

IN THE SUPREME COURT OF THE STATE OF NEVADA

COREY B. JOHNSON,
Appellant(s),

vs.

THE STATE OF NEVADA,
Respondent(s),

Electronically Filed
Jul 23 2021 02:24 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case No: A-21-828907-W

Docket No: 83119

RECORD ON APPEAL

ATTORNEY FOR APPELLANT
COREY JOHNSON #95007,
PROPER PERSON
P.O. BOX 650
INDIAN SPRINGS, NV 89070

ATTORNEY FOR RESPONDENT
AARON D. FORD,
ATTORNEY GENERAL
555 E. WASHINGTON AVE., STE. 3900
LAS VEGAS, NV 89101-1068

A-21-828907-W

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

I N D E X

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02/04/2021

Thomas S. Quinn

CLERK OF THE COURT

Case No. C260737
Dept. No.IN THE 8th JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR THE COUNTY OF CLARKCarey Johnson
Petitioner,

A-21-828907-W

v.

PETITION FOR WRIT
OF HABEAS CORPUS
(POSTCONVICTION)

XXIV

State of NevadaRespondent. Dept. of Corrections
Warden Calvin Johnson

INSTRUCTIONS:

- (1) This petition must be legibly handwritten or typewritten, signed by the petitioner and verified.
- (2) Additional pages are not permitted except where noted or with respect to the facts which you rely upon to support your grounds for relief. No citation of authorities need be furnished. If briefs or arguments are submitted, they should be submitted in the form of a separate memorandum.
- (3) If you want an attorney appointed, you must complete the Affidavit in Support of Request to Proceed in Forma Pauperis. You must have an authorized officer at the prison complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution.
- (4) You must name as respondent the person by whom you are confined or restrained. If you are in a specific institution of the Department of Corrections, name the warden or head of the institution. If you are not in a specific institution of the Department but within its custody, name the Director of the Department of Corrections.
- (5) You must include all grounds or claims for relief which you may have regarding your conviction or sentence. Failure to raise all grounds in this petition may preclude you from filing future petitions challenging your conviction and sentence.
- (6) You must allege specific facts supporting the claims in the petition you file seeking relief from any conviction or sentence. Failure to allege specific facts rather than just conclusions may cause your petition to be dismissed. If your petition contains a claim of ineffective assistance of counsel, that claim will operate to waive the attorney-client privilege for the proceeding in which you claim your counsel was ineffective.
- (7) When the petition is fully completed, the original and one copy must be filed with the clerk of the state district court for the county in which you were convicted. One copy must be mailed to the respondent, one copy to the Attorney General's Office, and one copy to the district attorney of the county in which you were convicted or to the original prosecutor if you are challenging your original conviction or sentence. Copies must conform in all particulars to the original submitted for filing.

PETITION

1. Name of institution and county in which you are presently imprisoned or where and how you are presently restrained of your liberty: High Desert State Prison Clark County NV Sentence Expired
2. Name and location of court which entered the judgment of conviction under attack:
3. Date of judgment of conviction: 2016
4. Case number: C 260737
5. (a) Length of sentence: 5-20 years

1 (b) If sentence is death, state any date upon which execution is scheduled:....

2 6. Are you presently serving a sentence for a conviction other than the conviction under attack in this motion?

3 Yes ☒ No

4 If "yes," list crime, case number and sentence being served at this time:

5 C 263976 5-20 years

6 C 260737

7 7. Nature of offense involved in conviction being challenged: Attempt Theft

8
9 8. What was your plea? (check one)

10 (a) Not guilty

11 (b) Guilty ☒

12 (c) Guilty but mentally ill

13 (d) Nolo contendere

14 9. If you entered a plea of guilty or guilty but mentally ill to one count of an indictment or information, and a
15 plea of not guilty to another count of an indictment or information, or if a plea of guilty or guilty but mentally ill was
16 negotiated, give details: Pursuant to Plea Agreement I plead Guilty

17 to 3 Concurrent 5-20 year sentences

18 10. If you were found guilty or guilty but mentally ill after a plea of not guilty, was the finding made by: (check one)

19 (a) Jury

20 (b) Judge without a jury

21 11. Did you testify at the trial? Yes No

22 12. Did you appeal from the judgment of conviction? Yes No

23 13. If you did appeal, answer the following:

24 (a) Name of court:

25 (b) Case number or citation:

26 (c) Result:

27 (d) Date of result:

28 (Attach copy of order or decision, if available.)

1 14. If you did not appeal, explain briefly why you did not: I did not Appeal the
2 Sentence It was Agreed upon

4 15. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any
5 petitions, applications or motions with respect to this judgment in any court, state or federal? Yes ☒ No ☐

6 16. If your answer to No. 15 was "yes," give the following information:

7 (a) (1) Name of court:

8 (2) Nature of proceeding:

10 (3) Grounds raised:

13 (4) Did you receive an evidentiary hearing on your petition, application or motion? Yes No

14 (5) Result:

15 (6) Date of result:

16 (7) If known, citations of any written opinion or date of orders entered pursuant to such result:

18 (b) As to any second petition, application or motion, give the same information:

19 (1) Name of court:

20 (2) Nature of proceeding:

21 (3) Grounds raised:

22 (4) Did you receive an evidentiary hearing on your petition, application or motion? Yes No

23 (5) Result:

24 (6) Date of result:

25 (7) If known, citations of any written opinion or date of orders entered pursuant to such result:

27 (c) As to any third or subsequent additional applications or motions, give the same information as above, list
28 them on a separate sheet and attach.

1 (d) Did you appeal to the highest state or federal court having jurisdiction, the result or action taken on any
2 petition, application or motion?

3 (1) First petition, application or motion? Yes No ☒

4 Citation or date of decision:

5 (2) Second petition, application or motion? Yes No ☒

6 Citation or date of decision:

7 (3) Third or subsequent petitions, applications or motions? Yes No ☒

8 Citation or date of decision:

9 (e) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you
10 did not. (You must relate specific facts in response to this question. Your response may be included on paper which
11 is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in
12 length.).....
13

14 17. Has any ground being raised in this petition been previously presented to this or any other court by way of
15 petition for habeas corpus, motion, application or any other postconviction proceeding? If so, identify:

16 (a) Which of the grounds is the same:
17

18 (b) The proceedings in which these grounds were raised:
19

20 (c) Briefly explain why you are again raising these grounds. (You must relate specific facts in response to this
21 question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your
22 response may not exceed five handwritten or typewritten pages in length.)
23

24 18. If any of the grounds listed in Nos. 23(a), (b), (c) and (d), or listed on any additional pages you have attached,
25 were not previously presented in any other court, state or federal, list briefly what grounds were not so presented,
26 and give your reasons for not presenting them. (You must relate specific facts in response to this question. Your
27 response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not
28 exceed five handwritten or typewritten pages in length.)

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19. Are you filing this petition more than 1 year following the filing of the judgment of conviction or the filing of a decision on direct appeal? If so, state briefly the reasons for the delay. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)

20. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack? Yes No X
If yes, state what court and the case number:

21. Give the name of each attorney who represented you in the proceeding resulting in your conviction and on direct appeal: Cynthia Dustin

22. Do you have any future sentences to serve after you complete the sentence imposed by the judgment under attack? Yes No
If yes, specify where and when it is to be served, if you know:

23. State concisely every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. If necessary you may attach pages stating additional grounds and facts supporting same.



Office of the Public Defender

309 S. 3rd Street • Las Vegas NV 89101

(702) 455-4685 • Fax (702) 455-5112

Darin F. Imlay, Public Defender • F. Virginia Eichacker, Assistant Public Defender • Jason Frierson, Assistant Public Defender



October 28, 2020

Corey Johnson, #95007
High Desert State Prison
P.O. Box 650
Indian Springs, NV 89070

RE: State of Nevada v. Corey Johnson
Case No. C-20-349535-1

Dear Mr. Johnson:

I received your letter dated October 7, 2020. Your letter requests:
"Review and Assistance in Procuring Reversal of Action from Parole Board."
Your request is novel, and I discussed the matter with the Appeals Department of my Office.
Consulting the appeals experts, it was determined that the best avenue for you to seek review of
the decision is by filing a Writ of Habeas Corpus.

Unfortunately, your representation by the Clark County Public Defender's Office does
not include filing this type of action. A Writ of Habeas Corpus is essentially a challenge of
illegal detention. This is also a common filing, and you will find guidance in the law library.
I'm sorry I can't be of more assistance,

Sincerely,

DARIN F. IMLAY
CLARK COUNTY PUBLIC DEFENDER

/s/ Bryan Cox
Bryan A. Cox
Deputy Public Defender

/rav

Exhibit "7" (A)

CENTRAL OFFICE

1677 Old Hot Springs Rd., Ste. A
Carson City, Nevada 89706
<http://parole.nv.gov>
(775) 687-5049
Fax (775) 687-6736

CHRISTOPHER P. DERICCO, *Chairman*
SUSAN JACKSON, *Member*
TONY CORDA, *Member*
MARY K. BAKER, *Member*

DARLA FOLEY, *Executive Secretary*

STATE OF NEVADA
STEVE SISOLAK
Governor



LAS VEGAS OFFICE

4000 S. Eastern Ave., Ste. 130
Las Vegas, Nevada 89119
<http://parole.nv.gov>
(702) 486-4370
Fax (702) 486-4376

CHRISTOPHER P. DERICCO, *Chairman*
ERIC CHRISTIANSEN, *Member*
DONNA VERCHIO, *Member*
VACANT, *Member*

NEVADA BOARD OF PAROLE COMMISSIONERS

September 17, 2020

Corey Johnson, NDOC #95007
High Desert State Prison
P.O. Box 650
Indian Springs, Nevada 89070-0650

Re: Your letters received concerning your July 7, 2020 Parole Violation hearing.

Mr. Johnson,

The issues you bring up in your letters were discussed at your Parole Violation hearing. The legal concerns you have should be discussed with an attorney or the public defender that represented you at your hearing as these are issues that are outside the Board's jurisdiction.

Signed,

A handwritten signature in cursive script that reads "Darla Foley".

Darla Foley
Executive Secretary

EXHIBIT ^(c) B

CENTRAL OFFICE

1677 Old Hot Springs Rd., Ste. A
Carson City, Nevada 89706
<http://parole.nv.gov>
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Fax (775) 687-6736

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Las Vegas, Nevada 89119
<http://parole.nv.gov>
(702) 486-4370
Fax (702) 486-4376

CHRISTOPHER P. DERICCO, *Chairman*
ERIC CHRISTIANSEN, *Member*
DONNA VERCHIO, *Member*

DARLA FOLEY, *Executive Secretary*

NEVADA BOARD OF PAROLE COMMISSIONERS

July 30, 2020

Corey Johnson, NDOC #95007
High Desert State Prison
P.O. Box 650
Indian Springs, Nevada 89070-0650

Re: Multiple letters received from July 7, 2020 to present.

Mr. Johnson,

Your letters requesting a reconsideration of your July 7, 2020, Parole Violation hearing have been reviewed.

Absent a procedural error or evidence being overturned, there is no basis for the Board to reconsider the revocation action. The Board has declined to alter the Certification of Action Parole Violation Order.

The Parole Board found you guilty of conduct: *Your conduct shall justify the opportunity granted to you by this community supervision.*

You were also found guilty of directives to include: *You are to report in person to the Division of Parole and Probation as instructed by the Division or its agent. You are required to submit a written report each month on forms supplied by the Division. This report shall be true and correct in all respects, and directives.* You did not return to Casa Grande Transitional Housing as directed nor did you report to the Division of Parole and Probation. You were not released on parole, you were reinstated on parole with a release date of 10-01-2019.

Your argument that the Board should have taken action prior to July 7th, 2020 is groundless. The Board has the discretion to defer consideration until not more than 60 days after your return to NDOC following the resolution of the new criminal charge.

Signed,

Darla Foley

Darla Foley
Executive Secretary

Exhibit 1

Exhibit 7cc

1 (a) Ground ONE: Violation of 6th Amendment - Violation of 14th Amendment

2 Ineffective Assistance of Counsel, Denied the Right to
3 Obtain Counsel. Due Process Violation (Procedurally)
4 Violation of NRS 213.1513 Right to Obtain Counsel

5 Supporting FACTS (Tell your story briefly without citing cases or law.): On April 16th 2020

6 I was Arrested for A Parole Violation. On April 21 2020

7 I was transported to High Desert State Prison. On April 27

8 2020 and May 11 2020 I was Served with documents

9 that were Notices of Preliminary Inquiry Hearing. These

10 documents were Signed and Witnessed by T. Bailey of

11 Division of Parole & Probation. The documents that were

12 Served to me were Notices of Preliminary Inquiry

13 Hearing with the Time, Date, and Location of

14 Hearing Omitted. The Division of Parole and Probation

15 intentionally failed to provide Advance Notification

16 of Hearing because the Division of Parole & Probation

17 and Nevada Dept. of Corrections violated my Procedural

18 Due Process Right protected by NRS 213.1511 to NOT

19 be transferred to the Custody of Dept. of Corrections

20 without first conducting an Inquiry to determine

21 if Probable Cause existed. NRS 213.1513 clearly defines

22 that A Parolee is to receive Advance Notification of

23 Inquiry and that Inquiring Officer SHALL Allow

24 the Parolee the opportunity to Obtain Counsel.

25 On May 21 2020 After I was Already transported

26 and illegally transferred back to Dept. of Corrections

27 Custody I was Granted A Preliminary Inquiry Hearing.

28 ON MAY 21 2020 AT 1:30 I was told to get ready to

1 See Parole And Probation.

2 Since I WAS Never given Advance Notification
3 I WAS denied the Opportunity to Obtain
4 Counsel. Also since I WAS not given Advanced
5 Notification I WAS Not Allowed to Present
6 letters, Documents And Most Importantly A
7 Witness that I indicated I wanted to
8 present that would have changed the
9 outcome of An Already illegal Inquiry.

10 SEE Exhibit "1" A-C. These Are the Notices
11 of Preliminary Inquiry Hearings. These Documents
12 Are Signed And Witnessed by Corey Johnson /Client
13 And T. Bailey Specialist III of Division of
14 Parole And Probation. When I indicated to
15 Ms. Bailey that there was no time, Date, or Location
16 She informed me that I wasn't going to
17 get A Preliminary Inquiry Anyway And that
18 I should just WAIVE the Inquiry. She Said
19 this to Cover the Division's tracks And in turn
20 Violated my Procedural Due Process Rights.

21 When my Hearing was Conducted on
22 May 8/ 2020 I WAS forced due to having
23 no Advanced Notification to Attend And
24 Proceed with Inquiry with No Counsel.

25 This WAS prejudicial And Caused
26 A Massive Amount of Harm. Due to
(A)

1 Not having Counsel I WAS NOT AWARE OF
2 the other Procedural Due Process violations
3 that were already committed. The violations
4 include the fact that my Inquiry was by
5 law supposed to be conducted while I was
6 at Clark County Detention Center. The second
7 violation was that my Inquiry was to be
8 held within 15 days (working) of my arrest,
9 (my Inquiry was conducted 24 working
10 days after my arrest). The third violation is
11 the fact that my Inquiry was as prescribed by
12 NRS 213.1511 to be held at or reasonably near
13 the place where violation or arrest occurred.
14 The fourth violation is Counsel would have
15 clarified that my Due Process was violated
16 when I wasn't given proper Advanced Notification
17 and that I was denied the opportunity to
18 present letters and witnesses that would
19 definitely have changed the dynamic of
20 my hearing.

21 See Exhibit "2" To prove ~~the~~ Prejudice;
22 in the Defense Case of Summary of
23 Preliminary Inquiry Hearing Officer S. Conroy
24 states that Mr. Johnson did not have any
25 documents, evidence, witnesses etc. to
26 support his case. This supports my exact
6(B)

1 Argument I was not allowed to present
2 letters, witnesses, or obtain counsel to
3 present them for me because I never
4 was given advance notification which
5 violates NRS 213.15/3 which is a
6 violation of my procedural due process.

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6(c)

(b) Ground TWO: Violation of 14th Amendment. Violation of Due Process
NRS 213.1513 NRS 213.1511 Violations

Supporting FACTS (Tell your story briefly without citing cases or law.): I was Arrested
on April 16 2020 for a Parole Violation. I was
transferred to the Custody of Nevada Dept. of Corrections
on April 21 2020. My Preliminary Inquiry Hearing
was Conducted on May 21 2020. See Exhibit "2"
My Preliminary Inquiry to Determine if Probable Cause
exist was Conducted After I was Already back
At High Desert State Prison in the Custody of N.D.C.
I was moved to High Desert State Prison 4 days
After booking. Since I was Reinstated on Parole
in June 2019 I was supposed to be given An Inquiry to
determine if Probable Cause existed prior to being
Sent to Prison. My Hearing was not supposed to be
Conducted with me Already in Prison.

The Division of Parole And Probation And Nevada
Department of Corrections violated my Due Process by
Not determining if Probable Cause existed first. This
was prejudicial because in order to cover their tracks
And justify my being At High Desert State Prison
Regardless what my Circumstances or Reasoning was
they Already were forced to find Reasonable Cause
even if No Justifiable Probable Cause Existed.
See Exhibit "2" At hearing it was determined that
I was definitely Reinstated to Parole on June 25 2019.

1 My rights As a Parolee were to be protected
2 Under Nevada Revised Statutes 213.1511 And
3 213.1513. It is Clear that NDOC And P&P
4 Collusively Violated both Rights of Procedural
5 Due Process.

6 IF I would not have been illegally
7 transferred And these Departments did Not
8 have to justify my being in custody it
9 would have been recognized that the
10 Alleged Parole Violation was not my fault
11 but A Communication error between both
12 the Nevada Department of Corrections And
13 the Division of Parole And Probation.

14 This fact is proven because my Original
15 Parole Violation Stemmed from An incident
16 that occurred on August 22 2019 At
17 Casa Grande Transitional Housing. See Exhibit "4"
18 This is the Violation Report prepared on April 21
19 2020. The incident that caused the violation
20 was A New Criminal Complaint #19F23878x
21 being filed. The Charge was Unauthorized Absence
22 by Prisoner Constituting Escape. This Charge
23 was dismissed on July 23 2020. The
24 Charge was dismissed by Attorney General
25 because it never was lawfully able to be
26 Charged because I was a Parolee At
17(A)

1 At the time of incident.

2 This was Prejudicial And I Could have
3 Shown the inquiry Officer the Confusion
4 between the Nevada Dept. of Corrections And
5 Division of Parole And Probation If I was
6 Allowed to Obtain Counsel And Present
7 Exhibit "2" And Exhibit "3" to the Hearing
8 Officer. Exhibit "3" is A letter from Brian
9 Williams Deputy Director of Dept. of Corrections And
10 Exhibit "2" is the Summary of Preliminary Inquiry
11 Hearing Conducted by S. Carroy of the Division of
12 Parole And Probation. It is verified in these
13 documents that the only fact Agreed upon is
14 the June 25 2019 Reinstatement. The Division
15 of Parole Claims that since I was reinstated I
16 was under their Supervision And was to be
17 considered a Parolee And Not An Inmate. Deputy
18 Director Williams Asserts that I was An inmate
19 in the custody of N.D.C.C housed at BGTH
20 And Not Yet A Parolee. If It could
21 have been shown prior to ^{me} being transferred it
22 would have definitely Placed doubt in the
23 Probable Cause.

24 Another factor of me being transferred to
25 N.D.C.C custody And Sent to High Desert
26 State Prison is the fact that I was Placed
7 (B)

1 in Administrative Segregation And Forced to
2 Attend And Conduct my Preliminary Inquiry
3 Hearing in behind the back handcuff
4 Restraints.

5 This is prejudicial because as can be verified
6 in Exhibit "2" I was physically not allowed
7 to present the documents that I did bring to
8 Attempt to defend myself. It is documented
9 because the Preliminary Inquiry Hearing was
10 Recorded telephonically And it can also be
11 verified that my Inquiry was Conducted over
12 A broken speakerphone initially. With these
13 factors coupled together it is evident that
14 my procedural Due Process was violated
15 irreparably.

16 All of these violations never would have
17 occurred had NDOC And Division of Parole And
18 Probation not disregarded And Ignored NRS
19 213.1511 And Conducted my Inquiry At
20 CCDC within the proper And Allotted timeframe

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7(c)

1 (c) Ground THREE: Violation of Eighth Amendment: Excessive
2 Confinement Cruel And Unusual Punishment,
3 Have Already Expired Sentence.
4

5 Supporting FACTS (Tell your story briefly without citing cases or law.): On April 14 2019 I
6 WAS Given A Parole Violation And WAS Arrested for that
7 Violation. I WAS returned to the Custody of NDOC
8 MAY 29 2019. All of my Sst Time WAS Automatically
9 Forfeited Pending outcome of Revocation Hearing. I
10 attended Parole Revocation Hearing on June 25 2019
11 And WAS Continued on Parole And Credits were
12 Forfeited And All were Ordered Restored. On July
13 31 2019 I WAS transferred to Casa Grande Transitional
14 Housing. My Credits were never Restored And
15 Recalculated prior to my transfer. While At Casa
16 Grande Awaiting my October 1st 2019 Release to Community
17 Date An Incident occurred on August 22 2019 And
18 My Recalculation still WAS not conducted.

19 The time frame of Statutory Credits that were
20 Forfeited is from July 2017 to April 2019. The
21 Parole Board Restored All Forfeited Credit And
22 I Should have Expired Sentence November 30 2019
23 And December 1 2019. Since Nevada Dept. of Corrections
24 didn't honor the Order of the Parole Board my Credits
25 were not Calculated in a timely fashion and the end
26 result WAS And is me being in Prison Past my
27 Expiration Date. This in turn has led to
28 Another Parole Violation that the Parole Board

1 Decided to Revoke my Parole to Expiration.
2 At Parole Revocation Hearing Conducted
3 on July 7 2020 my Parole was Revoked to
4 Expiration with An Order to Restore
5 ALL OF my Forfeited Credits.

6 The N.D.O.C has Refused to Recalculate
7 my Credits Stating that I don't get the
8 Credit back for 2017-2019 because I was
9 Absconding. Also for 8/2019 - 4/2020.

10 In order for me not to get these Credits
11 in question the Parole Board would have
12 had to Deem me AN "Escaped Prisoner."
13 And issued Stop Date And Restart
14 dates Pursuant to NRS 176A.630.
15 See Exhibit "5" More importantly I had
16 them And they were Forfeited Pending
17 Result of the Revocation Hearing, The
18 Board Restored ALL OF them.

19 At the time OF NDOC Forfeit ALL OF
20 my Statutory Credit they Also Forfeited
21 my Flat time Credit And Work Credit. These
22 Credits Per NRS 213.15185 were NOT
23 Subject to Forfeiture. NRS 213.15185
24 ONLY References Statutory Good time
25 Credits for Good Behavior, as Subject to
26 Forfeiture. SEE Exhibit "6" A-C

8 (A)

1 As can be verified by Exhibit "6" All of
2 my Credits from July 2017 to April 2019
3 and August 2019 to April 2020 were
4 O's. Not just the Statutory Credits
5 that the NRS allows but the Flat Time
6 Credit And Work Credit as well.

7 After the forfeiture of Statutory
8 Credits And the order to Restore And
9 recalculate I should have had my
10 Flat Time Credits, Work Time Credit And
11 Stat Time Credits restored. That is the
12 Definition of ALL.

13 Even though it has been argued that
14 the Statutory Credits encompass All
15 Credits this is a mistake because as
16 verified by Exhibit "6" the Credit History
17 Report Credits are Divided into 3
18 Separate And Distinct Categories And these
19 are Flat, STAT, And Work.

20 Even if my Stat Credits were not ALL
21 restored by the Parole Board my Flat
22 Time Credits were never to be considered
23 able to forfeit.

24 NDOC has definitely violated my
25 8th Amendment right and has caused me to
26 be confined excessively And Past my Expiration.
8 (B)

1 (d) Ground FOUR: Violation of 14th Amendment, Violation
2 of 6th Amendment, Ineffective Assistance of
3 Counsel and LACK of Effective Assistance of
4 Counsel.

5 Supporting FACTS (Tell your story briefly without citing cases or law.): On July 7 2020
6 I WAS ~~given~~ my Parole Revocation Hearing. For
7 this Hearing I was Represented by Bryan Cox
8 of the Public Defender's Office. See Exhibit "5"
9 At this Hearing for Revocation Bryan Cox WAS
10 Highly Ineffective because he AFTER was given
11 documented proof did not Raise the issues of
12 my Procedural Due Process Violations. Mr Cox
13 At my Revocation Hearing did not Address the most
14 important factor that I was Already Expired legally
15 At the time of my Revocation Hearing. Mr Cox
16 did not Address that the Underlying Cause of
17 my Violation was due to an error in Communication
18 between the Department of Corrections and Division
19 of Parole and Probation that led to the Parole Violation
20 Charge of Escape. Mr Cox did not Address that I
21 Never WAS Released on Parole because I never
22 Signed the Mandatory Release documents, therefore I
23 Never Could Violate or Abscond from a Parole that
24 I never WAS Released to. SEE Exhibit "3" Deputy
25 Director Brian Williams validates and verifies this
26 Argument in his letter to me. (This is the same
27 Defense I Presented At Preliminary Inquiry Hearing.)
28 MR. Cox never Addressed that My Inquiry Hearing

1 to determine if Probable Cause Exist was
2 illegal from the beginning considering I was
3 already back at High Desert when it was
4 conducted. Mr. Cox also never addressed
5 that I was denied the opportunity to
6 obtain Counsel At my Preliminary Inquiry Hearing.
7 When Mr. Cox did present an Argument
8 in my Defense he did not present to
9 the Parole Commissioners that they
10 violated my rights when they took no
11 action on my June 23 2020 Parole
12 Revocation Hearing And Rescheduled it
13 until July 7 2020 so that the AB-236
14 law could begin on July 1 2020 and I
15 would be eligible for Revocation to
16 Expiration instead of being given a technical
17 violation and a temporary suspension of Parole
18 which was the maximum punishment under
19 old law. This point can be verified by the fact
20 that my Parole Revocation was rescheduled from
21 the 6-23-20 date due to Eric Christiansen
22 wanting to determine the outcome of new
23 charges. I explained on June 23 2020 at my
24 hearing that I was in the midst of having
25 charges dismissed and that they would have
26 been dismissed on June 23, 2020 but I had
9(A)

1 to make A choice either Revocation Hearing on
2 Court. IF the video from 6-23-20 is
3 Subpoenaed it will be verified that I Plead
4 to Proceed with Revocation Hearing. When
5 I Attended the Rescheduled hearing on July
6 7 2020 the Board of Parole Commissioners
7 Dismissed the LAWS Section of my Violation
8 Report. The LAWS section is the Portion
9 of Violation that Addressed the New Charge.
10 I did not go to court to have Case Number
11 19F23878x dismissed until July 23 2020,
12 This Shows that the same way the Board
13 Dismissed the LAWS Section on July 7 2020
14 they could have done the same on June 23
15 2020 IF I was Effectively Assisted. I was
16 Ineffectively Assisted by both Attorneys on
17 June 23, 2020 and July 7 2020.
18 Exhibit 7 A-C Are letters I have wrote
19 requesting not only A review but Assistance
20 In Correcting the violations and errors
21 Committed in my Case. As Can be seen
22 Executive Secretary Foley states that my
23 legal concerns need to be Addressed with
24 my Public Defender and are outside of the
25 Board's Jurisdiction. The Public Defender
26 Responds that my request is "Novel" and
9B

1 Needs to be Addressed with a Habeas Corpus
2 I have been denied Counsel in one Preliminary
3 Portion of my Revocation Process And
4 Ineffectively Assisted in the Other Part of
5 my Revocation Hearing Portion.
6 This is extremely prejudicial because the
7 right a person is given when Miranda rights
8 are given is the right to an attorney. Since
9 a loss of liberty is in question effective
10 assistance from counsel is deemed a
11 necessary requirement.

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q(c)

BEFORE, petitioner prays that the court grant petitioner relief to which petitioner may be entitled in this proceeding.

EXECUTED at High Desert State Prison on the 11 day of the month of December 2020.

Corey Johnson
* Corey Johnson 95007
High Desert State Prison
Post Office Box 650
Indian Springs, Nevada 89070
Petitioner in Proper Person

VERIFICATION

Under penalty of perjury, the undersigned declares that the undersigned is the petitioner named in the foregoing petition and knows the contents thereof; that the pleading is true of the undersigned's own knowledge, except as to those matters stated on information and belief, and as to such matters the undersigned believes them to be true.

Corey Johnson
* Corey Johnson 95007
High Desert State Prison
Post Office Box 650
Indian Springs, Nevada 89070
Petitioner in Proper Person

AFFIRMATION (Pursuant to NRS 239B.030)

The undersigned does hereby affirm that the preceding PETITION FOR WRIT OF HABEAS CORPUS filed in District Court Case Number 2020-0737 Does not contain the social security number of any person.

Corey Johnson
* Corey Johnson 95007
High Desert State Prison
Post Office Box 650
Indian Springs, Nevada 89070
Petitioner in Proper Person

CERTIFICATE OF SERVICE BY MAIL

Corey Johnson, hereby certify pursuant to N.R.C.P. 5(b), that on this 11 day of the month of December, 2020, I mailed a true and correct copy of the foregoing PETITION FOR WRIT OF HABEAS CORPUS addressed to:

Warden High Desert State Prison
Post Office Box 650
Indian Springs, Nevada 89070

Attorney General of Nevada
100 North Carson Street
Carson City, Nevada 89701

Clark County District Attorney's Office
200 Lewis Avenue
Las Vegas, Nevada 89155

Corey Johnson
* Corey Johnson 95007
High Desert State Prison
Post Office Box 650
Indian Springs, Nevada 89070
Petitioner in Proper Person

* Print your name and NDOC back number and sign

Corey Johnson 95007
Corey Johnson

STATE OF NEVADA
DEPARTMENT OF PUBLIC SAFETY
DIVISION OF PAROLE AND PROBATION

NOTICE OF PRELIMINARY INQUIRY HEARING

You, JOHNSON, CORY

Number: 617-2414

File/NDOC

are advised that an informal Preliminary Inquiry Hearing pertaining to the following alleged violation(s) of your Parole/Probation condition(s) shall be conducted to determine if you shall be held in custody to answer said allegation(s) before the Court/Board at a formal Revocation Hearing:

Alleged Violation
Directive A: Residence
Directive B: Reporting
Employment
Laws
Conduct

Your Preliminary Inquiry Hearing is scheduled for

at

Date

Time

Location

At this hearing, you have these due process rights: to speak in your own behalf; retain counsel, present letters, documents, or persons who can present relevant information, and; question any person giving adverse information against you, unless in the opinion of the hearing officer the individual would be subjected to risk of harm by disclosure of his/her identity.

You may waive this Preliminary Inquiry Hearing if you desire. Should you waive, your action shall in no way be considered an admission of guilt.

Please initial the appropriate response.

I desire to have a Preliminary Inquiry Hearing at the date, time, and location indicated above

I will retain

Name

Address

to represent me.

I wish to present the following witness(es) at my own expense:

[Signature]

Name

Address

Name

Address

I waive my right to a Preliminary Inquiry Hearing and request to present my case directly to the Court/Board.

CJ

I have received a copy of the alleged violation(s) of Parole/Probation, and this, my Notice of Rights.

Signature of Client

Number

Date

Signature of Witness

Position

Date

(rev. 05/04/12) Form 40

Exhibit "1(A)"

STATE OF NEVADA
DEPARTMENT OF PUBLIC SAFETY
DIVISION OF PAROLE AND PROBATION

NOTICE OF PRELIMINARY INQUIRY HEARING

You, Cory Johnson

Number: L17-2414A / 95007

File/NDOC

are advised that an informal Preliminary Inquiry Hearing pertaining to the following alleged violation(s) of your Parole/Probation condition(s) shall be conducted to determine if you shall be held in custody to answer said allegation(s) before the Court/Board at a formal Revocation Hearing:

	Alleged Violation
Directive A: Residence	
Directive B Reporting	
Directive C Employment	
Laws	
Conduct	

Your Preliminary Inquiry Hearing is scheduled for

at _____ Date _____ Time _____
Location

At this hearing, you have these due process rights: to speak in your own behalf; retain counsel, present letters, documents, or persons who can present relevant information, and; question any person giving adverse information against you, unless in the opinion of the hearing officer the individual would be subjected to risk of harm by disclosure of his/her identity.

You may waive this Preliminary Inquiry Hearing if you desire. Should you waive, your action shall in no way be considered an admission of guilt.

Please initial the appropriate response:

XCS

I desire to have a Preliminary Inquiry Hearing at the date, time, and location indicated above.

I will retain

Name _____

Address _____

to represent me

CS

I wish to present the following witness(es) at my own expense

Name _____

Name _____

Address _____

Address _____

10/2
65809

I waive my right to a Preliminary Inquiry Hearing and request to present my case directly to the Court/Board.

CS

I have received a copy of the alleged violation(s) of Parole/Probation, and this, my Notice of Rights.

Signature of Client

Signature of Witness

Number

Position

Date

Date

Exhibit 1(B)

STATE OF NEVADA
DEPARTMENT OF PUBLIC SAFETY
DIVISION OF PAROLE AND PROBATION

NOTICE OF PRELIMINARY INQUIRY HEARING

You, JOHNSON, CORY

Number: L17-24148

File/DOC

are advised that an informal Preliminary Inquiry Hearing pertaining to the following alleged violation(s) of your Parole/Probation condition(s) shall be conducted to determine if you shall be held in custody to answer said allegation(s) before the Court/Board at a formal Revocation Hearing:

	Alleged Violation
Directive A: Residence	
Directive B: Reporting	
Employment	
Laws	
Conduct	

Your Preliminary Inquiry Hearing is scheduled for

at

Location

Date

Time

At this hearing, you have these due process rights: to speak in your own behalf; retain counsel, present letters, documents, or persons who can present relevant information, and; question any person giving adverse information against you, unless in the opinion of the hearing officer the individual would be subjected to risk of harm by disclosure of his/her identity.

You may waive this Preliminary Inquiry Hearing if you desire. Should you waive, your action shall in no way be considered an admission of guilt.

Please initial the appropriate response:

(C)

I desire to have a Preliminary Inquiry Hearing at the date, time, and location indicated above.

I will retain

Name

Address

to represent me.

I wish to present the following witness(es) at my own expense:

Name

Address

Name

Address

I waive my right to a Preliminary Inquiry Hearing and request to present my case directly to the Court/Board.

I have received a copy of the alleged violation(s) of Parole/Probation, and this, my Notice of Rights.

Signature of Client

Number

Date

Signature of Witness

Position

Date

(rev 05/04/12) Form 40

Exhibit "1" (C)



Division of Parole and Probation

Exhibit (1)
FF-211

SUMMARY OF PRELIMINARY INQUIRY HEARING

May 26, 2020

**TO THE HONORABLE BOARD OF PAROLE COMMISSIONERS
CARSON CITY, NEVADA**

NAME: JOHNSON, CORY
FILE: L17,2414
CC#: C260737

The above-named subject appeared for a Preliminary Inquiry Hearing on May 21, 2020, at 14:00
via phone as he was incarcerated at the Nevada Department of Corrections

APPEARANCES:

For Probationer/Parolee: Johnson, Cory (via phone)
Charging Officer: Marquez, DPS Officer (via phone)
Hearing Officer: S. Conroy, DPS Officer (via phone)
Supporting Documents (Attached):

1. Violation Report dated April 21, 2020.

RIGHTS VERIFICATION: Hearing Officer S. Conroy inquired of Mr. Cory Johnson if he had received copies of the Violation Report and the Parole and Probation Form 40, listing his rights per Morrissey and Scarpelli Supreme Court Decisions, and Mr. Johnson replied in the affirmative. Mr. Johnson also indicated he fully understood the charges and his rights during the Violation process explained in the Parole and Probation Form 40.

VIOLATION CASE: Officer Marquez summarized the Violation Report which indicates Mr. Johnson violated: Directives and Conduct; Laws

←
DPS 2/3 1511
Says this should have
happened before I was
ever transferred. NOT ONE
month after being sent
to NDOC Custody!

Exhibit (2)

**SUMMARY OF PRELIMINARY
INQUIRY HEARING**


Page 2

RE: JOHNSON, CORY
FILE #: L17-2414
CC#: C260737

DEFENSE CASE: Mr. Johnson denied being in violation of each of the alleged. Mr. Johnson stated that he was not on parole yet and should be considered an inmate not a parolee. Therefore, he should not be in violation of parole. He did not have any documents, evidence, witnesses, etc. to support his case.

FINDINGS: Having considered the evidence presented by Officer Marquez, and the lack of evidence to support claims from Mr. Johnson, this Officer finds there is probable cause to continue detention of the Defendant for Parole Violation. It should be noted that Mr. Johnson was reinstated to parole on June 25, 2019, which negates his claim that he was an inmate. Due to the fact he was reinstated on parole pending his release to the community he was under supervision of the Division, which does not make him an inmate. Mr. Johnson would only be considered an inmate should his parole have been revoked or the Board rescinded his parole. Since neither of these took place at his revocation hearing on June 25, 2019, Mr. Johnson was a parolee at the time of his escape, just be supervised in an institution. This Preliminary Inquiry Hearing was adjourned at 1500 on May 21, 2020.

Respectfully submitted,


S. Conroy, Hearing Officer
Division of Parole and Probation
Southern Command, Las Vegas, NV

With Everything Stated here
the questions are:

- (1) Since I have not been convicted criminally or institutionally of escape how can that legally be stated in Report? (Innocent until proven guilty? Remember?)
- (2) What Genius Did Not Look At the Date of my Parole Reinstatement And made the Egregious Error of Charging me under NRS 212.095 under direct violation of its dictates in Subsection (2)?
- (3) Is this a clear case of Malice Prejudice, Ignorance or All 3?

September 22, 2020

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

Inmate Johnson,

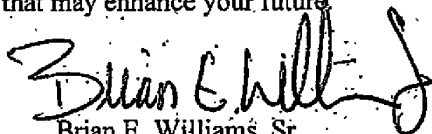
I have received and reviewed your letters dated July 12, 2020 and July 15, 2020.

When you were transferred to Casa Grande Transitional Housing (CGTH) on July 31, 2019, you were still an inmate under the custody of Nevada Department of Corrections (NDOC). A review of your parole grant reflects that your parole was reinstated by the Parole Board on June 25, 2019. However, as you are aware, you cannot be released on parole until your housing plan is approved by the Division of Parole and Probation and you sign your parole release documents with an NDOC Release Coordinator. You had not signed such documents at the time of the incident in question.

You stated in your letter that while at CGTH, you were out on a job search when you suffered a medical episode and was admitted into UMC for treatment. Page eleven (11) of the CGTH Inmate Handbook states, "On a job search, you must call in to Unit Control if you run into *any* issues relating to you returning to CGTH by your approved return time. This is extremely important as you are accountable for your whereabouts at all times. Failure to notify CGTH of any and all delays is considered a violation and may lead to placing you on ESCAPE STATUS." If you were at UMC with a medical-related issue, you did not follow protocol and by notifying CGTH officers. NRS 212.095 does apply to you because you were an inmate in the custody of the Nevada Department of Corrections housed at CGTH, and not yet a parolee.

Any request you have associated with the dismissal of the M76 Escape charge must go through the disciplinary appeal process as noted in Administrative Regulation (AR) 740: Inmate Grievance Procedure.

While what has happened is an unfortunate series of events, you are responsible for your own actions and the consequences that are associated with such. I suggest you participate in programming such as "Getting It Right" and "Moral Reconciliation Therapy" that are facilitated by Re-entry staff to provide you with tools that may enhance your future.



Brian E. Williams, Sr.
Deputy Director of Programs
Nevada Department of Corrections

BW/jw

Exhibit "B"



Division of Parole and Probation

VIOLATION REPORT
Date Report Prepared: 04/21/2020

TO THE HONORABLE
BOARD OF PAROLE COMMISSIONERS
CARSON CITY, NEVADA

NAME: JOHNSON, CORY
FILE #: L17-2414
CC #: C263976
NDOC#: 95007

SUPERVISION GRANT: 03/31/2017
EXPIRATION: 02/12/2022

CRIME: CT 1: HABITUAL CRIMINAL (LESSER)
SENTENCE: 5-20 YEARS NDOC/\$25AA/\$150DNA

- I. **VIOLATION: Directive A: Residence; B: Reporting; C: Employment; Laws; and Conduct:** On June 25, 2019, Mr. Cory Johnson was seen by the Parole Board. He was reinstated to parole on October 1, 2019, with added special condition of the board directs intensive supervision pursuant to NRS 213.124 with an initial period of electronic supervision not to exceed 180 days unless extended by the board following a written recommendation by the chief of parole and probation officer, and you must complete a substance abuse evaluation within 14 days of release from NDOC. Participate in treatment as instructed until released by a qualified treatment provider.

Mr. Johnson was aware of the new special conditions, but chose to escape from Casa Grande Transitional Housing on August 22, 2019.

On August 22, 2019 at approximately 1800 hours, Senior Correctional Officer Leavitt was assigned as the night shift supervisor at Casa Grande Transitional Housing. The Correctional Office was checking the inmate sign in and sign out sheets, and noticed that inmate Johnson, Corey #95007 had not signed back in from an all day job search. Inmate Johnson was due back to Casa Grande at 4 p.m. An announcement was made over the public announcement system for inmate Johnson to report to unit 1 control with negative results. An emergency count was initiated and cleared at 1913 with inmate Johnson missing from CGTH grounds. Inmate Johnson's property was inventoried and secured. An Escape warrant was issued by the Nevada Department of Corrections.

On April 16, 2020, the subject was arrested by LVMPD and booked into Clark County Detention Center on NDOC warrant Escape (F).

- II. **RESPONSE TO SUPERVISION:** This is the second time Mr. Johnson has absconded community supervision since being grant parole on March 31, 2019, it appears that a pattern of absconding is developing. At the time of his escape the Division was in the process of investigating his release plan.

- III. **WHEREABOUTS AND AVAILABILITY:** Mr. Johnson is currently detained at the Clark County Detention Center.

- IV. **RECOMMENDATION:** It is recommended that a Retake Warrant issued and the subject's parole be revoked.

Respectfully submitted:

Denise Gazell, P&P Specialist II
HEADQUARTERS, CARSON CITY, NV

Approved

Marc Chambers, Sergeant
HEADQUARTERS, CARSON CITY, NV

Exhibit '4'

STATE OF NEVADA
 BOARD OF PAROLE COMMISSIONERS
 CERTIFICATION OF ACTION
 PAROLE VIOLATION HEARINGS

STATE OF NEVADA
 BOARD OF PAROLE COMMISSIONERS
 CERTIFICATION OF ACTION
 PAROLE VIOLATION HEARINGS

INMATE NAME: JOHNSON, COREY B. NDOC NUMBER: 95067 BODSINGH LOCATION: HDSP-U4-A-25-A DATE: 07/07/2020

Case #	Count	Offense Description
263976	1	HABITUAL CRIMINAL (LESSER)
260737	1	HABITUAL CRIMINAL (LESSER)
264344	1	HABITUAL CRIMINAL (LESSER)

Warrant # 44827 Warrant Date 06/01/2020 Arrest Date: 04/16/2020
 Was the hearing conducted or waived? Conducted Was the notice of rights executed? Yes
 Cause Type: Recalled Mobile Defense Represented By: COX
 Escaped Prisoner? No Sign Date: Report Date:

CHARGES, PLEAS and FINDINGS			
Charge	Parole Plea	Board Finding	Other Action
Directives	Guilt / Not Guilty	Guilt / Not Guilty	
Laws	Guilt / Not Guilty	Guilt / Not Guilty	NO ACTION
Conduct	Guilt / Not Guilty	Guilt / Not Guilty	

ACTION (Indicate yes):

Continue on Parole	WARRANT IS QUASHED. NDOC shall release the parolee from custody within 24 hours of this action. Parolee is continued with the same conditions unless specified as follows:
Parole Credit Forfeiture	The Board orders the forfeiture of _____ credits earned while on parole for having been found guilty of violation of parole.
Parole is Temporarily Revoked	WARRANT IS SUSTAINED. Parolee is temporarily returned to prison for reasons set forth in the release warrant of which this order is part. Parolee shall be reintegrated on parole and released from NDOC custody on: _____ This is the number of _____ <input type="checkbox"/> 1st <input type="checkbox"/> 2nd <input type="checkbox"/> 3rd <input type="checkbox"/> 4th or more temporary revocation on this case. The Board has ordered the forfeiture of _____ good time credits (not credits) earned on parole.
Parole is revoked with reinstatement of parole on:	WARRANT IS SUSTAINED. Parolee is returned to prison for reasons set forth in the release warrant of which this order is part. Pursuant to NRS 213.1519, all good time credits (not credits) earned prior to the date of revocation are hereby forfeited. The Board has ordered _____ credits. The Board has further ordered the reinstatement of parole without an additional hearing.
Parole is revoked for: EXP	WARRANT IS SUSTAINED. Parolee is returned to prison for reasons set forth in the release warrant of which this order is part. Pursuant to NRS 213.1519, all good time credits (not credits) earned prior to the date of revocation are hereby forfeited. The Board has ordered ALL credits.
No Action Taken	

Evidence Relied Upon:

- ☒ Guilty Plea (where applicable)
- ☒ Report of Parole Violation Report dated 04-21-2020
- ☒ Police Report LYMPD Temporary Custody Report dated 04-16-2020
- ☒ Police Report LYMPD Declaration of Arrest Report dated 04-16-2020
- ☒ Police Report NDOC Escape Arrested dated 08-23-2019
- ☒ Other: Email from Mark Rodriguez dated 04-16-2020
- ☒ Other: Justice Court Arrest Warrant dated 04-16-2020
- ☒ Other: Register of Actions dated 05-01-2020

Names of Parole Board Hearing Panel Members Present: Charles A. Baker, Darlene, VIA Telephone Baker
 Reason for Revocation (where applicable): The Board heard substantial evidence which was presented to prove that you violated the above conditions of your parole by:
OFFENDER ARRESTED SUPERVISOR FOR MORE THAN 60 DAYS AND WALKED AWAY FROM THE FARMHOUSE
 The votes of the members who testified in this action are on file with the Executive Secretary of the Board.
 Signature: [Signature]
 FOR THE NEVADA BOARD OF PAROLE COMMISSIONERS

NEVER
 Deemed
 ESCAPED PRISONER

ALL CREDITS
 RESTORED

EXHIBIT 5

Offender: JOHNSON, COREY - 0000095007

Exhibit (C)(A)

Sentence: 2

Count: 1

Current Earned Expiration Date: 10/02/2024

Case	Sentence Dt	JC	Retro Dt	MAX Term	Days Owed	PED	PEXD	Status
264344	10/14/2010	248	02/08/2010	20y 0m 0d	7305	02/07/2015	10/07/2022	A

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
09/01/2016	09/20/2016	FLAT	20	No Comment	2671
09/01/2016	09/20/2016	STAT	14	No Comment	2657
09/01/2016	09/30/2016	WORK	6	No Comment	2651
09/21/2016	09/30/2016	FLAT	10	No Comment	2641
09/21/2016	09/30/2016	STAT	6	No Comment	2635
10/01/2016	10/03/2016	FLAT	3	No Comment	2632
10/01/2016	10/03/2016	STAT	2	No Comment	2630
10/01/2016	10/31/2016	WORK	0	Reduction for not working	2630
10/04/2016	10/31/2016	FLAT	28	No Comment	2602
10/04/2016	10/31/2016	STAT	18	No Comment	2584
11/01/2016	11/08/2016	FLAT	8	No Comment	2576
11/01/2016	11/08/2016	STAT	6	No Comment	2570
11/01/2016	11/30/2016	WORK	0	Reduction for not working	2570
11/09/2016	11/30/2016	FLAT	22	No Comment	2548
11/09/2016	11/30/2016	STAT	14	No Comment	2534
12/01/2016	12/31/2016	FLAT	31	No Comment	2503
12/01/2016	12/31/2016	STAT	20	No Comment	2483
12/01/2016	12/31/2016	WORK	20	No Comment	2463
01/01/2017	01/31/2017	FLAT	31	No Comment	2432
01/01/2017	01/31/2017	STAT	20	No Comment	2412
01/01/2017	01/31/2017	WORK	20	No Comment	2392
02/01/2017	02/28/2017	FLAT	28	No Comment	2364
02/01/2017	02/28/2017	STAT	20	No Comment	2344
02/01/2017	02/28/2017	WORK	20	No Comment	2324
03/01/2017	03/30/2017	FLAT	30	No Comment	2294
03/01/2017	03/30/2017	STAT	20	No Comment	2274
03/01/2017	03/31/2017	WORK	20	No Comment	2254
03/31/2017	03/31/2017	FISCAL	1	No Comment	2253
03/31/2017	03/31/2017	FLAT	1	No Comment	2252
03/31/2017	03/31/2017	STAT	0	No Comment	2252
04/01/2017	04/30/2017	FISCAL	20	No Comment	2232
04/01/2017	04/30/2017	FLAT	30	No Comment	2202
04/01/2017	04/30/2017	STAT	10	No Comment	2192
04/01/2017	04/30/2017	WORK	0	Reduction for not working	2192
05/01/2017	05/31/2017	FISCAL	20	OTIS credits for 04/2017	2172
05/01/2017	05/31/2017	FLAT	31	No Comment	2141
05/01/2017	05/31/2017	STAT	10	No Comment	2131
05/01/2017	05/31/2017	WORK	10	No Comment	2121
06/01/2017	06/30/2017	FISCAL	20	OTIS credits for 05/2017	2101
06/01/2017	06/30/2017	FLAT	30	No Comment	2071
06/01/2017	06/30/2017	STAT	10	No Comment	2061
06/01/2017	06/30/2017	WORK	0	OTIS credits for 05/2017	2061
07/01/2017	07/10/2017	FISCAL	7	No Comment	2054

The PEXD is the 'Projected Expiration Date', as such it is a projected date, and should only be considered an approximation of the actual release date. When NDOC staff have determined the actual release date, the offender's release caseworker will be informed. Entries in Blue are future credits that have not been earned yet.

Offender: JOHNSON, COREY - 0000095007	<div style="font-size: 2em; font-family: cursive;">Exhibit 6 (B)</div>	Sentence: 2	Count: 1
Current Earned Expiration Date: 10/02/2024			

Case	Sentence Dt	JC	Retro Dt	MAX Term	Days Owed	PED	PEXD	Status
264344	10/14/2010	248	02/08/2010	20y 0m 0d	7305	02/07/2015	10/07/2022	A

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
05/01/2018	05/31/2018	FISCAL	0	No Comment	2036
05/01/2018	05/31/2018	FLAT	0	No Comment	2036
05/01/2018	05/31/2018	STAT	0	No Comment	2036
05/01/2018	05/31/2018	WORK	0	No Comment	2036
06/01/2018	06/30/2018	FISCAL	0	No Comment	2036
06/01/2018	06/30/2018	FLAT	0	No Comment	2036
06/01/2018	06/30/2018	STAT	0	No Comment	2036
06/01/2018	06/30/2018	WORK	0	No Comment	2036
07/01/2018	07/31/2018	FISCAL	0	No Comment	2036
07/01/2018	07/31/2018	FLAT	0	No Comment	2036
07/01/2018	07/31/2018	STAT	0	No Comment	2036
07/01/2018	07/31/2018	WORK	0	No Comment	2036
08/01/2018	08/31/2018	FISCAL	0	No Comment	2036
08/01/2018	08/31/2018	FLAT	0	No Comment	2036
08/01/2018	08/31/2018	STAT	0	No Comment	2036
08/01/2018	08/31/2018	WORK	0	No Comment	2036
09/01/2018	09/30/2018	FISCAL	0	No Comment	2036
09/01/2018	09/30/2018	FLAT	0	No Comment	2036
09/01/2018	09/30/2018	STAT	0	No Comment	2036
09/01/2018	09/30/2018	WORK	0	No Comment	2036
10/01/2018	10/31/2018	FISCAL	0	No Comment	2036
10/01/2018	10/31/2018	FLAT	0	No Comment	2036
10/01/2018	10/31/2018	STAT	0	No Comment	2036
10/01/2018	10/31/2018	WORK	0	No Comment	2036
11/01/2018	11/30/2018	FISCAL	0	No Comment	2036
11/01/2018	11/30/2018	FLAT	0	No Comment	2036
11/01/2018	11/30/2018	STAT	0	No Comment	2036
11/01/2018	11/30/2018	WORK	0	No Comment	2036
12/01/2018	12/31/2018	FISCAL	0	No Comment	2036
12/01/2018	12/31/2018	FLAT	0	No Comment	2036
12/01/2018	12/31/2018	STAT	0	No Comment	2036
12/01/2018	12/31/2018	WORK	0	No Comment	2036
01/01/2019	01/31/2019	FISCAL	0	No Comment	2036
01/01/2019	01/31/2019	FLAT	0	No Comment	2036
01/01/2019	01/31/2019	STAT	0	No Comment	2036
01/01/2019	01/31/2019	WORK	0	No Comment	2036
02/01/2019	02/28/2019	FISCAL	0	No Comment	2036
02/01/2019	02/28/2019	FLAT	0	No Comment	2036
02/01/2019	02/28/2019	STAT	0	No Comment	2036
02/01/2019	02/28/2019	WORK	0	No Comment	2036
03/01/2019	03/31/2019	FISCAL	0	No Comment	2036
03/01/2019	03/31/2019	FLAT	0	No Comment	2036
03/01/2019	03/31/2019	STAT	0	No Comment	2036

The PEXD is the 'Projected Expiration Date', as such it is a projected date, and should only be considered an approximation of the actual release date. When NDOC staff have determined the actual release date, the offender's release caseworker will be informed. Entries in Blue are future credits that have not been earned yet.

Offender: JOHNSON, COREY - 0000095007

Sentence: 2

Count: 1

Current Earned Expiration Date: 10/02/2024

Case	Sentence Dt	JC	Retro Dt	MAX Term	Days Owed	PLD	PEXD	Status
264344	10/14/2010	248	02/08/2010	20y 0m 0d	7305	02/07/2015	10/07/2022	A

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
12/01/2019	12/31/2019	WORK	0	No Comment	1764
01/01/2020	01/31/2020	FISCAL	0	No Comment	1764
01/01/2020	01/31/2020	FLAT	0	No Comment	1764
01/01/2020	01/31/2020	STAT	0	No Comment	1764
01/01/2020	01/31/2020	WORK	0	No Comment	1764
02/01/2020	02/29/2020	FISCAL	0	No Comment	1764
02/01/2020	02/29/2020	FLAT	0	No Comment	1764
02/01/2020	02/29/2020	STAT	0	No Comment	1764
02/01/2020	02/29/2020	WORK	0	No Comment	1764
03/01/2020	03/31/2020	FISCAL	0	No Comment	1764
03/01/2020	03/31/2020	FLAT	0	No Comment	1764
03/01/2020	03/31/2020	STAT	0	No Comment	1764
03/01/2020	03/31/2020	WORK	0	No Comment	1764
04/01/2020	04/20/2020	FISCAL	0	No Comment	1764
04/01/2020	04/20/2020	FLAT	0	No Comment	1764
04/01/2020	04/20/2020	STAT	0	No Comment	1764
04/01/2020	04/20/2020	WORK	0	No Comment	1764
04/21/2020	04/30/2020	FISCAL	7	No Comment	1757
04/21/2020	04/30/2020	FLAT	10	No Comment	1747
04/21/2020	04/30/2020	STAT	4	No Comment	1743
04/21/2020	04/30/2020	WORK	4	No Comment	1739
05/01/2020	05/31/2020	FISCAL	20	No Comment	1719
05/01/2020	05/31/2020	FLAT	31	No Comment	1688
05/01/2020	05/31/2020	STAT	10	No Comment	1678
05/01/2020	05/31/2020	WORK	10	No Comment	1668
06/01/2020	06/30/2020	FISCAL	0	OTIS credits for 05/2020	1668
06/01/2020	06/30/2020	FLAT	30	No Comment	1638
06/01/2020	06/30/2020	STAT	10	No Comment	1628
06/01/2020	06/30/2020	WORK	0	OTIS credits for 05/2020	1628
07/01/2020	07/06/2020	FISCAL	4	No Comment	1624
07/01/2020	07/06/2020	FLAT	6	No Comment	1618
07/01/2020	07/06/2020	STAT	2	No Comment	1616
07/01/2020	07/31/2020	WORK	0	Reduction for not working	1616
07/07/2020	07/31/2020	FLAT	25	No Comment	1591
07/07/2020	07/31/2020	STAT	17	No Comment	1574
08/01/2020	08/31/2020	FLAT	31	No Comment	1543
08/01/2020	08/31/2020	STAT	20	No Comment	1523
08/01/2020	08/31/2020	WORK	0	Reduction for not working	1523
09/01/2020	09/30/2020	FLAT	30	No Comment	1493
09/01/2020	09/30/2020	STAT	20	No Comment	1473
09/01/2020	09/30/2020	WORK	10	No Comment	1463
10/01/2020	10/31/2020	FLAT	31	No Comment	1432
10/01/2020	10/31/2020	STAT	20	No Comment	1412

The PEXD is the 'Projected Expiration Date', as such it is a projected date, and should only be considered an approximation of the actual release date. When NDOC staff have determined the actual release date, the offender's release caseworker will be informed. Entries in Blue are future credits that have not been earned yet.

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FROM: **COREY JOHNSON**
HDSP
P.O. Box 650
Indian Springs NV 89470

TO:

Regional Justice Center
Attn: Clerk of Court
200 Lewis Ave
LAS VEGAS NV 89155

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EP14F May 2020
OD: 12 1/2 x 9 1/2

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1 OPWH

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

5 Corey Johnson, Plaintiff(s)

6 vs.

Nevada State of, Defendant(s)

Case No.: A-21-828907-W

Department XXIV

7
8 **ORDER FOR PETITION FOR WRIT OF HABEAS CORPUS**

9 Petitioner filed a Petition for Writ of Habeas Corpus on **February 4, 2021**. The Court
10 has reviewed the Petition and has determined a response would assist the Court in
11 determining whether Petitioner has been awarded all appropriate good-time credits as
12 provided in NRS 34.724 and, good cause appearing therefore,

13 **IT IS HEREBY ORDERED**, Respondent shall, within 30 days after the date of
14 this Order, to file any motion it deems necessary.

15 If no motion is filed, **IT IS HEREBY FURTHER ORDERED**, Respondent shall, 45
16 days after the date of this Order, file an answer or otherwise respond to the Petition.

17
18 **IT IS FURTHER ORDERED**, this matter is placed on calendar for hearing on **May 18,**
19 **2021**, in chambers in District Court Department XXIV.

20 Dated this 22nd day of March, 2021

21 
22

23 **2DB 79D A1B3 C595**
24 **Erika Ballou**
25 **District Court Judge**

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the date of the filing, a copy of this Order was electronically served through the Eighth Judicial District Court EFP system or, if no e-mail was provided, by facsimile, U.S. Mail and/or placed in the Clerk's Office attorney folder(s) for:

CLARK COUNTY DISTRICT ATTORNEY'S OFFICE
Motions@clarkcountydac.com

OFFICE OF THE ATTORNEY GENERAL
Wiznetfilings@ag.nv.gov

Chapri Wright
Chapri Wright
Judicial Executive Assistant

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Corey Johnson, Plaintiff(s) CASE NO: A-21-828907-W
7 vs. DEPT. NO. Department 24
8 Nevada State of, Defendant(s)
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 Electronic service was attempted through the Eighth Judicial District Court's
12 electronic filing system, but there were no registered users on the case.

13
14 If indicated below, a copy of the above mentioned filings were also served by mail
15 via United States Postal Service, postage prepaid, to the parties listed below at their last
16 known addresses on 3/23/2021

16 Corey Johnson #95007
17 PO Box 650
18 Indian Springs, NV, 89070
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MDSM
AARON D. FORD
Attorney General
Katrina A. Samuels (Bar No. 13394)
Deputy Attorney General
State of Nevada
Office of the Attorney General
555 E. Washington Ave., Ste. 3900
Las Vegas, Nevada 89101-1068
(702) 486-3770 (phone)
(702) 486-2377 (fax)
KSamuels@ag.nv.gov
Attorneys for Respondents

DISTRICT COURT

CLARK COUNTY, NEVADA

COREY JOHNSON,

Petitioner,

vs.

STATE OF NEVADA,

Respondents.

Case No. A-21-828907-W
Dept. No. XXIV

HEARING NOT REQUESTED

Date of Hearing: 5/18/2021
Time of Hearing: In Chambers

MOTION TO DISMISS

Respondents oppose Petitioner Corey Johnson's *Petition for Writ of Habeas Corpus (Post-Conviction)* filed on February 4, 2021 and move for dismissal as Petitioner Johnson's petition is successive and an abuse of writ pursuant to NRS 34.810

DATED this 12th day of April 2021.

AARON D. FORD
Attorney General

By: /s/ Katrina A. Samuels
Katrina A. Samuels
Deputy Attorney General

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 Corey Johnson is currently incarcerated at High Desert State Prison and is serving time for
3 criminal acts he committed on or about May 19, 2009 (Case No. 10C263976); on or about September
4 25, 2009 (Case No. 09C260737); and on or between February 1, 2010 and February 24, 2010 (Case No.
5 10C264344). The Eighth Judicial District Court adjudicated Johnson guilty of Burglary (Case No.
6 10C263976); Attempt Theft (Case No. 09C260737); and Possession or Sale of Document or Personal
7 Identifying Information (Case No. 10C264344), all category B felonies. Johnson was sentenced to three
8 concurrent terms of twenty years in prison with a minimum parole eligibility of five years. *Id.*

9 Johnson has since filed a Petition for Writ of Habeas Corpus (Post-Conviction) on February 4,
10 2021.

11 **ARGUMENT**

12 **I. Johnson's Petition for Writ of Habeas Corpus Should be Dismissed Pursuant to NRS**
13 **34.810.**

14 Pursuant to NRS 34.810(2), a second or successive petition must be dismissed if the judge or
15 justice determines that it fails to allege new or different grounds for relief and that the prior determination
16 was on the merits or, if new and different grounds are alleged, the judge or justice finds that the failure
17 of the petitioner to assert those grounds in a prior petition constituted an abuse of the writ. However, a
18 petitioner can overcome the dismissal of his second or successive petition by pleading and proving
19 specific facts that demonstrate good cause for failing to present his claims and actual prejudice. NRS
20 34.810(3).

21 In Case No. *A-20-821716-W*, Johnson filed a Petition for Writ of Habeas Corpus on September
22 23, 2020 challenging his parole revocation hearing. The same arguments in Johnson's Petition for Writ
23 of Habeas Corpus in Case No. *A-20-821716-W* are also alleged in his current petition. On November
24 25, 2020, the district court issued a decision and order finding that Johnson violated the terms and
25 conditions of his parole, his preliminary inquiry and parole revocation hearing did not violate his right
26 to due process, his credits were properly forfeited, and he is not entitled to his original parole expiration
27 dates (Exhibit 1, *Decision and Order in Case No. A-20-821716-W*). Because Johnson has failed to allege

28 ///

1 new or different grounds for relief and the district court's prior determination of *A-20-821716-W* was on
2 the merits, his successive petition must be dismissed.

3 In his petition, Johnson also claims that he was denied the right to obtain counsel during his
4 preliminary inquiry and that his counsel was ineffective during his parole revocation hearing. Even
5 though Johnson has alleged new or different grounds for relief in his successive petition, he has still
6 failed to demonstrate good cause and actual prejudice to overcome his failure of not presenting these
7 claims in his prior petition. Since Johnson challenged new or different grounds for relief, and has not
8 demonstrated good cause and prejudice as to why such claims were not presented in Case No. *A-20-*
9 *821716-W*, he cannot use his current petition as a vehicle to challenge his new and different claims. Due
10 to Johnson's successive filing, he has committed an abuse of writ and his petition should be dismissed.

11 **CONCLUSION**

12 This Court should dismiss Johnson's Petition for Writ of Habeas Corpus as successive and an
13 abuse of writ.

14 Respectfully submitted this 12th day of April 2021.

15 AARON D. FORD
16 Attorney General

17 By: /s/ Katrina A. Samuels
18 Katrina A. Samuels
19 Deputy Attorney General
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AFFIRMATION
(Pursuant to NRS 239B.030)

The undersigned does hereby affirm that the foregoing document does not contain the social security number of any person.

Dated this 12th day of April 2021.

AARON D. FORD
Attorney General

By: /s/ Katrina A. Samuels
Katrina A. Samuels
Deputy Attorney General

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing *Motion to Dismiss* with the Clerk of the Court by using the electronic filing system on the 12th day of April 2021.

I certify that some of the participants in the case are not registered as electronic filing system users. I will cause the foregoing document to be mailed by First-Class Mail, postage prepaid, or have dispatched it to a third-party commercial carrier for delivery on or about April 13, 2021 to the following non e-file participants:

Corey Johnson, #95007
c/o High Desert State Prison
P.O. Box 650
Indian Springs, NV 89070-0650

/s/ M. Landreth
An employee of the Office of the Attorney General

Exhibit 1

Decision and Order

Case No.

A-20-8121716-W

1 **DAO**

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

5 COREY JOHNSON,

Case No. A-20-821716-W

6 Petitioner,

Dept. No. XV

7 vs.

8 STATE OF NEVADA,

9 Respondents.

10
11 **DECISION AND ORDER**

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

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

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

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

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

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

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

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

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

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


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

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

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

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

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

20 
21 _____
22 The Honorable Joe Hardy
District Court Judge
73A 955 E844 A689
Joe Hardy
District Court Judge

23 Submitted by:

24 AARON D. FORD
25 Attorney General

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

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Corey Johnson, Plaintiff(s) CASE NO: A-20-821716-W
7 vs. DEPT. NO. Department 15
8 Nevada State of, Defendant(s)
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 11/25/2020

15 Marsha Landreth	mlandreth@ag.nv.gov
16 Rikki Garate	rgarate@ag.nv.gov
17 Katrina Samuels	KSamuels@ag.nv.gov
18 Cheryl Martinez	cjmartinez@ag.nv.gov
19 Lucas Combs	ljcombs@ag.nv.gov

1 **DAO**

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

5 COREY JOHNSON,

Case No. A-21-828907-W

6 Petitioner,

Dept. No. XXIV

7 vs.

8 STATE OF NEVADA,

9 Respondents.

10
11 **DECISION AND ORDER**

12 THIS CAUSE came before the Honorable Erika Ballou on May 14, 2021, for review of Corey
13 Johnson's Petition for Writ of Habeas Corpus (Post-Conviction) ("Petition") filed on February 4, 2021.
14 Respondents filed a response on April 12, 2021. At the hearing, the Court did not entertain argument.
15 Pursuant to NRS 34.770(2), the Court makes its decision based solely upon the pleadings without the
16 need of an evidentiary hearing.

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

24 THE COURT FURTHER FINDS that Mr. Johnson was sentenced to three concurrent terms of
25 twenty years in prison with a minimum parole eligibility of five years. Mr. Johnson has since filed a
26 Petition on February 4, 2021.

27 WHEREFORE THE COURT CONCLUDES that pursuant to NRS 34.810(2), a second or
28 successive petition must be dismissed if the judge or justice determines that it fails to allege new or

1 different grounds for relief and that the prior determination was on the merits or, if new and different
2 grounds are alleged, the judge or justice finds that the failure of the petitioner to assert those grounds in
3 a prior petition constituted an abuse of the writ. However, a petitioner can overcome the dismissal of his
4 second or successive petition by pleading and proving specific facts that demonstrate good cause for
5 failing to present his claims and actual prejudice. NRS 34.810(3).

6 WHEREFORE THE COURT FURTHER CONCLUDES that in Case No. *A-20-821716-W*, Mr.
7 Johnson filed a Petition for Writ of Habeas Corpus on September 23, 2020 challenging his parole
8 revocation hearing. The same arguments in Mr. Johnson's Petition for Writ of Habeas Corpus in Case
9 No. *A-20-821716-W* are also alleged in his current Petition. On November 25, 2020, the district court
10 issued a decision and order finding that Mr. Johnson violated the terms and conditions of his parole, his
11 preliminary inquiry and parole revocation hearing did not violate his right to due process, his credits were
12 properly forfeited, and he is not entitled to his original parole expiration dates. Because Mr. Johnson has
13 failed to allege new or different grounds for relief and the district court's prior determination of *A-20-*
14 *821716-W* was on the merits, his successive petition is dismissed.

15 WHEREFORE THE COURT FURTHER CONCLUDES that in his Petition, Mr. Johnson also
16 claims that he was denied the right to obtain counsel during his preliminary inquiry and that his counsel
17 was ineffective during his parole revocation hearing. Even though Mr. Johnson has alleged new or
18 different grounds for relief in his successive petition, he has still failed to demonstrate good cause and
19 actual prejudice to overcome his failure of not presenting these claims in his prior petition. *See Evans v.*
20 *State*, 28 P.3d 498, 523 (2001) (Court must dismiss a habeas petition if it presents claims that either were
21 or could have been presented in an earlier proceeding unless the court finds both cause for failing to
22 present the claims earlier or for raising them again and actual prejudice to the petitioner). Since Mr.
23 Johnson challenged new or different grounds for relief, and has not demonstrated good cause and
24 prejudice as to why such claims were not presented in Case No. *A-20-821716-W*, he cannot use his
25 current Petition as a vehicle to challenge his new and different claims. Due to Mr. Johnson's successive
26 filing, he has committed an abuse of writ and his Petition is dismissed.

27 ///

28 ///

THEREFORE, IT IS HEREBY ORDERED that Mr. Johnson's Petition for Writ of Habeas Corpus is DISMISSED.

IT IS SO ORDERED this 18 day of May, 2021.

Dated this 18th day of May, 2021

Ennio Balbo

The Honorable Erika Ballou
District Court Judge
885-350-0767 ext 48

58B 3B0 0767 4248

Erika Ballou
District Court Judge

Submitted by:

AARON D. FORD
Attorney General

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

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA
5

6 Corey Johnson, Plaintiff(s)	CASE NO: A-21-828907-W
7 vs.	DEPT. NO. Department 24
8 Nevada State of, Defendant(s)	

9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 5/18/2021

15 Marsha Landreth	mlandreth@ag.nv.gov
16 Rikki Garate	rgarate@ag.nv.gov
17 Katrina Samuels	KSamuels@ag.nv.gov
18 Cheryl Martinez	cjmartinez@ag.nv.gov
19 Lucas Combs	ljcombs@ag.nv.gov

20
21
22
23
24
25
26
27
28



1 NEOJ

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

4 COREY JOHNSON,

5
6 Petitioner,

Case No: A-21-828907-W

Dept. No: XXIV

7 vs.

8 STATE OF NEVADA; ET.AL.,

9 Respondent,

NOTICE OF ENTRY OF ORDER

10
11 **PLEASE TAKE NOTICE** that on May 18, 2021, the court entered a decision or order in this matter, a
12 true and correct copy of which is attached to this notice.

13 You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you
14 must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is
15 mailed to you. This notice was mailed on May 19, 2021.

16 STEVEN D. GRIERSON, CLERK OF THE COURT

17 /s/ Amanda Hampton

18 Amanda Hampton, Deputy Clerk

19 **CERTIFICATE OF E-SERVICE / MAILING**

20 I hereby certify that on this 19 day of May 2021, I served a copy of this Notice of Entry on the following:

21 ☒ By e-mail:

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

23 ☒ The United States mail addressed as follows:

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

26
27 /s/ Amanda Hampton

28 Amanda Hampton, Deputy Clerk

1 **DAO**

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

5 COREY JOHNSON,

Case No. A-21-828907-W

6 Petitioner,

Dept. No. XXIV

7 vs.

8 STATE OF NEVADA,

9 Respondents.

10
11 **DECISION AND ORDER**

12 THIS CAUSE came before the Honorable Erika Ballou on May 14, 2021, for review of Corey
13 Johnson's Petition for Writ of Habeas Corpus (Post-Conviction) ("Petition") filed on February 4, 2021.
14 Respondents filed a response on April 12, 2021. At the hearing, the Court did not entertain argument.
15 Pursuant to NRS 34.770(2), the Court makes its decision based solely upon the pleadings without the
16 need of an evidentiary hearing.

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

24 THE COURT FURTHER FINDS that Mr. Johnson was sentenced to three concurrent terms of
25 twenty years in prison with a minimum parole eligibility of five years. Mr. Johnson has since filed a
26 Petition on February 4, 2021.

27 WHEREFORE THE COURT CONCLUDES that pursuant to NRS 34.810(2), a second or
28 successive petition must be dismissed if the judge or justice determines that it fails to allege new or

1 different grounds for relief and that the prior determination was on the merits or, if new and different
2 grounds are alleged, the judge or justice finds that the failure of the petitioner to assert those grounds in
3 a prior petition constituted an abuse of the writ. However, a petitioner can overcome the dismissal of his
4 second or successive petition by pleading and proving specific facts that demonstrate good cause for
5 failing to present his claims and actual prejudice. NRS 34.810(3).

6 WHEREFORE THE COURT FURTHER CONCLUDES that in Case No. *A-20-821716-W*, Mr.
7 Johnson filed a Petition for Writ of Habeas Corpus on September 23, 2020 challenging his parole
8 revocation hearing. The same arguments in Mr. Johnson's Petition for Writ of Habeas Corpus in Case
9 No. *A-20-821716-W* are also alleged in his current Petition. On November 25, 2020, the district court
10 issued a decision and order finding that Mr. Johnson violated the terms and conditions of his parole, his
11 preliminary inquiry and parole revocation hearing did not violate his right to due process, his credits were
12 properly forfeited, and he is not entitled to his original parole expiration dates. Because Mr. Johnson has
13 failed to allege new or different grounds for relief and the district court's prior determination of *A-20-*
14 *821716-W* was on the merits, his successive petition is dismissed.

15 WHEREFORE THE COURT FURTHER CONCLUDES that in his Petition, Mr. Johnson also
16 claims that he was denied the right to obtain counsel during his preliminary inquiry and that his counsel
17 was ineffective during his parole revocation hearing. Even though Mr. Johnson has alleged new or
18 different grounds for relief in his successive petition, he has still failed to demonstrate good cause and
19 actual prejudice to overcome his failure of not presenting these claims in his prior petition. *See Evans v.*
20 *State*, 28 P.3d 498, 523 (2001) (Court must dismiss a habeas petition if it presents claims that either were
21 or could have been presented in an earlier proceeding unless the court finds both cause for failing to
22 present the claims earlier or for raising them again and actual prejudice to the petitioner). Since Mr.
23 Johnson challenged new or different grounds for relief, and has not demonstrated good cause and
24 prejudice as to why such claims were not presented in Case No. *A-20-821716-W*, he cannot use his
25 current Petition as a vehicle to challenge his new and different claims. Due to Mr. Johnson's successive
26 filing, he has committed an abuse of writ and his Petition is dismissed.

27 ///

28 ///

THEREFORE, IT IS HEREBY ORDERED that Mr. Johnson's Petition for Writ of Habeas Corpus is DISMISSED.

IT IS SO ORDERED this 18 day of May, 2021.

Dated this 18th day of May, 2021

Ennio Balbo

The Honorable Erika Ballou
District Court Judge
885-350-0767 ext 48

58B 3B0 0767 4248

Erika Ballou
District Court Judge

Submitted by:

AARON D. FORD
Attorney General

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

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Corey Johnson, Plaintiff(s) CASE NO: A-21-828907-W
7 vs. DEPT. NO. Department 24
8 Nevada State of, Defendant(s)
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 5/18/2021

15 Marsha Landreth	mlandreth@ag.nv.gov
16 Rikki Garate	rgarate@ag.nv.gov
17 Katrina Samuels	KSamuels@ag.nv.gov
18 Cheryl Martinez	cjmartinez@ag.nv.gov
19 Lucas Combs	ljcombs@ag.nv.gov

Steven D. Grierson

1 Corey Johnson / In Proper Person
2 P.O. Box 656
3 Indian Springs NV 89018

4
5 8th Judicial District Court
6 Clark County Nevada
7

8 Corey Johnson Case No. A-21-828907-W
9 Petitioner Dept. No 24
10 V
11 State of Nevada
12 Respondents
13

14 Notice of Appeal

15 Notice is hereby given that the Petitioner
16 Corey Johnson by and through himself In
17 Pro Per Person does now appeal to the Supreme
18 Court of the State of Nevada, the decision
19 of the District Court Denial of Petition for
20 Writ of Habeas Corpus

21
22 Dated this June 19 2021

23
24 Respectfully Submitted
25 *Corey Johnson*
26 In Proper Person
27
28

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1 ASTA

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5
6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**
7 **STATE OF NEVADA IN AND FOR**
8 **THE COUNTY OF CLARK**
9

10 COREY JOHNSON,

11 Plaintiff(s),

12 vs.

13 STATE OF NEVADA; DEPT. OF
14 CORRECTIONS; WARDEN CALVIN JOHNSON,

15 Defendant(s),
16

Case No: A-21-828907-W

Dept No: XXIV

17
18 **CASE APPEAL STATEMENT**
19

20 1. Appellant(s): Corey Johnson

21 2. Judge: Erika Ballou

22 3. Appellant(s): Corey Johnson

23 Counsel:

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

27 4. Respondent (s): Respondent

28 Counsel:

Aaron D. Ford, Attorney General
555 E. Washington Ave., Ste. 3900

Las Vegas, NV 89101-1068

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

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

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

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

8. Appellant Granted Leave to Proceed in Forma Pauperis**: N/A
***Expires 1 year from date filed*
Appellant Filed Application to Proceed in Forma Pauperis: No
Date Application(s) filed: N/A

9. Date Commenced in District Court: February 4, 2021

10. Brief Description of the Nature of the Action: Civil Writ

Type of Judgment or Order Being Appealed: Civil Writ of Habeas Corpus

11. Previous Appeal: No

Supreme Court Docket Number(s): N/A

12. Child Custody or Visitation: N/A

13. Possibility of Settlement: Unknown

Dated This 24 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: Corey Johnson

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

March 22, 2021

A-21-828907-W	Corey Johnson, Plaintiff(s)
	vs.
	Nevada State of, Defendant(s)

March 22, 2021	1:00 PM	Minute Order
-----------------------	----------------	---------------------

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

COURT CLERK:
Ro'Shell Hurtado

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- The Order for Petition for Writ of Habeas Corpus filed on March 18, 2021 was erroneously filed. COURT ORDERED, the Order for Petition for Writ of Habeas Corpus STRICKEN.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Ro'Shell Hurtado, to all registered parties for Odyssey File & Serve./ /rh

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

May 14, 2021

A-21-828907-W Corey Johnson, Plaintiff(s)
vs.
Nevada State of, Defendant(s)

May 14, 2021 2:00 PM Minute Order

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

COURT CLERK:
Ro'Shell Hurtado

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Pursuant to NRS 34.810(2), Petitioner s Writ of Habeas Corpus filed on February 24, 2021, is hereby DISMISSED as it is a successive petition lacking new or different grounds for relief. This Court further finds that Petitioner has failed to show good cause and prejudice for his failure to include the ineffective assistance of counsel claim in his previous petitions. Evans v. State, 117 Nev. 609, 646-47, 29 P.3d 498, 523 (2001) (Court must dismiss a habeas petition if it presents claims that either were or could have been presented in an earlier proceeding, unless the court finds both cause for failing to present the claims earlier or for raising them again and actual prejudice to the petitioner). The proceedings scheduled for 5/18/21 are hereby OFF CALENDAR.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Ro'Shell Hurtado, to all registered parties for Odyssey File & Serve; mailed to: Corey Johnson #95007, P.O.Box 650, Indian Springs, NV, 89070.//rh

Certification of Copy and Transmittal of Record

State of Nevada }
County of Clark } SS:

Pursuant to the Supreme Court order dated July 9, 2021, I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, do hereby certify that the foregoing is a true, full and correct copy of the complete trial court record for the case referenced below. The record comprises one volumes with pages numbered 1 through 67.

COREY JOHNSON,

Plaintiff(s),

vs.

STATE OF NEVADA; DEPT. OF
CORRECTIONS; WARDEN CALVIN
JOHNSON,

Defendant(s),

Case No: A-21-828907-W

Dept. No: XXIV

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 23 day of July 2021.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk