

Steven D. Grierson

Jefferey German #92696
Southern Desert Correctional center
P.O. Box 208
Indian Springs, NV 89070

Electronically Filed
Jul 29 2021 03:45 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

District Court
Clark County, NEVADA

Jefferey German
Petitioner

Case No: C-14-300979-2
Dept No: XXIV

✓

State of NEVADA
Respondent

Notice of Appeal

Comes now, Petitioner, Jefferey German, herein above respectfully moves this Honorable Court for an notice of appeal to the Supreme Court of the State of NEVADA from the denial of petition for writ of Habeas Corpus (post-Conviction) which was denied by Honorable Judge Erika Ballou on June 17, 2021

This motion is made and based upon the accompanying Memorandum of points and Authorities

Dated: this notice July 19, 2021

CLERK OF THE COURT

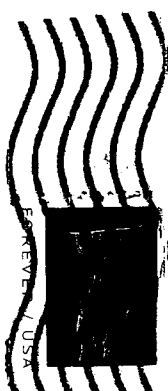
RECEIVED
JUL 26 2021

By Jefferey German
#92696

Defendant in proper personam

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Jefferey German # 92696
S.D.C.C
P.O. Box 268
Indian Springs Nv 89070

LAS VEGAS NV 890
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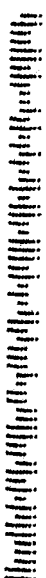


Clerk of the Court
266 Lewis Ave, 3rd Floor
Las Vegas NV 89155

RECEIVED
JUL 26 2021

CLERK OF THE COURT

89101-630000





ASTA

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

STATE OF NEVADA,

Plaintiff(s),

vs.

JEFFREY B. GERMAN
aka JEFFREY BERNARD GERMAN,

Defendant(s),

Case No: C-14-300979-2

Dept No: XXIV

CASE APPEAL STATEMENT

1. Appellant(s): Jefferey German

2. Judge: Erika Bailou

3. Appellant(s): Jefferey German

Counsel:

Jefferey German #92696
P.O. Box 208
Indian Springs, NV 89070

4. Respondent: The State of Nevada

Counsel:

Steven B. Wolfson, District Attorney
200 Lewis Ave.

Las Vegas, NV 89101
(702) 671-2700

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

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

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

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

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

9. Date Commenced in District Court: September 18, 2014

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

Type of Judgment or Order Being Appealed: Post-Conviction Relief

11. Previous Appeal: No

Supreme Court Docket Number(s): N/A

12. Child Custody or Visitation: N/A

Dated This 28 day of July 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: Jefferey German

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY**CASE NO. C-14-300979-2**

State of Nevada
vs
Jeffrey German

§ Location: **Department 24**
 § Judicial Officer: **Ballou, Erika**
 § Filed on: **09/18/2014**
 § Case Number History:
 § Cross-Reference Case **C300979**
 § Number:
 § Defendant's Scope ID #: **1602073**
 § ITAG Booking Number: **1400034590**
 § ITAG Case ID: **1610838**
 § Lower Court Case # Root: **14F10476**
 § Lower Court Case Number: **14F10476B**

CASE INFORMATION

Offense	Statute	Deg	Date	Case Type:	Felony/Gross Misdemeanor
1. ROBBERY WITH THE USE OF A DEADLY WEAPON <i>Filed As:</i> CONSPIRACY TO COMMIT ROBBERY Arrest: 07/02/2014	200.380 F	F 9/22/2014	06/30/2014	Case Status:	05/11/2015 Closed
2. CONSPIRACY TO COMMIT ROBBERY <i>Filed As:</i> ROBBERY WITH USE OF A DEADLY WEAPON	200.380 F	F 9/22/2014	06/30/2014		
3. COERCION	207.190.2a	F	06/30/2014		
4. CONSPIRACY TO COMMIT ROBBERY	200.380	F	06/30/2014		
5. ROBBERY	200.380	F	06/30/2014		
6. CONSPIRACY TO COMMIT ROBBERY	200.380	F	06/30/2014		
7. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	F	06/30/2014		
8. POSSESSION OF STOLEN PROPERTY	205.275.2b	F	06/30/2014		
9. POSSESSION OF CREDIT OR DEBIT CARD WITHOUT CARDHOLDER'S CONSENT	205.690	F	06/30/2014		
10. POSSESSION OF CREDIT OR DEBIT CARD WITHOUT CARDHOLDER/S CONSENT	205.690	F	06/30/2014		

Related Cases

A-21-829136-W (Writ Related Case)
 C-14-300979-1 (Multi-Defendant Case)
 C-14-300979-3 (Multi-Defendant Case)

Statistical Closures

05/11/2015 Guilty Plea with Sentence (before trial) (CR)

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

Case Number C-14-300979-2
 Court Department 24
 Date Assigned 01/04/2021
 Judicial Officer Ballou, Erika

PARTY INFORMATION

Defendant	German, Jeffrey B	<i>Lead Attorneys</i>
Plaintiff	State of Nevada	Pro Se Wolfson, Steven B












CASE SUMMARY

CASE NO. C-14-300979-2







702-671-2700(W)

DATE	EVENTS & ORDERS OF THE COURT	INDEX
	<u>EVENTS</u>	
09/18/2014	 Criminal Bindover <i>[1] Criminal Bindover</i>	<i>In #1</i>
09/22/2014	 Information <i>[2] Information</i>	<i>In #2</i>
10/02/2014	 Transcript of Proceedings <i>[3] Reporter's Transcript of Preliminary Hearing, September 17, 2014</i>	<i>In #3</i>
10/23/2014	 Writ <i>[4] Petition for Writ of Habeas Corpus</i>	<i>In #4</i>
11/05/2014	 Return <i>[5] Return to Writ of Habeas Corpus</i>	<i>In #5</i>
11/07/2014	 Notice of Rescheduling <i>[6] Notice Resetting Date and Time of Hearing</i>	<i>In #6</i>
12/02/2014	 Motion <i>[7] Motion for Own Recognizance Release or in the Alternative Motion to set Reasonable Bail</i>	<i>In #7</i>
12/03/2014	 Opposition <i>[8] State's Opposition to Defendant's Motion for Own Recognizance Release Or, In the Alternative, Motion to Set Reasonable Bail</i>	<i>In #8</i>
02/18/2015	 Notice of Witnesses and/or Expert Witnesses <i>[9] Notice of Expert Witnesses</i>	<i>In #9</i>
02/19/2015	 Notice of Witnesses and/or Expert Witnesses <i>[10] Notice of Witnesses</i>	<i>In #1</i>
03/16/2015	 Amended Information <i>[11] Amended Information</i>	<i>In #1</i>
03/16/2015	 Guilty Plea Agreement <i>[12]</i>	<i>In #1</i>
05/04/2015	 PSI <i>[13]</i>	<i>In #1</i>
05/04/2015	 PSI - Victim Impact Statements <i>[14]</i>	<i>In #1</i>

CASE SUMMARY
CASE NO. C-14-300979-2

05/11/2015	 Criminal Order to Statistically Close Case <i>[15] Criminal Order to Statistically Close Case</i>	In #1
05/12/2015	 Judgment of Conviction <i>[16] JUDGMENT OF CONVICTION (PLEA OF GUILTY)</i>	In #1
06/01/2015	 Recorders Transcript of Hearing <i>[17] Transcript of Proceedings: Calendar Call March 11, 2015</i>	In #1
06/01/2015	 Recorders Transcript of Hearing <i>[18] Transcript of Proceedings: Sentencing Counts 1 & 2 May 6, 2015</i>	In #1
06/26/2015	 Recorders Transcript of Hearing <i>[19] Transcript of Proceedings: Petition for Writ of Habeas Corpus November 19, 2014</i>	In #1
10/06/2015	 Motion <i>[20] Motion to Withdraw Counsel and Return of Records NRS 7.055</i>	In #2
05/12/2016	 Amended Judgment of Conviction <i>[21] AMENDED JUDGMENT OF CONVICTION (PLEA OF GUILTY)</i>	In #2
08/17/2016	 Notice of Motion <i>[22] Notice of Motion Motions for Modification of Sentence</i>	In #2
08/30/2016	 Opposition <i>[23] State's Opposition to Defendant's Motion for Modification of Sentence</i>	In #2
10/12/2016	 Order <i>[24] Order Denying Defendant's Motion of Modification of Sentence</i>	In #2
06/01/2020	 Motion to Modify Sentence Filed By: Defendant German, Jeffrey B <i>[25] Motion to Modify and/or Correct Illegal Sentence</i>	In #2
06/01/2020	 Certificate Filed By: Plaintiff State of Nevada <i>[26] Financial Certificate</i>	In #2
07/07/2020	 Order Denying Motion <i>[27] Order Denying Defendant's Motion to Modify and/or Correct Illegal Sentence</i>	In #2
01/04/2021	Case Reassigned to Department 24 <i>Judicial Reassignment to Judge Erika D. Ballou</i>	
03/16/2021	 Motion for Order Filed By: Defendant German, Jeffrey B <i>[28] Motion and Order for Transportation of Inmate for Court Appearance or in the Alternative for Appearance by Telephone or Video Conference</i>	In #2

CASE SUMMARY
CASE NO. C-14-300979-2

04/09/2021	 Order for Production of Inmate <i>[29] Order For Production of Inmate Jeffrey B. German, AKA Jeffery Bernard German, BAC #92696</i>	In #2
06/17/2021	 Findings of Fact, Conclusions of Law and Order <i>[30]</i>	In #2
06/25/2021	 Notice of Entry Filed By: Plaintiff State of Nevada <i>[31] Notice of Entry of Findings of Fact, Conclusions of Law and Order</i>	In #2
07/02/2021	 Notice of Entry Filed By: Plaintiff State of Nevada <i>[32] Amended Notice of Entry of Findings of Fact, Conclusions of Law and Order</i>	In #2
07/27/2021	 Notice of Appeal (Criminal) <i>[33] Notice of Appeal</i>	In #2
07/28/2021	 Case Appeal Statement Filed By: Defendant German, Jeffrey B <i>Case Appeal Statement</i>	In #2

DISPOSITIONS

03/11/2015	<p>Disposition (Judicial Officer: Miley, Stefany)</p> <p>3. COERCION Amended Information Filed/Charges Not Addressed PCN: Sequence:</p> <p>4. CONSPIRACY TO COMMIT ROBBERY Amended Information Filed/Charges Not Addressed PCN: Sequence:</p> <p>5. ROBBERY Amended Information Filed/Charges Not Addressed PCN: Sequence:</p> <p>6. CONSPIRACY TO COMMIT ROBBERY Amended Information Filed/Charges Not Addressed PCN: Sequence:</p> <p>7. ROBBERY WITH USE OF A DEADLY WEAPON Amended Information Filed/Charges Not Addressed PCN: Sequence:</p> <p>8. POSSESSION OF STOLEN PROPERTY Amended Information Filed/Charges Not Addressed PCN: Sequence:</p> <p>9. POSSESSION OF CREDIT OR DEBIT CARD WITHOUT CARDHOLDER'S CONSENT Amended Information Filed/Charges Not Addressed PCN: Sequence:</p> <p>10. POSSESSION OF CREDIT OR DEBIT CARD WITHOUT CARDHOLDER/S CONSENT Amended Information Filed/Charges Not Addressed PCN: Sequence:</p>	
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CASE SUMMARY
CASE NO. C-14-300979-2

03/11/2015

Plea (Judicial Officer: Miley, Stefany)

1. ROBBERY WITH THE USE OF A DEADLY WEAPON

Guilty

PCN: Sequence:

2. CONSPIRACY TO COMMIT ROBBERY

Guilty

PCN: Sequence:

3. COERCION

Charges Amended/Dropped

PCN: Sequence:

4. CONSPIRACY TO COMMIT ROBBERY

Charges Amended/Dropped

PCN: Sequence:

5. ROBBERY

Charges Amended/Dropped

PCN: Sequence:

6. CONSPIRACY TO COMMIT ROBBERY

Charges Amended/Dropped

PCN: Sequence:

7. ROBBERY WITH USE OF A DEADLY WEAPON

Charges Amended/Dropped

PCN: Sequence:

8. POSSESSION OF STOLEN PROPERTY

Charges Amended/Dropped

PCN: Sequence:

9. POSSESSION OF CREDIT OR DEBIT CARD WITHOUT CARDHOLDER'S CONSENT

Charges Amended/Dropped

PCN: Sequence:

10. POSSESSION OF CREDIT OR DEBIT CARD WITHOUT CARDHOLDER/S CONSENT

Charges Amended/Dropped

PCN: Sequence:

05/06/2015

Disposition (Judicial Officer: Miley, Stefany)

1. ROBBERY WITH THE USE OF A DEADLY WEAPON

Guilty

PCN: Sequence:

2. CONSPIRACY TO COMMIT ROBBERY

Guilty

PCN: Sequence:

05/06/2015

Adult Adjudication (Judicial Officer: Miley, Stefany)

1. ROBBERY WITH THE USE OF A DEADLY WEAPON

06/30/2014 (F) 200.380 (DC50138)

PCN: Sequence:

Sentenced to Nevada Dept. of Corrections

Term: Minimum:60 Months, Maximum:180 Months

Consecutive Enhancement:Use of a Deadly Weapon, Minimum:60 Months, Maximum:180 Months

CASE SUMMARY**CASE NO. C-14-300979-2**05/06/2015 **Adult Adjudication** (Judicial Officer: Miley, Stefany)

2. CONSPIRACY TO COMMIT ROBBERY

06/30/2014 (F) 200.380 (DC50147)

PCN: Sequence:

Sentenced to Nevada Dept. of Corrections

Term: Minimum:13 Months, Maximum:60 Months

Consecutive: Charge 1

Credit for Time Served: 309 Days

Other Fees

1. , \$880.00 To be paid Jointly and Severally with Co-Defendant

Fee Totals:

Administrative

Assessment Fee

25.00

\$25

Genetic Marker

Analysis AA Fee

3.00

\$3

Fee Totals \$

28.00

05/04/2016 **Amended Adult Adjudication** (Judicial Officer: Miley, Stefany) Reason: Amended

1. ROBBERY WITH THE USE OF A DEADLY WEAPON

06/30/2014 (F) 200.380 (DC50138)

PCN: Sequence:

Sentenced to Nevada Dept. of Corrections

Term: Minimum:60 Months, Maximum:180 Months

Consecutive Enhancement:Use of a Deadly Weapon, Minimum:60 Months, Maximum:180 Months

05/04/2016 **Amended Adult Adjudication** (Judicial Officer: Miley, Stefany) Reason: Amended

2. CONSPIRACY TO COMMIT ROBBERY

06/30/2014 (F) 200.380 (DC50147)

PCN: Sequence:

Sentenced to Nevada Dept. of Corrections

Term: Minimum:13 Months, Maximum:60 Months

Consecutive: Charge 1

Credit for Time Served: 309 Days

Other Fees

1. , \$880.00 To be paid Jointly and Severally with Co-Defendant

Fee Totals:

Administrative

Assessment Fee

25.00

\$25

Genetic Marker

Analysis AA Fee


3.00

\$3

Fee Totals \$

28.00

Comment (5/4/16 - Aggregate Sentence Removed. Imposed Sentence STANDS.)

HEARINGS09/23/2014  **Initial Arraignment** (1:00 PM) (Judicial Officer: De La Garza, Melisa)

Plea Entered;

Journal Entry Details:

*DEFT. GERMAN ARRAIGNED, PLED NOT GUILTY, and WAIVED the 60-DAY RULE. COURT ORDERED, matter set for trial. COURT FURTHER ORDERED, counsel has 21 days from the filing of the preliminary transcript to file any writs. CUSTODY 3/11/15 9:30 A.M. CALENDAR CALL (DEPT. 23) 3/16/15 1:00 P.M. JURY TRIAL (DEPT. 23) ;*11/19/2014  **Petition for Writ of Habeas Corpus** (11:00 AM) (Judicial Officer: Miley, Stefany)


Denied;

CASE SUMMARY

CASE NO. C-14-300979-2

Journal Entry Details:


Counsel joined in argument and submitted on the petition. Court finds slight or marginal evidence, noted all three Defts. were identified, pointed out items were located in the vehicle and ORDERED, petition DENIED. Trial date STANDS. CUSTODY ;

12/08/2014  **Motion for Own Recognizance Release/Setting Reasonable Bail** (9:30 AM) (Judicial Officer: Miley, Stefany)

Motion Denied;

Journal Entry Details:

Court noted bail currently set at \$60,000.00. Argument by counsel. State submitted on their response. Court stated its findings and ORDERED, motion DENIED. CUSTODY ;

03/11/2015  **Calendar Call** (9:30 AM) (Judicial Officer: Miley, Stefany)

Plea Entered;

Journal Entry Details:

Amended Information FILED IN OPEN COURT. NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. DEFT. GERMAN ARRAIGNED AND PLED GUILTY to COUNT 1 - ROBBERY WITH USE OF A DEADLY WEAPON (F) and COUNT 2 - CONSPIRACY TO COMMIT ROBBERY (F). Court ACCEPTED plea and ORDERED, matter referred to the Division of Parole and Probation (P & P) and set for sentencing. Colloquy regarding eyeglasses for Deft. while in custody. CUSTODY 05-06-15 9:30 AM SENTENCING COUNTS 1 & 2 ;

03/16/2015 **CANCELED Jury Trial** (1:00 PM) (Judicial Officer: Miley, Stefany)

Vacated


05/06/2015  **Sentencing** (9:30 AM) (Judicial Officer: Miley, Stefany)

Sentencing Counts 1 & 2

Defendant Sentenced; Sentencing Counts 1 & 2

Journal Entry Details:

Argument by the State. Argument by counsel. Statement by Deft. DEFT. GERMAN ADJUDGED GUILTY of COUNT 1 - ROBBERY WITH USE OF A DEADLY WEAPON (F) and COUNT 2 - CONSPIRACY TO COMMIT ROBBERY (F). COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, \$3.00 DNA Collection fee and \$880.00 Restitution to be paid Jointly and Severally, Deft. SENTENCED as to COUNT 1 -to a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS and MINIMUM of SIXTY (60) MONTHS in the Nevada Department of Corrections (NDC) plus a CONSECUTIVE sentence of MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS and a MINIMUM of SIXTY (60) MONTHS for the use of Deadly Weapon and COUNT 2 - to a MAXIMUM of SIXTY (60) MONTHS and MINIMUM of THIRTEEN (13) MONTHS in the Nevada Department of Correction (NDC) to run CONSECUTIVE to COUNT 1, with THREE HUNDRED NINE (309) DAYS credit for time served. The AGGREGATE TOTAL sentence is FOUR HUNDRED TWENTY (420) MONTHS with a MINIMUM of ONE HUNDRED THIRTY-THREE (133) MONTHS. FURTHER, \$150.00 DNA fee and testing are WAIVED. BOND, if any, EXONERATED. NDC CLERK'S NOTE: The above minute order has been amended to reflect the aggregate sentence. 05/07/15 kls ;

10/28/2015  **Motion** (9:30 AM) (Judicial Officer: Miley, Stefany)

Defendant's Motion to Withdraw Counsel and Return of Records NRS 7.055

Granted; Defendant's Motion to Withdraw Counsel and Return of Records NRS 7.055

Journal Entry Details:

Mr. Fischer advised a copy of discovery had been provided in February and noted entire file had been sent. COURT ORDERED, motion GRANTED. NDC CLERK'S NOTE: The above minute order has been distributed to: Jeffrey B. German #92696 c/o High Desert State Prison, P.O. Box 650, Indian Springs, NV 89018. 11/2/15 kls;


05/04/2016  **Status Check** (9:30 AM) (Judicial Officer: Miley, Stefany)

STATUS CHECK: NDOC CLARIFICATION

Matter Heard; STATUS CHECK: NDOC CLARIFICATION

Journal Entry Details:

Pursuant to Letter of Discrepancy from Nevada Department of Corrections noting case did not meet aggregate standards, COURT ORDERED, aggregate sentence REMOVED. FURTHER, previously imposed sentence STANDS. Clerk's Office to prepare Amended Judgment of Conviction. NDC;

09/07/2016  **Motion** (9:30 AM) (Judicial Officer: Miley, Stefany)

Defendant's Notice of Motion Motions for Modification of Sentence



Motion Denied; Defendant's Notice of Motion Motions for Modification of Sentence

Journal Entry Details:

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. C-14-300979-2

	<p><i>Court noted Deft. was not transported as no oral argument was needed. COURT ORDERED, motion DENIED as Deft. provided no information as to what was an extreme deterrent to Deft. Court FINDS Deft's claim of ineffectiveness of counsel and untrue evidence should have been addressed in a writ of habeas corpus, which should have been filed no later than May 12, 2016. Court FURTHER FINDS enhancement issue should have been addressed in appeal and stated there is no evidence of coercion. State to prepare the Order. NDC CLERK'S NOTE: The above minute order has been distributed to: Jeffrey B. German #92696 c/o Southern Desert Correctional Center, P.O. Box 208, Indian Springs, NV 89070. 09/28/16 kls;</i></p>
06/22/2020	<p> Motion to Modify Sentence (3:30 PM) (Judicial Officer: Miley, Stefany)</p> <p><i>Motion to Modify and/or Correct Illegal Sentence</i></p> <p>Denied; Motion to Modify and/or Correct Illegal Sentence</p> <p>Journal Entry Details:</p> <p><i>Court noted Deft. was not transported as no oral argument is needed. COURT ORDERED, motion DENIED as nothing new had been presented and there being no basis given for modification. State to prepare an order. NDC CLERK'S NOTE: The above minute order has been distributed to: Jeffrey B. German #92696 c/o Southern Desert Correctional Center, P.O. Box 208, Indian Springs, NV 89070. 07/01/20 kls;</i></p>
04/07/2021	<p> Motion for Order (8:30 AM) (Judicial Officer: Ballou, Erika)</p> <p><i>Motion and Order for Transportation of Inmate for Court Appearance or in the Alternative for Appearance by Telephone or Video Conference</i></p> <p>Granted;</p> <p>Journal Entry Details:</p> <p><i>David Stanton, Esq. present via Bluejeans video conference. Deft. not present. COURT ORDERED, instant Motion GRANTED; advised Mr. Stanton to prepare the Order. NDC CLERK'S NOTE: This Minute Order was mailed to: Jeffrey German #92696, P.O.Box 208 S.D.C.C., Indian Springs, Nevada, 89018.//rh04.08.2021;</i></p>

DATE

FINANCIAL INFORMATION

Defendant German, Jeffrey B	
Total Charges	35.50
Total Payments and Credits	7.50
Balance Due as of 7/28/2021	28.00

Heather S. Linn

CLERK OF THE COURT

FCL
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
KAREN MISHLER
Chief Deputy District Attorney
Nevada Bar #013730
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Respondent

**DISTRICT COURT
CLARK COUNTY, NEVADA**

JEFFREY GERMAN,
Aka Jeffrey B. German #1602073,

Petitioner,

CASE NO: A-21-829136-W

-vs-

C-14-300979-2

THE STATE OF NEVADA,

DEPT NO: XXIV

Respondent.

**FINDINGS OF FACT, CONCLUSIONS OF
LAW AND ORDER**

DATE OF HEARING: MAY 24, 2021
TIME OF HEARING: 8:30AM

THIS CAUSE having come on for hearing before the Honorable ERIKA BALLOU, District Judge, on the 24th day of Month, 2021, the Petitioner being present, PROCEEDING IN PROPER PERSON, the Respondent being represented by STEVEN B. WOLFSON, Clark County District Attorney, by and through SARAH OVERLY, Deputy District Attorney, and the Court having considered the matter, including briefs, transcripts, arguments of counsel, and documents on file herein, now therefore, the Court makes the following findings of fact and conclusions of law:

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1 **FINDINGS OF FACT, CONCLUSIONS OF LAW**

2 **STATEMENT OF THE CASE**

3 On September 22, 2014, the State charged Jeffrey German (hereinafter "Petitioner") by
4 way of Information with the following: Count 1 – Conspiracy to Commit Robbery (Category
5 B Felony – NRS 200.380, 199.480); Count 2 – Robbery with Use of a Deadly Weapon
6 (Category B Felony – NRS 100.380, 193.164); Count 4 – Conspiracy to Commit Robbery
7 (Category B Felony – NRS 200.380, 199.480); Count 6 – Conspiracy to Commit Robbery
8 (Category B Felony – NRS 200.380, 199.480); Count 7 – Robbery with Use of a Deadly
9 Weapon (Category B Felony – NRS 100.380, 193.164); Count 8 – Possession of Stolen
10 Property (Category C Felony – NRS 205.275); Count 9 – Possession of Credit or Debit Card
11 Without Cardholder's Consent (Category D Felony – NRS 205.690); and Count 10 –
12 Possession of Credit or Debit Card Without Cardholder's Consent (Category D Felony – NRS
13 205.690).¹

14 On March 16, 2015, the State filed an Amended Information charging Petitioner as
15 follows: Count 1 – Robbery with Use of a Deadly Weapon (Category B Felony – NRS 100.380,
16 193.164); and Count 2 – Conspiracy to Commit Robbery (Category B Felony – NRS 200.380,
17 199.480). The same day, Petitioner pleaded guilty to the two counts and signed a Guilty Plea
18 Agreement.

19 On May 6, 2015, the district court sentenced Petitioner as follows: Count 1 – a
20 maximum of one hundred eighty (180) months with a minimum parole eligibility of sixty (60)
21 months, plus a consecutive term of a maximum of one hundred eighty (180) months with a
22 minimum parole eligibility of sixty (60) months for the Use of a Deadly Weapon; and Count
23 2 – a maximum of sixty (60) months with a minimum parole eligibility of thirteen (13) months,
24 consecutive with Count 1. The total aggregate sentence was a maximum of four hundred
25 twenty (420) months and a minimum of one hundred thirty-three (133) months. Petitioner
26 received three hundred nine (309) days credit for time served. The Judgment of Conviction
27

28 ¹ Counts 3 and 5, omitted, only charged co-defendants.

1 was filed on May 12, 2015. On May 12, 2016, the district court filed an Amended Judgment
2 of Conviction, removing the total aggregate sentence from the Judgment.

3 On August 17, 2016, Petitioner filed a Motion for Modification of Sentence. The State
4 filed its Opposition on August 30, 2016. On August 7, 2016, the district court denied
5 Petitioner's Motion. The Order was filed on October 12, 2016.

6 Petitioner filed a second Motion to Modify/Correct Illegal Sentence on June 1, 2020.
7 The district court denied Petitioner's Motion on June 22, 2020. The Order was filed on July 7,
8 2020.

9 On February 9, 2021, Petitioner filed the instant Petition for Writ of Habeas Corpus
10 (Post-Conviction) (hereinafter "Second Petition") and Motion for Appointment of Attorney.
11 The State filed its Response on March 23, 2021. Following a hearing on May 24, 2021, this
12 Court finds and concludes as follows:

13 AUTHORITY

14 I. THIS PETITION IS TIME-BARRED

15 Petitioner's instant Petition for Writ of Habeas Corpus was not filed within one year of
16 the filing of the Judgment of Conviction. Thus, the Petition is time-barred. Pursuant to NRS
17 34.726(1):

18 Unless there is good cause shown for delay, a petition that
19 challenges the validity of a judgment or sentence must be filed
20 within 1 year of the entry of the judgment of conviction or, if an
21 appeal has been taken from the judgment, within 1 year after the
Supreme Court issues its remittitur. For the purposes of this
subsection, good cause for delay exists if the petitioner
demonstrates to the satisfaction of the court:

- 22 (a) That the delay is not the fault of the petitioner; and
23 (b) That dismissal of the petition as untimely will
unduly prejudice the petitioner.

24 The Nevada Supreme Court has held that NRS 34.726 should be construed by its plain
25 meaning. Pellegrini v. State, 117 Nev. 860, 873–74, 34 P.3d 519, 528 (2001). As per the
26 language of the statute, the one-year time bar proscribed by NRS 34.726 begins to run from
27 the date the judgment of conviction is filed or a remittitur from a timely direct appeal is filed.
28 Dickerson v. State, 114 Nev. 1084, 1087, 967 P.2d 1132, 1133–34 (1998).

1 The one-year time limit for preparing petitions for post-conviction relief under NRS
2 34.726 is strictly applied. In Gonzales v. State, 118 Nev. 590, 596, 53 P.3d 901, 904 (2002),
3 the Nevada Supreme Court rejected a habeas petition that was filed two (2) days late despite
4 evidence presented by the defendant that he purchased postage through the prison and mailed
5 the petition within the one-year time limit.

6 In the instant case, Petitioner's Judgment of Conviction was filed on May 12, 2015.
7 Petitioner's Amended Judgment of Conviction was filed on May 12, 2016. Petitioner filed the
8 instant Petition on February 9, 2021 – five years since the Amended Judgment of Conviction.
9 Thus, the instant Petition is time-barred. Absent a showing of good cause to excuse this delay,
10 the instant Petition is dismissed.

11 II. APPLICATION OF THE PROCEDURAL BARS IS MANDATORY

12 The Nevada Supreme Court has held that the district court has a *duty* to consider
13 whether a defendant's post-conviction petition claims are procedurally barred. State v. Eighth
14 Judicial Dist. Court (Riker), 121 Nev. 225, 231, 112 P.3d 1070, 1074 (2005). The Riker Court
15 found that “[a]pplication of the statutory procedural default rules to post-conviction habeas
16 petitions is mandatory,” noting:

17 Habeas corpus petitions that are filed many years after conviction
18 are an unreasonable burden on the criminal justice system. The
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20 Id. Additionally, the Court noted that procedural bars “cannot be ignored [by the district court]
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23 procedural bars; the rules *must* be applied.

24 This position was reaffirmed in State v. Greene, 129 Nev. 559, 307 P.3d 322 (2013).
25 There the Court ruled that the defendant's petition was “untimely, successive, and an abuse of
26 the writ” and that the defendant failed to show good cause and actual prejudice. Id. at 324, 307
27 P.3d at 326. Accordingly, the Court reversed the district court and ordered the defendant's
28 petition dismissed pursuant to the procedural bars. Id. at 324, 307 P.3d at 322–23.

1 The procedural bars are so fundamental to the post-conviction process that they must be
2 applied by this Court even if not raised by the State. See Riker, 121 Nev. at 231, 112 P.3d at
3 1074. Therefore, application of the procedural bars is mandatory.

4 III. PETITIONER CANNOT ESTABLISH GOOD CAUSE

5 A showing of good cause and prejudice may overcome procedural bars. However,
6 Petitioner cannot demonstrate good cause to explain why his Petition was untimely.

7 “To establish good cause, appellants must show that an impediment external to the
8 defense prevented their compliance with the applicable procedural rule. A qualifying
9 impediment might be shown where the factual or legal basis for a claim *was not reasonably*
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16 A petitioner raising good cause to excuse procedural bars must do so within a
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24 Further, to establish prejudice, the defendant must show “not merely that the errors of
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2 States v. Frady, 456 U.S. 152, 170, 102 S. Ct. 1584, 1596 (1982)).

3 In the instant case, Petitioner cannot demonstrate good cause to overcome the
4 mandatory procedural bars because he cannot demonstrate that this claim was not reasonably
5 available at the time of default. Clem, 119 Nev. at 621, 81 P.3d at 525. Petitioner fails to
6 address good cause and does not explain why he is now raising these issues five years later.
7 Because Petitioner cannot establish good cause to explain why his Petition was untimely, the
8 Petition is denied as time barred.

9 **IV. PETITIONER’S CLAIMS ARE WAIVED AND OUTSIDE THE SCOPE**
10 **OF A HABEAS PETITION BECAUSE PETITIONER PLED GUILTY**

11 Petitioner’s claims are waived because he failed to raise them on direct appeal. Petition,
12 at 7-9; NRS 34.724(2)(a); NRS 34.810(1)(a); Evans v. State, 117 Nev. 609, 646-47, 29 P.3d
13 498, 523 (2001); Franklin v. State, 110 Nev. 750, 752, 877 P.2d 1058, 1059 (1994),
14 disapproved on other grounds by Thomas v. State, 115 Nev. 148, 979 P.2d 222 (1999). Further,
15 these claims are outside the scope of habeas because Petitioner pleaded guilty. NRS
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18 the scope of a Petition.

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25 “A court must dismiss a habeas petition if it presents claims that either were or could
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28 Evans v. State, 117 Nev. 609, 646-47, 29 P.3d 498, 523 (2001).

1 **A. Deadly Weapon Enhancement**

2 Petitioner claims his deadly weapon enhancement is invalid. Petition, at 7-7a. In a
3 misguided attempt to support this claim, Petitioner cites United States v. Davis, 588 U.S. ___,
4 139 S. Ct. 2319 (2019). In Davis, the United States Supreme Court reviewed federal statute 18
5 U.S.C. § 924(c) and found it overly vague as to the wording “crime of violence.” 139 S. Ct. at
6 2324. This holding is inapplicable to the instant case. Petitioner cites to no other authority to
7 show his Deadly Weapon enhancement is invalid. Thus, this claim is entirely without support
8 and is dismissed.

9 **B. 14th Amendment Rights**

10 Petitioner claims his 14th and 9th amendment rights are being violated. Petition, at 8.
11 In addition to these claims being waived, Petitioner fails to provide any cogent argument or
12 specific facts to support this claim. Hargrove v. State, 100 Nev. 498, 502, 686 P.2d 222, 225
13 (1984). “Bare” and “naked” allegations are not sufficient, nor are those belied and repelled by
14 the record. Id. NRS 34.735(6) states in relevant part, “[Petitioner] *must* allege specific facts
15 supporting the claims in the petition[.] . . . Failure to allege specific facts rather than just
16 conclusions may cause your petition to be dismissed.” (emphasis added). Because Petitioner
17 has failed to put forth more than a bare and naked claim, this claim is dismissed.

18 **C. Deadly Weapon Enhancement**

19 Lastly, Petitioner claims that his Deadly Weapon enhancement was unconstitutional.
20 Petition, at 9. In addition to being waived, this claim is meritless. The Nevada Supreme Court
21 has repeatedly ruled that the deadly weapon enhancement does not violate double jeopardy.
22 Woofler v. O'Donnell, 91 Nev. 756, 761–62, 542 P.2d 1396, 1399–400 (1975); Nevada Dep't
23 Prisons v. Bowen, 103 Nev. 477, 479–81, 745 P.2d 697, 698–99 (1987). Further, Petitioner
24 agreed to the imposition of the deadly weapon enhancement in his guilty plea agreement.
25 Therefore, this claim is also without merit, and the instant Petition is dismissed.

26 //

27 //

28 //

1 **ORDER**

2 THEREFORE, IT IS HEREBY ORDERED that the Petition for Post-Conviction Relief
3 shall be, and it is, hereby denied.

4 DATED this 17 day of June, 2021.

Dated this 17th day of June, 2021

5 

6 DISTRICT JUDGE

69B B94 E0F5 7E61
Erika Ballou
District Court Judge

7 STEVEN B. WOLFSON
8 Clark County District Attorney
Nevada Bar #001565

9 BY  for #14741

10 KAREN MISHLER
11 Chief Deputy District Attorney
Nevada Bar #013730

12 **CERTIFICATE OF SERVICE**

13 I certify that on the 17th day of June, 2021, I mailed a copy of the foregoing
14 proposed Findings of Fact, Conclusions of Law, and Order to:
15

16 Jeffrey German, 92696
17 Post Office Box 208, SDGC
18 Indian Springs, Nevada 89070

19 BY 

20 Secretary for the District Attorney's Office
21
22
23
24
25
26
27
28

bs/clh/L3

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4		
5		
6	Jeffrey German, Plaintiff(s)	CASE NO: A-21-829136-W
7	vs.	DEPT. NO. Department 24
8	William Hutchings, Warden,	
9	Defendant(s)	

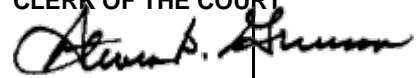
10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

15 Service Date: 6/17/2021

16	D A	motions@clarkcountynvda.com
17	Dept 24 Law Clerk	dept24lc@clarkcountycourts.us
18	AG 1	rgarate@ag.nv.gov
19	AG 2	aherr@ag.nv.gov

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NEO

**DISTRICT COURT
CLARK COUNTY, NEVADA**

JEFFREY GERMAN,

Petitioner,

vs.

THE STATE OF NEVADA,

Respondent,

Case No: C-14-300979-2

Dept No: XXIV

**NOTICE OF ENTRY OF FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER**

PLEASE TAKE NOTICE that on June 17, 2021, the court entered a decision or order in this matter, a true and correct copy of which is attached to this notice.

You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is mailed to you. This notice was mailed on June 25, 2021.

STEVEN D. GRIERSON, CLERK OF THE COURT

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk

CERTIFICATE OF E-SERVICE / MAILING

I hereby certify that on this 25 day of June 2021, I served a copy of this Notice of Entry on the following:

☒ By e-mail:

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

☒ The United States mail addressed as follows:

Jeffrey German # 92696
P.O. Box 208
Indain Springs, NV 89070

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk

Heather S. Linn
CLERK OF THE COURT

FCL
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
KAREN MISHLER
Chief Deputy District Attorney
Nevada Bar #013730
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Respondent

DISTRICT COURT
CLARK COUNTY, NEVADA

JEFFREY GERMAN,
Aka Jeffrey B. German #1602073,

Petitioner,

-vs-

THE STATE OF NEVADA,

Respondent.

CASE NO: A-21-829136-W

C-14-300979-2

DEPT NO: XXIV

**FINDINGS OF FACT, CONCLUSIONS OF
LAW AND ORDER**

DATE OF HEARING: MAY 24, 2021
TIME OF HEARING: 8:30AM

THIS CAUSE having come on for hearing before the Honorable ERIKA BALLOU, District Judge, on the 24th day of Month, 2021, the Petitioner being present, PROCEEDING IN PROPER PERSON, the Respondent being represented by STEVEN B. WOLFSON, Clark County District Attorney, by and through SARAH OVERLY, Deputy District Attorney, and the Court having considered the matter, including briefs, transcripts, arguments of counsel, and documents on file herein, now therefore, the Court makes the following findings of fact and conclusions of law:

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1 **FINDINGS OF FACT, CONCLUSIONS OF LAW**

2 **STATEMENT OF THE CASE**

3 On September 22, 2014, the State charged Jeffrey German (hereinafter "Petitioner") by
4 way of Information with the following: Count 1 – Conspiracy to Commit Robbery (Category
5 B Felony – NRS 200.380, 199.480); Count 2 – Robbery with Use of a Deadly Weapon
6 (Category B Felony – NRS 100.380, 193.164); Count 4 – Conspiracy to Commit Robbery
7 (Category B Felony – NRS 200.380, 199.480); Count 6 – Conspiracy to Commit Robbery
8 (Category B Felony – NRS 200.380, 199.480); Count 7 – Robbery with Use of a Deadly
9 Weapon (Category B Felony – NRS 100.380, 193.164); Count 8 – Possession of Stolen
10 Property (Category C Felony – NRS 205.275); Count 9 – Possession of Credit or Debit Card
11 Without Cardholder's Consent (Category D Felony – NRS 205.690); and Count 10 –
12 Possession of Credit or Debit Card Without Cardholder's Consent (Category D Felony – NRS
13 205.690).¹

14 On March 16, 2015, the State filed an Amended Information charging Petitioner as
15 follows: Count 1 – Robbery with Use of a Deadly Weapon (Category B Felony – NRS 100.380,
16 193.164); and Count 2 – Conspiracy to Commit Robbery (Category B Felony – NRS 200.380,
17 199.480). The same day, Petitioner pleaded guilty to the two counts and signed a Guilty Plea
18 Agreement.

19 On May 6, 2015, the district court sentenced Petitioner as follows: Count 1 – a
20 maximum of one hundred eighty (180) months with a minimum parole eligibility of sixty (60)
21 months, plus a consecutive term of a maximum of one hundred eighty (180) months with a
22 minimum parole eligibility of sixty (60) months for the Use of a Deadly Weapon; and Count
23 2 – a maximum of sixty (60) months with a minimum parole eligibility of thirteen (13) months,
24 consecutive with Count 1. The total aggregate sentence was a maximum of four hundred
25 twenty (420) months and a minimum of one hundred thirty-three (133) months. Petitioner
26 received three hundred nine (309) days credit for time served. The Judgment of Conviction
27

28 ¹ Counts 3 and 5, omitted, only charged co-defendants.

1 was filed on May 12, 2015. On May 12, 2016, the district court filed an Amended Judgment
2 of Conviction, removing the total aggregate sentence from the Judgment.

3 On August 17, 2016, Petitioner filed a Motion for Modification of Sentence. The State
4 filed its Opposition on August 30, 2016. On August 7, 2016, the district court denied
5 Petitioner's Motion. The Order was filed on October 12, 2016.

6 Petitioner filed a second Motion to Modify/Correct Illegal Sentence on June 1, 2020.
7 The district court denied Petitioner's Motion on June 22, 2020. The Order was filed on July 7,
8 2020.

9 On February 9, 2021, Petitioner filed the instant Petition for Writ of Habeas Corpus
10 (Post-Conviction) (hereinafter "Second Petition") and Motion for Appointment of Attorney.
11 The State filed its Response on March 23, 2021. Following a hearing on May 24, 2021, this
12 Court finds and concludes as follows:

13 **AUTHORITY**

14 **I. THIS PETITION IS TIME-BARRED**

15 Petitioner's instant Petition for Writ of Habeas Corpus was not filed within one year of
16 the filing of the Judgment of Conviction. Thus, the Petition is time-barred. Pursuant to NRS
17 34.726(1):

18 Unless there is good cause shown for delay, a petition that
19 challenges the validity of a judgment or sentence must be filed
20 within 1 year of the entry of the judgment of conviction or, if an
21 appeal has been taken from the judgment, within 1 year after the
Supreme Court issues its remittitur. For the purposes of this
subsection, good cause for delay exists if the petitioner
demonstrates to the satisfaction of the court:

- 22 (a) That the delay is not the fault of the petitioner; and
23 (b) That dismissal of the petition as untimely will
unduly prejudice the petitioner.

24 The Nevada Supreme Court has held that NRS 34.726 should be construed by its plain
25 meaning. Pellegrini v. State, 117 Nev. 860, 873–74, 34 P.3d 519, 528 (2001). As per the
26 language of the statute, the one-year time bar proscribed by NRS 34.726 begins to run from
27 the date the judgment of conviction is filed or a remittitur from a timely direct appeal is filed.
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1 The one-year time limit for preparing petitions for post-conviction relief under NRS
2 34.726 is strictly applied. In Gonzales v. State, 118 Nev. 590, 596, 53 P.3d 901, 904 (2002),
3 the Nevada Supreme Court rejected a habeas petition that was filed two (2) days late despite
4 evidence presented by the defendant that he purchased postage through the prison and mailed
5 the petition within the one-year time limit.

6 In the instant case, Petitioner's Judgment of Conviction was filed on May 12, 2015.
7 Petitioner's Amended Judgment of Conviction was filed on May 12, 2016. Petitioner filed the
8 instant Petition on February 9, 2021 – five years since the Amended Judgment of Conviction.
9 Thus, the instant Petition is time-barred. Absent a showing of good cause to excuse this delay,
10 the instant Petition is dismissed.

11 II. APPLICATION OF THE PROCEDURAL BARS IS MANDATORY

12 The Nevada Supreme Court has held that the district court has a *duty* to consider
13 whether a defendant's post-conviction petition claims are procedurally barred. State v. Eighth
14 Judicial Dist. Court (Riker), 121 Nev. 225, 231, 112 P.3d 1070, 1074 (2005). The Riker Court
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17 Habeas corpus petitions that are filed many years after conviction
18 are an unreasonable burden on the criminal justice system. The
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20 Id. Additionally, the Court noted that procedural bars “cannot be ignored [by the district court]
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22 has granted no discretion to the district courts regarding whether to apply the statutory
23 procedural bars; the rules *must* be applied.

24 This position was reaffirmed in State v. Greene, 129 Nev. 559, 307 P.3d 322 (2013).
25 There the Court ruled that the defendant's petition was “untimely, successive, and an abuse of
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27 P.3d at 326. Accordingly, the Court reversed the district court and ordered the defendant's
28 petition dismissed pursuant to the procedural bars. Id. at 324, 307 P.3d at 322–23.

1 The procedural bars are so fundamental to the post-conviction process that they must be
2 applied by this Court even if not raised by the State. See Riker, 121 Nev. at 231, 112 P.3d at
3 1074. Therefore, application of the procedural bars is mandatory.

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5 A showing of good cause and prejudice may overcome procedural bars. However,
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1 **A. Deadly Weapon Enhancement**

2 Petitioner claims his deadly weapon enhancement is invalid. Petition, at 7-7a. In a
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4 139 S. Ct. 2319 (2019). In Davis, the United States Supreme Court reviewed federal statute 18
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16 conclusions may cause your petition to be dismissed.” (emphasis added). Because Petitioner
17 has failed to put forth more than a bare and naked claim, this claim is dismissed.

18 **C. Deadly Weapon Enhancement**

19 Lastly, Petitioner claims that his Deadly Weapon enhancement was unconstitutional.
20 Petition, at 9. In addition to being waived, this claim is meritless. The Nevada Supreme Court
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24 agreed to the imposition of the deadly weapon enhancement in his guilty plea agreement.
25 Therefore, this claim is also without merit, and the instant Petition is dismissed.

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1 **ORDER**

2 THEREFORE, IT IS HEREBY ORDERED that the Petition for Post-Conviction Relief
3 shall be, and it is, hereby denied.

4 DATED this 17 day of June, 2021.

Dated this 17th day of June, 2021

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6 DISTRICT JUDGE

69B B94 E0F5 7E61
Erika Ballou
District Court Judge

7 STEVEN B. WOLFSON
8 Clark County District Attorney
Nevada Bar #001565

9 BY  for #14741

10 KAREN MISHLER
11 Chief Deputy District Attorney
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19 BY 

20 Secretary for the District Attorney's Office
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bs/clh/L3

1 **CSERV**

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3 DISTRICT COURT
CLARK COUNTY, NEVADA

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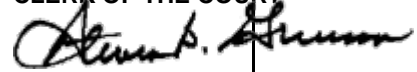
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11 **AUTOMATED CERTIFICATE OF SERVICE**

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

15 Service Date: 6/17/2021

16	D A	motions@clarkcountynvda.com
17	Dept 24 Law Clerk	dept24lc@clarkcountycourts.us
18	AG 1	rgarate@ag.nv.gov
19	AG 2	aherr@ag.nv.gov

20
21
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23
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NEO

**DISTRICT COURT
CLARK COUNTY, NEVADA**

JEFFREY GERMAN,

Petitioner,

vs.

THE STATE OF NEVADA,

Respondent,

Case No: C-14-300979-2

Dept No: XXIV

Amended

**AMENDED NOTICE OF ENTRY OF FINDINGS
OF FACT, CONCLUSIONS OF LAW AND
ORDER**

PLEASE TAKE NOTICE that on June 17, 2021, the court entered a decision or order in this matter, a true and correct copy of which is attached to this notice.

You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is mailed to you. This notice was mailed on July 2, 2021.

STEVEN D. GRIERSON, CLERK OF THE COURT

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk

CERTIFICATE OF E-SERVICE / MAILING

I hereby certify that on this 2 day of July 2021, I served a copy of this Notice of Entry on the following:

- ☒ By e-mail:
 - Clark County District Attorney's Office
 - Attorney General's Office – Appellate Division-
- ☒ The United States mail addressed as follows:
 - Jeffrey German # 92696
 - P.O. Box 208
 - Indain Springs, NV 89070

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk

Heather S. Linn

CLERK OF THE COURT

FCL
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
KAREN MISHLER
Chief Deputy District Attorney
Nevada Bar #013730
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Respondent

DISTRICT COURT
CLARK COUNTY, NEVADA

JEFFREY GERMAN,
Aka Jeffrey B. German #1602073,

Petitioner,

CASE NO: A-21-829136-W

-vs-

C-14-300979-2

THE STATE OF NEVADA,

DEPT NO: XXIV

Respondent.

**FINDINGS OF FACT, CONCLUSIONS OF
LAW AND ORDER**

DATE OF HEARING: MAY 24, 2021
TIME OF HEARING: 8:30AM

THIS CAUSE having come on for hearing before the Honorable ERIKA BALLOU, District Judge, on the 24th day of Month, 2021, the Petitioner being present, PROCEEDING IN PROPER PERSON, the Respondent being represented by STEVEN B. WOLFSON, Clark County District Attorney, by and through SARAH OVERLY, Deputy District Attorney, and the Court having considered the matter, including briefs, transcripts, arguments of counsel, and documents on file herein, now therefore, the Court makes the following findings of fact and conclusions of law:

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//

//

//

1 **FINDINGS OF FACT, CONCLUSIONS OF LAW**

2 **STATEMENT OF THE CASE**

3 On September 22, 2014, the State charged Jeffrey German (hereinafter "Petitioner") by
4 way of Information with the following: Count 1 – Conspiracy to Commit Robbery (Category
5 B Felony – NRS 200.380, 199.480); Count 2 – Robbery with Use of a Deadly Weapon
6 (Category B Felony – NRS 100.380, 193.164); Count 4 – Conspiracy to Commit Robbery
7 (Category B Felony – NRS 200.380, 199.480); Count 6 – Conspiracy to Commit Robbery
8 (Category B Felony – NRS 200.380, 199.480); Count 7 – Robbery with Use of a Deadly
9 Weapon (Category B Felony – NRS 100.380, 193.164); Count 8 – Possession of Stolen
10 Property (Category C Felony – NRS 205.275); Count 9 – Possession of Credit or Debit Card
11 Without Cardholder's Consent (Category D Felony – NRS 205.690); and Count 10 –
12 Possession of Credit or Debit Card Without Cardholder's Consent (Category D Felony – NRS
13 205.690).¹

14 On March 16, 2015, the State filed an Amended Information charging Petitioner as
15 follows: Count 1 – Robbery with Use of a Deadly Weapon (Category B Felony – NRS 100.380,
16 193.164); and Count 2 – Conspiracy to Commit Robbery (Category B Felony – NRS 200.380,
17 199.480). The same day, Petitioner pleaded guilty to the two counts and signed a Guilty Plea
18 Agreement.

19 On May 6, 2015, the district court sentenced Petitioner as follows: Count 1 – a
20 maximum of one hundred eighty (180) months with a minimum parole eligibility of sixty (60)
21 months, plus a consecutive term of a maximum of one hundred eighty (180) months with a
22 minimum parole eligibility of sixty (60) months for the Use of a Deadly Weapon; and Count
23 2 – a maximum of sixty (60) months with a minimum parole eligibility of thirteen (13) months,
24 consecutive with Count 1. The total aggregate sentence was a maximum of four hundred
25 twenty (420) months and a minimum of one hundred thirty-three (133) months. Petitioner
26 received three hundred nine (309) days credit for time served. The Judgment of Conviction
27

28 ¹ Counts 3 and 5, omitted, only charged co-defendants.

1 was filed on May 12, 2015. On May 12, 2016, the district court filed an Amended Judgment
2 of Conviction, removing the total aggregate sentence from the Judgment.

3 On August 17, 2016, Petitioner filed a Motion for Modification of Sentence. The State
4 filed its Opposition on August 30, 2016. On August 7, 2016, the district court denied
5 Petitioner's Motion. The Order was filed on October 12, 2016.

6 Petitioner filed a second Motion to Modify/Correct Illegal Sentence on June 1, 2020.
7 The district court denied Petitioner's Motion on June 22, 2020. The Order was filed on July 7,
8 2020.

9 On February 9, 2021, Petitioner filed the instant Petition for Writ of Habeas Corpus
10 (Post-Conviction) (hereinafter "Second Petition") and Motion for Appointment of Attorney.
11 The State filed its Response on March 23, 2021. Following a hearing on May 24, 2021, this
12 Court finds and concludes as follows:

13 AUTHORITY

14 I. THIS PETITION IS TIME-BARRED

15 Petitioner's instant Petition for Writ of Habeas Corpus was not filed within one year of
16 the filing of the Judgment of Conviction. Thus, the Petition is time-barred. Pursuant to NRS
17 34.726(1):

18 Unless there is good cause shown for delay, a petition that
19 challenges the validity of a judgment or sentence must be filed
20 within 1 year of the entry of the judgment of conviction or, if an
21 appeal has been taken from the judgment, within 1 year after the
Supreme Court issues its remittitur. For the purposes of this
subsection, good cause for delay exists if the petitioner
demonstrates to the satisfaction of the court:

- 22 (a) That the delay is not the fault of the petitioner; and
23 (b) That dismissal of the petition as untimely will
unduly prejudice the petitioner.

24 The Nevada Supreme Court has held that NRS 34.726 should be construed by its plain
25 meaning. Pellegrini v. State, 117 Nev. 860, 873–74, 34 P.3d 519, 528 (2001). As per the
26 language of the statute, the one-year time bar proscribed by NRS 34.726 begins to run from
27 the date the judgment of conviction is filed or a remittitur from a timely direct appeal is filed.
28 Dickerson v. State, 114 Nev. 1084, 1087, 967 P.2d 1132, 1133–34 (1998).

1 The one-year time limit for preparing petitions for post-conviction relief under NRS
2 34.726 is strictly applied. In Gonzales v. State, 118 Nev. 590, 596, 53 P.3d 901, 904 (2002),
3 the Nevada Supreme Court rejected a habeas petition that was filed two (2) days late despite
4 evidence presented by the defendant that he purchased postage through the prison and mailed
5 the petition within the one-year time limit.

6 In the instant case, Petitioner's Judgment of Conviction was filed on May 12, 2015.
7 Petitioner's Amended Judgment of Conviction was filed on May 12, 2016. Petitioner filed the
8 instant Petition on February 9, 2021 – five years since the Amended Judgment of Conviction.
9 Thus, the instant Petition is time-barred. Absent a showing of good cause to excuse this delay,
10 the instant Petition is dismissed.

11 II. APPLICATION OF THE PROCEDURAL BARS IS MANDATORY

12 The Nevada Supreme Court has held that the district court has a *duty* to consider
13 whether a defendant's post-conviction petition claims are procedurally barred. State v. Eighth
14 Judicial Dist. Court (Riker), 121 Nev. 225, 231, 112 P.3d 1070, 1074 (2005). The Riker Court
15 found that “[a]pplication of the statutory procedural default rules to post-conviction habeas
16 petitions is mandatory,” noting:

17 Habeas corpus petitions that are filed many years after conviction
18 are an unreasonable burden on the criminal justice system. The
19 necessity for a workable system dictates that there must exist a
time when a criminal conviction is final.

20 Id. Additionally, the Court noted that procedural bars “cannot be ignored [by the district court]
21 when properly raised by the State.” Id. at 233, 112 P.3d at 1075. The Nevada Supreme Court
22 has granted no discretion to the district courts regarding whether to apply the statutory
23 procedural bars; the rules *must* be applied.

24 This position was reaffirmed in State v. Greene, 129 Nev. 559, 307 P.3d 322 (2013).
25 There the Court ruled that the defendant's petition was “untimely, successive, and an abuse of
26 the writ” and that the defendant failed to show good cause and actual prejudice. Id. at 324, 307
27 P.3d at 326. Accordingly, the Court reversed the district court and ordered the defendant's
28 petition dismissed pursuant to the procedural bars. Id. at 324, 307 P.3d at 322–23.

1 The procedural bars are so fundamental to the post-conviction process that they must be
2 applied by this Court even if not raised by the State. See Riker, 121 Nev. at 231, 112 P.3d at
3 1074. Therefore, application of the procedural bars is mandatory.

4 III. PETITIONER CANNOT ESTABLISH GOOD CAUSE

5 A showing of good cause and prejudice may overcome procedural bars. However,
6 Petitioner cannot demonstrate good cause to explain why his Petition was untimely.

7 “To establish good cause, appellants must show that an impediment external to the
8 defense prevented their compliance with the applicable procedural rule. A qualifying
9 impediment might be shown where the factual or legal basis for a claim *was not reasonably*
10 *available at the time of default.*” Clem v. State, 119 Nev. 615, 621, 81 P.3d 521, 525 (2003)
11 (emphasis added). The Court continued, “appellants cannot attempt to manufacture good
12 cause[.]” Id. at 621, 81 P.3d at 526. Rather, to find good cause, there must be a “substantial
13 reason; one that affords a legal excuse.” Hathaway v. State, 119 Nev. 248, 252, 71 P.3d 503,
14 506 (2003) (quoting Colley v. State, 105 Nev. 235, 236, 773 P.2d 1229, 1230 (1989)). Any
15 delay in the filing of the petition must not be the fault of the petitioner. NRS 34.726(1)(a).

16 A petitioner raising good cause to excuse procedural bars must do so within a
17 reasonable time after the alleged good cause arises. See Pellegrini, 117 Nev. at 869–70, 34
18 P.3d at 525–26 (holding that the time bar in NRS 34.726 applies to successive petitions); see
19 generally Hathaway, 119 Nev. at 252–53, 71 P.3d at 506-07 (stating that a claim reasonably
20 available to the petitioner during the statutory time period did not constitute good cause to
21 excuse a delay in filing). A claim that is itself procedurally barred cannot constitute good
22 cause. Riker, 121 Nev. at 235, 112 P.3d at 1077; see also Edwards v. Carpenter, 529 U.S. 446,
23 453 120 S. Ct. 1587, 1592 (2000).

24 Further, to establish prejudice, the defendant must show “not merely that the errors of
25 [the proceedings] created possibility of prejudice, but that they worked to his actual and
26 substantial disadvantage, in affecting the state proceedings with error of constitutional
27
28

1 dimensions.” Hogan v. Warden, 109 Nev. 952, 960, 860 P.2d 710, 716 (1993) (quoting United
2 States v. Frady, 456 U.S. 152, 170, 102 S. Ct. 1584, 1596 (1982)).

3 In the instant case, Petitioner cannot demonstrate good cause to overcome the
4 mandatory procedural bars because he cannot demonstrate that this claim was not reasonably
5 available at the time of default. Clem, 119 Nev. at 621, 81 P.3d at 525. Petitioner fails to
6 address good cause and does not explain why he is now raising these issues five years later.
7 Because Petitioner cannot establish good cause to explain why his Petition was untimely, the
8 Petition is denied as time barred.

9 **IV. PETITIONER’S CLAIMS ARE WAIVED AND OUTSIDE THE SCOPE**
10 **OF A HABEAS PETITION BECAUSE PETITIONER PLED GUILTY**

11 Petitioner’s claims are waived because he failed to raise them on direct appeal. Petition,
12 at 7-9; NRS 34.724(2)(a); NRS 34.810(1)(a); Evans v. State, 117 Nev. 609, 646-47, 29 P.3d
13 498, 523 (2001); Franklin v. State, 110 Nev. 750, 752, 877 P.2d 1058, 1059 (1994),
14 disapproved on other grounds by Thomas v. State, 115 Nev. 148, 979 P.2d 222 (1999). Further,
15 these claims are outside the scope of habeas because Petitioner pleaded guilty. NRS
16 34.810(1)(a). His claims are limited to ineffective assistance of counsel at plea, or that his plea
17 was not knowingly and voluntarily entered. NRS 34.810(1)(a). Thus, these claims are outside
18 the scope of a Petition.

19 The Nevada Supreme Court has held that “challenges to the validity of a guilty plea and
20 claims of ineffective assistance of trial and appellate counsel must first be pursued in post-
21 conviction proceedings.... [A]ll other claims that are appropriate for a direct appeal must be
22 pursued on direct appeal, or they will be *considered waived in subsequent proceedings*.”
23 Franklin v. State, 110 Nev. 750, 752, 877 P.2d 1058, 1059 (1994) (emphasis added)
24 (disapproved on other grounds by Thomas v. State, 115 Nev. 148, 979 P.2d 222 (1999)).

25 “A court must dismiss a habeas petition if it presents claims that either were or could
26 have been presented in an earlier proceeding, unless the court finds both cause for failing to
27 present the claims earlier or for raising them again and actual prejudice to the petitioner.”
28 Evans v. State, 117 Nev. 609, 646-47, 29 P.3d 498, 523 (2001).

1 **A. Deadly Weapon Enhancement**

2 Petitioner claims his deadly weapon enhancement is invalid. Petition, at 7-7a. In a
3 misguided attempt to support this claim, Petitioner cites United States v. Davis, 588 U.S. ___,
4 139 S. Ct. 2319 (2019). In Davis, the United States Supreme Court reviewed federal statute 18
5 U.S.C. § 924(c) and found it overly vague as to the wording “crime of violence.” 139 S. Ct. at
6 2324. This holding is inapplicable to the instant case. Petitioner cites to no other authority to
7 show his Deadly Weapon enhancement is invalid. Thus, this claim is entirely without support
8 and is dismissed.

9 **B. 14th Amendment Rights**

10 Petitioner claims his 14th and 9th amendment rights are being violated. Petition, at 8.
11 In addition to these claims being waived, Petitioner fails to provide any cogent argument or
12 specific facts to support this claim. Hargrove v. State, 100 Nev. 498, 502, 686 P.2d 222, 225
13 (1984). “Bare” and “naked” allegations are not sufficient, nor are those belied and repelled by
14 the record. Id. NRS 34.735(6) states in relevant part, “[Petitioner] *must* allege specific facts
15 supporting the claims in the petition[.] . . . Failure to allege specific facts rather than just
16 conclusions may cause your petition to be dismissed.” (emphasis added). Because Petitioner
17 has failed to put forth more than a bare and naked claim, this claim is dismissed.

18 **C. Deadly Weapon Enhancement**

19 Lastly, Petitioner claims that his Deadly Weapon enhancement was unconstitutional.
20 Petition, at 9. In addition to being waived, this claim is meritless. The Nevada Supreme Court
21 has repeatedly ruled that the deadly weapon enhancement does not violate double jeopardy.
22 Woofler v. O'Donnell, 91 Nev. 756, 761–62, 542 P.2d 1396, 1399–400 (1975); Nevada Dep't
23 Prisons v. Bowen, 103 Nev. 477, 479–81, 745 P.2d 697, 698–99 (1987). Further, Petitioner
24 agreed to the imposition of the deadly weapon enhancement in his guilty plea agreement.
25 Therefore, this claim is also without merit, and the instant Petition is dismissed.

26 //

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28 //

1 **ORDER**

2 THEREFORE, IT IS HEREBY ORDERED that the Petition for Post-Conviction Relief
3 shall be, and it is, hereby denied.

4 DATED this 17 day of June, 2021.

Dated this 17th day of June, 2021

5 

6 DISTRICT JUDGE

69B B94 E0F5 7E61
Erika Ballou
District Court Judge

7 STEVEN B. WOLFSON
8 Clark County District Attorney
Nevada Bar #001565

9 BY  for #14741

10 KAREN MISHLER
11 Chief Deputy District Attorney
Nevada Bar #013730

12 **CERTIFICATE OF SERVICE**

13 I certify that on the 17th day of June, 2021, I mailed a copy of the foregoing
14 proposed Findings of Fact, Conclusions of Law, and Order to:
15

16 Jeffrey German, 92696
17 Post Office Box 208, SDGC
18 Indian Springs, Nevada 89070

19 BY 

20 Secretary for the District Attorney's Office
21
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bs/clh/L3

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4		
5		
6	Jeffrey German, Plaintiff(s)	CASE NO: A-21-829136-W
7	vs.	DEPT. NO. Department 24
8	William Hutchings, Warden,	
9	Defendant(s)	

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

15 Service Date: 6/17/2021

16	D A	motions@clarkcountyda.com
17	Dept 24 Law Clerk	dept24lc@clarkcountycourts.us
18	AG 1	rgarate@ag.nv.gov
19	AG 2	aherr@ag.nv.gov
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 23, 2014

C-14-300979-2 State of Nevada
 vs
 Jeffrey German

September 23, 2014 1:00 PM Initial Arraignment

HEARD BY: De La Garza, Melisa

COURTROOM: RJC Lower Level Arraignment

COURT CLERK: Roshonda Mayfield

RECORDER: Kiara Schmidt

REPORTER:

PARTIES

PRESENT:	DiGiacomo, Sandra	Attorney
	German, Jeffrey B	Defendant
	State of Nevada	Plaintiff
	Thomas, Byron E.	Attorney

JOURNAL ENTRIES

- DEFT. GERMAN ARRAIGNED, PLED NOT GUILTY, and WAIVED the 60-DAY RULE. COURT ORDERED, matter set for trial. COURT FURTHER ORDERED, counsel has 21 days from the filing of the preliminary transcript to file any writs.

CUSTODY

3/11/15 9:30 A.M. CALENDAR CALL (DEPT. 23)

3/16/15 1:00 P.M. JURY TRIAL (DEPT. 23)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 19, 2014

C-14-300979-2 State of Nevada
vs
Jeffrey German

**November 19, 2014 11:00 AM Petition for Writ of Habeas
Corpus**

HEARD BY: Miley, Stefany

COURTROOM: RJC Courtroom 12C

COURT CLERK: Katherine Streuber

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT:	Bateman, Caroline	Attorney
	Fischer, David R, ESQ	Attorney
	German, Jeffrey B	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Counsel joined in argument and submitted on the petition. Court finds slight or marginal evidence, noted all three Defts. were identified, pointed out items were located in the vehicle and ORDERED, petition DENIED. Trial date STANDS.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 08, 2014

C-14-300979-2 State of Nevada
vs
Jeffrey German

**December 08, 2014 9:30 AM Motion for Own
Recognizance
Release/Settting Reasonable
Bail**

HEARD BY: Miley, Stefany

COURTROOM: RJC Courtroom 12C

COURT CLERK: Katherine Streuber

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT:	Bateman, Samuel G.	Attorney
	Fischer, David R, ESQ	Attorney
	German, Jeffrey B	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Court noted bail currently set at \$60,000.00. Argument by counsel. State submitted on their response. Court stated its findings and ORDERED, motion DENIED.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 11, 2015

C-14-300979-2 State of Nevada
 vs
 Jeffrey German

March 11, 2015 9:30 AM Calendar Call

HEARD BY: Miley, Stefany **COURTROOM:** RJC Courtroom 12C

COURT CLERK: Katherine Streuber

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT:	Fischer, David R, ESQ	Attorney
	German, Jeffrey B	Defendant
	State of Nevada	Plaintiff
	Sudano, Michelle L.	Attorney

JOURNAL ENTRIES

- Amended Information FILED IN OPEN COURT. NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. DEFT. GERMAN ARRAIGNED AND PLED GUILTY to COUNT 1 - ROBBERY WITH USE OF A DEADLY WEAPON (F) and COUNT 2 - CONSPIRACY TO COMMIT ROBBERY (F). Court ACCEPTED plea and ORDERED, matter referred to the Division of Parole and Probation (P & P) and set for sentencing. Colloquy regarding eyeglasses for Deft. while in custody.

CUSTODY

05-06-15 9:30 AM SENTENCING COUNTS 1 & 2

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 06, 2015**

C-14-300979-2 State of Nevada
vs
Jeffrey German

May 06, 2015**9:30 AM****Sentencing****Sentencing Counts 1
& 2****HEARD BY:** Miley, Stefany**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Katherine Streuber**RECORDER:** Maria Garibay**REPORTER:****PARTIES**

PRESENT:	Cannizzaro, Nicole J.	Attorney
	Fischer, David R, ESQ	Attorney
	German, Jeffrey B	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Argument by the State. Argument by counsel. Statement by Deft. DEFT. GERMAN ADJUDGED GUILTY of COUNT 1 - ROBBERY WITH USE OF A DEADLY WEAPON (F) and COUNT 2 - CONSPIRACY TO COMMIT ROBBERY (F). COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, \$3.00 DNA Collection fee and \$880.00 Restitution to be paid Jointly and Severally, Deft. SENTENCED as to COUNT 1 -to a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS and MINIMUM of SIXTY (60) MONTHS in the Nevada Department of Corrections (NDC) plus a CONSECUTIVE sentence of MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS and a MINIMUM of SIXTY (60) MONTHS for the use of Deadly Weapon and COUNT 2 - to a MAXIMUM of SIXTY (60) MONTHS and MINIMUM of THIRTEEN (13) MONTHS in the Nevada Department of Correction (NDC) to run CONSECUTIVE to COUNT 1, with THREE HUNDRED NINE (309) DAYS credit for time served. The AGGREGATE TOTAL sentence is FOUR HUNDRED TWENTY (420) MONTHS with a MINIMUM of ONE HUNDRED THIRTY-THREE (133) MONTHS. FURTHER, \$150.00 DNA fee and testing are WAIVED. BOND, if any, EXONERATED.

NDC

CLERK'S NOTE: The above minute order has been amended to reflect the aggregate sentence.
05/07/15 kls

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 28, 2015

C-14-300979-2 State of Nevada
 vs
 Jeffrey German

**October 28, 2015 9:30 AM Motion Defendant's Motion
to Withdraw Counsel
and Return of
Records NRS 7.055**

HEARD BY: Miley, Stefany

COURTROOM: RJC Courtroom 12C

COURT CLERK: Katherine Streuber

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT: Fischer, David R, ESQ Attorney
 State of Nevada Plaintiff
 Zadrowski, Bernard B. Attorney

JOURNAL ENTRIES

- Mr. Fischer advised a copy of discovery had been provided in February and noted entire file had been sent. COURT ORDERED, motion GRANTED.

NDC

CLERK'S NOTE: The above minute order has been distributed to: Jeffrey B. German #92696 c/o High Desert State Prison, P.O. Box 650, Indian Springs, NV 89018. 11/2/15 kls

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 04, 2016**

C-14-300979-2 State of Nevada
vs
Jeffrey German

May 04, 2016**9:30 AM****Status Check**

**STATUS CHECK:
NDOC
CLARIFICATION**

HEARD BY: Miley, Stefany**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Katherine Streuber**RECORDER:** Maria Garibay**REPORTER:****PARTIES**

PRESENT: Cannizzaro, Nicole J. Attorney
State of Nevada Plaintiff

JOURNAL ENTRIES

- Pursuant to Letter of Discrepancy from Nevada Department of Corrections noting case did not meet aggregate standards, COURT ORDERED, aggregate sentence REMOVED. FURTHER, previously imposed sentence STANDS. Clerk's Office to prepare Amended Judgment of Conviction.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

C-14-300979-2 State of Nevada
vs
Jeffrey German

September 07, 2016	9:30 AM	Motion	Defendant's Notice of Motion Motions for Modification of Sentence
---------------------------	----------------	---------------	--------------------------------------------------------------------------------------

HEARD BY: Miley, Stefany**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Katherine Streuber**RECORDER:** Maria Garibay**REPORTER:****PARTIES**

PRESENT:	State of Nevada	Plaintiff
	Thoman, Charles W.	Attorney

JOURNAL ENTRIES

- Court noted Deft. was not transported as no oral argument was needed. COURT ORDERED, motion DENIED as Deft. provided no information as to what was an extreme detriment to Deft. Court FINDS Deft's claim of ineffectiveness of counsel and untrue evidence should have been addressed in a writ of habeas corpus, which should have been filed no later than May 12, 2016. Court FURTHER FINDS enhancement issue should have been addressed in appeal and stated there is no evidence of coercion. State to prepare the Order.

NDC

CLERK'S NOTE: The above minute order has been distributed to: Jeffrey B. German #92696 c/o Southern Desert Correctional Center, P.O. Box 208, Indian Springs, NV 89070. 09/28/16 kls

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 22, 2020

C-14-300979-2 State of Nevada
vs
Jeffrey German

June 22, 2020

3:30 PM

Motion to Modify Sentence

**Motion to Modify
and/or Correct Illegal
Sentence**

HEARD BY: Miley, Stefany

COURTROOM: RJC Courtroom 12C

COURT CLERK: Katherine Streuber

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT: Meng, Yu Attorney
State of Nevada Plaintiff

JOURNAL ENTRIES

- Court noted Deft. was not transported as no oral argument is needed. COURT ORDERED, motion DENIED as nothing new had been presented and there being no basis given for modification. State to prepare an order.

NDC

CLERK'S NOTE: The above minute order has been distributed to: Jeffrey B. German #92696 c/o Southern Desert Correctional Center, P.O. Box 208, Indian Springs, NV 89070. 07/01/20 kls

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 07, 2021

C-14-300979-2 State of Nevada
vs
Jeffrey German

April 07, 2021 8:30 AM Motion for Order

HEARD BY: Ballou, Erika **COURTROOM:** RJC Courtroom 12C

COURT CLERK: Ro'Shell Hurtado

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT: Stanton, David L. Attorney
State of Nevada Plaintiff

JOURNAL ENTRIES

- David Stanton, Esq. present via Bluejeans video conference. Deft. not present.

COURT ORDERED, instant Motion GRANTED; advised Mr. Stanton to prepare the Order.

NDC

CLERK'S NOTE: This Minute Order was mailed to: Jeffrey German #92696, P.O.Box 208 S.D.C.C., Indian Springs, Nevada, 89018.//rh04.08.2021

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; FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER; NOTICE OF
ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER; AMENDED NOTICE
OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER; DISTRICT COURT
MINUTES

STATE OF NEVADA,

Plaintiff(s),

vs.

JEFFREY B. GERMAN
aka JEFFREY BERNARD GERMAN,

Defendant(s).

Case No: C-14-300979-2

Dept No: XXIV

now on file and of record in this office.

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

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

