

NOASC  
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Electronically Filed  
Mar 09 2021 01:50 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

Attorneys for Petitioner Rickie Slaughter

EIGHTH JUDICIAL DISTRICT COURT  
CLARK COUNTY

RICKIE SLAUGHTER,

Petitioner,

v.

CHARLES DANIELS, et al.,

Respondents.

Case No. A-20-812949-W  
(04C204957)

Dept. No. X

NOTICE OF APPEAL

Petitioner Rickie Slaughter hereby provides notice that he appeals to the Nevada Supreme Court from the findings of fact, conclusions of law, and order denying Mr. Slaughter's March 27, 2020, post-conviction petition for a writ of habeas corpus. This Court entered its order denying the petition on February 8, 2021, and filed a notice of entry of the order on February 12, 2021.

1 I affirm this document does not contain any social security numbers.

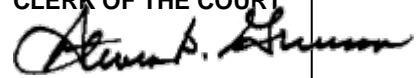
2  
3 Dated March 5, 2021.

4 Respectfully submitted,

5 RENE L. VALLADARES  
6 Federal Public Defender

7 /s/ Jeremy C. Baron  
8 JEREMY C. BARON  
9 Assistant Federal Public Defender  
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Attorneys for Petitioner Rickie Slaughter

EIGHTH JUDICIAL DISTRICT COURT  
CLARK COUNTY

RICKIE SLAUGHTER,

Petitioner,

v.

CHARLES DANIELS, et al.,

Respondents.

Case No. A-20-812949-W  
(04C204957)

Dept. No. X

CASE APPEAL STATEMENT

1. Name of petitioner filing this case appeal statement: Rickie Slaughter.

2. Identify the judge issuing the order appealed from: Hon. Tierra Jones, District Court Judge, Dept. No. X, Eighth Judicial District Court, Clark County, Nevada.

3. Identify each appellant and the name and address of counsel for each appellant: Rickie Slaughter is represented by Jeremy C. Baron, Assistant

1 Federal Public Defender, Federal Public Defender, District of Nevada, 411 E. Bonne-  
2 ville Ave. Suite 250, Las Vegas, NV 89101.

3 **4. Identify each respondent and the name and address of appellate**  
4 **counsel, if known, for each respondent:** Charles Daniels, Martin L. Frink, Renee  
5 Baker, and Aaron Ford are represented by Marc DiGiacomo and Karen Mishler, Chief  
6 Deputy District Attorneys, Clark County District Attorney's Office, 200 Lewis Ave-  
7 nue, Las Vegas, Nevada, 89155-2212.

8 **5. Indicate whether any attorney identified above in response to**  
9 **question 3 or 4 is not licensed to practice law in Nevada and, if so, whether**  
10 **the district court granted that attorney permission to appear under SCR 42.**  
11 N/A.

12 **6. Whether petitioner/appellant was represented by appointed or**  
13 **retained counsel in the district court:** Mr. Slaughter was represented in the  
14 district court by counsel previously appointed to represent him in a related federal  
15 matter.

16 **7. Whether petitioner/appellant is represented by appointed or re-**  
17 **tained counsel on appeal:** Mr. Slaughter is represented on appeal by counsel pre-  
18 viously appointed to represent him in a related federal matter.

19 **8. Whether petitioner/appellant was granted leave to proceed in**  
20 **forma pauperis, and the date of entry of the district court order granting**  
21 **such leave:** An inmate need not pay a fee to file (or appeal from the denial of) a post-  
22 conviction petition. NRS 2.250(1)(d); NRS 34.724(1). The federal court determined  
23 Mr. Slaughter was indigent and appointed counsel on his behalf in a related federal  
24 case.

25 **9. Date proceedings commenced in the district court (e.g., date**  
26 **complaint, indictment, information or petition was filed):** Mr. Slaughter filed  
27 the relevant post-conviction petition for a writ of habeas corpus on March 27, 2020.

**10. Provide a brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the district court:** This is an appeal of an order denying Mr. Slaughter's March 27, 2020, post-conviction petition.

11. Indicate whether the case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court or Court of Appeals and, if so, the caption and docket number of the prior proceeding: Mr. Slaughter previously filed appeals to this court in Docket Nos. 47842, 52385, 54296, 58220, 61991, 68532, 70676, and 78760.

**12. Indicate whether this appeal involves child custody or visitation:** This appeal does not involve child custody or visitation.

13. If this is a civil case, indicate whether this appeal involves the possibility of settlement: N/A.

I affirm this document does not contain any social security numbers.

Dated March 5, 2021.

Respectfully submitted,

RENE L. VALLADARES  
Federal Public Defender

/s/ Jeremy C. Baron  
JEREMY C. BARON  
Assistant Federal Public Defender

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Participants in the case who are registered users in the electronic filing system will be served by the system and include: Steven Wolfson, Steven.Wolfson@clark-countyda.com, Motions@clarkcounttyda.com

Erica Berrett  
Office of the Attorney General  
555 E. Washington Ave. Suite 3900  
Las Vegas, NV 89101

Rickie Slaughter  
No. 85902  
High Desert State Prison  
P.O. Box 650  
Indian Springs, NV 89070

/s/ Richard Chavez  
An Employee of the Federal Public  
Defender, District of Nevada

# CASE SUMMARY

## CASE NO. A-20-812949-W

**Rickie Slaughter, Plaintiff(s)**  
**vs.**  
**Charles Daniels, Defendant(s)**

§  
§  
§  
§  
§

Location: **Department 10**  
 Judicial Officer: **Jones, Tierra**  
 Filed on: **03/27/2020**  
 Case Number History:  
 Cross-Reference Case Number: **A812949**

### CASE INFORMATION

#### Related Cases

04C204957 (Writ Related Case)

Case Type: **Writ of Habeas Corpus**

#### Statistical Closures

02/08/2021 Other Manner of Disposition

Case Status: **02/08/2021 Closed**

### DATE

### CASE ASSIGNMENT

#### Current Case Assignment

Case Number A-20-812949-W  
 Court Department 10  
 Date Assigned 09/08/2020  
 Judicial Officer Jones, Tierra

### PARTY INFORMATION

#### Plaintiff

**Slaughter, Rickie**

#### Lead Attorneys

**Baron, Jeremy C.**  
*Retained*  
 702-388-6261(W)

#### Defendant

**Baker, Renee**

**Daniels, Charles**

**Ford, Aaron**

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

**Frink, Martin L**

### DATE

### EVENTS & ORDERS OF THE COURT

### INDEX

#### EVENTS

03/27/2020



Petition for Writ of Habeas Corpus  
 Filed by: Plaintiff Slaughter, Rickie  
*Petition for Writ of Habeas Corpus (Post-Conviction)*

03/27/2020



Exhibits  
 Filed By: Plaintiff Slaughter, Rickie  
*Index of Exhibits in Support of Petition for Writ of Habeas Corpus (Post-Conviction)*

03/27/2020



Exhibits  
 Filed By: Plaintiff Slaughter, Rickie  
*Index of Exhibits in Support of Petition for Writ of Habeas Corpus (Post-Conviction)*

03/27/2020








Exhibits  
 Filed By: Plaintiff Slaughter, Rickie  
*Index of Exhibits in Support of Petition for Writ of Habeas Corpus (Post-Conviction)*

**CASE SUMMARY**  
**CASE NO. A-20-812949-W**

03/27/2020	 Exhibits Filed By: Plaintiff Slaughter, Rickie <i>Index of Exhibits in Support of Petition for Writ of Habeas Corpus (Post-Conviction)</i>
03/27/2020	 Exhibits Filed By: Plaintiff Slaughter, Rickie <i>Index of Exhibits in Support of Petition for Writ of Habeas Corpus (Post-Conviction)</i>
03/27/2020	 Exhibits Filed By: Plaintiff Slaughter, Rickie <i>Index of Exhibits in Support of Petition for Writ of Habeas Corpus (Post-Conviction)</i>
03/27/2020	 Exhibits Filed By: Plaintiff Slaughter, Rickie <i>Index of Exhibits in Support of Petition for Writ of Habeas Corpus (Post-Conviction)</i>
03/27/2020	 Motion Filed By: Plaintiff Slaughter, Rickie <i>Motion for the Court to Take Judicial Notice of the Filings in Mr. Slaughter's Prior Cases</i>
03/30/2020	 Clerk's Notice of Hearing <i>Clerk's Notice of Hearing</i>
03/30/2020	 Notice of Department Reassignment <i>Notice of Department Reassignment</i>
03/30/2020	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
04/29/2020	 Response Filed by: Defendant Ford, Aaron <i>State's Response to Petition for Writ of Habeas Corpus (Post-Conviction) and State's Motion to Dismiss Petition Pursuant to NRS 34.800</i>
04/30/2020	 Supplemental Filed by: Plaintiff Slaughter, Rickie <i>Supplemental Index of Manually Filed Exhibits in Support of Petition for Writ of Habeas Corpus (Post Conviction)</i>
05/07/2020	 Opposition to Motion to Dismiss Filed By: Plaintiff Slaughter, Rickie <i>Opposition to Motion to Dismiss</i>
09/08/2020	Case Reassigned to Department 10 <i>Case Reassignment from Judge Douglas W. Herndon to Judge Tierra Jones</i>
12/02/2020	 Transcript of Proceedings <i>Recorder's Transcript of Proceedings re Hearing - Monday, November 16, 2020</i>
02/08/2021	 Findings of Fact, Conclusions of Law and Order <i>Findings of Fact, Conclusions of Law and Order</i>
02/12/2021	

**CASE SUMMARY**  
**CASE NO. A-20-812949-W**

	 Notice of Entry of Findings of Fact, Conclusions of Law Filed By: Defendant Baker, Renee <i>Notice of Entry of Findings of Fact, Conclusions of Law and Order</i>
03/05/2021	 Notice of Appeal (criminal) Party: Plaintiff Slaughter, Rickie <i>Notice of Appeal</i>
03/05/2021	 Case Appeal Statement Filed By: Plaintiff Slaughter, Rickie <i>Case Appeal Statement</i>
	<b><u>HEARINGS</u></b>
06/11/2020	<b>Motion (3:30 PM)</b> (Judicial Officer: Herndon, Douglas W.) <i>Motion for the Court to Take Judicial Notice of the Filings in Mr. Slaughter's Prior Cases</i> Matter Heard;
06/11/2020	<b>Petition for Writ of Habeas Corpus (3:30 PM)</b> (Judicial Officer: Herndon, Douglas W.) Set Status Check;
06/11/2020	<b>Response and Countermotion (3:30 PM)</b> (Judicial Officer: Herndon, Douglas W.) <i>State's Response to Petition for Writ of Habeas Corpus (Post-Conviction) and State's Motion to Dismiss Petition Pursuant to NRS 34.800</i> Matter Heard;
06/11/2020	 <b>All Pending Motions (3:30 PM)</b> (Judicial Officer: Herndon, Douglas W.) Matter Heard; Journal Entry Details: <i>PETITION FOR WRIT OF HABEAS CORPUS... MOTION FOR THE COURT TO TAKE JUDICIAL NOTICE OF THE FILINGS IN MR. SLAUGHTER'S PRIOR CASES... STATE'S RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) AND STATE'S MOTION TO DISMISS PETITION PURSUANT TO NRS 34.800... Defendant not present and in custody in the Nevada Department of Corrections. Upon Court's inquiry, Mr. Baron stated they filed the Petition for Writ in November of 2018, and there was argument in March of 2019, adding at the time of argument, the Court stated it's intent to dismiss the Petition based on the procedural bars. Mr. Baron stated they got an order from the Federal Court Judge, who is handling the Federal Post Conviction proceedings, allowing the Defense to dispose Mr. Di Giacomo. Mr. Baron stated if the Court intends to apply the procedural bars in this case, the Defense would appeal and try and consolidate the cases into one, since their goal is to try to get the information from both cases before the Court, and the Defense is requesting the Court exercise it's jurisdiction today. Mr. Di Giacomo stated he does not understand the Defense's position as it relates to jurisdiction, since the Court denied the issue, and this is the fourth petition in which the same grounds are being raised. Mr. Di Giacomo indicated the State feels that this Court does not have jurisdiction, and if this matter is really about judicial economy, the Court should hold the petition in abeyance pending the decision of the Nevada Supreme Court, since ultimately they have stated they will not review it as it relates to this particular issue. Upon Court's inquiry, Mr. Baron stated the case before the Supreme Court has been fully briefed and is pending a decision. Mr. Baron stated this Court has jurisdiction, and it is appropriate for this Court to decide this matter. COURT STATED they have issues deciding matters which were previously denied, and then appealed to the Supreme Court, and then submitted in a new Petition; and this COURT FINDS it is appropriate for the Supreme Court to issue their decision on the appeals before moving forward on the fourth Petition and this matter will be held in abeyance. COURT ORDERED, status check SET. NDC 8/13/2020 9:00 A.M. STATUS CHECK: PETITION;</i>
08/13/2020	 <b>Status Check (3:30 PM)</b> (Judicial Officer: Jones, Tierra) <b>08/13/2020, 11/16/2020</b> <i>Status Check: Petition for Writ of Habeas Corpus</i> Matter Continued; Status Check: Petition for Writ of Habeas Corpus Denied; Journal Entry Details:

EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**

**CASE No. A-20-812949-W**

*Arguments by counsel. Following arguments, COURT ORDERED, matter DENIED. NDC;  
Matter Continued; Status Check: Petition for Writ of Habeas Corpus*

*Denied;*

*Journal Entry Details:*

*Defendant not present; Deputy District Attorney Ashley Lacher present on behalf of the State.  
COURT STATED Mr Di Giacomo reached out to the Court, adding the Supreme Court has not  
reached a decision yet, and the Court would continue the matter, noting his presence was not  
required. COURT ORDERED, matter CONTINUED. NDC CONTINUED TO: 11/12/2020  
9:00 A.M.;*

# DISTRICT COURT CIVIL COVER SHEET

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

CASE NO: A-20-812949-W  
Department 14

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

Plaintiff(s) (name/address/phone):	Defendant(s) (name/address/phone):
Attorney (name/address/phone):	Attorney (name/address/phone):

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

### Civil Case Filing Types

Real Property	Negligence	Torts
<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	<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>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
Probate	Construction Defect & Contract	Judicial Review/Appeal
<b>Probate</b> (select case type and estate value) <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</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</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
Civil Writ	Other Civil Filing	
<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 type="checkbox"/> Other Civil Writ	<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.

Date

Signature of initiating party or representative

See other side for family-related case filings.

**FCL**  
**STEVEN B. WOLFSON**  
Clark County District Attorney  
Nevada Bar #001565  
**KAREN MISHLER**  
Chief Deputy District Attorney  
Nevada Bar #013730  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,  
Plaintiff,

-vs-

RICKIE LAMONT SLAUGHTER,  
#1896569  
Defendant.

CASE NO: A-20-812949-W  
(C204957)  
DEPT NO: X

**FINDINGS OF FACT, CONCLUSIONS OF  
LAW AND ORDER**

DATE OF HEARING: NOVEMBER 16, 2020  
TIME OF HEARING: 8:30 AM

THIS CAUSE having come on for hearing before the Honorable TIERRA JONES, District Judge, on the 16th day of November, 2020, the Petitioner not being present, represented by JEREMY C. BARON, Assistant Federal Public Defender , the Respondent being represented by STEVEN B. WOLFSON, Clark County District Attorney, by and through MARC DIGIACAMO, Chief Deputy District Attorney, and the Court having considered the matter, including briefs, transcripts, arguments of counsel, and documents on file herein, now therefore, the Court makes the following findings of fact and conclusions of law:

///

///

///

1 **FINDINGS OF FACT, CONCLUSIONS OF LAW**

2 **PROCEDURAL HISTORY**

3 On September 28, 2004, the State filed an Information charging Rickie Lamont  
4 Slaughter ("Petitioner") with the following: Count 1 – Conspiracy to Commit Kidnapping  
5 (Felony – NRS 199.480, 200.320); Count 2 – Conspiracy to Commit Robbery (Felony – NRS  
6 199.480); Count 3 – Conspiracy to Commit Murder (Felony, NRS 199.480); Counts 4 & 5 -  
7 Attempt Murder with Use of a Deadly Weapon (Felony – NRS 200.010, 200.030, 193.330,  
8 193.165); Count 6 – Battery With Use of a Deadly Weapon (Felony – NRS 200.481); Count  
9 7 – Attempt Robbery with Use of a Deadly Weapon (Felony – NRS 200.380, 193.330.  
10 193.165); Count 8 – Robbery With Use of a Deadly Weapon (Felony – NRS 200.380,  
11 193.165); Count 9 – Burglary While in Possession of a Firearm (Felony – NRS 205.060);  
12 Counts 10 – Burglary (Felony – NRS 205.060); Counts 11, 12, 13, 14, 15, & 16 – First Degree  
13 Kidnapping With Use of a Deadly Weapon (Felony – NRS 200.310, 200.320, 193.165); and  
14 Count 17 – Mayhem (Felony – NRS 200.280).

15 On April 4, 2005, Petitioner entered into a Guilty Plea Agreement, wherein he agreed  
16 to plead guilty to the following: Count 1 – Attempt Murder With Use of a Deadly Weapon  
17 (Felony – NRS 200.010, 200.030, 193.330, 193.165); Count 2 – Robbery With Use of a Deadly  
18 Weapon (Felony – NRS 200.380, 193.165); Count 3 – First Degree Kidnapping (Felony –  
19 NRS 200.310, 200.320), and Count 4 – First Degree Kidnapping With Use of a Deadly  
20 Weapon (Felony – NRS 200.310, 200.320, 193.165).

21 On August 8, 2005, Petitioner was adjudicated guilty and sentenced to the Nevada  
22 Department of Corrections as follows: Count 1 – a minimum of 90 months and maximum of  
23 240 months, plus an equal consecutive minimum of 90 months and maximum of 240 months  
24 for use of a deadly weapon; Count 2 – a minimum of 72 months and a maximum of 180  
25 months, plus an equal and consecutive minimum of 72 months a maximum of 180 months for  
26 the use of a deadly weapon, concurrent to Count 1; Count 3 – life with the possibility of parole  
27 after a minimum of 15 years, concurrent to Counts 1 and 2; Count 4 – life with a the possibility  
28 of parole after a minimum of 5 years, plus an equal consecutive life with the possibility of

1 parole after a minimum of 5 years for the use of a deadly weapon, concurrent to Counts 1, 2,  
2 and 3. Petitioner received no credit for time served. The Judgment of Conviction was filed on  
3 August 31, 2005. Petitioner did not file a direct appeal.

4 On August 7, 2006, Petitioner filed a Petition for Writ of Habeas Corpus. Among other  
5 claims, Petitioner claimed that his guilty plea was not voluntarily entered because he was  
6 promised and led to believe that he would be eligible for parole after serving a minimum of 15  
7 years. The State filed its Opposition on November 17, 2006. The Court denied the Petition on  
8 December 18, 2006. The Findings of Fact, Conclusions of Law and Order were filed on  
9 January 29, 2007. On January 11, 2007, Petitioner filed a Notice of Appeal. On July 24, 2007,  
10 the Nevada Supreme Court affirmed the denial of several of the claims raised in the Petition,  
11 but reversed the denial of Petitioner's claim regarding the voluntariness of his plea and  
12 remanded the matter for an evidentiary hearing, directing the Attorney General to file a  
13 response to the underlying sentence structure claim. Slaughter v. State, Docket No. 48742  
14 (Order Affirming in Part, Vacating in Part and Remanding, July 24, 2007).

15 Upon remand, the Court appointed post-conviction counsel to assist Petitioner, who  
16 later elected to proceed pro per. On June 19, 2008, the Court held an evidentiary hearing.  
17 Afterward, the Court denied Petitioner's claim that his guilty plea was involuntarily entered,  
18 but ordered the Nevada Department of Corrections to parole Petitioner from sentences for the  
19 deadly weapon enhancements for Counts 1, 2, and 4 at the same time as the sentences for the  
20 primary counts. Petitioner filed a Notice of Appeal on September 9, 2008. On March 27, 2009,  
21 the Nevada Supreme Court reversed the judgment of this Court and ordered Petitioner to be  
22 permitted an opportunity to withdraw his guilty plea. Slaughter v. State, Docket No. 52385  
23 (Order of Reversal and Remand, Mar. 27, 2009).

24 Petitioner withdrew his plea, and his jury trial commenced on May 12, 2011. On May  
25 20, 2011, the jury returned a verdict of guilty on all counts. On November 18, 2011, Petitioner  
26 filed a Motion for a New Trial. The State filed its Opposition on January 12, 2012. Petitioner  
27 filed a Reply on March 15, 2012. On May 17, 2012, this Court denied Petitioner's Motion.  
28

1 On October 16, 2012, Petitioner was adjudicated guilty and sentenced to the Nevada  
2 Department of Corrections as follows: Count 1 – a minimum of 24 months and maximum of  
3 60 months; Count 2 – a minimum of 24 months and maximum of 60 months, consecutive to  
4 Count 1; Count 3 – a minimum of 60 months and maximum of 180, plus a consecutive  
5 minimum of 60 months and maximum of 180 months for the deadly weapons enhancement,  
6 consecutive to Count 2; Count 5 – a minimum of 48 months and maximum of 120 months,  
7 plus a consecutive minimum of 48 months and maximum of 120 months for the deadly weapon  
8 enhancement, concurrent to Count 3; Count 6 – a minimum of 48 months and maximum of  
9 120 months, plus a consecutive minimum of 48 months and maximum of 120 months for the  
10 deadly weapon enhancement, consecutive to Count 3; Count 7 – a minimum of 48 months and  
11 maximum of 120 months, concurrent to Count 6; Count 8 – a minimum of 24 months and a  
12 maximum of 60 months, concurrent to count 7; Count 9 – life with the possibility of parole  
13 after a minimum of 15 years, plus a consecutive life with the possibility of parole after a  
14 minimum of 15 years for the deadly weapon enhancement; Counts 10-14 – life with the  
15 possibility of parole after 5 years, plus a consecutive life with the possibility of parole after 5  
16 years, all concurrent to Count 9. Petitioner received 2,626 days for credit time served.<sup>1</sup>

17 The Judgment of Conviction was filed on October 22, 2012. Petitioner filed a Notice  
18 of Appeal on October 24, 2012. The Nevada Supreme Court affirmed the Judgment of  
19 Conviction on March 12, 2014. Remittitur issued on April 30, 2014.

20 On March 25, 2015, Petitioner filed a post-conviction Petition for Writ of Habeas  
21 Corpus (“First Petition”). The State filed its Response on June 2, 2015. The Court denied  
22 Petitioner’s First Petition on June 18, 2015. The Findings of Fact, Conclusions of Law and  
23 Order were filed on July 15, 2015. On July 30, 2015, Petitioner filed a Notice of Appeal. On  
24 July 13, 2016, the Nevada Supreme Court affirmed the denial of the First Petition. Slaughter  
25 v. State, Docket No. 68532 (Order of Affirmance, July 13, 2016). Remittitur issued on August  
26 8, 2016.

27 ///

28 <sup>1</sup>Petitioner was not adjudicated guilty as to Count 4, due to his right against double jeopardy.

1 On February 12, 2016, while the appeal from this First Petition was pending, Petitioner  
2 filed a second post-conviction Petition for Writ of Habeas Corpus (“Second Petition”). The  
3 State filed its Response on April 6, 2016. The Court held a hearing on the Second Petition on  
4 April 28, 2016. This Court denied the Second Petition. Petitioner filed a Notice of Appeal. The  
5 Nevada Supreme Court affirmed the denial of the Second Petition. Slaughter v. State, Docket  
6 No. 70676-COA (Order of Affirmance, Apr. 19, 2017). Remittitur issued April 19, 2017.

7 On August 8, 2017, Petitioner filed an Amended Petition for a Writ of Habeas Corpus  
8 Pursuant to 28 U.S.C. § 2254 before the federal District of Nevada, asserting may of the same  
9 claims Petitioner raises in the instant matter. Petitioner has filed a total of three separate  
10 Petitions in the federal case, and this matter appears to be ongoing.

11 Petitioner filed a third Petition for Writ of Habeas Corpus (Post-Conviction) (“Third  
12 Petition”) on November 20, 2018, in case A-18-784824-W. The State filed its Response on  
13 December 19, 2018. On March 7, 2019, the Court denied the Petition. The Findings of Fact,  
14 Conclusions of Law, were filed on April 11, 2019. On May 6, 2019, Petitioner filed a Notice  
15 of Appeal. On October 20, 2020, the Nevada Supreme Court affirmed the denial of the Third  
16 Petition. Slaughter v. State, Docket No. 78760 (Order of Affirmance, Oct. 15, 2020).  
17 Remittitur issued on November 9, 2020.

18 On March 27, 2020, while the appeal of his Third Petition was still pending, Petitioner  
19 filed a fourth Petition for Writ of Habeas Corpus (Post-Conviction) (“Fourth Petition”). This  
20 Court herein denies the Fourth Petition and sets forth its reasoning for doing so as follows.

## 21 ANALYSIS

### 22 **PETITIONER’S CLAIMS ARE BARRED FROM CONSIDERATION UNDER THE** 23 **LAW OF THE CASE DOCTRINE**

24 In the instant Fourth Petition, Petitioner raises the same eleven claims presented in his  
25 Third Petition. In an attempt to overcome the procedural bars to his substantive claims, he also  
26 repeats the same good cause and prejudice and actual innocence arguments from his Third  
27 Petition. In affirming denial of his Third Petition, the Nevada Supreme Court considered these  
28 claims and rejected them. Slaughter v. State, Docket No. 78760 (Order of Affirmance, Oct.

1 15, 2020). The Nevada Supreme Court’s decision in this matter is now law of the case, and  
2 cannot be altered through litigation in this Court. Pellegrini v. State, 117 Nev. 860, 879, 34  
3 P.3d 519, 532 (2001) (citing McNelson v. State, 115 Nev. 396, 414-15, 990 P.2d 1263, 1275  
4 (1999)), *abrogated on other grounds by* Rippo v. State, 134 Nev. 411, 423 n.12, 423 P.3d  
5 1094, 1097 n.12 (2018). “The law of a first appeal is law of the case on all subsequent appeals  
6 in which the facts are substantially the same.” Hall v. State, 91 Nev. 314, 315, 535 P.2d 797,  
7 798 (1975) (quoting Walker v. State, 85 Nev. 337, 343, 455 P.2d 34, 38 (1969)). This Court  
8 cannot overrule the Nevada Supreme Court. Nev. Const. Art. VI § 6.

9 In his Fourth Petition, Petitioner repeats his good cause and actual innocence claims in  
10 an attempt to overcome the procedural bars to his substantive claims. As was his Third Petition,  
11 his Fourth Petition is untimely and successive. NRS 34.726(1); NRS 34.810(1)(b)(2); NRS  
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13 Petitioner makes a showing of either good cause and prejudice or a fundamental miscarriage  
14 of justice. NRS 34.726(1); NRS 34.810(1)(b); NRS 34.810(3); Mitchell v. State, 122 Nev.  
15 1269, 1273, 149 P.3d 33, 36 (2006).

16 In his Fourth Petition, Petitioner again argues he has demonstrated good cause and  
17 prejudice by alleging the State withheld evidence in violation of Brady v. Maryland, 373 U.S.  
18 83, 83 S.Ct. 1194 (1963). Fourth Petition, at 11-13. On appellate review of Petitioner’s Third  
19 Petition, the Nevada Supreme Court explicitly rejected this claim, concluding that “the district  
20 court did not err in concluding that appellant has not demonstrated good cause or actual  
21 prejudice to excuse the procedural bars based on the alleged *Brady* violations.” Slaughter v.  
22 State, Docket No. 78760 (Order of Affirmance, Oct. 15, 2020), at 7. Petitioner also repeats his  
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25 that such a claim does not constitute good cause in non-capital cases. Fourth Petition, at 18-  
26 19. Petitioner maintains that this precedent – Brown v. McDaniel, 130 Nev. 565, 331 P.3d 867  
27 (2014) – should be overruled. Id. at 19. In affirming the denial of his Third Petition, the Nevada  
28 Supreme Court declined to overrule this precedent, stating that “appellant has not

1 demonstrated compelling reasons to overturn *Brown* and deny his request.” Slaughter v. State,  
2 Docket No. 78760 (Order of Affirmance, Oct. 15, 2020), at 9.

3 Petitioner also repeats his argument that he has demonstrated a fundamental miscarriage  
4 of justice in the form of actual innocence. Fourth Petition, at 17-18. On appellate review of the  
5 denial of his Third Petition, the Nevada Supreme Court rejected this claim, stating that  
6 Petitioner failed to make a colorable showing of actual innocence. Slaughter v. State, Docket  
7 No. 78760 (Order of Affirmance, Oct. 15, 2020), at 7-8.

8 Petitioner contends that in his Fourth Petition he has provided new evidence in support  
9 of his good cause argument, in the form of the deposition of Chief Deputy District Attorney  
10 Marc DiGiacomo’s, who was the lead prosecutor during Petitioner’s trial. While this  
11 deposition testimony was not presented in Petitioner’s Third Petition, Petitioner fails to explain  
12 how any of Marc DiGiacomo’s testimony supports his good cause argument. Petitioner  
13 actually disputes the truth of Marc DiGiacomo’s deposition testimony, and urges this Court  
14 not to credit it. Fourth Petition, at 59-64. Accordingly, the inclusion of this deposition  
15 testimony does not support his good cause arguments. It also does not alter the substance of  
16 Petitioner’s arguments related to good cause and a fundamental miscarriage of justice, which  
17 are repetitions of arguments raised in his Third Petition. The deposition testimony presented  
18 nothing substantially new or different regarding any of Petitioner’s claims, and therefore his  
19 claims remain barred from consideration due to the law of the case. See Rippo v. State, 134  
20 Nev. 411, 427, 423 P.3d 1084, 1100-01 (2018). Accordingly, the law of the case doctrine bars  
21 consideration of Petitioner’s claims.


22 Petitioner has not overcome the procedural bars to his untimely and successive Fourth  
23 Petition. In an attempt to overcome these bars, he has re-raised the same arguments presented  
24 in his Fourth Petition. These claims have been rejected by the Nevada Supreme Court, and are  
25 now barred under the law of the case doctrine. Therefore, consideration of Petitioner’s claims  
26 is barred, and the Fourth Petition must be denied.

27 ///

28 ///

**ORDER**

THEREFORE, IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus  
Dated this 8th day of February, 2021  
(Post-Conviction) shall be, and it is, hereby denied.



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

248 B40 3CCD 72C0  
Tierra Jones  
District Court Judge

BY /s/ KAREN MISHLER  
KAREN MISHLER  
Chief Deputy District Attorney  
Nevada Bar #013730

**CERTIFICATE OF ELECTRONIC TRANSMISSION**

I hereby certify that service of the above and foregoing was made this 4th day of  
February, 2021, by electronic transmission to:

JEREMY C. BARON, Asst. Fed. Public Defender  
Email: jeremy baron@fd.org

BY: /s/ J. HAYES  
Secretary for the District Attorney's Office

KM/jh/MVU

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Rickie Slaughter, Plaintiff(s)

CASE NO: A-20-812949-W

7 vs.

DEPT. NO. Department 10

8 Charles Daniels, 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 Findings of Fact, Conclusions of Law and Order was served via the  
13 court's electronic eFile system to all recipients registered for e-Service on the above entitled  
case as listed below:

14 Service Date: 2/8/2021

15 Dept 3 Law Clerk

dept03lc@clarkcountycourts.us

16 Richard Chavez

richard\_chavez@fd.org

17 Jeremy Baron

jeremy\_baron@fd.org

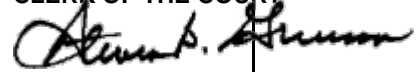
18 Alexander Chen

Motions@clarkcountyda.com

19 ECF Notifications NCH Unit

ecf\_nvnych@fd.org

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28



1 NEFF

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

4 RICKIE SLAUGHTER,

5  
6 Petitioner,

Case No: A-20-812949-W

Dept No: X

7 vs.

8 CHARLES DANIELS,

9 Respondent,

**NOTICE OF ENTRY OF FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND ORDER**

10  
11 **PLEASE TAKE NOTICE** that on February 8, 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 February 12, 2021.

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

22 ☒ By e-mail:

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

24 ☒ The United States mail addressed as follows:

25 Rickie Slaughter # 85902  
P.O. Box 650  
Indian Springs, NV 89070

26 Rene L. Valladares  
Federal Public Defender  
411 E. Bonneville Ave., Ste 250  
Las Vegas, NV 89101

27 /s/ Amanda Hampton

28 Amanda Hampton, Deputy Clerk

**FCL**  
**STEVEN B. WOLFSON**  
Clark County District Attorney  
Nevada Bar #001565  
**KAREN MISHLER**  
Chief Deputy District Attorney  
Nevada Bar #013730  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,  
Plaintiff,

-vs-

RICKIE LAMONT SLAUGHTER,  
#1896569  
Defendant.

CASE NO: A-20-812949-W  
(C204957)  
DEPT NO: X

**FINDINGS OF FACT, CONCLUSIONS OF  
LAW AND ORDER**

DATE OF HEARING: NOVEMBER 16, 2020  
TIME OF HEARING: 8:30 AM

THIS CAUSE having come on for hearing before the Honorable TIERRA JONES, District Judge, on the 16th day of November, 2020, the Petitioner not being present, represented by JEREMY C. BARON, Assistant Federal Public Defender, the Respondent being represented by STEVEN B. WOLFSON, Clark County District Attorney, by and through MARC DIGIACAMO, Chief Deputy District Attorney, and the Court having considered the matter, including briefs, transcripts, arguments of counsel, and documents on file herein, now therefore, the Court makes the following findings of fact and conclusions of law:

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///

1 **FINDINGS OF FACT, CONCLUSIONS OF LAW**

2 **PROCEDURAL HISTORY**

3 On September 28, 2004, the State filed an Information charging Rickie Lamont  
4 Slaughter ("Petitioner") with the following: Count 1 – Conspiracy to Commit Kidnapping  
5 (Felony – NRS 199.480, 200.320); Count 2 – Conspiracy to Commit Robbery (Felony – NRS  
6 199.480); Count 3 – Conspiracy to Commit Murder (Felony, NRS 199.480); Counts 4 & 5 -  
7 Attempt Murder with Use of a Deadly Weapon (Felony – NRS 200.010, 200.030, 193.330,  
8 193.165); Count 6 – Battery With Use of a Deadly Weapon (Felony – NRS 200.481); Count  
9 7 – Attempt Robbery with Use of a Deadly Weapon (Felony – NRS 200.380, 193.330.  
10 193.165); Count 8 – Robbery With Use of a Deadly Weapon (Felony – NRS 200.380,  
11 193.165); Count 9 – Burglary While in Possession of a Firearm (Felony – NRS 205.060);  
12 Counts 10 – Burglary (Felony – NRS 205.060); Counts 11, 12, 13, 14, 15, & 16 – First Degree  
13 Kidnapping With Use of a Deadly Weapon (Felony – NRS 200.310, 200.320, 193.165); and  
14 Count 17 – Mayhem (Felony – NRS 200.280).

15 On April 4, 2005, Petitioner entered into a Guilty Plea Agreement, wherein he agreed  
16 to plead guilty to the following: Count 1 – Attempt Murder With Use of a Deadly Weapon  
17 (Felony – NRS 200.010, 200.030, 193.330, 193.165); Count 2 – Robbery With Use of a Deadly  
18 Weapon (Felony – NRS 200.380, 193.165); Count 3 – First Degree Kidnapping (Felony –  
19 NRS 200.310, 200.320), and Count 4 – First Degree Kidnapping With Use of a Deadly  
20 Weapon (Felony – NRS 200.310, 200.320, 193.165).

21 On August 8, 2005, Petitioner was adjudicated guilty and sentenced to the Nevada  
22 Department of Corrections as follows: Count 1 – a minimum of 90 months and maximum of  
23 240 months, plus an equal consecutive minimum of 90 months and maximum of 240 months  
24 for use of a deadly weapon; Count 2 – a minimum of 72 months and a maximum of 180  
25 months, plus an equal and consecutive minimum of 72 months a maximum of 180 months for  
26 the use of a deadly weapon, concurrent to Count 1; Count 3 – life with the possibility of parole  
27 after a minimum of 15 years, concurrent to Counts 1 and 2; Count 4 – life with a the possibility  
28 of parole after a minimum of 5 years, plus an equal consecutive life with the possibility of

1 parole after a minimum of 5 years for the use of a deadly weapon, concurrent to Counts 1, 2,  
2 and 3. Petitioner received no credit for time served. The Judgment of Conviction was filed on  
3 August 31, 2005. Petitioner did not file a direct appeal.

4 On August 7, 2006, Petitioner filed a Petition for Writ of Habeas Corpus. Among other  
5 claims, Petitioner claimed that his guilty plea was not voluntarily entered because he was  
6 promised and led to believe that he would be eligible for parole after serving a minimum of 15  
7 years. The State filed its Opposition on November 17, 2006. The Court denied the Petition on  
8 December 18, 2006. The Findings of Fact, Conclusions of Law and Order were filed on  
9 January 29, 2007. On January 11, 2007, Petitioner filed a Notice of Appeal. On July 24, 2007,  
10 the Nevada Supreme Court affirmed the denial of several of the claims raised in the Petition,  
11 but reversed the denial of Petitioner's claim regarding the voluntariness of his plea and  
12 remanded the matter for an evidentiary hearing, directing the Attorney General to file a  
13 response to the underlying sentence structure claim. Slaughter v. State, Docket No. 48742  
14 (Order Affirming in Part, Vacating in Part and Remanding, July 24, 2007).

15 Upon remand, the Court appointed post-conviction counsel to assist Petitioner, who  
16 later elected to proceed pro per. On June 19, 2008, the Court held an evidentiary hearing.  
17 Afterward, the Court denied Petitioner's claim that his guilty plea was involuntarily entered,  
18 but ordered the Nevada Department of Corrections to parole Petitioner from sentences for the  
19 deadly weapon enhancements for Counts 1, 2, and 4 at the same time as the sentences for the  
20 primary counts. Petitioner filed a Notice of Appeal on September 9, 2008. On March 27, 2009,  
21 the Nevada Supreme Court reversed the judgment of this Court and ordered Petitioner to be  
22 permitted an opportunity to withdraw his guilty plea. Slaughter v. State, Docket No. 52385  
23 (Order of Reversal and Remand, Mar. 27, 2009).

24 Petitioner withdrew his plea, and his jury trial commenced on May 12, 2011. On May  
25 20, 2011, the jury returned a verdict of guilty on all counts. On November 18, 2011, Petitioner  
26 filed a Motion for a New Trial. The State filed its Opposition on January 12, 2012. Petitioner  
27 filed a Reply on March 15, 2012. On May 17, 2012, this Court denied Petitioner's Motion.  
28

1 On October 16, 2012, Petitioner was adjudicated guilty and sentenced to the Nevada  
2 Department of Corrections as follows: Count 1 – a minimum of 24 months and maximum of  
3 60 months; Count 2 – a minimum of 24 months and maximum of 60 months, consecutive to  
4 Count 1; Count 3 – a minimum of 60 months and maximum of 180, plus a consecutive  
5 minimum of 60 months and maximum of 180 months for the deadly weapons enhancement,  
6 consecutive to Count 2; Count 5 – a minimum of 48 months and maximum of 120 months,  
7 plus a consecutive minimum of 48 months and maximum of 120 months for the deadly weapon  
8 enhancement, concurrent to Count 3; Count 6 – a minimum of 48 months and maximum of  
9 120 months, plus a consecutive minimum of 48 months and maximum of 120 months for the  
10 deadly weapon enhancement, consecutive to Count 3; Count 7 – a minimum of 48 months and  
11 maximum of 120 months, concurrent to Count 6; Count 8 – a minimum of 24 months and a  
12 maximum of 60 months, concurrent to count 7; Count 9 – life with the possibility of parole  
13 after a minimum of 15 years, plus a consecutive life with the possibility of parole after a  
14 minimum of 15 years for the deadly weapon enhancement; Counts 10-14 – life with the  
15 possibility of parole after 5 years, plus a consecutive life with the possibility of parole after 5  
16 years, all concurrent to Count 9. Petitioner received 2,626 days for credit time served.<sup>1</sup>

17 The Judgment of Conviction was filed on October 22, 2012. Petitioner filed a Notice  
18 of Appeal on October 24, 2012. The Nevada Supreme Court affirmed the Judgment of  
19 Conviction on March 12, 2014. Remittitur issued on April 30, 2014.

20 On March 25, 2015, Petitioner filed a post-conviction Petition for Writ of Habeas  
21 Corpus (“First Petition”). The State filed its Response on June 2, 2015. The Court denied  
22 Petitioner’s First Petition on June 18, 2015. The Findings of Fact, Conclusions of Law and  
23 Order were filed on July 15, 2015. On July 30, 2015, Petitioner filed a Notice of Appeal. On  
24 July 13, 2016, the Nevada Supreme Court affirmed the denial of the First Petition. Slaughter  
25 v. State, Docket No. 68532 (Order of Affirmance, July 13, 2016). Remittitur issued on August  
26 8, 2016.

27 ///

28 <sup>1</sup>Petitioner was not adjudicated guilty as to Count 4, due to his right against double jeopardy.

1 On February 12, 2016, while the appeal from this First Petition was pending, Petitioner  
2 filed a second post-conviction Petition for Writ of Habeas Corpus (“Second Petition”). The  
3 State filed its Response on April 6, 2016. The Court held a hearing on the Second Petition on  
4 April 28, 2016. This Court denied the Second Petition. Petitioner filed a Notice of Appeal. The  
5 Nevada Supreme Court affirmed the denial of the Second Petition. Slaughter v. State, Docket  
6 No. 70676-COA (Order of Affirmance, Apr. 19, 2017). Remittitur issued April 19, 2017.

7 On August 8, 2017, Petitioner filed an Amended Petition for a Writ of Habeas Corpus  
8 Pursuant to 28 U.S.C. § 2254 before the federal District of Nevada, asserting may of the same  
9 claims Petitioner raises in the instant matter. Petitioner has filed a total of three separate  
10 Petitions in the federal case, and this matter appears to be ongoing.

11 Petitioner filed a third Petition for Writ of Habeas Corpus (Post-Conviction) (“Third  
12 Petition”) on November 20, 2018, in case A-18-784824-W. The State filed its Response on  
13 December 19, 2018. On March 7, 2019, the Court denied the Petition. The Findings of Fact,  
14 Conclusions of Law, were filed on April 11, 2019. On May 6, 2019, Petitioner filed a Notice  
15 of Appeal. On October 20, 2020, the Nevada Supreme Court affirmed the denial of the Third  
16 Petition. Slaughter v. State, Docket No. 78760 (Order of Affirmance, Oct. 15, 2020).  
17 Remittitur issued on November 9, 2020.

18 On March 27, 2020, while the appeal of his Third Petition was still pending, Petitioner  
19 filed a fourth Petition for Writ of Habeas Corpus (Post-Conviction) (“Fourth Petition”). This  
20 Court herein denies the Fourth Petition and sets forth its reasoning for doing so as follows.

### 21 ANALYSIS

#### 22 **PETITIONER’S CLAIMS ARE BARRED FROM CONSIDERATION UNDER THE** 23 **LAW OF THE CASE DOCTRINE**

24 In the instant Fourth Petition, Petitioner raises the same eleven claims presented in his  
25 Third Petition. In an attempt to overcome the procedural bars to his substantive claims, he also  
26 repeats the same good cause and prejudice and actual innocence arguments from his Third  
27 Petition. In affirming denial of his Third Petition, the Nevada Supreme Court considered these  
28 claims and rejected them. Slaughter v. State, Docket No. 78760 (Order of Affirmance, Oct.

1 15, 2020). The Nevada Supreme Court’s decision in this matter is now law of the case, and  
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8 Petitioner contends that in his Fourth Petition he has provided new evidence in support  
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20 Nev. 411, 427, 423 P.3d 1084, 1100-01 (2018). Accordingly, the law of the case doctrine bars  
21 consideration of Petitioner’s claims.


22 Petitioner has not overcome the procedural bars to his untimely and successive Fourth  
23 Petition. In an attempt to overcome these bars, he has re-raised the same arguments presented  
24 in his Fourth Petition. These claims have been rejected by the Nevada Supreme Court, and are  
25 now barred under the law of the case doctrine. Therefore, consideration of Petitioner’s claims  
26 is barred, and the Fourth Petition must be denied.

27 ///

28 ///

**ORDER**

THEREFORE, IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus  
Dated this 8th day of February, 2021  
(Post-Conviction) shall be, and it is, hereby denied.



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

248 B40 3CCD 72C0  
Tierra Jones  
District Court Judge

BY /s/ KAREN MISHLER  
KAREN MISHLER  
Chief Deputy District Attorney  
Nevada Bar #013730

**CERTIFICATE OF ELECTRONIC TRANSMISSION**

I hereby certify that service of the above and foregoing was made this 4th day of  
February, 2021, by electronic transmission to:

JEREMY C. BARON, Asst. Fed. Public Defender  
Email: jeremy baron@fd.org

BY: /s/ J. HAYES  
Secretary for the District Attorney's Office

KM/jh/MVU

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Rickie Slaughter, Plaintiff(s)

CASE NO: A-20-812949-W

7 vs.

DEPT. NO. Department 10

8 Charles Daniels, 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 Findings of Fact, Conclusions of Law and Order was served via the  
13 court's electronic eFile system to all recipients registered for e-Service on the above entitled  
case as listed below:

14 Service Date: 2/8/2021

15 Dept 3 Law Clerk

dept03lc@clarkcountycourts.us

16 Richard Chavez

richard\_chavez@fd.org

17 Jeremy Baron

jeremy\_baron@fd.org

18 Alexander Chen

Motions@clarkcountyda.com

19 ECF Notifications NCH Unit

ecf\_nvnych@fd.org

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Writ of Habeas Corpus**

**COURT MINUTES**

**June 11, 2020**

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A-20-812949-W      Rickie Slaughter, Plaintiff(s)  
vs.  
Charles Daniels, Defendant(s)

---

**June 11, 2020**

**3:30 PM**

**All Pending Motions**

**HEARD BY:** Herndon, Douglas W.

**COURTROOM:** RJC Courtroom 16C

**COURT CLERK:** Kory Schlitz

**RECORDER:** Stacey Ray

**REPORTER:**

**PARTIES**

**PRESENT:**

Baron, Jeremy C.

Attorney

Di Giacomo, Marc P.

Attorney

**JOURNAL ENTRIES**

- PETITION FOR WRIT OF HABEAS CORPUS... MOTION FOR THE COURT TO TAKE JUDICIAL NOTICE OF THE FILINGS IN MR. SLAUGHTER'S PRIOR CASES... STATE'S RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) AND STATE'S MOTION TO DISMISS PETITION PURSUANT TO NRS 34.800...

Defendant not present and in custody in the Nevada Department of Corrections. Upon Court's inquiry, Mr. Baron stated they filed the Petition for Writ in November of 2018, and there was argument in March of 2019, adding at the time of argument, the Court stated it's intent to dismiss the Petition based on the procedural bars. Mr. Baron stated they got an order from the Federal Court Judge, who is handling the Federal Post Conviction proceedings, allowing the Defense to dispose Mr. Di Giacomo. Mr. Baron stated if the Court intends to apply the procedural bars in this case, the Defense would appeal and try and consolidate the cases into one, since their goal is to try to get the information from both cases before the Court, and the Defense is requesting the Court exercise it's jurisdiction today. Mr. Di Giacomo stated he does not understand the Defense's position as it relates to jurisdiction, since the Court denied the issue, and this is the fourth petition in which the same grounds are being raised. Mr. Di Giacomo indicated the State feels that this Court does not have jurisdiction, and if this matter is really about judicial economy, the Court should hold the petition in

abeyance pending the decision of the Nevada Supreme Court, since ultimately they have stated they will not review it as it relates to this particular issue. Upon Court's inquiry, Mr. Baron stated the case before the Supreme Court has been fully briefed and is pending a decision. Mr. Baron stated this Court has jurisdiction, and it is appropriate for this Court to decide this matter. COURT STATED they have issues deciding matters which were previously denied, and then appealed to the Supreme Court, and then submitted in a new Petition; and this COURT FINDS it is appropriate for the Supreme Court to issue their decision on the appeals before moving forward on the fourth Petition and this matter will be held in abeyance. COURT ORDERED, status check SET.

NDC

8/13/2020 9:00 A.M. STATUS CHECK: PETITION

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Writ of Habeas Corpus**

**COURT MINUTES**

**August 13, 2020**

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A-20-812949-W	Rickie Slaughter, Plaintiff(s) vs. Charles Daniels, Defendant(s)
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<b>August 13, 2020</b>	<b>3:30 PM</b>	<b>Status Check</b>	<b>Status Check: Petition for Writ of Habeas Corpus</b>
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**HEARD BY:** Herndon, Douglas W.

**COURTROOM:** RJC Courtroom 16C

**COURT CLERK:** Kory Schlitz

**RECORDER:** Stacey Ray

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Defendant not present; Deputy District Attorney Ashley Lacher present on behalf of the State.

COURT STATED Mr Di Giacomo reached out to the Court, adding the Supreme Court has not reached a decision yet, and the Court would continue the matter, noting his presence was not required. COURT ORDERED, matter CONTINUED.

NDC

CONTINUED TO: 11/12/2020 9:00 A.M.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Writ of Habeas Corpus**

**COURT MINUTES**

**November 16, 2020**

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A-20-812949-W      Rickie Slaughter, Plaintiff(s)  
vs.  
Charles Daniels, Defendant(s)

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**November 16, 2020      8:30 AM      Status Check**

**HEARD BY:** Jones, Tierra      **COURTROOM:** RJC Courtroom 14B

**COURT CLERK:** Ro'Shell Hurtado

**RECORDER:** Victoria Boyd

**REPORTER:**

**PARTIES**

**PRESENT:** Baron, Jeremy C.      Attorney

**JOURNAL ENTRIES**

- Arguments by counsel. Following arguments, COURT ORDERED, matter DENIED.

NDC

# Certification of Copy

State of Nevada }  
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER; NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER; DISTRICT COURT MINUTES

RICKI SLAUGHTER,

Plaintiff(s),

vs.

CHARLES DANIELS, Director, Nevada  
Department of Corrections; MARTIN L. FRINK,  
Warden, Saguaro Correctional Center; RENEE  
BAKER, ex-Warden, Ely State Prison; AARON  
FORD, Attorney General of the State of Nevada,

Defendant(s),

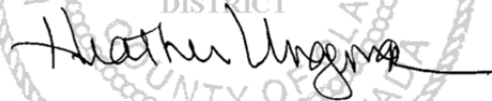
Case No: A-20-812949-W

Dept No: X

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 8 day of March 2021.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk