

Clerk of District Court,

A-20-816041-W

John B. Brown  
June 24, 2021

At this time, I Daine A. Crawley am sending  
"two copies" of my intended appeal of post conviction  
Habeas Corpus dated June 16<sup>th</sup>, 2021. This is my  
entitled notice of appeal as I wish to have  
this copy sent (1) to The District Attorney, and  
(2) Nevada Supreme Court. Contact with Attorney has  
been futile, and I would like to file this petition  
on my own behalf to The Nevada Supreme Court  
at this time since "no response has been received  
by myself regarding this matter. A response was  
due on May 26<sup>th</sup>, 2021 as ordered by Judge  
Bluth on March 18<sup>th</sup> 2021 to no avail.

I do not want to exceed the time  
in which I may file this appeal of Postconviction  
Habeas Corpus, as this is my intention, in this moment.

Your cordial response is greatly appreciated.

Respectfully Submitted,

Daine Crawley # 1167447  
WSCC  
P.O. Box 7007  
Carson City, NV 89702

1 Daine Crawley, # 1167447  
2 Warm Springs Correctional Center  
3 P.O. Box 7007  
4 Carson City, Nevada 89702

5 PETITIONER IN PROPER PERSON

6 IN THE 8th (Eighth) JUDICIAL DISTRICT COURT OF THE STATE OF  
7 NEVADA IN AND FOR THE COUNTY OF Clark

9 Daine Anton Crawley # 1167447

10 Petitioner,

11 Case No.: A-20-816041-W (Appeal from District Court)  
12 Dept. No. VI 6

13 V.

14 Director Charles Daniels of NDOC,

15 Respondent

16  
17 **PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)**

18 (Reverse and Remand)

19 **INSTRUCTIONS:**

20 (1) This petition must be legibly handwritten or typewritten, signed by the  
21 petitioner and verified.

22 (2) Additional pages are not permitted except where noted or with respect to the  
23 facts which you rely upon to support your grounds for relief. No citation of  
24 authorities need be furnished. If briefs or arguments are submitted, they should be  
25 submitted in the form of a separate memorandum.

26 (3) If you want an attorney appointed, you must complete the Affidavit in Support  
27 of Request to Proceed in Forma Pauperis. You must have an authorized officer at the  
28 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: Warm Springs Correctional Center under an illegal sentence  
Structure of 84-240 months (Foreign Convictions under 207.010<sup>NRS</sup>)

2. Name and location of court which entered the judgment of conviction under attack:

Clark County District Court 200 Lewis Avenue Las Vegas, NV 89155  
(Dept. 6)

3. Date of judgment of conviction:

April 1<sup>st</sup>, 2020

4. Case number:

C341735 (A-20-81604(-W))

5. (a) Length of sentence:

84-240 months

1 (b) If sentence is death, state any date upon which  
2 execution is scheduled: N/A

3  
4 6. Are you presently serving a sentence for a conviction  
5 other than the conviction under attack in this motion?

6 Yes ☒ No ☐

7 If "yes," list crime, case number and sentence being  
8 served at this time: Grand Larceny Case Number 847881 12-30  
9 months Concurrently (served)

10 7. Nature of offense involved in conviction being  
11 challenged: Carry Concealed Weapon To wit: Razor Knife or  
12 multipurpose tool.

13  
14 8. What was your plea? (check one)

15 (a) Not guilty ☐

16 (b) Guilty ☒

17 (c) Guilty but mentally ill ☐

18 (d) Nolo contendere ☐

19  
20 9. If you entered a plea of guilty to one count of an  
21 indictment or information, and a plea of not guilty to another  
22 count of an indictment or information, or if a plea of guilty was  
23 negotiated, give details: The Defendant agreed to a 1 to 5 year probationable  
24 sentence (recommended 18 to 60 month sentence) for case # C3411735, and the state  
25 would not seek Habitual Sentence when Case # C347881 is signed (District Attorney Breached  
26 the plea agreement).

27 10. If you were found guilty after a plea of not guilty, was  
28 the finding made by: (check one)

1 (a) Jury \_\_\_\_\_

2 (b) Judge without a jury \_\_\_\_\_

3  
4 11. Did you testify at the trial? Yes \_\_\_\_\_ No \_\_\_\_\_

5  
6 12. Did you appeal from the judgment of conviction?

7 Yes X No \_\_\_\_\_

8  
9 13. If you did appeal, answer the following:

10 (a) Name of court: District Court Direct Appeal to Nevada Supreme Court

11 (b) Case number or citation: C341735

12 (c) Result: Still pending decision

13  
14  
15 (d) Date of result: \_\_\_\_\_

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

17  
18 14. If you did not appeal, explain briefly why you did not:

19  
20  
21  
22  
23 15. Other than a direct appeal from the judgment of  
24 conviction and sentence, have you previously filed any petitions,  
25 applications or motions with respect to this judgment in any  
26 court, state or federal? Yes X No \_\_\_\_\_

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

3 (a) (1) Name of court: District Court of Clark County

4 (2) Nature of proceeding: Post Conviction Habeas Corpus

5 Direct Appeal

6 (3) Grounds raised: Breach of Plea Agreement, Due process rights  
7 Violations NRS. 171.174, 171.104, 171.196 NRS 176.145 NAC 213.10988,  
8 Violation of 14<sup>th</sup> and 6<sup>th</sup> Amendment under Carter VS. State (1963) Case law, Ex post Facto.

9 (4) Did you receive an evidentiary hearing on your  
10 petition, application or motion? Yes \_\_\_\_\_ No X

11 (5) Result: \_\_\_\_\_

12 \_\_\_\_\_  
13 (6) Date of result: \_\_\_\_\_

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

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

19 (1) Name of court: \_\_\_\_\_

20 (2) Nature of proceeding: \_\_\_\_\_

21 (3) Grounds raised: \_\_\_\_\_

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

26 (5) Result: \_\_\_\_\_

27 (6) Date of result: \_\_\_\_\_

1 (7) If known, citations of any written opinion or date of  
2 orders entered pursuant to such result: \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_

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

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

11 (1) First petition, application or motion?

12 Yes <sup>This is my</sup> ~~intended Appeal~~ No \_\_\_\_\_

13 Citation or date of decision: \_\_\_\_\_

14 (2) Second petition, application or motion?

15 Yes \_\_\_\_\_ No \_\_\_\_\_

16 Citation or date of decision: \_\_\_\_\_

17  
18 (3) Third or subsequent petitions, applications or motions?

19 Yes \_\_\_\_\_ No \_\_\_\_\_

20 Citation or date of decision: \_\_\_\_\_

21 (e) If you did not appeal from the adverse action on any  
22 petition, application or motion, explain briefly why you did not.

23 (You must relate specific facts in response to this question.

24 Your response may be included on paper which is 8 1/2 by 11  
25 inches attached to the petition. Your response may not exceed  
26 five handwritten or typewritten pages in length.)  
27  
28

1 17. Has any ground being raised in this petition been  
2 previously presented to this or any other court by way of  
3 petition for habeas corpus, motion, application or any other  
4 post-conviction proceeding? If so, identify:

5  
6 (a) Which of the grounds is the same: Grand 1-4 are the same  
7 as my intent is to use this as Appeal to Nevada Supreme Court, with  
8 additional points and Authorities.

9 (b) The proceedings in which these grounds were raised:  
10  
11

12 (c) Briefly explain why you are again raising these grounds.  
13 Because these grounds were not properly presented by My Attorney, as  
14 there has been conflicting Confirmation as to who my Attorney actually  
15 is for the last year, as Court records will show and documentation.

16 (You must relate specific facts in response to this  
17 question. Your response may be included on paper which is 8 1/2  
18 by 11 inches attached to the petition. Your response may not  
19 exceed five handwritten or typewritten pages in length.) .....  
20  
21  
22

23  
24 18. If any of the grounds listed in Nos. 23(a), (b), (c) and  
25 (d), or listed on any additional pages you have attached, were  
26 not previously presented in any other court, state or federal,  
27 list briefly what grounds were not so presented, and give your  
28 reasons for not presenting them. (You must relate specific facts



1 in response to this question. Your response may be included on  
2 paper which is 8 1/2 by 11 inches attached to the petition. Your  
3 response may not exceed five handwritten or typewritten pages in  
4 length.)

5 The Grands were presented to Attorney, however it is uncertain if Attorney  
6 presented them. Court clerk(s) have given me two different names  
7 for possible Attorneys neither of which have responded - Via Mail.

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

16 This is my appeal to Post-Conviction filed on March 18<sup>th</sup>, 2021 that neither  
17 attorney Carl Arnold or Roger Bailey has given me a response to, so  
18 I intend to file a timely appeal using this petition to Nevada Supreme Court.

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

21 This should be the appeal from March 18<sup>th</sup>, 2021 and May 26<sup>th</sup>,  
22 2021 deadline for response filed by Judge Bluth.

23  
24 21. Give the name of each attorney who represented you in  
the proceeding resulting in your conviction and on direct appeal:

25 Roger Bailey and Carl Arnold

26 22. Do you have any future sentences to serve after you  
27 complete the sentence imposed by the judgment under attack?

28 Yes \_\_\_\_\_ No X



**EIGHTH JUDICIAL DISTRICT COURT  
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER  
200 LEWIS AVENUE, 3<sup>rd</sup> FL.  
LAS VEGAS, NEVADA 89155-1160  
(702) 671-4554

Steven D. Grierson  
Clerk of the Court

Anntoinette Naumec-Miller  
Court Division Administrator

December 28, 2020

**Attorney:** Roger Bailey  
Sgro & Roger  
c/o Roger C Bailey  
720 S 7th St 3rd Fl  
Las Vegas NV 89101

**Case Number:** C-19-341735-1  
**Department:** Department 6

**Defendant:** Daine Anton Crawley

*Conflicting Information  
provided by Court  
as to Identity of Attorney  
Violation of 6<sup>th</sup> Amendment*

Attached are pleadings received by the Office of the District Court Clerk which are being forwarded to your office pursuant to Rule 3.70.

Pleadings: **Motion For Production Of Documents**

**Rule 3.70. Papers which May Not be Filed**

Except as may be required by the provisions of NRS 34.730 to 34.830, inclusive, all motions, petitions, pleadings or other papers delivered to the clerk of the court by a defendant who has counsel of record will not be filed but must be marked with the date received and a copy forwarded to the attorney for such consideration as counsel deems appropriate. This rule does not apply to applications made pursuant to Rule 7.40(b)(2)(ii).

Cordially yours,

DC Criminal Desk # 7

Deputy Clerk of the Court



**EIGHTH JUDICIAL DISTRICT COURT  
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER  
200 LEWIS AVENUE, 3<sup>rd</sup> FL.  
LAS VEGAS, NEVADA 89155-1160  
(702) 671-4554

Steven D. Grierson  
Clerk of the Court

Anntoinette Naumec-Miller  
Court Division Administrator

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December 28, 2020

**Attorney:** Roger Bailey  
1428 S. Jones Blvd.  
Las Vegas, NV 89146

**Case Number:** C-19-341735-1  
**Department:** Department 6

**Defendant:** Daine Anton Crawley

⌞ Conflicting Information  
(Continued)

Attached are pleadings received by the Office of the District Court Clerk which are being forwarded to your office pursuant to Rule 3.70.

**Pleadings: Please See Attached Motions**

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Cordially yours,

DC Criminal Desk # 7

Deputy Clerk of the Court

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

January 19, 2021

C-19-341735-1      State of Nevada  
vs  
Daine CrawleyJanuary 19, 2021      03:00 AM      Minute Order Re: Defendant's Motion to Withdraw Counsel and  
Appoint New Counsel

HEARD BY:      Bluth, Jacqueline M.      COURTROOM: RJC Courtroom 10C

COURT CLERK: Reed, Keith

RECORDER:

REPORTER:

PARTIES PRESENT:

## JOURNAL ENTRIES

Defendant's Motion to Withdraw Counsel and Appoint New Counsel is hereby DENIED. Defendant requests to remove Roger Bailey, Esq., as appellate counsel and to appoint new counsel to assist with the filing of post-conviction habeas relief and a motion to modify and/or correct illegal sentence. However, Mr. Bailey is not Mr. Crawley's counsel. Carl Arnold, Esq., was appointed as appellate counsel on May 11, 2020. As such, the appointment of Mr. Arnold as appellate counsel still stands.

Conflicting Information  
(Cont)

\* Still have not contacted (information  
provided by Court incorrect)  
Who is my Attorney?

Carl Arnold or Roger Bailey  
neither one responds

Violation of 6<sup>th</sup> Amendment,  
in relation <sup>to</sup> Attorney Client  
Communications, for Post-Conviction  
Proceedings and/or Appeal

1 If yes, specify where and when it is to be served, if you know:

2 possible violation of probation in the Commonwealth of Virginia,  
3 \_\_\_\_\_  
4 \_\_\_\_\_

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

9 (a) Ground one: Violation of 14<sup>th</sup> Amendment, Violation of NRS 171.174,  
10 NRS 171.104 and NRS 171.196 Violation of 4<sup>th</sup> and 6<sup>th</sup> Amendment  
11 NRS 202.3652 NRS 176.145 176.153 section B of AB236 NRS 176.  
12 135 and 176.151. Bradvica vs. state Arnett vs. Jackson 393 F.3d 681  
13 (686 (6<sup>th</sup> cir 2005) Citing Townsend vs. Burke 334 U.S. 736 68 S.Ct 1252, 92 L Ed 205 (1972).

14 (b) Ground two: Violation of Amendment 5, 6, 8 and 7 in  
15 relation to not being granted an evidentiary hearing to amend errors  
16 within PSI/PSP score and/or withdrawal guilty plea Violation of  
17 NRS 176.145 NRS 213.10988, Blankenship vs. state NRS 202.350  
18 Bradvica vs. state, AB236 section 90 and 105

19 (c) Ground three: Violation of Administrative order 20-06 filed  
20 March 18<sup>th</sup>, 2020 titled in the Administrative matter of Court operations of Criminal  
21 matters in response to Covid-19, Violation of Amendment 5, Amendment 6  
22 NRS 176.145 176.153 176.135 in relation to procedure for NRS  
23 201.010. (Habitual Criminal proceedings)

24 (d) Ground four: A foreign conviction "must be a felony in The  
25 State of Nevada to be used to adjudicate Under NRS. 207.010.  
26 Murray vs. state, Rezin vs. state (U.S. vs. McCann 613 F.3d 406, 2010)  
27 Shepard 125 S.Ct at 1263, JAMES ALBERT CARTER vs. State  
28 79 Nev. 893 18 P.2d 876; 1963

Ground 5(Five) : Breach of Plea Agreement, U.S. vs. Miner 544

F.3d 930, 932 (8<sup>th</sup> Cir. 2008) U.S. vs. Jose Luis Diaz-Jimenez 622

F.3d 692, 2010. U.S. vs. Mondragon 228 F.3d 978, 981  
(9<sup>th</sup> Cir 2000) U.S. vs. Moscahlaidis 868 F.2d 1357, 1361,  
1363, (3d Cir. 1989)

Ground \_\_\_\_\_ : \_\_\_\_\_

Ground \_\_\_\_\_ : \_\_\_\_\_

Ground \_\_\_\_\_ : \_\_\_\_\_

Ground \_\_\_\_\_ : \_\_\_\_\_

(a) Ground ONE: Violation of 14<sup>th</sup> Amendment - equal protection clause / Due process of Law, Violation of NRS 171.174, NRS 171.104, and NRS 171.196, Violation of 4<sup>th</sup> Amendment and 6<sup>th</sup> Amendment - The accused has the right to hear and question all witnesses and call witnesses

Supporting FACTS (Tell your story briefly without citing cases or law.): On June 12<sup>th</sup>, 2019, An arrest was made detaining Daine Anton Crawley for possible involvement in an assault w/ deadly weapon on Las Vegas BLVD, between the Luxor and Excalibur adjacent parking lots. Body Cam footage will show that a multi purpose tool w/ razor blade attached was retrieved from Mr. Crawley's belt. Upon seizure Mr. Crawley was booked for Assault w/ deadly weapon on June 12<sup>th</sup>, 2019 at 21:00 hours without proper explanation or discovery given until PSI was provided for this case. On June 17<sup>th</sup>, 2019 Mr. Crawley was brought before the court for an initial arraignment and notified of additional charge "Five days" after arrest exceeding 72 hour hearing. It wasn't until later that day of June 17<sup>th</sup>, 2019 that Mr. Crawley was formally given the rebooking charge at 16:00 / 4:00 pm according to the temporary Custody record from June 17<sup>th</sup>, 2019 by an officer John D. Ferry, this being hours after the initial Court appearance. This new rebook charge for Carry Concealed Weapon was used as leverage to obtain guilty plea agreement even though the Assault w/ deadly weapon charge held no merit. Mr. Crawley was never positively identified by any witnesses, no witnesses were ever brought before the Court. The incorrect facts of the police report were used to obtain a habitual sentence of 84 to 240 months. No additional fingerprints, mugshots, etc. were taken which in turn also led to the miscalculation of "Credit Time Served" at time of April 1<sup>st</sup>, 2020 sentencing. The credited time at sentencing should have been "261 days". The preliminary hearing for both charges were

Summarize briefly the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting same.

23. (a) GROUND ONE (Continued) Bradvica vs. State, Knight vs. State, NRS 202.3652, NRS 176.145, 176.153, Section B of AB 236, 176.135 and 176.151, Brady vs. Maryland

23. (a) SUPPORTING FACTS (Tell your story briefly without citing cases or law):  
 Scheduled to be on July 1<sup>st</sup>, 2019, but were continued until July 11<sup>th</sup>, 2019 without defendant Crawley being brought before the court, despite defendant Crawley being held in custody at the Clark County Detention Center during that time. It is also noted on "PSI" that a June 28<sup>th</sup>, 2019 "Failure to appear" is now on the defendants record. It should be noted that Mr. Crawley never had a June 28<sup>th</sup>, 2019 court date at all. This procedural tactic used by District Attorney David Stanton proved to be detrimental to the sentencing memorandum provided in the supplemental PSI dated March 24<sup>th</sup>, 2020 at April 1<sup>st</sup>, 2020 sentencing. At which time, incorrect PSI/PSP information was used to pursue a sentence structure under NRS 207.010, despite agreement of 1 to 5 year probationable sentence, and drug court acceptance. A District Court abuses its discretion in denying a request for an evidentiary hearing, if a petitioner has alleged facts that if proven would entitle him to habeas relief, and he did not receive a full and fair opportunity to develop those facts. If the state courts did not afford a petitioner a full



Supporting FACTS:

and fair hearing, then the state Courts' decision was based on an unreasonable determination of the facts. The Sentencing Court was not operating in the same capacity, and The Sentencing Judge has discretion to adjudicate an individual under NRS 207.010, as long as the record as a whole indicates that the sentencing Court was not operating under a misconception of law regarding the discretionary nature of a habitual criminal adjudication, and that the Court exercised its discretion. A Brady Violation occurred, in that the evidence was not disclosed, and that evidence would have provided grounds for the defendant to impeach the credibility of the state's witnesses or to bolster the defense's case. 1) The evidence at issue that was withheld by the State (such as Discovery, Body Cam footage), either intentionally or inadvertently, prejudice ensued, i.e. the evidence was material and provoked a guilty plea agreement that in turn became detrimental to the Sentencing memorandum, thus an illegal sentence of 84 to 240 months under NRS. 207.010 ensued. NRS 202.350 does not provide a method by which a person can obtain a Concealed Weapons permit for a Razor Knife most commonly used in the HVAC Trade that the Defendant has been known to work in since 2004. Evidence that a defendant engaged in conduct more serious than the charged offense can create substantial unfair prejudice. A general

23. (a) GROUND ONE: Arnett vs. Jackson, 393 F.3d 681, 686 (6<sup>th</sup> Cir 2005) Citing Townsend vs. Burke, 334 U.S. 736, 68 S.Ct 1752, 92 L. Ed. 2d 592 (1972). Tucker, 404 U.S. at 448.

23. (a) SUPPORTING FACTS (tell your story briefly without citing cases or law): rule that a violation of due process exists when a sentencing judge relies upon erroneous information. This erroneous information was detrimental to the sentencing Memorandum and/or provoked the "plea agreement" that the District Attorney later breached at April 1<sup>st</sup>, 2020 sentencing. To determine whether a sentencing court "relied on" certain misinformation the Supreme Court has suggested that appellate courts should analyze whether "the sentence might have been different in the absence of that information". This clearly being the case in this present matter, and the reason for the requested Appeal of previous post-Conviction Habeas Corpus petition.

PAGE 1 OF 1 ☐ UOF ☒ BODY CAM  
\*INCS# 7031173 ☐ NEW ID  
☐ JUVENILE ☐ DNA SAMPLE TAKEN ☒ DNA NOT REQ'D

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**TEMPORARY CUSTODY RECORD**  
(\* DENOTES OFFICER REQUIRED FIELD)

TCR1026989

\*ARREST DATE: 6/12/2019 \*ARREST TIME: 21:01

\*EVENT #: LLV190600056903

\*CO-DEF: NO

CO. SGT APPROVAL

☐ REBOOK ☐ ABSENTH ☐ FORM 6 ☐ NDQC ☐ EXT TO LAS VEGAS ☐ LVC ☐ HND ☐ NLV ☐ COURTESY HOLD ☐ DETAINER

*INTAKE NAME (AKA, ALIAS, ETC.) LAST FIRST MIDDLE CRAWLEY DAINE ANTON				TRUE NAME LAST FIRST MIDDLE Crawley Daine Anton							
*HOME ADDRESS (STREET # AND STREET NAME) TRANSIENT 2505 W Washington				*CITY LAS VEGAS		*STATE NV		*ZIP 89106		*PLACE OF BIRTH RIVERSIDE	
*DATE OF BIRTH 3/21/1986		*RACE W		*HISP ETHNIC N		*SEX M		*HEIGHT 5'00"		*WEIGHT 130	
*HAIR BLK		*EYES BRO		*SOCIAL SECURITY # 810-07-0540		*CITIZENSHIP USA		*ALIEN REGISTRATION #		<input type="checkbox"/> US VETERAN <input type="checkbox"/> ACTIVE MILITARY	
*LOCATION OF CRIME (STREET ADDRESS, CITY, STATE, ZIP) 3850 LAS VEGAS BLVD S LAS VEGAS NEVADA 89109				*LOCATION OF ARREST (STREET ADDRESS, CITY, STATE, ZIP) 3850 LAS VEGAS BLVD S LAS VEGAS NEVADA 89109				<input type="checkbox"/> CITIZEN'S ARREST <input checked="" type="checkbox"/> BREAKS BROKEN			
*ARR TYPE PC		*COURT JURIS JC		*WARRANT # / CASE # KF11813X		*CHTS 1		*WOC CODE 80201		*CATEGORY F	
*CHARGE LITERAL ASSAULT, WIDW				*ORD / HRS 200.471.2B		*BAIL 6000		*EVENTS / NICS LLV190600056903			
*OTHER JURISDICTION:											
**ARREST TYPES: PC - PROBABLE CAUSE BS - BONDSMAN SURRENDER BW - BENCH WARRANT AW - ARREST WARRANT RM - REMAND GJI - GRAND JURY INDICTMENT											

TIME STAMP AT BOOKING 06/13/19 00:41 DSD RECORDS P# 15416 DOC DIST P#	*ARRESTING OFFICER SIGNATURE		J CURRY		17371		LAS VEGAS		M4		FIRST APP DATE:		TIME STAMP AT RELEASE 7/16/19 20:01 DSD RECORDS P# 15416 REL REV P#
	*PRINTED NAME		J CURRY		17371		LAS VEGAS		CCAC		TIME:		
	*TRANSPORTING OFFICER SIGNATURE		J CURRY		17371		LAS VEGAS		CCAC		COURT: <input type="checkbox"/> JUSTICE <input type="checkbox"/> MUNICIPAL <input type="checkbox"/> JUVENILE <input type="checkbox"/> STD BAIL <input type="checkbox"/> O.R. REL <input type="checkbox"/> PC <input type="checkbox"/> I.A.D.		
	*PRINTED NAME		J CURRY		17371		LAS VEGAS		CCAC		JUDGE:		
*EMERGENCY CONTACT Code 5				CUSTODY RELEASED TO									
*RELATIONSHIP				NAME				R7555					
*PHONE NUMBER				POSITION				COIT					
*EMAIL ADDRESS				AGENCY				LVMPD 4A					
PID: 1:1 RT LT RI LI SCORE: 1:1N RT LT RI LI SCORE: 7/16/19 87525 <input type="checkbox"/> POLICE RECORDS COPY <input type="checkbox"/> COURTS COPY <input type="checkbox"/> DSD RECORDS COPY <input type="checkbox"/> PROCESSING COPY													

06/26/2019 23:59:11

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

PAGE: 02 OF 03

P18052V

CLARK COUNTY DETENTION CENTER

OIRPTRAN

11.2.1.1

## PROPERTY TRANSACTION REPORT

ID#: 0007031173

NAME: CRAWLEY, DAINE

ADMIT DATE: 06/13/2019

## PROPERTY DETAILS

TYPE	DESCRIPTION	CONDITION	MAKE	SERIAL #	QUANTITY	STATUS
MISC OTHER	A-337	USED			1	Stored
PANTS	BLK	USED			1	Stored
SHOES	GRY	USED			1	Stored
PANTS	BROW	USED			1	Stored
BELT	BLK	USED				
MISC OTHER	TOOLS	USED				
LIGHTER	1 GREEN 1 YELLOW 1 GOLD	USED				
BIRTH CERT	INMATE	USED				
SSN CARD	INMATE	USED				
WALLET	BLK	USED				
MISC OTHER	NV CARD 1425	USED				
GLASSES	BLK FRAME	USED				
CELL PHONE	RED IPHONE	USED				

CRAWLEY, DAINE

ID#: 0007031173

BKG#: 1900032991

LVMPD-PRM-A-A337



934296 PROP

## SIGN-OFF BY OFFENDER

DATE: 06/26/2019

OFFICER: 15058 P18052V

I acknowledge that my personal property and/or cash has been properly received and recorded

ID#: 0007031173

NAME: CRAWLEY, DAINE

Unable to sign  
Signature of Offender

## PROPERTY LOCATION

TYPE	DESCRIPTION	DATE/TIME	ACTION	[FACILITY]	LOCATION	PERSON	AGENCY
MISC OTHER	A-337	06/26/2019 23:59:09	Stored	LVMPD	LVMPD-PRM-A-A337		
PANTS	BLK	06/26/2019 23:59:09	Stored	LVMPD	LVMPD-PRM-A-A337		
SHOES	GRY	06/26/2019 23:59:09	Stored	LVMPD	LVMPD-PRM-A-A337		
PANTS	BROW	06/26/2019 23:59:09	Stored	LVMPD	LVMPD-PRM-A-A337		
BELT	BLK	06/26/2019 23:59:09	Stored	LVMPD	LVMPD-PRM-A-A337		
MISC OTHER	TOOLS	06/26/2019 23:59:09	Stored	LVMPD	LVMPD-PRM-A-A337		
LIGHTER	1 GREEN 1 YELLOW 1 GOLD	06/26/2019 23:59:09	Stored	LVMPD	LVMPD-PRM-A-A337		
BIRTH CERT	INMATE	06/26/2019 23:59:09	Stored	LVMPD	LVMPD-PRM-A-A337		
SSN CARD	INMATE	06/26/2019 23:59:09	Stored	LVMPD	LVMPD-PRM-A-A337		
WALLET	BLK	06/26/2019 23:59:09	Stored	LVMPD	LVMPD-PRM-A-A337		
MISC OTHER	NV CARD 1425	06/26/2019 23:59:09	Stored	LVMPD	LVMPD-PRM-A-A337		

☐ **DETAINER**

## \*ARREST DATE: 6/17/2019 \*ARREST TIME: 1600

\*EVENT 数:

\*CO-DEF: N

☐ COURTESY HOLD      ☐ DETAINER

TIME STAMP AT BOOKING		JOSHUA D FERRY	7398	MPD	OT	FIRST APP DATE:	TIME STAMP AT RELEASING
	*ARRESTING OFFICER SIGNATURE	*PRINTED NAME	*PI	*AGENCY	*SECTION/ST OF ARREST		
6/17/2018 4:02 PM					OTHER		
	*TRANSPORTING OFFICER SIGNATURE	*PRINTED NAME	*PI	*AGENCY	AREA CMD		

*EMERGENCY CONTACT  <b>CODE FIVE</b>  *RELATIONSHIP  <b>NOT PROVIDED</b>  *PHONE NUMBER  *EMAIL ADDRESS	<b>CUSTODY RELEASED TO</b>  NAME  POSITION  AGENCY
---	--

P# K17191K  DOC DIST P#	COURT: <input type="checkbox"/> JUSTICE <input type="checkbox"/> MUNICIPAL <input type="checkbox"/> JUVENILE  <input type="checkbox"/> STD BAIL <input type="checkbox"/> O.R. REL  <input type="checkbox"/> PC <input type="checkbox"/> I.A.D.  JUDGE:  P#  REL REV P#
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PID:    1:1    RT   LT       RI   LI   SCORE: \_\_\_\_\_ SCORE       1:N   RT   LT       RI   LI   SCORE: \_\_\_\_\_

☐ POLICE RECORDS COPY  
 ☐ COURTS COPY  
 : ☒ DSD RECORDS COPY  
 ☐ PROCESSING COPY

(b) Ground TWO: Violation of Amendment 5 and 6, Violation of 8<sup>th</sup> Amendment, Violation of 7<sup>th</sup> Amendment in relation to evidentiary hearing to Amend errors within PSI /PSP score, Violation of NRS 176.145, NRS 213.10988, Blankenship VS. State July 21<sup>st</sup>, 2016

Supporting FACTS (Tell your story briefly without citing cases or law.): The Defendants Probation Success Probability form used at sentencing for Carrying Concealed Firearm or other Deadly Weapon: To wit Knife/multi purpose tool failed to properly account for defendants mental health/physical handicap in scoring his ability to be employed under the psych or medical impact section of the present offense section of the PSP score, and Financial section of Social History. The Defendants sentence was prejudiced because the District Court did not correct the errors in the PSP prior to sentencing despite defendants objections, and lack of contact with court appointed counsel due to restrictions amid the COVID 19 /corona virus pandemic. The difference in score raised the sentencing recommendations significantly. Mr. Crawleys mental disability affected his behavior and was relevant when weighing recidivism probability in reference to Habitual Criminality recommendations. Sentencing forms were required to include considerations for legitimate mental disabilities and physical handicap. The current PSP categories improperly penalized defendant as a result of a disability. In addition to Mr. Crawleys attempts to correct these errors, the dismissal of Public Defender Erika Ballou for inappropriate representation involving the initial violation of Due process rights and Withdrawal of Guilty Plea from August 2019 though

November 2019 resulted in malicious prosecution. No evidentiary hearing was ever conducted in relation to the withdrawal of guilty plea. Mr. Crawley has suffered from bouts of PTSD / Social Anxiety disorders since 2004, he has not been properly medicated since the June 12<sup>th</sup>, 2019 arrest. The Defendant believed he was signing a 1 to 5 year probationable sentence. The Supplemental PSI report was brought into question on April 1<sup>st</sup> 2020, the same issues remain unaddressed. On the 7<sup>th</sup> page it states issue with contacting Attorney Carl Arnold, and not being able to receive a response. A response from Defendant is stated via email, although Defendant was in custody "260 days" at that point and could not of responded in that manner. If neither the defendant, or Attorney were contacted who then could of possibly given a response. In turn, these errors were never corrected or properly addressed. As you may know, PSP's are Separated into four broad categories. Prior Criminal History, Present Offenses, Social History, and Community Impact. These four categories include a total of 35 independent considerations. The 35 considerations are independently scored in the PSP, using a separate form to guide the division when assigning points (the scoring sheet). The points assigned to the 35 considerations are then added to arrive at

an offender overall score or "PSP". When an overall PSP score warrants a recommendation of prison, a raw score is computed consisting of the scores from the considerations in the prior criminal history and present offense categories. The raw score is translated into a sentencing range using the Sentencing Scale. NAC 213.600. In this instance Mr. Crawley was interviewed for case C341735 and case C342881 by the PNP office, only a matter of weeks apart while in custody. However, the social history varies substantially between the two, as well as the pre sentence adjustment section. Most notably under the Attitude/supervision, Attitude/offense, Honesty/cooperation categories of the pre sentence adjustment. Also most importantly the psych or medical impact and weapon categories of the present offense section. The charge is concealed weapon, though -2 points are deducted for brandished on a "victimless" crime, for example. It is believed that these errors would have put Mr. Crawley in the borderline candidate recommendation range if a new PSI would have been ordered as was intended on March 4<sup>th</sup>, 2020 to be used at April 1<sup>st</sup>, 2020 rendition of sentencing. It is stated that a



Defendant has the right to object to factual or methodological errors in sentencing forms, so long as he or she objects before sentencing and allows the District Court to strike information that is based on impalpable or highly suspect evidence. It is clear that any objections that the defendant has must be resolved prior to sentencing. In this case however, this remains an issue in that the defendant was not given a new PSI interview, or ample time to review the Supplement PSI dated March 24<sup>th</sup>, 2020 prior to April 1<sup>st</sup>, 2020 Sentencing. The Supplemental PSI was never reviewed with the defendant by the defense Attorney. Under NRS 207.016 Procedure; 'trial of primary offense; prior convictions; it clearly states that if such a Supplement or amendment is filed the sentence must not be imposed, or the hearing required by subsection 3 held, until 15 days after the separate filing. Mr. Crawley was not given time to review the Supplemental PSI with Counsel prior to April 1<sup>st</sup>, 2020 Sentencing due to restrictions amid the COVID 19/Corona Virus pandemic. Although, prosecution

23. (b) GROUND TWO: NRS 202.350 Bradvica VS. State  
AB 236 section 90 section 105

23. (b) SUPPORTING FACTS (Tell your story briefly without citing cases or law):  
 retains the right to argue for prison versus probation, the additional "5 to 8 points" that Mr. Crawley was penalized would have protected a much lower recommendation. The errors also affects classification and parole eligibility in the department of corrections under AB 236 section 90 and section 105. Section 54 of AB 236 NRS 202.3652 does not list any specific method by which a person could apply for a permit to carry a razor knife/multi purpose tool commonly used in the construction/HVAC trade that Mr. Crawley has been known to work in. In conclusion Mr. Crawley's PSI was tainted as a result of the above error(s), and the division failed to contact Attorney Carl Arnold prior to April 1<sup>st</sup>, 2020 sentencing to clarify and discrepancies, or give new PSI interview for the defendant. Therefore, the sentencing forms constituted palpable or highly suspect evidence.

(c) Ground THREE: Violation of Administrative order 20-06 filed March 18<sup>th</sup>, 2020 titled in the Administrative matter of Court operations of Criminal matters in response to COVID 19, 5<sup>th</sup> Amendment violation. No person shall be deprived of due process law, or be witness against himself.

Supporting FACTS (Tell your story briefly without citing cases or law.): Administrative order 20-06 filed March 18<sup>th</sup>, 2020 titled "In the administrative matter of court operations of criminal matters in response to COVID-19" lines 8-17 clearly state, "Attorney client conversations will be facilitated if needed, however attorneys are cautioned that it will be absolutely necessary to prepare clients for guilty pleas, sentencing and probation violations/revocations prior to court." However, in case number C341735 Attorney Carl Arnold was not present at the April 1<sup>st</sup>, 2020 sentencing hearing. Mr. Crowley's attempts to have PSI/PSP Score issues amended, and a Continuance to discuss matters with Substitute Counsel were denied by both Judge Jacqueline Bluth and District Attorney David Stanton. Restrictions within the Clark County Detention Center involving Attorney/Client privileges left the defendant unable to discuss any related information prior to sentencing due to the COVID-19 pandemic. In relation to the March 4<sup>th</sup>, 2020 Continuance to have new PSI Conducted, as noted in Court transcripts for April 1<sup>st</sup>, 2020 Sentencing, a new PSI was never conducted at all and Page 7 of the Supplemental PSI Dated March 24<sup>th</sup>, 2020 by acting Supervisor M. Leavitt discloses this error. In addition to these

restrictions; Due to the COVID 19/Corona Virus pandemic the defendants acceptance to Drug Court was not granted by Judge Bluth despite being approved for the program for District 18 case number C342001 in which a plea agreement was reached to run that case concurrent with case C341735 and not seek habitual treatment. Entry into the Drug Court program were previously an option or consideration prior to sentencing, as court records will show. It is believed that District Attorney David Stanton never intended to acknowledge the 1 to 5 year probationable plea agreement to begin with at all. Prosecutorial misconduct has been an issue with Mr. David Stanton in past and his anger has led him to be fired from the Reno, Nevada DA's office in 1999. Mr. Stanton has been involved in paying witnesses for testimony from a secret checking account, and has also been arrested for resisting arrest himself. The PSI reflects that the crime is "victimless" under the PSP present offense section, yet Mr. Stanton used the incorrect police report to obtain a "guilty

23. (c) GROUND THREE: Bradica Vs. State, violation of  
Amendment 6, NRS 176.145, 176.153, 176.135 in  
relation to the procedure for NRS 207.010 A) NAC 53138  
Dressler vs. State, Carter vs. State, REZIN vs. State

23. (c) SUPPORTING FACTS (Tell your story briefly without citing cases or law):  
Plea agreement". This in turn led Mr. Crawley to agree  
to a 1 to 5 year probationable sentence, or a recommended  
18 to 60 month sentence for carrying a concealed Raz or  
Knife on the defendants belt. The lack of adequate counsel  
throughout Case number C341735 led to 84 to 240 months  
in the department of Corrections. It is stated Per the  
Nevada Revised Statutes, any changes to factual allegations  
in the pre sentence investigation may be ordered by the Court  
within "180" days of the Judgment of conviction. As  
well as Section 13 of AB 236 NRS 176.145  
Subsection B states that information concerning behavior  
circumstances, and financial condition has been verified  
although the violation of the Administrative order, and  
amendment 6 directly contradict the Administrative  
Matter put in place concerning the Attorney Client  
privileges during COVID to verify, or amend any  
PSI / PSP information prior to April 1<sup>st</sup>, 2020 sentencing  
It is clear that the substitute counsel provided was deficient  
in performance, and this deficient performance prejudiced  
the defense. There is a reasonable probability that, but  
for the counsel's unprofessional / inappropriate errors, the  
result of the proceeding would have been much different.

Supporting Facts:

Furthermore, on the prejudice prong, the facts alleged "show that there is a reasonable probability that if Counsel had provided effective assistance by objecting to the proffered non-qualifying convictions in The Commonwealth of Virginia under Carter vs. State and REzin vs. state, being that those convictions arose from a Drug Court violation under the same jurisdiction and court, as well as the fact that those \$200 dollar grand larceny charges are Gross/ petit larceny charges, if prosecuted under Nevada State Law, Carter vs. State (1963), and should not be counted as "6" felony convictions. The Sentencing Judge did not have the authority to conduct a sentencing hearing without Attorney Carl Arnold present in open court, in order to establish the validity of a "foreign prior conviction". The state must also advise the district court that such charges will be filed in the event of a conviction in order to enable the court to fully apprise a defendant of the potential consequences of self-representation, or in the present matter with this case, the withdrawal of counsel and request for an evidentiary hearing in order to withdraw defendant's guilty plea. Scott vs. State. Because the maintenance of confidentiality in attorney client communications is vital to the ability of an attorney to effectively counsel her/his client, interference with this confidentiality impedes the client's First Amendment [sic] right to obtain legal advice." Denius vs. Dinkap F.3d 944, 954 (7th Cir 2000).

FILED

MAR 18 2020

CLARK COUNTY

EIGHTH JUDICIAL DISTRICT COURT  
CLARK COUNTY, NEVADA

IN THE ADMINISTRATIVE MATTER OF  
COURT OPERATIONS OF CRIMINAL  
MATTERS IN RESPONSE TO COVID-19

Administrative Order: 20-06

Rule 1.30(b) of the Rules of Practice for the Eighth Judicial District Court of the State of Nevada charges the Chief Judge of the Eighth Judicial District Court with various responsibilities, such as supervising the administrative business of the EJDC, ensuring the quality and continuity of its services, supervising its calendar, reassigning cases as convenience or necessity requires, assuring the court's duties are timely and orderly performed, and otherwise facilitating the business of the EJDC.

On March 12, 2020, Governor Steve Sisolak declared a state of emergency in Nevada in response to the recent outbreak of the Coronavirus Disease (COVID-19). The District Court is closely monitoring local developments in response to COVID-19 and will continue to evaluate and implement measures to slow the spread of infection in our community. During this time, it is critical to prevent the spread of any illness among members of the court, counsel, staff, the public, and our valuable community partners. To further prevent the spread of disease, the Centers for Disease Control and Prevention recommends putting distance between yourself and other people. According to the CDC, the virus is spread mainly from people who are in close contact with one another—within about six feet.

///

Therefore, effective Friday, March 20, 2020, all in custody defendants will either appear by video or in the lower level arraignment court. No defendants will be transported to a district court courtroom absent extremely extraordinary circumstances. Also, no defendant who is in isolation pursuant to the Detention Services protocol will be brought for any court appearance. Criminal case hearing times will be as designated on the attachment.

Defense attorneys will have limited ability to discuss things with their clients during court proceedings. Attorney-client conversations will be facilitated if needed; however, attorneys are cautioned that it will be absolutely necessary to prepare clients for guilty pleas, sentencing and probation revocations prior to court.

Attorneys are also encouraged to appear by alternate means. In order to appear by alternate means in a criminal matter, attorneys must e-mail the department at least one judicial day in advance of their appearance and provide the e-mail they intend to use to appear. In case of an emergency that does not allow for one day's notice, attorneys should contact the department.

Only in custody arraignments, release motions, sentencing, probation revocations, and competency hearings will proceed unless a judge determines a different matter needs hearing. Out of custody matters may be decided by the judge or heard at the discretion of the judge if the matter can be heard entirely by alternate means. Otherwise, out of custody matters will be continued.


All in custody specialty court matters for all Criminal Division specialty courts will be heard together in lower level arraignment court on Friday, March 20, 2020, at noon (12:00 p.m.). All status hearings for out of custody participants will be continued for at least 30 days, unless a judge determines that extraordinary circumstances warrant

appearance by alternative means. No jail or community service sanctions will be imposed for program compliance. This does not prevent an arrest of a participant for a probation violation. Specialty court applications may be submitted; however, no new applicants will be accepted to specialty courts at this time.

All three grand juries will be suspended effective at 5:00 p.m. tomorrow, March 19, 2020.

This order shall be reviewed no later than every 30 days and shall continue until modified or rescinded by a subsequent order.

Entered this 8<sup>th</sup> day of March 2020.

  
LINDA MARIE BELL  
Chief Judge  
Eighth Judicial District Court

VIDEO FROM CCDC 3B TO COURTROOMS			
MONDAY	TUESDAY	WEDNESDAY	THURSDAY
8:30 - 10:00	T. JONES WIESE 14B 14A VILLANI	T. JONES 14B 14A WIESE VILLANI	-- 14A VILLANI
10:15 - 11:45	KEPHART 16B 11A	KEPHART 16B 11A	-- 11A
12:1-3:0	ELLSWORTH LEAVITT 16D 14D E. JOHNSON	ELLSWORTH LEAVITT 16D 14D E. JOHNSON	LEAVITT 14D E. JOHNSON
1:45-3:15	ISRAEL 15C 12A	ISRAEL 15C 12A	-- 12A
3:30 - 5:00	DELANEY ADAIR 15B 11C	DELANEY ADAIR 15B 11C	ADAIR 11C
LOWER LEVEL ARRAIGNMENT COURT			
8:00 - 10:00	WIESE	SILVA	T. JONES
ARRAIGN.	BELL	BELL	BLUTH
10:15-11:45	BLUTH	BLUTH	D. JONES
12:00-1:30	--	--	HOLTHUS
1:45 - 3:15	SILVA	SILVA	HARDY
3:30 - 5:00	MILEY	MILEY	HERNDON



23. (d) GROUND FOUR: James Albert Carter Vs. State 79 Nev. 89, 378  
P.2d 876; 1963 Nev. A foreign conviction under NRS 205.010 must  
be a felony if it were to of happened in the State of Nevada U.S. Vs.  
McCann 613 F.3d 486; 2010, Shepard 125 S.Ct. at 1263

23. (d) SUPPORTING FACTS (tell your story briefly without citing cases or law): A felony committed by the Defendant under The law  
of The Commonwealth of Virginia for Grand Larceny and Conspiracy to  
Commit Grand Larceny that was courted as "6 felony counts" on  
the incorrect PSI /PSP score would have been a Gross Misdemeanor  
or petit larceny (under NRS 205.222 and NRS 205.275)  
had it occurred in the State of Nevada. Not one of those "6  
felony convictions is equivalent at all to any felony. Grand Larceny  
NRS statute for a \$200 dollar amount involving stolen  
property. Thus proving that all of the defendants Chesterfield,  
Virginia Circuit Court Case(s) CR10B01924, CR10B01925,  
CR10B01926 that arose from the same drug Court Violation(s)  
could not be used to establish his status as a habitual offender  
under this section. The violations for Chesterfield, VA under  
Case Number CR14B02472 (2 counts) are clearly from the same  
transaction, as David Stanton deliberately misled the court  
with an error in jurisdiction. The "PSI" is in plain error in  
that all the above cases are under the court, and Judge in  
Chesterfield County, Virginia (Honorable Judge Frederick G.  
Rockwell III) and not Richmond City as stated in the  
Supplemental PSI provided on April 1<sup>st</sup>, 2020, prepared  
on March 24<sup>th</sup>, 2020. Furthermore, if exemplified copies  
of the prior felonies and certified fingerprint cards from  
the penal institutions where the defendant had been

GROUND 4 : James Albert Carter vs. State T9 Nev. 89; 378  
P.2d 876; 1963 Nev. (Continued) Dressler vs. State.

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SUPPORTING FACTS (tell your story briefly without citing cases or law): incarcerated or the probation office would have been contacted, this error would not of occurred, and there would have been no threat of habitual criminal proceedings whatsoever. The States initial burden of production shall be satisfied if the state presents Prima Facie evidence of the existence of the prior felony convictions in The Commonwealth of Virginia. However according to the "Carter Case" the state must establish that those "foreign convictions" would have been felonies if committed in The State of Nevada. The state must present evidence to prove by a preponderance that the prior conviction was constitutionally obtained (Dressler vs. State). In this case in point, the preponderance remains unfounded in that these prior felonies from the Commonwealth of Virginia are clear from the same act (Drug Court Violation(s)) and are prosecuted in the same Court and County of Chesterfield, not Richmond City as incorrectly stated By. Mr. Stanton. If the record does not raise a presumption of regularity afforded to a Criminal Conviction, the defendant is none the less free to present evidence to rebut a conviction Under NRS 207.010. The defendant was clearly not provided adequate counsel, to rebut, or present said evidence that is now being brought forth due to Covid-19 restrictions concerning Attorney Client

GROUND 4 : Shepard 125 S.Ct at 1263, and  
U.S. vs. McCann 613 F.3d 486, 2010.

SUPPORTING FACTS (tell your story briefly without citing cases or law): privileges. Prior to the filing of Withdrawal of guilty plea the defendant attempted to address the errors within PSI/PSP score consistent with case law for Carter vs. State, as this was the basis and reason for accepting a plea agreement to begin with. There were also errors within the synopsis of arrest as well as prior convictions regarding Constitutionally infirm convictions that were within the PSI. Nevada Law requires a sentencing court to exercise its discretion and weigh the appropriate factors for and against the habitual Criminal Statute before adjudicating a person as a habitual Criminal. During this deliberation it may have been necessary to properly investigate the errors within the "PSI" before violating the defendants 14<sup>th</sup> Amendment rights regarding equal protection on April 1<sup>st</sup>, 2020 at the Sentencing hearing, As this was plain error. In Shepard (Shepard 125 S.Ct at 1263) the U.S. Supreme Court held that, in cases where the prior conviction was obtained through a guilty plea, the conclusive records that allow a district court to implement this exception to the categorical approach are limited to the terms of the charging document (PSI in this case) the terms of the plea agreement or transcript of colloquy between judge and defendant in which the factual basis for

GROUND 4 : Continued U.S. vs. McClann 613 F.3d 486;  
2010

SUPPORTING FACTS (tell your story briefly without citing cases or law): the plea was confirmed by the defendant or to some comparable judicial record of this information. Due to Shepard, a district court may not apply a particular offense level based solely on the pre sentence investigation reports conclusory characterization of a prior conviction. In this instance, the prior conviction does not equal a felony in the state of Nevada and the district Attorney relied on a conclusory characterization of a prior conviction multiple times despite knowing the situs of NRS 205.222 and NRS 205.275 in relation to NRS 207.010 foreign convictions. When a court thus relies on the "PSR" alone it makes an error that is clear and obvious. (U.S. vs. McClann 613 F.3d 486; 2010). District Attorney Stanton used other arbitrary classification tactics including but not limited to Mental Health and physical handicap, credibility of Mr. Crawley as an unjustifiable standard within his argument for habitual criminal statute. The District Court relied only on the Pre-sentence Investigation Report without verifying the prior convictions. For this reason, it should be noted that this is an error that seriously affects the fairness, integrity, or public reputation of the judicial proceeding. The entitled conviction for case C341735 should not of been adjudicated under the habitual offender statute NRS.

GROUND 4 : (continued)

SUPPORTING FACTS (tell your story briefly without citing cases or law):

207.010 and the defendant should not of been sentenced to a term exceeding 18 to 60 months, or 60 months by expiration for the underlying conviction NRS 202.350 Category C in the Nevada Department of Corrections, a reverse and remand for resentencing would be the most appropriate form of amelioration at this time.

January 6, 2021

Chesterfield County Commonwealth's Attorney  
P.O. Box 25  
Chesterfield, VA 23832

Re: *Commonwealth v. Daine Crawley*, CR10B01924-01; CR10B01925-01, 02;  
CR10B01926-01; CR14B02472-01

To Whom It May Concern:

In connection with the above-referenced matter, the Court received the attached *pro se* filing on January 4, 2021. Judge Rockwell kindly requests that the Commonwealth file a response. Please do not hesitate to contact me with any questions or concerns.

Thank you for your time and attention to this matter.

Very respectfully,

Peyton Siddall, Law Clerk to the  
Honorable Frederick G. Rockwell, III

 **FILE COPY**

Commonwealth  
of VA Felonies  
#1) CR10FO1924  
#2)3) CR10FO1925(1,2)  
#4) CR10FO1926  
#5)6) CR14FO247Z

**205.275. Offense involving stolen property: Definition; penalty; restitution; prima facie evidence; determination of value of property.**

1. Except as otherwise provided in NRS 501.3765, a person commits an offense involving stolen property if the person, for his or her own gain or to prevent the owner from again possessing the owner's property, buys, receives, possesses or withholds property:

(a) Knowing that it is stolen property; or

(b) Under such circumstances as should have caused a reasonable person to know that it is stolen property.

2. A person who commits an offense involving stolen property in violation of subsection 1:

(a) If the value of the property is less than \$1,200, is guilty of a misdemeanor;

(b) If the value of the property is \$1,200 or more but less than \$5,000, is guilty of a category D felony and shall be punished as provided in NRS 193.130;

(c) If the value of the property is \$5,000 or more but less than \$25,000, is guilty of a category C felony and shall be punished as provided in NRS 193.130;

(d) If the value of the property is \$25,000 or more but less than \$100,000 or if the property is a firearm, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than \$10,000; or

(e) If the value of the property is \$100,000 or more, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, and by a fine of not more than \$15,000.

3. In addition to any other penalty, the court shall order the person to pay restitution.

4. A person may be prosecuted and convicted pursuant to this section whether or not the principal is or has been prosecuted or convicted.

5. Possession by any person of three or more items of the same or a similar class or type of personal property on which a permanently affixed manufacturer's serial number or manufacturer's identification number has been removed, altered or defaced, is prima facie evidence that the person has violated this section.

6. For the purposes of this section, the value of the property involved shall be deemed to be the highest value attributable to the property by any reasonable standard.

7. As used in this section, "stolen property" means property that has been taken from its owner by larceny, robbery, burglary, embezzlement, theft or any other offense that is a crime against property, whether or not the person who committed the taking is or has been prosecuted or convicted for the offense.

## **HISTORY:**

C&P 1911, § 383; 1951, p. 29; 1967, p. 502; 1971, p. 925; 1979, pp. 561, 1445; 1989, ch. 626, § 20, p. 1434; 1995, ch. 14, § 3, p. 13; 1995, ch. 443, §§ 144, 376, pp. 1223, 1323; 1997, ch. 150, § 18, p. 344; 1999, ch. 105, § 8, p. 402; 2011, ch. 41, § 21, p. 166; 2013, ch. 231, § 5.6, p. 1003; 2019, ch. 633, § 69, p. 4433.

## **Amendment Notes**

The 2011 amendment, effective October 1, 2011, substituted “\$650” for “\$250” in (2)(a) and (2)(b); and substituted “\$3,500” for “\$2,500” in (2)(b) and (2)(c).

The 2013 amendment, effective May 28, 2013, added “Except as otherwise provided in NRS 501.3765” in the introductory language of (1); and made a related change.

The 2019 amendment by ch. 633, effective July 1, 2020, substituted “\$1,200” for “\$650” in 2(a); added 2(b); redesignated former 2(b) and 2(c) as 2(c) and 2(d); in 2(c), substituted “\$5,000” for “\$650” and “\$25,000” for “\$3,500”; in 2(d), substituted “\$25,000” for “\$3,500” and added “but less than \$100,000”; added 2(e); and made a related change.

## **NOTES TO DECISIONS**

**By enacting this section, the Legislature sought** to reach and punish those who unlawfully receive or possess stolen property from the initial wrongdoer, and the Supreme Court would not infer an intent to compound the punishment for larceny, robbery, or embezzlement by permitting convictions for the receipt or possession of stolen property against the one who took the property in the first instance. *Point v. State*, 102 Nev. 143, 717 P.2d 38, 1986 Nev. LEXIS 1119 (Nev. 1986).

**Larceny and knowingly receiving stolen property are separate and distinct crimes** under NRS 205.220 and this section, respectively; thus, where the evidence showed that the defendant had committed both of these crimes, the state could elect to prosecute for either offense. *State v. Sheeley*, 63 Nev. 88, 162 P.2d 96, 1945 Nev. LEXIS 41 (Nev. 1945).

**There are three material and essential elements constituting the offense of receiving stolen goods**, the absence of any one of which elements will defeat a charge of this character under the law: (1) A person charged must receive or buy the property; (2) he must know that the property was stolen; (3) the purpose or intent to prevent the owner from again possessing the property, or for the receiver's own gain, must also exist. *State v. Pray*, 30 Nev. 206, 94 P. 218, 1908 Nev. LEXIS 14 (1908), overruled in part, *Knight v. State*, 2000 Nev. LEXIS 14, 116 Nev. 140, 993 P.2d 67 (2000) (decision under former similar statute).



Commonwealth Possession  
of Schedule I or II  
VA Felony  
CR14F03523  
\* Concentrated cannabis oil

4. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of 1 ounce or less of marijuana:

(a) For the first offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than \$600; or

(2) Assigned to a program of treatment and rehabilitation pursuant to NRS 176A.230 if the court determines that the person is eligible to participate in such a program.

(b) For the second offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than \$1,000; or

(2) Assigned to a program of treatment and rehabilitation pursuant to NRS 176A.230 if the court determines that the person is eligible to participate in such a program.

(c) For the third offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140.

(d) For a fourth or subsequent offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

5. It is not a violation of this section if a person possesses a trace amount of a controlled substance and that trace amount is in or on a hypodermic device obtained from a sterile hypodermic device program pursuant to NRS 439.985 to 439.994, inclusive

6. The court may grant probation to or suspend the sentence of a person convicted of violating this section.

7. As used in this section:

(a) "Controlled substance" includes flunitrazepam, gamma-hydroxybutyrate and each substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.

(b) "Marijuana" does not include concentrated cannabis.

(c) "Sterile hypodermic device program" has the meaning ascribed to it in NRS 439.986.

Garden Grove, Felony  
California 16WF0150

**453.336. Unlawful possession not for purpose of sale: Prohibition; penalties; exception.**

1. Except as otherwise provided in subsection 5, a person shall not knowingly or intentionally possess a controlled substance, unless the substance was obtained directly from, or pursuant to, a prescription or order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced practice registered nurse or veterinarian while acting in the course of his or her professional practice, or except as otherwise authorized by the provisions of NRS 453.005 to 453.552, inclusive.

2. Except as otherwise provided in subsections 3 and 4 and in NRS 453.3363, and unless a greater penalty is provided in NRS 212.160, 453.3385 or 453.339, a person who violates this section:

(a) For a first or second offense, if the controlled substance is listed in schedule I or II and the quantity possessed is less than 14 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is less than 28 grams, is guilty of possession of a controlled substance and shall be punished for a category E felony as provided in NRS 193.130. In accordance with NRS 176.211, the court shall defer judgment upon the consent of the person.

(b) For a third or subsequent offense, if the controlled substance is listed in schedule I or II and the quantity possessed is less than 14 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is less than 28 grams, or if the offender has previously been convicted two or more times in the aggregate of any violation of the law of the United States or of any state, territory or district relating to a controlled substance, is guilty of possession of a controlled substance and shall be punished for a category D felony as provided in NRS 193.130, and may be further punished by a fine of not more than \$20,000.

(c) If the controlled substance is listed in schedule I or II and the quantity possessed is 14 grams or more, but less than 28 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is 28 grams or more, but less than 200 grams, is guilty of low-level possession of a controlled substance and shall be punished for a category C felony as provided in NRS 193.130.

(d) If the controlled substance is listed in schedule I or II and the quantity possessed is 28 grams or more, but less than 42 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is 200 grams or more, is guilty of mid-level possession of a controlled substance and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years and by a fine of not more than \$50,000.

(e) If the controlled substance is listed in schedule I or II and the quantity possessed is 42 grams or more, but less than 100 grams, is guilty of high-level possession of a controlled substance and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years and by a fine of not more than \$50,000.

3. Unless a greater penalty is provided in NRS 212.160, 453.337 or 453.3385, a person who is convicted of the possession of flunitrazepam or gamma-hydroxybutyrate, or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

California > 16WFO150  
Felony

for hypodermic device  
in sallyport of police station Garden Grove  
CA

**212.160. Furnishing weapon, facsimile, intoxicant or controlled substance to state prisoner; possession of controlled substance, marijuana or marijuana paraphernalia by state prisoner.**

1. A person, who is not authorized by law, who knowingly furnishes, attempts to furnish, or aids or assists in furnishing or attempting to furnish to a prisoner confined in an institution of the Department of Corrections, or any other place where prisoners are authorized to be or are assigned by the Director of the Department, any deadly weapon, explosive, a facsimile of a firearm or an explosive, any controlled substance or intoxicating liquor, shall be punished:

(a) Where a deadly weapon, controlled substance, explosive or a facsimile of a firearm or explosive is involved, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.

(b) Where an intoxicant is involved, for a gross misdemeanor.

2. Knowingly leaving or causing to be left any deadly weapon, explosive, facsimile of a firearm or explosive, controlled substance or intoxicating liquor where it may be obtained by any prisoner constitutes, within the meaning of this section, the furnishing of the article to the prisoner.

3. A prisoner confined in an institution of the Department of Corrections, or any other place where prisoners are authorized to be or are assigned by the Director of the Department, who possesses a controlled substance without lawful authorization or marijuana or marijuana paraphernalia, regardless of whether the person holds a valid registry identification card to engage in the medical use of marijuana pursuant to chapter 678C of NRS, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

#### **HISTORY:**

1949, p. 340; CL 1929 (1949 Supp.), § 11474.01; 1963, p. 520; 1967, p. 525; 1971, p. 2026; 1977, p. 869; 1979, p. 1458; 1985, p. 596; 1987, ch. 658, § 7, p. 1548; 1995, ch. 443, § 229, p. 1257; 2001 Sp. Sess., ch. 14, § 23, p. 198; 2017, ch. 540, § 58.5, p. 3711; 2019, ch. 595, § 193, p. 3848.

#### **Amendment Notes**

The 2017 amendment by ch. 540, effective July 1, 2017, added "or marijuana or marijuana paraphernalia, regardless of whether the person holds a valid registry identification card to engage in the medical use of marijuana pursuant to chapter 453A of NRS" in (3).

The 2019 amendment by ch. 595, effective July 1, 2020, substituted "pursuant to chapter 678C of NRS" for "pursuant to chapter 453A of NRS" in 3.

NVCODE

## **NOTES TO DECISIONS**

### **Cited in:**

Glispey v. Sheriff, Carson City, 89 Nev. 221, 510 P.2d 623, 1973 Nev. LEXIS 475 (1973).

### **Research References and Practice Aids**

Review of Selected Nevada Legislation, Crimes, 1985 Pac. L.J. Rev. Nev. Legis. 109.

GROUND 5 : Breach of plea Agreement Violation of 5<sup>th</sup> and 14<sup>th</sup> Amendment regarding equal protection, US. vs. Mondragon 228 F.3d 978, 981 (9<sup>th</sup> Cir 2000) US. vs. Moschlaidis 868 F.2d 1357 1361, 1363 (3d Cir 1989)

SUPPORTING FACTS (tell your story briefly without citing cases or law): A plea agreement was reached for Case C341735, In that agreement a term of 105 years imprisonment or probation were to be argued by the District Attorney at sentencing. A recommended 18 to 60 months was determined by the PNP office prior to defendants attempt to address issues within PSI/ PSP Score. It was stated By District 18 Judge Holthus that Case C347881 plea agreement (for 12 to 30 months) would not seek habitual sentence structure and that case would not have a negative impact on the plea agreement previously reached for Case C341735 when signed (in open court). However, despite not seeking habitual for Case C347881 the District Attorney Stanton sought habitual adjudication for Case C341735, the result being 84 to 240 months. Issues concerning the interpretation and enforcement of a plea agreement are reviewed *de novo*. When a guilty plea is induced by an agreement, the government must abide by its terms when the offense level is part of the inducement or consideration for pleading guilty, the government breaches a plea agreement by advocating a higher offense level than that specified in the agreement. The underlying charge was Carry Concealed Weapon "to wit: Razor Knife, Though now it reads as if a Firearm was involved in addition to the breach. As in this case where the rights in the plea agreement relate to sentencing the

GROUND 5 : (Continued) Breach of plea agreement  
US vs. Miner 544 F.3d 930, 932 (8th Cir 2008)

---

SUPPORTING FACTS (tell your story briefly without citing cases or law): defendant has clearly established and shown that his sentence is affected by the breach. Mr. Crawley has shown favorably beyond a reasonable probability that but for the error(s) in PSI he would have received a more favorable sentence. The district court abuses its discretion and imposes an unreasonable sentence when it fails to consider a relevant and significant factor, gives weight significantly to an irrelevant or improper factor, or considers the appropriate factors, but commits a clear error of judgment in weighing those factors. In this instance, each of the three elements of the plain error test are palpably satisfied in the defendant's favor. A court in its discretion should grant relief as this error seriously affects the fairness, integrity, or public reputation of judicial proceedings. U.S. vs. Miner 544 F.3d 930, 932 (8th Cir. 2008) US vs. Jose Luis Diaz Jimenez 622 F.3d 692, 2010. A guilty plea must be voluntary and knowing, and if it was induced by promises, the essence of those promises must in some way be known. As in this case C341735, the transcripts (that still have not been provided) disclose the avowal and colloquy previously made by the District Attorney prior to sentencing, as well as Public Defender from July 2019 through November 2019 that had become the basis of the withdrawal of guilty plea.

GROUND 5: Breach of plea agreement.

Violation of Amendment 14 and 5, Sheppard vs. Rees 909 F.2d 1234; 1990

SUPPORTING FACTS (tell your story briefly without citing cases or

law): that was not presented by way of evidentiary

hearing. In the sentencing phase of the criminal justice process, the adjudicative element inherent in accepting a plea of guilty, must be attended by safeguards to insure the defendant what is reasonably due in the circumstances. Those circumstances will vary, but a constant factor is that when a plea rests in any significant degree on a promise or agreement of the prosecutor, so that it can said to be in part of the inducement or consideration, such promise must be fulfilled. The inadvertence of the breach does not "lessen its impact" and even absent prejudice at sentencing, the interests of justice and appropriate recognition of the duties of the prosecution in relation to promises made in the negotiation of pleas of guilty (By public Defender Ballou) will be best served by remanding the case to the state courts for further consideration. In Nevada, a defendant sentenced to confinement must be sentenced to both a minimum and maximum sentence under the provisions of the Crime Committed. The plea agreement was for a probationable 1 to 5 year sentence under NRS. 202.350 Carry concealed weapon without permit (NOC 51459) the result was 84 to 240 months under an erroneous sentence structure despite reaching the agreement and defendant

GROUND 5 : Breach of plea agreement  
 Violation of 14<sup>th</sup> Amendment, Dalton vs. Battaglia 402  
 F.3d 729, 2005

SUPPORTING FACTS (tell your story briefly without citing cases or law):

not being able to withdraw his guilty plea prior to sentencing. When a prosecutor breaches a plea agreement he or she violates the defendant's due process rights by implicating the consideration and voluntariness upon which that plea was based. A defendant's constitutional rights are violated when a prosecutor reneges on the consideration underlying the defendant's plea of guilty. Especially, when the prosecutor uses palpable or highly suspect information to increase the sentence structure. The doctrine that the government must adhere to its bargain in the plea agreement is so fundamental that even though the government's breach is inadvertent and the breach may or may not have influenced the judge in sentence imposed, due process and equity require that sentence to be vacated. The errors within the Crawley case are to be treated as akin to structural defects and are not susceptible of harmless error analysis on this prong. *U.S. vs. Mondragon* 228 F.3d 978, 981 (9<sup>th</sup> Cir 2000) *U.S. vs. Moscahlaidis* 868 F.2d 1357, 1361, 1363 (3d Cir 1989). Thus, if a defendant was unaware of his eligibility for an extended term sentence when he pleaded guilty, it would be an unreasonable application of any court precedent by the state courts to find that his plea was knowing and voluntary.



#5

C-19-342881-1

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

November 14, 2019

C-19-342881-1 State of Nevada  
vs  
Daine Crawley

November 14, 2019 09:00 AM Sentencing

HEARD BY: Holthus, Mary Kay

COURTROOM: RJC Courtroom 03F

COURT CLERK: Yorke, Dara

RECORDER: Sison, Yvette G.

REPORTER:

PARTIES PRESENT:

Daine Crawley

Defendant

Daniel R. Jenkins

Attorney for Defendant

JOURNAL ENTRIES

Upon Court's inquiry, Mr. Jenkins noted Deft. still had not been sentenced in front of Judge Bluth; additionally, Mr. Jenkins was waiting to hear if Deft. was accepted into Drug Court. Mr. Jenkins requested that Deft. released to House Arrest for a needed surgery. Court noted it would continue the instant matter due to agreeing to trail Deft.'s other case; however, it would not release Deft. due to his record. Statements by Deft. requesting an own recognizance release. Court advised Deft. there was no own recognizance Motion before the Court; however, he could put it in writing and submit to the State. Following colloquy, Mr. Jenkins requested that another pre-sentence investigation (PSI) report be ordered for the instant case, and the matter be continued for 30 to 45 days. CONFERENCE AT BENCH. Colloquy between parties regarding previous prison terms. Statements by Deft. Court noted it would not sent file back to Parole and Probation. Following colloquy, COURT ORDERED, matter CONTINUED.

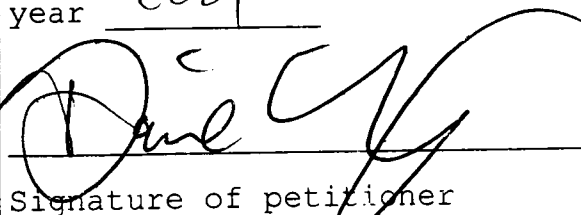
CUSTODY

12/12/19 9:00 AM CONTINUED: SENTENCING

Judge Did not order new  
"PSI" because she agreed that  
"PSI" would not be used against  
me to obtain habitual sentence  
this was a 1 to 5 year probationable  
Sentence to run - concurrent with case  
C341735, at this time I was unaware  
that "Notice" was already filed for  
habitual in other case C341735, and  
was under impression that Drug Court was option

1 WHEREFORE, petitioner prays that the court grant petitioner  
2 relief to which he may be entitled in this proceeding.

3  
4 EXECUTED at Warm Springs Correctional Center  
5 on the 16<sup>th</sup> day of the month of June of the  
6 year 2021

7  
8   
9 Signature of petitioner

10 Daine Crawley # 1162447  
11 WSSC P.O. Box 7007

12 Carson City, NV 89702  
13 Address

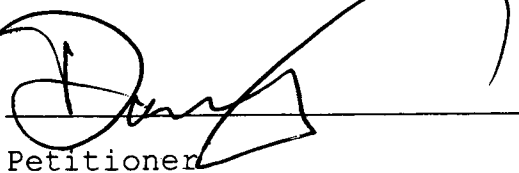
14  
15 Signature of attorney (if any)

16  
17 Attorney for petitioner

18  
19  
20  
21 Address

**VERIFICATION**

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

  
\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Attorney for petitioner

CERTIFICATE OF SERVICE BY MAIL

I, Daine Anton Crawley, hereby certify pursuant to  
N.R.C.P. 5(b), that on this \_\_\_\_\_ day of the month of \_\_\_\_\_  
of the year \_\_\_\_\_, I mailed a true and correct copy of the  
foregoing PETITION FOR WRIT OF HABEAS CORPUS addressed to:

Director Daniels of NDOC  
Warm Springs Correctional Center

Respondent prison or jail official

P.O. Box 7007  
Carson City, NV 89702

Address

Attorney General's Office  
100 North Carson Street  
Carson City, Nevada 89701-4717

Steve Wolfson (Clark County)

District Attorney of County of Conviction

200 Lewis Avenue  
Las Vegas, NV 89155

Address

[Signature]

Signature of Petitioner

P.O. Box 7007  
Warm Springs Correctional Center  
Carson City, Nevada 89702

AFFIRMATION  
PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding

Post-conviction Habeas Corpus (Appeal to Supreme Court of Nevada)  
(Title of Document)

Filed in District Court Case number C341735 (A-20-816041-W)



Does not contain the social security number of any person.

-OR-



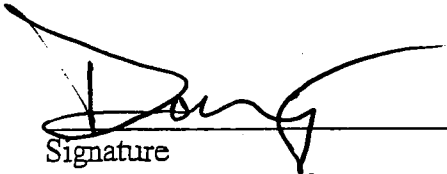
Contains the social security number of a person as required by:

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

( State specific law )

-or-

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

  
Signature

June 16<sup>th</sup>, 2021  
Date

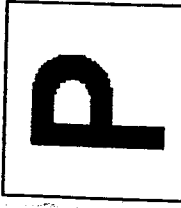
Daine A. Crawley  
Print name

Post-conviction Habeas Corpus  
Title

Brass slip # 2555320

Darlene Cawley # 1167447  
WSEC  
P.O. Box 7007  
Carson City, NV 89702

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06/16/2021  
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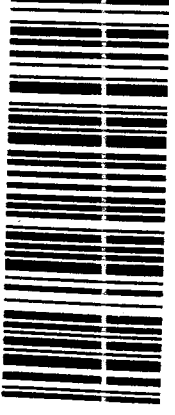
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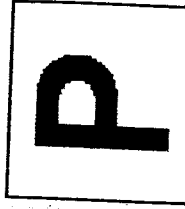
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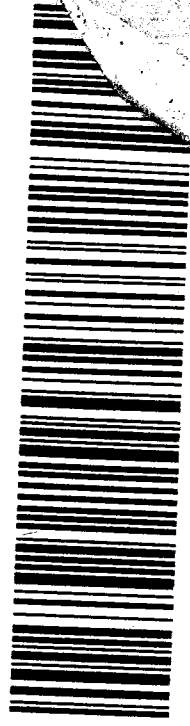
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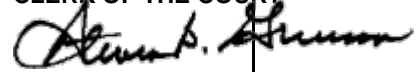
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TEGAL MAIL





ASTA

**IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE  
STATE OF NEVADA IN AND FOR  
THE COUNTY OF CLARK**

DAINE ANTON CRAWLEY,

Plaintiff(s),

vs.

WARDEN WILLIAMS, HIGH DESERT STATE  
PRISON,

Defendant(s),

Case No: A-20-816041-W

Dept No: VI

**CASE APPEAL STATEMENT**

1. Appellant(s): Daine Crawley

2. Judge: Jacqueline M. Bluth

3. Appellant(s): Daine Crawley

Counsel:

Daine Crawley #1167447  
P.O. Box 7007  
Carson City, NV 89702

4. Respondent (s): Warden Williams, High Desert State Prison

Counsel:

Steven B. Wolfson, District Attorney  
200 Lewis Ave.

Las Vegas, NV 89155-2212

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: Yes,  
Date Application(s) filed: June 4, 2020

9. Date Commenced in District Court: June 4, 2020

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 28 day of June 2021.

Steven D. Grierson, Clerk of the Court

/s/ Heather Ungermann

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

cc: Daine Crawley

## EIGHTH JUDICIAL DISTRICT COURT

# CASE SUMMARY

## CASE NO. A-20-816041-W

**Daine Crawley, Plaintiff(s)**  
**vs.**  
**Warden Williams, HDSP, Defendant(s)**

§  
§  
§  
§  
§

Location: **Department 6**  
 Judicial Officer: **Bluth, Jacqueline M.**  
 Filed on: **06/04/2020**  
 Cross-Reference Case Number: **A816041**

### CASE INFORMATION

#### Related Cases

C-19-341735-1 (Writ Related Case)

Case Type: **Writ of Habeas Corpus**

Case Status: **06/04/2020 Open**

### DATE

### CASE ASSIGNMENT

#### Current Case Assignment

Case Number A-20-816041-W  
 Court Department 6  
 Date Assigned 06/04/2020  
 Judicial Officer Bluth, Jacqueline M.

### PARTY INFORMATION







<b>Plaintiff</b>	<b>Crawley, Daine</b>	<b>Arnold, Carl E.</b> <i>Retained</i> 702-253-6996(W)
<b>Defendant</b>	<b>Warden Williams, HDSP</b>	<b>Wolfson, Steven B</b> <i>Retained</i> 702-455-5320(W)

### DATE

### EVENTS & ORDERS OF THE COURT


### INDEX


#### EVENTS


06/04/2020	 Inmate Filed - Petition for Writ of Habeas Corpus Party: Plaintiff Crawley, Daine <i>Post Conviction</i>
06/04/2020	 Application to Proceed in Forma Pauperis Filed By: Plaintiff Crawley, Daine
06/09/2020	 Order for Petition for Writ of Habeas Corpus <i>Order for Petition for Writ of Habeas Corpus</i>
06/12/2020	 Petition for Writ of Habeas Corpus Filed by: Plaintiff Crawley, Daine <i>Post Conviction</i>
07/21/2020	 Response Filed by: Plaintiff Crawley, Daine <i>State's Response to Defendant's Petition for Writ of Habeas Corpus (Post-Conviction)</i>
03/18/2021	 Supplement Filed by: Plaintiff Crawley, Daine <i>Supplement Petition for Writ of Habeas Corpus</i>


# CASE SUMMARY


## CASE NO. A-20-816041-W


03/18/2021  Inmate Filed - Petition for Writ of Habeas Corpus  
Party: Plaintiff Crawley, Daine  
*Post Conviction*

03/18/2021  Order for Petition for Writ of Habeas Corpus  
*Order for Petition for Writ of Habeas Corpus*


05/06/2021  Response  
Filed by: Defendant Warden Williams, HDSP  
*State's Response to Defendant's Supplemental Petition for Writ of Habeas Corpus (Post-Conviction)*


06/03/2021  Motion  
Filed By: Plaintiff Crawley, Daine  
*Motion for Production of Response to Writ of Habeas Corpus A-20-816041 - W (due 45 days from March 18th, 2021)*


06/24/2021  Notice of Appeal  
*Notice of Appeal*

06/28/2021  Case Appeal Statement  
Filed By: Plaintiff Crawley, Daine  
*Case Appeal Statement*

### HEARINGS

08/19/2020  **Petition for Writ of Habeas Corpus** (10:15 AM) (Judicial Officer: Bluth, Jacqueline M.)  
Granted;  
Journal Entry Details:  
*PETITION FOR WRIT OF HABEAS CORPUS COURT stated findings and ORDERED, Petition GRANTED, status check SET for appointment of counsel. 8/26/2020 10:15 AM STATUS CHECK: APPOINTMENT OF COUNSEL CLERK'S NOTE: District Attorney Drew Christensen emailed [christdr@ClarkCountyNV.gov] regarding appointment of counsel on 8/19/2020 . /r/ 8/21/2020;*

08/26/2020  **Status Check** (10:15 AM) (Judicial Officer: Bluth, Jacqueline M.)  
*Status Check: Appointment of Counsel*  
Matter Heard;  
Journal Entry Details:  
*Present on behalf of the State, Brad Turner. Court stated Drew Christensen has represented Carl Arnold is appointed on another case and Mr. Bailey will accept the appointment today. Mr. Bailey stated that's his understanding. COURT ORDERED, Carl Arnold APPOINTED as counsel.;*

05/25/2021  **Minute Order** (3:00 AM) (Judicial Officer: Bluth, Jacqueline M.)  
*Minute Order re: Petition for Writ of Habeas Corpus*  
Minute Order - No Hearing Held;  
Journal Entry Details:  
*Petitioner s Petition for habeas corpus is hereby DENIED. The Court s ruling is as follows. I. Defendant s claims are procedurally barred NRS 34.810 states: NRS 34.810 Additional reasons for dismissal of petition. [Effective January 1, 2020.] 1. The court shall dismiss a petition if the court determines that: (a) The petitioner s conviction was upon a plea of guilty or guilty but mentally ill and the petition is not based upon an allegation that the plea was involuntarily or unknowingly entered or that the plea was entered without effective assistance of counsel. (b) The petitioner s conviction was the result of a trial and the grounds for the petition could have been: (1) Presented to the trial court; (2) Raised in a direct appeal or a prior petition for a writ of habeas corpus or postconviction relief; or (3) Raised in any other proceeding that the petitioner has taken to secure relief from the petitioner s conviction and*

## CASE SUMMARY

CASE NO. A-20-816041-W

sentence, unless the court finds both cause for the failure to present the grounds and actual prejudice to the petitioner. The Nevada Supreme Court has held that challenges to the validity of a guilty plea and claims of ineffective assistance of trial and appellate counsel must first be pursued in post-conviction proceedings . . . [A]ll other claims that are appropriate for a direct appeal must be pursued on direct appeal, or they will be considered waived in subsequent proceedings. *Franklin v. State*, 110 Nev. 750 (1994). A court must dismiss a habeas petition is if 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. *Evans v. State*, 117 Nev. 609 (2001). Here, the grounds defendant raises in his supplemental petition should have been brought on direct appeal, and are therefore waived. Defendant argues: (1) equal protection/due process violation; (2) there were errors in defendant's PSI; (3) violation of the Court's Administrative Order; and (4) error in adjudication as a habitual criminal. Defendant does not challenge the validity of a guilty plea and/or raise claims of ineffective assistance of counsel. Further, defendant does not attempt to demonstrate good cause or prejudice for raising these claims for the first time in the instant proceedings. II. Defendant's supplemental petition is a fugitive document Defendant's instant pro per supplemental petition should be dismissed as a fugitive document pursuant to EDCR 7.40(a). Carl Arnold, Esq. was confirmed as counsel on August 26, 2020. The instant supplemental petition was filed seven months later on 3/18/21. Because petitioner cannot appear on his own behalf after he had already appeared by counsel, the current supplemental petition should be dismissed as a fugitive document. For the reasons discussed above, Petitioner's Petition is Denied. State to file an order consistent with these findings. CLERK'S NOTE: A copy of this minute order was distributed to: Karen Mishler, Deputy District Attorney and Petitioner, Daine Crawley at P.O. Box 208, Indian Springs, NV, 89070./kb;

05/26/2021

**CANCELED** Petition for Writ of Habeas Corpus (11:00 AM) (Judicial Officer: Bluth, Jacqueline M.)

*Vacated - Previously Decided*

# DISTRICT COURT CIVIL COVER SHEET

**A-20-816041-W**  
**Dept. VI**

County, Nevada

Case No. \_\_\_\_\_

(Assigned by Clerk's Office)

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

Plaintiff(s) (name/address/phone): <div style="text-align: center; padding-top: 10px;">Diane Crowley</div>	Defendant(s) (name/address/phone): <div style="text-align: center; padding-top: 10px;">Warden Williams</div>
Attorney (name/address/phone):	Attorney (name/address/phone):

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

### Civil Case Filing Types

<b>Real Property</b> <b>Landlord/Tenant</b> <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant <b>Title to Property</b> <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property <b>Other Real Property</b> <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	<b>Negligence</b> <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence <b>Malpractice</b> <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	<b>Torts</b> <b>Other Torts</b> <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
<b>Probate</b> <i>(select case type and estate value)</i> <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate <b>Estate Value</b> <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	<b>Construction Defect &amp; Contract</b> <b>Construction Defect</b> <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect <b>Contract Case</b> <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	<b>Judicial Review/Appeal</b> <b>Judicial Review</b> <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency <b>Nevada State Agency Appeal</b> <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency <b>Appeal Other</b> <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
<b>Civil Writ</b> <b>Civil Writ</b> <input checked="" type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ		<b>Other Civil Filing</b> <b>Other Civil Filing</b> <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

*Business Court filings should be filed using the Business Court civil coversheet.*

**June 4, 2020**

Date

**PREPARED BY CLERK**

Signature of initiating party or representative

*See other side for family-related case filings.*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Writ of Habeas Corpus**

**COURT MINUTES**

**August 19, 2020**

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A-20-816041-W	Daine Crawley, Plaintiff(s)
	vs.
	Warden Williams, HDSP, Defendant(s)

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<b>August 19, 2020</b>	<b>10:15 AM</b>	<b>Petition for Writ of Habeas Corpus</b>
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**HEARD BY:** Bluth, Jacqueline M.

**COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Rem Lord

**RECORDER:** De'Awna Takas

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- PETITION FOR WRIT OF HABEAS CORPUS

COURT stated findings and ORDERED, Petition GRANTED, status check SET for appointment of counsel.

8/26/2020 10:15 AM STATUS CHECK: APPOINTMENT OF COUNSEL

CLERK'S NOTE: District Attorney Drew Christensen emailed [christdr@ClarkCountyNV.gov] regarding appointment of counsel on 8/19/2020 . /rl 8/21/2020

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Writ of Habeas Corpus**

**COURT MINUTES**

**August 26, 2020**

---

A-20-816041-W	Daine Crawley, Plaintiff(s)
	vs.
	Warden Williams, HDSP, Defendant(s)

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**August 26, 2020      10:15 AM      Status Check**

**HEARD BY:** Bluth, Jacqueline M.      **COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Keith Reed

**RECORDER:** De'Awna Takas

**REPORTER:**

**PARTIES**

**PRESENT:**      Bailey, Roger      Attorney

**JOURNAL ENTRIES**

- Present on behalf of the State, Brad Turner. Court stated Drew Christensen has represented Carl Arnold is appointed on another case and Mr. Bailey will accept the appointment today. Mr. Bailey stated that's his understanding. COURT ORDERED, Carl Arnold APPOINTED as counsel.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Writ of Habeas Corpus**

**COURT MINUTES**

**May 25, 2021**

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A-20-816041-W	Daine Crawley, Plaintiff(s)
	vs.
	Warden Williams, HDSP, Defendant(s)

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**May 25, 2021                      3:00 AM                      Minute Order**

**HEARD BY:** Bluth, Jacqueline M.                      **COURTROOM:** Chambers

**COURT CLERK:** Kristen Brown

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Petitioner s Petition for habeas corpus is hereby DENIED. The Court s ruling is as follows.

I. Defendant s claims are procedurally barred

NRS 34.810 states:

NRS 34.810 Additional reasons for dismissal of petition. [Effective January 1, 2020.]

1. The court shall dismiss a petition if the court determines that:

(a) The petitioner s conviction was upon a plea of guilty or guilty but mentally ill and the petition is not based upon an allegation that the plea was involuntarily or unknowingly entered or that the plea was entered without effective assistance of counsel.

(b) The petitioner s conviction was the result of a trial and the grounds for the petition could have been:

(1) Presented to the trial court;

(2) Raised in a direct appeal or a prior petition for a writ of habeas corpus or postconviction relief; or

(3) Raised in any other proceeding that the petitioner has taken to secure relief from the petitioner s conviction and sentence, unless the court finds both cause for the failure to present the grounds and actual prejudice to the petitioner.

The Nevada Supreme Court has held that challenges to the validity of a guilty plea and claims of ineffective assistance of trial and appellate counsel must first be pursued in post-conviction proceedings . . . [A]ll other claims that are appropriate for a direct appeal must be pursued on direct appeal, or they will be considered waived in subsequent proceedings. *Franklin v. State*, 110 Nev. 750 (1994). A 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. *Evans v. State*, 117 Nev. 609 (2001).

Here, the grounds defendant raises in his supplemental petition should have been brought on direct appeal, and are therefore waived. Defendant argues: (1) equal protection/due process violation; (2) there were errors in defendant's PSI; (3) violation of the Court's Administrative Order; and (4) error in adjudication as a habitual criminal. Defendant does not challenge the validity of a guilty plea and/or raise claims of ineffective assistance of counsel. Further, defendant does not attempt to demonstrate good cause or prejudice for raising these claims for the first time in the instant proceedings.

## II. Defendant's supplemental petition is a fugitive document

Defendant's instant pro per supplemental petition should be dismissed as a fugitive document pursuant to EDCR 7.40(a). Carl Arnold, Esq. was confirmed as counsel on August 26, 2020. The instant supplemental petition was filed seven months later on 3/18/21. Because petitioner cannot appear on his own behalf after he had already appeared by counsel, the current supplemental petition should be dismissed as a fugitive document.

For the reasons discussed above, Petitioner's Petition is Denied. State to file an order consistent with these findings.

CLERK'S NOTE: A copy of this minute order was distributed to: Karen Mishler, Deputy District Attorney and Petitioner, Daine Crawley at P.O. Box 208, Indian Springs, NV, 89070./kb



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

DAINE CRAWLEY #1167447  
P.O. BOX 7007  
CARSON CITY, NV 89702

DATE: June 28, 2021  
CASE: A-20-816041-W

**RE CASE:** DAINÉ ANTON CRAWLEY vs. WARDEN WILLIAMS; HIGH DESERT STATE PRISON

NOTICE OF APPEAL FILED: June 24, 2021

**YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.**

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

- ☐ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)\*\*
  - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)\*\*
- ☐ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)\*\*
  - NRAP 7: Bond For Costs On Appeal in Civil Cases
  - *Previously paid Bonds are not transferable between appeals without an order of the District Court.*
- ☐ Case Appeal Statement
  - NRAP 3 (a)(1), Form 2
- ☒ Order
- ☒ Notice of Entry of Order

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

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

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

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***\*\*Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.***

# Certification of Copy

State of Nevada }  
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT  
DOCKET ENTRIES; CIVIL COVER SHEET; DISTRICT COURT MINUTES; NOTICE OF  
DEFICIENCY

DAINE ANTON CRAWLEY,

Plaintiff(s),

vs.

WARDEN WILLIAMS, HIGH DESERT  
STATE PRISON,

Defendant(s),

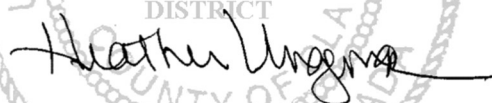
Case No: A-20-816041-W

Dept No: VI

now on file and of record in this office.

**IN WITNESS THEREOF**, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 28 day of June 2021.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk