

Heather L. Smith
CLERK OF THE COURT

Christopher Blockson ID NO. 50821

SOUTHERN DESERT CORRECTIONAL CTN.
20825 COLD CREEK RD.
P.O. BOX 208
INDIAN SPRINGS, NV 89070

Electronically Filed
May 17 2021 11:52 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

In the 8th Judicial Court of the
State of Nevada in and For the
County of Clark

The State of Nevada
Plaintiff

v.
Christopher Blockson
Defendant

CASE NO.: C-18-336552-1

DEPT. NO.: _____

DOCKET: _____

Notice of Appeal to The Nevada Supreme
Court of Motion to appoint Counsel and motion to
Modify and or correct illegal sentence, Ruled on
on April 14, 2021.

COMES NOW, defendant, Christopher Blockson, herein above respectfully
moves this Honorable Court for an transmission of Record on
above entitled case to Supreme Court For appeal of
Motion to appoint Counsel and motion to modify and or correct
illegal sentence.

This Motion is made and based upon the accompanying Memorandum of Points and
Authorities,

DATED: this 8 day of May, 2021

BY: Christopher Blockson

Christopher Blockson # 50821
Defendant In Proper Personam

RECEIVED

MAY 11 2021

CLERK OF THE COURT

CERTIFICATE OF SERVICE BY MAILING

I, Christopher Blockson, hereby certify, pursuant to NRCP 5(b), that on this 8th day of May, 2021, I mailed a true and correct copy of the foregoing, "Notice of Appeal to the Nevada Supreme Court of Motion to appoint Counsel and Motion to modify and/or correct illegal sentence" by placing document in a sealed pre-postage paid envelope and deposited said envelope in the United State Mail addressed to the following:

Steven D. Gierston,
Chief of the Court
200 Lewis Avenue, 3rd Floor
Las Vegas, Nevada 89155-1160

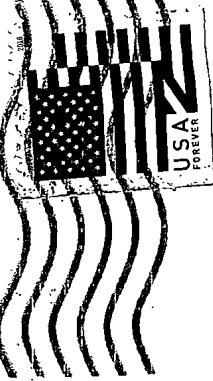
CC:FILE

DATED: this 8 day of May, 2021.

Christopher J. Blockson
Christopher Blockson #50821
/In Propria Personam
Post Office Box 208, S.D.C.C.
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

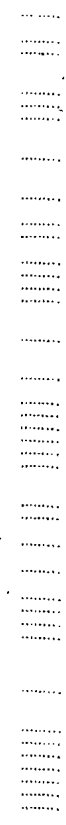
Christopher Blockson #50821
P.O. Box 208
Indian Springs, NV 89070

LAS VEGAS NV 890
7 MAY 2021 PM 5 L



Steven Obergson,
Clerk of the Court
200 Lewis Avenue 3rd Floor
Las Vegas, NV 89155-1160

000003-10163



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6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**
7 **STATE OF NEVADA IN AND FOR**
8 **THE COUNTY OF CLARK**
9

10 STATE OF NEVADA,

11 Plaintiff(s),

12 vs.

13 CHRISTOPHER BLOCKSON
14 aka CHRISTOPER LENARD BLOCKSON,

15 Defendant(s),

Case No: C-18-336552-1

Dept No: XXX

16
17 **CASE APPEAL STATEMENT**
18

19 1. Appellant(s): Christopher L. Blockson

20 2. Judge: Jerry A. Wiese

21 3. Appellant(s): Christopher L. Blockson

22 Counsel:

23 Christopher L. Blockson #50821
24 P.O. Box 208
Indian Springs, NV 89070

25 4. Respondent: The State of Nevada

26 Counsel:

27 Steven B. Wolfson, District Attorney
28 200 Lewis Ave.

Las Vegas, NV 89101
(702) 671-2700

5. Appellant(s)'s Attorney Licensed in Nevada: N/A
Permission Granted: N/A

Respondent(s)'s Attorney Licensed in Nevada: Yes
Permission Granted: N/A

6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No

7. Appellant Represented by Appointed Counsel On Appeal: Yes

8. Appellant Granted Leave to Proceed in Forma Pauperis: N/A

9. Date Commenced in District Court: November 29, 2018

10. Brief Description of the Nature of the Action: Criminal

Type of Judgment or Order Being Appealed: Misc. Order

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 78731, 81360, 82860

12. Child Custody or Visitation: N/A

Dated This 13 day of May 2021.

Steven D. Grierson, Clerk of the Court

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk
200 Lewis Ave
PO Box 551601
Las Vegas, Nevada 89155-1601
(702) 671-0512

cc: Christopher L. Blockson

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY**CASE NO. C-18-336552-1**

State of Nevada
vs
Christopher Blockson

§
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§

Location: **Department 30**
Judicial Officer: **Wiese, Jerry A.**
Filed on: **11/29/2018**
Cross-Reference Case Number: **C336552**
Defendant's Scope ID #: **1220853**
ITAG Booking Number: **1800056375**
ITAG Case ID: **2036722**
Lower Court Case # Root: **18F06094**
Lower Court Case Number: **18F06094X**
Metro Event Number: **1804043713**
Supreme Court No.: **78731**
82860

CASE INFORMATION

Offense	Statute	Deg	Date	Case Type:	Felony/Gross Misdemeanor
Jurisdiction: District Court					
1. CRUELTY TO ANIMALS PCN: 0025745275 ACN: 1804043713 Arrest: 04/04/2018 MET - Metro	574.100.5a	F	04/04/2018	Case Status:	01/21/2020 Closed
2. OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON	202.360.1	F	04/04/2018		
3. DISCHARGE OF FIREARM FROM OR WITHIN STRUCTURE OR VEHICLE	202.287.1b	F	04/04/2018		

Related Cases

A-20-810466-W (Writ Related Case)

Statistical Closures

01/21/2020 Guilty Plea with Sentence (before trial) (CR)

Bonds

Surety #CF150-70293692 \$28,000.00
10/17/2018 Active
4/26/2019 Exonerated
Counts: 1, 2, 3

DATE**CASE ASSIGNMENT****Current Case Assignment**

Case Number C-18-336552-1
Court Department 30
Date Assigned 11/29/2018
Judicial Officer Wiese, Jerry A.

PARTY INFORMATION

		Lead Attorneys
Defendant	Blockson, Christopher	Almase, Caesar V. <i>Retained</i> 702-463-5590(W)
Plaintiff	State of Nevada	Wolfson, Steven B 702-671-2700(W)

DATE**EVENTS & ORDERS OF THE COURT****INDEX****EVENTS**

11/29/2018











Criminal Bindover - Confidential

CASE SUMMARY
CASE NO. C-18-336552-1



Criminal Bindover (Confidential)

11/29/2018	 Criminal Bindover Packet Justice Court <i>Criminal Bindover</i>
11/29/2018	 Bail Bond
12/10/2018	 Information
12/21/2018	 Guilty Plea Agreement
01/23/2019	 PSI <i>Presentence Investigation Report (Unfiled) Confidential</i>
01/23/2019	 PSI - Defendant Statements
03/18/2019	 Motion to Dismiss Counsel Party: Defendant Blockson, Christopher <i>Motion to Dismiss Counsel and Appoint Alternative Counsel</i>
04/22/2019	 Judgment of Conviction <i>Judgment of Conviction (Plea of Guilty)</i>
05/02/2019	 Motion for Appointment of Attorney Filed By: Defendant Blockson, Christopher <i>Motion to Appoint Appellant Counsel</i>
05/02/2019	 Notice of Appeal (Criminal) Party: Defendant Blockson, Christopher <i>Notice of Appeal</i>
05/06/2019	 Case Appeal Statement Filed By: Defendant Blockson, Christopher
06/05/2019	 Order Granting Filed By: Plaintiff State of Nevada <i>Order Granting Defendant's Pro Per Notice of Appeal and Defendant's Pro Per Motion to Appoint Appellant Counsel</i>
07/22/2019	 Request Filed by: Defendant Blockson, Christopher <i>Appellant's Request for Transcripts</i>
07/22/2019	 Request Filed by: Defendant Blockson, Christopher <i>Appellant's Request for Transcripts</i>
08/15/2019	 Recorders Transcript of Hearing <i>Transcript of Hearing Held on December 10, 2018</i>
08/15/2019	 Recorders Transcript of Hearing <i>Transcript of Hearing Held on December 21, 2018</i>

CASE SUMMARY
CASE NO. C-18-336552-1

08/21/2019	 Reporters Transcript Filed By: Defendant Blockson, Christopher <i>Transcript of Hearing Held on April 9, 2019</i>
08/21/2019	 Reporters Transcript Filed By: Defendant Blockson, Christopher <i>Transcript of Hearing Held on April 16, 2019</i>
08/21/2019	 Reporters Transcript Filed By: Defendant Blockson, Christopher <i>Transcript of Hearing Held on May 23, 2019</i>
01/21/2020	 Criminal Order to Statistically Close Case
03/25/2021	 Motion for Appointment of Attorney Filed By: Defendant Blockson, Christopher <i>Motion for Appointment of Attorney and Motion to Modify Illegal Sentence</i>
04/14/2021	 Order <i>ORDER</i>
04/29/2021	 Notice of Appeal (Criminal) <i>Notice of Appeal</i>
04/30/2021	 Case Appeal Statement Filed By: Defendant Blockson, Christopher <i>Case Appeal Statement</i>
05/12/2021	 Notice of Appeal (Criminal) Party: Defendant Blockson, Christopher <i>Notice of Appeal to the Nevada Supreme Court of Motion to Appoint Counsel and Motion to Modify and or Correct Illegal Sentence Ruled on April 14, 2021</i>
05/13/2021	 Case Appeal Statement Filed By: Defendant Blockson, Christopher <i>Case Appeal Statement</i>

HEARINGS

12/10/2018	 Initial Arraignment (10:00 AM) (Judicial Officer: Johnson, Susan) Matter Continued; Journal Entry Details: <i>Deputized Law Clerk, Yu Meng, present for the State. David Fischer, Esq. present on behalf of Michael Troiano, Esq. for the Deft. Information FILED IN OPEN COURT. Mr. Fischer requested matter be continued two (2) weeks as Mr. Troiano is in trial. State indicated Deft. waived up on a negotiation which expires today and stated a Guilty Plea Agreement can be drafted within two (2) days. State submits to the Court regarding how long to continue matter. Court indicated plea should be entered before Christmas. COURT ORDERED, matter CONTINUED. BOND 12/21/2018 10:00 A.M. ARRAIGNMENT CONTINUED (LLA);</i>
12/21/2018	 Arraignment Continued (10:00 AM) (Judicial Officer: Wiese, Jerry A.) Plea Entered; Journal Entry Details: <i>Deputized Law Clerk Yu Meng appearing for the State. NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. DEFT. BLOCKSON ARRAIGNED AND</i>

CASE SUMMARY

CASE NO. C-18-336552-1

PLED GUILTY TO COUNT 1 - CRUELTY TO ANIMALS (F) and COUNT 2 - OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON (F). Court ACCEPTED plea and ORDERED, matter referred to the Division of Parole and Probation (P & P) and set for SENTENCING. Court DIRECTED Def. to report to P & P within 48 hours. Pursuant to negotiations, COURT FURTHER ORDERED, Count 3 is DISMISSED. BOND 4/16/19 8:30 AM SENTENCING (DEPT. 30);

04/09/2019



Motion to Dismiss (8:30 AM) (Judicial Officer: Wiese, Jerry A.)

04/09/2019, 04/16/2019

Defendant's Pro Per Motion to Dismiss Counsel and Appoint Alternative Counsel

Matter Continued;

Off Calendar;

Matter Continued;

Off Calendar;

Journal Entry Details:

John Parris, Esq., on behalf of Michael Troiano, Esq., for Defendant. Ms. Getler advised this was Ms. Ferreira's case and she did not have the case file. Mr. Parris requested a continuance for Mr. Troiano's presence. Defendant stated he did not want to file any motions, did not want to withdraw his plea, and did not want Mr. Troiano to speak on his behalf, however, wants to discuss bail. Defendant provided the Court letters of support to review before Sentencing.

COURT ORDERED, matter CONTINUED and DIRECTED Mr. Troiano to speak with Defendant regarding any concerns. Mr. Parris advised he would inform Mr. Troiano of the Court's directives. BOND CONTINUED TO: 04/16/19 8:30 AM;

04/16/2019

Sentencing (8:30 AM) (Judicial Officer: Wiese, Jerry A.)

Defendant Sentenced;

04/16/2019



All Pending Motions (8:30 AM) (Judicial Officer: Wiese, Jerry A.)

Matter Heard;

Journal Entry Details:

DEFENDANT'S PRO PER MOTION TO DISMISS COUNSEL AND APPOINT ALTERNATIVE COUNSEL...SENTENCING Mr. Troiano confirmed no issues pursuant to stockmeier and announced ready to proceed with Sentencing. DEFENDANT BLOCKSON ADJUDGED GUILTY of COUNT 1 - CRUELTY TO ANIMALS (F) and COUNT 2 - OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON (F). Ms. Ferreira advised Defendant picked up a new case and provided such report to the Court. Defendant provided letters to the Court for review and made a statement. CONFERENCE AT THE BENCH. Ms. Ferreira submitted on the negotiations. Argument by Mr. Troiano. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA analysis fee, including testing to determine genetic markers, \$3.00 DNA Collection fee, and \$250.00 Indigent Defense Civil Assessment fee, Defendant SENTENCED on COUNT 1 - to a MAXIMUM of FORTY- EIGHT (48) MONTHS and a MINIMUM of NINETEEN (19) MONTHS in the Nevada Department of Corrections (NDC) and on COUNT 2 - to a MAXIMUM of SEVENTY- TWO (72) MONTHS and a MINIMUM of TWENTY- EIGHT (28) MONTHS in the NDC, CONSECUTIVE to COUNT 1, for an AGGREGATE total of a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS and a MINIMUM of FORTY- SEVEN (47) MONTHS in the NDC with SEVENTY- FOUR (74) DAYS credit for time served. COURT FURTHER ORDERED, Count 3 - DISMISSED. Mr. Troiano requested to withdraw as Counsel for any post conviction. Defendant had no objection. COURT ORDERED, Mr. Troiano WITHDRAWN. BOND, if any, EXONERATED. NDC;

05/23/2019

Motion for Appointment of Attorney (8:30 AM) (Judicial Officer: Wiese, Jerry A.)

Defendant's Pro Per Motion to Appoint Appellant Counsel

Motion Granted;

05/23/2019

Hearing (8:30 AM) (Judicial Officer: Wiese, Jerry A.)

Defendant's Pro Per Notice of Appeal

Matter Heard;

05/23/2019



All Pending Motions (8:30 AM) (Judicial Officer: Wiese, Jerry A.)

Matter Heard;

Journal Entry Details:

CASE SUMMARY

CASE NO. C-18-336552-1

DEFENDANT'S PRO PER NOTICE OF APPEAL...DEFENDANT'S PRO PER MOTION TO APPOINT APPELLANT COUNSEL Defendant not present. Ms. Derjavina advised Defendant was sentenced on 04/16/19, Michael Troiano withdrew and was now requesting new counsel for the purposes of appeal. Ms. Derjavina had no objection to the appointment of counsel. COURT ORDERED, Defendant's Motion to Appoint Appellant Counsel GRANTED; Ceasar Almase APPOINTED. NDC CLERK'S NOTE: Department XXX's Law Clerk informed Caesar Almase, Esq., of the appointment. //05/23/19 vm;

04/15/2021

CANCELED Motion for Appointment of Attorney (8:30 AM) (Judicial Officer: Wiese, Jerry A.)

Vacated

Motion for Appointment of Attorney and Motion to Modify Illegal Sentence

**DISTRICT COURT
CLARK COUNTY, NEVADA
-oOo-**

STATE OF NEVADA,)
)
 Plaintiffs,) CASE NO.: C-18-336552-1
) DEPT. NO.: XXX
 vs.)
)
 CHRISTOPHER BLOCKSON,)
) **ORDER**
 Defendant.)
_____)

INTRODUCTION

The above-referenced is scheduled for a hearing on April 15, 2021, with regard to Defendant's Motion for Appointment of Attorney and Motion to Modify Illegal Sentence. Pursuant to the Administrative Orders of this Court, including A.O. 21-03, this matter may be decided after a hearing, decided on the pleadings, or continued. Additionally, pursuant to N.R.Cr.P. 8(2), this matter may be decided with or without oral argument. In an effort to comply with Covid-19 restrictions, and avoid the need for hearings if possible, this Court has determined that it would be appropriate to decide this matter on the pleadings, and consequently, this Order issues.

FACTUAL AND PROCEDURAL HISTORY

On 12/10/18, Defendant Christopher Blackson was charged in Case No. C336552 with: Count 1- Cruelty to Animals (Category D Felony- NRS 574.100.1a); Count 2- Ownership or Possession of Firearm by Prohibited Person (Category B Felony- NRS 202.360); and Count 3- Discharge of Firearm From or Within a Structure or Vehicle (Category B Felony- NRS 202.287).

In conformity with the allegations in the Information, Defendant pled guilty to willfully, unlawfully, maliciously and feloniously torturing, unjustifiably maiming or killing a Pit Bull dog, by shooting and/or stabbing and/or cutting said dog, and/or failing to get medical treatment for said dog. He was also charged with willfully, unlawfully, and feloniously owing, or having in his possession and/or under his custody or control, a Ruger .357 revolver after being convicted in 1996 of Possession of Controlled Substance with Intent to Sell, which is a felony under Nevada law.

1 Defendant argues that this case arose when his wife brought home a rescue dog,
2 which then attacked him.

3 Defendant was represented by Michael Troiano at the trial level. Pursuant to a
4 (Guilty Plea Agreement) GPA filed on 12/21/18, Defendant pled guilty to one count of
5 Cruelty to Animals and one count of Ownership or Possession of Firearm by Prohibited
6 Person on 04/16/19. Defendant was sentenced to 19-48 months on Count 1 and 28-72
7 months on Count 2, to run consecutive to Count 1. Defendant received an aggregate
8 sentence of 47 to 120 months with 74 days' credit for time served. The Court dismissed
9 Count 3. The JOC was filed on 04/22/19.

10 Defendant filed a Notice of Appeal on 05/02/19, and the Court appointed
11 counsel Caesar Almase, Esq. on 05/23/19. On 08/01/19, the Supreme Court filed an
12 Order indicating that there was some confusion about what lawyer was representing
13 the Defendant. It is unclear what happened at that point between Makris and Almase,
14 but Almase is currently listed on Odyssey as counsel of record in the instant case,
C336552, and Defendant is listed as pro se in A810466.

15 Defendant filed a Notice of Withdrawal of his appeal on 12/30/19, and the
16 Supreme Court filed an Order Dismissing Appeal on 01/16/20 in Case No. 78731,
17 indicating that Defendant had filed a notice of voluntary withdrawal of his direct
18 appeal.

19 Defendant then filed a Motion for Appointment of Attorney and post-conviction
20 Petition for Writ of Habeas Corpus (PWHC) in related case no. A810466 on 02/13/20,
21 in which he alleged that his sentence in Count 1 is illegal, because the State incorrectly
22 alleged that a violation of NRS 574.100(1)(a) was a felony. Defendant believed this
23 violation was actually a misdemeanor per statute; that his sentence on Count 1 was
24 illegal; and that his plea was thus not knowing, voluntary, or intelligent. Defendant
25 argued that because counsel did not catch the State's mistake, counsel was therefore
26 ineffective. Defendant also argued that he accepted the deal because it was better than
27 facing habitual treatment, and consequently, he did enter his plea knowingly and
28 voluntarily, and did not wish to withdraw his plea. Defendant filed a Motion for
Appointment of Counsel on 02/13/20 as well. That PWHC was set to be heard on
05/07/20, but was decided on the papers instead. An Order denying Defendant's first
PWHC was filed on 05/05/20, in which the District Court stated that Defendant

1 appeared to be misinterpreting NRS 574.100, because NRS 574.100(6) states in
2 relevant part that a person who "willfully and maliciously" violates NRS 574.100(1)(a)
3 "is guilty of a category D felony." Therefore, Defendant's argument that he was
4 mischarged was belied by the record, and counsel was consequently not ineffective and
5 appointment of counsel was unnecessary. Defendant's PWHC therefore lacked merit,
6 and Defendant failed to meet his burden in establishing that his Due Process rights
7 were violated.

8 Defendant appealed the 05/05/20 Order from A810466 to the Supreme Court
9 on 06/16/20. On 07/01/20, the Supreme Court filed an 'Order Directing Transmission
10 of Record and Regarding Briefing,' in which the Court concluded that its review of the
11 complete record is warranted. The Record on Appeal was transmitted on 07/02/20.
12 On 03/05/21, the Supreme Court filed an Order of Affirmance in 81360; Judgment was
13 issued on 03/31/21.

14 Now, Defendant has filed the instant 'Motion to Appoint Counsel and Motion to
15 Modify and/or Correct Illegal Sentence' on 03/25/21 in C336552.

16 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

17 This Court finds and concludes that Defendant's Motion makes the exact same
18 argument as in his post-conviction PWHC, in which Defendant claims that his sentence
19 on Count 1 is illegal because Cruelty to Animals should have been punished as a
20 misdemeanor rather than a Category D felony, and that the State "rewrote" the animal
21 cruelty statute in all of their filed documents with malicious intent to prosecute. The
22 Court notes that Defendant does not wish to withdraw his plea, but instead wishes to be
23 "re-sentenced on a violation of NRS 574.100(1)(a)" to 6 months with credit for time
24 served.

25 The Court notes that the State has not filed an Opposition.

26 Generally, a district court lacks jurisdiction to modify a sentence once the
27 defendant has started serving it. *Passanisi v. State*, 108 Nev. 318, 321, 831 P.2d 1371,
28 1373 (1992). However, a district court has jurisdiction to modify a defendant's
sentence, but only if (1) the district court actually sentenced appellant based on a
materially false assumption or mistake of fact about the defendant's criminal record
that worked to appellant's extreme detriment; and (2) the particular mistake at issue
was of the type that would rise to the level of a violation of due process. *Passanisi*, 108

1 Nev. at 322-23, 831 P.2d at 1373-74; see also *Edwards v. State*, 112 Nev. 704,707, 918
2 P.2d 321, 324 (1996). A “motion to correct an illegal sentence is an appropriate vehicle
3 for raising the claim that a sentence is facially illegal at any time; such a motion cannot
4 be used as a vehicle for challenging the validity of a judgment of conviction or sentence
5 based on alleged errors occurring at trial or sentencing.” *Edwards*, 112 Nev. at 708, 918
6 P.2d at 324. Motions to correct illegal sentences evaluate whether the sentence
7 imposed on the defendant is “at variance with the controlling statute, or illegal in the
8 sense that the court goes beyond its authority by acting without jurisdiction or
9 imposing a sentence in excess of the statutory maximum provided.” *Id.* (quoting *Allen*
10 *v. United States*, 495 A.2d 1145, 1149 (D.C. 1985)). Other claims attacking the
11 conviction or sentence are inappropriate for a motion for sentence modification and
12 must be raised by a timely filed direct appeal, a timely filed Petition for a Post-
13 Conviction Writ of Habeas Corpus per NRS 34.720-34.830, or other appropriate
14 motion. *Edwards*, 112 Nev. at 708, 918 P.2d at 324.

15 There does not appear to be a challenge to Defendant’s Conviction on Count 2 –
16 Ownership or Possession of Firearm by Prohibited Person (Category B Felony). It
17 appears that the Defendant’s challenge is only as to Count 1, and consequently, the
18 Court will focus on that specific challenge and count.

19 NRS 574.100 states in pertinent part the following:

20 **NRS 574.100 Torturing, overdriving, injuring or**
21 **abandoning animals; failure to provide proper sustenance;**
22 **requirements for restraining dogs and using outdoor**
23 **enclosures; horse tripping; penalties; exceptions.**

24 1. A person shall not:

25 (a) Torture or unjustifiably maim, mutilate or kill:

26 (1) An animal kept for companionship or pleasure, whether
27 belonging to the person or to another; or

28 (2) Any cat or dog;

....

6. A person who willfully and maliciously violates paragraph (a) of
subsection 1:

(a) Except as otherwise provided in paragraph (b), is guilty of a
category D felony and shall be punished as provided in NRS 193.130.

(b) If the act is committed in order to threaten, intimidate or terrorize
another person, is guilty of a category C felony and shall be punished as
provided in NRS 193.130.

....

(NRS 574.100).

1 According to the Judgment of Conviction (Plea of Guilty), the Defendant was
2 convicted of COUNT 1-CRUELTY TO ANIMALS (Category D Felony) in violation of
3 NRS 574.100(1)(a).

4 In reviewing the Guilty Plea Agreement signed by the Defendant, and filed
5 12/21/18, it is clear that the Defendant was pleading guilty to COUNT 1- CRUELTY TO
6 ANIMALS (Category D Felony – NRS 574.100.1a – NOC 55977), and the parties
7 stipulated on Count 1 to a sentence of “nineteen (19) to forty-eight (48) months in the
8 Nevada Department of Corrections.” (See GPA filed 12/21/18).

9 Most importantly, the Information filed 12/10/18, which was attached to the
10 Guilty Plea Agreement, specifically alleged with regard to Count 1, that Defendant “did
11 willfully, unlawfully, maliciously and feloniously torture or unjustifiably maim,
12 mutilate or kill a Pit Bull dog, by shooting and/or stabbing and/or cutting said dog,
13 and/or by failing to get medical treatment for said dog.” (See Information at pg. 2).

14 The Court finds that the “willful and malicious” charging language was
15 contained in the Information, and the Defendant clearly acknowledged that he was
16 pleading to a category D felony in that regard. Additionally, there was a “stipulated
17 sentence” of 19-48 months in prison relating to that charge.

18 When Mr. Blockson pled guilty, at the time of his arraignment, pursuant to the
19 GPA, he was canvassed in part as follows:

20 All right. Before I can accept your plea of guilty, I have to go through the
21 Information with you to make sure that there's a factual basis. It says on
22 or about the fourth day of April 2018 in Clark County, Nevada, contrary to
23 the laws of the State of Nevada, on Count One, you did willfully,
24 unlawfully, maliciously and feloniously torture or unjustifiably maim,
25 mutilate or kill a Pitbull dog by shooting or stabbing or cutting said dog
26 and/or failing to get medical treatment for said dog.

27 Count Two, ownership or possession of a firearm by a prohibited person,
28 you did willfully, unlawfully and feloniously own or have possession
and/or under your custody or control a firearm, to wit, a Ruger .357
revolver bearing serial number 575-15259, the Defendant being a
convicted felon having in 1996 being -- been convicted of possession of a
controlled substance with intent to sell in case C135719 in the Eighth
Judicial Court, a felony under the laws of the State of Nevada.

Did you do those things?

THE DEFENDANT: Yes, sir.

(See Transcript of Hearing, December 21, 2018, at pgs. 7-8)

1 The Court acknowledges that A Court may correct an illegal sentence at any
2 time. *Passanisi v. State*, 108 Nev. 318, 321, 831 P.2d 1371, 1372 (1992). If the Court
3 considers the merits of the Petition, with regard to Ground 1, it appears that the
4 Petitioner is misinterpreting NRS 574.100. NRS 574.100(6) states in relevant part that
5 a person who "willfully and maliciously" violates NRS 574.100(1)(a) "is guilty of a
6 category D felony." The Petitioner's argument that he was not charged with a violation
7 of NRS 574.100(1) is belied by the record, as the Information alleges this violation, and
8 indicates that he was being charged with the Category D felony portion of the statute.
9 The Court finds that the Information complies with NRS 173.075.

10 Defendant appears to request a modification of his sentence, but in general, a
11 District Court lacks jurisdiction to modify a sentence once a Defendant has started
12 serving it. *Passanisi v. State*, 108 Nev. 318, 322, 831 P.2d 1371, 1373 (1992) (overruled
13 on other grounds). A Court can correct a sentence if the Defendant can establish that
14 the sentence violates Due Process, and is based on a materially untrue assumption or
15 mistake of fact, that worked to the Defendant's extreme detriment. *Edwards v. State*,
16 112 Nev. 704, 707, 918 Pl2d 321, 324 (1996). Here, Defendant's claim is without merit,
17 as he failed to demonstrate that his sentence was illegal, that the State maliciously
18 prosecuted him, that it violated due process, that it was based on a materially untrue
19 assumption or mistake of fact, or that it worked to the Defendant's extreme detriment.
20 Plaintiff further indicates that he does not wish to withdraw his guilty plea. In essence,
21 Petitioner wants to receive the benefit of his GPA without serving the sentence that he
22 agreed to. This is inappropriate. *State v. Second Judicial Dist. Court in & for Ctv. of*
23 *Washoe*, 134 Nev. 384, 391, 21 P.3d 803, 808 (2018).

24 Although the Defendant argues that the State misrepresented the statute that he
25 was pleading guilty to, and that it should have been a misdemeanor, he does not argue
26 that the Guilty Plea Agreement was incomplete or misrepresented the charges. The
27 Court notes that at his Arraignment, the Defendant was specifically asked if he had read
28 and understood the Guilty Plea Agreement, as follows:

THE COURT: In looking at the Guilty Plea Agreement, it looks like you
signed it on page 6, dated December 21; did you sign it today?

THE DEFENDANT: Yes, sir.

THE COURT: Did you have a chance to read it? Did you understand it
before you signed it?

THE DEFENDANT: Yeah, I understood.

1 THE COURT: Okay. You had a chance to talk to Mr. Troiano about it and
2 he answered any questions you had about it?

3 THE DEFENDANT: Who is that?

4 THE COURT: This attorney standing next to you.

5 THE DEFENDANT: Oh, yeah. I talked to him.

6 THE COURT: Do you understand that by signing the Guilty Plea
7 Agreement you're agreeing that you read it and understood it; correct?

8 THE DEFENDANT: That's -- that's correct, sir.

9 THE COURT: You understand that by signing it you're giving up
10 important Constitutional rights like right to go to trial, confront your
11 accuser, to present evidence on your own behalf; do you understand that?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Are you currently under the influence of any alcohol,
14 medication, narcotics or any substance that might affect your ability to
15 understand these documents or the process that we're going through?

16 THE DEFENDANT: No, sir.

17 THE COURT: Are you currently suffering from any emotional or physical
18 distress that's caused you to enter this plea?

19 THE DEFENDANT: No, sir.

20 THE COURT: Do you understand that the range of punishment for this --
21 these charges as to Count One, it's up to one to four years and up to
22 \$5,000 fine, and Count Two is up to six years and up to a \$5,000 fine; do
23 you understand that?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Do you understand that sentencing is strictly up to the
26 Court, nobody can promise you probation, leniency or any special
27 treatment?

28 THE DEFENDANT: I understand.

THE COURT: Do you have any questions that you want to ask of me, your
attorney or the State before we go forward?

THE DEFENDANT: Are you the sentencing judge?

THE COURT: Am I what?

THE DEFENDANT: The sentencing judge --

THE COURT: I am in your case.

MR. TROIANO: Actually, yeah, he is.

THE COURT: And your case is assigned to Department 30, so I will be the
sentencing judge, but only after you do a PSI.

THE DEFENDANT: All right.

THE COURT: Any other questions?

THE DEFENDANT: No, sir.

THE COURT: Has your attorney made any promises to you that are not
contained in the Guilty Plea Agreement?

THE DEFENDANT: No.

THE COURT: Based on all the facts and circumstances, are you satisfied
with the services of your attorney?

THE DEFENDANT: Yes.

(See Transcript from Arraignment, December 21, 2018, at pgs. 5-7).

1 Defendant has also requested that counsel be appointed, but makes no specific
2 argument in that regard. He previously requested counsel in his civil case A-20-
3 810466-W, and such relief was denied by this Court. The Court notes that the 6th
4 Amendment to the Constitution does not provide a right to post-conviction counsel.
5 *Coleman v. Thompson*, 501 U.S. 722, 752, Ill S.Ct. 2546, 2566 (1991). See also
6 *McKague v. Warden*, 112 Nev. 159, 163, 912 P.2d 255, 258 (1996) (Extending
7 *Coleman*'s holding to NV). NRS 34.750(1) provides the Court with discretion to
8 appoint post-conviction counsel if the issues are difficult, the Defendant is unable to
9 comprehend the proceedings, or counsel is necessary to proceed with discovery. The
10 Court finds that none of those issues is present in this case.

11 This Court finds and concludes that the Defendant's claim that his sentence is
12 illegal, lacks merit, and is belied by the record. Defendant's claims that the State
13 violated his rights, misrepresented the statutes, maliciously rewrote the animal cruelty
14 statute, and maliciously prosecuted the Defendant, are all belied by the record.
15 Defendant has failed to set forth any basis for appointment of counsel. Additionally,
16 the Defendant's exact same arguments were previously denied by this Court when
17 Defendant's Petition for Writ of Habeas Corpus was denied in A-20-810466-W. Much
18 of the Court's Order from that case (Order dated 5/5/20), has been set forth herein, but
19 for completeness, the Court adapts and incorporates that Order herein by reference.

20 **CONCLUSION AND ORDER.**

21 Based upon the foregoing, this Court finds and concludes that Defendant's
22 Motion for Appointment of Attorney and Motion to Modify Illegal Sentence lack merit
23 and are belied by the record. Defendant has failed to meet his burden in establishing
24 that his Due Process rights or any other rights were violated. The Court finds no good
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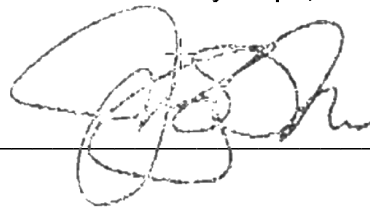
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1 cause to appoint counsel pursuant to NRS 34.750. Consequently, and good cause
2 appearing,

3 **IT IS HEREBY ORDERED ADJUDGED AND DECREED** that Defendant's
4 Motion for Appointment of Attorney and Motion to Modify Illegal Sentence are both
5 hereby **DENIED**.

6 The hearing set for April 15, 2021, will be taken "off calendar," and consequently,
7 there is no need that counsel or the parties appear.

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9 Dated this 14th day of April, 2021

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14 **BAB F03 BE33 AB61**
15 **Jerry A. Wiese**
16 **District Court Judge**
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1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 State of Nevada

CASE NO: C-18-336552-1

7 vs

DEPT. NO. Department 30

8 Christopher Blockson
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 4/14/2021

15 Jason Makris jason.makris@makrislegal.com

16 Steven Wolfson pdmotions@clarkcountyda.com

17 Trisha Garcia garciat@clarkcountycourts.us

18 Sandra Pruchnic pruchnics@clarkcountycourts.us

19 Michelle Ramsey ramseym@clarkcountycourts.us

20 Caesar Almase Caesar@almaselaw.com

21 Kimberly Farkas kimrcs@cox.net
22
23
24
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 10, 2018

C-18-336552-1 State of Nevada
 vs
 Christopher Blockson

December 10, 2018 10:00 AM Initial Arraignment

HEARD BY: Johnson, Susan **COURTROOM:** RJC Lower Level Arraignment

COURT CLERK: Shannon Emmons

RECORDER: Trisha Garcia

REPORTER:

PARTIES

PRESENT: Blockson, Christopher Defendant
 Dickerson, Michael Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Deputized Law Clerk, Yu Meng, present for the State. David Fischer, Esq. present on behalf of Michael Troiano, Esq. for the Deft.

Information FILED IN OPEN COURT.

Mr. Fischer requested matter be continued two (2) weeks as Mr. Troiano is in trial. State indicated Deft. waived up on a negotiation which expires today and stated a Guilty Plea Agreement can be drafted within two (2) days. State submits to the Court regarding how long to continue matter. Court indicated plea should be entered before Christmas. COURT ORDERED, matter CONTINUED.

BOND

12/21/2018 10:00 A.M. ARRAIGNMENT CONTINUED (LLA)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 21, 2018

C-18-336552-1 State of Nevada
 vs
 Christopher Blockson

December 21, 2018 10:00 AM Arraignment Continued

HEARD BY: Wiese, Jerry A. **COURTROOM:** RJC Lower Level Arraignment

COURT CLERK: Kristen Brown

RECORDER: Sandra Pruchnic

REPORTER:

PARTIES

PRESENT: Blockson, Christopher Defendant
 Troiano, Michael Attorney

JOURNAL ENTRIES

- Deputized Law Clerk Yu Meng appearing for the State.

NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. DEFT. BLOCKSON ARRAIGNED AND PLED GUILTY TO COUNT 1 - CRUELTY TO ANIMALS (F) and COUNT 2 - OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON (F). Court ACCEPTED plea and ORDERED, matter referred to the Division of Parole and Probation (P & P) and set for SENTENCING. Court DIRECTED Deft. to report to P & P within 48 hours. Pursuant to negotiations, COURT FURTHER ORDERED, Count 3 is DISMISSED.

BOND

4/16/19 8:30 AM SENTENCING (DEPT. 30)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 09, 2019

C-18-336552-1 State of Nevada
 vs
 Christopher Blockson

April 09, 2019 8:30 AM Motion to Dismiss

HEARD BY: Wiese, Jerry A. **COURTROOM:** RJC Courtroom 14A

COURT CLERK: Vanessa Medina

RECORDER:

REPORTER: Kimberly Farkas

PARTIES

PRESENT:	Blockson, Christopher	Defendant
	Getler, Stephanie M.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- John Parris, Esq., on behalf of Michael Troiano, Esq., for Defendant.

Ms. Getler advised this was Ms. Ferreira's case and she did not have the case file. Mr. Parris requested a continuance for Mr. Troiano's presence. Defendant stated he did not want to file any motions, did not want to withdraw his plea, and did not want Mr. Troiano to speak on his behalf, however, wants to discuss bail. Defendant provided the Court letters of support to review before Sentencing. COURT ORDERED, matter CONTINUED and DIRECTED Mr. Troiano to speak with Defendant regarding any concerns. Mr. Parris advised he would inform Mr. Troiano of the Court's directives.

BOND

CONTINUED TO: 04/16/19 8:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 16, 2019

C-18-336552-1 State of Nevada
 vs
 Christopher Blockson

April 16, 2019 8:30 AM All Pending Motions

HEARD BY: Wiese, Jerry A. **COURTROOM:** RJC Courtroom 14A

COURT CLERK: Vanessa Medina

RECORDER:

REPORTER: Kimberly Farkas

PARTIES

PRESENT:	Blockson, Christopher	Defendant
	Ferreira, Amy L.	Attorney
	State of Nevada	Plaintiff
	Troiano, Michael	Attorney

JOURNAL ENTRIES

- DEFENDANT'S PRO PER MOTION TO DISMISS COUNSEL AND APPOINT ALTERNATIVE COUNSEL...SENTENCING

Mr. Troiano confirmed no issues pursuant to stockmeier and announced ready to proceed with Sentencing. DEFENDANT BLOCKSON ADJUDGED GUILTY of COUNT 1 - CRUELTY TO ANIMALS (F) and COUNT 2 - OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON (F). Ms. Ferreira advised Defendant picked up a new case and provided such report to the Court. Defendant provided letters to the Court for review and made a statement. CONFERENCE AT THE BENCH.

Ms. Ferreira submitted on the negotiations. Argument by Mr. Troiano. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA analysis fee, including testing to determine genetic markers, \$3.00 DNA Collection fee, and \$250.00 Indigent Defense Civil Assessment fee, Defendant SENTENCED on COUNT 1 - to a MAXIMUM of FORTY- EIGHT (48) MONTHS and a MINIMUM of NINETEEN (19) MONTHS in the Nevada Department of Corrections

(NDC) and on COUNT 2 - to a MAXIMUM of SEVENTY- TWO (72) MONTHS and a MINIMUM of TWENTY- EIGHT (28) MONTHS in the NDC, CONSECUTIVE to COUNT 1, for an AGGREGATE total of a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS and a MINIMUM of FORTY- SEVEN (47) MONTHS in the NDC with SEVENTY- FOUR (74) DAYS credit for time served. COURT FURTHER ORDERED, Count 3 - DISMISSED.

Mr. Troiano requested to withdraw as Counsel for any post conviction. Defendant had no objection. COURT ORDERED, Mr. Troiano WITHDRAWN. BOND, if any, EXONERATED.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 23, 2019

C-18-336552-1	State of Nevada
	vs
	Christopher Blockson

May 23, 2019

8:30 AM

All Pending Motions

HEARD BY: Wiese, Jerry A.

COURTROOM: RJC Courtroom 14A

COURT CLERK: Vanessa Medina

RECORDER:

REPORTER: Kimberly Farkas

PARTIES

PRESENT:	Derjavina, Ekaterina	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- DEFENDANT'S PRO PER NOTICE OF APPEAL...DEFENDANT'S PRO PER MOTION TO APPOINT APPELLANT COUNSEL

Defendant not present. Ms. Derjavina advised Defendant was sentenced on 04/16/19, Michael Troiano withdrew and was now requesting new counsel for the purposes of appeal. Ms. Derjavina had no objection to the appointment of counsel. COURT ORDERED, Defendant's Motion to Appoint Appellant Counsel GRANTED; Ceasar Almase APPOINTED.

NDC

CLERK'S NOTE: Department XXX's Law Clerk informed Caesar Almase, Esq., of the appointment.
//05/23/19 vm



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

CHRISTOPHER BLOCKSON #50821
P.O. BOX 208
INDIAN SPRINGS, NV 89070

DATE: May 13, 2021
CASE: C-18-336552-1

RE CASE: STATE OF NEVADA vs. CHRISTOPHER BLOCKSON aka CHRISTOPHER LENARD BLOCKSON

NOTICE OF APPEAL FILED: May 12, 2021

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

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

- ☐ Case Appeal Statement
- NRAP 3 (a)(1), Form 2
- ☐ Order
- ☒ Notice of Entry of Order

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

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

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

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 TO THE NEVADA SUPREME COURT OF MOTION TO APPOINT COUNSEL AND MOTION TO MODIFY AND OR CORRECT ILLEGAL SENTENCE, RULED ON APRIL 14, 2021.; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; ORDER; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

STATE OF NEVADA,

Plaintiff(s),

vs.

CHRISTOPHER BLOCKSON
aka CHRISTOPHER LENARD BLOCKSON,

Defendant(s).

Case No: C-18-336552-1

Dept No: XXX

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 13 day of May 2021.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk