

CARY PICKETT #57591
PO. BOX 208
Indian Springs NV
89070

Electronically Filed
08/03/2021

Elizabeth A. Brown
CLERK OF THE COURT

DISTRICT COURT CLARK COUNTY NEVADA

THE STATE OF NEVADA

Plaintiff

CASE No. 10C262

DEPT No. III

Electronically Filed
Aug 04 2021 04:04 p.m.

Elizabeth A. Brown
Clerk of Supreme Court

CARY PICKETT

Defendant

NOTICE OF APPEAL

Come Now Cary Pickett in pro-per and submits his Notice of Appeal of the District Courts decision Denying his petition for Writ of Mandamus and Prohibition without explanation.

The District Court was specific in ordering restitution both jointly and severally with co-defendant and the NDOC has refused to jointly apply restitution, therefore the the Court has the authority to enforce the Defendants JOC and order the NDOC to apply restitution accordingly including a joint application with co-defendant as originally ordered.

DATED THIS 27TH DAY OF JULY 2021

Cary Pickett Defendant in pro-per

CERTIFICATE OF SERVICE

I Cary Pickett Certify that on July 27, 2021 I mailed a copy of the foregoing Notice of Appeal to:

STEVEN WOLFSON (CCDA)
200 LEWIS AVE
Las Vegas NV, 89155

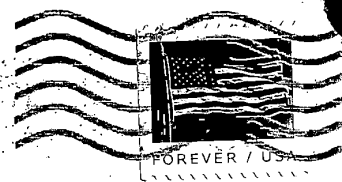
RECEIVED

AUG 02 2021

CLERK OF THE COURT

CARY PICKETT #5789,
P.O. Box 208
Indian Springs NV
89070

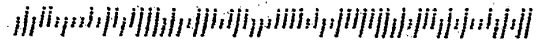
LAS VEGAS NV 890
29 JUL 2021 PM 4 L



CLERK OF THE 8th Judicial Dist Court
200 LEANS AVE
Las Vegas NV,
89155

RECEIVED
AUG - 2 2021
CLERK OF THE COURT

8910186300





1 ASTA
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6

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

10 STATE OF NEVADA,

11 Plaintiff(s),

12 vs.

13 CARY PICKETT aka CARY JERARD PICKETT,

14 Defendant(s),
15

Case No: 10C262523-2

Dept No: III

16
17 **CASE APPEAL STATEMENT**
18

19 1. Appellant(s): Cary Pickett

20 2. Judge: Monica Trujillo

21 3. Appellant(s): Cary Pickett

22 Counsel:

23 Cary Pickett #57591
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

(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: March 3, 2010

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

Type of Judgment or Order Being Appealed: Misc. Order

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 58191, 65037, 75042, 75468, 83187

12. Child Custody or Visitation: N/A

Dated This 4 day of August 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: Cary Pickett

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY**CASE NO. 10C262523-2**

State of Nevada
vs
Cary Pickett

§ Location: **Department 3**
 § Judicial Officer: **Trujillo, Monica**
 § Filed on: **03/03/2010**
 § Case Number History:
 § Cross-Reference Case **C262523**
 § Number:
 § Defendant's Scope ID #: **725059**
 § ITAG Booking Number: **1000008250**
 § ITAG Case ID: **1130575**
 § Lower Court Case # Root: **10F02742**
 § Lower Court Case Number: **10F02742B**
 § Supreme Court No.: **58191**
75042

CASE INFORMATION

Offense	Statute	Deg	Date	Case Type:	Felony/Gross Misdemeanor
1. BURGLARY WHILE IN POSSESSION OF A FIREARM	205.060	F	01/01/1900	Case Status:	02/14/2018 Closed
2. CONSPIRACY TO COMMIT ROBBERY	200.380	F	01/01/1900		
3. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	F	01/01/1900		
4. POSSESSION OF FIREARM BY EX-FELON	202.360	F	01/01/1900		

Related Cases

10C262523-1 (Multi-Defendant Case)
 A-20-817798-W (Writ Related Case)

Statistical Closures

02/14/2018 Other Manner of Disposition - Criminal
 05/11/2010 USJR Reporting Statistical Closure

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


Case Number 10C262523-2
 Court Department 3
 Date Assigned 01/04/2021
 Judicial Officer Trujillo, Monica

PARTY INFORMATION

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


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

03/03/2010

 Criminal Bindover
 [1]

Index #1

03/08/2010

 Information
 [3]

Index #3















CASE SUMMARY

CASE NO. 10C262523-2

03/10/2010	 Information [4]	Index #4
03/11/2010	 Guilty Plea Agreement [6]	Index #6
03/11/2010	 Guilty Plea Agreement [7]	Index #7
03/26/2010	 Order for Production of Inmate [8] <i>Order for Production of Inmates</i>	Index #8
05/04/2010	 PSI [38] <i>Pre-Sentence Investigation Report (Unfiled) Confidential</i>	Index #38
05/14/2010	 Judgment of Conviction [9] <i>Judgment of Conviction (Plea of Guilty)</i>	Index #9
05/19/2010	 Judgment of Conviction [13] <i>Judgment of Conviction (Plea of Guilty)</i>	Index #13
07/13/2010	 Reporters Transcript [16] <i>Transcript of Hearing Held on February 25, 2010</i>	Index #16
07/13/2010	 Reporters Transcript [17] <i>Transcript of Hearing Held on February 25, 2010</i>	Index #17
07/28/2010	 Amended Judgment of Conviction [18] <i>Amended Judgment of Conviction (Plea of Guilty)</i>	Index #18
09/24/2010	 Amended Judgment of Conviction [19] <i>Second Amended Judgment of Conviction (Plea of Guilty)</i>	Index #19
01/03/2011	 Motion to Withdraw As Counsel Filed By: Defendant Pickett, Cary J [20] <i>Motion to Withdraw as Attorney of Record</i>	Index #20
01/27/2011	 Petition for Writ of Habeas Corpus Filed by: Defendant Pickett, Cary J [21] <i>Petition for Writ of Habeas Corpus (Post-Conviction)</i>	Index #21
01/27/2011	 Brief Filed By: Defendant Pickett, Cary J [22] <i>Petitioner's Brief in Support of Petition for Writ of Habeas Corpus (Post Conviction)</i>	Index #22
01/27/2011	 Certificate Filed By: Defendant Pickett, Cary J [23] <i>Financial Certificate (Sealed)</i>	Index #23
01/27/2011	 Application to Proceed in Forma Pauperis Filed By: Defendant Pickett, Cary J [24] <i>Application to Proceed in Forma Pauperis (Sealed)</i>	Index #24















CASE SUMMARY

CASE NO. 10C262523-2

02/11/2011	 Order for Petition for Writ of Habeas Corpus [25]	Index #25
02/28/2011	 Recorders Transcript of Hearing Party: Plaintiff State of Nevada [26] Transcript of Hearing Held on March 11, 2010	Index #26
03/22/2011	 Response [27] State's Response to Defendant's Petition for Writ of Habeas Corpus (Post-Conviction)	Index #27
04/05/2011	 Reply Filed by: Defendant Pickett, Cary J [28] Petitioner's Reply to State's Response to Writ of Habeas Corpus (Post-Conviction)	Index #28
04/18/2011	 Notice of Appeal (Criminal) Party: Defendant Pickett, Cary J [29] Notice of Appeal	Index #29
04/18/2011	 Memorandum Filed By: Defendant Pickett, Cary J [30] Memorandum/Affidavit in Support of Appeal from Eighth Judicial District Court Writ of Habeas Corpus	Index #30
04/20/2011	 Case Appeal Statement [31]	Index #31
05/19/2011	 Findings of Fact, Conclusions of Law and Order Filed By: Plaintiff State of Nevada [32]	Index #32
05/31/2011	 Notice of Entry of Decision and Order [33]	Index #33
06/14/2011	 Notice of Appeal (Criminal) Party: Defendant Pickett, Cary J [34] Notice of Appeal	Index #34
06/17/2011	 Case Appeal Statement [35]	Index #35
08/26/2011	 Reporters Transcript Filed By: Plaintiff State of Nevada [36] Transcript of Hearing Held on May 10, 2010	Index #36
11/08/2011	 NV Supreme Court Clerks Certificate/Judgment - Affirmed [37] Nevada Supreme Court Clerk's Certificate Judgment - Affirmed	Index #37
01/05/2015	Case Reassigned to Department 19 District Court Case Reassignment 2015	
12/06/2017	 Motion to Modify Sentence Filed By: Defendant Pickett, Cary J	Index #39

CASE SUMMARY

CASE NO. 10C262523-2

	<i>[39] Motion for Modification of Sentence</i>	
12/28/2017	 Response Filed by: Plaintiff State of Nevada <i>[40] State's Response to Defendant's Motion to Modify Sentence</i>	Index #40
01/10/2018	 Order Denying Motion <i>[41] Order Denying Defendant's Pro Per Motion for Modification of Sentence</i>	Index #41
01/30/2018	 Notice of Appeal (Criminal) <i>[42] Notice of Appeal</i>	Index #42
01/30/2018	 Designation of Record on Appeal Filed By: Defendant Pickett, Cary J <i>[43]</i>	Index #43
02/01/2018	 Case Appeal Statement <i>[44]</i>	Index #44
02/14/2018	 Criminal Order to Statistically Close Case <i>[45]</i>	Index #45
11/20/2018	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>[46] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed; Rehearing Denied</i>	Index #46
09/21/2020	 Motion Filed By: Defendant Pickett, Cary J <i>[47] Request for an Order Vacating Restitution</i>	Index #47
10/08/2020	 Findings of Fact, Conclusions of Law and Order <i>[49]</i>	Index #49
10/09/2020	 Opposition <i>[48] State's Opposition to Defendant's Request for an Order Vacating Restitution</i>	Index #48
10/12/2020	 Motion Filed By: Defendant Pickett, Cary J <i>[50] Motion for a Retaining Order</i>	Index #50
10/12/2020	 Memorandum of Points and Authorities Filed By: Defendant Pickett, Cary J <i>[51]</i>	Index #51
10/13/2020	 Notice of Entry Filed By: Plaintiff State of Nevada <i>[52] Notice of Entry of Findings of Fact, Conclusions of Law and Order</i>	Index #52
10/15/2020	 Order Denying Filed By: Plaintiff State of Nevada <i>[53] Order Denying Defendant's Request for an Order Vacating Restitution</i>	Index #53
01/04/2021	Case Reassigned to Department 1	

CASE SUMMARY

CASE NO. 10C262523-2

Judicial Reassignment to Judge Bitu Yeager

01/04/2021

Case Reassigned to Department 3
Judicial Reassignment to Judge Monica Trujillo

03/30/2021

 Motion

Index #54

Filed By: Defendant Pickett, Cary J
[54] Request for a Rehearing of Request for an order Vacating Restitution/Request for a Restraining Order /Preliminary Injunction

04/16/2021

 Opposition

Index #55

[55] State's Opposition to Defendant's Request for an Order Vacating Restitution


06/16/2021

 Notice

Index #56

Filed By: Defendant Pickett, Cary J
[56] Judicial Notice

06/16/2021

 Petition for Writ of Mandamus

Index #57

Filed by: Defendant Pickett, Cary J
[57] Petition for Writ of Mandamus

06/24/2021

 Order Denying

Index #58

Filed By: Plaintiff State of Nevada
[58] Order Denying Defendant's Request for an Order Vacating Restitution

06/29/2021

 Opposition

Index #59

[59] State's Opposition to Petitioner's Petition for Writ of Mandamus and Prohibition

07/15/2021

 Order Denying

Index #60

[60] Order Denying Petitioner's Petition for Writ of Mandamus and Prohibition

08/03/2021

 Notice of Appeal (Criminal)

Index #61

Party: Defendant Pickett, Cary J
[61] Notice of Appeal

08/04/2021

 Case Appeal Statement

Index #62

Filed By: Defendant Pickett, Cary J
Case Appeal Statement

DISPOSITIONS

03/11/2010

Plea (Judicial Officer: Barker, David)

1. BURGLARY.

Guilty
PCN: Sequence:

2. ROBBERY

Guilty
PCN: Sequence:

3. ROBBERY

Guilty
PCN: Sequence:

4. EX-FELON NOT TO POSSESS FIREARM.

Guilty
PCN: Sequence:

CASE SUMMARY**CASE NO. 10C262523-2**

05/10/2010

Disposition (Judicial Officer: Barker, David)

1. BURGLARY WHILE IN POSSESSION OF A FIREARM

Guilty

PCN: Sequence:

2. CONSPIRACY TO COMMIT ROBBERY

Guilty

PCN: Sequence:

3. ROBBERY WITH USE OF A DEADLY WEAPON

Guilty

PCN: Sequence:

4. POSSESSION OF FIREARM BY EX-FELON

Guilty

PCN: Sequence:

05/10/2010

Adult Adjudication (Judicial Officer: Barker, David)

1. BURGLARY WHILE IN POSSESSION OF A FIREARM

01/01/1900 (F) 205.060 (205.060)

PCN: Sequence:

Sentenced to Nevada Dept. of Corrections

Term: Minimum:24 Months, Maximum:60 Months

05/10/2010

Adult Adjudication (Judicial Officer: Barker, David)

2. CONSPIRACY TO COMMIT ROBBERY

01/01/1900 (F) 200.380 (200.380)

PCN: Sequence:

Sentenced to Nevada Dept. of Corrections

Term: Minimum:24 Months, Maximum:60 Months

05/10/2010

Adult Adjudication (Judicial Officer: Barker, David)

3. ROBBERY WITH USE OF A DEADLY WEAPON

01/01/1900 (F) 200.380 (200.380)

PCN: Sequence:

Comment (05/10/10 - LARGE HABITUAL CRIMINAL STATUTE IMPOSED)

Sentenced to Nevada Dept. of Corrections

Term: Minimum:10 Years, Maximum:25 Years

Consecutive: Charge 1

05/10/2010

Adult Adjudication (Judicial Officer: Barker, David)

4. POSSESSION OF FIREARM BY EX-FELON

01/01/1900 (F) 202.360 (202.360)

PCN: Sequence:

Sentenced to Nevada Dept. of Corrections

Term: Minimum:24 Months, Maximum:60 Months

Concurrent: Charge 2

Credit for Time Served: 88 Days

Comments: \$25.ADM, (\$150.DNAF previously imposed)

Other Fees

1. , \$1,550.00 - Individual Restitution

2. , \$11,948.60 - To be paid jointly and severally with co-defendant

HEARINGS

03/11/2010

Initial Arraignment (10:30 AM)

CASE SUMMARY


CASE No. 10C262523-2

INITIAL ARRAIGNMENT Court Clerk: Karina Kennedy/klk/Sylvia Courtney
Reporter/Recorder: Kiara Schmidt Heard By: Kevin Williams
Matter Heard; INITIAL ARRAIGNMENT Court Clerk: Karina Kennedy/klk/Sylvia Courtney
Reporter/Recorder: Kiara Schmidt Heard By: Kevin Williams

Journal Entry Details:

AS TO DEFT DANIELS: Deft present and in custody. NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. DEFT. DANIELS ARRAIGNED AND PLED GUILTY TO CT-1-BURGLARY WHILE IN POSSESSION OF A FIREARM (F), CT-2-CONSPIRACY TO COMMIT ROBBERY (F), CT-3-ROBBERY WITH USE OF A DEADLY WEAPON (F) and CT-4-POSSESSION OF FIREARM BY EX-FELON (F). Court ACCEPTED plea and, ORDERED, matter referred to the Division of Parole and Probation (P&P) and set for SENTENCING. AS TO DEFT PICKETT: Deft present and in custody. NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. DEFT. PICKETT ARRAIGNED AND PLED GUILTY TO CT-1-BURGLARY WHILE IN POSSESSION OF A FIREARM (F), CT-2-CONSPIRACY TO COMMIT ROBBERY (F), CT-3-ROBBERY WITH USE OF A DEADLY WEAPON (F) and CT-4-POSSESSION OF FIREARM BY EX-FELON (F). Court ACCEPTED plea and, ORDERED, matter referred to the Division of Parole and Probation (P&P) and set for SENTENCING. CUSTODY(BOTH) 05.10.10 8:15 A.M. SENTENCING (DEPT 18)(BOTH) ;

05/10/2010

 **Sentencing (8:15 AM)** (Judicial Officer: Barker, David)


SENTENCING Court Clerk: Sharon Chun Reporter/Recorder: Richard Kangas Heard By: David Barker

Matter Heard; SENTENCING Court Clerk: Sharon Chun Reporter/Recorder: Richard Kangas Heard By: David Barker

Journal Entry Details:

The State lodged seven (7) certified copies of Deft Pickett's prior Judgments of Convictions in support of their request for Habitual Criminal enhancement. Exhibits were marked as State's Exhibits and admitted. COURT FOUND documents to be accurate and sufficient to support and FOUND DEFT PICKETT AN HABITUAL CRIMINAL pursuant to NRS 207.010. DEFT. PICKETT ADJUDGED GUILTY of COUNT 1 - BURGLARY WHILE IN POSSESSION OF A FIREARM (F); COUNT 2 - CONSPIRACY TO COMMIT ROBBERY (F); COUNT 3 - ROBBERY WITH USE OF A DEADLY WEAPON (F); AND COUNT 4 - POSSESSION OF FIREARM BY EX-FELON (F). In addition to the \$25.00 Administrative Assessment fee, COURT ORDERED, Deft Pickett to PAY RESTITUTION in the AMOUNT of \$11,948.60 JOINTLY and SEVERALLY with co-deft, an INDIVIDUAL RESTITUTION of \$1,550.00, and SENTENCED, as follows: COUNT 1 - A MAXIMUM of SIXTY (60) MONTHS and a MINIMUM of TWENTY-FOUR (24) MONTHS in the Nevada Department of Corrections (NDC); COUNT 2 - A MAXIMUM of SIXTY (60) MONTHS and a MINIMUM of TWENTY-FOUR (24) MONTHS in the Nevada Department of Corrections (NDC); COUNT 3 - Habitual Criminal Enhancement with a MAXIMUM term of TWENTY-FIVE (25) YEARS and a MINIMUM of TEN (10) YEARS in the NV Dept of Corrections, SENTENCE CONSECUTIVE TO COUNT 1; COUNT 4 - A MAXIMUM of SIXTY (60) MONTHS and a MINIMUM of TWENTY-FOUR (24) MONTHS in the Nevada Department of Corrections (NDC), CONCURRENT TO COUNT 2. COURT REITERATED that COUNTS 1 AND 3 ARE CONSECUTIVE and COUNTS 2 and 4 ARE CONCURRENT, with 88 DAYS CREDIT for time served. COURT FURTHER ORDERED, DNA fee and testing WAIVED, having been previously submitted. If bond, exonerated. 9/27/10-MINUTES CORRECTED TO REFLECT CORRECT DEFT'S NAME, AND THE SENTENCING MINUTE ORDER OF DEFT PICKETT HAS NOW BEEN SEPARATED FROM THE SENTENCING MINUTE ORDER OF DEFT DANIELS. /SSC;

01/19/2011

 **Motion to Withdraw as Counsel (8:15 AM)** (Judicial Officer: Barker, David)

Events: 01/03/2011 Motion to Withdraw As Counsel


Motion to Withdraw As Attorney of Record

Granted;

Journal Entry Details:







Upon review of the materials provided, COURT ORDERED, motion GRANTED pursuant to EDCR 7.40. Further, counsel is to forward a copy of the file to the Defendant and keep record of the contact. NDC CLERK'S NOTE: A copy of this minute order has been mailed to: #57591 P.O. Box 650 Indian Springs, Nevada 89070. (rm 1/20/11) ;

04/06/2011

 **Petition for Writ of Habeas Corpus (8:15 AM)** (Judicial Officer: Barker, David)

CASE SUMMARY

CASE NO. 10C262523-2

	<p>Events: 02/11/2011 Order for Petition for Writ of Habeas Corpus Denied; Journal Entry Details: <i>Court advised, the Defendant has filed a post conviction relief action under 4 grounds. Following review of the matter, COURT ORDERED, petition DENIED as there has been no supportive evidence provided for consideration. NDC CLERK'S NOTE: A copy of this minute order has been mailed to the Defendant at: High Desert State Prison #57591 P.O. BOX 650 Indian Springs, Nevada 89070. (rm 4/6/11) ;</i></p>
01/03/2018	<p> Motion to Modify Sentence (8:30 AM) (Judicial Officer: Kephart, William D.) <i>Defendant's Motion for Modification of Sentence</i> Denied; Journal Entry Details: <i>Court noted Defendant not present and in custody with the Nevada Department of Corrections. Court finds Defendant has failed to establish that the sentencing Judge relied on any misrepresentation and/or material mistake of fact at the time of sentencing. Further, the record indicates that the sentencing Judge followed the stipulated sentence which was negotiated between the parties and Defendant has failed to provide any information which would allow this Court to retain jurisdiction over the matter; therefore, COURT ORDERED, Motion DENIED. NDC CLERK'S NOTE: The above minute order has been distributed to: CARY PICKETT # 57591 NORTHERN NEVADA CORRECTIONAL CENTER PO BOX 7000 CARSON CITY, NV 89702;</i></p>
10/12/2020	<p> Motion (10:15 AM) (Judicial Officer: Kephart, William D.) <i>Request for an Order Vacating Restitution</i> Denied; Journal Entry Details: <i>Court noted Defendants not present and both in custody with the Nevada Department of Corrections. Court FINDS there is no authority vacate the restitution order nor have defendants provided any authority to support their request. COURT ORDERED, Motion DENIED consistent with State's opposition. NDC;</i></p>
11/02/2020	<p> Motion (10:15 AM) (Judicial Officer: Kephart, William D.) <i>Motion for a Retaining Order</i> Off Calendar; Journal Entry Details: <i>COURT ORDERED, Motion OFF CALENDAR as Defendant has failed to sever the Attorney General. NDC;</i></p>
04/21/2021	<p> Motion (8:30 AM) (Judicial Officer: Bonaventure, Joseph T.) <i>Request for a Rehearing of Request for an order Vacating Restitution/Request for a Restraining Order /Preliminary Injunction</i> Hearing Set; Journal Entry Details: <i>Court advised Defendant is requesting a hearing due to the Court not hearing the matter. COURT ORDERED, Request GRANTED; State's response DUE 6/2/21 and hearing thereafter. NDC 6/9/21 8:30 AM HEARING;</i></p>
06/09/2021	<p> Hearing (8:30 AM) (Judicial Officer: Trujillo, Monica) <i>REQUEST FOR AN ORDER VACATING RESTITUTION/REQUEST FOR A RESTRAINING ORDER /PRELIMINARY INJUNCTION -</i> Denied; Journal Entry Details: <i>COURT FINDS it lacks jurisdiction to change the sentence and the restitution, therefore, ORDERED, motion DENIED. State to prepare the order consistent with the Opposition. NDC CLERK'S NOTE: The above minute order has been distributed to: Cary Pickett #57591, P.O. Box 208, Indian Springs, Nevada 89070. 6/23/21 gs;</i></p>
07/07/2021	<p> Petition for Writ of Mandamus (8:30 AM) (Judicial Officer: Trujillo, Monica) Denied;</p>

CASE SUMMARY

CASE NO. 10C262523-2

Journal Entry Details:

COURT FINDS, this was not the proper vehicle to request the relief, therefore, petition DENIED. State to prepare the order. NDC;

DATE

FINANCIAL INFORMATION

Defendant Pickett, Cary J

Total Charges

25.00

Total Payments and Credits

25.00

Balance Due as of 8/4/2021

0.00

ORDR

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
BERNARD ZADROWSKI
Chief Deputy District Attorney
Nevada Bar #006545
200 Lewis Avenue
Las Vegas, NV 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

CARY PICKETT,
#0725059

Defendant.

CASE NO: 10C262523-2

DEPT NO: III

**ORDER DENYING PETITIONER'S PETITION FOR WRIT OF
MANDAMUS AND PROHIBITION**

DATE OF HEARING: July 07, 2021
TIME OF HEARING: 08:30 A.M.

THIS MATTER having come on for hearing before the above entitled Court on the 7th day of July, 2021, the Defendant not being present, IN PROPER PERSON, the Plaintiff being represented by STEVEN B. WOLFSON, District Attorney, through BERNARD ZADROWSKI, Chief Deputy District Attorney, and the Court without argument, based on the pleadings and good cause appearing therefor,

///

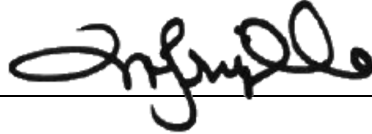
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1 IT IS HEREBY ORDERED that the Petitioner's Petition for Writ of Mandamus and
2 Prohibition, shall be, and it is DENIED. Dated this 15th day of July, 2021

3 
4 _____

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

2F8 C10 7E18 ECAB
Monica Trujillo
District Court Judge

8 BY /s/BERNARD ZADROWSKI
9 BERNARD ZADROWSKI
10 Chief Deputy District Attorney
11 Nevada Bar #006545

12 CERTIFICATE OF SERVICE

13 I certify that on the 14th day of July, 2021, I mailed a copy of the foregoing Order to:

14 CAREY PICKETT, BAC #57591
15 SOUTHERN DESERT CORRECTIONAL CENTER
16 P. O. BOX 208
17 INDIAN SPRINGS, NEVADA 89070-0208

18 BY /s/ J. HAYES
19 Secretary for the District Attorney's Office
20
21
22
23
24
25
26
27

28 10F02742B/jh/GCU

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 State of Nevada

CASE NO: 10C262523-2

7 vs

DEPT. NO. Department 3

8 Cary Pickett
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 7/15/2021

15 Dept 3 Law Clerk

dept03lc@clarkcountycourts.us

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 11, 2010**

10C262523-2

State of Nevada

vs

Cary Pickett

March 11, 2010**10:30 AM****Initial Arraignment**

**INITIAL
ARRAIGNMENT
Court Clerk: Karina
Kennedy/klk/Sylvia
Courtney
Reporter/Recorder:
Kiara Schmidt Heard
By: Kevin Williams**

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

Almase, Caesar V.
Pickett, Cary J
Robinson, Lynn M.

Attorney
Defendant
Attorney

JOURNAL ENTRIES

- AS TO DEFT DANIELS: Deft present and in custody. NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. DEFT. DANIELS ARRAIGNED AND PLED GUILTY TO CT-1-BURGLARY WHILE IN POSSESSION OF A FIREARM (F), CT-2-CONSPIRACY TO COMMIT ROBBERY (F), CT-3-ROBBERY WITH USE OF A DEADLY WEAPON (F) and CT-4-POSSESSION OF FIREARM BY EX-FELON (F). Court ACCEPTED plea and, ORDERED, matter referred to the Division of Parole and Probation (P&P) and set for SENTENCING.

AS TO DEFT PICKETT: Deft present and in custody. NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. DEFT. PICKETT ARRAIGNED AND PLED GUILTY TO

CT-1-BURGLARY WHILE IN POSSESSION OF A FIREARM (F), CT-2-CONSPIRACY TO COMMIT ROBBERY (F), CT-3-ROBBERY WITH USE OF A DEADLY WEAPON (F) and CT-4-POSSESSION OF FIREARM BY EX-FELON (F). Court ACCEPTED plea and, ORDERED, matter referred to the Division of Parole and Probation (P&P) and set for SENTENCING.

CUSTODY(BOTH)

05.10.10 8:15 A.M. SENTENCING (DEPT 18)(BOTH)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 10, 2010**

10C262523-2

State of Nevada

vs

Cary Pickett

May 10, 2010**8:15 AM****Sentencing**

SENTENCING
Court Clerk: Sharon Chun
Reporter/Recorder: Richard Kangas
Heard By: David Barker

HEARD BY: Barker, David**COURTROOM:** No Location**COURT CLERK:** Sharon Chun**RECORDER:** Richard Kangas**REPORTER:****PARTIES****PRESENT:**

Almase, Caesar V.
 Nelson III, Roy L.
 Pickett, Cary J

Attorney
 Attorney
 Defendant

JOURNAL ENTRIES

- The State lodged seven (7) certified copies of Deft Pickett's prior Judgments of Convictions in support of their request for Habitual Criminal enhancement. Exhibits were marked as State's Exhibits and admitted. COURT FOUND documents to be accurate and sufficient to support and FOUND DEFT PICKETT AN HABITUAL CRIMINAL pursuant to NRS 207.010.

DEFT. PICKETT ADJUDGED GUILTY of COUNT 1 - BURGLARY WHILE IN POSSESSION OF A FIREARM (F); COUNT 2 - CONSPIRACY TO COMMIT ROBBERY (F); COUNT 3 - ROBBERY WITH USE OF A DEADLY WEAPON (F); AND COUNT 4 - POSSESSION OF FIREARM BY EX-FELON (F).

In addition to the \$25.00 Administrative Assessment fee, COURT ORDERED, Deft Pickett to PAY

RESTITUTION in the AMOUNT of \$11,948.60 JOINTLY and SEVERALLY with co-deft, an INDIVIDUAL RESTITUTION of \$1,550.00, and SENTENCED, as follows:

COUNT 1 - A MAXIMUM of SIXTY (60) MONTHS and a MINIMUM of TWENTY-FOUR (24) MONTHS in the Nevada Department of Corrections (NDC);

COUNT 2 - A MAXIMUM of SIXTY (60) MONTHS and a MINIMUM of TWENTY-FOUR (24) MONTHS in the Nevada Department of Corrections (NDC);

COUNT 3 - Habitual Criminal Enhancement with a MAXIMUM term of TWENTY-FIVE (25) YEARS and a MINIMUM of TEN (10) YEARS in the NV Dept of Corrections, SENTENCE CONSECUTIVE TO COUNT 1;

COUNT 4 - A MAXIMUM of SIXTY (60) MONTHS and a MINIMUM of TWENTY-FOUR (24) MONTHS in the Nevada Department of Corrections (NDC), CONCURRENT TO COUNT 2.

COURT REITERATED that COUNTS 1 AND 3 ARE CONSECUTIVE and COUNTS 2 and 4 ARE CONCURRENT, with 88 DAYS CREDIT for time served.

COURT FURTHER ORDERED, DNA fee and testing WAIVED, having been previously submitted.

If bond, exonerated.

9/27/10-MINUTES CORRECTED TO REFLECT CORRECT DEFT'S NAME, AND THE SENTENCING MINUTE ORDER OF DEFT PICKETT HAS NOW BEEN SEPARATED FROM THE SENTENCING MINUTE ORDER OF DEFT DANIELS. /SSC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 19, 2011

10C262523-2 State of Nevada
vs
Cary Pickett

January 19, 2011	8:15 AM	Motion to Withdraw as Counsel
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HEARD BY: Barker, David

COURTROOM: RJC Courtroom 11B

COURT CLERK: Roshonda Mayfield

RECORDER: Richard Kangas

REPORTER:

PARTIES

PRESENT: Almase, Caesar V. Attorney

JOURNAL ENTRIES

- Upon review of the materials provided, COURT ORDERED, motion GRANTED pursuant to EDCR 7.40. Further, counsel is to forward a copy of the file to the Defendant and keep record of the contact.

NDC

CLERK'S NOTE: A copy of this minute order has been mailed to: #57591 P.O. Box 650 Indian Springs, Nevada 89070. (rm 1/20/11)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 06, 2011

10C262523-2 State of Nevada
vs
Cary Pickett

April 06, 2011 8:15 AM Petition for Writ of Habeas Corpus

HEARD BY: Barker, David

COURTROOM: RJC Courtroom 11B

COURT CLERK: Roshonda Mayfield

RECORDER: Richard Kangas

REPORTER:

PARTIES

PRESENT: Graham, Stephanie Attorney
State of Nevada Plaintiff

JOURNAL ENTRIES

- Court advised, the Defendant has filed a post conviction relief action under 4 grounds. Following review of the matter, COURT ORDERED, petition DENIED as there has been no supportive evidence provided for consideration.

NDC

CLERK'S NOTE: A copy of this minute order has been mailed to the Defendant at: High Desert State Prison #57591 P.O. BOX 650 Indian Springs, Nevada 89070. (rm 4/6/11)

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****October 12, 2020**

10C262523-2 State of Nevada
 vs
 Cary Pickett

October 12, 2020 10:15 AM Motion

HEARD BY: Kephart, William D.

COURTROOM: RJC Courtroom 16B

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT: State of Nevada Plaintiff
 Zadrowski, Bernard B. Attorney

JOURNAL ENTRIES

- Court noted Defendants not present and both in custody with the Nevada Department of Corrections. Court FINDS there is no authority vacate the restitution order nor have defendants provided any authority to support their request. COURT ORDERED, Motion DENIED consistent with State's opposition.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 02, 2020

10C262523-2 State of Nevada
 vs
 Cary Pickett

November 02, 2020 10:15 AM Motion

HEARD BY: Kephart, William D. **COURTROOM:** RJC Courtroom 16B

COURT CLERK: Tia Everett

RECORDER: Toshiana Pierson

REPORTER:

PARTIES

PRESENT: Brooks, Parker Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- COURT ORDERED, Motion OFF CALENDAR as Defendant has failed to sever the Attorney General.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 21, 2021**

10C262523-2 State of Nevada
 vs
 Cary Pickett

April 21, 2021**8:30 AM****Motion****HEARD BY:** Bonaventure, Joseph T.**COURTROOM:** RJC Courtroom 11C**COURT CLERK:** Louisa Garcia**RECORDER:** Gail Reiger**REPORTER:****PARTIES****PRESENT:**

Marland, Melanie H.
State of Nevada

Attorney
Plaintiff

JOURNAL ENTRIES

- Court advised Defendant is requesting a hearing due to the Court not hearing the matter. COURT ORDERED, Request GRANTED; State's response DUE 6/2/21 and hearing thereafter.

NDC

6/9/21 8:30 AM HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 09, 2021

10C262523-2 State of Nevada
vs
Cary Pickett

June 09, 2021 8:30 AM Hearing

HEARD BY: Trujillo, Monica **COURTROOM:** RJC Courtroom 11C

COURT CLERK: Grecia Snow

RECORDER: Rebeca Gomez

REPORTER:

PARTIES

PRESENT: State of Nevada Plaintiff
Zadrowski, Bernard B. Attorney

JOURNAL ENTRIES

- COURT FINDS it lacks jurisdiction to change the sentence and the restitution, therefore, ORDERED, motion DENIED. State to prepare the order consistent with the Opposition.

NDC

CLERK'S NOTE: The above minute order has been distributed to: Cary Pickett #57591, P.O. Box 208, Indian Springs, Nevada 89070. 6/23/21 gs

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****July 07, 2021**

10C262523-2 State of Nevada
 vs
 Cary Pickett

**July 07, 2021 8:30 AM Petition for Writ of
Mandamus**

HEARD BY: Trujillo, Monica**COURTROOM:** RJC Courtroom 11C**COURT CLERK:** Grecia Snow**RECORDER:** Rebeca Gomez**REPORTER:****PARTIES**

PRESENT: State of Nevada Plaintiff
 Zadrowski, Bernard B. Attorney

JOURNAL ENTRIES

- COURT FINDS, this was not the proper vehicle to request the relief, therefore, petition DENIED.
State to prepare the order.

NDC

EXHIBIT LIST

Sentencing 5-10-10
TRIAL OR HEARING DATE _____

Case No. <u>C 262523</u>	Clerk: Sharon Chun
Dept. <u>XVIII</u> Judge: <u>DAVID BARKER</u>	Recorder: Richard Kangas
Plt(s): <u>State of Nevada</u>	Plt's Counsel: <u>Roy Nelson</u>
vs	
Def(s): <u>Gary Gerald Piccetti</u>	Def's Counsel: <u>Caesar Almase</u>

EXHIBIT LIST FOR: State -

Exhibit No.	Description	Date Offered	Obj.	Adm.	Date Admitted
1	Certified Copy - Joc C226282; 2/21/07	5-10-10	-	✓	5-10-10
2	- C 145127, 10/17/97			✓	5-10-10
3	- C 143146, 10/17/97			✓	5-10-10
4	- C 119000, 7/28/94			✓	5-10-10
5	- C 109725, 12/10/93			✓	5-10-10
6	- C 107733X, 5/9/93			✓	5-10-10
7	- C 99915X, 6/24/91			✓	5-10-10
[All in Support of Habitual Criminal Enhancement]					

T:\DEPT 18\EXHIBIT LIST FORMS-GENERIC.doc



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

CARY PICKETT #57591
P.O. BOX 208
INDIAN SPRINGS, NV 89070

DATE: August 4, 2021
CASE: 10C262523-2

RE CASE: STATE OF NEVADA vs. CARY PICKETT aka CARY JERARD PICKETT

NOTICE OF APPEAL FILED: August 3, 2021

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

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

☐

Case Appeal Statement

- NRAP 3 (a)(1), Form 2

☐

Order

☒

Notice of Entry of Order

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

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

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

Certification of Copy

State of Nevada }
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT
DOCKET ENTRIES; ORDER DENYING PETITIONER'S PETITION FOR WRIT OF MANDAMUS
OR PROHIBITION; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

STATE OF NEVADA,

Plaintiff(s),

vs.

CARY PICKETT
aka CARY JERARD PICKETT,

Defendant(s).

Case No: 10C262523-2

Dept No: III

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 4 day of August 2021.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk