

*Steven D. Grierson*

1 Corey Johnson 95007

2 Corey Johnson / In Proper Person

3 P.O. Box 650

4 Indian Springs Nv 89070

Electronically Filed  
May 03 2021 10:07 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

5  
6 8<sup>th</sup> District Court  
7 Clerk County Nevada  
8

9 Corey Johnson

Case No: A-20-821716-W

10 Petitioner

Dept No: 15

11 v

12 State of Nevada

13 Respondents

14  
15 "Notice of Appeal"

16  
17 Notice is hereby given that Petitioner,  
18 Corey Johnson, by And through himself in  
19 Pro Per Person does now Appeal to the  
20 Supreme Court of the State of Nevada, the  
21 decision of the District Court to deny  
22 Petitioners Writ of Habeas Corpus in  
23 Case Number A-20-821716-W

24  
25 Dated this 4 day of April 2021

26  
27 Respectfully Submitted

28 Corey Johnson

In Pro Per Person

RECEIVED

APR 26 2021

CLERK OF THE COURT

Docket 82837 Document 2021-12558

**CERTIFICATE OF SERVICE BY MAILING**

I, Corey Johnson, hereby certify, pursuant to NRCP 5(b), that on this 7  
day of April, 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:

Nevada Atty General  
555 E. Washington  
3900  
Las Vegas NV 89001

CC:FILE

DATED: this 7 day of April, 2021

Corey Johnson # 9300  
Corey Johnson /In Propria Personam  
Post Office box 650 [HDSP]  
Indian Springs, Nevada 89018  
**IN FORMA PAUPERIS:**

AFFIRMATION  
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding \_\_\_\_\_

Notice of Appeal  
(Title of Document)

filed in District Court Case number A-20-821716-W

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

-OR-

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

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

\_\_\_\_\_  
(State specific law)

-or-

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

[Signature]  
Signature

4/10/21  
Date

Corey Johnson  
Print Name

\_\_\_\_\_  
Title

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USPS PRIORITY MAIL

ICTOR JOHNSON  
LAS VEGAS STATE MAIL SERVICES  
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LAS VEGAS NV 89101

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APR 26 2021

SHIP REGIONAL JUSTICE CENTER

TO: 200 LEWIS AVE

LAS VEGAS NV 89101-6300

CLERK OF THE COURT

e.

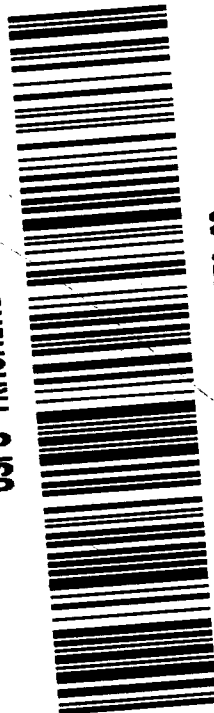
insurance (restrictions apply).  
international destinations.

form is required.

insurance exclusions see the

terms and limitations of coverage.

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FROM:

Corey Johnson

HDSP 95007

P.O. Box 650

Indian Springs NV

89078

TO:

Regional Justice Center

Att. Clerk of Court

Dept. B

200 Lewis Ave

Las Vegas NV 89155

BOX 1 OF 1  
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1 ASTA

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

9 COREY JOHNSON,

10 Plaintiff(s),

11 vs.

12 STATE OF NEVADA,

13 Defendant(s),

Case No: A-20-821716-W

Dept No: XXIV

14  
15  
16 **CASE APPEAL STATEMENT**

17  
18 1. Appellant(s): Corey Johnson

19 2. Judge: Joe Hardy

20 3. Appellant(s): Corey Johnson

21 Counsel:

22 Corey Johnson #95007  
23 P.O. Box 650  
24 Indian Springs, NV 89070

25 4. Respondent (s): State of Nevada

26 Counsel:

27 Aaron D. Ford, Attorney General  
28 555 E. Washington Ave., Ste. 3900  
Las Vegas, NV 89101-1068

- 1 5. Appellant(s)'s Attorney Licensed in Nevada: N/A  
2 Permission Granted: N/A  
3 Respondent(s)'s Attorney Licensed in Nevada: Yes  
4 Permission Granted: N/A  
5 6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No  
6 7. Appellant Represented by Appointed Counsel On Appeal: N/A  
7 8. Appellant Granted Leave to Proceed in Forma Pauperis\*\*: Yes, September 25, 2020  
8 \*\*Expires 1 year from date filed  
9 Appellant Filed Application to Proceed in Forma Pauperis: N/A  
10 Date Application(s) filed: N/A  
11 9. Date Commenced in District Court: September 23, 2020  
12 10. Brief Description of the Nature of the Action: Civil Writ  
13 Type of Judgment or Order Being Appealed: Civil Writ of Habeas Corpus  
14 11. Previous Appeal: No  
15 Supreme Court Docket Number(s): N/A  
16 12. Child Custody or Visitation: N/A  
17 13. Possibility of Settlement: Unknown

18 Dated This 28 day of April 2021.

19 Steven D. Grierson, Clerk of the Court

20 /s/ Heather Ungermann

21 Heather Ungermann, Deputy Clerk  
22 200 Lewis Ave  
23 PO Box 551601  
24 Las Vegas, Nevada 89155-1601  
25 (702) 671-0512

26 cc: Corey Johnson  
27  
28

## EIGHTH JUDICIAL DISTRICT COURT

# CASE SUMMARY

## CASE NO. A-20-821716-W

Corey Johnson, Plaintiff(s)  
vs.  
Nevada State of, Defendant(s)

§  
§  
§  
§  
§

Location: Department 24  
Judicial Officer: Ballou, Erika  
Filed on: 09/23/2020  
Case Number History:  
Cross-Reference Case Number: A821716

### CASE INFORMATION

#### Statistical Closures

11/25/2020 Summary Judgment

Case Type: Writ of Habeas Corpus  
Subtype: Time Computation Writ

Case Status: 11/25/2020 Closed

### DATE

### CASE ASSIGNMENT

#### Current Case Assignment

Case Number A-20-821716-W  
Court Department 24  
Date Assigned 01/04/2021  
Judicial Officer Ballou, Erika

### PARTY INFORMATION

Plaintiff Johnson, Corey

Lead Attorneys

Pro Se

Defendant Nevada State of


Samuels, Katrina A  
Retained  
702-486-3770(W)


### DATE


### EVENTS & ORDERS OF THE COURT


### INDEX


#### EVENTS


09/23/2020  Inmate Filed - Petition for Writ of Habeas Corpus  
*Petition for Writ of Habeas Corpus*

09/23/2020  Application to Proceed in Forma Pauperis  
*Application to Proceed in forma Pauperis*















09/25/2020  Order to Proceed In Forma Pauperis  
*Order Granting Application to Proceed in Forma Pauperis*

09/28/2020  Order for Petition for Writ of Habeas Corpus  
*Order for Petition for Writ of Habeas Corpus*

10/14/2020  Petition  
Filed by: Plaintiff Johnson, Corey  
*Petition for Emergency Preliminary Injunction and Judicial Review*








10/14/2020  Notice of Motion  
Filed By: Plaintiff Johnson, Corey  
*Notice of Motion*

**CASE SUMMARY**  
**CASE NO. A-20-821716-W**



10/26/2020	 Motion Filed By: Plaintiff Johnson, Corey <i>"Emergency Motion for Judicial Review and Preliminary Injunction "</i>
10/26/2020	 Notice of Motion Filed By: Plaintiff Johnson, Corey <i>Notice of Motion</i>
10/26/2020	 Petition for Writ of Mandamus Filed by: Plaintiff Johnson, Corey <i>Petition for Writ of Mandamus</i>
10/26/2020	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
10/26/2020	 Notice of Motion Filed By: Plaintiff Johnson, Corey <i>Notice of Motion</i>
11/12/2020	 Response Filed by: Defendant Nevada State of <i>Response to Petition for Writ of Habeas Corpus</i>
11/12/2020	 Exhibits Filed By: Defendant Nevada State of <i>Index of Exhibits and Exhibits</i>
11/23/2020	 Motion to Dismiss Filed By: Defendant Nevada State of <i>Motion to Dismiss</i>
11/25/2020	 Clerk's Notice of Hearing <i>Clerk's Notice of Hearing</i>
11/25/2020	 Decision and Order <i>Decision and Order</i>
12/03/2020	 Notice of Entry of Order Filed By: Defendant Nevada State of <i>Notice of Entry of Order</i>
12/08/2020	 Amended Petition Filed By: Plaintiff Johnson, Corey <i>Amended Petition Requesting Expeditious Judicial Review</i>
12/08/2020	 Notice of Motion Filed By: Plaintiff Johnson, Corey <i>Notice of Motion</i>
12/08/2020	 Response Filed by: Plaintiff Johnson, Corey <i>Response to Respondents Opposition to Petition for Writ of Habeas Corpus Emergency Motion and Petition for Review and Dismissal of Respondents Claims</i>



**CASE SUMMARY**  
**CASE NO. A-20-821716-W**


12/08/2020	 Notice of Motion Filed By: Plaintiff Johnson, Corey <i>Notice of Motion</i>
12/10/2020	 Exhibits Filed By: Defendant Nevada State of <i>Exhibits 13-15 to Response to Petition for Writ of Habeas Corpus, Parole Hearing Videos</i>
12/30/2020	 Motion Filed By: Plaintiff Johnson, Corey <i>Motion Prosecutorial Error</i>
01/04/2021	Case Reassigned to Department 24 <i>Judicial Reassignment to Judge Erika D. Ballou</i>
03/11/2021	 Motion for Appointment of Attorney Filed By: Plaintiff Johnson, Corey <i>Motion for Appointment of Counsel</i>
03/11/2021	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
04/26/2021	 Notice of Appeal <i>Notice of Appeal</i>
04/28/2021	 Case Appeal Statement Filed By: Plaintiff Johnson, Corey <i>Case Appeal Statement</i>

**HEARINGS**

11/20/2020	 <b>Petition for Writ of Habeas Corpus</b> (3:00 AM) (Judicial Officer: Hardy, Joe) Minute Order - No Hearing Held; Journal Entry Details: <i>COURT ORDERED Petitioner s Petition for Writ of Habeas Corpus is hereby DENIED WITHOUT PREJUDICE, FINDING: (1) Petitioner violated the terms and conditions of his parole by absconding; (2) Petitioner was afforded due process during his preliminary hearing and parole violation hearing; and (3) Petitioner is not entitled to his original parole expiration date or the restoration of credits he earned during his absconding in conformity with NRS 213.15185. CLERK'S NOTE: A copy of this minute order was e-mailed to: Allison Herr, DAG [aherr@ag.nv.gov] and Rikki Garate, DAG [rgarate@ag.nv.gov]. A copy of this minute order was mailed to: Corey Johnson #95007 [High Desert State Prison P.O. Box 650 Indian Springs, NV 89070]. (KD 11/23/2020);</i>
11/23/2020	 <b>Minute Order</b> (3:00 AM) (Judicial Officer: Villani, Michael) Minute Order - No Hearing Held; Journal Entry Details: <i>Pursuant to EDCR 1.31 Criminal Presiding Judge (b) (4) and for good cause appearing that due to the matter being deemed a Time Computation hereby randomly assigned to Department 15, for the Petition for Writ of Habeas Corpus. ;</i>
12/01/2020	<b>CANCELED Petition for Writ of Mandamus</b> (3:00 AM) (Judicial Officer: Hardy, Joe) <i>Vacated</i> <i>Plaintiff's Petition for Writ of Mandamus</i>
12/04/2020	<b>CANCELED Motion to Dismiss</b> (3:00 AM) (Judicial Officer: Hardy, Joe) <i>Vacated - Moot</i>

EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**  
**CASE NO. A-20-821716-W**

04/15/2021	<p><i>AG's Motion to Dismiss</i></p> <p> <b>Motion for Appointment of Attorney</b> (3:00 AM) (Judicial Officer: Ballou, Erika)</p> <p><i>Plaintiff's Motion for Appointment of Counsel</i></p> <p>Granted;</p> <p>Journal Entry Details:</p> <p><i>Pursuant to NRS 34.750, Petitioner s Motion for Appointment of Attorney is hereby GRANTED. CLERK'S NOTE: This Minute Order was mailed to: Corey Johnson #95007, P.O.Box 650, Indian Springs, NV, 89070.//04.15.21rh;</i></p>	
DATE	FINANCIAL INFORMATION	
	<p><b>Plaintiff</b> Johnson, Corey</p> <p>Total Charges</p> <p>Total Payments and Credits</p> <p><b>Balance Due as of 4/28/2021</b></p>	<p>270.00</p> <p>270.00</p> <p><b>0.00</b></p>

## DISTRICT COURT CIVIL COVER SHEET

County, Nevada

CASE NO: A-20-821716-W

Department 15

Case No. ....

(Assigned by Clerk's Office)

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

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

Greg Johnson #95007

HDSP Po Box 650

Indian Springs NV 89070

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

Nevada State of

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 checked="" 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.

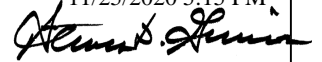
9-23-2020

Date

Prepared by the Clerk

Signature of initiating party or representative

See other side for family-related case filings.

  
CLERK OF THE COURT

1 **DAO**

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

5 COREY JOHNSON,

6 Petitioner,

7 vs.

8 STATE OF NEVADA,

9 Respondents.

Case No. A-20-821716-W

Dept. No. XV

10  
11 **DECISION AND ORDER**

12 THIS CAUSE came before the Honorable Joe Hardy on November 20, 2020, for review of Corey  
13 Johnson's Petition for Writ of Habeas Corpus (Post-Conviction) ("Petition") filed on September 23,  
14 2020. Respondents filed a response on November 12, 2020. At the hearing, the Court did not entertain  
15 argument. Pursuant to NRS 34.770(2), the Court makes its decision based solely upon the pleadings  
16 without the need of an evidentiary hearing.

17 THE COURT FINDS that Petitioner Corey Johnson ("Mr. Johnson") is currently incarcerated at  
18 High Desert State Prison and is serving time for criminal acts he committed on or about May 19, 2009  
19 (*Case No. 10C263976*); on or about September 25, 2009 (*Case No. 09C260737*); and on or between  
20 February 1, 2010 and February 24, 2010 (*Case No. 10C264344*). The Eighth Judicial District Court  
21 adjudicated Mr. Johnson guilty of Burglary (*Case No. 10C263976*), Attempt Theft (*Case No.*  
22 *09C260737*), and Possession or Sale of Document or Personal Identifying Information (*Case No.*  
23 *10C264344*), all category B felonies.

24 THE COURT FURTHER FINDS that Mr. Johnson was sentenced to three concurrent terms of  
25 twenty years in prison with a minimum parole eligibility of five years.

26 THE COURT FURTHER FINDS that on March 31, 2017, Mr. Johnson was paroled on all three  
27 cases with a parole expiration date of November 30, 2019 (*Case Nos. 10C263976 and 10C264344*) and  
28 December 1, 2019 (*Case No. 09C260737*). After being paroled, Mr. Johnson violated the terms and

1 conditions of his parole by absconding and was arrested on April 14, 2019. During Mr. Johnson's parole  
2 revocation hearing, on June 25, 2019, he was reinstated back on parole pending supervised release on  
3 October 1, 2019. On August 22, 2019, Mr. Johnson absconded for the second time and was arrested.  
4 During Mr. Johnson's second parole revocation hearing, the parole board revoked his parole to expiration  
5 with no loss of statutory credit earned prior to the date of his revocation. Mr. Johnson's current expiration  
6 dates are October 7, 2022 (*Case No. 10C264344*), October 9, 2022 (*Case No. 09C260737*), and October  
7 24, 2022 (*Case No. 10C263976*). Mr. Johnson has now petitioned for writ of habeas corpus challenging  
8 his parole revocation.

9       WHEREFORE THE COURT CONCLUDES that an inmate may challenge the revocation of  
10 parole in a petition for writ of habeas corpus under NRS 34.360. *See also Anaya v. State*, 96 Nev. 119  
11 (1980), and *Hornback v. Warden*, 97 Nev. 98, 100 (1981). As a parole revocation proceeding involves  
12 the loss of liberty, it requires certain procedural due process protections for the parolee. *Anaya* at 122.  
13 Still, as a parole revocation hearing differs from a criminal prosecution, the full panoply of constitutional  
14 protections afforded a criminal defendant does not apply. *See Gagnon v. Scarpelli*, 411 U.S. 778 (1973);  
15 *Morrissey v. Brewer*, 408 U.S. 471, (1972). The United States Supreme Court, in *Gagnon* and *Morrissey*,  
16 outlined the minimal procedures necessary to revoke parole. Those procedures include a preliminary  
17 inquiry to determine whether there is probable cause to believe the parolee violated the conditions of his  
18 parole, notice of the alleged parole violations, a chance to appear and speak on his own behalf and to  
19 bring in relevant information, an opportunity to question persons giving adverse information, and written  
20 findings by the hearing officer, who must be "someone not directly involved in the case." *Morrissey* at  
21 485-87. If probable cause is found, the parolee is then entitled to a formal revocation hearing at which  
22 the same rights attach. *Gagnon* at 786. The function of the final revocation hearing is two-fold, as the  
23 parole board must determine whether the alleged violations occurred, and if "the facts as determined  
24 warrant revocation." *Morrissey* at 480; *see also Anaya* at 122.

25       WHEREFORE THE COURT FURTHER CONCLUDES that on August 22, 2019, Mr. Johnson  
26 absconded from parole supervision and was arrested. Mr. Johnson alleges that his escape was not a parole  
27 violation because he never "officially started parole" when he absconded from the Nevada Department  
28 of Corrections ("NDOC"). Specifically, Mr. Johnson believes that because he did not sign the parole

1 agreement, prior to his escape, he was technically a prisoner and not a parolee. However, Mr. Johnson  
2 was reinstated to parole on June 25, 2019, before he absconded on August 22, 2019. Mr. Johnson was  
3 physically housed at NDOC, but he was only there to be supervised while his release was pending. Mr.  
4 Johnson argues that he did not violate the conditions of his parole because his charges from his criminal  
5 case, stemming from his absconding on August 22, 2019, were dismissed. However, Mr. Johnson's  
6 criminal case is not the same as his parole violation hearing because one involves the filing of a criminal  
7 complaint for prosecution purposes and the other involves the administrative disciplinary process that  
8 determines the reinstatement or revocation of parole. Mr. Johnson was criminally charged by the State of  
9 Nevada and received a Notice of Charges from the Division of Parole and Probation for absconding.  
10 Even though Mr. Johnson's criminal charges were dismissed, he was still held liable for violating the  
11 conditions of parole. Because Mr. Johnson was still under the supervision of the Division of Parole and  
12 Probation, after he was reinstated and before he absconded, his right to due process was not violated.

13 WHEREFORE THE COURT FURTHER CONCLUDES that the purpose of a preliminary  
14 inquiry is to determine whether there is probable cause to believe a parolee violated the terms of his  
15 parole. NRS 213.15105. The United States Supreme Court has held that a parolee is entitled to certain  
16 notices, so that he may appear and speak on his own behalf during the inquiry and may also bring in  
17 relevant evidence if appropriate. Those mandates are codified at NRS 213.1511 thru 213.1515. In this  
18 case, the record shows that procedural due process protections were in place before and during the  
19 preliminary inquiry. On May 10, 2020, the hearing officer read the Notice of Charges aloud to Mr.  
20 Johnson. Mr. Johnson was charged with Escape and he entered a plea of not guilty. During the  
21 preliminary inquiry, Mr. Johnson affirmed that he had received copies of his violation report and  
22 indicated that he fully understood the charges and his rights during the violation process. Mr. Johnson  
23 stated he wanted to get all the information from his attorney to prove he did not escape so that he could  
24 fight his write up effectively. Mr. Johnson also stated that he wanted to call a witness, but his witness  
25 was not found. In addition, Mr. Johnson admitted that he was issued a notice of charges at the institutional  
26 level for escape. Since Mr. Johnson received notice of the violation, appeared at the preliminary inquiry,  
27 received copies of his violation report, indicated that he fully understood his charged and rights, spoke  
28 on his own behalf, and was provided the opportunity to bring in relevant evidence and present his defense,

1 his right to procedural due process was not violated. Mr. Johnson claims that his right to procedural due  
2 process was also violated because his preliminary inquiry was not held immediately after his arrest.  
3 Pursuant to NRS 213.1511 (3), except in cases where the parolee is a fugitive, the inquiry must be held  
4 at or reasonably near the place of the alleged violation or the arrest and within 15 working days after the  
5 arrest. Mr. Johnson was booked on the warrant that was issued when he absconded and for charges related  
6 to his criminal case. After being booked, Mr. Johnson had his preliminary inquiry. Mr. Johnson complains  
7 that his preliminary inquiry was held in Las Vegas while he appeared telephonically while in custody in  
8 Indian Springs, but this complaint is beyond the scope of a habeas petition and is not cognizable. The  
9 parole board is not involved in transporting parolees to and from the district court and the prison. Further,  
10 Mr. Johnson has failed to show how he was prejudiced by this transportation issue. Thus, the location in  
11 which Mr. Johnson's preliminary inquiry was held did not violate his right to procedural due process.


12 WHEREFORE THE COURT FURTHER CONCLUDES that on July 7, 2020, the Division of  
13 Parole and Probation held Mr. Johnson's parole violation hearing. During the hearing, Mr. Johnson  
14 acknowledged that he signed the hearing and advisement of rights document and he entered a plea of not  
15 guilty. During the hearing, the State and Mr. Johnson's counsel presented evidence and made arguments.  
16 Mr. Johnson also admitted to absconding while under supervision. After the parole board deliberated,  
17 Mr. Johnson was found guilty of absconding and the board determined that Mr. Johnson qualified for  
18 revocation. Mr. Johnson's parole was revoked to expiration and the credits he earned prior to his parole  
19 revocation were restored. Since the parole board heard arguments and reviewed evidence prior to  
20 deliberation, Mr. Johnson's parole revocation was not illegal and his right to procedural due process was  
21 not violated.

22 WHEREFORE THE COURT FURTHER CONCLUDES that the calculation of statutory credit  
23 for parolees is governed by NRS 213. 15185. Pursuant to NRS 213.15185, if a parolee absconded, the  
24 parole board will then determine the dates that the parolee was an absconder and the parolee will not  
25 receive credit for the timeframe he absconded. In this case, the parole board determined that on two  
26 separate occasions that Mr. Johnson had absconded from supervision while paroled. Specifically, Mr.  
27 Johnson absconded in July 2017 and was arrested in April 2019 and absconded again in August 2019 and  
28 was arrested in April 2020. Because Mr. Johnson absconded during those timeframes, he is not entitled

1 to credit for that timeframe regardless if the parole board reinstated him or revoked his parole. As  
2 reflected in Johnson's credit history, Mr. Johnson did not receive credit during the period he absconded.  
3 Because Mr. Johnson did not receive credit during the period of his absconding, his parole expiration  
4 dates correctly reflect the timeframe that his sentence will expire. Mr. Johnson believes that because the  
5 parole board did not forfeit the statutory credit, he earned prior to his parole revocation, he is also entitled  
6 to credit earned during his absconding period, but he is mistaken. The statutory credit that Mr. Johnson  
7 earned prior to his parole revocation reflects credit he earned while he was adhering to the terms and  
8 conditions of his parole. Once Mr. Johnson absconded, he was no longer in noncompliance and therefore  
9 could not earn credit. Mr. Johnson's credit history also reflects that Mr. Johnson did not lose any statutory  
10 credit except for the timeframe he violated the terms and conditions of parole. Since Mr. Johnson only  
11 lost statutory credit during his absconding and his expiration date properly reflects the expiration of his  
12 sentence, Mr. Johnson's constitutional right to be protected from excessive confinement, cruel and  
13 unusual punishment, and his right to due process were not violated. Due to Mr. Johnson violating the  
14 terms and conditions of his parole, his preliminary inquiry and parole revocation hearing did not violate  
15 his right to due process, his credits were properly forfeited, and he is not entitled to his original parole  
16 expiration dates.

17 THEREFORE, IT IS HEREBY ORDERED that Mr. Johnson's Petition for Writ of Habeas  
18 Corpus is DENIED WITHOUT PREJUDICE.

19 IT IS SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_ Dated this 25th day of November, 2020

20   
21 \_\_\_\_\_  
22 The Honorable Joe Hardy  
District Court Judge

23 Submitted by:

24 AARON D. FORD  
25 Attorney General

73A 955 E844 A689  
Joe Hardy  
District Court Judge

26 /s/ Katrina A. Samuels  
27 Katrina A. Samuels (Bar No. 13394)  
28 Deputy Attorney General



1 **CSERV**

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 Corey Johnson, Plaintiff(s)

CASE NO: A-20-821716-W

7 vs.

DEPT. NO. Department 15

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 Decision and Order was served via the court's electronic eFile system  
13 to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 11/25/2020

15 Marsha Landreth

mlandreth@ag.nv.gov

16 Rikki Garate

rgarate@ag.nv.gov

17 Katrina Samuels

KSamuels@ag.nv.gov

18 Cheryl Martinez

cjmartinez@ag.nv.gov

19 Lucas Combs

ljcombs@ag.nv.gov

20

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23

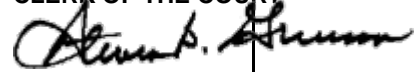
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NEOJ

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

COREY JOHNSON,

Petitioner,

Case No: A-20-821716-W

Dept. No: XV

vs.

STATE OF NEVADA,

Respondent,

**NOTICE OF ENTRY OF ORDER**

**PLEASE TAKE NOTICE** that on November 25, 2020, the court entered a decision or order in this matter, a true and correct copy of which is attached to this notice.

You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is mailed to you. This notice was mailed on December 3, 2020.

STEVEN D. GRIERSON, CLERK OF THE COURT

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk

**CERTIFICATE OF E-SERVICE / MAILING**

I hereby certify that on this 3 day of December 2020, I served a copy of this Notice of Entry on the following:

☒ By e-mail:

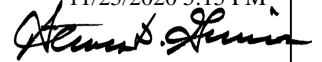
Clark County District Attorney's Office  
Attorney General's Office – Appellate Division-

☒ The United States mail addressed as follows:

Corey Johnson # 95007  
P.O. Box 650  
Indian Springs, NV 89070

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk

  
CLERK OF THE COURT

1 **DAO**

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

5 COREY JOHNSON,

6 Petitioner,

7 vs.

8 STATE OF NEVADA,

9 Respondents.

Case No. A-20-821716-W

Dept. No. XV

10  
11 **DECISION AND ORDER**

12 THIS CAUSE came before the Honorable Joe Hardy on November 20, 2020, for review of Corey  
13 Johnson's Petition for Writ of Habeas Corpus (Post-Conviction) ("Petition") filed on September 23,  
14 2020. Respondents filed a response on November 12, 2020. At the hearing, the Court did not entertain  
15 argument. Pursuant to NRS 34.770(2), the Court makes its decision based solely upon the pleadings  
16 without the need of an evidentiary hearing.

17 THE COURT FINDS that Petitioner Corey Johnson ("Mr. Johnson") is currently incarcerated at  
18 High Desert State Prison and is serving time for criminal acts he committed on or about May 19, 2009  
19 (*Case No. 10C263976*); on or about September 25, 2009 (*Case No. 09C260737*); and on or between  
20 February 1, 2010 and February 24, 2010 (*Case No. 10C264344*). The Eighth Judicial District Court  
21 adjudicated Mr. Johnson guilty of Burglary (*Case No. 10C263976*), Attempt Theft (*Case No.*  
22 *09C260737*), and Possession or Sale of Document or Personal Identifying Information (*Case No.*  
23 *10C264344*), all category B felonies.

24 THE COURT FURTHER FINDS that Mr. Johnson was sentenced to three concurrent terms of  
25 twenty years in prison with a minimum parole eligibility of five years.

26 THE COURT FURTHER FINDS that on March 31, 2017, Mr. Johnson was paroled on all three  
27 cases with a parole expiration date of November 30, 2019 (*Case Nos. 10C263976 and 10C264344*) and  
28 December 1, 2019 (*Case No. 09C260737*). After being paroled, Mr. Johnson violated the terms and

1 conditions of his parole by absconding and was arrested on April 14, 2019. During Mr. Johnson's parole  
2 revocation hearing, on June 25, 2019, he was reinstated back on parole pending supervised release on  
3 October 1, 2019. On August 22, 2019, Mr. Johnson absconded for the second time and was arrested.  
4 During Mr. Johnson's second parole revocation hearing, the parole board revoked his parole to expiration  
5 with no loss of statutory credit earned prior to the date of his revocation. Mr. Johnson's current expiration  
6 dates are October 7, 2022 (*Case No. 10C264344*), October 9, 2022 (*Case No. 09C260737*), and October  
7 24, 2022 (*Case No. 10C263976*). Mr. Johnson has now petitioned for writ of habeas corpus challenging  
8 his parole revocation.

9       WHEREFORE THE COURT CONCLUDES that an inmate may challenge the revocation of  
10 parole in a petition for writ of habeas corpus under NRS 34.360. *See also Anaya v. State*, 96 Nev. 119  
11 (1980), and *Hornback v. Warden*, 97 Nev. 98, 100 (1981). As a parole revocation proceeding involves  
12 the loss of liberty, it requires certain procedural due process protections for the parolee. *Anaya* at 122.  
13 Still, as a parole revocation hearing differs from a criminal prosecution, the full panoply of constitutional  
14 protections afforded a criminal defendant does not apply. *See Gagnon v. Scarpelli*, 411 U.S. 778 (1973);  
15 *Morrissey v. Brewer*, 408 U.S. 471, (1972). The United States Supreme Court, in *Gagnon* and *Morrissey*,  
16 outlined the minimal procedures necessary to revoke parole. Those procedures include a preliminary  
17 inquiry to determine whether there is probable cause to believe the parolee violated the conditions of his  
18 parole, notice of the alleged parole violations, a chance to appear and speak on his own behalf and to  
19 bring in relevant information, an opportunity to question persons giving adverse information, and written  
20 findings by the hearing officer, who must be "someone not directly involved in the case." *Morrissey* at  
21 485-87. If probable cause is found, the parolee is then entitled to a formal revocation hearing at which  
22 the same rights attach. *Gagnon* at 786. The function of the final revocation hearing is two-fold, as the  
23 parole board must determine whether the alleged violations occurred, and if "the facts as determined  
24 warrant revocation." *Morrissey* at 480; *see also Anaya* at 122.

25       WHEREFORE THE COURT FURTHER CONCLUDES that on August 22, 2019, Mr. Johnson  
26 absconded from parole supervision and was arrested. Mr. Johnson alleges that his escape was not a parole  
27 violation because he never "officially started parole" when he absconded from the Nevada Department  
28 of Corrections ("NDOC"). Specifically, Mr. Johnson believes that because he did not sign the parole

1 agreement, prior to his escape, he was technically a prisoner and not a parolee. However, Mr. Johnson  
2 was reinstated to parole on June 25, 2019, before he absconded on August 22, 2019. Mr. Johnson was  
3 physically housed at NDOC, but he was only there to be supervised while his release was pending. Mr.  
4 Johnson argues that he did not violate the conditions of his parole because his charges from his criminal  
5 case, stemming from his absconding on August 22, 2019, were dismissed. However, Mr. Johnson's  
6 criminal case is not the same as his parole violation hearing because one involves the filing of a criminal  
7 complaint for prosecution purposes and the other involves the administrative disciplinary process that  
8 determines the reinstatement or revocation of parole. Mr. Johnson was criminally charged by the State of  
9 Nevada and received a Notice of Charges from the Division of Parole and Probation for absconding.  
10 Even though Mr. Johnson's criminal charges were dismissed, he was still held liable for violating the  
11 conditions of parole. Because Mr. Johnson was still under the supervision of the Division of Parole and  
12 Probation, after he was reinstated and before he absconded, his right to due process was not violated.

13 WHEREFORE THE COURT FURTHER CONCLUDES that the purpose of a preliminary  
14 inquiry is to determine whether there is probable cause to believe a parolee violated the terms of his  
15 parole. NRS 213.15105. The United States Supreme Court has held that a parolee is entitled to certain  
16 notices, so that he may appear and speak on his own behalf during the inquiry and may also bring in  
17 relevant evidence if appropriate. Those mandates are codified at NRS 213.1511 thru 213.1515. In this  
18 case, the record shows that procedural due process protections were in place before and during the  
19 preliminary inquiry. On May 10, 2020, the hearing officer read the Notice of Charges aloud to Mr.  
20 Johnson. Mr. Johnson was charged with Escape and he entered a plea of not guilty. During the  
21 preliminary inquiry, Mr. Johnson affirmed that he had received copies of his violation report and  
22 indicated that he fully understood the charges and his rights during the violation process. Mr. Johnson  
23 stated he wanted to get all the information from his attorney to prove he did not escape so that he could  
24 fight his write up effectively. Mr. Johnson also stated that he wanted to call a witness, but his witness  
25 was not found. In addition, Mr. Johnson admitted that he was issued a notice of charges at the institutional  
26 level for escape. Since Mr. Johnson received notice of the violation, appeared at the preliminary inquiry,  
27 received copies of his violation report, indicated that he fully understood his charged and rights, spoke  
28 on his own behalf, and was provided the opportunity to bring in relevant evidence and present his defense,

1 his right to procedural due process was not violated. Mr. Johnson claims that his right to procedural due  
2 process was also violated because his preliminary inquiry was not held immediately after his arrest.  
3 Pursuant to NRS 213.1511 (3), except in cases where the parolee is a fugitive, the inquiry must be held  
4 at or reasonably near the place of the alleged violation or the arrest and within 15 working days after the  
5 arrest. Mr. Johnson was booked on the warrant that was issued when he absconded and for charges related  
6 to his criminal case. After being booked, Mr. Johnson had his preliminary inquiry. Mr. Johnson complains  
7 that his preliminary inquiry was held in Las Vegas while he appeared telephonically while in custody in  
8 Indian Springs, but this complaint is beyond the scope of a habeas petition and is not cognizable. The  
9 parole board is not involved in transporting parolees to and from the district court and the prison. Further,  
10 Mr. Johnson has failed to show how he was prejudiced by this transportation issue. Thus, the location in  
11 which Mr. Johnson's preliminary inquiry was held did not violate his right to procedural due process.


12 WHEREFORE THE COURT FURTHER CONCLUDES that on July 7, 2020, the Division of  
13 Parole and Probation held Mr. Johnson's parole violation hearing. During the hearing, Mr. Johnson  
14 acknowledged that he signed the hearing and advisement of rights document and he entered a plea of not  
15 guilty. During the hearing, the State and Mr. Johnson's counsel presented evidence and made arguments.  
16 Mr. Johnson also admitted to absconding while under supervision. After the parole board deliberated,  
17 Mr. Johnson was found guilty of absconding and the board determined that Mr. Johnson qualified for  
18 revocation. Mr. Johnson's parole was revoked to expiration and the credits he earned prior to his parole  
19 revocation were restored. Since the parole board heard arguments and reviewed evidence prior to  
20 deliberation, Mr. Johnson's parole revocation was not illegal and his right to procedural due process was  
21 not violated.

22 WHEREFORE THE COURT FURTHER CONCLUDES that the calculation of statutory credit  
23 for parolees is governed by NRS 213. 15185. Pursuant to NRS 213.15185, if a parolee absconded, the  
24 parole board will then determine the dates that the parolee was an absconder and the parolee will not  
25 receive credit for the timeframe he absconded. In this case, the parole board determined that on two  
26 separate occasions that Mr. Johnson had absconded from supervision while paroled. Specifically, Mr.  
27 Johnson absconded in July 2017 and was arrested in April 2019 and absconded again in August 2019 and  
28 was arrested in April 2020. Because Mr. Johnson absconded during those timeframes, he is not entitled

1 to credit for that timeframe regardless if the parole board reinstated him or revoked his parole. As  
2 reflected in Johnson's credit history, Mr. Johnson did not receive credit during the period he absconded.  
3 Because Mr. Johnson did not receive credit during the period of his absconding, his parole expiration  
4 dates correctly reflect the timeframe that his sentence will expire. Mr. Johnson believes that because the  
5 parole board did not forfeit the statutory credit, he earned prior to his parole revocation, he is also entitled  
6 to credit earned during his absconding period, but he is mistaken. The statutory credit that Mr. Johnson  
7 earned prior to his parole revocation reflects credit he earned while he was adhering to the terms and  
8 conditions of his parole. Once Mr. Johnson absconded, he was no longer in incompliance and therefore  
9 could not earn credit. Mr. Johnson's credit history also reflects that Mr. Johnson did not lose any statutory  
10 credit except for the timeframe he violated the terms and conditions of parole. Since Mr. Johnson only  
11 lost statutory credit during his absconding and his expiration date properly reflects the expiration of his  
12 sentence, Mr. Johnson's constitutional right to be protected from excessive confinement, cruel and  
13 unusual punishment, and his right to due process were not violated. Due to Mr. Johnson violating the  
14 terms and conditions of his parole, his preliminary inquiry and parole revocation hearing did not violate  
15 his right to due process, his credits were properly forfeited, and he is not entitled to his original parole  
16 expiration dates.

17 THEREFORE, IT IS HEREBY ORDERED that Mr. Johnson's Petition for Writ of Habeas  
18 Corpus is DENIED WITHOUT PREJUDICE.

19 IT IS SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_ Dated this 25th day, of November, 2020

20   
21 \_\_\_\_\_  
22 The Honorable Joe Hardy  
District Court Judge

23 Submitted by:

24 AARON D. FORD  
25 Attorney General

73A 955 E844 A689  
Joe Hardy  
District Court Judge

26 /s/ Katrina A. Samuels  
27 Katrina A. Samuels (Bar No. 13394)  
28 Deputy Attorney General

1 **CSERV**

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 Corey Johnson, Plaintiff(s)

CASE NO: A-20-821716-W

7 vs.

DEPT. NO. Department 15

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 Decision and Order was served via the court's electronic eFile system  
13 to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 11/25/2020

15 Marsha Landreth

mlandreth@ag.nv.gov

16 Rikki Garate

rgarate@ag.nv.gov

17 Katrina Samuels

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18 Cheryl Martinez

cjmartinez@ag.nv.gov

19 Lucas Combs

ljcombs@ag.nv.gov

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Writ of Habeas Corpus**

**COURT MINUTES**

**November 20, 2020**

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A-20-821716-W      Corey Johnson, Plaintiff(s)  
vs.  
Nevada State of, Defendant(s)

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**November 20, 2020      3:00 AM      Petition for Writ of Habeas  
Corpus**

**HEARD BY:** Hardy, Joe

**COURTROOM:** RJC Courtroom 11D

**COURT CLERK:** Kristin Duncan

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- COURT ORDERED Petitioner s Petition for Writ of Habeas Corpus is hereby DENIED WITHOUT PREJUDICE, FINDING: (1) Petitioner violated the terms and conditions of his parole by absconding; (2) Petitioner was afforded due process during his preliminary hearing and parole violation hearing; and (3) Petitioner is not entitled to his original parole expiration date or the restoration of credits he earned during his absconding in conformity with NRS 213.15185.

CLERK'S NOTE: A copy of this minute order was e-mailed to: Allison Herr, DAG [aherr@ag.nv.gov] and Rikki Garate, DAG [rgarate@ag.nv.gov]. A copy of this minute order was mailed to: Corey Johnson #95007 [High Desert State Prison P.O. Box 650 Indian Springs, NV 89070]. (KD 11/23/2020)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Writ of Habeas Corpus**

**COURT MINUTES**

**November 23, 2020**

---

A-20-821716-W      Corey Johnson, Plaintiff(s)  
vs.  
Nevada State of, Defendant(s)

---

**November 23, 2020      3:00 AM      Minute Order**

**HEARD BY:** Villani, Michael

**COURTROOM:** Chambers

**COURT CLERK:** Samantha Albrecht

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Pursuant to EDCR 1.31 Criminal Presiding Judge (b) (4) and for good cause appearing that due to the matter being deemed a Time Computation hereby randomly assigned to Department 15, for the Petition for Writ of Habeas Corpus.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Writ of Habeas Corpus**

**COURT MINUTES**

**April 15, 2021**

---

A-20-821716-W      Corey Johnson, Plaintiff(s)  
vs.  
Nevada State of, Defendant(s)

---

**April 15, 2021      3:00 AM      Motion for Appointment of  
Attorney**

**HEARD BY:** Ballou, Erika      **COURTROOM:** Chambers

**COURT CLERK:** Ro'Shell Hurtado

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Pursuant to NRS 34.750, Petitioner s Motion for Appointment of Attorney is hereby GRANTED.

CLERK'S NOTE: This Minute Order was mailed to: Corey Johnson #95007, P.O.Box 650, Indian Springs, NV, 89070.//04.15.21rh

# 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; DECISION AND ORDER; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES

COREY JOHNSON,

Plaintiff(s),

vs.

STATE OF NEVADA,

Defendant(s),

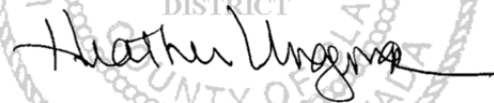
Case No: A-20-821716-W

Dept No: XXIV

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 28 day of April 2021.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk