

Steven D. Grierson

1 Harold Edwards *1169986

2 In Propria Personam
3 Post Office Box 208, S.D.C.C.
4 Indian Springs, Nevada 89018

Electronically Filed
Jun 11 2021 04:18 p.m.
Elizabeth A. Brown
Clerk of the Supreme Court

5 IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

6 IN AND FOR THE COUNTY OF CLARK

9 HAROLD EDWARDS,

10 Plaintiff,

11 vs. STATE OF NEVADA

13 Defendant.

Case No. C15-310695-1

Dept. No. 11 B

Docket _____

16 **NOTICE OF APPEAL**

17 NOTICE IS HEREBY GIVEN, That the Petitioner/Defendant,
18 Harold Edwards, in and through his proper person, hereby
19 appeals to the Supreme Court of Nevada from the ORDER denying and/or
20 dismissing the
21 Motion to Modify and or Correct Illegal Sentence

23 ruled on the 19th day of May, 2021.

25 Dated this 1st day of June, 2021.

26 Respectfully Submitted,

27 Harold Edwards

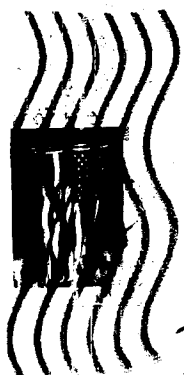
28 **RECEIVED**

JUN - 7 2021

CLERK OF THE COURT

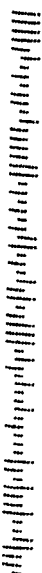
Harold Edwards # 1169986
SDCC P.O. BOX 208
Indian Springs, NV, 89070

LAS VEGAS NV 890
3 JUN 2021 PM 5 L



STEVEN D. GRIERSON Clerk of The Court
200 LEWIS AVE. 3rd Floor
Las Vegas, NV. 89155-1161

89101-630000





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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 HAROLD EDWARDS,

14 Defendant(s),

Case No: C-15-310695-1

Dept No: IX

15
16
17 **CASE APPEAL STATEMENT**

18 1. Appellant(s): Howard Edwards

19 2. Judge: Cristina D. Silva

20 3. Appellant(s): Howard Edwards

21 Counsel:

22 Howard Edwards #1169986
23 P.O. Box 208
24 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: Yes

7. Appellant Represented by Appointed Counsel On Appeal: N/A

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

9. Date Commenced in District Court: November 10, 2015

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): 71957, 72267, 76590

12. Child Custody or Visitation: N/A

Dated This 9 day of June 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: Howard Edwards

Steven D. Grierson

Harold Edwards, 1169986
Petitioner/In Propria Persona
Post Office Box 208, SDCC
Indian Springs, Nevada 89070-0208

IN THE 8th JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF Clark

HAROLD EDWARDS,

Plaintiff,

vs.

STATE OF NEVADA,

Defendant.

CASE No. C15310695-1

DEPT. No. 11 B

DESIGNATION OF RECORD ON APPEAL

TO: SUPREME COURT OF
NEVADA

The above-named Plaintiff hereby designates the entire record of the above-entitled case, to include all the papers, documents, pleadings, and transcripts thereof, as and for the Record on Appeal.

DATED this 1st day of June, 2021.

RESPECTFULLY SUBMITTED BY:

Harold Edwards

Harold Edwards # 1169986

Plaintiff/In Propria Persona

CERTIFICATE OF SERVICE BY MAILING

I, Harold Edwards, hereby certify, pursuant to NRCP 5(b), that on this 1st
day of June, 2021, I mailed a true and correct copy of the foregoing, "Notice Of
APPEAL"

by placing document in a sealed pre-postage paid envelope and deposited said envelope in the
United State Mail addressed to the following:

OFFICE OF THE SUPREME
COURT OF NEVADA
201 S. Carson Street
Suite 201
Carson City, NV. 89701

CC:FILE

DATED: this 1st day of May, 2021.

Harold Edwards
Harold Edwards # 1169986
/In Propria Personam
Post Office Box 208, S.D.C.C.
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 C15310695-1

☒ 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.

Harold Edwards
Signature

June 1st 2021
Date

Harold, Edwards
Print Name

pro'se Defendant
Title

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY**CASE NO. C-15-310695-1**

State of Nevada
vs
Harold Edwards

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§

Location: **Department 9**
Judicial Officer: **Silva, Cristina D.**
Filed on: **11/10/2015**
Case Number History:
Cross-Reference Case Number: **C310695**
Defendant's Scope ID #: **7024721**
ITAG Booking Number: **0**
ITAG Case ID: **1727108**
Lower Court Case # Root: **15F15118**
Lower Court Case Number: **15F15118X**
Metro Event Number: **1509232005**
Supreme Court No.: **71957**
72267
76590

CASE INFORMATION

Offense	Statute	Deg	Date	Case Type:	Felony/Gross Misdemeanor
Jurisdiction: District Court					
1. BURGLARY	205.060.2	F	09/17/2015	Case Status:	12/28/2016 Closed
PCN: 0025586962 ACN: 1509232005					
Arrest: 10/07/2015 MET - Metro					

Statistical Closures

12/28/2016 Guilty Plea with Sentence (before trial) (CR)





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

Case Number	C-15-310695-1
Court	Department 9
Date Assigned	04/29/2019
Judicial Officer	Silva, Cristina D.



















PARTY INFORMATION

		Lead Attorneys
Defendant	Edwards, Harold	Pro Se
Plaintiff	State of Nevada	Wolfson, Steven B 702-671-2700(W)

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

11/10/2015	 Criminal Bindover Packet Justice Court
11/12/2015	 Information
12/28/2015	 Transcript of Proceedings <i>Transcript of Hearing Held on November 10, 2015</i>
01/05/2016	 Notice of Intent <i>Notice of Intent to Seek Punishment as a Habitual Criminal</i>

CASE SUMMARY
CASE NO. C-15-310695-1

01/29/2016	 Notice of Motion <i>Notice of Motion and Motion to Dismiss</i>
03/16/2016	 Notice of Motion <i>Notice of Motion and Motion to Compel Discovery</i>
03/16/2016	 Notice of Motion <i>Notice of Motion and Motion for the Appointment of Counsel</i>
03/17/2016	 Order Denying Motion <i>Order Denying Defendant's Pro Per Motion to Dismiss</i>
08/12/2016	 Notice of Motion <i>Notice of Motion and Motion to Consolidate</i>
08/16/2016	 Opposition to Motion <i>Opposition to Defendant's Motion to Consolidate</i>
08/18/2016	 Order <i>Order Permitting Access</i>
08/18/2016	 Order <i>Order for Immediate Release</i>
08/18/2016	 Ex Parte Motion <i>Ex Parte Motion to Permit Access</i>
08/18/2016	 Ex Parte Motion <i>Ex Parte Motion for Immediate Release</i>
08/19/2016	 Guilty Plea Agreement
09/13/2016	 Notice of Motion <i>Notice of Motion and Motion to Dismiss Counsel and Motion for a Faretta Hearing</i>
09/29/2016	 PSI <i>Pre-Sentence Investigation Report (Unfiled) Confidential</i>
09/29/2016	 PSI - Defendant Statements
10/05/2016	 Notice of Motion <i>Notice of Motion and Motion to Withdraw Guilty Plea and Motion for a Faretta Hearing</i>
10/06/2016	 Recorders Transcript of Hearing <i>Transcript of Hearing Held on August 19, 2016</i>
10/07/2016	 Opposition to Motion <i>State's Opposition to Defendant's Motion to Withdraw Guilty Plea</i>
12/02/2016	 Recorders Transcript of Hearing <i>Transcript of Hearing Held on November 21, 2016</i>

CASE SUMMARY

CASE NO. C-15-310695-1

12/12/2016	 Notice of Appeal (Criminal) <i>Notice of Appeal</i>
12/15/2016	 Case Appeal Statement
12/16/2016	 Application to Proceed in Forma Pauperis Filed By: Defendant Edwards, Harold <i>Application to Proceed in Forma Pauperis (Sealed)</i>
12/16/2016	 Petition for Writ of Habeas Corpus <i>Defendant/Petitioner Intends to Present the Following Issues in His Post-Conviction Writ of Habeas Corpus:</i>
12/21/2016	 Judgment of Conviction <i>Judgment of Conviction (Plea of Guilty)</i>
12/21/2016	 Order of Dismissal <i>Order Dismissing Defendant's Petition for Writ of Habeas Corpus</i>
12/27/2016	 Order to Proceed In Forma Pauperis Granted for: Defendant Edwards, Harold <i>Order to Proceed in Forma Pauperis (Sealed)</i>
12/28/2016	 Notice of Entry of Order
01/25/2017	 Notice of Appeal (Criminal) Party: Defendant Edwards, Harold <i>Proper Person Notice of Appeal from an Order of the Eighth Judicial District Court, Clark County Judge Douglas E. Smith Denying Petitioner's Petition for Writ of Habeas Corpus: Post Conviction</i>
01/27/2017	 Case Appeal Statement
03/06/2017	 Petition for Writ of Habeas Corpus <i>Petition for Writ of Habeas Corpus Post Conviction:</i>
03/09/2017	 Order for Petition for Writ of Habeas Corpus
03/28/2017	 Ex Parte Motion <i>Ex Parte Motion for Immediate Release</i>
04/13/2017	 Response <i>State's Response to Defendant's Ex Parte Motion for Immediate Release</i>
04/18/2017	 Response Filed by: Plaintiff State of Nevada <i>State's Response to Defendant's Petition for Writ of Habeas Corpus</i>
04/18/2017	 Ex Parte Motion <i>Ex Parte Motion for Court to Order that Transcripts for the Court Dates of 11.21. and 12.7. and 10.10. and 8.17.16 Be Released to Defendant</i>
05/05/2017	 Order Denying

CASE SUMMARY

CASE NO. C-15-310695-1

	Filed By: Plaintiff State of Nevada <i>Order Denying Defendant's Ex Parte Motion for Immediate Release</i>
05/08/2017	 Recorders Transcript of Hearing <i>Transcript of Hearing Held on August 17, 2016</i>
05/08/2017	 Recorders Transcript of Hearing <i>Transcript of Hearing Held on December 7, 2016</i>
05/08/2017	 Recorders Transcript of Hearing <i>Transcript of Hearing Held on October 10, 2016</i>
01/16/2018	 NV Supreme Court Clerks Certificate/Judgment - Reversed <i>Nevada Supreme Court Clerk's Certificate Judgment - Reversed</i>
06/21/2018	 Findings of Fact, Conclusions of Law and Order Filed By: Plaintiff State of Nevada
06/25/2018	 Notice of Entry <i>Notice of Entry of Findings of Fact, Conclusions of Law and Order</i>
07/30/2018	 Notice of Appeal (Criminal) Party: Defendant Edwards, Harold <i>Notice of Appeal</i>
08/01/2018	 Case Appeal Statement
04/15/2019	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed</i>
04/29/2019	Case Reassigned to Department 9 <i>Judicial Reassignment to Department 9 - Judge Cristina Silva</i>
11/04/2019	 Motion Filed By: Defendant Edwards, Harold <i>Motion to Extend Prison Copywork Limit</i>
11/04/2019	 Application to Proceed in Forma Pauperis Filed By: Defendant Edwards, Harold
12/23/2019	 Order Filed By: Plaintiff State of Nevada <i>Order Granting Defendant's Motion to Extend Prison Copywork Limit</i>
03/20/2020	 Motion Filed By: Defendant Edwards, Harold <i>Notice of Motion and Motion for the Court to Order Southern Desert's Correctional Center Gang Intelligence Department to Release Petitioner's Corrections File and Prison Records</i>
04/29/2020	 Motion for Order <i>Motion for Order to SDCC Gang Intelligence Department to Release Petition's Corrections File and Prison Records</i>
08/24/2020	 Motion

CASE SUMMARY

CASE NO. C-15-310695-1

Filed By: Defendant Edwards, Harold
Motion to Extend Prison Copywork Limit

09/14/2020



Motion

Filed By: Defendant Edwards, Harold
Motion Asking the Court to Order SDCC Law Library to Grant Defendant Access to the Law Library Five Days Per Week or in the Alternative 3 days a week.

04/15/2021



Motion for Order

Filed By: Defendant Edwards, Harold
Motion for Order to Order Southern Desert Correctional Center's Gang Intelligence Department to Release Petitioner's Correctional File and Prison Records

04/27/2021



Motion to Modify Sentence

Filed By: Defendant Edwards, Harold
Motion to Modify and or Correct Illegal Sentence

05/12/2021



Opposition to Motion

Filed By: Plaintiff State of Nevada
State's Opposition to Defendant's Motion to Modify and/or Correct Illegal Sentence

06/08/2021



Notice of Appeal (Criminal)

Notice of Appeal

06/08/2021



Designation of Record on Appeal

Designation of Record on Appeal

06/09/2021



Case Appeal Statement

Filed By: Defendant Edwards, Harold
Case Appeal Statement

DISPOSITIONS

08/19/2016

Plea (Judicial Officer: Smith, Douglas E.)

1. BURGLARY

Guilty

PCN: 0025586962 Sequence:

12/07/2016

Disposition (Judicial Officer: Smith, Douglas E.)

1. BURGLARY

Guilty

PCN: 0025586962 Sequence:

12/07/2016

Adult Adjudication (Judicial Officer: Smith, Douglas E.)

1. BURGLARY

09/17/2015 (F) 205.060.2 (DC50424)

PCN: 0025586962 Sequence:

Sentenced to Nevada Dept. of Corrections

Term: Minimum:10 Years, Maximum:25 Years

Concurrent: Case Number C311212

Credit for Time Served: 450 Days

Comments: Deft Sentenced as to Large Habitual Criminal Statute.

Fee Totals:

Administrative

Assessment Fee

\$25

25.00






EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. C-15-310695-1

DNA Analysis Fee	150.00
\$150	
Genetic Marker	
Analysis AA Fee	3.00
\$3	
Fee Totals \$	178.00

HEARINGS

11/13/2015	 Initial Arraignment (10:00 AM) (Judicial Officer: Weed, Randall F.) Matter Heard; Journal Entry Details: <i>Deputized Law Clerk Kathleen Wilde appearing for the State. Colloquy between Court, counsel and the deft. regarding the deft. representing himself. COURT ORDERED, matter CONTINUED and set in front of Department 8 to conduct a Faretta Canvass. CUSTODY (COC) 11/18/15 8:00 AM ARRAIGNMENT CONTINUED...FARETTA CANVASS (DEPT. 8);</i>
11/18/2015	Faretta Canvass (8:00 AM) (Judicial Officer: Smith, Douglas E.) 11/18/2015, 11/23/2015 Matter Continued;
11/18/2015	Arraignment Continued (8:00 AM) (Judicial Officer: Smith, Douglas E.) 11/18/2015, 11/23/2015 Matter Continued;
11/18/2015	 All Pending Motions (8:00 AM) (Judicial Officer: Smith, Douglas E.) Matter Heard; Journal Entry Details: <i>ARRAIGNMENT CONTINUED...FARETTA CANVASS Defendant not present, in custody. Correction Officer advised that the Defendant was to be transported to Department 17. COURT ORDERED, matter CONTINUED. CUSTODY CONTINUED TO: 11/23/15 8:00 AM;</i>
11/23/2015	 All Pending Motions (8:00 AM) (Judicial Officer: Smith, Douglas E.) Matter Heard; Journal Entry Details: <i>ARRAIGNMENT CONTINUED...FARETTA CANVASS Court conducted a Faretta Canvass of the Defendant. Court strongly recommended that Defendant be defended by a trained lawyer and not represent himself. COURT FOUND Defendant competent to waive his Constitutional right to be represented by an attorney; is waiving his right to counsel freely, voluntarily and knowingly; has a full appreciation and understanding of the waiver and its consequence; and ORDERED, Defendant will be allowed to represent himself. Court DIRECTED Mr. O'Brien to provide the Defendant with all of the discovery, excluding any disks. DEFT. EDWARDS ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. COURT ORDERED, matter SET for Trial. CUSTODY (COC) 1/13/16 8:00 AM CALENDAR CALL 1/25/16 9:30 AM JURY TRIAL;</i>
01/13/2016	 Calendar Call (8:00 AM) (Judicial Officer: Smith, Douglas E.) Trial Date Set; Journal Entry Details: <i>Ms. Hojjat, Esq. confirming that all discovery (except the DVD's which are not allowed at Clark County Detention Center (CCDC) to the Defendant. Defendant requested trial be RESET and moved for appointment of Stand-by Counsel. COURT ORDERED, Trial is RESET and the request for Stand-by Counsel is DENIED as the Defendant has completed the Faretta Canvass. COURT FURTHER ORDERED, Mr. Robert Lawson is appointed as investigator. Mr. McCubbin requested the Court clarify how the Defendant will watch the DVD, to which the Court responded the Defendant had the opportunity to see the DVD at the preliminary hearing and his investigator can assist him with further review. CUSTODY (COC) 3/2/16 8:00 A.M. CALENDAR CALL 3/14/16 9:30 A.M. JURY TRIAL ;</i>
01/25/2016	CANCELED Jury Trial (9:30 AM) (Judicial Officer: Smith, Douglas E.) <i>Vacated - per Judge</i>
02/22/2016	 Motion to Dismiss (8:00 AM) (Judicial Officer: Smith, Douglas E.) 02/22/2016, 03/07/2016 <i>Deft's Pro Se Motion to Dismiss</i>

CASE SUMMARY
CASE NO. C-15-310695-1

Matter Continued;

Motion Denied;

Matter Continued;

Motion Denied;

Journal Entry Details:

Deft. not present. Upon Court's inquiry, Ms. Lexis advised the State has not responded as Deft. will enter a plea that will resolve all three of his outstanding cases. COURT ORDERED, a Status Check SET; Matter CONTINUED. CUSTODY (COC) 03/07/16 8:00 A.M. STATUS CHECK: RESOLUTION....DEFT'S PRO SE MOTION TO DISMISS;

03/02/2016  **Calendar Call (8:00 AM)** (Judicial Officer: Smith, Douglas E.)

Matter Heard;

Journal Entry Details:

Mr. Flinn stated that the Defendant is looking taking a plea in another case which would include a dismissal of this case. Court noted it would see the parties back on March 7, the time set for Defendant's Pro Se Motion to Dismiss and Status Check regarding possible resolution. Defendant stated he had provided the investigator with the Writ of Habeas Corpus and requested it be returned to him. COURT SO ORDERED. CUSTODY (COC);

03/07/2016  **Status Check (8:00 AM)** (Judicial Officer: Smith, Douglas E.)

03/07/2016, 03/09/2016

Status Check: Resolution

Matter Continued;


Matter Transferred;

Journal Entry Details:

Statement by Deft. regarding his Guilty Plea Agreement and motions. Court advised it did not have any motions from the Deft. State advised there was no longer an offer available; announced ready to proceed with 3-5 witnesses. COURT ORDERED, trial date of 3/14/2016 VACATED; matter REFERRED to OVERFLOW. CUSTODY (COC) 3/11/2016 - 8:30 AM - OVERFLOW (DEPT 18);

Matter Continued;

Matter Transferred;

03/07/2016  **All Pending Motions (8:00 AM)** (Judicial Officer: Smith, Douglas E.)

Matter Heard;

Journal Entry Details:

STATUS CHECK: RESOLUTION...DEFT'S PRO SE MOTION TO DISMISS Mr. Kochevar advised that Defendant is set to enter a plea in C310166 on March 9th which will dismiss this case and two other cases. Court noted it reviewed the Motion to Dismiss and Defendant's position that the State has no proof beyond a reasonable doubt indicating that the State need only slight or marginal evidence, a lower threshold; based on Defendant's Motion, COURT ORDERED, Motion DENIED. Defendant inquired regarding return of his writ and Court DIRECTED the State to have investigator, Robert Lawson, return Defendant's Writ of Habeas Corpus document to the Defendant. CUSTODY (COC) 3/9/16 8:00 AM STATUS CHECK: RESOLUTION CLERK'S NOTE: Following the hearing and at the request of the District Attorney's Office, COURT ORDERED, matter SET for Status Check regarding resolution.;

03/11/2016  **Overflow (8:30 AM)** (Judicial Officer: Barker, David)

Overflow: 3-5 witnesses/2-3 days/DA: W. Flinn/ Deft. Pro Se

Matter Heard;






Journal Entry Details:

State estimated trial will take two days. Further, State noted it's concern for the appellate record that the case was sent to overflow after the Defendant requested a continuance. Defendant requested a continuance, advising he hasn't received all the discovery or seen all the videos. Further, Defendant advised this case was to be dismissed as part of negotiations. State advised there are no negotiations in place. Further, State advised the Defendant has waived all claims as to ineffective assistance of counsel, however, it is concerned about the preparedness prong. Defendant requested to withdraw his Pro Se status and advised the motion was sent to the Clerk's Office. Matter TRAILED. Matter RECALLED. Upon Court's inquiry, State advised it can get a computer to allow the Defendant to view the videos today. Court advised the Defendant that if his oral request is granted, the Public Defender would be re-appointed to represent him and that he would receive the same attorney. Defendant advised he will be able to work with her. Court noted this appears to be a delay, but it also does not like the record and the fact that there is outstanding discovery. COURT FINDS under Thomas vs State ground to GRANT the oral request of the Defendant to withdraw self representation and ORDERED, Public Defender APPOINTED. COURT FURTHER ORDERED, matter SET for Further Proceedings in Department 8. CUSTODY (COC) 3/16/16 8:00 AM FURTHER PROCEEDINGS;

03/14/2016 **CANCELED Jury Trial (9:30 AM)** (Judicial Officer: Smith, Douglas E.)

CASE SUMMARY
CASE NO. C-15-310695-1


Vacated

03/16/2016	 Further Proceedings (8:00 AM) (Judicial Officer: Smith, Douglas E.) Trial Date Set; Journal Entry Details: <i>Mr. Villani advised that Judge Barker reappointed the Public Defender on this case down in Overflow when the Defendant asked to withdraw his Faretta Canvass. COURT ORDERED Trial date SET. CUSTODY (COC) 5/18/16 8:00 AM CALENDAR CALL 5/23/16 9:30 AM JURY TRIAL;</i>
04/06/2016	Motion to Compel (8:00 AM) (Judicial Officer: Smith, Douglas E.) <i>DEFT S PRO SE MOTION TO COMPEL DISCOVERY</i> Matter Resolved;
04/06/2016	Motion (8:00 AM) (Judicial Officer: Smith, Douglas E.) <i>DEFT S PRO SE MOTION FOR THE APPOINTMENT OF COUNSEL</i> Moot;
04/06/2016	 All Pending Motions (8:00 AM) (Judicial Officer: Smith, Douglas E.) Matter Resolved; Journal Entry Details: <i>The Court noted Judge Barker appointed counsel for Deft therefore, Motion to Appoint Counsel is MOOT. Mr. McCubbin advised he will refile Motion for Discovery. COURT ORDERED, MATTERS RESOLVED. CUSTODY (COC);</i>
05/18/2016	 Calendar Call (8:00 AM) (Judicial Officer: Smith, Douglas E.) MINUTES Matter Heard; Journal Entry Details: <i>Ms. Machnich advised they still had pending investigation. No objection by the State. COURT ORDERED, trial date VACATED and RESET. CUSTODY (COC) 8/17/2016 - 8:00 AM - CALENDAR CALL 8/22/2016 - 9:30 AM - JURY TRIAL CLERK'S NOTE: The minutes for this hearing have been prepared by a review of the JAVS recording. kc/7/1/16;</i> SCHEDULED HEARINGS Calendar Call (08/17/2016 at 8:00 AM) (Judicial Officer: Smith, Douglas E.) CANCELED Jury Trial (08/22/2016 at 9:30 AM) (Judicial Officer: Smith, Douglas E.) <i>Vacated</i>
05/23/2016	CANCELED Jury Trial (9:30 AM) (Judicial Officer: Smith, Douglas E.) <i>Vacated - per Judge</i>
08/17/2016	Calendar Call (8:00 AM) (Judicial Officer: Smith, Douglas E.) Trial Date Set;
08/17/2016	 All Pending Motions (8:00 AM) (Judicial Officer: Smith, Douglas E.) Trial Date Set; Journal Entry Details: <i>Mr. O'Brien announced not ready for trial; advised he is moving to continue the trial. The State announced ready for trial. Mr. O'Brien advised Deft is being convicted in DC 21 on another case and therefore, is moving to consolidate. COURT ORDERED, TRIAL DATE STANDS. CUSTODY (COC) 8-22-16 9:30 AM JURY TRIAL (DEPT. VIII);</i>
08/17/2016	 Motion to Consolidate (9:30 AM) (Judicial Officer: Miley, Stefany) <i>Defendant's Notice Of Motion And Motion To Consolidate [C-15-310166-1/C-15-310695-1]</i> Motion Denied; Defendant's Notice Of Motion And Motion To Consolidate [C-15-310166-1/C-15-310695-1] Journal Entry Details: <i>Deputy Public Defender Jasmin Spells (counsel in case C310166) advised they filed motion in order to consolidate two cases as they are the same allegations and noted the State had filed a Motion to Consolidate in Department 17. Court inquired of Department 8 trial. Counsel advised if matters are consolidated, the trial in Department 8 would be vacated. Court believed it was too late to consolidate cases. Counsel advised they would be requesting a stay in the</i>

CASE SUMMARY

CASE NO. C-15-310695-1

matter if the motion is denied. Court inquired why defense was not ready to proceed to trial. Argument by counsel. State advised they were prepared for trial in Department 8 and Department 23 and noted they had never received defense's Motion to Continue. COURT ORDERED, Motion to Consolidate DENIED. State pointed out there were no offers in these cases. COURT SO NOTED. CUSTODY (COC);

08/19/2016  **Entry of Plea** (10:00 AM) (Judicial Officer: Smith, Douglas E.)

Plea Entered;

Journal Entry Details:

Counsel advised the matter was resolved. Mr. Flinn stated negotiations for the record. Court thoroughly canvassed Defendant on the facts and plea. NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. DEFT. EDWARDS ARRAIGNED AND PLED GUILTY TO BURGLARY (F). Court ACCEPTED plea, and, ORDERED, matter referred to the Division of Parole and Probation (P & P) and SET for sentencing. FURTHER ORDERED, trial date VACATED. CUSTODY (COC) 10/10/16 8:00 AM SENTENCING;

08/22/2016 **CANCELED Jury Trial** (9:30 AM) (Judicial Officer: Smith, Douglas E.)

Vacated

10/05/2016  **Motion to Dismiss** (8:00 AM) (Judicial Officer: Smith, Douglas E.)

Deft.'s Pro Se Motion to Dismiss Counsel and Motion for a Faretta Hearing

Granted; Deft.'s Pro Se Motion to Dismiss Counsel and Motion for a Faretta Hearing

Journal Entry Details:

William Flinn, Dep DA, present on behalf of the State and TJ McCubbin, Dep PD, present on behalf of Deft. Edwards, who is also present. This is the time set for hearing on Deft.'s Motion to Dismiss Counsel and Motion for a Faretta Hearing. Deft. is set for sentencing on October 10, 2016. Upon Court's inquiry, Deft. stated that he wanted to represent himself at sentencing; he has submitted a Motion to Withdraw his Plea. Court noted that it had previously conducted a Faretta Canvass for this Deft. and informed him that it is never advisable to represent yourself. Mr. Flinn advised that in the instant case the Deft. has gone back and forth between representing himself and being represented by counsel. In Deft.'s other case (C311212), he represented himself at trial and now he has a Motion to Appoint Counsel for Sentencing. Although the Deft. was found guilty at trial in C311212, it is now part of the negotiations in this case. Court noted that the Deft. has passed a Faretta Canvass in the past. Therefore, COURT ORDERED, Deft.'s Motion to Dismiss Counsel and Motion for Faretta Canvass is GRANTED; the Public Defender shall turn over Deft.'s file to him. Deft.'s Notice of Motion and Motion to Withdraw Guilty Plea and Motion for a Faretta Hearing FILED IN OPEN COURT. Although this matter is set for sentencing on October 10, 2016, the Court will instead hear Deft.'s Motion to Withdraw Guilty Plea. Therefore, COURT ORDERED, sentencing date VACATED; the sentencing date will be rescheduled next date, if necessary. CUSTODY (COC) 10/10/16 8:00 AM DEFT.'S MOTION TO WITHDRAW GUILTY PLEA ;

10/10/2016 **CANCELED Sentencing** (8:00 AM) (Judicial Officer: Smith, Douglas E.)

Vacated - per Judge

10/10/2016 **Motion** (8:00 AM) (Judicial Officer: Smith, Douglas E.)

Deft.'s Motion to Withdraw Guilty Plea

Denied; Deft.'s Motion to Withdrt

Journal Entry Details:

Taleen Pandukht, Chf Dep DA, present on behalf of the State; Deft. Edwards present pro se. This is the time set for hearing on Deft.'s Motion to Withdraw Guilty Plea. Court will hear no oral argument, it will base its decision on the pleadings. Court noted that Deft. entered his plea on August 19, 2016. The Court reviewed Deft.'s Motion and believes he has failed to present a sufficient reason to permit withdrawal of his guilty plea. The Court reviewed Deft.'s August 19, 2016, plea transcript on the record; Deft. answered "Yes" five separate time; there is no ineffective assistance. The Court is ready to proceed with sentencing. Deft. represented that he was advised by his counsel to answer "Yes" to everything, he was following counsel's advice. Deft. stated he did not agree with a lot of things said in the plea agreement but he just did what his counsel advised him do to. Ms. Pandukht inquired as to whether or not, based on Steventon vs. State, if the Court had reviewed the totality of the circumstances and found that there is no fair and just reason for the Deft. to withdraw his plea. Court CONCURRED; COURT ORDERED, Motion DENIED. Colloquy regarding sentencing and Stockmeier; Deft. stated there are a bunch of mistakes in the Presentence Investigation (PSI) report. COURT FURTHER ORDERED, matter set for status check. Court directed the Deft. to make a list of all the errors in the PSI, bring them back next date, and the State will get them to Parole and Probation (P&P) so the PSI can be supplemented. A new sentencing date will be set next date. CUSTODY 10/17/16 8:00 AM STATUS CHECK: CORRECTIONS TO PRESENTENCE INVESTIGATION (PSI) REPORT/SET SENTENCING DATE ;

10/17/2016  **Status Check** (7:30 AM) (Judicial Officer: Smith, Douglas E.)

Status Check: Corrections to Presentence Investigation (PSI) Report/Set Sentencing Date

Denied; Corrections to Presentence Investigation (PSI) Report/Set Sentencing Date

CASE SUMMARY**CASE NO. C-15-310695-1****Journal Entry Details:**

Genevieve Craggs, Dep DA, present on behalf of the State; Deft. is present pro se. This is the time set for the Status Check on Corrections to the Presentence Investigation (PSI) report. Court noted that the Deft. was going to provide the Court with a list of corrections to the PSI. Colloquy; since the Deft. does not have a written list of corrections to the PSI, pursuant to Stockmeier, the Court is ready to proceed with sentencing. Court requested that the Deft. refer to the sentencing recommendation in the PSI and argue whether the Court should or should follow said recommendation. Ms. Craggs advised that the State is seeking habitual treatment and has certified copies of Deft.'s prior Judgments of Conviction (JOC's). Deft. stated that he has not seen the JOC's. Court noted that pursuant to the negotiations, both parties were stipulating to adjudication under the Large Habitual Criminal Statute; the State has provided at least ten (10) prior felony convictions. The Judgments of Conviction were marked for identification collectively as State's Exhibit 1 and ADMITTED. The Deft. agreed to a ten (10)- to twenty-five (25)-year sentence. Argument by Deft., he is challenging the sufficiency of the JOC's. It appears that he no longer wants to stipulate to the terms of the Guilty Plea Agreement and wants the original charges restored so he can then proceed to trial. COURT ORDERED, matter set for status check. A copy of the JOC's will be made and provided to the Deft. for review. CUSTODY (COC) 11/21/16 8:00 AM STATUS CHECK: SENTENCING ;

11/21/2016

**Sentencing (8:00 AM)** (Judicial Officer: Smith, Douglas E.)**11/21/2016, 11/23/2016, 12/07/2016**

Matter Continued;

Matter Continued;

Defendant Sentenced;

Journal Entry Details:

Tierra Jones, Dep DA, present on behalf of the State; Deft. Edwards present pro se. Court noted that this is the time set for Sentencing; argument was held back on November 21, 2016, and the Deft. and the Court were provided certified copies of Deft.'s prior Judgments of Conviction (JOC's) on October 17, 2016. The matter was continued from November 21 because the Deft. brought up some issues with his prior JOC's and the Court wanted to review them again. Pursuant to the Deft.'s Guilty Plea Agreement, this is a stipulated sentence. Negotiations: Both parties stipulate to adjudication under the Large Habitual Criminal Statute with a sentence of ten (10) to twenty-five (25) years. The instance case is to run concurrent with C311212. The Court is following the stipulation and has reviewed all pertinent documents. Additionally, the Court is satisfied that the State has met their responsibility with regard to the JOC's and the Deft.'s rights have not been violated. The Court indicated on November 21 that it would hear no oral argument. Therefore, DEFT. EDWARDS is ADJUDGED GUILTY of BURGLARY (F). COURT ORDERED, pursuant to the Habitual Criminal Statute, Deft. shall be adjudicated as a LARGE HABITUAL CRIMINAL OFFENDER and, in addition to the \$25.00 Administrative Assessment fee, \$150.00 DNA Analysis fee including testing to determine genetic markers, and the \$3.00 DNA Collection fee, Deft. SENTENCED to a MAXIMUM of TWENTY-FIVE (25) YEARS and a MINIMUM of TEN (10) YEARS, in the Nevada Department of Corrections (NDC), CONCURRENT with C311212, with FOUR HUNDRED FIFTY (450) DAYS credit for time served. BOND, if any, EXONERATED;

Matter Continued;

Matter Continued;

Defendant Sentenced;

Journal Entry Details:

Deft. requested the Court allow him to argue. Court advised Deft. that argument was already heard at the previous hearing. Deft. continued to argue. COURT CONTINUED MATTER. CUSTODY CONTINUED TO: 12/7/16 8:00 AM;

Matter Continued;

Matter Continued;

Defendant Sentenced;

Journal Entry Details:

Tierra Jones, Dep DA, present on behalf of the State; Deft. Edwards present pro se DEFT. EDWARDS ADJUDGED GUILTY of BURGLARY (F). Ms. Jones advised that this matter was continued from October 17, 2016, at which time the State presented the Court with the certified Judgments of Conviction (JOC's) in regards to the Deft. Court acknowledged receipt of JOC's and advised they were checked. Deft. represented that he also received a copy. Additionally, Ms. Jones advised that based upon the JOC's, the State would request that the Court follow the terms of the plea agreement and sentence the Deft. ten (10) to twenty-five (25) years under the Large Habitual Criminal Statute. The Deft. was sentenced in his other case, C311212, on October 27, 2016. Pursuant to the negotiations, the instant case it to run concurrent with his other case. Argument by the Deft. regarding the validity of the JOC's; Deft.'s review of JOC's shows that he was not represented by counsel in the criminal proceedings in Illinois, the records just show Public Defender but no name and there are no transcripts to show affirmatively that he was represented by counsel. Therefore, the District Attorney has failed to comply with the statutory requirements for the enhancement; if the convictions are unconstitutional then the recommended enhanced sentence is null and void. Deft. is requesting concurrent time with C311212 and a sixteen (16)- to seventy-two (72)-month sentence, which is what is recommended by Parole and Probation (P&P). COURT ORDERED, sentencing CONTINUED; the Court will hear no oral argument, it will issue its decision next date. The Court would like to review the JOC's again. CUSTODY (COC) CONTINUED TO: 11/23/16 8:00 AM ;

CASE SUMMARY**CASE NO. C-15-310695-1**

04/19/2017

**Motion** (8:00 AM) (Judicial Officer: Smith, Douglas E.)*Deft.'s Ex-Parte Motion for Immediate Release*

Denied; Deft.'s Ex-Parte Motion for Immediate Release

Journal Entry Details:

Vivian Luong, Dep DA, present on behalf of the State; Deft. Edwards is incarcerated in the Nevada Department of Corrections (NDC) and not present. This is the time set for hearing on Deft.'s Motion for Immediate Release, which he filed pro se. The Deft. is requesting that he be given all the color photographs from the Bellagio Hotel and Casino that were given to his counsel. COURT ORDERED, the Motion is DENIED because it is premature. Deft.'s Petition for Writ of Habeas Corpus has not been granted and an evidentiary hearing has not been set. Additionally, Deft. failed to cite any case law in his Motion and he has not shown good cause. State to prepare Findings of Fact and Conclusions of Law consistent with their opposition. NDC CLERK'S NOTE: A copy of this minute order was mailed to Harold Edwards #7024721, High Desert State Prison, P.O. Box 650, Indian Springs, Nevada, 89070. ;

05/01/2017

**Motion** (8:00 AM) (Judicial Officer: Smith, Douglas E.)*Ex-Parte Motion for Court to Order that Transcripts for the Court Dates of 11/21 and 12/7 and 10/10 and 8/17/16 be Released to Deft.*

Granted; Ex-Parte Motion for Court to Order that Transcripts for the Court Dates of 11/21 and 12/7 and 10/10 and 8/17/16 be Released to Deft.

Journal Entry Details:

Karen Mishler, Dep DA, present on behalf of the State; Deft. Edwards is incarcerated in the Nevada Department of Corrections (NDC) and not present. This is the time set for hearing on the Ex-Parte Motion for Court to Order that Transcripts from the Court Dates of 11/21 and 12/7 and 10/10 and 8/17/2016, be Released to Deft. COURT ORDERED, Motion GRANTED. NDC CLERK'S NOTE: A copy of this minute order along with the requested transcripts were mailed to Harold Edwards #1169986, High Desert State Prison, P.O. Box 650, Indian Springs, Nevada, 89070. ;

05/24/2017

**Petition for Writ of Habeas Corpus** (8:00 AM) (Judicial Officer: Smith, Douglas E.)

Off Calendar;

Journal Entry Details:

Vivian Luong, Dep DA, present on behalf of the State; Deft. Edwards is incarcerated in the Nevada Department of Corrections (NDC) and is not present. This is the time set for hearing on Deft.'s Petition for Writ of Habeas Corpus; however, Court noted that it has received an Order from the Nevada Supreme Court Directing Transmission of Record. The Order was filed on May 10, 2017, and it appears that the Clerk of the District Court has thirty (30) days, from the date of this Order, to transmit a certified copy of the complete trial court record of the appeal. Ms. Luong inquired as to whether the Court was going to hear the Deft.'s Writ today, the State filed a Response. COURT ORDERED, matter OFF CALENDAR as this Court has been stripped of jurisdiction due to the Deft.'s filing with the Supreme Court. NDC CLERK'S NOTE: A copy of this minute order was mailed to Harold Edwards #1169986, High Desert State Prison, P.O. Box 650, Indian Springs, Nevada, 89070. ;

02/05/2018

**Status Check** (8:00 AM) (Judicial Officer: Smith, Douglas E.)*Status Check: Supreme Court Order of Reversal*

Set Status Check; Supreme Court Order of Reversal

Journal Entry Details:

Jonathan Cooper, Chf Dep DA, present on behalf of the State; Deft. Howard is incarcerated in the Nevada Department of Corrections (NDC) and is not present. This is the time set for the Status Check on the Supreme Court Order of Reversal. The Deft. filed a document entitled "Defendant/Petitioner Intends to Present the Following Issues in his Post-Conviction Writ of Habeas Corpus" on December 16, 2016. This Court construed the document as a Post-Conviction Petition for Writ of Habeas Corpus and DISMISSED it; however, it appears the document was only a Notice to the District Court on the claims Deft. intended to raise. Subsequently, the Deft. filed a Petition for Writ of Habeas Corpus on March 6, 2017. Court directed the State to obtain the above-mentioned Petition and respond to it within the next sixty (60) days. COURT ORDERED, matter set for status check. If the Deft. has filed a Reply, the matter can go forward, if not, the matter may have to be continued again. NDC 04/09/18 8:00 AM STATUS CHECK: STATE'S RESPONSE TO DEFT.'S PETITION FOR WRIT OF HABEAS CORPUS FILED 03/06/17;

04/09/2018

**Status Check** (8:00 AM) (Judicial Officer: Smith, Douglas E.)*Status Check: State's Response to Deft.'s Petition for Writ of Habeas Corpus filed 03/06/17*

Denied; State's Response to Deft.'s Petition for Writ of Habeas Corpus filed 03/06/17

Journal Entry Details:

Kelsey Einhorn, Dep DA, present on behalf of the State; Deft. Edwards is not present, he is incarcerated in the Nevada Department of Corrections (NDC). This is the time set for the Status Check on the State's Response to Deft.'s Petition for Writ of Habeas Corpus. The Deft. filed on December 16, 2016, a document entitled Deft. Intends to Present the Following Issues in His Post-Conviction Writ of Habeas Corpus; it was treated as a Petition for Writ of Habeas

CASE SUMMARY

CASE NO. C-15-310695-1

Corpus and dismissed on December 21, 2016. The Deft. then filed a Notice of Appeal on January 25, 2017, but voluntarily dismissed the appeal and on February 28, 2018, the Nevada Supreme Court filed an Order Dismissing Appeal and the appeal was closed. The Deft. then filed a Petition for Writ of Habeas Corpus (Post-Conviction) on March 6, 2017, the State's Response was filed on April 18, 2017, and the Court continued the matter for the State to supplement their response and the Deft. to file a Reply but nothing has been filed. Deft. fails to establish good cause to overcome the procedural default; all the necessary facts and law were available for direct appeal but the Deft. instead chose to withdraw his appeal and forever forego his claims. Deft. fails to substantiate prejudice to excuse his procedural default because there were no violations of the Deft.'s due process rights or judicial error in his sentencing; he claims his sentence is cruel and unusual because it is disproportionate to the crime but he misapprehends the purpose of his sentence. The Deft.'s ten (10)- to twenty-five (25)-year sentence is not for taking a lunch bag but for being an habitual criminal. The ten (10)- to twenty-five (25)-year sentence for Burglary does not shock the conscience and is, therefore, not unconstitutional. Deft. fails to substantiate prejudice to excuse his procedural default because there was no requirement that the Deft. sign an Amended Information. Deft. fails to substantiate prejudice to excuse his procedural default because the Court properly DENIED his Motion to Withdraw his Guilty Plea, which is in the sound discretion of the Court. The Deft. claim that he was coerced into signing the guilty plea is belied by the record; in the Deft.'s Guilty Plea Agreement he acknowledged that he was signing the agreement voluntarily. There was no prosecutorial misconduct; the Deft. indicates in his pleadings that the State was vindictive because the prosecutor displayed his personal animus towards him in a statement he made to him; however, he failed to raise that issue on appeal and has, therefore, lost that assertion. The Deft. received effective assistance of counsel; he claims counsel failed to investigate his claim of innocence; however, that is belied by the record and said claim should have been raised on direct appeal. Therefore, COURT ORDERED, Deft.'s Petition is DENIED. State to prepare Findings of Fact and Conclusions of Law consistent with their Response. NDC CLERK'S NOTE: A copy of this minute order was mailed to Harold Edwards #1169986, Southern Desert Correctional Center, P.O. Box 208, Indian Springs, 89070. ;

12/02/2019



Motion (8:30 AM) (Judicial Officer: Silva, Cristina D.)

Deft.'s Motion to Extend Prison Copywork Limit

Granted; Deft.'s Motion to Extend Prison Copywork Limit

Journal Entry Details:

Jory Scarborough, Dep DA, present on behalf of the State; Deft. Edwards is incarcerated in the Nevada Department of Corrections (NDC) and not present. This is the time set for hearing on Deft.'s Motion to Extend Prison Copywork Limit, which he filed pro se. The Court has reviewed the Motion. Upon Court's inquiry, Mr. Scarborough advised the State takes no position. COURT ORDERED, the Motion is GRANTED up to \$500. If the Deft. needs more than that, he will have to file another motion with additional information as to what he is seeking copies of and for what purpose. NDC CLERK'S NOTE: A copy of this minute order was mailed to Harold Edwards #1169986, Southern Desert Correctional Center, P.O. Box 208, Indian Springs, Nevada, 89070.;

04/20/2020



Motion (1:45 PM) (Judicial Officer: Silva, Cristina D.)

Motion for the Court to Order Southern Desert's Correctional Center Gang Intelligence Department to Release Petitioner's Corrections File and Prison Records

Denied Without Prejudice; Motion for the Court to Order Southern Desert's Correctional Center Gang Intelligence Department to Release Petitioner's Corrections File and Prison Records

Journal Entry Details:

Jacob Villani, Chf Dep DA, present on behalf of the State; Petitioner Harold Edwards is incarcerated in the Nevada Department of Corrections (NDC) and is not present. This is the time set for hearing on the Motion for the Court to Order Southern Desert's Correctional Center Gang Intelligence Department to Release Petitioner's Corrections File and Prison Records, which he filed pro se. The Court advised that it has reviewed the Motion but there was no response from the State; however, they were not served and, upon further consideration, it appears that this is a matter for the Attorney General's office in lieu of the District Attorney's office. Mr. Villani CONCURRED; therefore, COURT ORDERED, the Motion is DENIED without prejudice. The Deft. is free to re-file his Motion; however, he must serve the Motion on the Attorney General's office and the Warden for the Southern Desert Correctional Center before this Court can consider it. NDC CLERK'S NOTE: A copy of this minute order was mailed to Harold Edwards #1169986, Southern Desert Corrections Center, P.O. Box 208, Indian Springs, Nevada, 89070.;

06/01/2020



Motion for Order (3:00 AM) (Judicial Officer: Silva, Cristina D.)

Motion for Order to SDCC Gang Intelligence Department to Release Petitioner's Correction File and Prison Records COVID-19

Denied; Motion for Order to SDCC Gang Intelligence Department to Release Petitioner's Correction File and Prison Records

Journal Entry Details:

The Motion for Order to SDCC Gang Intelligence Department to Release Petitioner's Correction File and Prison Records, which he filed pro se, came before this Court on its June 1, 2020, Chamber Calendar. The Petitioner submitted a similar motion on March 20, 2020. On April 20, 2020, the Court DENIED that Motion without prejudice,

CASE SUMMARY

CASE NO. C-15-310695-1

noting that the Petitioner must serve the Nevada Attorney General's Office and the Warden for the Southern Desert Correctional Center before this Court can consider the Motion. COURT ORDERED, the Motion is DENIED without prejudice, for the same reason. The Court will mail another copy of the April 20, 2020, Order to the Petitioner. CLERK S NOTE: A copy of this minute order was mailed to Harold Edwards #1169986, Southern Desert Corrections Center, P.O. Box 208, Indian Springs, Nevada, 89070. ;

09/14/2020



Motion (1:45 PM) (Judicial Officer: Silva, Cristina D.)

Motion to Extend Prison Copywork Limit

Denied Without Prejudice; Motion to Extend Prison Copywork Limit

Journal Entry Details:

Defendant not present and in custody in the Nevada Department of Corrections; Deputy District Attorney Dena Rinetti present on behalf of the State. Ms. Rinetti informed the Court this matter is meant for the Attorney General's Office. COURT ORDERED, Motion to Extend Prison Copywork Limit DENIED WITHOUT PREJUDICE, FINDINGS there is no basis as to why the Defendant needs to exceed the threshold. COURT STATED the Defendant indicated they are litigating a Habeas Corpus actions, however there is no pending Motion and the Court feels the Attorney General's Office was not properly served; adding if the Court wants to file the Motion again, however the AG's Office needs to be served. NDC CLERK'S NOTE: This Minute Order has been mailed to: Harold Edwards #1169986, PO BOX 208, Indian Springs, Nevada 89018. (9-15-2020 ks);

10/05/2020



Motion (1:45 PM) (Judicial Officer: Silva, Cristina D.)

Motion Asking the Court to Order SDCC Law Library to Grant Defendant Access to the Law Library Five Days Per Week or in the Alternative 3 days a week.

Motion Denied; Motion Asking the Court to Order SDCC Law Library to Grant Defendant Access to the Law Library Five Days Per Week or in the Alternative 3 days a week.

Journal Entry Details:

Defendant not present; Deputy District Attorney Dena Rinetti present on behalf of the State. COURT ORDERED, Motion DENIED and FINDS the Defendant can access the law library pursuant to the detention center rules and regulations, and the Defendant must comply with those rules of the Detention center, adding if the Defendant needs an exception to the rules, they will need to file a Motion as well as why the permitted time is not sufficient, noting it cannot be a blanket request, and the Court cannot dictate to the facility about how to run it. NDC CLERK'S NOTE: A copy of this Minute Order has been sent to Harold Edwards #1169986, PO BOX 208, Indian Springs, Nevada 89070. (10-6-2020 ks);

05/10/2021



Motion for Order (11:00 AM) (Judicial Officer: Clark Newberry, Tara)

Motion for Order to Order Southern Desert Correctional Center's Gang Intelligence Department to Release Petitioner's Correctional File and Prison Records

Denied Without Prejudice; Motion for Order to Order Southern Desert Correctional Center's Gang Intelligence Department to Release Petitioner's Correctional File and Prison Records

Journal Entry Details:

Court noted Deft. was in custody at the Nevada Department of Correction (NDC) and not transported. Upon Court's inquiry, Mr. Scarborough stated they were not served with a copy of the motion. Further, Mr. Scarborough mentioned it seems to be a time calculation issue, so he consulted with the appellate unit and was advised this matter is appropriate for the Attorney General to handle; he noted he was unsure if they were served. Based on not having evidence of proper service, COURT ORDERED, motion DENIED WITHOUT PREJUDICE; Deft. may re-file and serve the motion. Court Advised it would prepare the order. NDC ;

05/19/2021



Motion to Modify Sentence (11:00 AM) (Judicial Officer: Silva, Cristina D.)

Motion to Modify and or Correct Illegal Sentence

Motion Denied; Motion to Modify and or Correct Illegal Sentence

Journal Entry Details:

Defendant not present and in custody in the Nevada Department of Corrections. COURT ORDERED, Defendant's presence WAIVED. COURT STATED the Defendant filed this instant Motion on April 27, 2021 and the State filed their Opposition on May 12, 2021, adding they have reviewed the documents and ORDERED, Defendant's Motion to Modify and or Correct Illegal Sentence DENIED. COURT FURTHER STATED as set forth in the State's Opposition the Defendant has not demonstrated that his sentence is not facially illegal, therefor the Court does not have a basis to grant of modify the relief the Defendant is seeking, as well as, the Court lacks jurisdiction since he has already started serving his sentence. COURT NOTED for the record, the issues raised in this Motion were also raised on Direct Appeal and was address by the Supreme Court on April 15, 2019, where the Supreme Court affirmed the denial of a Post Conviction Petition for Writ of Habeas Corpus. COURT INFORMED the State the challenges in this Motion were in the Supreme Court decision, and that information was not part of the State's Opposition, and requested it be in the Order. NDC CLERK'S NOTE: A copy of this Minute Order has been mailed to: Harold Edwards #1169986, PO BOX 208, Indian Springs, Nevada 89070. (5-20-2021 ks);

CASE SUMMARY

CASE NO. C-15-310695-1

FINANCIAL INFORMATION

DATE

Defendant Edwards, Harold
Total Charges
Total Payments and Credits
Balance Due as of 6/9/2021

178.00
0.00
178.00

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 13, 2015

C-15-310695-1 State of Nevada
 vs
 Harold Edwards

November 13, 2015 10:00 AM Initial Arraignment

HEARD BY: Weed, Randall F. **COURTROOM:** RJC Lower Level Arraignment

COURT CLERK: Kristen Brown

RECORDER: Kiara Schmidt

REPORTER:

PARTIES

PRESENT: Edwards, Harold Defendant
 Public Defender Attorney
 Savage, Jordan S. Attorney

JOURNAL ENTRIES

- Deputized Law Clerk Kathleen Wilde appearing for the State.

Colloquy between Court, counsel and the deft. regarding the deft. representing himself. COURT ORDERED, matter CONTINUED and set in front of Department 8 to conduct a Faretta Canvass.

CUSTODY (COC)

11/18/15 8:00 AM ARRAIGNMENT CONTINUED...FARETTA CANVASS (DEPT. 8)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 18, 2015

C-15-310695-1 State of Nevada
 vs
 Harold Edwards

November 18, 2015 8:00 AM All Pending Motions

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 11B

COURT CLERK: Tena Jolley

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:	Glasgow, Justin	Attorney
	Jones, Tierra D.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- ARRAIGNMENT CONTINUED...FARETTA CANVASS

Defendant not present, in custody. Correction Officer advised that the Defendant was to be transported to Department 17. COURT ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 11/23/15 8:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 23, 2015

C-15-310695-1 State of Nevada
 vs
 Harold Edwards

November 23, 2015 8:00 AM All Pending Motions

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 11B

COURT CLERK: Tena Jolley

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:	Edwards, Harold	Defendant
	Graham, Elana L.	Attorney
	O'Brien, Robert E, ESQ	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- ARRAIGNMENT CONTINUED...FARETTA CANVASS

Court conducted a Faretta Canvass of the Defendant. Court strongly recommended that Defendant be defended by a trained lawyer and not represent himself. COURT FOUND Defendant competent to waive his Constitutional right to be represented by an attorney; is waiving his right to counsel freely, voluntarily and knowingly; has a full appreciation and understanding of the waiver and its consequence; and ORDERED, Defendant will be allowed to represent himself. Court DIRECTED Mr. O'Brien to provide the Defendant with all of the discovery, excluding any disks.

DEFT. EDWARDS ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. COURT ORDERED, matter SET for Trial.

CUSTODY (COC)

1/13/16 8:00 AM CALENDAR CALL

PRINT DATE: 06/09/2021

Page 3 of 49

Minutes Date: November 13, 2015

1/25/16 9:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 13, 2016**

C-15-310695-1 State of Nevada
vs
Harold Edwards

January 13, 2016 8:00 AM Calendar Call

HEARD BY: Smith, Douglas E.**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Jennifer Kimmel**RECORDER:** Jill Jacoby**REPORTER:****PARTIES**

PRESENT:	Edwards, Harold	Defendant
	Flinn, William W.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Ms. Hojjat, Esq. confirming that all discovery (except the DVD's which are not allowed at Clark County Detention Center (CCDC) to the Defendant. Defendant requested trial be RESET and moved for appointment of Stand-by Counsel. COURT ORDERED, Trial is RESET and the request for Stand-by Counsel is DENIED as the Defendant has completed the Faretta Canvass. COURT FURTHER ORDERED, Mr. Robert Lawson is appointed as investigator. Mr. McCubbin requested the Court clarify how the Defendant will watch the DVD, to which the Court responded the Defendant had the opportunity to see the DVD at the preliminary hearing and his investigator can assist him with further review.

CUSTODY (COC)

3/2/16 8:00 A.M. CALENDAR CALL

3/14/16 9:30 A.M. JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 22, 2016

C-15-310695-1 State of Nevada
 vs
 Harold Edwards

February 22, 2016 8:00 AM Motion to Dismiss

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 11B

COURT CLERK: Shelley Boyle

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT: Lexis, Agnes Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Deft. not present. Upon Court's inquiry, Ms. Lexis advised the State has not responded as Deft. will enter a plea that will resolve all three of his outstanding cases. COURT ORDERED, a Status Check SET; Matter CONTINUED.

CUSTODY (COC)

03/07/16 8:00 A.M. STATUS CHECK: RESOLUTION....DEFT'S PRO SE MOTION TO DISMISS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 02, 2016

C-15-310695-1 State of Nevada
 vs
 Harold Edwards

March 02, 2016 8:00 AM Calendar Call

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 11B

COURT CLERK: Tena Jolley

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:	Edwards, Harold	Defendant
	Flinn, William W.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Flinn stated that the Defendant is looking taking a plea in another case which would include a dismissal of this case. Court noted it would see the parties back on March 7, the time set for Defendant's Pro Se Motion to Dismiss and Status Check regarding possible resolution. Defendant stated he had provided the investigator with the Writ of Habeas Corpus and requested it be returned to him. COURT SO ORDERED.

CUSTODY (COC)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 07, 2016**

C-15-310695-1 State of Nevada
 vs
 Harold Edwards

March 07, 2016 8:00 AM All Pending Motions

HEARD BY: Smith, Douglas E.**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Tena Jolley**RECORDER:** Jill Jacoby**REPORTER:****PARTIES**

PRESENT:	Edwards, Harold	Defendant
	Kochevar, Brian J.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- STATUS CHECK: RESOLUTION...DEFT'S PRO SE MOTION TO DISMISS

Mr. Kochevar advised that Defendant is set to enter a plea in C310166 on March 9th which will dismiss this case and two other cases. Court noted it reviewed the Motion to Dismiss and Defendant's position that the State has no proof beyond a reasonable doubt indicating that the State need only slight or marginal evidence, a lower threshold; based on Defendant's Motion, COURT ORDERED, Motion DENIED. Defendant inquired regarding return of his writ and Court DIRECTED the State to have investigator, Robert Lawson, return Defendant's Writ of Habeas Corpus document to the Defendant.

CUSTODY (COC)

3/9/16 8:00 AM STATUS CHECK: RESOLUTION

CLERK'S NOTE: Following the hearing and at the request of the District Attorney's Office, COURT

PRINT DATE: 06/09/2021

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Minutes Date: November 13, 2015

ORDERED, matter SET for Status Check regarding resolution.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 09, 2016

C-15-310695-1 State of Nevada
 vs
 Harold Edwards

March 09, 2016 8:00 AM Status Check

HEARD BY: Smith, Douglas E. **COURTROOM:** RJC Courtroom 11B

COURT CLERK: Keri Cromer

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:	Edwards, Harold	Defendant
	Flinn, William W.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Statement by Deft. regarding his Guilty Plea Agreement and motions. Court advised it did not have any motions from the Deft. State advised there was no longer an offer available; announced ready to proceed with 3-5 witnesses. COURT ORDERED, trial date of 3/14/2016 VACATED; matter REFERRED to OVERFLOW.

CUSTODY (COC)

3/11/2016 - 8:30 AM - OVERFLOW (DEPT 18)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 11, 2016**

C-15-310695-1 State of Nevada
 vs
 Harold Edwards

March 11, 2016 8:30 AM Overflow

HEARD BY: Barker, David**COURTROOM:** RJC Courtroom 10C**COURT CLERK:** Athena Trujillo**RECORDER:** Cynthia Georgilas**REPORTER:****PARTIES**

PRESENT:	Edwards, Harold	Defendant
	State of Nevada	Plaintiff
	Villani, Jacob J.	Attorney

JOURNAL ENTRIES

- State estimated trial will take two days. Further, State noted it's concern for the appellate record that the case was sent to overflow after the Defendant requested a continuance. Defendant requested a continuance, advising he hasn't received all the discovery or seen all the videos. Further, Defendant advised this case was to be dismissed as part of negotiations. State advised there are no negotiations in place. Further, State advised the Defendant has waived all claims as to ineffective assistance of counsel, however, it is concerned about the preparedness prong. Defendant requested to withdraw his Pro Se status and advised the motion was sent to the Clerk's Office. Matter TRAILED. Matter RECALLED. Upon Court's inquiry, State advised it can get a computer to allow the Defendant to view the videos today. Court advised the Defendant that if his oral request is granted, the Public Defender would be re-appointed to represent him and that he would receive the same attorney. Defendant advised he will be able to work with her. Court noted this appears to be a delay, but it also does not like the record and the fact that there is outstanding discovery. COURT FINDS under Thomas vs State ground to GRANT the oral request of the Defendant to withdraw self representation and ORDERED, Public Defender APPOINTED. COURT FURTHER ORDERED, matter SET for Further Proceedings in Department 8.

C-15-310695-1

CUSTODY (COC)

3/16/16 8:00 AM FURTHER PROCEEDINGS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 16, 2016

C-15-310695-1 State of Nevada
 vs
 Harold Edwards

March 16, 2016 8:00 AM Further Proceedings

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 11B

COURT CLERK: Tena Jolley

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:	Edwards, Harold	Defendant
	Glasgow, Justin	Attorney
	State of Nevada	Plaintiff
	Villani, Jacob J.	Attorney

JOURNAL ENTRIES

- Mr. Villani advised that Judge Barker reappointed the Public Defender on this case down in Overflow when the Defendant asked to withdraw his Faretta Canvass. COURT ORDERED Trial date SET.

CUSTODY (COC)

5/18/16 8:00 AM CALENDAR CALL

5/23/16 9:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 06, 2016

C-15-310695-1 State of Nevada
 vs
 Harold Edwards

April 06, 2016 8:00 AM All Pending Motions

HEARD BY: Smith, Douglas E. **COURTROOM:** RJC Courtroom 11B

COURT CLERK: Phyllis Irby

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:	McCubbin, TJ	Attorney
	State of Nevada	Plaintiff
	Villani, Jacob J.	Attorney

JOURNAL ENTRIES

- The Court noted Judge Barker appointed counsel for Deft therefore, Motion to Appoint Counsel is MOOT. Mr. McCubbin advised he will refile Motion for Discovery. COURT ORDERED, MATTERS RESOLVED.

CUSTODY (COC)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 18, 2016

C-15-310695-1 State of Nevada
 vs
 Harold Edwards

May 18, 2016 8:00 AM Calendar Call

HEARD BY: Smith, Douglas E. **COURTROOM:** RJC Courtroom 11B

COURT CLERK: Tena Jolley

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:	Edwards, Harold	Defendant
	Jones, Tierra D.	Attorney
	Machnich, Tegan	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Ms. Machnich advised they still had pending investigation. No objection by the State. COURT ORDERED, trial date VACATED and RESET.

CUSTODY (COC)

8/17/2016 - 8:00 AM - CALENDAR CALL

8/22/2016 - 9:30 AM - JURY TRIAL

CLERK'S NOTE: The minutes for this hearing have been prepared by a review of the JAVS recording. kc/7/1/16

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 17, 2016

C-15-310695-1 State of Nevada
 vs
 Harold Edwards

August 17, 2016 8:00 AM All Pending Motions

HEARD BY: Smith, Douglas E. **COURTROOM:** RJC Courtroom 11B

COURT CLERK: Phyllis Irby

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:	Edwards, Harold	Defendant
	Flinn, William W.	Attorney
	O'Brien, Robert E, ESQ	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. O'Brien announced not ready for trial; advised he is moving to continue the trial. The State announced ready for trial. Mr. O'Brien advised Deft is being convicted in DC 21 on another case and therefore, is moving to consolidate. COURT ORDERED, TRIAL DATE STANDS.

CUSTODY (COC)

8-22-16 9:30 AM JURY TRIAL (DEPT. VIII)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 17, 2016**

C-15-310695-1 State of Nevada
vs
Harold Edwards

August 17, 2016	9:30 AM	Motion to Consolidate	Defendant's Notice Of Motion And Motion To Consolidate [C-15- 310166-1/C-15-310695- 1]
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HEARD BY: Miley, Stefany**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Katherine Streuber**RECORDER:** Maria Garibay**REPORTER:****PARTIES**

PRESENT:	Edwards, Harold	Defendant
	Flinn, William W.	Attorney
	Lexis, Chad N.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Deputy Public Defender Jasmin Spells (counsel in case C310166) advised they filed motion in order to consolidate two cases as they are the same allegations and noted the State had filed a Motion to Consolidate in Department 17. Court inquired of Department 8 trial. Counsel advised if matters are consolidated, the trial in Department 8 would be vacated. Court believed it was too late to consolidate cases. Counsel advised they would be requesting a stay in the matter if the motion is denied. Court inquired why defense was not ready to proceed to trial. Argument by counsel. State advised they were prepared for trial in Department 8 and Department 23 and noted they had never received defense's Motion to Continue. COURT ORDERED, Motion to Consolidate DENIED. State pointed out there were no offers in these cases. COURT SO NOTED.

C-15-310695-1

CUSTODY (COC)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 19, 2016**

C-15-310695-1 State of Nevada
 vs
 Harold Edwards

August 19, 2016 10:00 AM Entry of Plea

HEARD BY: Smith, Douglas E.**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Louisa Garcia**RECORDER:** Jill Jacoby**REPORTER:****PARTIES**

PRESENT:	Edwards, Harold	Defendant
	Flinn, William W.	Attorney
	McCubbin, TJ	Attorney
	O'Brien, Robert E, ESQ	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Counsel advised the matter was resolved. Mr. Flinn stated negotiations for the record. Court thoroughly canvassed Defendant on the facts and plea. NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. DEFT. EDWARDS ARRAIGNED AND PLED GUILTY TO BURGLARY (F). Court ACCEPTED plea, and, ORDERED, matter referred to the Division of Parole and Probation (P & P) and SET for sentencing. FURTHER ORDERED, trial date VACATED.

CUSTODY (COC)

10/10/16 8:00 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 05, 2016**

C-15-310695-1 State of Nevada
vs
Harold Edwards

October 05, 2016	8:00 AM	Motion to Dismiss	Deft.'s Pro Se Motion to Dismiss Counsel and Motion for a Faretta Hearing
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HEARD BY: Smith, Douglas E.**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Carol Donahoo**RECORDER:** Jill Jacoby**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- William Flinn, Dep DA, present on behalf of the State and TJ McCubbin, Dep PD, present on behalf of Deft. Edwards, who is also present.

This is the time set for hearing on Deft.'s Motion to Dismiss Counsel and Motion for a Faretta Hearing. Deft. is set for sentencing on October 10, 2016. Upon Court's inquiry, Deft. stated that he wanted to represent himself at sentencing; he has submitted a Motion to Withdraw his Plea.

Court noted that it had previously conducted a Faretta Canvass for this Deft. and informed him that it is never advisable to represent yourself. Mr. Flinn advised that in the instant case the Deft. has gone back and forth between representing himself and being represented by counsel. In Deft.'s other case (C311212), he represented himself at trial and now he has a Motion to Appoint Counsel for Sentencing. Although the Deft. was found guilty at trial in C311212, it is now part of the negotiations in this case.

Court noted that the Deft. has passed a Faretta Canvass in the past. Therefore, COURT ORDERED, Deft.'s Motion to Dismiss Counsel and Motion for Faretta Canvass is GRANTED; the Public Defender shall turn over Deft.'s file to him.

Deft.'s Notice of Motion and Motion to Withdraw Guilty Plea and Motion for a Faretta Hearing FILED IN OPEN COURT. Although this matter is set for sentencing on October 10, 2016, the Court will instead hear Deft.'s Motion to Withdraw Guilty Plea. Therefore, COURT ORDERED, sentencing date VACATED; the sentencing date will be rescheduled next date, if necessary.

CUSTODY (COC)

10/10/16 8:00 AM DEFT.'S MOTION TO WITHDRAW GUILTY PLEA

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 10, 2016**

C-15-310695-1 State of Nevada
vs
Harold Edwards

October 10, 2016 8:00 AM Motion Deft.'s Motion to Withdrt

HEARD BY: Smith, Douglas E.**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Carol Donahoo**RECORDER:** Jill Jacoby**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Taleen Pandukht, Chf Dep DA, present on behalf of the State; Deft. Edwards present pro se.

This is the time set for hearing on Deft.'s Motion to Withdraw Guilty Plea. Court will hear no oral argument, it will base its decision on the pleadings. Court noted that Deft. entered his plea on August 19, 2016.

The Court reviewed Deft.'s Motion and believes he has failed to present a sufficient reason to permit withdrawal of his guilty plea. The Court reviewed Deft.'s August 19, 2016, plea transcript on the record; Deft. answered 'Yes' five separate times; there is no ineffective assistance. The Court is ready to proceed with sentencing. Deft. represented that he was advised by his counsel to answer 'Yes' to everything, he was following counsel's advice. Deft. stated he did not agree with a lot of things said in the plea agreement but he just did what his counsel advised him to do.

Ms. Pandukht inquired as to whether or not, based on *Steventon vs. State*, if the Court had reviewed the totality of the circumstances and found that there is no fair and just reason for the Deft. to withdraw his plea. Court CONCURRED; COURT ORDERED, Motion DENIED.

Colloquy regarding sentencing and Stockmeier; Deft. stated there are a bunch of mistakes in the Presentence Investigation (PSI) report. COURT FURTHER ORDERED, matter set for status check. Court directed the Deft. to make a list of all the errors in the PSI, bring them back next date, and the State will get them to Parole and Probation (P&P) so the PSI can be supplemented. A new sentencing date will be set next date.

CUSTODY

10/17/16 8:00 AM STATUS CHECK: CORRECTIONS TO PRESENTENCE INVESTIGATION (PSI) REPORT/SET SENTENCING DATE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 17, 2016**

C-15-310695-1 State of Nevada
 vs
 Harold Edwards

October 17, 2016	7:30 AM	Status Check	Corrections to Presentence Investigation (PSI) Report/Set Sentencing Date
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HEARD BY: Smith, Douglas E.**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Carol Donahoo**RECORDER:** Debbie Winn**REPORTER:**

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Genevieve Craggs, Dep DA, present on behalf of the State; Deft. is present pro se.

This is the time set for the Status Check on Corrections to the Presentence Investigation (PSI) report. Court noted that the Deft. was going to provide the Court with a list of corrections to the PSI.

Colloquy; since the Deft. does not have a written list of corrections to the PSI, pursuant to Stockmeier, the Court is ready to proceed with sentencing. Court requested that the Deft. refer to the sentencing recommendation in the PSI and argue whether the Court should or should follow said recommendation. Ms. Craggs advised that the State is seeking habitual treatment and has certified copies of Deft.'s prior Judgments of Conviction (JOC's). Deft. stated that he has not seen the JOC's.

Court noted that pursuant to the negotiations, both parties were stipulating to adjudication under the Large Habitual Criminal Statute; the State has provided at least ten (10) prior felony convictions. The Judgments of Conviction were marked for identification collectively as State's Exhibit 1 and

ADMITTED. The Deft. agreed to a ten (10)- to twenty-five (25)-year sentence. Argument by Deft., he is challenging the sufficiency of the JOC's. It appears that he no longer wants to stipulate to the terms of the Guilty Plea Agreement and wants the original charges restored so he can then proceed to trial. COURT ORDERED, matter set for status check. A copy of the JOC's will be made and provided to the Deft. for review.

CUSTODY (COC)

11/21/16 8:00 AM STATUS CHECK: SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 21, 2016

C-15-310695-1 State of Nevada
 vs
 Harold Edwards

November 21, 2016 8:00 AM Sentencing

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 11B

COURT CLERK: Carol Donahoo

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Tierra Jones, Dep DA, present on behalf of the State; Deft. Edwards present pro se

DEFT. EDWARDS ADJUDGED GUILTY of BURGLARY (F). Ms. Jones advised that this matter was continued from October 17, 2016, at which time the State presented the Court with the certified Judgments of Conviction (JOC's) in regards to the Deft. Court acknowledged receipt of JOC's and advised they were checked. Deft. represented that he also received a copy.

Additionally, Ms. Jones advised that based upon the JOC's, the State would request that the Court follow the terms of the plea agreement and sentence the Deft. ten (10) to twenty-five (25) years under the Large Habitual Criminal Statute. The Deft. was sentenced in his other case, C311212, on October 27, 2016. Pursuant to the negotiations, the instant case it to run concurrent with his other case. Argument by the Deft. regarding the validity of the JOC's; Deft.'s review of JOC's shows that he was not represented by counsel in the criminal proceedings in Illinois, the records just show Public Defender but no name and there are no transcripts to show affirmatively that he was represented by counsel. Therefore, the District Attorney has failed to comply with the statutory requirements for the enhancement; if the convictions are unconstitutional then the recommended enhanced sentence is null and void. Deft. is requesting concurrent time with C311212 and a sixteen (16)- to seventy-two (72)-month sentence, which is what is recommended by Parole and Probation (P&P). COURT

ORDERED, sentencing CONTINUED; the Court will hear no oral argument, it will issue its decision next date. The Court would like to review the JOC's again.

CUSTODY (COC)

CONTINUED TO: 11/23/16 8:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 23, 2016

C-15-310695-1 State of Nevada
 vs
 Harold Edwards

November 23, 2016 8:00 AM Sentencing

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 11B

COURT CLERK: Jill Chambers

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:	Edwards, Harold	Defendant
	Kochevar, Brian J.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Deft. requested the Court allow him to argue. Court advised Deft. that argument was already heard at the previous hearing. Deft. continued to argue. COURT CONTINUED MATTER.

CUSTODY

CONTINUED TO: 12/7/16 8:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 07, 2016**

C-15-310695-1 State of Nevada
vs
Harold Edwards

December 07, 2016 8:00 AM Sentencing

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 11B

COURT CLERK: Carol Donahoo

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Tierra Jones, Dep DA, present on behalf of the State; Deft. Edwards present pro se.

Court noted that this is the time set for Sentencing; argument was held back on November 21, 2016, and the Deft. and the Court were provided certified copies of Deft.'s prior Judgments of Conviction (JOC's) on October 17, 2016. The matter was continued from November 21 because the Deft. brought up some issues with his prior JOC's and the Court wanted to review them again. Pursuant to the Deft.'s Guilty Plea Agreement, this is a stipulated sentence. Negotiations: Both parties stipulate to adjudication under the Large Habitual Criminal Statute with a sentence of ten (10) to twenty-five (25) years. The instance case is to run concurrent with C311212. The Court is following the stipulation and has reviewed all pertinent documents. Additionally, the Court is satisfied that the State has met their responsibility with regard to the JOC's and the Deft.'s rights have not been violated. The Court indicated on November 21 that it would hear no oral argument.

Therefore, DEFT. EDWARDS is ADJUDGED GUILTY of BURGLARY (F). COURT ORDERED, pursuant to the Habitual Criminal Statute, Deft. shall be adjudicated as a LARGE HABITUAL CRIMINAL OFFENDER and, in addition to the \$25.00 Administrative Assessment fee, \$150.00 DNA Analysis fee including testing to determine genetic markers, and the \$3.00 DNA Collection fee, Deft. SENTENCED to a MAXIMUM of TWENTY-FIVE (25) YEARS and a MINIMUM of TEN (10) YEARS,

in the Nevada Department of Corrections (NDC), CONCURRENT with C311212, with FOUR HUNDRED FIFTY (450) DAYS credit for time served.

BOND, if any, EXONERATED

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 19, 2017

C-15-310695-1 State of Nevada
 vs
 Harold Edwards

**April 19, 2017 8:00 AM Motion Deft.'s Ex-Parte
Motion for
Immediate Release**

HEARD BY: Smith, Douglas E. **COURTROOM:** RJC Courtroom 11B

COURT CLERK: Carol Donahoo

RECORDER: Gina Villani

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Vivian Luong, Dep DA, present on behalf of the State; Deft. Edwards is incarcerated in the Nevada Department of Corrections (NDC) and not present.

This is the time set for hearing on Deft.'s Motion for Immediate Release, which he filed pro se. The Deft. is requesting that he be given all the color photographs from the Bellagio Hotel and Casino that were given to his counsel. COURT ORDERED, the Motion is DENIED because it is premature. Deft.'s Petition for Writ of Habeas Corpus has not been granted and an evidentiary hearing has not been set. Additionally, Deft. failed to cite any case law in his Motion and he has not shown good cause.

State to prepare Findings of Fact and Conclusions of Law consistent with their opposition.

NDC

CLERK'S NOTE: A copy of this minute order was mailed to Harold Edwards #7024721, High Desert State Prison, P.O. Box 650, Indian Springs, Nevada, 89070.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 01, 2017

C-15-310695-1	State of Nevada
	vs
	Harold Edwards

May 01, 2017	8:00 AM	Motion	Ex-Parte Motion for Court to Order that Transcripts for the Court Dates of 11/21 and 12/7 and 10/10 and 8/17/16 be Released to Deft.
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HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 11B

COURT CLERK: Carol Donahoo

RECORDER: Gina Villani

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Karen Mishler, Dep DA, present on behalf of the State; Deft. Edwards is incarcerated in the Nevada Department of Corrections (NDC) and not present.

This is the time set for hearing on the Ex-Parte Motion for Court to Order that Transcripts from the Court Dates of 11/21 and 12/7 and 10/10 and 8/17/2016, be Released to Deft. COURT ORDERED, Motion GRANTED.

NDC

CLERK'S NOTE: A copy of this minute order along with the requested transcripts were mailed to Harold Edwards #1169986, High Desert State Prison, P.O. Box 650, Indian Springs, Nevada, 89070.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 24, 2017

C-15-310695-1 State of Nevada
 vs
 Harold Edwards

**May 24, 2017 8:00 AM Petition for Writ of Habeas
Corpus**

HEARD BY: Smith, Douglas E. **COURTROOM:** RJC Courtroom 11B

COURT CLERK: Carol Donahoo

RECORDER: Gina Villani

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Vivian Luong, Dep DA, present on behalf of the State; Deft. Edwards is incarcerated in the Nevada Department of Corrections (NDC) and is not present.

This is the time set for hearing on Deft.'s Petition for Writ of Habeas Corpus; however, Court noted that it has received an Order from the Nevada Supreme Court Directing Transmission of Record. The Order was filed on May 10, 2017, and it appears that the Clerk of the District Court has thirty (30) days, from the date of this Order, to transmit a certified copy of the complete trial court record of the appeal.

Ms. Luong inquired as to whether the Court was going to hear the Deft.'s Writ today, the State filed a Response. COURT ORDERED, matter OFF CALENDAR as this Court has been stripped of jurisdiction due to the Deft.'s filing with the Supreme Court.

NDC

CLERK'S NOTE: A copy of this minute order was mailed to Harold Edwards #1169986, High Desert State Prison, P.O. Box 650, Indian Springs, Nevada, 89070.

PRINT DATE: 06/09/2021

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Minutes Date: November 13, 2015

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 05, 2018**

C-15-310695-1 State of Nevada
vs
Harold Edwards

February 05, 2018**8:00 AM****Status Check****Supreme Court Order
of Reversal****HEARD BY:** Smith, Douglas E.**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Carol Donahoo**RECORDER:** Gina Villani**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Jonathan Cooper, Chf Dep DA, present on behalf of the State; Deft. Howard is incarcerated in the Nevada Department of Corrections (NDC) and is not present.

This is the time set for the Status Check on the Supreme Court Order of Reversal. The Deft. filed a document entitled "Defendant/Petitioner Intends to Present the Following Issues in his Post-Conviction Writ of Habeas Corpus" on December 16, 2016. This Court construed the document as a Post-Conviction Petition for Writ of Habeas Corpus and DISMISSED it; however, it appears the document was only a Notice to the District Court on the claims Deft. intended to raise. Subsequently, the Deft. filed a Petition for Writ of Habeas Corpus on March 6, 2017.

Court directed the State to obtain the above-mentioned Petition and respond to it within the next sixty (60) days. COURT ORDERED, matter set for status check. If the Deft. has filed a Reply, the matter can go forward, if not, the matter may have to be continued again.

NDC

04/09/18 8:00 AM STATUS CHECK: STATE'S RESPONSE TO DEFT.'S PETITION FOR WRIT OF

PRINT DATE: 06/09/2021

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Minutes Date: November 13, 2015

HABEAS CORPUS FILED 03/06/17

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 09, 2018**

C-15-310695-1 State of Nevada
vs
Harold Edwards

April 09, 2018	8:00 AM	Status Check	State's Response to Deft.'s Petition for Writ of Habeas Corpus filed 03/06/17
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HEARD BY: Smith, Douglas E.**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Carol Donahoo**RECORDER:** Gina Villani**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Kelsey Einhorn, Dep DA, present on behalf of the State; Deft. Edwards is not present, he is incarcerated in the Nevada Department of Corrections (NDC).

This is the time set for the Status Check on the State's Response to Deft.'s Petition for Writ of Habeas Corpus. The Deft. filed on December 16, 2016, a document entitled Deft. Intends to Present the Following Issues in His Post-Conviction Writ of Habeas Corpus; it was treated as a Petition for Writ of Habeas Corpus and dismissed on December 21, 2016. The Deft. then filed a Notice of Appeal on January 25, 2017, but voluntarily dismissed the appeal and on February 28, 2018, the Nevada Supreme Court filed an Order Dismissing Appeal and the appeal was closed. The Deft. then filed a Petition for Writ of Habeas Corpus (Post-Conviction) on March 6, 2017, the State's Response was filed on April 18, 2017, and the Court continued the matter for the State to supplement their response and the Deft. to file a Reply but nothing has been filed.

Deft. fails to establish good cause to overcome the procedural default; all the necessary facts and law were available for direct appeal but the Deft. instead chose to withdraw his appeal and forever forego

his claims.

Deft. fails to substantiate prejudice to excuse his procedural default because there were no violations of the Deft.'s due process rights or judicial error in his sentencing; he claims his sentence is cruel and unusual because it is disproportionate to the crime but he misapprehends the purpose of his sentence. The Deft.'s ten (10)- to twenty-five (25)-year sentence is not for taking a lunch bag but for being an habitual criminal. The ten (10)- to twenty-five (25)-year sentence for Burglary does not shock the conscience and is, therefore, not unconstitutional.

Deft. fails to substantiate prejudice to excuse his procedural default because there was no requirement that the Deft. sign an Amended Information.

Deft. fails to substantiate prejudice to excuse his procedural default because the Court properly DENIED his Motion to Withdraw his Guilty Plea, which is in the sound discretion of the Court. The Deft. claim that he was coerced into signing the guilty plea is belied by the record; in the Deft.'s Guilty Plea Agreement he acknowledged that he was signing the agreement voluntarily.

There was no prosecutorial misconduct; the Deft. indicates in his pleadings that the State was vindictive because the prosecutor displayed his personal animus towards him in a statement he made to him; however, he failed to raise that issue on appeal and has, therefore, lost that assertion.

The Deft. received effective assistance of counsel; he claims counsel failed to investigate his claim of innocence; however, that is belied by the record and said claim should have been raised on direct appeal. Therefore, COURT ORDERED, Deft.'s Petition is DENIED.

State to prepare Findings of Fact and Conclusions of Law consistent with their Response.

NDC

CLERK'S NOTE: A copy of this minute order was mailed to Harold Edwards #1169986, Southern Desert Correctional Center, P.O. Box 208, Indian Springs, 89070.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 02, 2019**

C-15-310695-1 State of Nevada
 vs
 Harold Edwards

**December 02, 2019 8:30 AM Motion Deft.'s Motion to
Extend Prison
Copywork Limit**

HEARD BY: Silva, Cristina D.**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Carol Donahoo**RECORDER:** Gina Villani**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Jory Scarborough, Dep DA, present on behalf of the State; Deft. Edwards is incarcerated in the Nevada Department of Corrections (NDC) and not present.

This is the time set for hearing on Deft.'s Motion to Extend Prison Copywork Limit, which he filed pro se. The Court has reviewed the Motion. Upon Court's inquiry, Mr. Scarborough advised the State takes no position. COURT ORDERED, the Motion is GRANTED up to \$500. If the Deft. needs more than that, he will have to file another motion with additional information as to what he is seeking copies of and for what purpose.

NDC

CLERK'S NOTE: A copy of this minute order was mailed to Harold Edwards #1169986, Southern Desert Correctional Center, P.O. Box 208, Indian Springs, Nevada, 89070.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 20, 2020**

C-15-310695-1

State of Nevada

vs

Harold Edwards

April 20, 2020**1:45 PM****Motion**

**Motion for the Court
to Order Southern
Desert's Correctional
Center Gang
Intelligence
Department to
Release Petitioner's
Corrections File and
Prison Records**

HEARD BY: Silva, Cristina D.**COURTROOM:** RJC Lower Level Arraignment**COURT CLERK:** Carol Donahoo**RECORDER:** Gina Villani**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Jacob Villani, Chf Dep DA, present on behalf of the State; Petitioner Harold Edwards is incarcerated in the Nevada Department of Corrections (NDC) and is not present.

This is the time set for hearing on the Motion for the Court to Order Southern Desert's Correctional Center Gang Intelligence Department to Release Petitioner's Corrections File and Prison Records, which he filed pro se.

The Court advised that it has reviewed the Motion but there was no response from the State; however, they were not served and, upon further consideration, it appears that this is a matter for the Attorney General's office in lieu of the District Attorney's office. Mr. Villani CONCURRED; therefore,

COURT ORDERED, the Motion is DENIED without prejudice. The Deft. is free to re-file his Motion; however, he must serve the Motion on the Attorney General's office and the Warden for the Southern Desert Correctional Center before this Court can consider it.

NDC

CLERK'S NOTE: A copy of this minute order was mailed to Harold Edwards #1169986, Southern Desert Corrections Center, P.O. Box 208, Indian Springs, Nevada, 89070.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 01, 2020**

C-15-310695-1 State of Nevada
vs
Harold Edwards

June 01, 2020**3:00 AM****Motion for Order**

**Motion for Order to
SDCC Gang
Intelligence
Department to
Release Petitioner's
Correction File and
Prison Records**

HEARD BY: Silva, Cristina D.**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Carol Donahoo**RECORDER:****REPORTER:**

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- The Motion for Order to SDCC Gang Intelligence Department to Release Petitioner's Correction File and Prison Records, which he filed pro se, came before this Court on its June 1, 2020, Chamber Calendar. The Petitioner submitted a similar motion on March 20, 2020. On April 20, 2020, the Court DENIED that Motion without prejudice, noting that the Petitioner must serve the Nevada Attorney General's Office and the Warden for the Southern Desert Correctional Center before this Court can consider the Motion. COURT ORDERED, the Motion is DENIED without prejudice, for the same reason. The Court will mail another copy of the April 20, 2020, Order to the Petitioner.

CLERK S NOTE: A copy of this minute order was mailed to Harold Edwards #1169986, Southern Desert Corrections Center, P.O. Box 208, Indian Springs, Nevada, 89070.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 14, 2020

C-15-310695-1 State of Nevada
 vs
 Harold Edwards

**September 14, 2020 1:45 PM Motion Motion to Extend
Prison Copywork
Limit**

HEARD BY: Silva, Cristina D.

COURTROOM: RJC Courtroom 11B

COURT CLERK: Kory Schlitz

RECORDER: Gina Villani

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Defendant not present and in custody in the Nevada Department of Corrections; Deputy District Attorney Dena Rinetti present on behalf of the State.

Ms. Rinetti informed the Court this matter is meant for the Attorney General's Office. COURT ORDERED, Motion to Extend Prison Copywork Limit DENIED WITHOUT PREJUDICE, FINDINGS there is no basis as to why the Defendant needs to exceed the threshold. COURT STATED the Defendant indicated they are litigating a Habeas Corpus actions, however there is no pending Motion and the Court feels the Attorney General's Office was not properly served; adding if the Court wants to file the Motion again, however the AG's Office needs to be served.

NDC

CLERK'S NOTE: This Minute Order has been mailed to: Harold Edwards #1169986, PO BOX 208, Indian Springs, Nevada 89018. (9-15-2020 ks)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 05, 2020

C-15-310695-1 State of Nevada
 vs
 Harold Edwards

October 05, 2020	1:45 PM	Motion	Motion Asking the Court to Order SDCC Law Library to Grant Defendant Access to the Law Library Five Days Per Week or in the Alternative 3 days a week.
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HEARD BY: Silva, Cristina D.

COURTROOM: RJC Courtroom 11B

COURT CLERK: Kory Schlitz

RECORDER: Gina Villani

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Defendant not present; Deputy District Attorney Dena Rinetti present on behalf of the State.

COURT ORDERED, Motion DENIED and FINDS the Defendant can access the law library pursuant to the detention center rules and regulations, and the Defendant must comply with those rules of the Detention center, adding if the Defendant needs an exception to the rules, they will need to file a Motion as well as why the permitted time is not sufficient, noting it cannot be a blanket request, and the Court cannot dictate to the facility about how to run it.

NDC

CLERK'S NOTE: A copy of this Minute Order has been sent to Harold Edwards #1169986, PO BOX

PRINT DATE: 06/09/2021

Page 44 of 49

Minutes Date: November 13, 2015

208, Indian Springs, Nevada 89070. (10-6-2020 ks)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 10, 2021**

C-15-310695-1 State of Nevada
vs
Harold Edwards

May 10, 2021	11:00 AM	Motion for Order	Motion for Order to Order Southern Desert Correctional Center's Gang Intelligence Department to Release Petitioner's Correctional File and Prison Records
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HEARD BY: Clark Newberry, Tara**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Carina Bracamontez-Munguia**RECORDER:** Robin Page**REPORTER:****PARTIES**

PRESENT:	Scarborough, Michael J.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Court noted Deft. was in custody at the Nevada Department of Correction (NDC) and not transported. Upon Court's inquiry, Mr. Scarborough stated they were not served with a copy of the motion. Further, Mr. Scarborough mentioned it seems to be a time calculation issue, so he consulted with the appellate unit and was advised this matter is appropriate for the Attorney General to handle; he noted he was unsure if they were served. Based on not having evidence of proper service, COURT ORDERED, motion DENIED WITHOUT PREJUDICE; Deft. may re-file and serve the motion. Court Advised it would prepare the order.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 19, 2021**

C-15-310695-1 State of Nevada
vs
Harold Edwards

**May 19, 2021 11:00 AM Motion to Modify Sentence Motion to Modify
and or Correct Illegal
Sentence**

HEARD BY: Silva, Cristina D.**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Kory Schlitz**RECORDER:** Gina Villani**REPORTER:****PARTIES**

PRESENT: Scarborough, Michael J. Attorney
State of Nevada Plaintiff

JOURNAL ENTRIES

- Defendant not present and in custody in the Nevada Department of Corrections.

COURT ORDERED, Defendant's presence WAIVED. COURT STATED the Defendant filed this instant Motion on April 27, 2021 and the State filed their Opposition on May 12, 2021, adding they have reviewed the documents and ORDERED, Defendant's Motion to Modify and or Correct Illegal Sentence DENIED. COURT FURTHER STATED as set forth in the State's Opposition the Defendant has not demonstrated that his sentence is not facially illegal, therefor the Court does not have a basis to grant of modify the relief the Defendant is seeking, as well as, the Court lacks jurisdiction since he has already started serving his sentence. COURT NOTED for the record, the issues raised in this Motion were also raised on Direct Appeal and was address by the Supreme Court on April 15, 2019, where the Supreme Court affirmed the denial of a Post Conviction Petition for Writ of Habeas Corpus. COURT INFORMED the State the challenges in this Motion were in the Supreme Court decision, and that information was not part of the State's Opposition, and requested it be in the Order.

NDC

CLERK'S NOTE: A copy of this Minute Order has been mailed to: Harold Edwards #1169986, PO BOX 208, Indian Springs, Nevada 89070. (5-20-2021 ks)

EXHIBIT(S) LIST

Case No.: C310695

Status Check: 10/17/16

Dept. No.: VIII

Judge: Douglas Smith

Court Clerk: Carol Donahoo

Plaintiff: The State of Nevada

Recorder / Reporter: Jill Jacoby

Counsel for Plaintiff: Genevieve Craggs

VS.

Defendant: Harold Edwards

Counsel for Defendant: Pro Se

STATE'S EXHIBITS

[illegible]



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

HAROLD EDWARDS #1169986
P.O. BOX 208
INDIAN SPRINGS, NV 89070

DATE: June 9, 2021
CASE: C-15-310695-1

RE CASE: STATE OF NEVADA vs. HAROLD EDWARDS

NOTICE OF APPEAL FILED: June 8, 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; CASE APPEAL STATEMENT; DESIGNATION OF
RECORD ON APPEAL; DISTRICT COURT DOCKET ENTRIES; DISTRICT COURT MINUTES;
EXHIBITS LIST; NOTICE OF DEFICIENCY

STATE OF NEVADA,

Plaintiff(s),

vs.

HAROLD EDWARDS,

Defendant(s).

Case No: C-15-310695-1

Dept No: IX

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 9 day of June 2021.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk