TIME OF HEARING: 10:30 A.M.

THIS MATTER having come on for hearing before the above entitled Court on the 7th day of December, 2021, the Defendant not being present, represented by KATHERINE PEPIN, ESQ. and NEIL KAPLAN, ESQ., the Plaintiff being represented by STEVEN B. WOLFSON, District Attorney, through ALEXANDER G. CHEN, Chief Deputy District Attorney and SKYLER SULLIVAN, ESQ., and the Court having heard the arguments of counsel and good cause appearing therefor,

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///

1 COURT FINDS Mr. Bennett has not met the requirements as outlined in subsection 2  
2 based upon Ms. Neil's affidavit being recantation and Mr. Walker's affidavit being provided  
3 two months after entering prison and almost ten years after the incident is impeachment  
4 testimony only; therefore, IT IS HEREBY ORDERED that the Petition is DENIED  
5 WITHOUT PREJUDICE.

6 DATED this \_\_\_\_\_ day of January, 2021.

Dated this 18th day of January, 2021



DISTRICT JUDGE

9 STEVEN B. WOLFSON  
10 Clark County District Attorney  
Nevada Bar #001565

FF9 752 AB7E 4159  
Michelle Leavitt  
District Court Judge

11  
12 BY /s/ Alexander G. Chen  
13 ALEXANDER G. CHEN  
14 Chief Deputy District Attorney  
Nevada Bar #010539

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1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Ashley Bennett, Plaintiff(s)

CASE NO: A-20-810154-W

7 vs.

DEPT. NO. Department 12

8 Nevada State of, Defendant(s)  
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District  
12 Court. The foregoing Order was served via the court's electronic eFile system to all  
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 1/18/2021

15 Dept 12 Law Clerk

dept12lc@clarkcountycourts.us

16 Melina Hernandez

mhernandez@smithwashburn.com

17 D. Washburn

lwashburn@smithwashburn.com

18 Neil Kaplan

nak@clydesnow.com

19 Jennifer Springer

jspringer@rminnocence.org

20 Katherine Pepin

kep@clydesnow.com

21 Alexander Chen

Alexander.Chen@clarkcountyda.com

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## EIGHTH JUDICIAL DISTRICT COURT

# CASE SUMMARY

## CASE NO. A-20-810154-W

Ashley Bennett, Plaintiff(s)  
vs.  
Nevada State of, Defendant(s)

§  
§  
§  
§  
§

Location: Department 12  
Judicial Officer: Leavitt, Michelle  
Filed on: 02/10/2020  
Case Number History:  
Cross-Reference Case Number: A810154

### CASE INFORMATION

**Related Cases**  
01C175914-1 (Writ Related Case)  
  
**Statistical Closures**  
01/21/2021 Other Manner of Disposition

Case Type: Other Civil Writ  
  
Case Status: 01/21/2021 Closed

### DATE

### CASE ASSIGNMENT

#### Current Case Assignment

Case Number A-20-810154-W  
Court Department 12  
Date Assigned 06/11/2020  
Judicial Officer Leavitt, Michelle

### PARTY INFORMATION

**Plaintiff** Bennett, Ashley

*Lead Attorneys*  
**Washburn, David L.**  
*Retained*  
725-666-8700(W)

**Defendant** Nevada State of







**Wolfson, Steven B**  
*Retained*  
702-455-5320(W)

### DATE

### EVENTS & ORDERS OF THE COURT

### INDEX

#### EVENTS

02/10/2020	 Petition Filed by: Plaintiff Bennett, Ashley <i>Defendant Ashley Bennett's Petition for Determination of Factual Innocence</i>
02/10/2020	 Exhibits Filed By: Plaintiff Bennett, Ashley <i>Exhibit List and Exhibits A-M to Petition</i>
04/20/2020	 Application to Proceed in Forma Pauperis <i>Application to Proceed in Forma Pauperis</i>
04/30/2020	 Order to Proceed In Forma Pauperis <i>Order to Proceed in Forma Pauperis</i>
05/21/2020	 Summons Electronically Issued - Service Pending Party: Plaintiff Bennett, Ashley <i>Summons - Civil (State of Nevada Attorney General)</i>
05/21/2020	 Summons Electronically Issued - Service Pending



**CASE SUMMARY**  
**CASE NO. A-20-810154-W**

*Summons - Civil (State of Nevada Clark County District Attorney)*

06/16/2020	 Notice of Department Reassignment <i>Notice of Department Reassignment</i>
06/30/2020	 Motion to Associate Counsel Filed By: Plaintiff Bennett, Ashley <i>Motion to Associate Counsel</i>
06/30/2020	 Affidavit of Service <i>Declaration of Service to Nevada Attorney General</i>
06/30/2020	 Order Admitting to Practice <i>Order Admitting to Practice</i>
07/15/2020	 Response Filed by: Defendant Nevada State of <i>State's Response to Defendant s Petition for Determination of Factual Innocence</i>
07/23/2020	 Reply in Support Filed By: Plaintiff Bennett, Ashley <i>Reply in Support of Defendant Ashley Bennett's Petition for Determination of Factual Innocence</i>
08/04/2020	 Affidavit of Service Filed By: Plaintiff Bennett, Ashley <i>Affidavit of Service - Clark County District Attorney</i>
09/09/2020	 Notice of Change of Address Filed By: Plaintiff Bennett, Ashley <i>Notice of Change of Address</i>
10/22/2020	 Order Filed By: Plaintiff Bennett, Ashley <i>Order for Production of Inmate For Video Appearance</i>
11/10/2020	 Order Filed By: Plaintiff Bennett, Ashley <i>Order For Production of Inmate for Video Appearance</i>
11/30/2020	 Supplement <i>State's Supplemental Response to Defendant s Petition for Determination of Factual Innocence.</i>
01/18/2021	 Order Denying Filed By: Defendant Nevada State of <i>Order Denying Defendant's Petition for Determination of Factual Innocence</i>
01/21/2021	 Order to Statistically Close Case <i>Civil Order to Statistically Close Case</i>
02/16/2021	 Notice of Appeal Filed By: Plaintiff Bennett, Ashley <i>Notice of Appeal</i>

**CASE SUMMARY**  
**CASE NO. A-20-810154-W**

**HEARINGS**

06/09/2020



**Minute Order** (3:00 AM) (Judicial Officer: Atkin, Trevor)

*Minute Order - Assignment In Re: Petition for Factual Innocence*

Matter Transferred; Minute Order - Assignment In Re: Petition for Factual Innocence

Journal Entry Details:

*Court Finds assignment of petitions for factual innocence are to be handled the same way as assignment of petitions for a writ of habeas corpus that challenge the validity of the conviction. As such, Pursuant to EDCR 1.60(h) and at the direction of the Chief Judge, COURT ORDERS, this matter be assigned to Department 12, the original department in this matter. FURTHER, the Clerk of the District Court to assign this matter to Department 12, and reset any applicable hearings and notify interested parties.;*

06/16/2020



**Minute Order** (8:00 AM) (Judicial Officer: Leavitt, Michelle)

Minute Order - No Hearing Held;

Journal Entry Details:

*The court having reviewed the Petition hereby orders the State to respond to the Writ by July 15, 2020. Thereafter the matter is set for a hearing on July 30, 2020 at 10:30 am to determine whether the Petition meets the statutory requirements outlined in NRS 34.960 to permit the court to set the matter for an evidentiary hearing to establish the factual innocence of the Petitioner based on newly discovered evidence. NRS 34.960(1) Petitioner is ordered to serve notice and a copy of the petition upon the Clark County District Attorney and the Attorney General. NRS 34.960 (1) CLERK'S NOTE: The above minute order has been distributed to: nak@clydesnow.com; kep@clydesnow.com; washburn@smithwashburn.com; jspringer@rminnocence.org; Alexander Chen <Alexander.Chen@clarkcountysda.com> hvp/6/16/20;*

07/30/2020

**CANCELED Motion to Associate Counsel** (10:30 AM) (Judicial Officer: Leavitt, Michelle)

*Vacated - Set in Error*

*Petitioner's Motion to Associate Counsel*

12/07/2020



**Hearing** (10:30 AM) (Judicial Officer: Leavitt, Michelle)

*Hearing: re: Defendant Ashley Bennett's Petition for Determination of Factual Innocence*

Matter Heard; Hearing: re: Defendant Ashley Bennett's Petition for Determination of Factual Innocence

Journal Entry Details:

*Skyler Sullivan, Esq., also present on behalf of the State. Argument by Ms. Pepin and Ms. Sullivan regarding potential Evidentiary Hearing. COURT FINDS Mr. Bennett has not met the requirements as outlined in subsection 2 based upon Ms. Neil's affidavit being recantation and Mr. Walker's affidavit being provided two months after entering prison and almost ten years after the incident is impeachment testimony only; therefore, ORDERED, Petition DENIED WITHOUT PREJUDICE; State to prepare the Order.;*

DATE

FINANCIAL INFORMATION

**Plaintiff** Bennett, Ashley

Total Charges

Total Payments and Credits

**Balance Due as of 2/17/2021**

294.00

294.00

**0.00**

# DISTRICT COURT CIVIL COVER SHEET

Clark County, Nevada  
Case No. \_\_\_\_\_  
(Assigned by Clerk's Office)

**CASE NO: A-20-810154-W**  
**Department 8**

## **I. Party Information** *(provide both home and mailing addresses if different)*

Plaintiff(s) (name/address/phone): <div style="text-align: center; padding: 5px;">ASHLEY BENNETT</div>	Defendant(s) (name/address/phone): <div style="text-align: center; padding: 5px;">STATE OF NEVADA</div>
Attorney (name/address/phone): D. Loren Washburn / Neil A. Kaplan & Katherine E. Pepin / Jennifer Springer 6871 Eastern Ave., # 101 / 201 S. Main Street, #1300 / 358 South 700 East, #B235 Las Vegas, NV 89119 / Salt Lake City, UT 84111 / Salt Lake City, UT 84102 725-666-8700 / 801-322-2516 / 801-355-1888	Attorney (name/address/phone):     

## **II. Nature of Controversy** *(please select the one most applicable filing type below)*

### **Civil Case Filing Types**

<b>Real Property</b> <b>Landlord/Tenant</b> <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant <b>Title to Property</b> <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property <b>Other Real Property</b> <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	<b>Negligence</b> <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence <b>Malpractice</b> <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	<b>Torts</b> <b>Other Torts</b> <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
<b>Probate</b> <b>Probate</b> <i>(select case type and estate value)</i> <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate <b>Estate Value</b> <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	<b>Construction Defect &amp; Contract</b> <b>Construction Defect</b> <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect <b>Contract Case</b> <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	<b>Judicial Review/Appeal</b> <b>Judicial Review</b> <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency <b>Nevada State Agency Appeal</b> <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency <b>Appeal Other</b> <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
<b>Civil Writ</b> <b>Civil Writ</b> <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input checked="" type="checkbox"/> Other Civil Writ		<b>Other Civil Filing</b> <b>Other Civil Filing</b> <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

*Business Court filings should be filed using the Business Court civil coversheet.*

**Feburary 10, 2020**

Date

  
 Signature of initiating party or representative

*See other side for family-related case filings.*

**ORDR**

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
ALEXANDER G. CHEN  
Chief Deputy District Attorney  
Nevada Bar #010539  
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-

ASHLEY WILLIAM BENNETT,  
#1107300

Defendant.

CASE NO: A-20-810154-W  
C175914-1

DEPT NO: XII

**ORDER DENYING DEFENDANT'S PETITION FOR DETERMINATION OF  
FACTUAL INNOCENCE**

DATE OF HEARING: 12/07/2020  
TIME OF HEARING: 10:30 A.M.

THIS MATTER having come on for hearing before the above entitled Court on the 7th day of December, 2021, the Defendant not being present, represented by KATHERINE PEPIN, ESQ. and NEIL KAPLAN, ESQ., the Plaintiff being represented by STEVEN B. WOLFSON, District Attorney, through ALEXANDER G. CHEN, Chief Deputy District Attorney and SKYLER SULLIVAN, ESQ., and the Court having heard the arguments of counsel and good cause appearing therefor,

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1 COURT FINDS Mr. Bennett has not met the requirements as outlined in subsection 2  
2 based upon Ms. Neil's affidavit being recantation and Mr. Walker's affidavit being provided  
3 two months after entering prison and almost ten years after the incident is impeachment  
4 testimony only; therefore, IT IS HEREBY ORDERED that the Petition is DENIED  
5 WITHOUT PREJUDICE.

6 DATED this \_\_\_\_\_ day of January, 2021.

Dated this 18th day of January, 2021



DISTRICT JUDGE

9 STEVEN B. WOLFSON  
10 Clark County District Attorney  
Nevada Bar #001565

FF9 752 AB7E 4159  
Michelle Leavitt  
District Court Judge

11  
12 BY /s/ Alexander G. Chen  
13 ALEXANDER G. CHEN  
14 Chief Deputy District Attorney  
Nevada Bar #010539

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1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Ashley Bennett, Plaintiff(s)

CASE NO: A-20-810154-W

7 vs.

DEPT. NO. Department 12

8 Nevada State of, Defendant(s)  
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District  
12 Court. The foregoing Order was served via the court's electronic eFile system to all  
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 1/18/2021

15 Dept 12 Law Clerk

dept12lc@clarkcountycourts.us

16 Melina Hernandez

mhernandez@smithwashburn.com

17 D. Washburn

lwashburn@smithwashburn.com

18 Neil Kaplan

nak@clydesnow.com

19 Jennifer Springer

jspringer@rminnocence.org

20 Katherine Pepin

kep@clydesnow.com

21 Alexander Chen

Alexander.Chen@clarkcountyda.com

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Writ****COURT MINUTES****June 09, 2020**

A-20-810154-W      Ashley Bennett, Plaintiff(s)  
                                  vs.  
                                  Nevada State of, Defendant(s)

<b>June 09, 2020</b>	<b>3:00 AM</b>	<b>Minute Order</b>	<b>Minute Order - Assignment In Re: Petition for Factual Innocence</b>
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**HEARD BY:**    Atkin, Trevor**COURTROOM:**    Chambers**COURT CLERK:**    Alan Castle**RECORDER:****REPORTER:****PARTIES****PRESENT:**

**JOURNAL ENTRIES**

- Court Finds assignment of petitions for factual innocence are to be handled the same way as assignment of petitions for a writ of habeas corpus that challenge the validity of the conviction. As such, Pursuant to EDCR 1.60(h) and at the direction of the Chief Judge, COURT ORDERS, this matter be assigned to Department 12, the original department in this matter. FURTHER, the Clerk of the District Court to assign this matter to Department 12, and reset any applicable hearings and notify interested parties.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Writ**

**COURT MINUTES**

**June 16, 2020**

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A-20-810154-W	Ashley Bennett, Plaintiff(s) vs. Nevada State of, Defendant(s)
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**June 16, 2020**

**8:00 AM**

**Minute Order**

**HEARD BY:** Leavitt, Michelle

**COURTROOM:** Chambers

**COURT CLERK:** Haly Pannullo

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- The court having reviewed the Petition hereby orders the State to respond to the Writ by July 15, 2020. Thereafter the matter is set for a hearing on July 30, 2020 at 10:30 am to determine whether the Petition meets the statutory requirements outlined in NRS 34.960 to permit the court to set the matter for an evidentiary hearing to establish the factual innocence of the Petitioner based on newly discovered evidence. NRS 34.960(1)

Petitioner is ordered to serve notice and a copy of the petition upon the Clark County District Attorney and the Attorney General. NRS 34.960 (1)

CLERK'S NOTE: The above minute order has been distributed to:  
nak@clydesnow.com; kep@clydesnow.com; washburn@smithwashburn.com;  
jspringer@rminnocence.org; Alexander Chen <Alexander.Chen@clarkcountyda.com>  
hvp/6/16/20



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Writ**

**COURT MINUTES**

**December 07, 2020**

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A-20-810154-W      Ashley Bennett, Plaintiff(s)  
vs.  
Nevada State of, Defendant(s)

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**December 07, 2020      10:30 AM      Hearing      Hearing: re:  
Defendant Ashley  
Bennett's Petition for  
Determination of  
Factual Innocence**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Haly Pannullo

**RECORDER:** Sara Richardson

**REPORTER:**

**PARTIES**

**PRESENT:**      Chen, Alexander G.      Attorney  
Kaplan, Neil A      Attorney  
Pepin, Katherine E      Attorney  
Springer, Jennifer      Attorney  
Washburn, David L.      Attorney

**JOURNAL ENTRIES**

- Skyler Sullivan, Esq., also present on behalf of the State.

Argument by Ms. Pepin and Ms. Sullivan regarding potential Evidentiary Hearing. COURT FINDS Mr. Bennett has not met the requirements as outlined in subsection 2 based upon Ms. Neil's affidavit being recantation and Mr. Walker's affidavit being provided two months after entering prison and almost ten years after the incident is impeachment testimony only; therefore, ORDERED, Petition DENIED WITHOUT PREJUDICE; State to prepare the Order.



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

NEIL A. KAPLAN  
201 S. MAIN ST., SUITE 1300  
SALT LAKE CITY, UT 84111

DATE: February 17, 2021  
CASE: A-20-810154-W

RE CASE: ASHLEY BENNETT vs. STATE OF NEVADA

NOTICE OF APPEAL FILED: February 16, 2021

**YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.**

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- ☐ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)\*\*
  - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)\*\*
- ☐ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)\*\*
  - NRAP 7: Bond For Costs On Appeal in Civil Cases
  - *Previously paid Bonds are not transferable between appeals without an order of the District Court.*
- ☒ Case Appeal Statement
  - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☒ Notice of Entry of Order

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NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. The district court clerk shall apprise appellant of the deficiencies in writing, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

***Please refer to Rule 3 for an explanation of any possible deficiencies.***

---

*\*\*Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.*

# Certification of Copy

State of Nevada }  
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER DENYING DEFENDANT'S PETITION FOR DETERMINATION OF FACTUAL INNOCENCE; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

ASHLEY BENNETT,

Plaintiff(s),

vs.

STATE OF NEVADA,

Defendant(s),

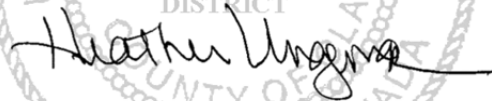
Case No: A-20-810154-W

Dept No: XII

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 17 day of February 2021.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk