

NOASC  
Lisa A. Nash, Plaintiff  
1220 Roberson Lane  
Fallon, NV 89406  
Telephone: (775) 276-1752  
Self-Represented

Electronically Filed  
Sep 07 2021 03:33 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

*AFFIRMATION: The undersigned hereby affirms this document does not contain the social security number of any person.*

DISTRICT COURT  
CLARK COUNTY, NEVADA

LISA A. NASH,

Plaintiff,

Case No.: A-20-823213-W

vs.

Dept. No.: 25

STATE OF NEVADA,

Defendant.

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that LISA A. NASH, Plaintiff, In Pro Per, hereby appeals to the Supreme Court of Nevada from the Findings of Fact, Conclusions of Law, and Order, entered in this action on the 30th day of July, 2021. A Notice of Entry for said Order was filed on August 3, 2021.

DATED: This 2nd day of September, 2021.



LISA A. NASH  
Plaintiff, In Pro Per

1 CERTIFICATE OF SERVICE

2 Pursuant to NRCP 5(b), I certify that I am over the age of eighteen (18) years, am  
3 representing myself in this matter, and that I served a true and correct copy of the  
4 NOTICE OF APPEAL by the following:

5 [ X ] E-FILE: By electronically filing the foregoing with the Clerk of the Court  
6 by using the ECF system which will send a notice of electronic filing to  
7 the individual(s) listed below:

8 WILLIAM J. MERBACK  
9 Chief Deputy District Attorney  
10 Clark County District Attorney's Office

11 DATED: This 2nd day of September, 2021.

12 Lisa A Nash  
13 Lisa A. Nash  
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1 ASTA  
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6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**  
7 **STATE OF NEVADA IN AND FOR**  
8 **THE COUNTY OF CLARK**  
9

10 LISA A. NASH,

11 Plaintiff(s),

12 vs.

13 STATE OF NEVADA,

14 Defendant(s),  
15

Case No: A-20-823213-W

Dept No: XXV

16  
17 **CASE APPEAL STATEMENT**  
18

19 1. Appellant(s): Lisa A. Nash

20 2. Judge: Kahtleen Delaney

21 3. Appellant(s): Lisa A. Nash

22 Counsel:

23 Lisa A. Nash  
24 1220 Roberson Lane  
Fallon, NV 89406

25 4. Respondent (s): State of Nevada

26 Counsel:

27 Steven B. Wolfson, District Attorney  
28 200 Lewis Ave.  
Las Vegas, NV 89155-2212

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

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

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

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

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

8 \*\*Expires 1 year from date filed

9 Appellant Filed Application to Proceed in Forma Pauperis: Yes,  
10 Date Application(s) filed: September 2, 2021

11 9. Date Commenced in District Court: October 16, 2020

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

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

14 11. Previous Appeal: No

15 Supreme Court Docket Number(s): N/A

16 12. Child Custody or Visitation: N/A

17 13. Possibility of Settlement: Unknown

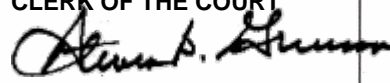
18 Dated This 3 day of September 2021.

19 Steven D. Grierson, Clerk of the Court

20  
21 /s/ Amanda Hampton

22 Amanda Hampton, Deputy Clerk  
23 200 Lewis Ave  
24 PO Box 551601  
25 Las Vegas, Nevada 89155-1601  
26 (702) 671-0512

27 cc: Lisa A. Nash  
28



ASTA

Lisa A. Nash, Plaintiff  
1220 Roberson Lane  
Fallon, NV 89406  
Telephone: (775) 276-1752  
Self-Represented

*AFFIRMATION: The undersigned hereby affirms this document does not contain the social security number of any person.*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

LISA A. NASH,

Plaintiff,

Case No.: A-20-823213-W

vs.

Dept. No.: 25

STATE OF NEVADA,

Defendant.

**CASE APPEAL STATEMENT**

1. Appellant: Lisa A. Nash, Self-Represented
2. Judge: The Honorable Kathleen Delaney
3. Name and Address of Appellant:  
  
Lisa A. Nash  
1220 Roberson Lane  
Fallon, NV 89406
4. Respondent:  
  
State of Nevada  
William J. Merback, Esq.  
Steve Wolfson, Esq.  
Clark County District Attorney's Office
5. Attorney for Appellant: Self-Represented
6. Date Proceedings Commenced: October 16, 2020
7. Brief Description of Nature of the Action and Result:

Plaintiff filed a Writ of Habeas Corpus due to ineffective assistance of counsel. At the time of filing, Plaintiff was not incarcerated and was no longer on

1 probation. The Writ was, however, timely filed. Petitioner argued that the Writ  
2 should be granted because she was restrained of her liberties due to collateral  
3 consequences. The Court disagreed; and the Writ was denied as Petitioner was  
4 no longer eligible because she was not imprisoned or on probation.

- 5
- 6 8. This case has not previously been the subject of an appeal to or original writ  
7 proceeding in the Nevada Supreme Court. However, the criminal matter to  
8 which this case is associated, C-15-308570-1, was the subject of an appeal.
- 9 9. This is a civil matter stemming from, and associated with, a criminal conviction.  
10 This case does not involve child custody or visitation.

11 DATED: This 2nd day of September, 2021.

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Lisa A Nash

LISA A. NASH  
Plaintiff, In Pro Per

**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that I am over the age of eighteen (18) years, am  
representing myself in this matter, and that I served a true and correct copy of the  
**NOTICE OF APPEAL** by the following:

- ☒ **E-FILE:** By electronically filing the foregoing with the Clerk of the Court  
by using the ECF system which will send a notice of electronic filing to  
the individual(s) listed below:

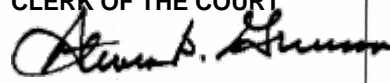
WILLIAM J. MERBACK  
Chief Deputy District Attorney  
Clark County District Attorney's Office

DATED: This 2nd day of September, 2021.

Lisa A Nash

Lisa A. Nash





1 REQT

2 Lisa A. Nash, Plaintiff  
3 1220 Roberson Lane  
4 Fallon, NV 89406  
5 Telephone: (775) 276-1752  
6 Self-Represented

7 *AFFIRMATION: The undersigned hereby affirms this document does*  
8 *not contain the social security number of any person.*

9 **DISTRICT COURT**  
10 **CLARK COUNTY, NEVADA**

11 LISA A. NASH,

12 Plaintiff,

Case No.: A-20-823213-W

13 vs.

Dept. No.: 25

14 STATE OF NEVADA,

15 Defendant.  
16 \_\_\_\_\_/

17 **REQUEST FOR TRANSCRIPT**

18 TO: Court Reporter, Eighth Judicial District Court, Department 25

19 Plaintiff, LISA A. NASH, In Pro Per, hereby requests preparation of the transcript  
20 of the proceedings before this District Court as follows:

21 Judge: The Honorable Kathleen Delaney

22 Date of Hearing: May 19, 2021

23 Portions of the transcript requested: All

24 Number of copies requested: One (1)

25 DATED: This 2nd day of September, 2021.



26 LISA A. NASH  
27 Plaintiff, In Pro Per  
28


**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that I am over the age of eighteen (18) years, am representing myself in this matter, and that I served a true and correct copy of the NOTICE OF APPEAL by the following:

[ X ] **E-FILE:** By electronically filing the foregoing with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the individual(s) listed below:

WILLIAM J. MERBACK  
Chief Deputy District Attorney  
Clark County District Attorney's Office

DATED: This 2nd day of September, 2021.

  
\_\_\_\_\_  
Lisa A. Nash



## EIGHTH JUDICIAL DISTRICT COURT

# CASE SUMMARY

## CASE NO. A-20-823213-W

**Lisa Nash, Plaintiff(s)**  
**vs.**  
**The State of Nevada, Defendant(s)**

§  
§  
§  
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§

Location: **Department 25**  
 Judicial Officer: **Delaney, Kathleen E.**  
 Filed on: **10/16/2020**  
 Case Number History:  
 Cross-Reference Case Number: **A823213**

### CASE INFORMATION

**Related Cases**  
 C-15-308570-1 (Writ Related Case)

Case Type: **Writ of Habeas Corpus**

**Statistical Closures**  
 07/30/2021 Summary Judgment

Case Flags: **Appealed to Supreme Court**  
**Writ of Habeas Corpus**  
**NRS 34.730 Case**

### DATE

### CASE ASSIGNMENT

#### Current Case Assignment

Case Number A-20-823213-W  
 Court Department 25  
 Date Assigned 10/19/2020  
 Judicial Officer Delaney, Kathleen E.

### PARTY INFORMATION

**Plaintiff** **Nash, Lisa A**

*Lead Attorneys*  
**Wright, Mitchell C.**  
*Retained*  
 0000000000(W)







**Defendant** **The State of Nevada**

**Merback, William J.**  
*Retained*  
 7024554251(W)

### DATE

### EVENTS & ORDERS OF THE COURT

### INDEX

10/16/2020	 Inmate Filed - Petition for Writ of Habeas Corpus Party: Plaintiff Nash, Lisa A <i>[1] Petition for Writ of Habeas Corpus (Postconviction) Re: Ineffective Assistance of Counsel</i>
10/16/2020	 Motion Filed By: Plaintiff Nash, Lisa A <i>[2] Motion to Take Judicial Notice of the Criminal Case Record</i>
10/16/2020	 Request <i>[3] Request for Submission of Motion to Take Judicial Notice...</i>
10/21/2020	 Clerk's Notice of Nonconforming Document <i>[4] Clerk's Notice of Nonconforming Document</i>
11/20/2020	 Order for Petition for Writ of Habeas Corpus <i>[5] Order for Petition for Writ of Habeas Corpus</i>
12/08/2020	 Clerk's Notice of Hearing <i>[6] Notice of Hearing</i>
01/08/2021	

**CASE SUMMARY**  
**CASE NO. A-20-823213-W**

	 Notice of Appearance Party: Plaintiff Nash, Lisa A <i>[7] Notice of Appearance of Counsel</i>
04/13/2021	 Notice of Telephonic Hearing Filed by: Plaintiff Nash, Lisa A <i>[8] Request for Telephonic Appearance</i>
04/14/2021	 <b>Minute Order</b> (12:00 PM) (Judicial Officer: Delaney, Kathleen E.) <i>Minute Order Re-Setting Writ of Habeas Corpus and Motion to Take Judicial Notice</i>
05/17/2021	 Audiovisual Transmission Equipment Appearance Request Party: Plaintiff Nash, Lisa A <i>[9] AV Transmission Equipment Appearance Request and Consent</i>
05/19/2021	<b>Petition for Writ of Habeas Corpus</b> (3:00 PM) (Judicial Officer: Delaney, Kathleen E.)
05/19/2021	<b>Motion</b> (3:00 PM) (Judicial Officer: Delaney, Kathleen E.) <i>Plaintiff's Motion to Take Judicial Notice of the Criminal Case Record</i>
05/19/2021	 <b>All Pending Motions</b> (3:00 PM) (Judicial Officer: Delaney, Kathleen E.)
05/19/2021	 Reply to Opposition Filed by: Plaintiff Nash, Lisa A <i>[10] Reply to State's Opposition to Defendant's Petition for Post-Conviction Relief</i>
07/30/2021	 Findings of Fact, Conclusions of Law and Order <i>[11] Findings of Fact, Conclusions of Law and Order</i>
08/03/2021	 Notice of Entry of Findings of Fact, Conclusions of Law Filed By: Defendant The State of Nevada <i>[12] Notice of Entry of Findings of Fact, Conclusions of Law and Order</i>
09/02/2021	 Application to Proceed in Forma Pauperis Filed By: Plaintiff Nash, Lisa A <i>[13] Application to Proceed Informa Pauperis_Transcript Fees only</i>
09/02/2021	 Application to Proceed in Forma Pauperis Filed By: Plaintiff Nash, Lisa A <i>[14] Application to Proceed Informa Pauperis_Bond only</i>
09/02/2021	 Notice of Appeal (Criminal) Party: Plaintiff Nash, Lisa A <i>[15] Notice of Appeal</i>
09/02/2021	 Application to Proceed in Forma Pauperis Filed By: Plaintiff Nash, Lisa A <i>[16] Application to Proceed Informa Pauperis_Filing Fees only</i>
09/02/2021	 Case Appeal Statement Filed By: Plaintiff Nash, Lisa A <i>[17] Case Appeal Statement</i>
09/02/2021	

## CASE SUMMARY

CASE NO. A-20-823213-W



Request

Filed by: Plaintiff Nash, Lisa A

*[18] Request for Transcript*

09/03/2021



Clerk's Notice of Nonconforming Document

*[19] Clerk's Notice of Nonconforming Documents*

09/03/2021



Case Appeal Statement

Filed By: Plaintiff Nash, Lisa A

*Case Appeal Statement*

## DISTRICT COURT CIVIL COVER SHEET

CASE NO: A-20-823213-W

Department 25

Clark  
County, Nevada  
Case No. A-20-823213-W  
(Assigned by Clerk's Office)

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

Plaintiff(s) (name/address/phone):

Lisa A. Nash  
1220 Roberson Lane  
Fallon NV 89406  
(775) 276-1752

Defendant(s) (name/address/phone):

State of Nevada

Attorney (name/address/phone):

In Pro Per

Attorney (name/address/phone):

Clark County District Attorney  
200 Lewis Avenue  
Las Vegas NV 89101

**II. Nature of Controversy** (please select the one most applicable filing type below)**Civil Case Filing Types**

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

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

10-21-2020

Date

Lisa A. Nash

Signature of initiating party or representative

See other side for family-related case filings.

**FFCL**  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
TALEEN R. PANDUKHT  
Chief Deputy District Attorney  
Nevada Bar #005734  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
  
Plaintiff,  
  
-vs-  
  
LISA NASH, #7011167  
  
Defendant.

CASE NO: A-20-823213-W  
C-15-308570-1  
DEPT NO: XXV

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

DATE OF HEARING: May 19, 2021  
TIME OF HEARING: 3:00 pm

THIS CAUSE having come on for hearing before the Honorable KATHLEEN E. DELANEY, District Judge, on the 19th day of May, 2021, the Petitioner being present, represented by MITCHELL C. WRIGHT, the Respondent being represented by STEVEN B. WOLFSON, Clark County District Attorney, by and through WILLIAM J. MERBACK, Chief 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**

2 On September 15, 2017, Petitioner Lisa Nash was found guilty at jury trial of three  
3 (3) counts of Child Abuse, Neglect, or Endangerment (Category B Felony) and one (1) count  
4 of Battery Constituting Domestic Violence (Misdemeanor). At Petitioner's sentencing on  
5 April 23, 2018, she was sentenced to a minimum of nineteen (19) months and a maximum of  
6 forty-eight (48) months in the Nevada Department of Corrections (NDC) on the three (3)  
7 felony counts to run concurrently, which was suspended and she was placed on probation for  
8 an indeterminate period not to exceed three (3) years. She was given credit for time served  
9 on the misdemeanor count. The Judgment of Conviction was filed on May 7, 2018.

10 Petitioner appealed her conviction to the Nevada Supreme Court, but the Judgment of  
11 Conviction was affirmed on September 18, 2019, and Remittitur issued on October 14, 2019.  
12 On March 12, 2020, Petitioner was honorably discharged from probation.

13 On October 16, 2020, Petitioner filed a Petition for Writ of Habeas Corpus (Post-  
14 Conviction) and Motion to Take Judicial Notice of the Criminal Case Record in proper  
15 person. The State filed an Opposition on December 11, 2020. On January 8, 2021, Mitchell  
16 Wright, Esq. filed a Notice of Appearance of Counsel. On May 19, 2021, Petitioner filed a  
17 Reply.

18 **CONCLUSIONS OF LAW**

19 The ability to file a petition for post-conviction relief is authorized by NRS  
20 Chapter 34. NRS 34.360 provides: "Every person unlawfully committed, detained, confined  
21 or restrained of his or her liberty, under any pretense whatever, may prosecute a writ of  
22 habeas corpus to inquire into the cause of such imprisonment or restraint." Further,  
23 NRS 34.724(1) plainly states that a person "convicted of a crime and under sentence of death  
24 or imprisonment" may file a post-conviction petition for writ of habeas corpus to challenge  
25 the conviction, the sentence, or the computation of time served. The Nevada Constitution  
26 also provides, "[t]he District Courts and the Judges thereof shall also have power to issue  
27 writs of Habeas Corpus on petition by, or on behalf of any person who is held in actual  
28 custody in their respective districts, or who has suffered a criminal conviction in their

1 respective districts and *has not completed the sentence imposed pursuant to the judgment of*  
2 *conviction.*” Nev. Const. art. 6 § 6(1) (emphasis added).

3 The Nevada Supreme Court has held that “a post-conviction petition for a writ of  
4 habeas corpus cannot be filed by a petitioner who is no longer under a sentence of death or  
5 imprisonment for the conviction at issue.” Coleman v. State, 130 Nev. 190, 193, 321 P.3d  
6 863, 865-866 (2014); see NRS 34.724(1); see also Jackson v. State, 115 Nev. 21, 23, 973  
7 P.2d 241, 242 (1999) (concluding that a petitioner was not entitled to file a post-conviction  
8 petition for a writ of habeas corpus when he was no longer incarcerated pursuant to the  
9 judgment of conviction contested). The Court in Coleman determined that lifetime  
10 supervision does not constitute “imprisonment” under NRS 34.724(1), explaining that a  
11 sentence of imprisonment “is one that requires a person to be placed in a prison or some  
12 other place of confinement.” Id. at 193-194, 321 P.3d at 866; citing Black’s Law Dictionary  
13 825 (9th ed.2009) (defining “imprison”). The Court held, “a person who is subject only to  
14 lifetime supervision is not under a sentence of imprisonment within the meaning of NRS  
15 34.724(1) and therefore cannot file a post-conviction petition for a writ of habeas corpus to  
16 challenge his sentence.” Id. at 195, 321 P.3d at 867. However, the Nevada Supreme Court  
17 has determined that “a habeas petition challenging the validity of a judgment of conviction  
18 does *not* become moot when the petitioner, who was in custody at the time the petition was  
19 filed, is released from custody subsequent to the filing of the petition.” Martinez-Hernandez  
20 v. State, 132 Nev. 623, 627, 380 P.3d 861, 864 (2016) (emphasis added).

21 In this case, Petitioner was honorably discharged from probation on March 12, 2020.  
22 Petitioner did not file the instant Petition for Writ of Habeas Corpus (Post-Conviction) and  
23 Motion to Take Judicial Notice of the Criminal Case Record until On October 16, 2020,  
24 approximately six (6) months later. As Petitioner had already expired her sentence and been  
25 discharged from probation, she was no longer eligible to file a post-conviction petition for a  
26 writ of habeas corpus. This is not a case where Petitioner filed the instant Petition before she  
27 was released from imprisonment or probation pursuant to the instant Judgment of  
28 Conviction. Martinez-Hernandez, 132 Nev. at 627, 380 P.3d 864. Instead, Petitioner’s

1 sentence expired and she was released from probation approximately six (6) months prior to  
2 the filing of the instant Petition and Motion. Therefore, this Petition is hereby denied.

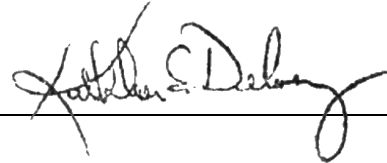
3 Further, because Post-Conviction Habeas matters are to be filed in the "A" case,  
4 which is then associated with the underlying criminal case, the criminal case, C308570, is  
5 hereby incorporated by reference, and the Petitioner's Motion to Take Judicial Notice of the  
6 Criminal Case Record is therefore moot.

7  
8 **ORDER**

9 IT IS ORDERED that the Petition for Writ of Habeas Corpus (Post-Conviction) is  
10 hereby DENIED.

11 IT IS FURTHER ORDERED that the Motion to Take Judicial Notice of the Criminal  
12 Case Record is DENIED as MOOT.

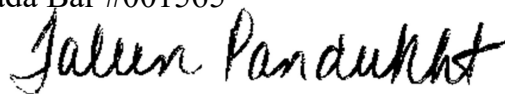
13 Dated this 30th day of July, 2021

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16  
17 **079 931 80CF 2F76**  
**Kathleen E. Delaney**  
**District Court Judge**

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

19  
20 BY



21 **TALEEN R. PANDUKHT**  
Chief Deputy District Attorney  
Nevada Bar #005734  
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CERTIFICATE OF SERVICE

I certify that on the 20th day of May, 2021, I emailed a copy of the foregoing proposed Findings of Fact, Conclusions of Law, and Order to:

MITCHELL C. WRIGHT  
mitchwright@wrightlawoffices.com

BY



\_\_\_\_\_  
TALEEN R. PANDUKHT  
Chief Deputy District Attorney  
Nevada Bar #005734

14F11585/TRP/mlb/SVU

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Lisa Nash, Plaintiff(s)

CASE NO: A-20-823213-W

7 vs.

DEPT. NO. Department 25

8 The State of Nevada,  
9 Defendant(s)

10  
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 If indicated below, a copy of the above mentioned filings were also served by mail  
15 via United States Postal Service, postage prepaid, to the parties listed below at their last  
16 known addresses on 8/2/2021

17 Mitchell Wright

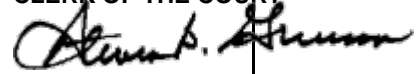
650 Hunter Place  
Reno, NV, 89509-0000

18 William Merback

200 Lewis Ave.  
P.O. Box 552212  
Las Vegas, NV, 89155

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1 NEFF

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3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5 LISA NASH,

6 Petitioner,

Case No: A-20-823213-W

Dept No: XXV

7 vs.

8 STATE OF NEVADA,

9 Respondent,

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

10  
11 PLEASE TAKE NOTICE that on July 30, 2021, the court entered a decision or order in this matter, a true  
12 and correct copy of which is attached to this notice.

13 You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you  
14 must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is mailed  
15 to you. This notice was mailed on August 3, 2021.

16 STEVEN D. GRIERSON, CLERK OF THE COURT

17 /s/ Amanda Hampton

Amanda Hampton, Deputy Clerk

18  
19 CERTIFICATE OF E-SERVICE / MAILING

20 I hereby certify that on this 3 day of August 2021, I served a copy of this Notice of Entry on the  
21 following:

22 ☒ By e-mail:

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

23  
24 ☒ The United States mail addressed as follows:

25 Lisa Nash  
1220 Roberson Ln.  
26 Fallon, NV 89406

Mithcell C. Wright, Esq.  
55 S. Maine St., Ste A  
Fallon, NV 89406

27  
28 /s/ Amanda Hampton

Amanda Hampton, Deputy Clerk

**FFCL**  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
TALEEN R. PANDUKHT  
Chief Deputy District Attorney  
Nevada Bar #005734  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
  
Plaintiff,  
  
-vs-  
  
LISA NASH, #7011167  
  
Defendant.

CASE NO: A-20-823213-W  
C-15-308570-1  
DEPT NO: XXV

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

DATE OF HEARING: May 19, 2021  
TIME OF HEARING: 3:00 pm

THIS CAUSE having come on for hearing before the Honorable KATHLEEN E. DELANEY, District Judge, on the 19th day of May, 2021, the Petitioner being present, represented by MITCHELL C. WRIGHT, the Respondent being represented by STEVEN B. WOLFSON, Clark County District Attorney, by and through WILLIAM J. MERBACK, Chief 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**

2 On September 15, 2017, Petitioner Lisa Nash was found guilty at jury trial of three  
3 (3) counts of Child Abuse, Neglect, or Endangerment (Category B Felony) and one (1) count  
4 of Battery Constituting Domestic Violence (Misdemeanor). At Petitioner's sentencing on  
5 April 23, 2018, she was sentenced to a minimum of nineteen (19) months and a maximum of  
6 forty-eight (48) months in the Nevada Department of Corrections (NDC) on the three (3)  
7 felony counts to run concurrently, which was suspended and she was placed on probation for  
8 an indeterminate period not to exceed three (3) years. She was given credit for time served  
9 on the misdemeanor count. The Judgment of Conviction was filed on May 7, 2018.

10 Petitioner appealed her conviction to the Nevada Supreme Court, but the Judgment of  
11 Conviction was affirmed on September 18, 2019, and Remittitur issued on October 14, 2019.  
12 On March 12, 2020, Petitioner was honorably discharged from probation.

13 On October 16, 2020, Petitioner filed a Petition for Writ of Habeas Corpus (Post-  
14 Conviction) and Motion to Take Judicial Notice of the Criminal Case Record in proper  
15 person. The State filed an Opposition on December 11, 2020. On January 8, 2021, Mitchell  
16 Wright, Esq. filed a Notice of Appearance of Counsel. On May 19, 2021, Petitioner filed a  
17 Reply.

18 **CONCLUSIONS OF LAW**

19 The ability to file a petition for post-conviction relief is authorized by NRS  
20 Chapter 34. NRS 34.360 provides: "Every person unlawfully committed, detained, confined  
21 or restrained of his or her liberty, under any pretense whatever, may prosecute a writ of  
22 habeas corpus to inquire into the cause of such imprisonment or restraint." Further,  
23 NRS 34.724(1) plainly states that a person "convicted of a crime and under sentence of death  
24 or imprisonment" may file a post-conviction petition for writ of habeas corpus to challenge  
25 the conviction, the sentence, or the computation of time served. The Nevada Constitution  
26 also provides, "[t]he District Courts and the Judges thereof shall also have power to issue  
27 writs of Habeas Corpus on petition by, or on behalf of any person who is held in actual  
28 custody in their respective districts, or who has suffered a criminal conviction in their

1    respective districts and *has not completed the sentence imposed pursuant to the judgment of*  
2    *conviction.*” Nev. Const. art. 6 § 6(1) (emphasis added).

3            The Nevada Supreme Court has held that “a post-conviction petition for a writ of  
4    habeas corpus cannot be filed by a petitioner who is no longer under a sentence of death or  
5    imprisonment for the conviction at issue.” Coleman v. State, 130 Nev. 190, 193, 321 P.3d  
6    863, 865-866 (2014); see NRS 34.724(1); see also Jackson v. State, 115 Nev. 21, 23, 973  
7    P.2d 241, 242 (1999) (concluding that a petitioner was not entitled to file a post-conviction  
8    petition for a writ of habeas corpus when he was no longer incarcerated pursuant to the  
9    judgment of conviction contested). The Court in Coleman determined that lifetime  
10   supervision does not constitute “imprisonment” under NRS 34.724(1), explaining that a  
11   sentence of imprisonment “is one that requires a person to be placed in a prison or some  
12   other place of confinement.” Id. at 193-194, 321 P.3d at 866; citing Black’s Law Dictionary  
13   825 (9th ed.2009) (defining “imprison”). The Court held, “a person who is subject only to  
14   lifetime supervision is not under a sentence of imprisonment within the meaning of NRS  
15   34.724(1) and therefore cannot file a post-conviction petition for a writ of habeas corpus to  
16   challenge his sentence.” Id. at 195, 321 P.3d at 867. However, the Nevada Supreme Court  
17   has determined that “a habeas petition challenging the validity of a judgment of conviction  
18   does *not* become moot when the petitioner, who was in custody at the time the petition was  
19   filed, is released from custody subsequent to the filing of the petition.” Martinez-Hernandez  
20   v. State, 132 Nev. 623, 627, 380 P.3d 861, 864 (2016) (emphasis added).

21            In this case, Petitioner was honorably discharged from probation on March 12, 2020.  
22   Petitioner did not file the instant Petition for Writ of Habeas Corpus (Post-Conviction) and  
23   Motion to Take Judicial Notice of the Criminal Case Record until On October 16, 2020,  
24   approximately six (6) months later. As Petitioner had already expired her sentence and been  
25   discharged from probation, she was no longer eligible to file a post-conviction petition for a  
26   writ of habeas corpus. This is not a case where Petitioner filed the instant Petition before she  
27   was released from imprisonment or probation pursuant to the instant Judgment of  
28   Conviction. Martinez-Hernandez, 132 Nev. at 627, 380 P.3d 864. Instead, Petitioner’s

1 sentence expired and she was released from probation approximately six (6) months prior to  
2 the filing of the instant Petition and Motion. Therefore, this Petition is hereby denied.

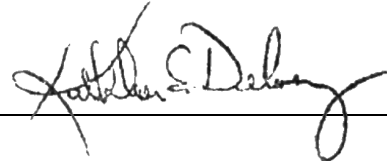
3 Further, because Post-Conviction Habeas matters are to be filed in the "A" case,  
4 which is then associated with the underlying criminal case, the criminal case, C308570, is  
5 hereby incorporated by reference, and the Petitioner's Motion to Take Judicial Notice of the  
6 Criminal Case Record is therefore moot.

7  
8 **ORDER**

9 IT IS ORDERED that the Petition for Writ of Habeas Corpus (Post-Conviction) is  
10 hereby DENIED.

11 IT IS FURTHER ORDERED that the Motion to Take Judicial Notice of the Criminal  
12 Case Record is DENIED as MOOT.

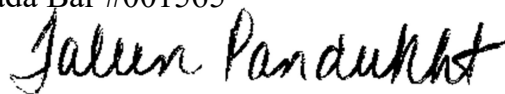
13 Dated this 30th day of July, 2021

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17 **079 931 80CF 2F76**  
**Kathleen E. Delaney**  
**District Court Judge**

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

19  
20 BY



21 **TALEEN R. PANDUKHT**  
Chief Deputy District Attorney  
Nevada Bar #005734  
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CERTIFICATE OF SERVICE

I certify that on the 20th day of May, 2021, I emailed a copy of the foregoing proposed Findings of Fact, Conclusions of Law, and Order to:

MITCHELL C. WRIGHT  
mitchwright@wrightlawoffices.com

BY



\_\_\_\_\_  
TALEEN R. PANDUKHT  
Chief Deputy District Attorney  
Nevada Bar #005734

14F11585/TRP/mlb/SVU

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

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5  
6 Lisa Nash, Plaintiff(s)

CASE NO: A-20-823213-W

7 vs.

DEPT. NO. Department 25

8 The State of Nevada,  
9 Defendant(s)

10  
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 If indicated below, a copy of the above mentioned filings were also served by mail  
15 via United States Postal Service, postage prepaid, to the parties listed below at their last  
16 known addresses on 8/2/2021

17 Mitchell Wright

650 Hunter Place  
Reno, NV, 89509-0000

18 William Merback

200 Lewis Ave.  
P.O. Box 552212  
Las Vegas, NV, 89155

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Writ of Habeas Corpus**

**COURT MINUTES**

**April 14, 2021**

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A-20-823213-W      Lisa Nash, Plaintiff(s)  
vs.  
The State of Nevada, Defendant(s)

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<b>April 14, 2021</b>	<b>12:00 AM</b>	<b>Minute Order</b>	<b>Minute Order Re- Setting Writ of Habeas Corpus and Motion to Take Judicial Notice</b>
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**HEARD BY:** Delaney, Kathleen E.

**COURTROOM:** Chambers

**COURT CLERK:** April Watkins

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- A Notice of Appearance having been filed by Mitchell C. Wright, Esq. confirming representation of Petitioner, Lisa Nash ( Petitioner ); the matter of the Petition for Writ of Habeas Corpus ( Petition ) having been previously continued at the request of Mr. Wright to permit supplemental briefing, with no opposition from the State; Petitioner thereafter having filed a Notice of Telephonic Appearance indicating Petitioner s In Proper Person status; for the convenience of the Court and good cause appearing therefore, COURT ORDERED the hearing on the Petition currently set for Wednesday, April 14, 2021 at 3:00 p.m. is hereby continued to Wednesday, May 19, 2021 at 3:00 p.m.

CLERK'S NOTE: A copy of this minute order was emailed to Chief Deputy District Attorney, Alexander Chen (alexander.chen@clarkcountyda.com), attorney of record for the State; Mitchell C. Wright, Esq. (mitchwright@wrightlawoffices.com), attorney of record for Petitioner; and Lisa Nash (lisa.goodrich66@gmail.com), Petitioner.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Writ of Habeas Corpus**

**COURT MINUTES**

**May 19, 2021**

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A-20-823213-W      Lisa Nash, Plaintiff(s)  
vs.  
The State of Nevada, Defendant(s)

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**May 19, 2021      3:00 PM      All Pending Motions**

**HEARD BY:** Delaney, Kathleen E.      **COURTROOM:** RJC Courtroom 15B

**COURT CLERK:** April Watkins

**RECORDER:**

**REPORTER:** Bill Nelson

**PARTIES**

<b>PRESENT:</b>	Merback, William J.	Attorney
	Nash, Lisa A	Plaintiff
	Wright, Mitchell C.	Attorney

**JOURNAL ENTRIES**

- PLTF'S MOTION TO TAKE JUDICIAL NOTICE OF THE CRIMINAL CASE RECORD:

Court stated it is mandated Post-Conviction Habeas matters are to be filed in the "A" case which then will show underlying criminal case and therefore, ORDERED, C308570 incorporated by reference and motion DENIED as MOOT.

PETITION FOR WRIT OF HABEAS CORPUS:

Following arguments by counsel, Court stated FINDINGS and ORDERED, petition DENIED. State to prepare order and include the fact the Court denied Motion to Take Judicial Notice as moot. Mr. Wright to review order and if there is a dispute, counsel can submit communication as to what the dispute is or submit competing order. Order to be submitted within 14 days.

# 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; CASE APPEAL STATEMENT; REQUEST FOR TRANSCRIPT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER; NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER; DISTRICT COURT MINUTES

LISA A. NASH,

Plaintiff(s),

vs.

STATE OF NEVADA,

Defendant(s),

Case No: A-20-823213-W

Dept No: XXV

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 3 day of September 2021.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk

