

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Jul 30 2021 07:52 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

ALAN DEMETRIUS DANIELS,
Appellant(s),

vs.

THE STATE OF NEVADA,
Respondent(s),

Case No: 99C156246

Docket No: 83186

RECORD ON APPEAL VOLUME 2

ATTORNEY FOR APPELLANT
ALAN DANIELS # 63982,
PROPER PERSON
P.O. BOX 208
INDIAN SPRINGS, NV 89070

ATTORNEY FOR RESPONDENT
STEVEN B. WOLFSON,
DISTRICT ATTORNEY
200 LEWIS AVE.
LAS VEGAS, NV 89155-2212

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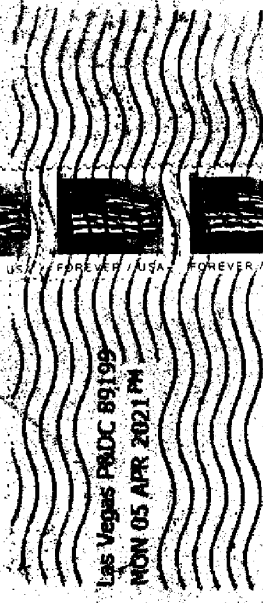
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*** Lift TAPE to open !**



LEGAL / CONFIDENTIAL MAIL

<p>FROM: George Luster #57507 9000 / POB 208 IS NV 89070-0208</p>	<p>TO: Clark County Court Clerk CRIMINAL DESK POB 551160 LV NV 89155-1160</p>
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- * Mailed: 4-4-21 (Sun)
- * Prohibition Petitions
- 1) Case # C156246
- 2) Case # C262523
- 3) Case # C189658
- 4) Case # C332985

RECEIVED
APR - 7 2021
CLERK OF DISTRICT COURT

[illegible]



1 **OPPM**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 TALEEN PANDUKHT
6 Chief Deputy District Attorney
7 Nevada Bar #005734
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

11 -vs-

12 ALAN DEMETRIUS DANIELS,
13 #747918
14 Defendant.

CASE NO: 99C156246

DEPT NO: XXV

15 **STATE'S OPPOSITION TO DEFENDANT'S NRS 34.320 PETITION**
16 **FOR WRIT OF PROHIBITION**

17 DATE OF HEARING: JUNE 7, 2021
18 TIME OF HEARING: 1:30 PM

19 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County
20 District Attorney, through TALEEN PANDUKHT, Chief Deputy District Attorney, and
21 hereby submits the attached Points and Authorities in Opposition to Defendant's NRS 34.320
22 Petition for Writ of Prohibition.

23 This Opposition is made and based upon all the papers and pleadings on file herein, the
24 attached points and authorities in support hereof, and oral argument at the time of hearing, if
25 deemed necessary by this Honorable Court.

26 //

27 //

28 //

1 **POINTS AND AUTHORITIES**

2 **ARGUMENT**

3 Defendant requests this Court issue a writ of prohibition commanding the Nevada
4 Department of Corrections to cease and desist removing funds from his inmate account to pay
5 restitution. Not only is a writ of prohibition the incorrect remedy for such a request, but this
6 Court lacks jurisdiction to consider this claim, which has no relation to the sentence or
7 conviction in this case.

8 A writ of prohibition in a criminal case is the wrong remedy to obtain relief from a
9 condition of confinement. A writ of prohibition may be used by a court to order a judicial body
10 to refrain from doing an act in excess of its jurisdiction. NRS 34.320. "The writ [of prohibition]
11 may be issued only by the Supreme Court, the Court of Appeals or a district court to an inferior
12 tribunal, or to a corporation, board or person, in all cases where there is not a plain, speedy
13 and adequate remedy in the ordinary course of law." NRS 34.330. The Nevada Department of
14 Corrections is not a judicial body. The Nevada Department of Corrections is an agency within
15 the executive branch of Nevada's state government. Accordingly, a writ of prohibition may
16 not be used to order it to refrain from engaging in certain activities.

17 Furthermore, a writ of prohibition may only issue "where there is not a plain, speedy
18 and adequate remedy in the ordinary course of law." NRS 34.330. See also
19 Sonia F. v. Eighth Jud. Dist. Ct., 125 Nev. 495, 498, 215 P.3d 705, 707 (2009). That is not the
20 case here. If Defendant wishes to challenge the seizure of funds in his inmate account by the
21 Nevada Department of Corrections, he may do so through any of a number of remedies that
22 are potentially at his disposal. He may avail himself of administrative remedies, or file a civil
23 lawsuit alleging trespass to property or conversion. He may also be able to file a civil rights
24 complaint pursuant to 42 U.S.C. § 1983, if he believes he can demonstrate that the Nevada
25 Department of Corrections' actions have "deprive[d] him of a right, privilege, or immunity
26 protected by the Constitution or laws of the United States." Butler ex rel. Biller v. Bayer, 123
27 Nev. 450, 458, 168 P.3d 1055, 1061 (2007).

28 //

1 Most importantly, this Court does not have the authority to issue orders related to
2 conditions of confinement that are unrelated to a defendant's sentence. A court is limited in
3 the actions it may take in a criminal case in which the defendant is currently serving a sentence.
4 A motion to modify a sentence or to correct an illegal sentence may be considered by a
5 sentencing court, but may only be granted in a narrow range of circumstances. See Edwards
6 v. State, 112 Nev. 704, 707, 918 P.2d 321, 324 (1996). A court may consider a post-conviction
7 habeas relief, but habeas claims are limited to challenges as to the conviction or sentence, not
8 conditions of confinement. See NRS 34.724(1); Bowen v. Warden of Nevada State Prison,
9 100 Nev. 489, 490, 686 P.2d 250, 250 (1984) ("a petition for writ of habeas corpus may
10 challenge the validity of current confinement, but not the conditions thereof."). There is
11 nothing in Nevada case law or statute which grants a court with jurisdiction over a criminal
12 matter authority to issue orders related solely to the defendant's confinement conditions and
13 not to that defendant's conviction or sentence.

14 Furthermore, a challenge to the conditions of confinement, whatever legal form it takes,
15 must be responded to by the Attorney General, as the legal representative of the Nevada
16 Department of Corrections. See NRS 228.110. Such claims do not concern the validity of the
17 sentence or conviction itself, and thus must be dealt with separately from the criminal case.

18 CONCLUSION

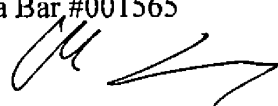
19 For the foregoing reasons, the State respectfully requests that Defendant's NRS 34.320
20 Petition for Writ of Prohibition be denied.

21 DATED this 25 day of May, 2021.

22 Respectfully submitted,

23 STEVEN B. WOLFSON
24 Clark County District Attorney
25 Nevada Bar #001565

26 BY

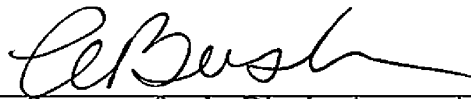
27 
28 TALEEN PANDUKHT
Chief Deputy District Attorney
Nevada Bar #005734

1 CERTIFICATE OF MAILING

2
3 I hereby certify that service of the above and foregoing was made this 25th day of May,
4 2021, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

5 ALAN DANIELS, NDC #63982
6 SDCC
7 P.O. BOX 208
8 INDIAN SPRINGS, NV, 89070

9 BY



Secretary for the District Attorney's Office

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28 98F06167X/TP/ckb/L4

CLERK: "Please" return me a filed/stamped copy of this "NOTICE OF APPEAL" ☺

7/6/2021 2:31 PM
Steven D. Grierson
CLERK OF THE COURT

Steven D. Grierson

Alan Daniels # 63982

Petitioner, In Propria Personam
Post Office Box 208, S.D.C.C.
Indian Springs, Nevada 89018 89070-0208

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

IN AND FOR THE COUNTY OF CLARK

ALAN DANIELS,

Petitioner ~~Plaintiff~~,

vs.

DIRECTOR NEVADA DEPT
OF CORRECTIONS, et. al.,
Respondents ~~Defendant~~.

Case No. C156246

Dept. No. _____

Docket _____

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN, That the Petitioner/Defendant,
ALAN DANIELS #63982, in and through his proper person, hereby
appeals to the Supreme Court of Nevada from the ~~ORDER denying and/or~~
~~dismissing the ORAL ORDER dismissing~~ Petitioner's
"NRS 34.320 Petition For Writ of Prohibition" on/about

filed on the 7th day of JUNE, 2021.

Dated this 30th day of JUNE, 2021.

*RECEIVED
Per NRS 239B.030, I
certify this NOTICE OF
APPEAL does not contain
the Social Security number
of any person.

Respectfully Submitted.

By: Alan Daniels

Alan Daniels #63982

PETITIONER PRO-SE

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CERTIFICATE OF SERVICE BY MAILING

I, ALAN DANIELS # 63982, hereby certify, pursuant to NRCP 5(b), that on this 30th day of JUNE, 2021, I mailed a true and correct copy of the foregoing, "

NOTICE OF APPEAL"

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

Clark County Court Clerk
POB 551160
LV NV 89155-1160

NV Attorney General
100 No Carson St #100
Carson City NV 89101-4111

CC:FILE

DATED: this 30th day of JUNE, 2021.

BY: Alan Daniels
ALAN DANIELS # 63982
Petitioner / In Propria Personam
Post Office Box 208, S.D.C.C.
Indian Springs, Nevada 89018 89070-0208
IN FORMA PAUPERIS:



* Mailed: 6-30-21 (WE)

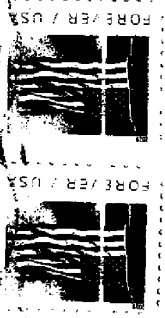
* Petition for writ of Prohibition

* Notices of Appeal (8 Cases below)

- 1) Case # C332985
- 2) Case # C156246
- 3) Case # C161246
- 4) Case # C169550
- 5) Case # C189650
- 6) Case # C262523
- 7) Case # C270333
- 8) Case # C334954

* LEGAL MAIL / ~~CONFIDENTIAL~~ *

Las Vegas P&DC 89199
THU 01 JUL 2021 PM



<p><u>FROM:</u> George Luster #57587 SDCC / POB 208 IS NV 89070-0208</p>	<p><u>TO:</u> Clark County Court Clerk NOTICES OF APPEAL CRIMINAL DESK POB 551160 LV NV 89135-1160</p>
--	--



1 ASTA

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

10 STATE OF NEVADA,

11 Plaintiff(s),

12 vs.

13 ALAN DEMETRIUS DANIELS,

14 Defendant(s),
15

Case No: 99C156246

Dept No: XXV

16
17 **CASE APPEAL STATEMENT**
18

19 1. Appellant(s): Alan Daniels

20 2. Judge: Kathleen E. Delaney

21 3. Appellant(s): Alan Daniels

22 Counsel:

23 Alan Daniels #63982
24 P.O. Box 208
Indian Springs, NV 89070

25 4. Respondent: The State of Nevada

26 Counsel:

27 Steven B. Wolfson, District Attorney
28 200 Lewis Ave.
Las Vegas, NV 89101

99C156246

-1-

1 (702) 671-2700

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

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

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

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

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

9 9. Date Commenced in District Court: January 27, 1999

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

11 Type of Judgment or Order Being Appealed: Misc. Order

12 11. Previous Appeal: Yes

13 Supreme Court Docket Number(s): 41633

14 12. Child Custody or Visitation: N/A

15 Dated This 8 day of July 2021.

16 Steven D. Grierson, Clerk of the Court

17
18 /s/ Heather Ungermann

19 Heather Ungermann, Deputy Clerk
20 200 Lewis Ave
21 PO Box 551601
22 Las Vegas, Nevada 89155-1601
23 (702) 671-0512
24

25 cc: Alan Daniels
26
27
28

1 **ORDR**

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

4 THE STATE OF NEVADA,

5 Plaintiff

6 v.

7 ALAN D DANIELS,

8 Defendant

Case No.: 99C156246

Dept. No.: XXV

9
10 **ORDER DENYING DEFENDANT'S PETITION FOR WRIT OF PROHIBITION**

11 THIS MATTER having come on for hearing before the above entitled Court on the
12 30th day of June, 2021, the Defendant not being present, IN PROPER PERSON, the Plaintiff
13 being represented by STEVEN B. WOLFSON, District Attorney, through JOHN T. JONES,
14 JR., Chief Deputy District Attorney, and the Court without argument took under advisement,
15 based on the pleadings and good cause appearing, the Court hereby finds and orders as
16 follows:

17 The Petitioner requests that the Court issue a Writ of Prohibition that would
18 command the Nevada Department of Corrections (NDC) to cease and desist from removing
19 funds from the inmate account. The Petitioner argues that the NDC lacks the authority to
20 seize money from his account to enforce restitution payment since jurisdiction is vested
21 solely with the Court pursuant to NRS 176.275. However, there is no entitlement to relief
22 because the Writ of Prohibition is not the correct mechanism to be utilized in these
23 circumstances.

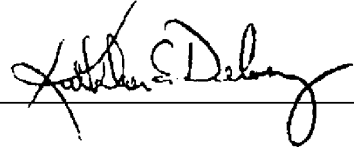
24 A writ of prohibition may be used by a court to order a "tribunal, corporation, board
25 or person exercising judicial functions" to refrain from doing an act in excess of its
26 jurisdiction. NRS 34.320. While there may be an argument that there is some seizure of
27 funds occurring that is a remotely related to or a natural consequence of a judicial function,
28 the Court is not persuaded by that argument. As argued by the State, the NDC is not a

1 judicial body, but rather an agency within the executive branch of Nevada's state
2 government. NDC engaging in its practices to take funds out of the inmate's account to pay
3 restitution does not constitute a judicial function that would result in this Court having
4 jurisdiction to issue a writ of prohibition.

5 A writ of prohibition may only issue "where there is not a plain, speedy and adequate
6 remedy in the ordinary course of law." NRS 34.330; *see also Sonia F. v. Eighth Jud. Dist.*
7 *Ct.*, 125 Nev. 495, 498, 215 P.3d 705, 707 (2009). As argued by the State, that is not the case
8 here. If Defendant wishes to challenge the seizure of funds in his inmate account by the
9 NDC, he may avail himself of administrative remedies or file a civil lawsuit alleging trespass
10 to property or conversion. Further, if he believes that he can demonstrate that the NDC's
11 actions have "deprive[d] him of a right, privilege, or immunity protected by the Constitution
12 or laws of the United States," he may also be able to file a civil rights complaint pursuant to
13 42 U.S.C. § 1983. *Butler ex rel. Biller v. Bayer*, 123 Nev. 450, 458, 168 P.3d 1055, 1061
14 (2007).

15 Accordingly, IT IS HEREBY ORDERED that the Defendant's Petition for Writ of
16 Prohibition is DENIED.

17
18
19 Dated this 16th day of July, 2021

20 
21
22

23 17A DF5 4402 28C4
24 Kathleen E. Delaney
25 District Court Judge
26
27
28

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 The State of Nevada vs Alan D
7 Daniels

CASE NO: 99C156246

DEPT. NO. Department 25

8
9 **AUTOMATED CERTIFICATE OF SERVICE**

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

13 Service Date: 7/16/2021

14 Department XXV

Dept25LC@clarkcountycourts.us

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 27, 1999

99C156246

The State of Nevada vs Alan D Daniels

January 27, 1999

9:00 AM

Grand Jury Indictment

**GRAND JURY
INDICTMENT
Court Clerk: DELOIS
WILLIAMS
Reporter/Recorder:
YVONNE
VALENTIN Heard
By: Lee Gates**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT: Owens, Christopher J. Attorney

JOURNAL ENTRIES

- Jim Treanor, Grand Jury Foreperson, stated to the Court that at least twelve members had concurred in the return of the true bill during deliberation, but had been excused for presentation to the Court. The State presented Grand Jury Case Number 98BGJ002X to the Court. COURT ORDERED, the indictment may be filed and is assigned Case Number C156246, Department XIV. Exhibit(s) 1 thru 2 lodged with Clerk of District Court. Exhibit 3 returned to DDA Bernard Zadrowski. State requested a summons be issued and sent Stan Walton, Esq.; COURT SO ORDERED. State advised defendant previously posted bail in the amount of \$53,000.00 in Case Number C154432, and requested bail be transferred to this case; and COURT SO ORDERED. COURT FURTHER ORDERED, matter set for initial arraignment.

SUMMONS

2/10/99 9 AM INITIAL ARRAIGNMENT (DEPARTMENT XIV)

PRINT DATE: 07/30/2021

Page 1 of 22

Minutes Date: January 27, 1999

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 10, 1999**

99C156246

The State of Nevada vs Alan D Daniels

February 10, 1999**9:00 AM****Initial Arraignment**

**INITIAL
ARRAIGNMENT
Court Clerk: RITA
LOPEZ
Reporter/Recorder:
MAUREEN
SCHORN Heard By:
Donald Mosley**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

PRESENT:	Daniels, Alan D	Defendant
	Walton, Stanley A.	Attorney
	Zadrowski, Bernard B.	Attorney

JOURNAL ENTRIES

- DEFENDANT DANIELS ARRAIGNED, PLED NOT GUILTY and WAIVED THE 60-DAY RULE.
COURT ORDERED, matter set for trial. Mr. Walton requested thirty days to file a writ, COURT
FURTHER ORDERED, RIGHTS MAINTAINED.

NIC

11/16/99 9:30 AM CALENDAR CALL

11/22/99 1:00 PM TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****November 16, 1999**

99C156246

The State of Nevada vs Alan D Daniels

November 16, 1999**9:00 AM****Calendar Call**

CALENDAR CALL
Court Clerk: LINDA SKINNER
Reporter/Recorder: MAUREEN SCHORN
Heard By: Mosley, Donald M.

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Daniels, Alan D

Defendant

Sweetin, James R.

Attorney

Walton, Stanley A.

Attorney

JOURNAL ENTRIES

- State announced ready for trial. However, Mr. Walton advised he has picked up a new case that may cause an interference and requested a continuance. Upon Court's inquiry, Mr. Sweetin advised trial would take 5 days with 20 witnesses. COURT ORDERED, matter CONTINUED.
 NIC (COC)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****November 17, 1999**

99C156246

The State of Nevada vs Alan D Daniels

November 17, 1999**9:30 AM****Calendar Call**

CALENDAR CALL
Court Clerk: LINDA
SKINNER
Reporter/Recorder:
MAUREEN
SCHORN Heard By:
Donald Mosley

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

PRESENT:	Daniels, Alan D	Defendant
	Sweetin, James R.	Attorney
	Walton, Stanley A.	Attorney

JOURNAL ENTRIES

- Mr. Walton requested trial date be vacated and reset in ordinary course; DEFT WAIVED THE 60 DAY RULE. There being no objection, COURT SO ORDERED.

NIC (COC)

7/18/00 9:30 AM CALENDAR CALL

7/24/00 1:00 PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 18, 2000**

99C156246

The State of Nevada vs Alan D Daniels

July 18, 2000**9:30 AM****Calendar Call**

**CALENDAR CALL
(OVERFLOW FROM
DEPT. XIV)
SWEETIN //
WALTON // 5 DAYS
Court Clerk: JUDY
NORMAN
Reporter/Recorder:
MAUREEN
SCHORN Heard By:
Mosley, Donald M.**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Daniels, Alan D

Defendant

Pandukht, Taleen R.

Attorney

Walton, Stanley A.

Attorney

JOURNAL ENTRIES

- Ms. Pandukht announced ready for trial. Mr. Walton requested matter continued to resolve matter of post conviction in defendant's other case which could affect this case. Conference at the Bench. COURT ORDERED, MOTION TO CONTINUE DENIED; matter referred to OVERFLOW for FURTHER PROCEEDINGS.

NIC (COC)

7/24/00 1:00 PM JURY TRIAL (OVERFLOW DEPT. XIV) SWEETIN // WALTON 5 DAYS 20

WITNESSES // NO OUT-OF-STATE

CALENDAR CALL

PRINT DATE: 07/30/2021

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Minutes Date: January 27, 1999

99C156246

PRINT DATE: 07/30/2021

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Minutes Date: January 27, 1999

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 21, 2000**

99C156246

The State of Nevada vs Alan D Daniels

July 21, 2000**9:00 AM****Calendar Call**

**CALENDAR CALL
(OVERFLOW FROM
DEPT. XIV)
SWEETIN //
WALTON // 5 DAYS
Court Clerk: JUDY
NORMAN
Reporter/Recorder:
MAUREEN
SCHORN Heard By:
Donald Mosley**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Daniels, Alan D

Defendant

Sweetin, James R.

Attorney

Walton, Stanley A.

Attorney

JOURNAL ENTRIES

- There being no Courtroom available, COURT ORDERED, matter referred to Department XIV for further proceedings.

CUSTODY

7/27/00 9:00 AM TRIAL SETTING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 27, 2000

99C156246

The State of Nevada vs Alan D Daniels

July 27, 2000

9:00 AM

Conversion Hearing Type

TRIAL SETTING
Court Clerk: LINDA SKINNER
Reporter/Recorder: MAUREEN SCHORN
Heard By: Donald Mosley

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Daniels, Alan D

Defendant

Fattig, John T

Attorney

Walton, Stanley A.

Attorney

JOURNAL ENTRIES

- Court noted this matter was previously set for trial, however, as no Courts were available, it was referred back to this Dept. As the 60-day rule has been WAIVED, COURT ORDERED, matter reset for trial in ordinary course.

NIC (COC)

2/6/01 9:30 AM CALENDAR CALL

2/12/01 1:00 PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 06, 2001**

99C156246

The State of Nevada vs Alan D Daniels

February 06, 2001**9:30 AM****Calendar Call**

CALENDAR CALL
Court Clerk: LINDA SKINNER
Reporter/Recorder: JOE D'AMATO
Heard By: Donald Mosley

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Daniels, Alan D

Defendant

Turner, Robert B.

Attorney

Walton, Stanley A.

Attorney

JOURNAL ENTRIES

- Mr. Turner advised he has a witness problem and requested to file MOTION TO CONTINUE IN OPEN COURT. Mr. Walton had no opposition to a continuance. COURT ORDERED, trial date VACATED and reset in ordinary course.

NIC (COC)

7/24/01 9:30 AM CALENDAR CALL

7/30/01 1:00 PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 24, 2001**

99C156246

The State of Nevada vs Alan D Daniels

July 24, 2001**9:30 AM****Calendar Call**

CALENDAR CALL
Relief Clerk: Connie
Kalski
Reporter/Recorder:
Maureen Schorn
Heard By: Donald
Mosley

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

PRESENT:	Daniels, Alan D	Defendant
	Turner, Robert B.	Attorney
	Walton, Stanley A.	Attorney

JOURNAL ENTRIES

- Mr. Walton requested a continuance as he was in trial last week and is picking a jury for another trial today. Further, Mr. Walton stated he believes the matter may negotiate. COURT ORDERED, trial date VACATED and matter set for status check.

NIC (COC)

8/28/01 9:00 AM STATUS CHECK: NEGOTIATIONS/TRIAL SETTING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 28, 2001

99C156246

The State of Nevada vs Alan D Daniels

August 28, 2001

9:00 AM

Status Check

STATUS CHECK:
TRIAL SETTING
Court Clerk: Linda
Skinner
Reporter/Recorder:
Maureen Schorn
Heard By: Donald
Mosley

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	Daniels, Alan D	Defendant
	Knapp, Gregory D.	Attorney
	Walton, Stanley A.	Attorney

JOURNAL ENTRIES

- Mr. Walton advised matter is close to being negotiated, however, requested matter be set for trial.
 COURT ORDERED, matter set for trial in ordinary course as defendant has WAIVED THE SIXTY-
 DAY RULE.

NIC (COC)

4/2/02 9:30 AM CALENDAR CALL

4/8/02 1:00 PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 02, 2002

99C156246

The State of Nevada vs Alan D Daniels

April 02, 2002

9:30 AM

Calendar Call

CALENDAR CALL
Relief Clerk: Connie
Kalski
Reporter/Recorder:
Maureen Schorn
Heard By: Donald
Mosley

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	Daniels, Alan D	Defendant
	Walton, Stanley A.	Attorney
	Zadrowski, Bernard B.	Attorney

JOURNAL ENTRIES

- Matter TRAILED for the presence of Mr. Walton.

Matter RECALLED with Mr. Walton present. Amended Indictment and Guilty Plea Agreement FILED IN OPEN COURT. NEGOTIATIONS: The State retains the right to argue the facts and circumstances but will not oppose concurrent time between all counts and Defendant's case C160684. Upon Court's inquiry, Defendant WITHDREW his not guilty plea, was ARRAIGNED AND PLED GUILTY to COUNT I - BURGLARY WHILE IN POSSESSION OF A FIREARM (F) and COUNT II - ROBBERY (F). Court ACCEPTED plea, referred matter to the Division of Parole and Probation and ORDERED, set for sentencing. FURTHER, trial date VACATED.

NIC (COC)

5/14/02 9:00 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 14, 2002

99C156246

The State of Nevada vs Alan D Daniels

May 14, 2002

9:00 AM

Sentencing

SENTENCING
Relief Clerk: Connie
Kalski
Reporter/Recorder:
Maureen Schorn
Heard By: Donald
Mosley

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	Daniels, Alan D	Defendant
	Lewis, Linda Y.	Attorney
	Walton, Stanley A.	Attorney

JOURNAL ENTRIES

- Officer Lorena Yonashiro of the Division of Parole and Probation present. DEFENDANT DANIELS ADJUDGED GUILTY of COUNT I - BURGLARY WHILE IN POSSESSION OF A FIREARM (F) and COUNT II - ROBBERY (F). Statements by counsel and Defendant. COURT ORDERED, in addition to the \$25 Administrative Assessment fee and \$3,400 in RESTITUTION, Defendant SENTENCED on COUNT I - to a MAXIMUM term of ONE-HUNDRED EIGHTY (180) MONTHS with a MINIMUM parole eligibility of THIRTY-FIVE (35) MONTHS and on COUNT II - to a MAXIMUM term of ONE-HUNDRED EIGHTY (180) MONTHS with a MINIMUM parole eligibility of THIRTY-FIVE (35) MONTHS in the Nevada Department of Corrections. Count II to run CONCURRENT with COUNT I; this sentence to run CONSECUTIVE to the sentence Defendant is currently serving. Defendant to receive 36 DAYS credit for time served.

NDC

PRINT DATE: 07/30/2021

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Minutes Date: January 27, 1999

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 07, 2003**

99C156246

The State of Nevada vs Alan D Daniels

January 07, 2003**9:00 AM****Motion**

**DEFT'S PRO PER
MTN DISCHARGE
ATTY/16 Court
Clerk: Linda Skinner
Reporter/Recorder:
Maureen Schorn
Heard By: Donald
Mosley**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Lewis, Linda Y.

Attorney

JOURNAL ENTRIES

- Court noted this is post conviction in nature and ORDERED, motion is GRANTED. Court directed Clerk to notify Mr. Walton to send the file to Defendant.

NDC

CLERK'S NOTE: 1/8/03 Clerk spoke with Carolina from Mr. Walton's Office and advised her of Court's ruling.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 18, 2003**

99C156246

The State of Nevada vs Alan D Daniels

February 18, 2003**9:00 AM****Motion**

**DEFT'S PRO PER
FOR REHEARING
OF MTN TO
DISCHARGE
ATTY/PRODUCTN
OF PAPER/DOCU/17
Court Clerk: Linda
Skinner Relief Clerk:
Judy McFadden/jm
Reporter/Recorder:
Maureen Schorn
Heard By: Mosley,
Donald M.**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Knapp, Gregory D.

Attorney

JOURNAL ENTRIES

- Court noted Mr. Walton is counsel in this matter and is presently in trial. COURT ORDERED,
matter CONTINUED.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 19, 2003**

99C156246

The State of Nevada vs Alan D Daniels

February 19, 2003**9:00 AM****Motion**

**DEFT'S PRO PER
FOR REHEARING
OF MTN TO
DISCHARGE
ATTY/PRODUCTN
OF PAPER/DOCU/17
Relief Clerk: Judy
McFadden
Reporter/Recorder:
Maureen Schorn
Heard By: Donald
Mosley**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Daniels, Alan D

Defendant

Saragosa, Melissa A.

Attorney

JOURNAL ENTRIES

- Mr. Walton advised the Court that he had sent the files to Deft. several months ago. MATTER
RESOLVED.
NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 08, 2003**

99C156246

The State of Nevada vs Alan D Daniels

April 08, 2003**9:00 AM****Motion**

**DEFT'S PRO PER
MTN FOR
TRANSCRIPTS/18
Court Clerk: Linda
Skinner
Reporter/Recorder:
Maureen Schorn
Heard By: Donald
Mosley**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Barker, David B.

Attorney

JOURNAL ENTRIES

- Court noted Defendant is asking for discovery from the Court and wants the Court to turn over transcripts. There being no need shown and not the practice of this Court, COURT ORDERED, Deft's motion is DENIED. Further, Court noted Mr. Walton was the previous attorney and he has sent the file to Defendant.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 20, 2003

99C156246

The State of Nevada vs Alan D Daniels

May 20, 2003

9:00 AM

All Pending Motions

**ALL PENDING
MOTIONS 5/20/03
Court Clerk: Linda
Skinner
Reporter/Recorder:
Joe D'Amato Heard
By: Donald Mosley**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT: Ponticello, Frank M. Attorney

JOURNAL ENTRIES

- DEFT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS...DEFT'S PRO PER MOTION FOR MODIFICATION OF SENTENCE

As to Deft's Pro Per Motion for Leave to Proceed in Forma Pauperis; COURT ORDERED, GRANTED. As to Deft's Pro Per Motion for Modification of Sentence: Court noted Defendant does not indicate where this Court would have jurisdiction; that he does not show material fact at the time of sentencing. Court reviewed the file and stated a writ would have been the proper vehicle for Defendant's allegations. Defendant stated he was not interviewed by Parole and Probation, however, Court noted that Defendant never made the Court aware that he was not. Defendant stated he had a problem with the text of the Pre-sentence Report. Defendant noted the State would not oppose concurrent time, however, the Court noted it is not to be bound by those negotiations. Court noted this motion has no merit and as this Court lacks jurisdiction, ORDERED, motion is DENIED.
NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 07, 2021**

99C156246

The State of Nevada vs Alan D Daniels

June 07, 2021**1:30 PM****Petition****Petition for Writ of
Prohibition****HEARD BY:** Delaney, Kathleen E.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** April Watkins**RECORDER:****REPORTER:** Bill Nelson**PARTIES****PRESENT:**Merback, William J.
State of NevadaAttorney
Plaintiff**JOURNAL ENTRIES**

- Due to time constraints, COURT ORDERED, matter CONTINUED.

NDC

CONTINUED TO: 6/9/2021 1:30 PM

CLERK'S NOTE: The above minute order has been distributed to: Alan Daniels, #63982, S.D.C.C.,
P.O. Box 208, Indian Springs, NV 89070. aw

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 09, 2021**

99C156246

The State of Nevada vs Alan D Daniels

June 09, 2021**1:30 PM****Petition****Petition for Writ of
Prohibition****HEARD BY:** Delaney, Kathleen E.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** April Watkins**RECORDER:****REPORTER:** Dana J. Tavaglione**PARTIES****PRESENT:**State of Nevada
Wong, Hetty O.Plaintiff
Attorney**JOURNAL ENTRIES**

- Due to time constraints, COURT ORDERED, matter CONTINUED.

NDC

CONTINUED TO: 6/30/2021 1:30 PM

CLERK'S NOTE: The above minute order has been distributed to: Alan Daniels, #63982, S.D.C.C.,
P.O. Box 208, Indian Springs, NV 89070. aw

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 30, 2021**

99C156246

The State of Nevada vs Alan D Daniels

June 30, 2021**1:30 PM****Petition****Petition for Writ of
Prohibition****HEARD BY:** Delaney, Kathleen E.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** April Watkins**RECORDER:****REPORTER:** Dana J. Tavaglione**PARTIES****PRESENT:**Jones, Jr., John T.
State of NevadaAttorney
Plaintiff**JOURNAL ENTRIES**

- Court noted the ask is that the Court grant or issue a Writ of Prohibition that would command the Nevada Department of Corrections (NDC) to seize and desist removing funds from the inmate account. Further, the Court is not taking any argument as the Court did not request Deft. to be transported and this matter is able to be reviewed and assessed by the Court on the briefs alone to determine if there is any basis to set a future evidentiary hearing or otherwise possible entitlement to relief. The Court FINDS there is no entitlement to relief because the Writ of Prohibition is not the correct mechanism to be utilized in these circumstances. Further, the Court is not persuaded by the argument today and the more accurate information is what the State has provided in Opposition that there are in fact other mechanisms by which the Deft. would need to seek relief from the Nevada Department of Corrections. Either through administrative remedies that he may avail himself of or civil lawsuit that would allege some form of conversion or trespass of property. Deft. also potentially could file a civil rights complaint under the 1983 action if he believes there is some action that is depriving him of a right or privilege that is protected by the Constitution or the law of the United States. The Court does not believe this Court has the authority and is too much of a stretch to say that this is a judicial function, now that Deft. is incarcerated in Nevada Department of Corrections, is engaging in their practices to take funds out to pay restitution that is somehow is something this Court would have jurisdiction to address on a Writ of Prohibition. The Court is declining for procedural reasons to treat this as a Writ of Prohibition properly filed and therefore,

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Minutes Date: January 27, 1999

99C156246

ORDERED, petition DENIED.

State to prepare order.

NDC

CLERK'S NOTE: The above minute order has been distributed to: Alan Daniels #63982, S.D.C.C.,
P.O. Box 208, Indian Springs, NV 89070. aw

Certification of Copy and Transmittal of Record

State of Nevada }
County of Clark } SS:

Pursuant to the Supreme Court order dated July 27, 2021, I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, do hereby certify that the foregoing is a true, full and correct copy of the complete trial court record for the case referenced below. The record comprises two volumes with pages numbered 1 through 276.

STATE OF NEVADA,

Plaintiff(s),

vs.

ALAN DEMETRIUS DANIELS,

Defendant(s),

Case No: 99C156246

Dept. No: XXV

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 30 day of July 2021.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

