

IN THE SUPREME COURT OF THE STATE OF NEVADA

LISA ANN NASH,
Appellant(s),

vs.

THE STATE OF NEVADA,
Respondent(s),

Electronically Filed
Oct 19 2021 09:41 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case No: A-20-823213-W

Docket No: 83468

RECORD ON APPEAL

ATTORNEY FOR APPELLANT

LISA NASH,
PROPER PERSON
1220 ROBERSON LANE
FALLON, NV 89406

ATTORNEY FOR RESPONDENT

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

I N D E X

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A-20-823213-W

Lisa Nash, Plaintiff(s)

vs.

The State of Nevada, Defendant(s)

I N D E X

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CODE: 0014
LISA A. NASH
Petitioner, In Pro Per
1220 Roberson Lane
Fallon, NV 89406
Telephone: (775) 276-1752

CASE NO: A-20-823213-W
Department 22

**EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA**

LISA A. NASH,

Petitioner,

Case No.:

vs.

Dept. No.:

THE STATE OF NEVADA,

Respondent.

Criminal Case Number: C-15-308570-1
Dept Number: XXV

PETITION FOR WRIT OF HABEAS CORPUS (POSTCONVICTION)
RE: INEFFECTIVE ASSISTANCE OF COUNSEL

- 1. Name of institution and county in which you are presently imprisoned or where and how you are presently restrained of your liberty:**

Petitioner is not currently incarcerated and has successfully completed her sentence. However, Petitioner was convicted of three (3) counts of felony child abuse and there are collateral consequences due to said conviction. As a convicted felon, Petitioner is prohibited from engaging in certain businesses, serving as a juror in a criminal matter, inability to travel freely throughout the world, and a number of other restrictions. Petitioner resides in Churchill County, Nevada.

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

Eighth Judicial District Court, Clark County, Nevada

- 3. Date of Judgment of Conviction (Verdict):** May 7, 2018

- 4. Case Number:** C-15-308570-1

- 5. Length of Sentence:** Probation: Indeterminate period not to exceed three (3) years

If sentence is death, state any date upon which execution is scheduled: N/A

6. Are you presently servicing a sentence for a conviction other than the conviction under attack in this motion: No

If yes, list crime, case number, and sentence being served at this time: N/A

7. Nature of Offense Involved in Conviction Being Challenged:

Three (3) felony counts of child abuse, neglect, or endangerment (Category B Felony), in violation of NRS 200.508(1) and;

One (1) misdemeanor count of Battery Constituting Domestic Violence in violation of NRS 200.481, 200.485, and 31.018

8. What was your plea: Petitioner pled Not Guilty on all counts.

9. If you entered a plea of guilty or guilty but mentally ill to one (1) count of an indictment or information, and a plea of not guilty to another count of an indictment or information, or if a plea of guilty or guilty but mentally ill was negotiated, give details: N/A

10. If you were found guilty or guilty but mentally ill after a plea of not guilty, was the finding made by a Jury or a Judge without a Jury? The finding was made by a Jury.

11. Did you testify at the trial? Yes

12. Did you appeal from the judgment of conviction? Yes

13. If you did appeal, answer the following:

a. Name of Court: The Nevada Supreme Court

b. Case Number or Citation: 76098

c. Result: Affirmed

d. Date of Result: September 18, 2019 (remittitur issued October 18, 2019)

14. If you did not appeal, explain briefly why you did not: N/A

15. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications or motions with respect to this judgment in any court, state or federal? No

16. If your answer to No. 15 was "yes," give the following information: N/A

17. If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not. Based on what was represented at trial, I agreed with the Nevada Supreme Court's order. Unfortunately, because my trial attorney was inadequate during his representation of me, several important facts were missing at trial.

18. Has any ground being raised in this petition been previously presented to this or any other court by way of petition for habeas corpus, motion, application, or any other postconviction proceeding? No

19. If any of the grounds listed in Numbers 24(a), (b), (c), and (d), or listed on any additional pages you have attached, were not previously presented in any other court, state or federal, list briefly what grounds were not so presented and give your reasons for not presenting them.

None of the grounds listed in Numbers 24(a), (b), (c), and (d), or listed on any additional attached pages have been presented in any other court because Petitioner has only filed a direct appeal and the Ineffective Assistance of Counsel could not be raised during the direct appeal.

20. Are you filing this petition more than 1 year following the filing of the judgment of conviction or the filing of a decision on direct appeal? No

21. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack? No

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

Brian Smith, Esq. (substituted after the Preliminary Hearing in Justice Court)
Steve E. Evenson, Esq. (until sentencing)
Ronald Colquitt, Esq. (sentencing only)
Theresa Ristenpart, Esq. (direct appeal only)

23. Do you have any future sentences to serve after you complete the sentence imposed by the judgment under attack? No

24. State concisely every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. Additional pages may be attached.

(a) Ground one: Ineffective assistance of counsel due to complete lack of pre-trial preparation and motions:

Attorney Evenson promised on multiple occasions that he would file pre-trial motions. These motions were to be based on the number of charges being brought forth for the same incident (he had researched case law to that effect) and the introduction of the video as evidence. He also informed the Petitioner that he was going to file a pre-trial motion regarding several witnesses and their competence to testify. Mr. Evenson had approximately two (2) years to file these motions. Instead, he filed a Motion in Limine of Mental Condition of Alleged Victim on the morning of the first day of trial, which was September 11, 2020 (Voir Dire). The Motion was denied as untimely filing. The following day, Mr. Evenson attempted to file the same motion, which was again denied.

1 ZERO pre-trial motions were filed in this matter, other than requests for
2 continuance.

3 Mr. Evenson also did not prepare the Petitioner for trial, and even though the
4 Petitioner saw Mr. Evenson almost daily because she worked for him as a
5 paralegal, he only spoke briefly with her on a few occasions (usually in passing)
6 regarding her case. He did meet with her prior to her testimony during trial, for
7 approximately one (1) hour. Petitioner was not properly prepared for trial and
8 neither was Attorney Evenson.

9 Additionally, on the last day of trial, Mr. Evenson filed a Motion for Directed
10 Verdict and Motion to Force Amended Information, which was denied.

11 During the trial, the Judge made statements regarding Mr. Evenson's
12 representation of the Defendant/Petitioner. The Judge noted the contradictory
13 nature of Mr. Evenson's defenses of: "It didn't happen; I did it because of stress;
14 and I did it from stress, forgive me". Prior to the trial, Petitioner met with Mr.
15 Evenson at his home in Lovelock to attempted to discuss her case. She wanted a
16 specific defense strategy and he told her that he did not have a strategy, that he
17 would come up with the strategy during the trial when he saw what was
18 presented. Petitioner wanted to sit down and speak at length regarding her case,
19 but Mr. Evenson did not allow it. He said he would handle it and Petitioner was
20 not to be involved in the preparation at all.

21 Additionally, Mr. Evenson did not review any of the discovery (CPS Reports,
22 emails with CPS workers, information that could have been provided by the
23 Petitioner and added to discovery) with the Petitioner. For this reason, during
24 the trial Mr. Evenson was unable to respond to the Prosecution's witnesses with
25 informed responses. He did not meet or speak with any witnesses, other than
26 Megan Nash for a period of approximately 30 minutes. Mr. Evenson did not
27 conduct any pre-trial investigations at all. On several occasions, he told
28 Petitioner that her case "would not be going to trial" or that it would be "going
away." It is obvious he did not plan on attending a trial and therefore did not
truly prepare for trial.

Judge Delaney also noticed the lack of trial preparation by Mr. Evenson, as she
made reference to his actions reminding her of the movie, "My Cousin Vinny."

(b) **Ineffective Assistance of Counsel due to Conflict of Interest.**

Mr. Evenson should not have been counsel for the Defendant/Petitioner as they
had an inappropriate "relationship." This "relationship" began on the evening
before the December, 2016 calendar call hearing when Petitioner and Mr.
Evenson were in Las Vegas for that hearing. The "relationship" was brief and
ended very badly. Details of the relationship will be filed with this Court as a
Supplement to this Petition. Petitioner did not believe Mr. Evenson would be
unprofessional enough to treat her case in the lackadaisical manner he did,
especially since she had paid him for his services and therefore did not find
other counsel or believe she would even need to do so.

1 Additionally, Petitioner has sat in court with Mr. Evenson during other jury
2 trials in Northern Nevada. He spent many hours preparing for these trials and
3 was an outstanding litigator during these trials. Petitioner believed he would
4 provide the same outstanding representation for her, especially since he had
5 known her for approximately 15 years, knew her family well, knew the type of
6 Mother she was, and had even entrusted her with caring for his children on
7 several occasions. Unfortunately, Mr. Evenson's performance in the Las Vegas
8 court was substandard compared to the many previous trial performances
9 observed by Petitioner.

10 Petitioner also finds it a bit suspect that Mr. Evenson did not inform the
11 Court that Ms. Nash was a long-time employee of his and was currently working
12 as one of his paralegals. By doing so, he would have possibly given the jury a
13 different perspective regarding the Petitioner: that he, as an officer of the court,
14 trusted Ms. Nash so much so that he employed her for years. Also the jury may
15 have gotten the message that she was not some hardened military E-8, but more
16 so a single mother and a civilian doing her best to provide for her children.

17 (c) **Ineffective Assistance of Counsel Due to Counsel's Health Issues and**
18 **Recent Death of Petitioner's Grandmother.**

19 Mr. Evenson had recently suffered a few minor heart attacks and was still
20 recovering from them not too long before trial. Because his health was
21 suffering, he was not at his office or working on his cases as much as he would
22 have normally done. This was one of the reasons for his lack of pre-trial
23 preparation and the reason Petitioner went to his home in an attempt to prepare
24 for trial.

25 Additionally, Petitioner had to go to North Carolina for a while because her
26 grandmother (who was like a mother to her) was in hospice/palliative care. This
27 was not long before the trial of September 2017. Petitioner's grandmother
28 passed away in August of 2017. Nevertheless, Petitioner did attempt to meet
with Mr. Evenson on several occasions regarding her case before her
grandmother passed away and right prior to the trial date.

(d) **Ineffective Assistance of Counsel Because Petitioner's Medical Issues at the**
Time of the Incident Were Not Brought Forth

Mr. Evenson knew that Petitioner had been diagnosed with PTSD because of the
many deaths to which she had been partially responsible through her missions at
Creech Air Force Base. He was also aware that she had been going through
peri-menopause at the time of the incident. Although these medical issues did
not entirely excuse Ms. Nash's behavior, the jury may have viewed them as
possible mitigating circumstances. The fact that a 49-year-old woman who had
raised several children (to include step-children) was suddenly acting out of
character with a child should have raised some eyebrows. Yet Mr. Evenson
made no attempt to explain that Ms. Nash had medical and mental health issues
that may have contributed to her behavior.

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(e) **Ineffective Assistance of Counsel Because Attorney Evenson Did Not Break Down Each Charge or Provide Proof of All the Medical Appointments and Other Factors that Showed No Abuse**

At no point during the trial or prior to the trial did Mr. Evenson address the fact that one of the felony counts of child abuse was for literally yelling at/threatening the child. He also did not address the fact that one of the felony counts of child abuse was for literally "humiliating" a child (even though the intent was never to humiliate her). One of the felony counts was for slapping a child 3 times with an open hand on the upper part of the child's arm. When each felony count is viewed separately, Mr. Evenson could have easily argued that each charge was not a felony and therefore was remiss in his duties to the Petitioner.


Furthermore, Mr. Evenson did not present all of the evidence showing there was no abuse. The child had met one-on-one with many professionals during the course of time she lived with the Petitioner and none found any signs of abuse at all. There was a large amount of evidence that was never admitted which showed that the minor had not been abused during her time with the Petitioner. Megan Nash testified that she exaggerated in her statement to the police, but Mr. Evenson did not ask her to identify what was exaggerated. If he had done so, he would have learned that she exaggerated by saying the alleged abuse was a regular occurrence, because it was not. Petitioner believes one of the main reasons she was convicted is because the jury believed Megan's untrue statement regarding the frequency of the alleged abuse. Mr. Evenson did very little to defend the Petitioner against that statement during the trial and when Megan was testifying, even though he had spoken with Megan and knew it was not true.

Petitioner, LISA A. NASH, In Pro Per, reserves the right to amend or supplement this Petition as needed.

WHEREFORE, Petitioner prays that the court grant her the relief to which she may be entitled in this proceeding.

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

DATED: This 16th day of October, 2020.



Lisa A. Nash
Petitioner, In Pro Per
1220 Roberson Lane
Fallon, NV 89406
Telephone: (775) 276-1752

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VERIFICATION

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

DATED: This 16th day of October, 2020.

Lisa A. Nash
Lisa A. Nash

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 **PETITION FOR WRIT OF HABEAS CORPUS (POSTCONVICTION) RE: INEFFECTIVE ASSISTANCE OF COUNSEL** by the following:

[X] **MAIL:** By placing an original or true copy in a sealed envelope, postage fully prepaid, in a U.S. Postal Service mailbox at Fallon, Nevada, addressed to the individuals and addresses listed below:

STEVEN B. WOLFSON
Clark County District Attorney
200 Lewis Avenue
Las Vegas, NV 89101

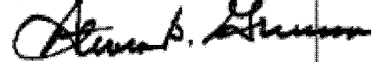
AARON FORD
State of Nevada Attorney General
100 North Carson Street
Carson City, NV 89701

DATED: This 16th day of Oct. 2020.

Lisa A. Nash
Lisa A. Nash

CODE: 0001
LISA A. NASH
Petitioner, In Pro Per
1220 Roberson Lane
Fallon, NV 89406
Telephone: (775) 276-1752

Electronically Filed
10/16/2020 3:48 PM
Steven D. Grierson
CLERK OF THE COURT



EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

CASE NO: A-20-823213-W
Department 22

LISA A. NASH,

Petitioner,

Case No.:

vs.

Dept. No.:

THE STATE OF NEVADA,

Respondent.

Criminal Case Number: C-15-308570-1
Dept Number: XXV

**MOTION TO TAKE JUDICIAL NOTICE OF
THE CRIMINAL CASE RECORD**

COMES NOW, Petitioner, LISA A. NASH, In Pro Per, and hereby submits her Motion for this Court to Take Judicial Notice of the Criminal Case Record for the Postconviction Writ of Habeas Corpus filed concurrently with this Motion.

The criminal matter associated with said Writ is Case Number C-15-308570-1 and was held in Department 25.

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

DATED: This 16th day of October, 2020.



Lisa A. Nash
Petitioner, In Pro Per

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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 **MOTION TO TAKE JUDICIAL NOTICE OF THE CRIMINAL CASE RECORD** by the following:

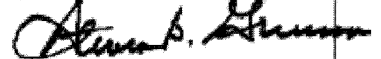
[X] **MAIL:** By placing an original or true copy in a sealed envelope, postage fully prepaid, in a U.S. Postal Service mailbox at Fallon, Nevada, addressed to the individuals and addresses listed below:

STEVEN B. WOLFSON
Clark County District Attorney
200 Lewis Avenue
Las Vegas, NV 89101

AARON FORD
State of Nevada Attorney General
100 North Carson Street
Carson City, NV 89701

DATED: This 16th day of Oct., 2020.

Lisa A. Nash
Lisa A. Nash



REQT

LISA A. NASH
Petitioner, In Pro Per
1220 Roberson Lane
Fallon, NV 89406
Telephone: (775) 276-1752

CASE NO: A-20-823213-W
Department 22

**EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA**

LISA A. NASH,

Petitioner,

Case No.:

vs.

Dept. No.:

THE STATE OF NEVADA,

Respondent.

Criminal Case Number: C-15-308570-1
Dept Number: XXV

REQUEST FOR SUBMISSION

COMES NOW, Petitioner, LISA A. NASH, In Pro Per, and hereby requests that
the Motion to Take Judicial Notice of the Criminal Case Record be submitted to this
Court for review and decision.

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

DATED: This 16th day of October, 2020.



Lisa A. Nash
Petitioner, 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 REQUEST FOR SUBMISSION by the following:

[X] MAIL: By placing an original or true copy in a sealed envelope, postage fully prepaid, in a U.S. Postal Service mailbox at Fallon, Nevada, addressed to the individuals and addresses listed below:

STEVEN B. WOLFSON
Clark County District Attorney
200 Lewis Avenue
Las Vegas, NV 89101

AARON FORD
State of Nevada Attorney General
100 North Carson Street
Carson City, NV 89701

DATED: This 16th day of Oct, 2020.

Lisa A. Nash
Lisa A. Nash



1 CNND

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

4
5 Lisa Nash, Plaintiff(s)

A-20-823213-W

6 vs.

Department 25

7
8 The State of Nevada, Defendant(s)

9
10 **CLERK'S NOTICE OF NONCONFORMING DOCUMENT**

11
12 Pursuant to Rule 8(b)(2) of the Nevada Electronic Filing and Conversion Rules, notice is
13 hereby provided that the following electronically filed document does not conform to the
14 applicable filing requirements:

15
16 Petition for Writ of Habeas Corpus
(PostConviction) Re: Ineffective
17 Assistance of Counsel /

18 Title of Nonconforming Document:

[Missing] District Court Civil
Cover Sheet

19 Party Submitting Document for Filing:

Petitioner

20 Date and Time Submitted for Electronic
21 Filing:

10/16/2020 at 3:48 PM

22
23 Reason for Nonconformity Determination:

- 24 ☐ The document filed to commence an action is not a complaint, petition,
25 application, or other document that initiates a civil action. See Rule 3 of the
26 Nevada Rules of Civil Procedure. In accordance with Administrative Order 19-5,
27 the submitted document is stricken from the record, this case has been closed and
28

1 designated as filed in error, and any submitted filing fee has been returned to the
2 filing party.

3 ☒ The document initiated a new civil action and a cover sheet was not submitted as
4 required by NRS 3.275. Please visit the court's website at
5 <http://www.clarkcountycourts.us/departments/clerk/civil-criminal-library/>.

6 ☐ The document was not signed by the submitting party or counsel for said party.

7
8 ☐ The document filed was a court order that did not contain the signature of a
9 judicial officer. In accordance with Administrative Order 19-5, the submitted
10 order has been furnished to the department to which this case is assigned.

11 ☐ Motion does not have a hearing designation per Rule 2.20(b). Motions must
12 include designation "Hearing Requested" or "Hearing Not Requested" in the
13 caption of the first page directly below the Case and Department Number.

14 Pursuant to Rule 8(b)(2) of the Nevada Electronic Filing and Conversion Rules, a
15 nonconforming document may be cured by submitting a conforming document. All documents
16 submitted for this purpose must use filing code "**Conforming Filing – CONFILE.**" Court filing
17 fees will not be assessed for submitting the conforming document. Processing and convenience
18 fees may still apply.
19

20
21 Dated this: 21st day of October, 2020
22

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24 By: /s/ Chaunte Pleasant

25 Deputy District Court Clerk
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CERTIFICATE OF SERVICE

I hereby certify that on October 21, 2020, I concurrently filed and served a copy of the foregoing Clerk’s Notice of Nonconforming Document, on the party that submitted the nonconforming document, via the Eighth Judicial District Court’s Electronic Filing and Service System.

By: /s/ Chaunte Pleasant
Deputy District Court Clerk

1 PPOW

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

5 Lisa A Nash,

6 Petitioner,

7 vs.

8 The State of Nevada,

9 Respondent,

Case No: A-20-823213-W
Department 25

**ORDER FOR PETITION FOR
WRIT OF HABEAS CORPUS**

10
11 Petitioner filed a Petition for Writ of Habeas Corpus (Post-Conviction Relief) on
12 October 16, 2020. The Court has reviewed the Petition and has determined that a response would assist
13 the Court in determining whether Petitioner is illegally imprisoned and restrained of his/her liberty, and
14 good cause appearing therefore,

15 **IT IS HEREBY ORDERED** that Respondent shall, within 45 days after the date of this Order,
16 answer or otherwise respond to the Petition and file a return in accordance with the provisions of NRS
17 34.360 to 34.830, inclusive.

18 **IT IS HEREBY FURTHER ORDERED** that this matter shall be placed on this Court's

19 Calendar on the 6th day of January, 2021, at the hour of

20 9:0 o'clock for further proceedings.

21
22 Dated this 20th day of November, 2020

23 *Kathleen E. Delaney*
24

25 District Court Judge

26 **F5B FF6 591A 997D**
27 **Kathleen E. Delaney**
28 **District Court Judge**

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA
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 11/23/2020

17 The State of Nevada

200 Lewis Avenue
Las Vegas, NV, 89101

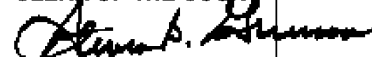
18 Lisa Nash

1220 Roberson Lane
Fallon, NV, 89406

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DISTRICT COURT
CLARK COUNTY, NEVADA

Electronically Filed
12/8/2020 7:35 AM
Steven D. Grierson
CLERK OF THE COURT



Lisa Nash, Plaintiff(s) vs. The State of Nevada, Defendant(s)	Case No.: A-20-823213-W Department 25
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NOTICE OF HEARING

Please be advised that the Plaintiff's Motion to Take Judicial Notice of the Criminal Case Record in the above-entitled matter is set for hearing as follows:

Date: January 06, 2021
Time: 9:00 AM
Location: RJC Courtroom 15B
Regional Justice Center
200 Lewis Ave.
Las Vegas, NV 89101

NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.

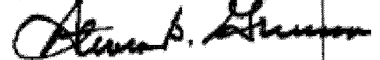
STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Michelle McCarthy
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Michelle McCarthy
Deputy Clerk of the Court



NOTA

Mitchell C. Wright, Esq.
Wright Law Offices
55 S. Maine Street, Suite A
Fallon, NV 89406
Telephone: 775.294.6505
Attorney for Lisa Nash

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

**EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA**

LISA A. NASH,

Petitioner,

Case No.: A-20-823213-W

vs.

Dept. No.: 25

THE STATE OF NEVADA,

Respondent.

**Criminal Case Number: C-15-308570-1
Dept. Number: XXV**

NOTICE OF APPEARANCE OF COUNSEL

PLEASE TAKE NOTICE that Mitchell C. Wright, Esq., of Wright Law Offices hereby enters his appearance in the above-entitled matter as counsel for Petitioner, Lisa A. Nash

It is respectfully requested that all further pleadings, notices, and documents herein be served upon counsel at the address referenced above.

DATED: This 8th day of January, 2021



Mitchell C. Wright, Esq.
NV State Bar Number 5835
Attorney for Lisa A. Nash

WRIGHT LAW OFFICES
55 S. Maine Street, Suite A, Fallon, NV 89406
TEL: 775.294.6505 • FAX: 775.294.6504
MITCHWRIGHT@WRIGHTLAWOFFICES.COM

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MITCH@WRIGHTLAWOFFICES.COM

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am over the age of eighteen (18) years, not a party to this action, and that I served a true and correct copy of the **NOTICE OF APPEARANCE OF COUNSEL** by the following:

[X] **MAIL:** By placing an original or true copy in a sealed envelope, postage fully prepaid, in a U.S. Postal Service mailbox at Fallon, Nevada, addressed to the individuals and addresses listed below:

STEVEN B. WOLFSON
Clark County District Attorney
200 Lewis Avenue
Las Vegas, NV 89101

AARON FORD
State of Nevada Attorney General
100 North Carson Street
Carson City, NV 89701

AND

[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:

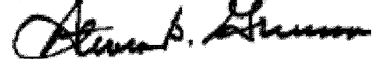
STEVEN B. WOLFSON
Clark County District Attorney

AARON FORD
State of Nevada Attorney General

DATED: This 8th day of January, 2021



Sarah Ellis



COURT CODE: NOTH

Name: LISA NASH

Address: 1220 ROBERSON LANE

FALLON NV 89406

Telephone: 775-276-1752

Email Address: _____

In Proper Person

**DISTRICT COURT
CLARK COUNTY, NEVADA**

LISA A. NASH

Plaintiff,

vs.

STATE OF NEVADA

Defendant.

CASE NO.: A-20-823213-W

DEPT: 25

Associated Case: C-15-308570-1

HEARING DATE: 4/14/2021

TIME OF HEARING: 3:00 PM

NOTICE OF INTENT TO APPEAR BY COMMUNICATION EQUIPMENT

(Your name) LISA NASH, (☒ check one) ☒ Plaintiff / ☐ Defendant,
submits this Notice of Intent to Appear by Communication Equipment for the (☒ check one)

☒ Motion Hearing

☐ Trial Setting Conference

☐ Case Management Conference

☒ Other: WRIT OF HABEAS CORPUS

currently scheduled for (hearing date) APRIL 14, 2021.

For the purpose of this appearance I can be reached at the following telephone number:
(phone number) (775) 276 - 1752. My email address (for scheduling purposes) is
(your email address) lisa.goodrich66@gmail.com. I understand it is my
responsibility to ensure that I can be reached at this telephone number on the date and time of
the hearing. I also understand that due to the unpredictable nature of court proceedings, my
hearing may be called at a time other than the scheduled time. Further, I understand that my
failure to be available at the above telephone number will constitute a nonappearance.

DATED (today's date) April 13, 2021

Submitted By: (Signature) ▶ /s/ LISA NASH

Printed Name: LISA NASH



1 ATEAR

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5 * * *

6 LISA A. NASH,

7 Plaintiff,

8 vs.

9 STATE OF NEVADA,

10 Defendants.

CASE NO. A-20-823213-W

DEPT. NO. 25

**Audiovisual Transmission
Equipment Appearance Request**

11
12 Pursuant to Rule 4 of the Nevada Supreme Court's RULES GOVERNING
13 APPEARANCE BY AUDIOVISUAL TRANSMISSION EQUIPMENT, Mitchell C. Wright,
14 Esq., of Wright Law Offices requests that Lisa A. Nash, Plaintiff, be permitted to testify by
15 remote court appearance via video conference for the hearing scheduled for May 19, 2021 at
16 3:00p.m.

17
18 Lisa A. Nash, Plaintiff, by executing the attached Audiovisual Transmission
19 Equipment Appearance Consent, agrees to be bound by the oath given by the Court Clerk,
20 Eighth Judicial District Court and to be subject to the jurisdiction of this Court for purposes
21 related to this testimony.

22
23 Mitchell C. Wright, Esq., agrees to provide all exhibits to The State of Nevada in advance
24 in the same form as have been or will be submitted to the Court Clerk.

25 Any objection to this request must be made in writing within two (2) judicial days of
26 service of this request.
27
28

1 Lisa A. Nash, by and through her counsel of record, Mitchell C. Wright, Esq., agrees that
2 by submitting this request, the party and witness (or their respective representatives) will test and
3 verify the functionality of video conference connectivity with the Court's IT department at least
4 two (2) judicial days before the scheduled appearance. Contact information for the test is:

5 Name of Counsel/Party: Mitchell C. Wright, Esq., for Lisa A. Nash

6 Email Address: mitchwright@wrightlawoffices.com

7 Phone Number: (775) 294-6505

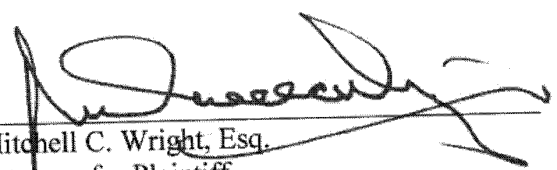
8 Name of Witness: Lisa A. Nash, Plaintiff

9 Email Address: lisa.goodrich66@gmail.com

10 Phone Number (775) 276-1752

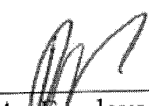
11 Mitchell C. Wright, Esq. certifies that the video connection has been successfully tested
12 at <http://bluejeans.com/111>, prior to submitting this application.
13

14 DATED: This 17th day of May, 2021.

15
16
17
18 
19 Mitchell C. Wright, Esq.
20 Attorney for Plaintiff

21 **Certificate of Service**

22 I hereby certify, that on the date filed, this Audiovisual Transmission
23 Equipment Appearance Request were served on the parties identified on the District Court E-File
24 system e-service list (or alternate method).

25 
26 An Employee of
27 Mitchell C. Wright, Esq.
28

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ATEAC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

* * *

LISA A. NASH,

Plaintiff,

vs.

THE STATE OF NEVADA,

Defendant.

CASE NO. A-20-823213

DEPT. NO. 25

**Audiovisual Transmission
Equipment Appearance Consent**

By making this request for Audiovisual Transmission Equipment Appearance, the undersigned agrees to be bound by the oath given by the Court Clerk over the video conference connection and to be subject to the jurisdiction of this Court for purposes related to this testimony.

Lisa A Nash

Print Name: Lisa A. Nash

Date: May 17, 2021

Email Address: lisa.goodrich66@gmail.com

Phone Number: (775) 276-1752

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Executed on

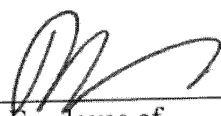
May 17, 2021

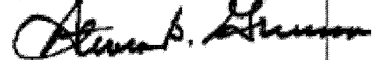
Lisa A Nash
(signature)

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Certificate of Service

I hereby certify, that on the date filed, this Audiovisual Transmission Equipment Appearance Consent were served on the parties identified on the District Court E-File system e-service list (or alternate method).


An Employee of
Mitchell C. Wright, Esq.



ROPP

Mitchell C. Wright, Esq.
Wright Law Offices
55 S. Maine Street, Suite A
Fallon, NV 89406
Telephone: 775.294.6505
Attorney for Petitioner
Lisa A. Nash

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

**EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA**

LISA A. NASH,

Petitioner,

Case No.: A-20-823213-W

vs.

Dept. No.: 25

THE STATE OF NEVADA,

Respondent.

Criminal Case No.: C-15-308570-1
Dept. Number: XXV

**REPLY TO STATE'S OPPOSITION TO DEFENDANT'S
PETITION FOR POST-CONVICTION RELIEF**

COMES NOW, Petitioner, Lisa A. Nash, by and through her counsel of record,
Mitchell C. Wright, Esq., of Wright Law Offices, and hereby submits her Reply to the
State's Opposition to Defendant's Petition for Post-Conviction Relief. This Reply is
made and based upon the existing papers and pleadings on file herein, and the
attached Memorandum of Points and Authorities.

DATED: This 19th day of May, 2021.



Mitchell C. Wright, Esq.
Attorney for Petitioner, Lisa A. Nash

WRIGHT LAW OFFICES
55 S. Maine Street, Suite A, Fallon, NV 89406
TEL: 775.294.6505 • FAX: 775.294.6504
MITCHWRIGHT@WRIGHTLAWOFFICES.COM

Summary

Due to a peculiar twist of the law, Petitioner Ms. Lisa Nash could be denied her opportunity to challenge her conviction for ineffective assistance of counsel, based on her early release from probation, due to her **good behavior and compliance**. This is not a just result. The main argument by the State for denial of her Petition is because she is no longer incarcerated or on probation. In effect the State is arguing Ms. Nash should be penalized for her model performance while on probation and because she no longer endures a "loss of liberty." If Ms. Nash had not been released from probation early, the State would have no argument for her post-conviction habeas petition to be considered moot, as she would still have been on probation at the time of filing her Petition.

The State's position was rejected by the Nevada Supreme Court in *Lazaro Martinez-Hernandez, AKA Lazaro MartinezHernandez v. The State of Nevada*, 132 *Adv. Opinion*, 61 (August 12, 2016). This perverse result suggested by the State is contrary to public policy, as it would stand to discourage individuals from serving their time on probation with aplomb and striving to be released early from their sentence for good behavior, especially if they have unaddressed matters of post-conviction relief (such as the ineffective assistance of counsel claim in the instant case). Additionally, it should be noted that Ms. Nash is deprived of many of the constitutional rights enjoyed by United States citizens who are not convicted felons. Although Ms. Nash is not on probation or incarcerated, she is "restrained" as a result of "collateral consequences" associated with a criminal conviction.

1 When well considered, the court will note the State made no argument based on
2 Ms. Nash's substantive claims of Ineffective Assistance of Counsel. Review of the
3 record as to why speaks for itself. Nor are there procedural defects as her her Petition
4 was timely filed and identifies several deficiencies and areas of neglect in the manner
5 previous counsel handled her case from beginning to end.
6

7 Simply stated, this Court must grant the Writ of Habeas Corpus and order a
8 new trial based on the ineffective assistance of her previous counsel, Steve E. Evenson,
9 Esq. To do otherwise would render the perverse result of demotivating probationers
10 similarly situated to Ms. Nash, and deny the opportunity to have the case fully parsed
11 to avoid injustice.
12

13 MEMORANDUM OF POINTS AND AUTHORITIES

14 Procedural History

15 On September 15, 2017, Lisa Nash was found guilty of three (3) counts of Child
16 Abuse, Neglect, or Endangerment and one (1) count of Battery Constituting Domestic
17 Violence, a misdemeanor. Petitioner was sentenced to probation for a term not to
18 exceed three (3) years. Ms. Nash was honorably discharged from probation on March
19 12, 2020, approximately 23 months after sentencing and more than a year early. Had
20 she not been discharged early, Ms. Nash would have remained on probation until May
21 2021, well within the timeframe of the filing of her Petition.
22

23 Immediately following the trial, Petitioner attempted to file an appeal based
24 upon ineffective assistance of counsel. However, upon filing the direct appeal, Ms.
25 Nash was informed by her appellate counsel that she could not file an ineffective
26 assistance of counsel claim until after the direct appeal was resolved.
27
28

1 Ms. Nash timely filed the Writ of Habeas Corpus for Ineffective Assistance of
2 Counsel on October 16, 2020. The State of Nevada now claims that because Petitioner
3 successfully completed the terms of her probation, and honorably discharged a little
4 over a year early, she no longer has the right to claim ineffective assistance of counsel,
5 as she is no longer under a term of imprisonment. To the contrary for the Court to
6 sustain such argument would permanently confine Ms. Nash to unjust and untenable
7 limits synonymous with collateral consequences, directly impacting the restrictions of
8 liberty endured by a convicted felon. Such technicality cannot stand given the facts of
9 the case at bar.
10

11 LAW AND ARGUMENT

12
13 The ability to file a petition for post-conviction relief is authorized by NRS
14 Chapter 34. NRS 34.724(1) states "... a person must be under a term of imprisonment
15 in order to file a petition." However, "term of imprisonment" may also be interpreted
16 as "*restraint of liberty*" caused by collateral consequences. *Emphasis added.*
17

18 NRS 34.370(2) provides instructions and required content for an Application for
19 a Writ of Habeas Corpus. Specifically, it states, "A verified petition for issuance of a
20 writ of habeas corpus must specify that the petitioner is imprisoned or *restrained of the*
21 *petitioner's liberty...*" *Emphasis added.*
22

23 Additionally, NRS 34.735, provides the form and additional instructions for
24 preparation of the Writ. Line 1 of the example petition clearly states the following: "1.
25 Name of institution and county in which you are presently imprisoned or where and
26 *how you are presently restrained of your liberty:*" *Emphasis added.*
27

28 //

Argument

Ms. Nash is a convicted felon. This fact standing alone acts to adversely impact her liberty. Though recent changes in the law allow her to vote and serve on a civil jury now that she is no longer on probation, she cannot serve on a criminal jury, cannot travel to most countries outside of the United States, cannot obtain many types of employment, and cannot advance in her education because she is “branded” as a felon¹. All of these and more, are collateral consequences stemming from her conviction.

The case of *Lazaro Martinez-Hernandez, AKA Lazaro MartinezHernandez v. The State of Nevada*, 132 Adv. Opinion, 61 (August 12, 2016). offers guidance when faced with the issue of whether a post-conviction petition for a writ of habeas corpus, filed by a petitioner while incarcerated, becomes moot when the petitioner is released from custody.

The appellant, Lazaro Martinez-Hernandez was found guilty and sentenced to 36 months in prison, which was suspended. Appellant was then placed on probation

¹ It is noteworthy that Ms. Nash is not a frequent flyer before the Court. The instant case is her only criminal charge - ever. Ms. Nash is a distinguished veteran having served in the United States Air Force Reserve for 28 years. Her duty assignment was as a combat operations intelligence analyst. When the events that are the subject of these proceedings took place, she was in the top 10% of the Intelligence community, as a member of the Key Personnel List, (KPL) in the United States. She served in Iraq during Operation Enduring Freedom and Operation Iraqi Freedom. Amongst others, she was a national level award recipient of the Lance P. Sijan award for Leadership (2011), and the Air Force Intelligence Surveillance and Reconnaissance Awards Program. (AFISRAP) (2013). It is extremely rare for a military member to garner one national level award. Two national level awards within a 3-year period is unheard of. Her plan was to continue her service as an Operations Intelligence Superintendent at the Pentagon or some other intelligence agency on the East Coast. Upon retiring, she would have been able to continue to serve her country, moving to the private sector at a significant increase in income. This potential loss is a significant Collateral Consequence. In an overlapping career, Ms. Nash has also been a paralegal for 18 years. Her children are now raised and her revised plans were to attend law school. Competition is fierce for a seat at any law school. Being labeled as a convicted felon is another significant Collateral Consequence that disqualifies Ms. Nash from acquiring even her revised goal. There are other life losses as well. She lost her notary commission after 11 years, and she cannot be *certified* as a paralegal. All of these examples amount to significant Collateral Consequences.

1 for a period not to exceed three (3) years. Appellant did not file a direct appeal, but
2 after being incarcerated in 2010 for a probation violation, he filed a writ of habeas
3 corpus on February 1, 2011, alleging ineffective assistance of counsel and appeal
4 deprivation. The petition was granted as to the appeal deprivation and appellant then
5 filed the direct appeal, which affirmed his conviction on July 22, 2014.

6
7 On February 24, 2015, Appellant filed a supplement to the 2011 petition, again
8 alleging ineffective assistance of counsel. The district court dismissed his petition as
9 moot because the appellant was no longer in custody, on probation, or on parole.

10 Martinez-Hernandez appealed the district court decision, which was reversed
11 and remanded to District Court. In so doing, the Nevada Supreme Court held that a
12 petition filed while the petitioner is imprisoned but later released does not become
13 moot. The Court cited *Carafas v. LaVallee*, a United States Supreme Court decision. The
14 U.S. Supreme Court reasoned that because Carafas could not engage in certain
15 businesses, vote in state elections, or serve as a juror, the habeas petitioner should not
16 be required to bear the "collateral consequences" of an assertedly unlawful conviction
17 simply because the path has been so long that he has served his sentence.

18
19 In this matter, Lisa Nash did not file a writ of habeas corpus while imprisoned
20 or on probation. However, her criminal convictions carry with them certain collateral
21 consequences, such as the inability to engage in certain businesses, to serve as a juror
22 on a criminal trial, or the inability to travel outside of the United States. Although her
23 sentence has expired, she continues to experience continuing collateral consequences
24 from her convictions.
25
26
27
28

1 Furthermore, in *Knight v. State*, 116 Nev. 140, 143-44, 993 P.2d 67, 70 (2000), the
2 court recognized that criminal convictions carry with them certain collateral
3 consequences, such as the impact they may have on penalty considerations in a
4 subsequent criminal action. Therefore, it was held that the satisfaction of a fine or
5 completion of a sentence did not render a timely appeal from a criminal conviction
6 moot. Although the *Knight* matter dealt with a direct appeal, the doctrine regarding
7 collateral consequences remains the same: completion of a sentence should not render a
8 timely appeal, or, in this case, a writ of habeas corpus, moot.
9

10 Additionally, the 1998 U.S. Supreme Court case, *Spencer v. Kemna*, 523 U.S. 1,7
11 (1998) held that there is a presumption a wrongful criminal conviction has continuing
12 collateral consequences.²
13

14 In this matter, Ms. Nash could be denied her opportunity to challenge her
15 conviction due to ineffective assistance of counsel. Her filing of the petition has been
16 timely. Her petition identifies several deficiencies in the way her matter was handled
17 by previous counsel. The main argument by the State for denial of her Petition is
18 because she is no longer incarcerated or on probation. If Ms. Nash had not been
19 released from probation early, due to good behavior and compliance, there would be
20 no argument for her post-conviction habeas petition to be considered moot. This
21 should be contrary to public policy, as it discourages individuals from wanting to be
22 released early from their sentence for good behavior, especially if they have an
23 ineffective assistance of counsel claim.
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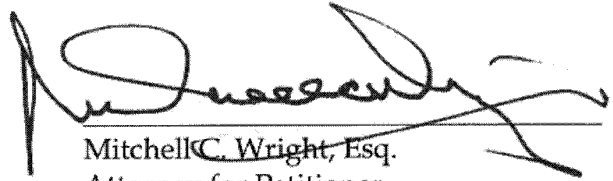
26 //
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28 ² The *Kempa* result was resolved under an examination of the principles and purposes of mootness. Nonetheless, the sound reasoning employed by the Court in *Kempa* is equally applicable here.

Conclusion

For the reasons stated above, Petitioner respectfully requests this Court grant the Writ of Habeas Corpus and order a new trial based on the ineffective assistance of her previous counsel, Steve E. Evenson, Esq.

DATED: This 19th day of May, 2021.


Mitchell C. Wright, Esq.
Attorney for Petitioner

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 **REPLY TO STATE'S OPPOSITION TO DEFENDANT'S PETITION FOR POST CONVICTION RELIEF** 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:

ALEXANDER CHEN
Chief Deputy District Attorney
Clark County District Attorney's Office

DATED: This 19th day of May, 2021.


Employee of Wright Law Offices

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

7 **DISTRICT COURT**
8 **CLARK COUNTY, NEVADA**

9 **THE STATE OF NEVADA,**
10
11 **Plaintiff,**

11 **-vs-**

12 **LISA NASH, #7011167**

13 **Defendant.**

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

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

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

18 **THIS CAUSE** having come on for hearing before the Honorable KATHLEEN E.
19 **DELANEY**, District Judge, on the 19th day of May, 2021, the Petitioner being present,
20 represented by **MITCHELL C. WRIGHT**, the Respondent being represented by **STEVEN B.**
21 **WOLFSON**, Clark County District Attorney, by and through **WILLIAM J. MERBACK**,
22 Chief Deputy District Attorney, and the Court having considered the matter, including briefs,
23 transcripts, arguments of counsel, and documents on file herein, now therefore, the Court
24 makes the following findings of fact and conclusions of law:

25 //

26 //

27 //

28 //

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.

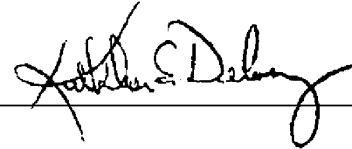
3 Further, because Post-Conviction Habeas matters are to be filed in the "A" case,
4 which is then associated with the underlying criminal case, the criminal case, C308570, is
5 hereby incorporated by reference, and the Petitioner's Motion to Take Judicial Notice of the
6 Criminal Case Record is therefore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

14 
15

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 Pandukht
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



1 NEFF

2 DISTRICT COURT
3 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

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
to you. This notice was mailed on August 3, 2021.

15 STEVEN D. GRIERSON, CLERK OF THE COURT

16 /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
23 Attorney General's Office – Appellate Division-

24 ☒ The United States mail addressed as follows:
25 Lisa Nash Mithcell C. Wright, Esq.
1220 Roberson Ln. 55 S. Maine St., Ste A
26 Fallon, NV 89406 Fallon, NV 89406

27 /s/ Amanda Hampton

28 Amanda Hampton, Deputy Clerk

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

7 **DISTRICT COURT**
8 **CLARK COUNTY, NEVADA**

9 **THE STATE OF NEVADA,**
10
11 Plaintiff,

11 -vs-

12 **LISA NASH, #7011167**

13 Defendant.

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

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

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

18 THIS CAUSE having come on for hearing before the Honorable KATHLEEN E.
19 DELANEY, District Judge, on the 19th day of May, 2021, the Petitioner being present,
20 represented by MITCHELL C. WRIGHT, the Respondent being represented by STEVEN B.
21 WOLFSON, Clark County District Attorney, by and through WILLIAM J. MERBACK,
22 Chief Deputy District Attorney, and the Court having considered the matter, including briefs,
23 transcripts, arguments of counsel, and documents on file herein, now therefore, the Court
24 makes the following findings of fact and conclusions of law:

25 //

26 //

27 //

28 //

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.

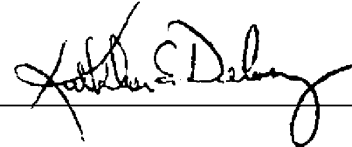
3 Further, because Post-Conviction Habeas matters are to be filed in the "A" case,
4 which is then associated with the underlying criminal case, the criminal case, C308570, is
5 hereby incorporated by reference, and the Petitioner's Motion to Take Judicial Notice of the
6 Criminal Case Record is therefore 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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15

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

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

19 BY



20 TALEEN R. PANDUKHT
21 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 Pandukht
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

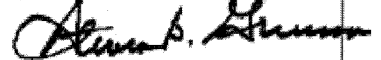
650 Hunter Place
Reno, NV, 89509-0000

18 William Merback

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

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U.S. MAIL



NOASC

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.

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

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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

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NUMBERED PAGE(S)
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U.S. MAIL



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

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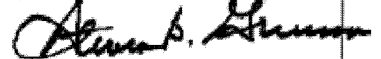
- DATED: This 2nd day of September, 2021.

CERTIFICATE OF SERVICE

[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:

DATED: This 2nd day of September, 2021.

Page 2 of 2



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



1 CNND

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

4
5 Lisa Nash, Plaintiff(s)

A-20-823213-W

6
7 vs.

Department 25

8 The State of Nevada, Defendant(s)

9
10 **CLERK'S NOTICE OF NONCONFORMING DOCUMENTS**

11
12 Pursuant to Rule 8(b)(2) of the Nevada Electronic Filing and Conversion Rules, notice is
13 hereby provided that the following electronically filed documents do not conform to the
14 applicable filing requirements:

15
16 Order to Proceed in Forma Pauperis
(Filing Fees/Service Only);

17 Order to Proceed in Forma Pauperis
(Transcript Fees Only);

18
19 Order to Proceed in Forma Pauperis
(Bond Only)

20 Titles of Nonconforming Documents:

21 Party Submitting Documents for Filing:

Plaintiff

22 09/02/2021 at 6:24 PM;

23 Date(s) and Time(s) Submitted for Electronic
24 Filings:

09/02/2021 at 6:24 PM;

09/02/2021 at 6:24 PM

25 Reason for Nonconformity Determination:

- 26 ☐ The document filed to commence an action is not a complaint, petition,
27 application, or other document that initiates a civil action. See Rule 3 of the
28 Nevada Rules of Civil Procedure. In accordance with Administrative Order 19-5,

1 the submitted document is stricken from the record, this case has been closed and
2 designated as filed in error, and any submitted filing fee has been returned to the
3 filing party.

4 ☐ The document initiated a new civil action and a cover sheet was not submitted as
5 required by NRS 3.275.

6 ☐ The document was not signed by the submitting party or counsel for said party.

7 ☒ The documents filed were court orders that did not contain the signature of a
8 judicial officer. In accordance with Administrative Order 19-5, the submitted
9 orders have been furnished to the department to which this case is assigned.

10 ☐ Motion does not have a hearing designation per Rule 2.20(b). Motions must
11 include designation "Hearing Requested" or "Hearing Not Requested" in the
12 caption of the first page directly below the Case and Department Number.

13
14 Pursuant to Rule 8(b)(2) of the Nevada Electronic Filing and Conversion Rules, a
15 nonconforming document may be cured by submitting a conforming document. All documents
16 submitted for this purpose must use filing code "**Conforming Filing – CONFILE.**" Court filing
17 fees will not be assessed for submitting the conforming document. Processing and convenience
18 fees may still apply.

19
20
21 Dated this: 3rd day of September, 2021

22
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24 By: /s/ Chaunte Pleasant

25 Deputy District Court Clerk
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CERTIFICATE OF SERVICE

I hereby certify that on September 03, 2021, I concurrently filed and served a copy of the foregoing Clerk’s Notice of Nonconforming Documents, on the party that submitted the nonconforming documents, via the Eighth Judicial District Court’s Electronic Filing and Service System.

By: /s/ Chaunte Pleasant
Deputy District Court Clerk



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10 LISA A. NASH,

11 Plaintiff(s),

12 vs.

13 STATE OF NEVADA,

14 Defendant(s),

Case No: A-20-823213-W

Dept No: XXV

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CASE APPEAL STATEMENT

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1. Appellant(s): Lisa A. Nash

2. Judge: Kahtleen Delaney

3. Appellant(s): Lisa A. Nash

Counsel:

Lisa A. Nash
1220 Roberson Lane
Fallon, NV 89406

4. Respondent (s): State of Nevada

Counsel:

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

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5. Appellant(s)'s Attorney Licensed in Nevada: N/A
Permission Granted: N/A
- Respondent(s)'s Attorney Licensed in Nevada: Yes
Permission Granted: N/A
6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No
7. Appellant Represented by Appointed Counsel On Appeal: N/A
8. Appellant Granted Leave to Proceed in Forma Pauperis**: N/A
***Expires 1 year from date filed*
Appellant Filed Application to Proceed in Forma Pauperis: Yes,
Date Application(s) filed: September 2, 2021
9. Date Commenced in District Court: October 16, 2020
10. Brief Description of the Nature of the Action: Civil Writ
- Type of Judgment or Order Being Appealed: Civil Writ of Habeas Corpus
11. Previous Appeal: No
- Supreme Court Docket Number(s): N/A
12. Child Custody or Visitation: N/A
13. Possibility of Settlement: Unknown

Dated This 3 day of September 2021.

Steven D. Grierson, Clerk of the Court

/s/ Amanda Hampton
Amanda Hampton, Deputy Clerk
200 Lewis Ave
PO Box 551601
Las Vegas, Nevada 89155-1601
(702) 671-0512

cc: Lisa A. Nash

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U.S. MAIL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

April 14, 2021

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

April 14, 2021	12:00 AM	Minute Order	Minute Order Re- Setting Writ of Habeas Corpus and Motion to Take Judicial Notice
-----------------------	-----------------	---------------------	--

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.

PRINT DATE: 10/18/2021

Page 1 of 2

Minutes Date: April 14, 2021

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

May 19, 2021

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

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

PRESENT: 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 and Transmittal of Record

State of Nevada }
County of Clark } SS:

Pursuant to the Supreme Court order dated October 13, 2021, I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, do hereby certify that the foregoing is a true, full and correct copy of the complete trial court record for the case referenced below. The record comprises one volume with pages numbered 1 through 68.

LISA A. NASH,

Plaintiff(s),

vs.

THE 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 19 day of October 2021.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk