

1 **NOASC**
2 Dwight Solander
3 700 Elm St #29
4 Boulder City, NV 89005
5 702-695-1682
6 [dwight202@msn.com](mailto:dwright202@msn.com)
7 In pro per

Electronically Filed
Sep 15 2021 10:00 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

8 **IN THE 8th DISTRICT COURT FOR THE STATE OF NEVADA, CLARK COUNTY**

9 State of Nevada,
10 Plaintiff,
11 vs.
12 Dwight Solander,
13 Defendant

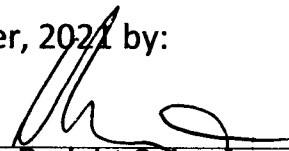
Case No.: C-14-299737-1
Dept: XXI
NOTICE OF APPEAL

14 TO: JOE HARDY, District Judge, Eighth District Court, Dept.15

15 TO: STEVEN B. WOLFSON, Clark County District Attorney

16 NOTICE IS GIVEN That Dwight Solander, Defendant in the above
17 referenced matter, appeals to the Supreme Court of the State of Nevada the
18 denial of the Defendants Writ of Habeas Corpus as indicated by the order mailed
19 to Defendant on 8/11/2021.

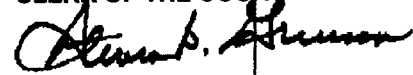
20
21 Dated this 6th day of September, 2021 by:

22 
23 Dwight Solander
24 700 Elm St #29
25 Boulder City, NV 89005
26 702-695-1682
27 [dwight202@msn.com](mailto:dwright202@msn.com)
28 In pro per

RECEIVED

SEP 13 2021

CLERK OF THE COURT



1 NEO

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

4
5 DWIGHT SOLANDER,

6 Petitioner,

Case No: C-14-299737-1

Dept No: XV

7 vs.

8 THE STATE OF NEVADA.

9 Respondent,

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

10
11 **PLEASE TAKE NOTICE** that on August 6, 2021, the court entered a decision or order in this matter, a
12 true 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 11, 2021.

15 STEVEN D. GRIERSON, CLERK OF THE COURT

16 /s/ Amanda Hampton

Amanda Hampton, Deputy Clerk

17
18
19 **CERTIFICATE OF E-SERVICE / MAILING**

20 I hereby certify that on this 11 day of August 2021, I served a copy of this Notice of Entry on the
21 following:

22 ☒ By e-mail:

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

24 ☒ The United States mail addressed as follows:

25 Dwight Solander #
700 Elm St., #29
26 Boulder City, NV 89005

27 /s/ Amanda Hampton


28 Amanda Hampton, Deputy Clerk

Certificate of Mailing

I do hereby certify that I, Dwight Solander, did deposit into the US mail, first class postage prepaid, I true and correct copy of the foregoing NOTICE OF APPEAL
C-14-299737-1 addressed to the following:

Steven B Wolfson
Clark County District Attorney
200 Lewis Ave 3rd Floor
Las Vegas, NV 89155

Dated this 6TH day of SEPT., 2021 by:


Dwight Solander
700 Elm St. #29
Boulder City, NV 89005
702-695-1682
In Pro Per

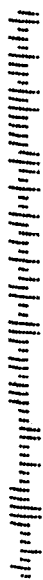
SELMAN R
706 ELM #24
89005

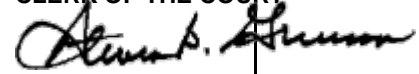
LAS VEGAS NV 890
7 SEP 2021 PM 5 L

FOREVER / USA

CLERK OF DISTRICT COURT
206 LEWIS 3RD FLOOR
LAS VEGAS, NV 89055

89101-630000





1 ASTA

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3
4
5
6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**
7 **STATE OF NEVADA IN AND FOR**
8 **THE COUNTY OF CLARK**
9

10 STATE OF NEVADA,

11 Plaintiff(s),

12 vs.

13 DWIGHT CONRAD SOLANDER,

14 Defendant(s),
15

Case No: C-14-299737-1

Dept No: XV

16
17 **CASE APPEAL STATEMENT**
18

19 1. Appellant(s): Dwight Solander

20 2. Judge: Joe Hardy, Jr.

21 3. Appellant(s): Dwight Solander

22 Counsel:

23 Dwight Solander
24 700 Elm St., #29
Boulder City, NV 89005

25 4. Respondent: The State of Nevada

26 Counsel:

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

(702) 671-2700

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

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

6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: Yes

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

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

9. Date Commenced in District Court: July 28, 2014

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

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

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 67710, 67711, 76228, 76405, 82082, 82427

12. Child Custody or Visitation: N/A

Dated This 14 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: Dwight Solander

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY**CASE NO. C-14-299737-1**

State of Nevada
vs
Dwight Solander

§
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 §
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 §

Location: **Department 15**
 Judicial Officer: **Hardy, Joe**
 Filed on: **07/28/2014**
 Case Number History:
 Cross-Reference Case Number: **C299737**
 Defendant's Scope ID #: **3074262**
 ITAG Case ID: **1991888**
 Lower Court Case # Root: **14F04585**
 Lower Court Case Number: **14F04585A**
 Supreme Court No.: **67710**
76405

CASE INFORMATION

Offense	Statute	Deg	Date	Case Type: Felony/Gross Misdemeanor	Case Status:
1. CHILD ABUSE, NEGLECT, OR ENDANGERMENT RESULTING IN SUBSTANTIAL BODILY HARM Arrest: 03/20/2014	200.508.1a2	F	01/19/2011		06/18/2018 Closed
2. CHILD ABUSE, NEGLECT, OR ENDANGERMENT RESULTING IN SUBSTANTIAL BODILY HARM Filed As: CHILD ABUSE, NEGLECT OR ENDANGERMENT	200.508.1a2 F	F 7/28/2014	01/19/2011		
3. CHILD ABUSE, NEGLECT, OR ENDANGERMENT RESULTING IN SUBSTANTIAL BODILY HARM Filed As: CHILD ABUSE, NEGLECT OR ENDANGERMENT	200.508.1a2 F	F 7/28/2014	01/19/2011		
5. CHILD ABUSE, NEGLECT OR ENDANGERMENT	200.508.1b1	F	01/19/2011		
6. CHILD ABUSE, NEGLECT OR ENDANGERMENT	200.508.1b1	F	01/19/2011		
7. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE	200.366.3c	F	01/19/2011		
8. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE	200.366.3c	F	01/19/2011		
14. CHILD ABUSE, NEGLECT OR ENDANGERMENT WITH SUBSTANTIAL BODILY HARM	200.508.1a2	F	01/19/2011		
15. CHILD ABUSE, NEGLECT OR ENDANGERMENT	200.508.1b1	F	01/19/2011		
16. CHILD ABUSE, NEGLECT OR ENDANGERMENT	200.508.1b1	F	01/19/2011		
17. CHILD ABUSE, NEGLECT OR ENDANGERMENT	200.508.1b1	F	01/19/2011		
18. CHILD ABUSE, NEGLECT OR ENDANGERMENT	200.508.1b1	F	01/19/2011		
19. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE	200.366.3c	F	01/19/2011		
24. CHILD ABUSE, NEGLECT OR ENDANGERMENT WITH SUBSTANTIAL BODILY HARM	200.508.1a2	F	01/19/2011		
26. CHILD ABUSE, NEGLECT OR ENDANGERMENT	200.508.1b1	F	01/19/2011		
27. CHILD ABUSE, NEGLECT OR ENDANGERMENT	200.508.1b1	F	01/19/2011		
28. CHILD ABUSE, NEGLECT OR ENDANGERMENT	200.508.1b1	F	01/19/2011		

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. C-14-299737-1

29. CHILD ABUSE, NEGLECT OR ENDANGERMENT	200.508.1b1	F	01/19/2011
30. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (BEDROOM 1)	200.366.3c	F	01/19/2011
31. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (BATHROOM 1)	200.366.3c	F	01/19/2011
32. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (BATHROOM 2)	200.366.3c	F	01/19/2011
33. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (LOFT 1)	200.366.3c	F	01/19/2011
34. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (LOFT 2)	200.366.3c	F	01/19/2011
35. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (LOFT 3)	200.366.3c	F	01/19/2011
36. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (LOFT 4)	200.366.3c	F	01/19/2011

Related Cases

A-20-815535-W (Writ Related Case)
 C-14-299737-2 (Multi-Defendant Case)
 C-14-299737-3 (Multi-Defendant Case)

Statistical Closures

06/18/2018 Guilty Plea with Sentence (before trial) (CR)

Bonds

Surety #IS250K-11990 \$150,000.00

7/2/2014 Active

6/13/2018 Exonerated

Counts: 1, 14, 15, 16, 17, 18, 19, 2, 24, 26, 27, 28, 29, 3, 30, 31, 32, 33, 34, 35, 36, 5, 6, 7, 8

DATE	CASE ASSIGNMENT
------	-----------------

Current Case Assignment

Case Number C-14-299737-1
 Court Department 15
 Date Assigned 01/04/2021
 Judicial Officer Hardy, Joe

PARTY INFORMATION

Defendant	Solander, Dwight Conrad	<i>Lead Attorneys</i>
Plaintiff	State of Nevada	Pro Se Wolfson, Steven B 702-671-2700(W)

DATE	EVENTS & ORDERS OF THE COURT	INDEX
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EVENTS

07/28/2014

In

CASE SUMMARY
CASE NO. C-14-299737-1

	 Information [1]	#1
07/28/2014	 Criminal Bindover [2] <i>Criminal Bindover (Confidential)</i>	In #2
08/05/2014	 Transcript of Proceedings [3] <i>Transcript of Hearing Held on June 12, 2014</i>	In #3
08/07/2014	 Media Request and Order [4] <i>Media Request and Order Allowing Camera Access to Court Proceedings</i>	In #4
08/08/2014	 Motion [5] <i>Defendant's to Extend Time to File Petition for a Writ of Habeas Corpus</i>	In #5
08/13/2014	 Opposition to Motion [6] <i>State's Opposition to Defendant's Motion to Extend Time to File Petition for Writ of Habeas Corpus</i>	In #6
09/16/2014	 Motion to Sever [7] <i>Defendant's Motion to Sever</i>	In #7
09/16/2014	 Writ of Habeas Corpus [8] <i>Defendant Dwight Solander's Petition for Writ of Habeas Corpus</i>	In #8
09/25/2014	 Opposition to Motion [9] <i>State's Opposition to Defendant's Motion to Sever</i>	In #9
09/26/2014	 Motion to Return [10] <i>Defendant Dwight Solander's Motion for Return of Property Seized During Search Warrant and to Shorten Time</i>	In #1
09/29/2014	 Motion [11] <i>Defendant Dwight Solander's Motion to Extend Time to Respond to State's Opposition to Defendants Motion to Sever</i>	In #1
09/29/2014	 Motion [12] <i>Defendant Dwight Solander's Motion to Extend Time to Respond to States Opposition to Defendant's Writ of Habeas Corpus</i>	In #1
10/03/2014	 Opposition to Motion [13] <i>Opposition to Defendant's Motion for Return of Property</i>	In #1
10/15/2014	 Memorandum [14] <i>State's Bench Memorandum Pursuant to Court's Request Regarding Issue in Pretrial Writs of Habeas Corpus</i>	In #1
10/17/2014	 Reply to Opposition [15] <i>Defendant Dwight Solander's Reply Brief to State's Opposition to His Motion to Sever</i>	In #1

CASE SUMMARY

CASE NO. C-14-299737-1

10/17/2014	 Motion <i>[16] Defendant Dwight Solander's Motion to Expand Time to File Answer to State's Return to Writ of Habeas Corpus and for Continuance of Hearing Thereof</i>	In #1
10/17/2014	 Joinder To Motion <i>[17] Defendant Dwight Solander's Joinder of Defendant Danielle Hinton's Discovery Motion and Motion to Compel</i>	In #1
11/05/2014	 Response <i>[18] Defendant Dwight Solander's Response to State's Memorandum.</i>	In #1
01/02/2015	 Media Request and Order <i>[19] Media Request and Order Allowing Camera Access to Court Proceedings</i>	In #1
03/17/2015	 Notice of Motion <i>[20] Notice of Motion and Motion to Continue Trial Date</i>	In #2
03/17/2015	 Order <i>[21] Expedited Order for Transcripts</i>	In #2
03/26/2015	 Reporters Transcript <i>[22] Transcript of Hearing Held on September 30, 2014</i>	In #2
03/26/2015	 Reporters Transcript <i>[23] Transcript of Hearing Held on October 21, 2014</i>	In #2
03/26/2015	 Reporters Transcript <i>[24] Transcript of Hearing Held on November 6, 2014</i>	In #2
03/30/2015	 Notice of Appeal (Criminal) <i>[26] Notice of Appeal</i>	In #2
03/30/2015	 Case Appeal Statement <i>[25]</i>	In #2
06/17/2015	 Findings of Fact, Conclusions of Law and Order <i>[27]</i>	In #2
06/24/2016	 NV Supreme Court Clerks Certificate/Judgment -Remanded <i>[28] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Reversed and Remand</i>	In #2
01/04/2018	 Notice of Expert Witnesses Filed By: Plaintiff State of Nevada <i>[29] State's Notice of Expert Witnesses [NRS 174.234(2)]</i>	In #2
01/08/2018	 Notice of Motion Filed By: Plaintiff State of Nevada <i>[30] State's Notice of Motion and Motion to Admit Evidence of Defendants Janet and Dwight Solander's Abuse of the</i>	In #2





CASE SUMMARY
CASE NO. C-14-299737-1

Foster Children in Their Home

01/09/2018	 Notice of Witnesses Party: Plaintiff State of Nevada <i>[31] State's Notice of Witnesses [NRS 174.234(1)(a)]</i>	In #:
01/22/2018	 Motion to Suppress Filed By: Defendant Solander, Dwight Conrad <i>[32] Motion to Suppress Evidence; Notice</i>	In #:
01/22/2018	 Supplemental Witness List Filed by: Plaintiff State of Nevada <i>[33] State's Supplemental Notice of Witnesses [NRS 174.234(1)(a)]</i>	In #:
01/22/2018	 Supplemental Witness List Filed by: Plaintiff State of Nevada <i>[34] State's Second Supplemental Notice of Witnesses [NRS 174.234(1)(a)]</i>	In #:
01/24/2018	 Order <i>[35] Order Releasing Medical Records</i>	In #:
01/24/2018	 Ex Parte Motion <i>[36] Ex Parte Motion for Release of Medical Records</i>	In #:
01/29/2018	 Supplemental Witness List Filed by: Plaintiff State of Nevada <i>[37] State's Third Supplemental Notice of Witnesses [NRS 174.234(1)(a)]</i>	In #:
01/31/2018	 Guilty Plea Agreement <i>[38]</i>	In #:
01/31/2018	 Amended Information <i>[39]</i>	In #:
03/15/2018	 PSI <i>[40] Presentence Investigation Report (Unfiled) Confidential</i>	In #4
03/15/2018	 PSI - Defendant Statements <i>[41]</i>	In #4
05/07/2018	 Notice of Motion Filed By: Defendant Solander, Dwight Conrad <i>[42] Notice of Motion and Motion to Continue Sentencing</i>	In #4
06/18/2018	 Judgment of Conviction <i>[43] Judgment of Conviction (Plea of Guilty)</i>	In #4
06/20/2018	 Motion to Reconsider	In #4

CASE SUMMARY

CASE NO. C-14-299737-1

	Filed By: Defendant Solander, Dwight Conrad <i>[44] Defendant's Motion for Rehearing and Reconsideration of Sentence</i>	
07/10/2018	 Notice of Appeal (Criminal) <i>[45] Notice of Appeal</i>	In #4
07/24/2018	 Recorders Transcript of Hearing <i>[46] Transcript of Hearing Held on June 5, 2018</i>	In #4
07/27/2018	 Recorders Transcript of Hearing <i>[47] Transcript of Hearing Held on January 23, 2018</i>	In #4
08/23/2018	 Order Denying Motion Filed By: Plaintiff State of Nevada <i>[48] Order Denying Defendant's Motion for Rehearing and Reconsideration of Sentence</i>	In #4
08/27/2018	 Request Filed by: Defendant Solander, Dwight Conrad <i>[49] Request for Rough Draft Transcript</i>	In #4
11/27/2019	 Motion to Dismiss Counsel Party: Defendant Solander, Dwight Conrad <i>[50] Motion to Withdraw Counsel</i>	In #2
02/24/2020	 Motion Filed By: Defendant Solander, Dwight Conrad <i>[51] Motion to Provide Transcripts and Other Documents at State Expense; Hearing Requested</i>	In #2
02/24/2020	 Memorandum of Points and Authorities Filed By: Defendant Solander, Dwight Conrad <i>[52] Memorandum of Points and Authorities in Support of Motion to Provide Transcripts and Other Documents at State Expense</i>	In #2
02/24/2020	 Motion Filed By: Defendant Solander, Dwight Conrad <i>[53] Motion to Provide a Copy of a Sealed Record (PSI) NRS 176.156 on an Order Shortening Time; Hearing Requested</i>	In #2
02/24/2020	 Declaration Filed By: Defendant Solander, Dwight Conrad <i>[54] Declaration of Petitioner</i>	In #2
02/24/2020	 Miscellaneous Filing Filed by: Defendant Solander, Dwight Conrad <i>[55] List of Requested Documents - Motion to Provide Transcripts and Other Documents at State Expense</i>	In #2
02/25/2020	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>[56] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed</i>	In #2
03/24/2020		In

CASE SUMMARY**CASE NO. C-14-299737-1**









	 Order Granting Motion Filed By: Plaintiff State of Nevada <i>[57] Order Granting Defendant's Pro Per Motion to Provide Transcripts and Other Documents at State Expense and Order Granting Defendant's Pro Per Motion to Provide a Copy of a Sealed Record PSI NRS 176.156 on an Order Shortening Time</i>	#2
06/04/2020	 Motion Filed By: Defendant Solander, Dwight Conrad <i>[58] Motion for Status Check on Motion to Produce Documents at State Expense; Hearing Requested</i>	In #2
07/24/2020	 Response Filed by: Defendant Solander, Dwight Conrad <i>[59] Defendant's Response and Objections to Courts Notes on 7-2-2020 Hearing on Motion for Status</i>	In #2
07/24/2020	 Motion Filed By: Defendant Solander, Dwight Conrad <i>[60] Motion for Court to Issue an Order in Accordance with It's Notes on 7-2-2020 Hearing for Production of Documents.</i>	In #2
08/19/2020	 Motion to Stay Filed By: Defendant Solander, Dwight Conrad <i>[61] Motion to Stay Time to File Writ After JOC Final</i>	In #2
08/19/2020	 Clerk's Notice of Hearing <i>[62] Notice of Hearing</i>	In #2
08/26/2020	 Certificate of Mailing Filed By: Defendant Solander, Dwight Conrad <i>[63]</i>	In #2
09/08/2020	 Opposition to Motion Filed By: Plaintiff State of Nevada <i>[64] State's Opposition to Defendant's Motion to Stay Time to File Writ</i>	In #2
09/09/2020	 Declaration <i>[65] Declaration of Mailing</i>	In #2
09/23/2020	 Order Denying Motion Filed By: Plaintiff State of Nevada <i>[66] Order Denying Defendant's Motion to Stay Time to File Writ</i>	In #2
09/24/2020	 Motion for Order Filed By: Defendant Solander, Dwight Conrad <i>[67] Motion for Order to Show Cause</i>	In #2
09/24/2020	 Statement Filed by: Defendant Solander, Dwight Conrad <i>[68] Defendant's Statement on Status Check Set for Sept. 17, 2020</i>	In #2
10/12/2020	 Motion	In #2

CASE SUMMARY**CASE NO. C-14-299737-1**

	Filed By: Defendant Solander, Dwight Conrad <i>[69] Motion for Production of Documents Not Provided By State Ordered by Court to Produce; Hearing Requested</i>	
10/13/2020	 Amended Certificate of Mailing Filed By: Defendant Solander, Dwight Conrad <i>[70]</i>	In #7
01/04/2021	Case Reassigned to Department 15 <i>Judicial Reassignment to Judge Joe Hardy</i>	
01/05/2021	 Inmate Filed - Petition for Writ of Habeas Corpus Party: Defendant Solander, Dwight Conrad <i>[74] Petition for Writ of Habeas Corpus (Post Conviction)</i>	In #7
02/08/2021	 Motion Filed By: Defendant Solander, Dwight Conrad <i>[71] Motion for Production of Documents, Papers, Pleadings, and Tangible Property of Defendant</i>	In #7
02/18/2021	 Opposition to Motion Filed By: Plaintiff State of Nevada <i>[72] State's Opposition to Defendant's Motion to Stay Time to File Writ</i>	In #7
03/10/2021	 Opposition Filed By: Plaintiff State of Nevada <i>[73] State's Opposition to Defendant's Petition for Writ of Habeas Corpus (Post-Conviction)</i>	In #7
03/16/2021	 Recorders Transcript of Hearing <i>[75] Recorder's Transcript of Hearing Re: October 28, 2014 - Defendant Dwight Solander's Motion to Expand Time to File Answer to State's Return to Writ of Habeas Corpus and for Continuance of Hearing Thereof</i>	In #7
03/16/2021	 Recorders Transcript of Hearing <i>[76] Recorder's Transcript of Hearing Re: March 26, 2015 - Calendar Call</i>	In #7
03/16/2021	 Recorders Transcript of Hearing <i>[77] Recorder's Transcript of Hearing Re: April 7, 2015 - Status Check: Reset Trial</i>	In #7
03/16/2021	 Recorders Transcript of Hearing <i>[78] Recorder's Transcript of Hearing Re: April 14, 2015 - Status Check: Reset Trial</i>	In #7
03/16/2021	 Recorders Transcript of Hearing <i>[79] Recorder's Transcript of Hearing Re: January 28, 2016 - Calendar Call</i>	In #7
03/16/2021	 Recorders Transcript of Hearing <i>[80] Recorder's Transcript of Hearing Re: September 29, 2016 - Status Check: Supreme Court Decision</i>	In #8
03/16/2021	 Recorders Transcript of Hearing <i>[81] Recorder's Transcript of Hearing Re: May 10, 2018 - Sentencing</i>	In #8
03/16/2021	 Recorders Transcript of Hearing	In #8

CASE SUMMARY

CASE NO. C-14-299737-1

	<i>[82] Recorder's Transcript of Hearing Re: July 10, 2018 - Defendant's Motion for Rehearing and Reconsideration of Sentence</i>	
03/16/2021	 Recorders Transcript of Hearing <i>[83] Recorder's Partial Transcript of Hearing Re: January 31, 2018 - Evidentiary Hearing</i>	In #8
03/16/2021	 Recorders Transcript of Hearing <i>[84] Recorder's Transcript of Hearing Re: January 29, 2018 - Further Proceedings: Continue Trial Date</i>	In #8
07/28/2021	 Motion Filed By: Defendant Solander, Dwight Conrad <i>[85] Motion for Status and to Grant Motion for Production of Documents</i>	In #8
07/30/2021	 Motion Filed By: Defendant Solander, Dwight Conrad <i>[86] Motion for Continuance of Hearing set for August 12 , 2021 Regarding Habeas Writ</i>	In #8
08/06/2021	 Findings of Fact, Conclusions of Law and Judgment <i>[87] Findings of Fact, Conclusions of Law and Order</i>	In #8
08/11/2021	 Notice of Entry Filed By: Plaintiff State of Nevada <i>[88] Notice of Entry of Findings of Fact, Conclusions of Law and Order</i>	In #8
09/13/2021	 Notice of Appeal (Criminal) <i>[89] Notice of Appeal</i>	In #8
09/14/2021	 Case Appeal Statement Filed By: Plaintiff State of Nevada <i>Case Appeal Statement</i>	In #8
	<u>DISPOSITIONS</u>	
01/31/2018	Disposition (Judicial Officer: Adair, Valerie) 5. CHILD ABUSE, NEGLECT OR ENDANGERMENT Amended Information Filed/Charges Not Addressed PCN: Sequence: 6. CHILD ABUSE, NEGLECT OR ENDANGERMENT Amended Information Filed/Charges Not Addressed PCN: Sequence: 7. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE Amended Information Filed/Charges Not Addressed PCN: Sequence: 8. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE Amended Information Filed/Charges Not Addressed PCN: Sequence: 14. CHILD ABUSE, NEGLECT OR ENDANGERMENT WITH SUBSTANTIAL BODILY HARM Amended Information Filed/Charges Not Addressed PCN: Sequence: 15. CHILD ABUSE, NEGLECT OR ENDANGERMENT	

CASE SUMMARY

CASE NO. C-14-299737-1

Amended Information Filed/Charges Not Addressed

PCN: Sequence:

16. CHILD ABUSE, NEGLECT OR ENDANGERMENT

Amended Information Filed/Charges Not Addressed

PCN: Sequence:

17. CHILD ABUSE, NEGLECT OR ENDANGERMENT

Amended Information Filed/Charges Not Addressed

PCN: Sequence:

18. CHILD ABUSE, NEGLECT OR ENDANGERMENT

Amended Information Filed/Charges Not Addressed

PCN: Sequence:

19. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

Amended Information Filed/Charges Not Addressed

PCN: Sequence:

24. CHILD ABUSE, NEGLECT OR ENDANGERMENT WITH SUBSTANTIAL BODILY HARM

Amended Information Filed/Charges Not Addressed

PCN: Sequence:

26. CHILD ABUSE, NEGLECT OR ENDANGERMENT

Amended Information Filed/Charges Not Addressed

PCN: Sequence:

27. CHILD ABUSE, NEGLECT OR ENDANGERMENT

Amended Information Filed/Charges Not Addressed

PCN: Sequence:

28. CHILD ABUSE, NEGLECT OR ENDANGERMENT

Amended Information Filed/Charges Not Addressed

PCN: Sequence:

29. CHILD ABUSE, NEGLECT OR ENDANGERMENT

Amended Information Filed/Charges Not Addressed

PCN: Sequence:

30. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (BEDROOM 1)

Amended Information Filed/Charges Not Addressed

PCN: Sequence:

31. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (BATHROOM 1)

Amended Information Filed/Charges Not Addressed

PCN: Sequence:

32. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (BATHROOM 2)

Amended Information Filed/Charges Not Addressed

PCN: Sequence:

33. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (LOFT 1)

Amended Information Filed/Charges Not Addressed

PCN: Sequence:

34. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (LOFT 2)

Amended Information Filed/Charges Not Addressed

PCN: Sequence:

35. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (LOFT 3)

Amended Information Filed/Charges Not Addressed

PCN: Sequence:

CASE SUMMARY
CASE NO. C-14-299737-1

36. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (LOFT 4)
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

01/31/2018 **Plea** (Judicial Officer: Adair, Valerie)

1. CHILD ABUSE, NEGLECT, OR ENDANGERMENT RESULTING IN SUBSTANTIAL BODILY HARM
Guilty
PCN: Sequence:
2. CHILD ABUSE, NEGLECT, OR ENDANGERMENT RESULTING IN SUBSTANTIAL BODILY HARM
Guilty
PCN: Sequence:
3. CHILD ABUSE, NEGLECT, OR ENDANGERMENT RESULTING IN SUBSTANTIAL BODILY HARM
Guilty
PCN: Sequence:

06/05/2018 **Disposition** (Judicial Officer: Adair, Valerie)

1. CHILD ABUSE, NEGLECT, OR ENDANGERMENT RESULTING IN SUBSTANTIAL BODILY HARM
Guilty
PCN: Sequence:
2. CHILD ABUSE, NEGLECT, OR ENDANGERMENT RESULTING IN SUBSTANTIAL BODILY HARM
Guilty
PCN: Sequence:
3. CHILD ABUSE, NEGLECT, OR ENDANGERMENT RESULTING IN SUBSTANTIAL BODILY HARM
Guilty
PCN: Sequence:

06/05/2018 **Adult Adjudication** (Judicial Officer: Adair, Valerie)

1. CHILD ABUSE, NEGLECT, OR ENDANGERMENT RESULTING IN SUBSTANTIAL BODILY HARM
01/19/2011 (F) 200.508.1a2 (DC55222)
PCN: Sequence:

Sentenced to Nevada Dept. of Corrections
Term: Minimum:36 Months, Maximum:120 Months

06/05/2018 **Adult Adjudication** (Judicial Officer: Adair, Valerie)

2. CHILD ABUSE, NEGLECT, OR ENDANGERMENT RESULTING IN SUBSTANTIAL BODILY HARM
01/19/2011 (F) 200.508.1a2 (DC55222)
PCN: Sequence:

Sentenced to Nevada Dept. of Corrections
Term: Minimum:36 Months, Maximum:120 Months
Concurrent: Charge 1

06/05/2018 **Adult Adjudication** (Judicial Officer: Adair, Valerie)

3. CHILD ABUSE, NEGLECT, OR ENDANGERMENT RESULTING IN SUBSTANTIAL BODILY HARM
01/19/2011 (F) 200.508.1a2 (DC55222)
PCN: Sequence:




Sentenced to Nevada Dept. of Corrections
Term: Minimum:36 Months, Maximum:120 Months
Concurrent: Charge 2
Credit for Time Served: 105 Days
Fee Totals:

Administrative

CASE SUMMARY
CASE NO. C-14-299737-1

Assessment Fee	25.00
\$25	
DNA Analysis Fee	150.00
\$150	
Genetic Marker	
Analysis AA Fee	3.00
\$3	
Fee Totals \$	178.00

HEARINGS

- 07/31/2014  **Initial Arraignment** (9:30 AM) (Judicial Officer: Weed, Randall F.)
Plea Entered;
Journal Entry Details:
Tierra Jones, Deputy District Attorney, present for the State of Nevada. Defendant Solander, present out of custody, with Craig Mueller, Esq. DEFT. SOLANDER ARRAIGNED, PLED NOT GUILTY, and WAIVED the 60-DAY RULE. COURT ORDERED, matter set for trial. Colloquy regarding trial dates. COURT ORDERED, pursuant to Statute, Counsel has 21 days from today for the filing of any Writs; if the Preliminary Hearing Transcript has not been filed as of today, Counsel has 21 days from the filing of the Transcript. BOND 03/26/15 9:30 AM CALENDAR CALL (DEPT. 21) 03/30/15 9:30 AM JURY TRIAL (DEPT. 21) ;
- 08/19/2014  **Motion for Order Extending Time** (9:30 AM) (Judicial Officer: Adair, Valerie)
Defendant's to Extend Time to File Petition for a Writ of Habeas Corpus
Granted;
Journal Entry Details:
Ms. Jones requested a continuance, advising the Court that the defense is missing part of the Bindover argument transcript. Ms. Bluth noted she will contact the appropriate Court Reporter to determine the status. COURT ORDERED, defense shall file its Petition no later than Tuesday, September 16, 2014; State to respond accordingly. BOND 3/26/2015 9:30 am Calendar Call 3/30/2015 9:30 am Jury Trial;
- 09/30/2014 **Motion to Sever** (9:30 AM) (Judicial Officer: Adair, Valerie)
09/30/2014, 10/21/2014, 11/06/2014
Events: 09/16/2014 Motion to Sever
Defendant's Motion to Sever
Continued;
Continued;
Denied Without Prejudice;
Continued;
Continued;
Denied Without Prejudice;
Continued;
Continued;
Denied Without Prejudice;
- 09/30/2014 **Petition for Writ of Habeas Corpus** (9:30 AM) (Judicial Officer: Adair, Valerie)
09/30/2014, 10/21/2014, 11/06/2014
Events: 09/16/2014 Writ of Habeas Corpus
Defendant Dwight Solander's Petition for Writ of Habeas Corpus
Continued;
Continued;
Under Advisement;
Continued;
Continued;
Under Advisement;
Continued;
Continued;
Under Advisement;
- 09/30/2014  **All Pending Motions** (9:30 AM) (Judicial Officer: Adair, Valerie)
Continued;
Journal Entry Details:

CASE SUMMARY
CASE NO. C-14-299737-1

DEFENDANT'S MOTION TO SEVER...PETITION FOR WRIT OF HABEAS CORPUS Mr. Mueller stated he received late service on the oppositions and needs more time to review and reply. Ms. Bluth advised that Chapter 34 states he is not entitled to petition and reply. **COURT ORDERED**, it will allow Mr. Mueller's request for additional time to reply. The Court noted concern regarding the sexual assault counts and if they have been attempted anywhere else. Anatomically you are talking about two different orifices; biologically speaking there is concern with the mechanics of the catheter issue. With the wife the allegations are separate. The State has to establish what happened by slight or marginal evidence. The Court informed counsel that additional research would be welcomed by the Court. **COURT FURTHER ORDERED**, Mr. Mueller is given additional time to file a reply. **MATTER CONTINUED. BOND CONTINUED TO: 10/21/14 9:30 AM - DEFENDANT'S MOTION TO SEVER...PETITION FOR WRIT OF HABEAS CORPUS ;**

- 10/09/2014 **CANCELED Motion for Order Extending Time (9:30 AM)** (Judicial Officer: Adair, Valerie)
Vacated - per Secretary
Defendant Dwight Solander's Motion to Extend Time to Respond to States Opposition to Defendant's Writ of Habeas Corpus
- 10/09/2014 **CANCELED Motion to Sever (9:30 AM)** (Judicial Officer: Adair, Valerie)
Vacated - per Secretary
Defendant Dwight Solander's Motion to Extend Time to Respond to State's Opposition to Defendants Motion to Sever
- 10/21/2014 **Motion (9:30 AM)** (Judicial Officer: Adair, Valerie)
10/21/2014, 11/06/2014
Events: 09/26/2014 Motion to Return
Defendant Dwight Solander's Motion for Return of Property Seized During Search Warrant and to Shorten Time Continued;
Moot;
Continued;
Moot;
- 10/21/2014 **Joinder (9:30 AM)** (Judicial Officer: Adair, Valerie)
10/21/2014, 11/06/2014
Defendant Dwight Solander's Joinder of Defendant Danielle Hinton's Discovery Motion and Motion to Compel Continued;
Granted in Part;
Continued;
Granted in Part;
- 10/21/2014  **All Pending Motions (9:30 AM)** (Judicial Officer: Adair, Valerie)
Matter Continued;
Journal Entry Details:
DEFENDANT DWIGHT SOLANDER'S MOTION FOR RETURN OF PROPERTY SEIZED DURING SEARCH WARRANT AND TO SHORTEN TIME..DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS...DEFENDANT'S MOTION TO SEVER...DEFENDANT DWIGHT SOLANDER'S JOINDER OF DEFENDANT DANIELLE HINTON'S DISCOVERY MOTION AND MOTION TO COMPEL Counsel discussed additional time to reply to writs and that the preliminary hearing transcripts are not available yet. Ms. Luzaich stated that the bind overs are held until all the transcripts are completed. The Court stated it will look into when the transcripts were filed. Following further statements, COURT ORDERED, motions CONTINUED. BOND CONTINUED TO: 11/6/14 9:30 AM ;
- 10/28/2014  **Motion (9:30 AM)** (Judicial Officer: Adair, Valerie)
Defendant Dwight Solander's Motion to Expand Time to File Answer to state's Return to Writ of Habeas Corpus and for Continuance of Hearing thereof
Off Calendar;
Journal Entry Details:
COURT ORDERED, matter is OFF CALENDAR. BOND ;
- 11/06/2014  **All Pending Motions (9:30 AM)** (Judicial Officer: Adair, Valerie)
Matter Heard;
Journal Entry Details:
Jacqueline Bluth and Elissa Luzaich appearing for the State of Nevada. Craig Mueller appearing for defendant DWIGHT SOLANDER. 1. Defendant Dwight Solander's Motion for Return of Property Seized During Search Warrant and to Shorten Time - COURT ORDERED, motion is MOOT as the property has already been turned over. 2.

CASE SUMMARY**CASE NO. C-14-299737-1**

Defendant Dwight Solander's Joinder of Deft. Danielle Hinton's Discovery Motion and Motion to Compel - DISCOVERY RULING IS SAME AS RULING FOR DANIELLE HINTON. 3. Defendant's Dwight Solander's Motion to Sever - COURT ORDERED, MOTION IS DENIED WITHOUT PREJUDICE. 4. Defendant Dwight Solander's Petition for Writ of Habeas Corpus - UNDER ADVISEMENT. SEXUAL ASSAULT. The Court noted it reviewed the petition. Mr. Mueller submitted on the pleadings, except for the sexual assault charge. He stated this is not a sexual assault case as it relates to the use of the catheter. Ms. Bluth opposed Mr. Mueller's position and stated that this is not a specific intent crime. The Court informed parties that first, this is a question of law. The issue as to whether or not this kind of insertion in the urinary opening would be considered something that could fall within the sexual assault statute. The Court informed counsel that it conferred with several other Judges who do criminal work and the prevailing opinion was that the insertion of a catheter is not a sexual assault. CHILD ABUSE AND CORPORAL PUNISHMENT. The Court is much more comfortable with these charges as they are questions for the jury. That is where one relies on the consensus of the community. CONSPIRACY. Mr. Mueller stated there are no allegations that Mr. Solander either touched or inserted the catheter into any of the children. He stated opposition to the State's filing thirteen acts for every time the catheter was documented. Opposition by Ms. Bluth. The Court advised that the State is entitled to have evidence of each and everything. As a matter of law the Court feels that Mr. Mueller is wrong. COURT ORDERED, Defendant Dwight Solander's Petition for Writ of Habeas Corpus is UNDER ADVISEMENT. Jeffrey Rue appearing for defendant Danielle Hinton. 1. Defendant Hinton's Motion for Discovery - GRANTED IN PART. BRADY MATERIALS. a. All CPS records and DPS records on the girls. COURT ORDERED, counsel is to provide a list of allegations for in-camera review and if it finds relevance, it will request further records. b. All CPS records and DFS records on the Solanders. COURT ORDERED, counsel is to provide a list of allegations for in-camera review and if it finds relevance, it will request further records. c. All records of mental health workers who have had contact with the girls. COURT ORDERED, the State is to obtain for in-camera review, any counseling, psychological records relating to the time when the girls began living with these defendants. d. All records and notes of physical exams on the girls. COURT FINDS, this request is overly broad and ORDERED, request DENIED. e. All records and notes from the victim witness office of the DA on any monetary assistance given to the minors. COURT ORDERED, any benefits received through Victim Witness must be disclosed. f. All notes of interviews with the material witnesses. Ms. Bluth stated that Dr. Emory memorializes notes into reports; she always hands over any exculpatory information to the defense. She also state that she has had no contact with the investigator in Florida, but all parties have the reports from Florida. g. Information on the criminal history of any witness. COURT FINDS, the State does not have to turn over NCIC reports, but if they become aware of any conviction that could potentially be used for impeachment the must provide this information to the defense. h. Any information on any previous false allegations of misconduct made by the girls. If the State becomes aware of misconduct they must disclose to the defense. Mr. Rue stated there are no issues with i. - m. n. Any 911 recordings. State to provide copy of missing persons report and all that goes with that. 2. Defendant Hinton's Petition for Writ of Habeas Corpus - UNDER ADVISEMENT. Mr. Rue stated that in his opinion, the State did not overcome the requirement of slight or marginal evidence regarding serious, permanent disfigurement. The State is of the opinion that the photograph was enough, but there was no testimony of prolonged pain. He further stated that his client was arrested on that scar being a serious permanent disfigurement. The Court stated that the issue on the Writ is whether there was enough evidence presented at the preliminary hearing regarding the scar. COURT ORDERED, matter taken UNDER ADVISEMENT. 3. Defendant Hinton's Motion to Compel State's Compliance of NRS 174.234 - GRANTED IN PART. Mr. Rue stated he needs the address of the three children who are currently in foster care. The only contact he has is to send requests in the care of the District Attorney's office. Ms. Bluth advised that the State doesn't usually give out this information. Mr. Rue informed parties that his alternative is to have the State provide him with an opportunity to interview these children. Upon Ms. Bluth's inquiry, the Court stated that Mr. Rue wants to send his investigator out, therefore he needs an address. The Court stated that it would feel more comfortable that Mr. Rue and his investigator have an opportunity to meet with the children. Ms. Bluth informed the Court that the foster parents aren't going to be willing to do that. She suggested that she put Mr. Rue in connection with the foster mother and if she decides it is alright, the State will put him in touch with her case worker first. COURT SO ORDERED. C. Mcamis and Kristina Wildeveld appearing for defendant JANET SOLANDER. 1. Defendant Janet Solander's Joinder to Defendant Dwight Solander's Petition for Writ of Habeas Corpus - Ms. Mcamis informed the Court that she has filed her motion for Janet Solander's Petition for Writ of Habeas Corpus and has rescheduled it to give the State time to reply. The Court advised that her JEA and Law Clerk researched this matter and found that the Preliminary Hearing transcript was attached to the bind over when it was scanned into Odyssey making it difficult to find. Normally these transcripts are filed and scanned individually. 2. Defendant Janet Solander's Joinder to Defendant Hinton's Motion for Discovery - DISCOVERY RULING IS SAME AS RULING FOR DANIELLE HINTON. BOND (DEFTS 1 & 3) O.R./I.S. (DEFT 2) ;

12/01/2014

**Decision** (3:00 AM) (Judicial Officer: Adair, Valerie)

Decision Re: Dwight Solander's Petition for Writ of Habeas Corpus

Denied;

Journal Entry Details:

COURT ORDERED, petition is GRANTED as to the sexual assault with the catheter and DENIED as to remaining issues. CUSTODY CLERK'S NOTE: Above minute order modified per Court on 1/28/14. dh ;

03/26/2015

**Calendar Call** (9:30 AM) (Judicial Officer: Adair, Valerie)

Set Status Check;

CASE SUMMARY


CASE NO. C-14-299737-1


Journal Entry Details:

Ms. Luzaich appeared for Ms. Bluth who is in currently in trial. She requested that the trial date be vacated and continued for resetting. BOND 4/7/15 9:30 AM STATUS CHECK: RESET TRIAL ;


03/30/2015 **CANCELED Jury Trial** (9:30 AM) (Judicial Officer: Adair, Valerie)
Vacated

03/31/2015 **CANCELED Motion to Continue Trial** (9:30 AM) (Judicial Officer: Adair, Valerie)
Vacated - per Secretary
Notice of Motion and Motion to Continue Trial Date

04/07/2015  **Status Check** (9:30 AM) (Judicial Officer: Adair, Valerie)
04/07/2015, 04/14/2015
Reset Trial
Continued;
Trial Date Set;
Journal Entry Details:
Colloquy regarding trial setting. COURT ORDERED, matter SET for TRIAL, FIRM SETTING. BOND 1/28/16 9:30 AM ;
Continued;
Trial Date Set;
Journal Entry Details:
COURT ORDERED, matter CONTINUED.;

01/28/2016  **Calendar Call** (9:30 AM) (Judicial Officer: Adair, Valerie)
Set Status Check;
Journal Entry Details:
COURT ORDERED, matter SET for a status check as the case is still with the Supreme Court. BOND 3/31/16 9:30 AM SC: SUPREME COURT DECISION;

02/01/2016 **CANCELED Jury Trial** (9:30 AM) (Judicial Officer: Adair, Valerie)
Vacated

03/31/2016  **Status Check** (9:30 AM) (Judicial Officer: Adair, Valerie)
03/31/2016, 09/29/2016
Supreme Court Decision
Continued;
Trial Date Set;
Journal Entry Details:
Court noted the Supreme Court declined to revisit their decision and SET MATTER for TRIAL. BOND 8/17/17 9:30 AM CALENDAR CALL 8/21/17 9:30 AM JURY TRIAL ;
Continued;
Trial Date Set;
Journal Entry Details:
No information received from the Nevada Supreme Court. COURT ORDERED, matter CONTINUED. BOND CONTINUED TO: 9/29/16 9:30 AM;

01/23/2018 **Calendar Call** (9:30 AM) (Judicial Officer: Adair, Valerie)
Co-Def. Motion to Continue Trial - Granted
To be held as same day as Motion as this is a FIRM set anyways and also the oldest on the stack; See 1/22/18 correspondence
Matter Heard;

01/23/2018 **Motion** (9:30 AM) (Judicial Officer: Adair, Valerie)
State's Motion to Admit Evidence of Defendant Janet and Dwight Solander's Abuse of the Foster Children In Their Home

MINUTES

Matter Continued;

SCHEDULED HEARINGS

CASE SUMMARY

CASE NO. C-14-299737-1



All Pending Motions (01/23/2018 at 9:30 AM) (Judicial Officer: Adair, Valerie)

01/23/2018



All Pending Motions (9:30 AM) (Judicial Officer: Adair, Valerie)

Matter Continued;

Journal Entry Details:

STATE'S MOTION TO ADMIT EVIDENCE OF DEFT JANET AND DWIGHT SOLANDER'S ABUSE OF THE FOSTER CHILDREN IN THEIR HOME.....CALENDAR CALL Court noted that the motions and opposition were all reviewed. Mr. Mueller orally requested to join in on the opposition. Upon inquiry of the Court, Ms. Bluth stated that she anticipated needing 3 weeks for trial. Colloquy regarding scheduling a hearing and the late filing of the motions. Further colloquy regarding medical records for the children and witnesses that will testify. Mr. Figler requested a copy of all of the medical records that State had. Ms. Bluth stated she would scan and send over to him adding that there were two boxes full. Court inquired about resetting the trial per Ms. McAmis' motion. Ms. Bluth stated she was still working on her opposition. Court advised counsel that the Calendar Call as to Deft. Hinton STANDS and SET hearing. Mr. Mueller requested the Calendar Call date also stand for Deft. Dwight Solander and declined to announce ready for trial based on the bad acts motion. Argument as to the Motion in Limine. Court CONTINUED argument to the hearing date. Ms. Bluth stated that there was an offer extended before the preliminary hearing but withdrawn once testimony from the children was heard adding that the defense could make a counter offer. BOND CONTINUED TO: 1/25/18 9:30 AM;

01/29/2018

CANCELED Jury Trial - FIRM (9:00 AM) (Judicial Officer: Adair, Valerie)

Vacated - per Judge

01/29/2018



Further Proceedings (9:00 AM) (Judicial Officer: Adair, Valerie)

Continue Trial Date

Matter Heard;

Journal Entry Details:

Mr. Mueller stated the matter was not resolved and that counsel had another appointment that day. Ms. Bluth confirmed the information. Court noted that parties met 1/26/18 and agreed to delay trial to give counsel additional time to prepare for Deft. Hinton's testimony. Colloquy regarding witnesses and testimony to be heard at the evidentiary hearing. Mr. Mueller stated his client can come and report on the offer or participate in the hearing. Ms. McAmis stated that the Deft. had medical issues that would require breaks and needing to sit down. Court advised parties of the usual breaks taken during trial and that a break can be requested. Argument as to the motion to strike experts. Mr. Figler argued that the CVs of the experts were not attached when noticed. Ms. Bluth stated that she provided what she had and that some of the experts did not have one to attach adding that she would obtain information regarding schooling and certification to provide to the Court. Court ADVISED that if the witness was not noticed as an expert, they may only testify as a treating physician would adding that Ms. Bluth will need to go through each witness and advise what their testimony will be to determine if a CV would be required. Ms. Bluth went through the list and stated that Dr. Ceil would be the only one to give an expert opinion. Court OVERRULED the defenses' objection adding that witnesses may testify regarding why the children were seen, their conclusions of evaluations, and recommendations given to the parents. Court directed Ms. Bluth to try and get CVs for witnesses that were missing one. Colloquy regarding trial counsel. Mr. Figler stated that Ms. Wildeveld had a conflict and he was able to substitute in adding that Ms. McAmis would be lead counsel. BOND ;

01/31/2018



Evidentiary Hearing (9:00 AM) (Judicial Officer: Adair, Valerie)

MINUTES

Plea Entered;

Journal Entry Details:

Upon request of the Court, Ms. Bluth gave the State's witness schedule. Argument regarding the motion pertaining to paint sticks. Court took the motion off calendar. NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. DEFT. SOLANDER ARRAIGNED AND PLED GUILTY TO COUNTS 1, 2 & 3 of CHILD ABUSE, NEGLECT OR ENDANGERMENT RESULTING IN SUBSTANTIAL BODILY HARM (F). Court ACCEPTED plea and ORDERED, matter referred to the Division of Parole and Probation (P & P) and set for SENTENCING. Court DIRECTED Deft. to report to P & P immediately. BOND 5/10/18 9:30 AM SENTENCING;

SCHEDULED HEARINGS



Sentencing (05/10/2018 at 9:30 AM) (Judicial Officer: Adair, Valerie)

05/10/2018, 06/05/2018

02/01/2018

CANCELED Motion to Suppress (9:30 AM) (Judicial Officer: Adair, Valerie)

Vacated

Defendant's Motion To Suppress Evidence; Notice

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. C-14-299737-1

05/10/2018  **Sentencing** (9:30 AM) (Judicial Officer: Adair, Valerie)

05/10/2018, 06/05/2018

Matter Continued;

Defendant Sentenced;

Journal Entry Details:

DEFT SOLANDER ADJUDGED GUILTY of COUNTS 1,2,3- CHILD ABUSE, NEGLECT OR ENDANGERMENT RESULTING IN SUBSTANTIAL BODILY HARM (F). Arguments by counsel. Victim Witness statements. Court finds his behavior encouraged and contributed to the events. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, \$150.00 DNA Analysis fee including testing to determine genetic markers, and \$3.00 DNA Collection fee, Deft. SENTENCED to COUNT 1- a MAXIMUM of 120 MONTHS and MINIMUM of 36 MONTHS in the Nevada Department of Corrections (NDC); COUNT 2- to a MAXIMUM of 120 MONTHS and MINIMUM of 36 MONTHS in the Nevada Department of Corrections (NDC) TO RUN CONCURRENT WITH COUNT 1; COUNT 3- to a MAXIMUM of 120 MONTHS and MINIMUM of 36 MONTHS in the Nevada Department of Corrections (NDC), TO RUN CONCURRENT WITH COUNT 2. Credit for time served 105 days. Bond if any exonerated. NDC;

Matter Continued;

Defendant Sentenced;


Journal Entry Details:

Court noted the Defts' danger evaluations were not completed. Mr. Rue stated Deft. Hinton would not need one. given her charges. Ms. McAmis stated there was a large volume of information her expert would need to review and would need an additional three weeks. Upon the Court's inquiry Ms. Bluth stated she called off the victim speakers and would reschedule. COURT ORDERED, MATTER CONTINUED. BOND CONTINUED TO: 6/5/18 9:30 AM;

05/17/2018 **CANCELED Motion to Continue** (9:30 AM) (Judicial Officer: Adair, Valerie)

Vacated - Previously Decided

Defendant's Notice of Motion to Continue Sentencing

07/10/2018  **Motion For Reconsideration** (9:30 AM) (Judicial Officer: Smith, Douglas E.)

Defendant's Motion for Rehearing and Reconsideration of Sentence

See 6/25/18 correspondence from counsel requesting that Motion be moved to a later date to accomodate counsel's schedule

Denied;

Journal Entry Details:

Notice of Appeal FILED IN OPEN COURT. Defendant not present. Mr. Mueller noted he prefer Judge Adair rule on the Motion. Court stated Judge Adair indicated there was nothing in the Motion that would change her opinion for a re-hearing. Mr. Mueller argued in support of Motion for Rehearing and Reconsideration. Court stated the Motion was read and there was not any mistake of law or fact and looking at the totality of the circumstances, the fact that the Defendant plead guilty, the Court is not inclined to do a rehearing. COURT ORDERED, State is to prepare a Findings of Fact and Conclusion of Law consistent with the opposition and argument in Court. NDC;

01/02/2020  **Motion** (9:30 AM) (Judicial Officer: Adair, Valerie)

Defendant's Pro Per Motion to Withdraw Counsel

Motion Granted;

Journal Entry Details:

COURT ORDERED Defendant's Pro Per Motion to Withdraw Counsel was hereby GRANTED. NDC CLERK'S NOTE: A copy of this minute order was mailed to: Dwight Conrad Solander #1200038 [High Desert State Prison P.O. Box 650 Indian Springs, NV 89070]. A copy of this minute order was e-mailed to: Craig Mueller, Esq. [receptionist@craigmuellerlaw.com]. (KD 1/2/20);

03/17/2020 **Motion** (9:30 AM) (Judicial Officer: Bixler, James)


Defendant's Pro Per Motion to Provide Transcripts and Other Documents at State Expense

Motion Granted;

03/17/2020 **Motion** (9:30 AM) (Judicial Officer: Bixler, James)

Defendant's Pro Per Motion to Provide a Copy of a Sealed Record PSI NRS 176.156 on an Order Shortening Time

Motion Granted;

03/17/2020  **All Pending Motions** (9:30 AM) (Judicial Officer: Bixler, James)

Matter Heard;

Journal Entry Details:

DEFT'S PRO PER MOTION TO PROVIDE A COPY OF A SEALED RECORD PSI NRS 176.156 ON AN ORDER

CASE SUMMARY

CASE NO. C-14-299737-1

SHORTENING TIME...DEFT'S PRO PER MOTION TO PROVIDE TRANSCRIPTS AND OTHER DOCUMENTS AT STATE EXPENSE There being no opposition, COURT ORDERED, motions GRANTED. State to provide all documents. NDC CLERK'S NOTE: The above minute order has been distributed to: Dwight Solander #1200038, HDSP, P.O. Box 650, Indian Springs, NV 89070. aw;

07/02/2020



Motion (1:45 PM) (Judicial Officer: Adair, Valerie)

07/02/2020, 08/06/2020, 08/27/2020

Motion for Status Check on Motion to Produce Documents at State Expense

Matter Continued; Motion for Status Check on Motion to Produce Documents at State Expense

Matter Continued; Motion for Status Check on Motion to Produce Documents at State Expense

Granted; Motion for Status Check on Motion to Produce Documents at State Expense

Matter Continued; Motion for Status Check on Motion to Produce Documents at State Expense

Matter Continued; Motion for Status Check on Motion to Produce Documents at State Expense

Granted; Motion for Status Check on Motion to Produce Documents at State Expense

Journal Entry Details:

Court noted a representative from Mr. Mueller's office was to be present today to advise the status of Deft's file. Court further noted this motion is requesting new things from Mr. Mueller's file. Deft's original motion filed February 24, 2020, and heard by Senior Judge Bixler which was not opposed by the State, was granted and the items requested by the Deft. should be provided at the State's expense. Ms. Moors stated the State is waiting to hear from Mr. Mueller to see what he sent to Deft. Court stated original ruling by Senior Judge Bixler was on March 17, 2020, ordering items to be produced at the State's expense. Further, as to the transcripts, COURT ORDERED, any prepared transcripts are to be provided by the State. Any transcripts that are not prepared, will not be prepared unless Deft. comes back to this Court with justification. FURTHER ORDERED, this Court's staff to reach out to Mr. Mueller telephonically and by e-mail advising to appear and if no appearance, order to show cause will issue. NDC CLERK'S NOTE: This Court's Law Clerk, sent e-mail to Mr. Mueller advising of the above Court's order. This Court's Judicial Executive Assistant spoke to Shaina with Mr. Mueller's office, advising of the above Court's order. aw CLERK'S NOTE: The above minute order has been distributed to: Dwight Solander #1200038, H.D.S.P., P.O.Box 650, Indian Springs, NV 89070. aw;

Matter Continued; Motion for Status Check on Motion to Produce Documents at State Expense

Matter Continued; Motion for Status Check on Motion to Produce Documents at State Expense

Granted; Motion for Status Check on Motion to Produce Documents at State Expense

Journal Entry Details:

Court noted some of the request contained in motion to produce, should be provided by Deft's prior counsel, Mr. Mueller. Further, Mr. Mueller will need to appear to indicate what was sent to Deft. out of counsel's file. As to request for transcripts, Court noted transcripts were probably never prepared, will not order them to be prepared, if not prepared and ORDERED, matter CONTINUED for Mr. Mueller or someone from Mr. Mueller's office to be present. NDC CONTINUED TO: 8/6/2020 9:30 AM CLERK'S NOTE: The above minute order has been distributed to: Dwight Conrad Solander #1200038, HDSP, P.O. Box 650, Indian Springs, NV 89070. aw CLERK'S NOTE: This Court's Law Clerk, sent Mr. Mueller, e-mail regarding continuance date and the Court's request for additional information. aw;

08/18/2020



Motion (1:45 PM) (Judicial Officer: Adair, Valerie)

08/18/2020, 08/27/2020

Motion for Court to Issue and Order In Accordance with It's Notes on 7/2/2020 Hearing for Production of Documents

Matter Continued; Motion for Court to Issue and Order in Accordance with Notes on 7/2/2020 Hearing for Production of Documents

Granted; Motion for Court to Issue and Order in Accordance with Notes on 7/2/2020 Hearing for Production of Documents

Matter Continued; Motion for Court to Issue and Order in Accordance with Notes on 7/2/2020 Hearing for Production of Documents

Granted; Motion for Court to Issue and Order in Accordance with Notes on 7/2/2020 Hearing for Production of Documents

Journal Entry Details:

Court noted Deft. is not appearing, has another matter set on August 27th, and ORDERED, matter CONTINUED. NDC CONTINUED TO: 08/27/2020 01:45 PM;

08/27/2020



All Pending Motions (1:45 PM) (Judicial Officer: Adair, Valerie)

Matter Heard;

Journal Entry Details:

MOTION FOR COURT TO ISSUE AND ORDER IN ACCORDANCE WITH IT'S NOTES ON 7/2/2020 HEARING FOR PRODUCTION OF DOCUMENTS...MOTION FOR STATUS CHECK ON MOTION TO PRODUCE DOCUMENTS AT STATE EXPENSE Mr. Mueller stated the Deft's file has been mailed to Deft. Upon Court's inquiry Ms. Rinetti stated the law clerk is preparing transcripts and the PSI to mail out and requested three weeks continuance. Court noted Mr. Mueller does not need to be present at the next hearing. Colloquy regarding Mr.

CASE SUMMARY

CASE NO. C-14-299737-1

Mueller's ties to the case and previous proceedings. COURT ORDERED, motions GRANTED and matter SET for status check on production of documents at state expense. NDC 09/17/2020 01:45 PM STATUS CHECK: PRODUCTION OF DOCUMENTS AT STATE EXPENSE CLERK'S NOTE: The above minute order has been distributed to: Dwight Solander #1200038, HDSP, P.O. Box 650, Indian Springs, NV 89070. aw;

09/10/2020



Motion (1:45 PM) (Judicial Officer: Adair, Valerie)

Defendant's Motion to Stay Time to File Writ After JOC Final

Motion Denied; Defendant's Motion to Stay Time to File Writ After JOC Final

Journal Entry Details:

Court FINDS Deft. has failed to set forth sufficient grounds to extend time, Deft. has failed to indicate good cause why Deft. needs specific evidence and documents to support petition and ORDERED, motion DENIED. State to prepare order. NDC CLERK'S NOTE: The above minute order has been distributed to: Dwight Solander #1200038, H.D.S.P., P.O. Box 650, Indian Springs, NV 89070. aw;

09/17/2020



Status Check (1:45 PM) (Judicial Officer: Adair, Valerie)

Status Check: Production of Documents at State Expense

Off Calendar; Status Check: Production of Documents at State Expense

Journal Entry Details:

Upon Court's inquiry, Ms. Clemons advised Declaration of Mailing was filed on September 9, 2020, indicating documents have been sent to Deft. COURT ORDERED, matter OFF CALENDAR. NDC CLERK'S NOTE: The above minute order has been distributed to: Dwight Solander #1200038, H.D.S.P., P.O. Box 650, Indian Springs, NV 89070. aw;

10/15/2020



Motion for Order (1:45 PM) (Judicial Officer: Adair, Valerie)

Motion for Order to Show Cause

Motion Denied; Motion for Order to Show Cause

Journal Entry Details:

Mr. Mueller advised Deft's file was mistakenly sent to Susanville, CA, State Prison and not High Desert State Prison in Nevada. Further, once mistake was found, counsel sent Deft's file to him at High Desert State Prison in Nevada and believes certificate of mailing has been filed. Colloquy. This Court Law Clerk verified Certificate of Mailing was filed on October 13, 2020. Court FINDS counsel sent Deft's file to correct address on October 13, 2020, and ORDERED, motion DENIED. NDC CLERK'S NOTE: The above minute order has been distributed to: Dwight Conrad Solander #1200038, H.D.S.P., P.O. Box 650, Indian Springs, NV 89070. aw;

11/03/2020



Motion (1:45 PM) (Judicial Officer: Adair, Valerie)

Motion for Production of Documents Not Provided By State

Motion Denied; Motion for Production of Documents Not Provided By State

Journal Entry Details:

Court noted Mr. Mueller filed notice indicating file has been sent to the correct prison on Nevada. Upon Court's inquiry, Mr. Stephens stated he was not able to find January 29th, January 31st and July 10th transcripts in Odyssey and do not believe they have been prepared. Court FINDS Deft. has not stated justification as to why he needs these for post-conviction. Further, the Court will not order Court Recorder to prepare transcripts. As to second request, what Deft. is missing from Mr. Mueller, Court FINDS this is unduly made and ORDERED, DENIED. Additionally, the Court already ordered what the State needs to provide and ORDERED, motion DENIED. NDC CLERK'S NOTE: The above minute order has been distributed to: Dwight Conrad Solander #1200038, HDSP, P.O. Box 650, Indian Springs, NV 89070. aw;

06/24/2021



Petition for Writ of Habeas Corpus (8:30 AM) (Judicial Officer: Hardy, Joe)

Events: 01/05/2021 Inmate Filed - Petition for Writ of Habeas Corpus

Denied;

Journal Entry Details:

Having reviewed the instant Petition, as well as the State's Opposition, and hearing no oral arguments, COURT ORDERED the Petition for Writ of Habeas Corpus, was hereby DENIED for all of the reasons set forth in the State's Opposition. The State to prepare the written Order, incorporating the arguments set forth in the Opposition, and submit it directly to the Court. NDC CLERK'S NOTE: Minute order distributed to the Defendant via U.S. mail: Dwight Conrad Solander #1200038 [High Desert State Prison P.O. Box 650 Indian Springs, NV 89070] (KD 6/24/21) ;

08/19/2021



Motion (8:30 AM) (Judicial Officer: Hardy, Joe)

Motion for Status and to Grant Motion for Production of Documents

Denied;

CASE SUMMARY**CASE NO. C-14-299737-1**

Journal Entry Details:

The State present via Blue Jeans. COURT ORDERED the Motion for Status and to Grant Motion for Production of Documents, was hereby DENIED WITHOUT PREJUDICE AS MOOT, FINDING the following: (1) the Defendant's Motion listed a Boulder City address; and (2) after looking up the Defendant on the Nevada Department of Corrections' website, it was determined that the Defendant had been released on parole. NIC CLERK'S NOTE: A copy of this minute order was provided to the Defendant via U.S. Mail: Dwight Solander 700 Elm St. #29 Boulder City, NV 89005. (KD 8/19/2021);

08/24/2021

**Motion** (8:30 AM) (Judicial Officer: Hardy, Joe)

Motion for Continuance of Hearing set for August 12 , 2021 Regarding Habeas Writ Denied;

Journal Entry Details:

The State present via Blue Jeans. COURT ORDERED the Motion for Continuance of Hearing set for August 12, 2021, Regarding Habeas Writ, was hereby DENIED AS MOOT, FINDING that the Writ had already been ruled upon. The State confirmed that it filed the Findings of Fact, Conclusions of Law in the associated A case number, as well as the instant case. NIC CLERK'S NOTE: A copy of this minute order was sent to the Defendant via U.S. Mail: Dwight Solander 700 Elm St. #29 Boulder City, NV 89005. (KD 8/24/2021);

DATE

FINANCIAL INFORMATION

Defendant Solander, Dwight Conrad

Total Charges

178.00

Total Payments and Credits

0.00

Balance Due as of 9/14/2021**178.00**

FCCO
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
STACEY KOLLINS
Chief Deputy District Attorney
Nevada Bar #005391
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-

DWIGHT CONRAD SOLANDER,
#3074262,

Defendant.

CASE NO: **C-14-299737-1**

DEPT NO: **XV**

FINDINGS OF FACT, CONCLUSIONS OF

LAW AND ORDER

DATE OF HEARING: **JUNE 24, 2021**

TIME OF HEARING: **8:30 AM**

THIS CAUSE having presented before the Honorable JOE HARDY, District Court Judge, on the 24th day of June, 2021; Defendant no present, IN PROPER PERSON; the State represented by STEVEN B. WOLFSON, Clark County District Attorney, through ELISE M. CONLIN, Deputy District Attorney; and having considered the matter, including briefs, transcripts, and documents on file herein, the Court makes the following Findings of Fact and Conclusions of Law:

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

2 **STATEMENT OF THE CASE**

3 On July 28, 2014, DWIGHT CONRAD SOLANDER (hereinafter, “Defendant”) was
4 charged by way of Information with three counts of CHILD ABUSE, NEGLECT OR
5 ENDANGERMENT WITH SUBSTANTIAL BODILY HARM (Category B Felony – NRS
6 200.508(1)); thirteen counts of CHILD ABUSE, NEGLECT OR ENDANGERMENT
7 (Category B Felony – NRS 200.508(1)); and nine counts of SEXUAL ASSAULT WITH A
8 MINOR UNDER FOURTEEN YEARS OF AGE (Category A Felony (NRS 200.364,
9 200.366) for actions committed on or between January 19, 2011 and November 11, 2013.

10 On January 31, 2018, Defendant accepted negotiations in this case and, pursuant to said
11 negotiations, Petitioner was charged by way of Amended Information with three counts of
12 CHILD ABUSE, NEGLECT, OR ENDANGERMENT RESULTING IN SUBSTANTIAL
13 BODILY HARM (Category B Felony – NRS 200.508). That same day, pursuant to a Guilty
14 Plea Agreement (“GPA”) filed in open court, Defendant pleaded guilty to the charges as
15 alleged in the Amended Information. Under the terms of the negotiation, the State retained the
16 right to argue at sentencing. The district court accepted Petitioner’s plea and referred the matter
17 to the Division of Parole and Probation for the preparation of a Presentence Investigation
18 Report (“PSI”).

19 On June 5, 2018, Defendant appeared for sentencing in this case. The district court
20 adjudicated Petitioner guilty of all counts and sentenced him to thirty-six (36) to one hundred
21 twenty (120) months in the Nevada Department of Corrections (NDC) on each count, with all
22 counts running concurrently. Defendant received 105 days of credit for time served. The
23 Judgment of Conviction (“JOC”) was filed on June 18, 2018.

24 On June 20, 2018, Defendant filed a Motion for Reconsideration of Sentence. The Court
25 denied Defendant’s Motion for Reconsideration on July 10, 2018. The Order Denying
26 Defendant’s Motion for Reconsideration was filed on August 23, 2018.

27 //

28 //

1 On July 10, 2018, Defendant filed a Notice of Appeal from his JOC. On January 14,
2 2020, the Nevada Supreme Court affirmed Defendant's JOC. Remittitur issued on February
3 25, 2020.

4 On May 27, 2020, Petitioner filed a Petition for Writ of Habeas Corpus. Thereafter, on
5 July 9, 2020, Petitioner filed an Amended Petition. The State, through the Office of the
6 Attorney General, filed its Response to Petitioner's first Petition on July 13, 2020. On July 27,
7 2020, Petitioner requested leave to file an additional legal brief in support of his Petition, which
8 the Court immediately granted. On September 1, 2020, the Court denied Petitioner's first
9 Petition. The Court noticed entry of its Decision and Order Denying Petitioner's first Petition
10 on October 13, 2020.

11 On November 5, 2020, Petitioner noticed his appeal from the denial of his first Petition
12 (Nevada Supreme Court Case No. 82082). As of the date of this Response, Petitioner's appeal
13 is still pending before the Nevada Supreme Court.

14 On January 5, 2021, Petitioner filed another Petition for Writ of Habeas Corpus (Post-
15 Conviction) (his "instant Petition"). On February 8, 2021, Petitioner filed a Motion for Leave
16 of Court to Complete and File Legal Brief in Support of Writ of Habeas Corpus (his "Motion
17 for Leave"). On March 10, 2021, the State filed its Opposition to Petitioner's instant Petition.
18 On June 24, 2021, the instant Petition came before this Court for hearing, at which time this
19 Court did not hear oral argument, and made the following findings and conclusions:

20 **STATEMENT OF FACTS**

21 The Court considered the following factual synopsis when sentencing Defendant:

22 On March 4, 2014, LVMPD received a report from Child Protective
23 Services (CPS) detailing an extensive history of abuse and neglect to
24 three female victims (DOB: 10-21-01; DOB: 01-23-03; DOB: 07-25-
25 04) by Janet Solander, Dwight Conrad Solander, and Danielle Hinton.
Janet Solander and Dwight Conrad Solander had adopted the three
victims on January 19, 2011. Danielle Hinton is Janet Solander's adult
daughter.

26 The victims reported to CPS that Janet, Dwight, and Danielle would
27 hit them with a paint stick until they bled. They would hit the girls
28 with the stick if they had an accident in their underwear, if they took
too long going to the bathroom, or if they answered homework
problems incorrectly. They mainly hit the girls on their legs and
buttocks.

1 The victims related further that Janet had a timer, and they were not
2 allowed to use the bathroom until the timer went off. This caused the
3 girls to have trouble using the bathroom and made their stomachs hurt.
4 If the girls had bathroom accidents, they were not allowed to eat for
5 days. Janet blended their food, and they did not know what they were
6 eating. If the victims got in trouble, they had to sit on a bucket with a
7 toilet seat on top for hours at a time. If they got into trouble, Janet
8 made them take a cold shower and Janet would pour ice water on
9 them. They were not provided a towel to dry off, but they had to stand
10 in front of a large fan. Additionally, the girls slept on boards with no
11 sheets or blankets. They slept in their underwear with a fan blowing
12 on them. Victim #2 (DOB: 01-23-03) has a scar on her back from
13 Janet pouring hot water on her. Sometimes after the victims had
14 bathroom accidents, Janet would make them put their soiled
15 underwear in their mouths and leave it there until their mouths would
16 bleed. Victim #3 (DOB: 07-25-04) reported that Janet stuck a paint
17 stick in her vagina because she could not hold her bladder. Victim #3
18 also has scarring on her right ear and back from Janet pouring hot
19 water on her. The girls also reported that Janet would put a catheter in
20 them, and if urine came out, she would hit them with a paint stick.

21 All three victims have scars on their arms, legs, and buttocks.

22 Presentence Investigation Report ("PSI") at 4.

23 ANALYSIS

24 **I. PETITIONER'S FIRST CLAIM IS WAIVED**

25 Petitioner's claim alleges that unspecified evidence related to CPS's location and
26 retrieval of the child victims violates the Fifth Amendment. See Instant Petition at 7-8. This
27 Court finds that Petitioner's claim cannot entitle Petitioner to relief, as it is substantive, and
28 therefore was waived both by Petitioner's entry of plea and by Petitioner's failure to raise it
on direct appeal. Further, this Court finds that Petitioner fails to argue, much less demonstrate,
good cause and prejudice to overcome the procedural bars to this claim.

Pursuant to NRA 34.810(1):

The court *shall* dismiss a petition if the court determines that:

(a) The petitioner's conviction was upon a plea of guilty...and the
petition is not based upon an allegation that the plea was involuntarily
or unknowingly entered or that the plea was entered without effective
assistance of counsel.

...
unless the court finds both cause for the failure to present the grounds and
actual prejudice to the petitioner.

(emphasis added).

1 Furthermore, the Nevada Supreme Court has held that “challenges to the validity of a
2 guilty plea and claims of ineffective assistance of trial and appellate counsel must first be
3 pursued in post-conviction proceedings.... [A]ll other claims that are appropriate for a direct
4 appeal must be pursued on direct appeal, or they will be *considered waived in subsequent*
5 *proceedings.*” Franklin v. State, 110 Nev. 750, 752, 877 P.2d 1058, 1059 (1994) (emphasis
6 added) (disapproved of on other grounds by Thomas v. State, 115 Nev. 148, 979 P.2d 222
7 (1999)). “A court must dismiss a habeas petition if it presents claims that either were or could
8 have been presented in an earlier proceeding, unless the court finds both cause for failing to
9 present the claims earlier or for raising them again and actual prejudice to the petitioner.”
10 Evans v. State, 117 Nev. 609, 646-47, 29 P.3d 498, 523 (2001), overruled on other grounds by
11 Lisle v. State, 131 Nev. 356, 351 P.3d 725 (2015). Additionally, substantive claims are beyond
12 the scope of habeas and waived. NRS 34.724(2)(a); see also Evans, 117 Nev. at 646-47, 29
13 P.3d 498 at 523; Franklin, 110 Nev. at 752, 877 P.2d 1058 at 1059.

14 A petitioner may only escape these procedural bars if they meet the burden of
15 establishing good cause and prejudice, as set forth in NRS 34.810(3):

16 ...the petitioner has the burden of pleading and proving specific facts
17 that demonstrate:

18 (a) Good cause for the petitioner’s failure to present the claim or
19 for presenting the claim again; and

20 (b) Actual prejudice to the petitioner.

21 Where a defendant does not show good cause for his failure to raise claims of error upon direct
22 appeal, the district court is not obliged to consider them in post-conviction proceedings. Jones
v. State, 91 Nev. 416, 536 P.2d 1025 (1975).

23 Furthermore, Petitioner waived any claims relating to the constitutionality of evidence
24 when he chose to plead guilty. The Nevada Supreme Court has explained:

25 “[A] guilty plea represents a break in the chain of events which has
26 preceded it in the criminal process. When a criminal defendant has
27 solemnly admitted in open court that he is in fact guilty of the offense
28 with which he is charged, he may not thereafter raise independent
claims relating to the deprivation of constitutional rights that occurred
prior to the entry of the guilty plea.”

1 Webb v. State, 91 Nev. 469, 470, 538 P.2d 164, 165 (1975) (quoting Tollett v. Henderson, 411
2 U.S. 258, 267, 93 S.Ct. 1602, 1608 (1973)). An entry of a guilty plea “waive[s] all
3 constitutional claims based on events occurring prior to the entry of the plea[], except those
4 involving voluntariness of the plea[] [itself].” Warden, Nevada State Prison v. Lyons, 100 Nev.
5 430, 431, 683 P.2d 505 (1984); see also Kirksey v. State, 112 Nev. 980, 999, 923 P.2d 1102,
6 1114 (1996) (“Where the defendant has pleaded guilty, the only claims that may be raised
7 thereafter are those involving the voluntariness of the plea itself and the effectiveness of
8 counsel.”).

9 This Court finds that Petitioner’s claim deals only with unspecified evidence – it does
10 not deal with the validity of the guilty plea, nor the effectiveness of counsel; therefore, pursuant
11 to Franklin and Webb, this Court concludes that Petitioner’s claim is waived and is subject to
12 dismissal absent a showing of good cause and prejudice. See 110 Nev. at 752, 877 P.2d at
13 1059; see also 91 Nev. at 470, 538 P.2d at 165.

14 This Court further finds that Petitioner does not attempt to address good cause for his
15 failure to raise these claims on direct appeal. See instant Petition at 7-8. This Court finds that
16 he could not successfully do so, because there was no impediment external to the defense that
17 precluded this claim from being raised thus, and all of the facts and law necessary to raise this
18 issue were available at the time Petitioner filed his direct appeal.

19 Likewise, this Court finds that Petitioner fails to argue prejudice sufficient to overcome
20 his procedural defaults. See instant Petition at 7-8. Further, any attempt would be unsuccessful,
21 as this Court finds that Petitioner’s underlying complaint is meritless. As an initial matter,
22 Petitioner fails to specifically allege *what* evidence violates the Fifth Amendment, much less
23 *how* that Amendment was violated. See id. Therefore, this Court concludes that Petitioner’s
24 claim is bare and naked and cannot demonstrate prejudice. Hargrove v. State, 100 Nev. 498,
25 502, 686 P.2d 222, 225 (1984) (“[b]are” and “naked” allegations are not sufficient to warrant
26 post-conviction relief); NRS 34.735(6) (“[Petitioner] must allege specific facts supporting the
27 claims in the petition...Failure to raise specific facts rather than just conclusions may cause
28 [the] petition to be dismissed.”).

1 Because this Court has concluded that Petitioner's first claim is procedurally defaulted,
2 both by Petitioner's decision to plead guilty, and by Petitioner's failure to raise his claim on
3 direct appeal, with no good cause or prejudice shown, the instant Petition is suitable for
4 dismissal.

5 **II. ACTUAL INNOCENCE IS NOT, ITSELF, A COGNIZABLE GROUND FOR**
6 **RELIEF**

7 Petitioner's second claim alleges that he is actually innocent of the crime because he
8 was not proximate to the crime scene and because evidence was illegally collected. See instant
9 Petition at 9. This Court finds that Petitioner is not entitled to relief on this claim, as actual
10 innocence itself is not a cognizable claim for habeas relief. Further, to the extent Petitioner is
11 challenging the sufficiency of the evidence, this Court finds that Petitioner waived this claim
12 by entering a guilty plea.

13 The United States Supreme Court has explained that actual innocence means factual
14 innocence, not legal insufficiency. Bousley v. United States, 523 U.S. 614, 623, 118 S.Ct.
15 1604, 1611 (1998); Sawyer v. Whitley, 505 U.S. 333, 338-39, 112 S.Ct. 2514, 2518-19 (1992).
16 To establish actual innocence of a crime, a petitioner "must show that it is more likely than
17 not that no reasonable juror would have convicted him absent a constitutional violation."
18 Pellegrini v. State, 117 Nev. 860, 887, 34 P.3d 519, 537 (2001). Actual innocence is a stringent
19 standard designed to be applied only in the most extraordinary situations. Schlup v. Delo, 513
20 U.S. 298, 316, 115 S.Ct. 851, 861 (1995); Pellegrini, 117 Nev. at 876, 34 P.2d at 530. In order
21 to meet the standard for actual innocence, a petitioner must show that the newly discovered
22 evidence suggesting a petitioner's innocence is "so strong that a court cannot have confidence
23 in the outcome of the trial." Schlup, 513 U.S. at 316, 115 S.Ct. at 861.

24 However, the United States Supreme Court has specified that a claim of actual
25 innocence is a "gateway" to present otherwise procedurally defaulted constitutional
26 challenges, rather than itself a ground for habeas relief. Schlup, 513 U.S. at 315, 115 S.Ct. at
27 861. The Eighth Circuit Court of Appeals has expressly "rejected free-standing claims of
28 actual innocence as a basis for habeas review." Meadows v. Delo, 99 F.3d 280, 283 (8th Cir.

1 1996) (citing Herrerra v. Collins, 506 U.S. 390, 400, 113 S.Ct. 853, 860 (1993)).

2 This Court finds that, not only does Petitioner fail to recognize that “actual innocence”
3 is not, itself, a cognizable claim for relief, but Petitioner fails to allege *new facts* in support of
4 his actual innocence claim. See instant Petition at 9. Petitioner’s allegation of illegally-
5 gathered evidence does not specify *what* evidence was illegally gathered. See id. As such, this
6 Court concludes that Petitioner’s claim is bare and naked, and is instead suitable only for
7 summary denial under Hargrove. 100 Nev. at 502, 686 P.2d 225.

8 Furthermore, this Court finds that the substance of Petitioner’s claim suggests the
9 existing evidence of which Petitioner was aware was insufficient to support conviction. See
10 instant Petition at 9. However, “actual innocence” is limited to *new evidence* that was not
11 presented. Schlup, 513 U.S. at 316, 115 S.Ct. at 861. Therefore, this Court finds that evidence
12 of Petitioner’s whereabouts is inapplicable to a claim of “actual innocence.” Id. Regardless,
13 this Court finds that Petitioner made the decision to plead guilty in this case, and, as such,
14 relieved the State of its burden to prove Petitioner’s guilt. See Kirksey, 112 Nev. at 993-94,
15 923 P.2d at 1110-11. Furthermore, this Court concludes that Petitioner’s decision to plead
16 guilty waived any substantive claim of insufficient evidence. Id.; Webb, 91 Nev. at 470, 538
17 P.2d at 165.

18 Since this Court has concluded that Petitioner’s claim is not, itself, a cognizable claim
19 for relief, and that the substance of his claim was waived by Petitioner pleading guilty,
20 Petitioner’s claim is subject to dismissal.

21 **III. PETITIONER’S THIRD AND FOURTH CLAIMS ARE WAIVED BY**
22 **PETITIONER’S FAILURE TO RAISE THEM ON DIRECT APPEAL**

23 Petitioner’s third claim alleges that he should have been severed from his co-defendant
24 due to a gross disparity in culpability. See instant Petition at 10. His fourth claim contends that
25 the specific allegations of substantial bodily harm in his underlying case did not meet the
26 statutory definitions thereof. See id. at 11. This Court finds that neither of these claims can
27 entitle Petitioner to relief, as he waived each of them by failing to raise them on direct appeal.

28 //

1 Petitioner's third and fourth claims are each substantive in nature, and as such, this
2 Court finds they were suitable to be raised on direct appeal. See instant Petition at 10-11.
3 Therefore, this Court concludes that Petitioner's failure to raise them thus results in a waiver
4 of each. NRS 34.724(2)(a) (habeas petitioners are not a substitute for remedies available upon
5 direct review of the trial court proceedings); NRS 34.810(1)(a); Evans, 117 Nev. at 646-47,
6 29 P.3d at 523; Franklin, 110 Nev. at 752, 877 P.2d at 1059.

7 Petitioner does not recognize this waiver, much less argue that good cause and prejudice
8 exist to overcome the procedural bars. See instant Petition at 10-11. Indeed, this Court finds
9 that Petitioner could not demonstrate good cause, as each of his claims arise from facts or
10 situations which, by their nature, were available at the time Petitioner filed his direct appeal,
11 and Petitioner fails to enumerate any impediment external to the defense that precluded these
12 issues from being waived. See id.

13 Furthermore, this Court finds that Petitioner cannot demonstrate prejudice, as his
14 individual claims lack merit. Regarding Petitioner's claim of severance, NRS 173.135 clearly
15 allows two or more defendants to be charged together if they participated in the same criminal
16 conduct. The litmus test for the necessity of severance is a showing of clear, manifest, or undue
17 prejudice from a joint trial. United State v. Entriquez-Estrada, 999 F.2d 1355 (9th Cir. 1993).
18 However, the decision to sever is left within the discretion of the trial court. Amen v. State,
19 106 Nev. 749, 755, 801 P.2d 1354, 1359 (1990).

20 This Court finds that Petitioner does not provide any specific allegations of undue
21 prejudice resulting from misjoinder; instead, Petitioner claims that severance was warranted
22 because "culpability" of the defendants was "grossly mismatched." Instant Petition at 10.
23 Petitioner then claims that he bore *no* culpability because he was allegedly absent for *most* of
24 the abuse. Id. However, Petitioner overlooks the preliminary hearing testimony that placed
25 Petitioner *inside* the house, *participating* in aspects of the abuse. See, e.g. Preliminary Hearing
26 Transcript – Volume 1 at 22, 24 (describing beatings with a paint stick which Petitioner had
27 labeled "Board of Education"), 29-32 (Petitioner affixed toilet seats to Home Depot buckets,
28 which the victims were forced to sit on from the time they woke up until they went to bed), 34

(Petitioner would withhold food and water from the victims); see also, Preliminary Hearing Transcript – Volume V at 49 (Petitioner purchased the catheters used to abuse the victims). Finally, Petitioner asserts that he had no duty to report any crime committed by his wife, the co-defendant. Id. However, this Court finds that Petitioner’s position is contrary to Nevada law: NRS 49.305(2)(e) creates an express exception to spousal privilege in the case where one spouse is charged with crime(s) against the person’s child. Therefore, because Petitioner’s severance claim is without merit, this Court concludes it cannot demonstrate prejudice sufficient to overcome procedural Petitioner’s procedural defaults.

Likewise, this Court finds that Petitioner’s substantial bodily harm complaint is without merit, as Petitioner’s decision to plead guilty relieved the State of its burden to establish each of the statutory elements of that charge. See, GPA at 2 (“I understand that by pleading guilty, I admit the facts which support all the elements of the offenses to which I now plead...”), 4 (“By entering my plea of guilty, I understand that I am waiving and forever giving up...the State[‘s] burden of proving beyond a reasonable doubt each element of the offense(s) charged.”). Furthermore, this Court finds that Petitioner’s choice to plead guilty waived any challenge to the sufficiency of the substantial bodily harm enhancement. Kirksey, 112 Nev. at 993-94, 923 P.2d at 1110-11; Webb, 91 Nev. at 470, 538 P.2d at 165.

Because Petitioner’s claims are waived by his failure to raise them on direct appeal, and because Petitioner fails to overcome his procedural defaults, this Court concludes that Petitioner’s third and fourth claims are suitable only for dismissal.

IV. PETITIONER’S FIFTH CLAIM FAILS TO STATE GROUNDS FOR RELIEF

Petitioner’s fifth claim complains that certain judicial findings are not supported by the facts. See instant Petition at 12. However, this Court finds that while Petitioner takes issue with “[c]omments from the bench” such as “ ‘court feels,’ ‘court thinks,’ etc.,” Petitioner fails to specifically allege findings, rather than expressions, that were unsubstantiated or improper. See id. This Court concludes that Petitioner’s failure to offer a basis for relief, much less specific allegations in support thereof, renders Petitioner’s claim insufficient, bare and naked, and suitable only for summary denial under Hargrove. 100 Nev. at 502, 686 P.2d at 225; see

1 also NRS 34.735(6).

2 **V. PETITIONER FAILS TO DEMONSTRATE INEFFECTIVE ASSISTANCE OF**
3 **COUNSEL**

4 Finally, Petitioner alleges that counsel was ineffective in six (6) ways. Instant Petition
5 at 13. This Court finds that Petitioner fails to acknowledge his burden when raising such a
6 claim, much less demonstrate that, pursuant to that burden, counsel was ineffective.

7 The Sixth Amendment to the United States Constitution provides that, “[i]n all criminal
8 prosecutions, the accused shall enjoy the right...to have the Assistance of Counsel for his
9 defense.” The United States Supreme Court has long recognized that “the right to counsel is
10 the right to the effective assistance of counsel.” Strickland v. Washington, 466 U.S. 668, 686,
11 104 S.Ct. 2052, 2063 (1984); see also State v. Love, 109 Nev. 1136, 1138, 865 P.2d 322, 323
12 (1993).

13 To prevail on a claim of ineffective assistance of trial counsel, a defendant must prove
14 she was denied “reasonably effective assistance” of counsel by satisfying the two-prong test
15 of Strickland, 466 U.S. at 686-87, 104 S.Ct. at 2063-64. See also Love, 109 Nev. at 1138, 865
16 P.2d at 323. Under Strickland, a defendant must show first that his counsel's representation
17 fell below an objective standard of reasonableness, and second, that but for counsel's errors,
18 there is a reasonable probability that the result of the proceedings would have been different.
19 466 U.S. at 687-88, 694, 104 S.Ct. at 2065, 2068; Warden, Nevada State Prison v. Lyons, 100
20 Nev. 430, 432, 683 P.2d 504, 505 (1984) (adopting the Strickland two-part test). “[T]here is
21 no reason for a court deciding an ineffective assistance claim to approach the inquiry in the
22 same order or even to address both components of the inquiry if the defendant makes an
23 insufficient showing on one.” Strickland, 466 U.S. at 697, 104 S.Ct. at 2069.

24 The Court begins with the presumption of effectiveness and then must determine
25 whether the defendant has demonstrated by a preponderance of the evidence that counsel was
26 ineffective. Means v. State, 120 Nev. 1001, 1011, 103 P.3d 25, 32 (2004). “Effective counsel
27 does not mean errorless counsel, but rather counsel whose assistance is ‘[w]ithin the range of
28 competence demanded of attorneys in criminal cases.’” Jackson v. Warden, 91 Nev. 430, 432,

1 537 P.2d 473, 474 (1975).

2 Counsel cannot be ineffective for failing to make futile objections or arguments. See
3 Ennis v. State, 122 Nev. 694, 706, 137 P.3d 1095, 1103 (2006). Trial counsel has the
4 “immediate and ultimate responsibility of deciding if and when to object, which witnesses, if
5 any, to call, and what defenses to develop.” Rhyne v. State, 118 Nev. 1, 8, 38 P.3d 163, 167
6 (2002). Further, a defendant who contends his attorney was ineffective because he did not
7 adequately investigate must show how a better investigation would have rendered a more
8 favorable outcome probable. Molina v. State, 120 Nev. 185, 192, 87 P.3d 533, 538 (2004).

9 Based on the above law, the role of a court in considering allegations of ineffective
10 assistance of counsel is “not to pass upon the merits of the action not taken but to determine
11 whether, under the particular facts and circumstances of the case, trial counsel failed to render
12 reasonably effective assistance.” Donovan v. State, 94 Nev. 671, 675, 584 P.2d 708, 711
13 (1978). This analysis does not mean that the court should “second guess reasoned choices
14 between trial tactics nor does it mean that defense counsel, to protect himself against
15 allegations of inadequacy, must make every conceivable motion no matter how remote the
16 possibilities are of success.” Id. To be effective, the constitution “does not require that counsel
17 do what is impossible or unethical. If there is no bona fide defense to the charge, counsel
18 cannot create one and may disserve the interests of his client by attempting a useless charade.”
19 United States v. Cronin, 466 U.S. 648, 657 n.19, 104 S.Ct. 2039, 2046 n.19 (1984).

20 “There are countless ways to provide effective assistance in any given case. Even the
21 best criminal defense attorneys would not defend a particular client in the same way.”
22 Strickland, 466 U.S. at 689, 104 S.Ct. at 689. “Strategic choices made by counsel after
23 thoroughly investigating the plausible options are almost unchallengeable.” Dawson v. State,
24 108 Nev. 112, 117, 825 P.2d 593, 596 (1992); see also Ford v. State, 105 Nev. 850, 853, 784
25 P.2d 951, 953 (1989). In essence, the court must “judge the reasonableness of counsel's
26 challenged conduct on the facts of the particular case, viewed as of the time of counsel's
27 conduct.” Strickland, 466 U.S. at 690, 104 S.Ct. at 2066.

28 //

1 Even if a defendant can demonstrate that his counsel's representation fell below an
2 objective standard of reasonableness, he must still demonstrate prejudice and show a
3 reasonable probability that, but for counsel's errors, the result of the trial would have been
4 different. McNelson v. State, 115 Nev. 396, 403, 990 P.2d 1263, 1268 (1999) (citing
5 Strickland, 466 U.S. at 687, 104 S.Ct. at 2064). "A reasonable probability is a probability
6 sufficient to undermine confidence in the outcome." Id. (citing Strickland, 466 U.S. at 687-89,
7 694, 104 S.Ct. at 2064-65, 2068). This portion of the test is slightly modified when the
8 convictions occurs due to a guilty plea. Hill v. Lockhart, 474 U.S. 52, 59 (1985); Kirksey v.
9 State, 112 Nev. at 988. For a guilty plea, a defendant "must show that there is a reasonable
10 probability that, but for counsel's errors, he would not have pleaded guilty and would have
11 insisted on going to trial." Kirksey, 112 Nev. at 998 (quoting Hill, 474 U.S. at 59).

12 This Court finds that Petitioner does not invoke Strickland, much less attempt to meet
13 that standard. See instant Petition at 13-14. Further, this Court's review of each of Petitioner's
14 assertions of ineffectiveness shows that none are sufficient to entitle Petitioner to relief.

15 **A. Ineffectiveness during Direct Appeal**

16 Petitioner first alleges that his direct appeal was "adjudicated on incomplete
17 information" due to counsel's ineffectiveness. Instant Petition at 13. While Petitioner offers a
18 list of generalized errors by counsel, this Court finds that he fails to specify *what* the errors
19 were, or *how* they were committed by counsel. Id.; Means, 120 Nev. at 1011, 103 P.3d at 32.
20 Further, Petitioner fails to specify *how* the result of his direct appeal would have differed, had
21 counsel acted effectively with regards to each of these general errors. McNelson, 115 Nev. at
22 403, 990 P.2d at 1268. As such, this Court concludes that Petitioner's assertion is bare and
23 naked, and is suitable only for summary denial. Hargrove, 100 Nev. at 502, 686 P.2d at 225.

24 **B. Failure to Investigate Allegations**

25 Petitioner next alleges that trial counsel failed to properly investigate the facts
26 underlying Petitioner's case. Instant Petition at 13. However, this Court finds that Petitioner
27 fails to specifically allege *what* a proper investigation would have shown, much less *how* that
28 information would have affected Petitioner's decision to accept plea negotiations. Molina, 120

1 Nev. at 192, 87 P.3d at 538. Therefore, this Court concludes that Petitioner's allegation is
2 insufficient to meet Petitioner's burden under Strickland. Id.

3 **C. Coercion regarding Guilty Plea**

4 Petitioner's third allegation asserts that counsel's poor trial preparation, and failure to
5 convey an earlier plea deal, resulted in Petitioner's plea being "the only option." Instant
6 Petition at 13-14. While Petitioner includes various allegations of factors that led to his guilty
7 plea, this Court finds that Petitioner has failed to substantiate those allegations with any
8 specific facts. As such, this Court concludes that Petitioner's third allegation is bare and naked
9 and suitable only for denial under Hargrove. 100 Nev. at 502, 686 P.2d at 225.

10 Further, this Court finds that Petitioner's claim that his plea was coerced is expressly
11 belied by the record of Petitioner's guilty plea. By executing his GPA, Petitioner affirmed:

12 I believe that pleading guilty and accepting this plea bargain is
13 in my best interest, and that a trial would be contrary to my best
interest.

14 I am signing this agreement voluntarily, after consultation with
15 my attorney, and *I am not acting under duress or coercion...*

16 GPA at 5 (emphasis added). Furthermore, contrary to his instant allegations of unpreparedness,
17 Petitioner affirmed: "My attorney has answered all my questions regarding this guilty plea
18 agreement and its consequences to my satisfaction and I am satisfied with the services
19 provided by my attorney." Id. at 6. Because Petitioner's claim is belied by the record, this
20 Court concludes that it cannot entitle Petitioner to relief. Hargrove, 100 Nev. at 502, 686 P.2d
21 at 225; Mann v. State, 118 Nev. 351, 354, 46 P.3d 1228, 1230 (2002) ("A claim is 'belied'
22 when it is contradicted or proven to be false by the record as it existed at the time the claim
was made.").

23 Finally, even on the merits of his claim, this Court finds that Petitioner cannot
24 demonstrate that he is entitled to relief. To establish a claim of ineffective assistance of counsel
25 for advice regarding a guilty plea, a defendant must *show* "gross error on the part of counsel."
26 Turner v. Calderon, 281 F.3d 851, 880 (9th Cir. 2002). Further, the Nevada Supreme Court
27 has held that a reasonable plea recommendation which hindsight reveals is unwise is not
28 ineffective assistance. Larson v. State, 104 Nev. 691, 694, 766 P.2d 261, 263 (1988).

1 Importantly, the question is not whether “counsel’s advice [was] right or wrong, but...whether
2 that advice was within the range of competence demanded of attorneys in criminal cases.”
3 Turner, 281 F.3d at 880 (quoting McMann v. Richardson, 397 U.S. 759, 771, 90 S.Ct. 1441,
4 1449 (1970)). Petitioner has merely provided a list of allegations against counsel; however,
5 this Court finds that he has failed to *show* that counsel’s performance amounted to “gross
6 error” so as to warrant relief. As such, this Court concludes that Petitioner’s claim fails to meet
7 Petitioner’s burden and cannot warrant relief.

8 **D. Petitioner’s Fourth, Fifth, and Sixth Allegations of Ineffectiveness are**
9 **devoid of any factual support**

10 This Court finally finds that Petitioner, though he lists three (3) additional allegations
11 of counsel’s purported ineffectiveness, fails to include any additional information. See instant
12 Petition at 13-14. As such, this Court concludes that Petitioner’s allegations are left bare and
13 naked, and suitable only for summary denial. Hargrove, 100 Nev. at 502, 686 P.2d at 225.

14 **CONCLUSION**

15 THEREFORE, Court **ORDERED**, Petitioner Dwight Solander’s Petition for Writ of
16 Habeas Corpus (Post-Conviction) shall be and is DENIED.

17 Dated this 6th day of August, 2021

18 
19 _____

20
21 **AB9 E92 1978 8C7A**
Joe Hardy
District Court Judge

22 Respectfully submitted,

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

24 BY  for _____
25 ELISE M. CONLIN
Deputy District Attorney
26 Nevada Bar #014856

27
28 JJ/hjc/SVU

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 State of Nevada

CASE NO: C-14-299737-1

7 vs

DEPT. NO. Department 15

8 Dwight Solander
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 8/6/2021

15 Dept 21 Law Clerk	dept21lc@clarkcountycourts.us
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NEO

**DISTRICT COURT
CLARK COUNTY, NEVADA**

DWIGHT SOLANDER,

Petitioner,

vs.

THE STATE OF NEVADA,

Respondent,

Case No: C-14-299737-1

Dept No: XV

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

PLEASE TAKE NOTICE that on August 6, 2021, the court entered a decision or order in this matter, a true and correct copy of which is attached to this notice.

You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is mailed to you. This notice was mailed on August 11, 2021.

STEVEN D. GRIERSON, CLERK OF THE COURT

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk

CERTIFICATE OF E-SERVICE / MAILING

I hereby certify that on this 11 day of August 2021, I served a copy of this Notice of Entry on the following:

☒ By e-mail:

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

☒ The United States mail addressed as follows:

Dwight Solander #
700 Elm St., #29
Boulder City, NV 89005

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk

FCCO
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
STACEY KOLLINS
Chief Deputy District Attorney
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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-

DWIGHT CONRAD SOLANDER,
#3074262,

Defendant.

CASE NO: **C-14-299737-1**

DEPT NO: **XV**

FINDINGS OF FACT, CONCLUSIONS OF

LAW AND ORDER

DATE OF HEARING: **JUNE 24, 2021**

TIME OF HEARING: **8:30 AM**

THIS CAUSE having presented before the Honorable JOE HARDY, District Court Judge, on the 24th day of June, 2021; Defendant no present, IN PROPER PERSON; the State represented by STEVEN B. WOLFSON, Clark County District Attorney, through ELISE M. CONLIN, Deputy District Attorney; and having considered the matter, including briefs, transcripts, and documents on file herein, the Court makes the following Findings of Fact and Conclusions of Law:

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

2 **STATEMENT OF THE CASE**

3 On July 28, 2014, DWIGHT CONRAD SOLANDER (hereinafter, “Defendant”) was
4 charged by way of Information with three counts of CHILD ABUSE, NEGLECT OR
5 ENDANGERMENT WITH SUBSTANTIAL BODILY HARM (Category B Felony – NRS
6 200.508(1)); thirteen counts of CHILD ABUSE, NEGLECT OR ENDANGERMENT
7 (Category B Felony – NRS 200.508(1)); and nine counts of SEXUAL ASSAULT WITH A
8 MINOR UNDER FOURTEEN YEARS OF AGE (Category A Felony (NRS 200.364,
9 200.366) for actions committed on or between January 19, 2011 and November 11, 2013.

10 On January 31, 2018, Defendant accepted negotiations in this case and, pursuant to said
11 negotiations, Petitioner was charged by way of Amended Information with three counts of
12 CHILD ABUSE, NEGLECT, OR ENDANGERMENT RESULTING IN SUBSTANTIAL
13 BODILY HARM (Category B Felony – NRS 200.508). That same day, pursuant to a Guilty
14 Plea Agreement (“GPA”) filed in open court, Defendant pleaded guilty to the charges as
15 alleged in the Amended Information. Under the terms of the negotiation, the State retained the
16 right to argue at sentencing. The district court accepted Petitioner’s plea and referred the matter
17 to the Division of Parole and Probation for the preparation of a Presentence Investigation
18 Report (“PSI”).

19 On June 5, 2018, Defendant appeared for sentencing in this case. The district court
20 adjudicated Petitioner guilty of all counts and sentenced him to thirty-six (36) to one hundred
21 twenty (120) months in the Nevada Department of Corrections (NDC) on each count, with all
22 counts running concurrently. Defendant received 105 days of credit for time served. The
23 Judgment of Conviction (“JOC”) was filed on June 18, 2018.

24 On June 20, 2018, Defendant filed a Motion for Reconsideration of Sentence. The Court
25 denied Defendant’s Motion for Reconsideration on July 10, 2018. The Order Denying
26 Defendant’s Motion for Reconsideration was filed on August 23, 2018.

27 //

28 //

1 On July 10, 2018, Defendant filed a Notice of Appeal from his JOC. On January 14,
2 2020, the Nevada Supreme Court affirmed Defendant's JOC. Remittitur issued on February
3 25, 2020.

4 On May 27, 2020, Petitioner filed a Petition for Writ of Habeas Corpus. Thereafter, on
5 July 9, 2020, Petitioner filed an Amended Petition. The State, through the Office of the
6 Attorney General, filed its Response to Petitioner's first Petition on July 13, 2020. On July 27,
7 2020, Petitioner requested leave to file an additional legal brief in support of his Petition, which
8 the Court immediately granted. On September 1, 2020, the Court denied Petitioner's first
9 Petition. The Court noticed entry of its Decision and Order Denying Petitioner's first Petition
10 on October 13, 2020.

11 On November 5, 2020, Petitioner noticed his appeal from the denial of his first Petition
12 (Nevada Supreme Court Case No. 82082). As of the date of this Response, Petitioner's appeal
13 is still pending before the Nevada Supreme Court.

14 On January 5, 2021, Petitioner filed another Petition for Writ of Habeas Corpus (Post-
15 Conviction) (his "instant Petition"). On February 8, 2021, Petitioner filed a Motion for Leave
16 of Court to Complete and File Legal Brief in Support of Writ of Habeas Corpus (his "Motion
17 for Leave"). On March 10, 2021, the State filed its Opposition to Petitioner's instant Petition.
18 On June 24, 2021, the instant Petition came before this Court for hearing, at which time this
19 Court did not hear oral argument, and made the following findings and conclusions:

20 **STATEMENT OF FACTS**

21 The Court considered the following factual synopsis when sentencing Defendant:

22 On March 4, 2014, LVMPD received a report from Child Protective
23 Services (CPS) detailing an extensive history of abuse and neglect to
24 three female victims (DOB: 10-21-01; DOB: 01-23-03; DOB: 07-25-
25 04) by Janet Solander, Dwight Conrad Solander, and Danielle Hinton.
Janet Solander and Dwight Conrad Solander had adopted the three
victims on January 19, 2011. Danielle Hinton is Janet Solander's adult
daughter.

26 The victims reported to CPS that Janet, Dwight, and Danielle would
27 hit them with a paint stick until they bled. They would hit the girls
28 with the stick if they had an accident in their underwear, if they took
too long going to the bathroom, or if they answered homework
problems incorrectly. They mainly hit the girls on their legs and
buttocks.

1 The victims related further that Janet had a timer, and they were not
2 allowed to use the bathroom until the timer went off. This caused the
3 girls to have trouble using the bathroom and made their stomachs hurt.
4 If the girls had bathroom accidents, they were not allowed to eat for
5 days. Janet blended their food, and they did not know what they were
6 eating. If the victims got in trouble, they had to sit on a bucket with a
7 toilet seat on top for hours at a time. If they got into trouble, Janet
8 made them take a cold shower and Janet would pour ice water on
9 them. They were not provided a towel to dry off, but they had to stand
10 in front of a large fan. Additionally, the girls slept on boards with no
11 sheets or blankets. They slept in their underwear with a fan blowing
12 on them. Victim #2 (DOB: 01-23-03) has a scar on her back from
13 Janet pouring hot water on her. Sometimes after the victims had
14 bathroom accidents, Janet would make them put their soiled
15 underwear in their mouths and leave it there until their mouths would
16 bleed. Victim #3 (DOB: 07-25-04) reported that Janet stuck a paint
17 stick in her vagina because she could not hold her bladder. Victim #3
18 also has scarring on her right ear and back from Janet pouring hot
19 water on her. The girls also reported that Janet would put a catheter in
20 them, and if urine came out, she would hit them with a paint stick.

21 All three victims have scars on their arms, legs, and buttocks.

22 Presentence Investigation Report ("PSI") at 4.

23 ANALYSIS

24 **I. PETITIONER'S FIRST CLAIM IS WAIVED**

25 Petitioner's claim alleges that unspecified evidence related to CPS's location and
26 retrieval of the child victims violates the Fifth Amendment. See Instant Petition at 7-8. This
27 Court finds that Petitioner's claim cannot entitle Petitioner to relief, as it is substantive, and
28 therefore was waived both by Petitioner's entry of plea and by Petitioner's failure to raise it
on direct appeal. Further, this Court finds that Petitioner fails to argue, much less demonstrate,
good cause and prejudice to overcome the procedural bars to this claim.

Pursuant to NRA 34.810(1):

The court *shall* dismiss a petition if the court determines that:

(a) The petitioner's conviction was upon a plea of guilty...and the
petition is not based upon an allegation that the plea was involuntarily
or unknowingly entered or that the plea was entered without effective
assistance of counsel.

...
unless the court finds both cause for the failure to present the grounds and
actual prejudice to the petitioner.

(emphasis added).

1 Furthermore, the Nevada Supreme Court has held that “challenges to the validity of a
2 guilty plea and claims of ineffective assistance of trial and appellate counsel must first be
3 pursued in post-conviction proceedings.... [A]ll other claims that are appropriate for a direct
4 appeal must be pursued on direct appeal, or they will be *considered waived in subsequent*
5 *proceedings.*” Franklin v. State, 110 Nev. 750, 752, 877 P.2d 1058, 1059 (1994) (emphasis
6 added) (disapproved of on other grounds by Thomas v. State, 115 Nev. 148, 979 P.2d 222
7 (1999)). “A court must dismiss a habeas petition if it presents claims that either were or could
8 have been presented in an earlier proceeding, unless the court finds both cause for failing to
9 present the claims earlier or for raising them again and actual prejudice to the petitioner.”
10 Evans v. State, 117 Nev. 609, 646-47, 29 P.3d 498, 523 (2001), overruled on other grounds by
11 Lisle v. State, 131 Nev. 356, 351 P.3d 725 (2015). Additionally, substantive claims are beyond
12 the scope of habeas and waived. NRS 34.724(2)(a); see also Evans, 117 Nev. at 646-47, 29
13 P.3d 498 at 523; Franklin, 110 Nev. at 752, 877 P.2d 1058 at 1059.

14 A petitioner may only escape these procedural bars if they meet the burden of
15 establishing good cause and prejudice, as set forth in NRS 34.810(3):

16 ...the petitioner has the burden of pleading and proving specific facts
17 that demonstrate:

18 (a) Good cause for the petitioner’s failure to present the claim or
19 for presenting the claim again; and

20 (b) Actual prejudice to the petitioner.

21 Where a defendant does not show good cause for his failure to raise claims of error upon direct
22 appeal, the district court is not obliged to consider them in post-conviction proceedings. Jones
23 v. State, 91 Nev. 416, 536 P.2d 1025 (1975).

24 Furthermore, Petitioner waived any claims relating to the constitutionality of evidence
25 when he chose to plead guilty. The Nevada Supreme Court has explained:

26 “[A] guilty plea represents a break in the chain of events which has
27 preceded it in the criminal process. When a criminal defendant has
28 solemnly admitted in open court that he is in fact guilty of the offense
with which he is charged, he may not thereafter raise independent
claims relating to the deprivation of constitutional rights that occurred
prior to the entry of the guilty plea.”

1 Webb v. State, 91 Nev. 469, 470, 538 P.2d 164, 165 (1975) (quoting Tollett v. Henderson, 411
2 U.S. 258, 267, 93 S.Ct. 1602, 1608 (1973)). An entry of a guilty plea “waive[s] all
3 constitutional claims based on events occurring prior to the entry of the plea[], except those
4 involving voluntariness of the plea[] [itself].” Warden, Nevada State Prison v. Lyons, 100 Nev.
5 430, 431, 683 P.2d 505 (1984); see also Kirksey v. State, 112 Nev. 980, 999, 923 P.2d 1102,
6 1114 (1996) (“Where the defendant has pleaded guilty, the only claims that may be raised
7 thereafter are those involving the voluntariness of the plea itself and the effectiveness of
8 counsel.”).

9 This Court finds that Petitioner’s claim deals only with unspecified evidence – it does
10 not deal with the validity of the guilty plea, nor the effectiveness of counsel; therefore, pursuant
11 to Franklin and Webb, this Court concludes that Petitioner’s claim is waived and is subject to
12 dismissal absent a showing of good cause and prejudice. See 110 Nev. at 752, 877 P.2d at
13 1059; see also 91 Nev. at 470, 538 P.2d at 165.

14 This Court further finds that Petitioner does not attempt to address good cause for his
15 failure to raise these claims on direct appeal. See instant Petition at 7-8. This Court finds that
16 he could not successfully do so, because there was no impediment external to the defense that
17 precluded this claim from being raised thus, and all of the facts and law necessary to raise this
18 issue were available at the time Petitioner filed his direct appeal.

19 Likewise, this Court finds that Petitioner fails to argue prejudice sufficient to overcome
20 his procedural defaults. See instant Petition at 7-8. Further, any attempt would be unsuccessful,
21 as this Court finds that Petitioner’s underlying complaint is meritless. As an initial matter,
22 Petitioner fails to specifically allege *what* evidence violates the Fifth Amendment, much less
23 *how* that Amendment was violated. See id. Therefore, this Court concludes that Petitioner’s
24 claim is bare and naked and cannot demonstrate prejudice. Hargrove v. State, 100 Nev. 498,
25 502, 686 P.2d 222, 225 (1984) (“[b]are” and “naked” allegations are not sufficient to warrant
26 post-conviction relief); NRS 34.735(6) (“[Petitioner] must allege specific facts supporting the
27 claims in the petition...Failure to raise specific facts rather than just conclusions may cause
28 [the] petition to be dismissed.”).

1 Because this Court has concluded that Petitioner's first claim is procedurally defaulted,
2 both by Petitioner's decision to plead guilty, and by Petitioner's failure to raise his claim on
3 direct appeal, with no good cause or prejudice shown, the instant Petition is suitable for
4 dismissal.

5 **II. ACTUAL INNOCENCE IS NOT, ITSELF, A COGNIZABLE GROUND FOR**
6 **RELIEF**

7 Petitioner's second claim alleges that he is actually innocent of the crime because he
8 was not proximate to the crime scene and because evidence was illegally collected. See instant
9 Petition at 9. This Court finds that Petitioner is not entitled to relief on this claim, as actual
10 innocence itself is not a cognizable claim for habeas relief. Further, to the extent Petitioner is
11 challenging the sufficiency of the evidence, this Court finds that Petitioner waived this claim
12 by entering a guilty plea.

13 The United States Supreme Court has explained that actual innocence means factual
14 innocence, not legal insufficiency. Bousley v. United States, 523 U.S. 614, 623, 118 S.Ct.
15 1604, 1611 (1998); Sawyer v. Whitley, 505 U.S. 333, 338-39, 112 S.Ct. 2514, 2518-19 (1992).
16 To establish actual innocence of a crime, a petitioner "must show that it is more likely than
17 not that no reasonable juror would have convicted him absent a constitutional violation."
18 Pellegrini v. State, 117 Nev. 860, 887, 34 P.3d 519, 537 (2001). Actual innocence is a stringent
19 standard designed to be applied only in the most extraordinary situations. Schlup v. Delo, 513
20 U.S. 298, 316, 115 S.Ct. 851, 861 (1995); Pellegrini, 117 Nev. at 876, 34 P.2d at 530. In order
21 to meet the standard for actual innocence, a petitioner must show that the newly discovered
22 evidence suggesting a petitioner's innocence is "so strong that a court cannot have confidence
23 in the outcome of the trial." Schlup, 513 U.S. at 316, 115 S.Ct. at 861.

24 However, the United States Supreme Court has specified that a claim of actual
25 innocence is a "gateway" to present otherwise procedurally defaulted constitutional
26 challenges, rather than itself a ground for habeas relief. Schlup, 513 U.S. at 315, 115 S.Ct. at
27 861. The Eighth Circuit Court of Appeals has expressly "rejected free-standing claims of
28 actual innocence as a basis for habeas review." Meadows v. Delo, 99 F.3d 280, 283 (8th Cir.

1 1996) (citing Herrerra v. Collins, 506 U.S. 390, 400, 113 S.Ct. 853, 860 (1993)).

2 This Court finds that, not only does Petitioner fail to recognize that “actual innocence”
3 is not, itself, a cognizable claim for relief, but Petitioner fails to allege *new facts* in support of
4 his actual innocence claim. See instant Petition at 9. Petitioner’s allegation of illegally-
5 gathered evidence does not specify *what* evidence was illegally gathered. See id. As such, this
6 Court concludes that Petitioner’s claim is bare and naked, and is instead suitable only for
7 summary denial under Hargrove. 100 Nev. at 502, 686 P.2d 225.

8 Furthermore, this Court finds that the substance of Petitioner’s claim suggests the
9 existing evidence of which Petitioner was aware was insufficient to support conviction. See
10 instant Petition at 9. However, “actual innocence” is limited to *new evidence* that was not
11 presented. Schlup, 513 U.S. at 316, 115 S.Ct. at 861. Therefore, this Court finds that evidence
12 of Petitioner’s whereabouts is inapplicable to a claim of “actual innocence.” Id. Regardless,
13 this Court finds that Petitioner made the decision to plead guilty in this case, and, as such,
14 relieved the State of its burden to prove Petitioner’s guilt. See Kirksey, 112 Nev. at 993-94,
15 923 P.2d at 1110-11. Furthermore, this Court concludes that Petitioner’s decision to plead
16 guilty waived any substantive claim of insufficient evidence. Id.; Webb, 91 Nev. at 470, 538
17 P.2d at 165.

18 Since this Court has concluded that Petitioner’s claim is not, itself, a cognizable claim
19 for relief, and that the substance of his claim was waived by Petitioner pleading guilty,
20 Petitioner’s claim is subject to dismissal.

21 **III. PETITIONER’S THIRD AND FOURTH CLAIMS ARE WAIVED BY**
22 **PETITIONER’S FAILURE TO RAISE THEM ON DIRECT APPEAL**

23 Petitioner’s third claim alleges that he should have been severed from his co-defendant
24 due to a gross disparity in culpability. See instant Petition at 10. His fourth claim contends that
25 the specific allegations of substantial bodily harm in his underlying case did not meet the
26 statutory definitions thereof. See id. at 11. This Court finds that neither of these claims can
27 entitle Petitioner to relief, as he waived each of them by failing to raise them on direct appeal.

28 //

1 Petitioner's third and fourth claims are each substantive in nature, and as such, this
2 Court finds they were suitable to be raised on direct appeal. See instant Petition at 10-11.
3 Therefore, this Court concludes that Petitioner's failure to raise them thus results in a waiver
4 of each. NRS 34.724(2)(a) (habeas petitioners are not a substitute for remedies available upon
5 direct review of the trial court proceedings); NRS 34.810(1)(a); Evans, 117 Nev. at 646-47,
6 29 P.3d at 523; Franklin, 110 Nev. at 752, 877 P.2d at 1059.

7 Petitioner does not recognize this waiver, much less argue that good cause and prejudice
8 exist to overcome the procedural bars. See instant Petition at 10-11. Indeed, this Court finds
9 that Petitioner could not demonstrate good cause, as each of his claims arise from facts or
10 situations which, by their nature, were available at the time Petitioner filed his direct appeal,
11 and Petitioner fails to enumerate any impediment external to the defense that precluded these
12 issues from being waived. See id.

13 Furthermore, this Court finds that Petitioner cannot demonstrate prejudice, as his
14 individual claims lack merit. Regarding Petitioner's claim of severance, NRS 173.135 clearly
15 allows two or more defendants to be charged together if they participated in the same criminal
16 conduct. The litmus test for the necessity of severance is a showing of clear, manifest, or undue
17 prejudice from a joint trial. United State v. Entriquez-Estrada, 999 F.2d 1355 (9th Cir. 1993).
18 However, the decision to sever is left within the discretion of the trial court. Amen v. State,
19 106 Nev. 749, 755, 801 P.2d 1354, 1359 (1990).

20 This Court finds that Petitioner does not provide any specific allegations of undue
21 prejudice resulting from misjoinder; instead, Petitioner claims that severance was warranted
22 because "culpability" of the defendants was "grossly mismatched." Instant Petition at 10.
23 Petitioner then claims that he bore *no* culpability because he was allegedly absent for *most* of
24 the abuse. Id. However, Petitioner overlooks the preliminary hearing testimony that placed
25 Petitioner *inside* the house, *participating* in aspects of the abuse. See, e.g. Preliminary Hearing
26 Transcript – Volume 1 at 22, 24 (describing beatings with a paint stick which Petitioner had
27 labeled "Board of Education"), 29-32 (Petitioner affixed toilet seats to Home Depot buckets,
28 which the victims were forced to sit on from the time they woke up until they went to bed), 34

(Petitioner would withhold food and water from the victims); see also, Preliminary Hearing Transcript – Volume V at 49 (Petitioner purchased the catheters used to abuse the victims). Finally, Petitioner asserts that he had no duty to report any crime committed by his wife, the co-defendant. Id. However, this Court finds that Petitioner’s position is contrary to Nevada law: NRS 49.305(2)(e) creates an express exception to spousal privilege in the case where one spouse is charged with crime(s) against the person’s child. Therefore, because Petitioner’s severance claim is without merit, this Court concludes it cannot demonstrate prejudice sufficient to overcome procedural Petitioner’s procedural defaults.

Likewise, this Court finds that Petitioner’s substantial bodily harm complaint is without merit, as Petitioner’s decision to plead guilty relieved the State of its burden to establish each of the statutory elements of that charge. See, GPA at 2 (“I understand that by pleading guilty, I admit the facts which support all the elements of the offenses to which I now plead...”), 4 (“By entering my plea of guilty, I understand that I am waiving and forever giving up...the State[‘s] burden of proving beyond a reasonable doubt each element of the offense(s) charged.”). Furthermore, this Court finds that Petitioner’s choice to plead guilty waived any challenge to the sufficiency of the substantial bodily harm enhancement. Kirksey, 112 Nev. at 993-94, 923 P.2d at 1110-11; Webb, 91 Nev. at 470, 538 P.2d at 165.

Because Petitioner’s claims are waived by his failure to raise them on direct appeal, and because Petitioner fails to overcome his procedural defaults, this Court concludes that Petitioner’s third and fourth claims are suitable only for dismissal.

IV. PETITIONER’S FIFTH CLAIM FAILS TO STATE GROUNDS FOR RELIEF

Petitioner’s fifth claim complains that certain judicial findings are not supported by the facts. See instant Petition at 12. However, this Court finds that while Petitioner takes issue with “[c]omments from the bench” such as “ ‘court feels,’ ‘court thinks,’ etc.,” Petitioner fails to specifically allege findings, rather than expressions, that were unsubstantiated or improper. See id. This Court concludes that Petitioner’s failure to offer a basis for relief, much less specific allegations in support thereof, renders Petitioner’s claim insufficient, bare and naked, and suitable only for summary denial under Hargrove. 100 Nev. at 502, 686 P.2d at 225; see

1 also NRS 34.735(6).

2 **V. PETITIONER FAILS TO DEMONSTRATE INEFFECTIVE ASSISTANCE OF**
3 **COUNSEL**

4 Finally, Petitioner alleges that counsel was ineffective in six (6) ways. Instant Petition
5 at 13. This Court finds that Petitioner fails to acknowledge his burden when raising such a
6 claim, much less demonstrate that, pursuant to that burden, counsel was ineffective.

7 The Sixth Amendment to the United States Constitution provides that, “[i]n all criminal
8 prosecutions, the accused shall enjoy the right...to have the Assistance of Counsel for his
9 defense.” The United States Supreme Court has long recognized that “the right to counsel is
10 the right to the effective assistance of counsel.” Strickland v. Washington, 466 U.S. 668, 686,
11 104 S.Ct. 2052, 2063 (1984); see also State v. Love, 109 Nev. 1136, 1138, 865 P.2d 322, 323
12 (1993).

13 To prevail on a claim of ineffective assistance of trial counsel, a defendant must prove
14 she was denied “reasonably effective assistance” of counsel by satisfying the two-prong test
15 of Strickland, 466 U.S. at 686-87, 104 S.Ct. at 2063-64. See also Love, 109 Nev. at 1138, 865
16 P.2d at 323. Under Strickland, a defendant must show first that his counsel's representation
17 fell below an objective standard of reasonableness, and second, that but for counsel's errors,
18 there is a reasonable probability that the result of the proceedings would have been different.
19 466 U.S. at 687-88, 694, 104 S.Ct. at 2065, 2068; Warden, Nevada State Prison v. Lyons, 100
20 Nev. 430, 432, 683 P.2d 504, 505 (1984) (adopting the Strickland two-part test). “[T]here is
21 no reason for a court deciding an ineffective assistance claim to approach the inquiry in the
22 same order or even to address both components of the inquiry if the defendant makes an
23 insufficient showing on one.” Strickland, 466 U.S. at 697, 104 S.Ct. at 2069.

24 The Court begins with the presumption of effectiveness and then must determine
25 whether the defendant has demonstrated by a preponderance of the evidence that counsel was
26 ineffective. Means v. State, 120 Nev. 1001, 1011, 103 P.3d 25, 32 (2004). “Effective counsel
27 does not mean errorless counsel, but rather counsel whose assistance is ‘[w]ithin the range of
28 competence demanded of attorneys in criminal cases.’” Jackson v. Warden, 91 Nev. 430, 432,

1 537 P.2d 473, 474 (1975).

2 Counsel cannot be ineffective for failing to make futile objections or arguments. See
3 Ennis v. State, 122 Nev. 694, 706, 137 P.3d 1095, 1103 (2006). Trial counsel has the
4 “immediate and ultimate responsibility of deciding if and when to object, which witnesses, if
5 any, to call, and what defenses to develop.” Rhyne v. State, 118 Nev. 1, 8, 38 P.3d 163, 167
6 (2002). Further, a defendant who contends his attorney was ineffective because he did not
7 adequately investigate must show how a better investigation would have rendered a more
8 favorable outcome probable. Molina v. State, 120 Nev. 185, 192, 87 P.3d 533, 538 (2004).

9 Based on the above law, the role of a court in considering allegations of ineffective
10 assistance of counsel is “not to pass upon the merits of the action not taken but to determine
11 whether, under the particular facts and circumstances of the case, trial counsel failed to render
12 reasonably effective assistance.” Donovan v. State, 94 Nev. 671, 675, 584 P.2d 708, 711
13 (1978). This analysis does not mean that the court should “second guess reasoned choices
14 between trial tactics nor does it mean that defense counsel, to protect himself against
15 allegations of inadequacy, must make every conceivable motion no matter how remote the
16 possibilities are of success.” Id. To be effective, the constitution “does not require that counsel
17 do what is impossible or unethical. If there is no bona fide defense to the charge, counsel
18 cannot create one and may disserve the interests of his client by attempting a useless charade.”
19 United States v. Cronin, 466 U.S. 648, 657 n.19, 104 S.Ct. 2039, 2046 n.19 (1984).

20 “There are countless ways to provide effective assistance in any given case. Even the
21 best criminal defense attorneys would not defend a particular client in the same way.”
22 Strickland, 466 U.S. at 689, 104 S.Ct. at 689. “Strategic choices made by counsel after
23 thoroughly investigating the plausible options are almost unchallengeable.” Dawson v. State,
24 108 Nev. 112, 117, 825 P.2d 593, 596 (1992); see also Ford v. State, 105 Nev. 850, 853, 784
25 P.2d 951, 953 (1989). In essence, the court must “judge the reasonableness of counsel's
26 challenged conduct on the facts of the particular case, viewed as of the time of counsel's
27 conduct.” Strickland, 466 U.S. at 690, 104 S.Ct. at 2066.

28 //

1 Even if a defendant can demonstrate that his counsel's representation fell below an
2 objective standard of reasonableness, he must still demonstrate prejudice and show a
3 reasonable probability that, but for counsel's errors, the result of the trial would have been
4 different. McNelson v. State, 115 Nev. 396, 403, 990 P.2d 1263, 1268 (1999) (citing
5 Strickland, 466 U.S. at 687, 104 S.Ct. at 2064). "A reasonable probability is a probability
6 sufficient to undermine confidence in the outcome." Id. (citing Strickland, 466 U.S. at 687-89,
7 694, 104 S.Ct. at 2064-65, 2068). This portion of the test is slightly modified when the
8 convictions occurs due to a guilty plea. Hill v. Lockhart, 474 U.S. 52, 59 (1985); Kirksey v.
9 State, 112 Nev. at 988. For a guilty plea, a defendant "must show that there is a reasonable
10 probability that, but for counsel's errors, he would not have pleaded guilty and would have
11 insisted on going to trial." Kirksey, 112 Nev. at 998 (quoting Hill, 474 U.S. at 59).

12 This Court finds that Petitioner does not invoke Strickland, much less attempt to meet
13 that standard. See instant Petition at 13-14. Further, this Court's review of each of Petitioner's
14 assertions of ineffectiveness shows that none are sufficient to entitle Petitioner to relief.

15 **A. Ineffectiveness during Direct Appeal**

16 Petitioner first alleges that his direct appeal was "adjudicated on incomplete
17 information" due to counsel's ineffectiveness. Instant Petition at 13. While Petitioner offers a
18 list of generalized errors by counsel, this Court finds that he fails to specify *what* the errors
19 were, or *how* they were committed by counsel. Id.; Means, 120 Nev. at 1011, 103 P.3d at 32.
20 Further, Petitioner fails to specify *how* the result of his direct appeal would have differed, had
21 counsel acted effectively with regards to each of these general errors. McNelson, 115 Nev. at
22 403, 990 P.2d at 1268. As such, this Court concludes that Petitioner's assertion is bare and
23 naked, and is suitable only for summary denial. Hargrove, 100 Nev. at 502, 686 P.2d at 225.

24 **B. Failure to Investigate Allegations**

25 Petitioner next alleges that trial counsel failed to properly investigate the facts
26 underlying Petitioner's case. Instant Petition at 13. However, this Court finds that Petitioner
27 fails to specifically allege *what* a proper investigation would have shown, much less *how* that
28 information would have affected Petitioner's decision to accept plea negotiations. Molina, 120

1 Nev. at 192, 87 P.3d at 538. Therefore, this Court concludes that Petitioner's allegation is
2 insufficient to meet Petitioner's burden under Strickland. Id.

3 **C. Coercion regarding Guilty Plea**

4 Petitioner's third allegation asserts that counsel's poor trial preparation, and failure to
5 convey an earlier plea deal, resulted in Petitioner's plea being "the only option." Instant
6 Petition at 13-14. While Petitioner includes various allegations of factors that led to his guilty
7 plea, this Court finds that Petitioner has failed to substantiate those allegations with any
8 specific facts. As such, this Court concludes that Petitioner's third allegation is bare and naked
9 and suitable only for denial under Hargrove. 100 Nev. at 502, 686 P.2d at 225.

10 Further, this Court finds that Petitioner's claim that his plea was coerced is expressly
11 belied by the record of Petitioner's guilty plea. By executing his GPA, Petitioner affirmed:

12 I believe that pleading guilty and accepting this plea bargain is
13 in my best interest, and that a trial would be contrary to my best
interest.

14 I am signing this agreement voluntarily, after consultation with
15 my attorney, and *I am not acting under duress or coercion...*

16 GPA at 5 (emphasis added). Furthermore, contrary to his instant allegations of unpreparedness,
17 Petitioner affirmed: "My attorney has answered all my questions regarding this guilty plea
18 agreement and its consequences to my satisfaction and I am satisfied with the services
19 provided by my attorney." Id. at 6. Because Petitioner's claim is belied by the record, this
20 Court concludes that it cannot entitle Petitioner to relief. Hargrove, 100 Nev. at 502, 686 P.2d
21 at 225; Mann v. State, 118 Nev. 351, 354, 46 P.3d 1228, 1230 (2002) ("A claim is 'belied'
22 when it is contradicted or proven to be false by the record as it existed at the time the claim
was made.").

23 Finally, even on the merits of his claim, this Court finds that Petitioner cannot
24 demonstrate that he is entitled to relief. To establish a claim of ineffective assistance of counsel
25 for advice regarding a guilty plea, a defendant must *show* "gross error on the part of counsel."
26 Turner v. Calderon, 281 F.3d 851, 880 (9th Cir. 2002). Further, the Nevada Supreme Court
27 has held that a reasonable plea recommendation which hindsight reveals is unwise is not
28 ineffective assistance. Larson v. State, 104 Nev. 691, 694, 766 P.2d 261, 263 (1988).

1 Importantly, the question is not whether “counsel’s advice [was] right or wrong, but...whether
2 that advice was within the range of competence demanded of attorneys in criminal cases.”
3 Turner, 281 F.3d at 880 (quoting McMann v. Richardson, 397 U.S. 759, 771, 90 S.Ct. 1441,
4 1449 (1970)). Petitioner has merely provided a list of allegations against counsel; however,
5 this Court finds that he has failed to *show* that counsel’s performance amounted to “gross
6 error” so as to warrant relief. As such, this Court concludes that Petitioner’s claim fails to meet
7 Petitioner’s burden and cannot warrant relief.

8 **D. Petitioner’s Fourth, Fifth, and Sixth Allegations of Ineffectiveness are**
9 **devoid of any factual support**

10 This Court finally finds that Petitioner, though he lists three (3) additional allegations
11 of counsel’s purported ineffectiveness, fails to include any additional information. See instant
12 Petition at 13-14. As such, this Court concludes that Petitioner’s allegations are left bare and
13 naked, and suitable only for summary denial. Hargrove, 100 Nev. at 502, 686 P.2d at 225.

14 **CONCLUSION**

15 THEREFORE, Court **ORDERED**, Petitioner Dwight Solander’s Petition for Writ of
16 Habeas Corpus (Post-Conviction) shall be and is DENIED.

17 Dated this 6th day of August, 2021

18 
19 _____

20 Respectfully submitted,

21 STEVEN B. WOLFSON
22 Clark County District Attorney
23 Nevada Bar #001565

AB9 E92 1978 8C7A
Joe Hardy
District Court Judge

24 BY  for _____
25 ELISE M. CONLIN
26 Deputy District Attorney
27 Nevada Bar #014856

28 JJ/hjc/SVU

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 State of Nevada

CASE NO: C-14-299737-1

7 vs

DEPT. NO. Department 15

8 Dwight Solander
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 8/6/2021

15 Dept 21 Law Clerk	dept21lc@clarkcountycourts.us
16 Craig Mueller, Esq.	cmueller@muellerhinds.com
17 Giselle Villa	civil@muellerhinds.com
18 DA Office	pdmotions@clarkcountyda.com
19 Motions Desk DA Office	motions@clarkcountyda.com
20 Susie Schofield	schofield@clarkcountycourts.us
21 Craig Mueller	electronicservice@craigmuellerlaw.com
22 Rosa Ramos	rosa@craigmuellerlaw.com

23
24
25
26
27
28

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 31, 2014

C-14-299737-1 State of Nevada
 vs
 Dwight Solander

July 31, 2014 9:30 AM Initial Arraignment

HEARD BY: Weed, Randall F. **COURTROOM:** RJC Lower Level Arraignment

COURT CLERK: Athena Trujillo

RECORDER: Debbie Winn

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Tierra Jones, Deputy District Attorney, present for the State of Nevada.
Defendant Solander, present out of custody, with Craig Mueller, Esq.

DEFT. SOLANDER ARRAIGNED, PLED NOT GUILTY, and WAIVED the 60-DAY RULE. COURT ORDERED, matter set for trial. Colloquy regarding trial dates. COURT ORDERED, pursuant to Statute, Counsel has 21 days from today for the filing of any Writs; if the Preliminary Hearing Transcript has not been filed as of today, Counsel has 21 days from the filing of the Transcript.

BOND

03/26/15 9:30 AM CALENDAR CALL (DEPT. 21)

03/30/15 9:30 AM JURY TRIAL (DEPT. 21)

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

August 19, 2014

C-14-299737-1 State of Nevada
vs
Dwight Solander

**August 19, 2014 9:30 AM Motion for Order
Extending Time**

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Dania Batiste

RECORDER: Debbie Winn

REPORTER:

PARTIES

PRESENT:	Bluth, Jacqueline	Attorney
	Mueller, Craig A	Attorney
	Solander, Dwight Conrad	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Ms. Jones requested a continuance, advising the Court that the defense is missing part of the Bindover argument transcript. Ms. Bluth noted she will contact the appropriate Court Reporter to determine the status.

COURT ORDERED, defense shall file its Petition no later than Tuesday, September 16, 2014; State to respond accordingly.

BOND

3/26/2015 9:30 am Calendar Call

PRINT DATE: 09/14/2021

Page 2 of 45

Minutes Date: July 31, 2014

C-14-299737-1

3/30/2015 9:30 am Jury Trial

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

September 30, 2014

C-14-299737-1 State of Nevada
vs
Dwight Solander

September 30, 2014 9:30 AM All Pending Motions

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Denise Husted

RECORDER: Janie Olsen

REPORTER:

PARTIES

PRESENT:	Bluth, Jacqueline	Attorney
	Mueller, Craig A	Attorney
	Solander, Dwight Conrad	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- DEFENDANT'S MOTION TO SEVER...PETITION FOR WRIT OF HABEAS CORPUS

Mr. Mueller stated he received late service on the oppositions and needs more time to review and reply. Ms. Bluth advised that Chapter 34 states he is not entitled to petition and reply. COURT ORDERED, it will allow Mr. Mueller's request for additional time to reply. The Court noted concern regarding the sexual assault counts and if they have been attempted anywhere else. Anatomically you are talking about two different orifices; biologically speaking there is concern with the mechanics of the catheter issue. With the wife the allegations are separate. The State has to establish what happened by slight or marginal evidence. The Court informed counsel that additional research would be welcomed by the Court. COURT FURTHER ORDERED, Mr. Mueller is given additional time to file a reply. MATTER CONTINUED.

BOND

PRINT DATE: 09/14/2021

Page 4 of 45

Minutes Date: July 31, 2014

CONTINUED TO: 10/21/14 9:30 AM - DEFENDANT'S MOTION TO SEVER...PETITION FOR WRIT
OF HABEAS CORPUS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 21, 2014

C-14-299737-1 State of Nevada
 vs
 Dwight Solander

October 21, 2014 9:30 AM All Pending Motions

HEARD BY: Adair, Valerie **COURTROOM:** RJC Courtroom 11C

COURT CLERK: Denise Husted

RECORDER: Janie Olsen

REPORTER:

PARTIES

PRESENT: Luzaich, Elissa Attorney
 Mueller, Craig A Attorney
 Solander, Dwight Conrad Defendant
 State of Nevada Plaintiff

JOURNAL ENTRIES

- DEFENDANT DWIGHT SOLANDER'S MOTION FOR RETURN OF PROPERTY SEIZED DURING SEARCH WARRANT AND TO SHORTEN TIME..DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS...DEFENDANT'S MOTION TO SEVER...DEFENDANT DWIGHT SOLANDER'S JOINDER OF DEFENDANT DANIELLE HINTON'S DISCOVERY MOTION AND MOTION TO COMPEL

Counsel discussed additional time to reply to writs and that the preliminary hearing transcripts are not available yet. Ms. Luzaich stated that the bind overs are held until all the transcripts are completed. The Court stated it will look into when the transcripts were filed. Following further statements, COURT ORDERED, motions CONTINUED.

BOND

CONTINUED TO: 11/6/14 9:30 AM

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

October 28, 2014

C-14-299737-1 State of Nevada
vs
Dwight Solander

October 28, 2014 9:30 AM Motion

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Denise Husted

RECORDER: Janie Olsen

REPORTER:

PARTIES

PRESENT: Luzaich, Elissa Attorney
 Mueller, Craig A Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- COURT ORDERED, matter is OFF CALENDAR.

BOND

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

November 06, 2014

C-14-299737-1 State of Nevada
vs
Dwight Solander

November 06, 2014 9:30 AM All Pending Motions

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Denise Husted

RECORDER: Janie Olsen

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Jacqueline Bluth and Elissa Luzaich appearing for the State of Nevada.

Craig Mueller appearing for defendant DWIGHT SOLANDER.

1. Defendant Dwight Solander's Motion for Return of Property Seized During Search Warrant and to Shorten Time - COURT ORDERED, motion is MOOT as the property has already been turned over.
2. Defendant Dwight Solander's Joinder of Deft. Danielle Hinton's Discovery Motion and Motion to Compel - DISCOVERY RULING IS SAME AS RULING FOR DANIELLE HINTON.
3. Defendant's Dwight Solander's Motion to Sever - COURT ORDERED, MOTION IS DENIED WITHOUT PREJUDICE.
4. Defendant Dwight Solander's Petition for Writ of Habeas Corpus - UNDER ADVISEMENT.

SEXUAL ASSAULT. The Court noted it reviewed the petition. Mr. Mueller submitted on the

pleadings, except for the sexual assault charge. He stated this is not a sexual assault case as it relates to the use of the catheter. Ms. Bluth opposed Mr. Mueller's position and stated that this is not a specific intent crime. The Court informed parties that first, this is a question of law. The issue as to whether or not this kind of insertion in the urinary opening would be considered something that could fall within the sexual assault statute. The Court informed counsel that it conferred with several other Judges who do criminal work and the prevailing opinion was that the insertion of a catheter is not a sexual assault.

CHILD ABUSE AND CORPORAL PUNISHMENT. The Court is much more comfortable with these charges as they are questions for the jury. That is where one relies on the consensus of the community.

CONSPIRACY. Mr. Mueller stated there are no allegations that Mr. Solander either touched or inserted the catheter into any of the children. He stated opposition to the State's filing thirteen acts for every time the catheter was documented. Opposition by Ms. Bluth. The Court advised that the State is entitled to have evidence of each and everything. As a matter of law the Court feels that Mr. Mueller is wrong. COURT ORDERED, Defendant Dwight Solander's Petition for Writ of Habeas Corpus is UNDER ADVISEMENT.

Jeffrey Rue appearing for defendant Danielle Hinton.

1. Defendant Hinton's Motion for Discovery - GRANTED IN PART.

BRADY MATERIALS.

a. All CPS records and DPS records on the girls.

COURT ORDERED, counsel is to provide a list of allegations for in-camera review and if it finds relevance, it will request further records.

b. All CPS records and DFS records on the Solanders.

COURT ORDERED, counsel is to provide a list of allegations for in-camera review and if it finds relevance, it will request further records.

c. All records of mental health workers who have had contact with the girls.

COURT ORDERED, the State is to obtain for in-camera review, any counseling, psychological records relating to the time when the girls began living with these defendants.

d. All records and notes of physical exams on the girls.

COURT FINDS, this request is overly broad and ORDERED, request DENIED.

e. All records and notes from the victim witness office of the DA on any monetary assistance given to the minors.

COURT ORDERED, any benefits received through Victim Witness must be disclosed.

f. All notes of interviews with the material witnesses.

Ms. Bluth stated that Dr. Emory memorializes notes into reports; she always hands over any exculpatory information to the defense. She also state that she has had no contact with the investigator in Florida, but all parties have the reports from Florida.

g. Information on the criminal history of any witness.

COURT FINDS, the State does not have to turn over NCIC reports, but if they become aware of any conviction that could potentially be used for impeachment the must provide this information to the defense.

h. Any information on any previous false allegations of misconduct made by the girls.

If the State becomes aware of misconduct they must disclose to the defense.

Mr. Rue stated there are no issues with i. - m.

n. Any 911 recordings.

State to provide copy of missing persons report and all that goes with that.

2. Defendant Hinton's Petition for Writ of Habeas Corpus - UNDER ADVISEMENT.

Mr. Rue stated that in his opinion, the State did not overcome the requirement of slight or marginal evidence regarding serious, permanent disfigurement. The State is of the opinion that the photograph was enough, but there was no testimony of prolonged pain. He further stated that his client was arrested on that scar being a serious permanent disfigurement. The Court stated that the issue on the Writ is whether there was enough evidence presented at the preliminary hearing regarding the scar. COURT ORDERED, matter taken UNDER ADVISEMENT.

3. Defendant Hinton's Motion to Compel State's Compliance of NRS 174.234 - GRANTED IN PART.

Mr. Rue stated he needs the address of the three children who are currently in foster care. The only contact he has is to send requests in the care of the District Attorney's office. Ms. Bluth advised that

the State doesn't usually give out this information. Mr. Rue informed parties that his alternative is to have the State provide him with an opportunity to interview these children. Upon Ms. Bluth's inquiry, the Court stated that Mr. Rue wants to send his investigator out, therefore he needs an address. The Court stated that it would feel more comfortable that Mr. Rue and his investigator have an opportunity to meet with the children. Ms. Bluth informed the Court that the foster parents aren't going to be willing to do that. She suggested that she put Mr. Rue in connection with the foster mother and if she decides it is alright, the State will put him in touch with her case worker first. COURT SO ORDERED.

C. Mcamis and Kristina Wildeveld appearing for defendant JANET SOLANDER.

1. Defendant Janet Solander's Joinder to Defendant Dwight Solander's Petition for Writ of Habeas Corpus - Ms. Mcamis informed the Court that she has filed her motion for Janet Solander's Petition for Writ of Habeas Corpus and has rescheduled it to give the State time to reply. The Court advised that her JEA and Law Clerk researched this matter and found that the Preliminary Hearing transcript was attached to the bind over when it was scanned into Odyssey making it difficult to find. Normally these transcripts are filed and scanned individually.

2. Defendant Janet Solander's Joinder to Defendant Hinton's Motion for Discovery - DISCOVERY RULING IS SAME AS RULING FOR DANIELLE HINTON.

BOND (DEFTS 1 & 3)
O.R./I.S. (DEFT 2)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 01, 2014

C-14-299737-1 State of Nevada
 vs
 Dwight Solander

December 01, 2014 3:00 AM Decision

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Denise Husted

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- COURT ORDERED, petition is GRANTED as to the sexual assault with the catheter and DENIED as to remaining issues.

CUSTODY

CLERK'S NOTE: Above minute order modified per Court on 1/28/14. dh

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

March 26, 2015

C-14-299737-1 State of Nevada
vs
Dwight Solander

March 26, 2015 **9:30 AM** **Calendar Call**

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Denise Husted

RECORDER: Janie Olsen

REPORTER:

PARTIES

PRESENT:	Goldstein, Steven M.	Attorney
	Luzaich, Elissa	Attorney
	Solander, Dwight Conrad	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Ms. Luzaich appeared for Ms. Bluth who is in currently in trial. She requested that the trial date be vacated and continued for resetting.

BOND

4/7/15 9:30 AM STATUS CHECK: RESET TRIAL

April 07, 2015

**PARTIES
PRESENT:**

JOURNAL ENTRIES

Minutes Date: July 31, 2014

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 14, 2015

C-14-299737-1 State of Nevada
 vs
 Dwight Solander

April 14, 2015 9:30 AM Status Check

HEARD BY: Adair, Valerie **COURTROOM:** RJC Courtroom 11C

COURT CLERK: Denise Husted

RECORDER: Janie Olsen

REPORTER:

PARTIES

PRESENT:	Bluth, Jacqueline	Attorney
	Luzaich, Elissa	Attorney
	Mueller, Craig A	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Colloquy regarding trial setting. COURT ORDERED, matter SET for TRIAL, FIRM SETTING.

BOND

1/28/16 9:30 AM

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

January 28, 2016

C-14-299737-1 State of Nevada
vs
Dwight Solander

January 28, 2016 9:30 AM Calendar Call

HEARD BY: Adair, Valerie **COURTROOM:** RJC Courtroom 11C

COURT CLERK: Denise Husted

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT:	Luzaich, Elissa	Attorney
	Mueller, Craig A	Attorney
	Solander, Dwight Conrad	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- COURT ORDERED, matter SET for a status check as the case is still with the Supreme Court.

BOND

3/31/16 9:30 AM SC: SUPREME COURT DECISION

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

March 31, 2016

C-14-299737-1 State of Nevada
vs
Dwight Solander

March 31, 2016 9:30 AM Status Check

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Denise Husted

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT: Bluth, Jacqueline Attorney
Goldstein, Steven M. Attorney
State of Nevada Plaintiff

JOURNAL ENTRIES

- No information received from the Nevada Supreme Court. COURT ORDERED, matter CONTINUED.

BOND

CONTINUED TO: 9/29/16 9:30 AM

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

September 29, 2016

C-14-299737-1 State of Nevada
vs
Dwight Solander

September 29, 2016 9:30 AM Status Check

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT:	Bluth, Jacqueline	Attorney
	Hinds, Cristina A.	Attorney
	Solander, Dwight Conrad	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Court noted the Supreme Court declined to revisit their decision and SET MATTER for TRIAL.

BOND

8/17/17 9:30 AM CALENDAR CALL

8/21/17 9:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 23, 2018

C-14-299737-1 State of Nevada
 vs
 Dwight Solander

January 23, 2018 9:30 AM All Pending Motions

HEARD BY: Adair, Valerie **COURTROOM:** RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT: Bluth, Jacqueline Attorney
 Mueller, Craig A Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- STATE'S MOTION TO ADMIT EVIDENCE OF DEFT JANET AND DWIGHT SOLANDER'S ABUSE OF THE FOSTER CHILDREN IN THEIR HOME.....CALENDAR CALL

Court noted that the motions and opposition were all reviewed. Mr. Mueller orally requested to join in on the opposition.

Upon inquiry of the Court, Ms. Bluth stated that she anticipated needing 3 weeks for trial. Colloquy regarding scheduling a hearing and the late filing of the motions. Further colloquy regarding medical records for the children and witnesses that will testify. Mr. Figler requested a copy of all of the medical records that State had. Ms. Bluth stated she would scan and send over to him adding that there were two boxes full.

Court inquired about resetting the trial per Ms. McAmis' motion. Ms. Bluth stated she was still working on her opposition. Court advised counsel that the Calendar Call as to Deft. Hinton STANDS

and SET hearing. Mr. Mueller requested the Calendar Call date also stand for Deft. Dwight Solander and declined to announce ready for trial based on the bad acts motion.

Argument as to the Motion in Limine. Court CONTINUED argument to the hearing date.

Ms. Bluth stated that there was an offer extended before the preliminary hearing but withdrawn once testimony from the children was heard adding that the defense could make a counter offer.

BOND

CONTINUED TO: 1/25/18 9:30 AM

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

January 29, 2018

C-14-299737-1 State of Nevada
vs
Dwight Solander

January 29, 2018 9:00 AM Further Proceedings

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER:

REPORTER:

PARTIES

PRESENT:	Bluth, Jacqueline	Attorney
	Mueller, Craig A	Attorney
	Solander, Dwight Conrad	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Mueller stated the matter was not resolved and that counsel had another appointment that day. Ms. Bluth confirmed the information. Court noted that parties met 1/26/18 and agreed to delay trial to give counsel additional time to prepare for Deft, Hinton's testimony.

Colloquy regarding witnesses and testimony to be heard at the evidentiary hearing. Mr. Mueller stated his client can come and report on the offer or participate in the hearing. Ms. McAmis stated that the Deft. had medical issues that would require breaks and needing to sit down. Court advised parties of the usual breaks taken during trial and that a break can be requested.

Argument as to the motion to strike experts. Mr. Figler argued that the CVs of the experts were not attached when noticed. Ms. Bluth stated that she provided what she had and that some of the experts did not have one to attach adding that she would obtain information regarding schooling and certification to provide to the Court. Court ADVISED that if the witness was not noticed as an expert,

they may only testify as a treating physician would adding that Ms. Bluth will need to go through each witness and advise what their testimony will be to determine if a CV would be required. Ms. Bluth went through the list and stated that Dr. Cetl would be the only one to give an expert opinion. Court OVERRULED the defenses' objection adding that witnesses may testify regarding why the children were seen, their conclusions of evaluations, and recommendations given to the parents. Court directed Ms. Bluth to try and get CVs for witnesses that were missing one.

Colloquy regarding trial counsel. Mr. Figler stated that Ms. Wildeveld had a conflict and he was able to substitute in adding that Ms. McAmis would be lead counsel.

BOND

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 31, 2018

C-14-299737-1 State of Nevada
 vs
 Dwight Solander

January 31, 2018 9:00 AM Evidentiary Hearing

HEARD BY: Adair, Valerie **COURTROOM:** RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT:	Bluth, Jacqueline	Attorney
	Hamner, Christopher S.	Attorney
	Mueller, Craig A	Attorney
	Solander, Dwight Conrad	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Upon request of the Court, Ms. Bluth gave the State's witness schedule. Argument regarding the motion pertaining to paint sticks. Court took the motion off calendar.

NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. DEFT. SOLANDER ARRAIGNED AND PLED GUILTY TO COUNTS 1, 2 & 3 of CHILD ABUSE, NEGLECT OR ENDANGERMENT RESULTING IN SUBSTANTIAL BODILY HARM (F). Court ACCEPTED plea and ORDERED, matter referred to the Division of Parole and Probation (P & P) and set for SENTENCING. Court DIRECTED Deft. to report to P & P immediately.

BOND

5/10/18 9:30 AM SENTENCING

PRINT DATE: 09/14/2021

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Minutes Date: July 31, 2014

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor	COURT MINUTES	May 10, 2018
---------------------------------	----------------------	---------------------

C-14-299737-1	State of Nevada
	vs
	Dwight Solander

May 10, 2018	9:30 AM	Sentencing
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HEARD BY: Adair, Valerie	COURTROOM: RJC Courtroom 11C
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COURT CLERK: Jill Chambers

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Court noted the Defts' danger evaluations were not completed. Mr. Rue stated Deft. Hinton would not need one, given her charges. Ms. McAmis stated there was a large volume of information her expert would need to review and would need an additional three weeks. Upon the Court's inquiry Ms. Bluth stated she called off the victim speakers and would reschedule. COURT ORDERED, MATTER CONTINUED.

BOND

CONTINUED TO: 6/5/18 9:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 05, 2018

C-14-299737-1 State of Nevada
 vs
 Dwight Solander

June 05, 2018

9:30 AM

Sentencing

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Alice Jacobson

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT:	Bluth, Jacqueline	Attorney
	Hamner, Christopher S.	Attorney
	Mueller, Craig A	Attorney
	Solander, Dwight Conrad	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- DEFT SOLANDER ADJUDGED GUILTY of COUNTS 1,2,3- CHILD ABUSE, NEGLECT OR ENDANGERMENT RESULTING IN SUBSTANTIAL BODILY HARM (F). Arguments by counsel. Victim Witness statements. Court finds his behavior encouraged and contributed to the events. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, \$150.00 DNA Analysis fee including testing to determine genetic markers, and \$3.00 DNA Collection fee,

Deft. SENTENCED to COUNT 1- a MAXIMUM of 120 MONTHS and MINIMUM of 36 MONTHS in the Nevada Department of Corrections (NDC); COUNT 2- to a MAXIMUM of 120 MONTHS and MINIMUM of 36 MONTHS in the Nevada Department of Corrections (NDC) TO RUN CONCURRENT WITH COUNT 1; COUNT 3- to a MAXIMUM of 120 MONTHS and MINIMUM of 36 MONTHS in the Nevada Department of Corrections (NDC), TO RUN CONCURRENT WITH COUNT 2. Credit for time served 105 days.

PRINT DATE: 09/14/2021

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Minutes Date: July 31, 2014

Bond if any exonerated.

NDC

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

July 10, 2018

C-14-299737-1 State of Nevada
vs
Dwight Solander

**July 10, 2018 9:30 AM Motion For
Reconsideration**

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 11C

COURT CLERK: Haly Pannullo

RECORDER: Sandra Pruchnic

REPORTER:

PARTIES

PRESENT:	Kollins, Stacey L.	Attorney
	Mueller, Craig A	Attorney
	Solander, Dwight Conrad	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Notice of Appeal FILED IN OPEN COURT.

Defendant not present. Mr. Mueller noted he prefer Judge Adair rule on the Motion. Court stated Judge Adair indicated there was nothing in the Motion that would change her opinion for a rehearing. Mr. Mueller argued in support of Motion for Rehearing and Reconsideration. Court stated the Motion was read and there was not any mistake of law or fact and looking at the totality of the circumstances, the fact that the Defendant plead guilty, the Court is not inclined to do a rehearing. COURT ORDERED, State is to prepare a Findings of Fact and Conclusion of Law consistent with the opposition and argument in Court.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor	COURT MINUTES	January 02, 2020
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C-14-299737-1	State of Nevada
	vs
	Dwight Solander

January 02, 2020 9:30 AM Motion

HEARD BY: Adair, Valerie **COURTROOM:** RJC Courtroom 11C

COURT CLERK: Kristin Duncan

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT:	Scarborough, Michael J.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- COURT ORDERED Defendant's Pro Per Motion to Withdraw Counsel was hereby GRANTED.

NDC

CLERK'S NOTE: A copy of this minute order was mailed to: Dwight Conrad Solander #1200038 [High Desert State Prison P.O. Box 650 Indian Springs, NV 89070]. A copy of this minute order was e-mailed to: Craig Mueller, Esq. [receptionist@craigmuellerlaw.com]. (KD 1/2/20)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 17, 2020

C-14-299737-1 State of Nevada
 vs
 Dwight Solander

March 17, 2020 9:30 AM All Pending Motions

HEARD BY: Bixler, James **COURTROOM:** RJC Courtroom 11C

COURT CLERK: April Watkins

RECORDER: Gina Villani

REPORTER:

PARTIES

PRESENT: Keach, Eckley M. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- DEFT'S PRO PER MOTION TO PROVIDE A COPY OF A SEALED RECORD PSI NRS 176.156 ON AN ORDER SHORTENING TIME...DEFT'S PRO PER MOTION TO PROVIDE TRANSCRIPTS AND OTHER DOCUMENTS AT STATE EXPENSE

There being no opposition, COURT ORDERED, motions GRANTED. State to provide all documents.

NDC

CLERK'S NOTE: The above minute order has been distributed to: Dwight Solander #1200038, HDSP, P.O. Box 650, Indian Springs, NV 89070. aw

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 02, 2020

C-14-299737-1 State of Nevada
 vs
 Dwight Solander

**July 02, 2020 1:45 PM Motion Motion for Status
Check on Motion to
Produce Documents
at State Expense**

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: April Watkins

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT: Moors, Lindsey Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Court noted some of the request contained in motion to produce, should be provided by Deft's prior counsel, Mr. Mueller. Further, Mr. Mueller will need to appear to indicate what was sent to Deft. out of counsel's file. As to request for transcripts, Court noted transcripts were probably never prepared, will not order them to be prepared, if not prepared and ORDERED, matter CONTINUED for Mr. Mueller or someone from Mr. Mueller's office to be present.

NDC

CONTINUED TO: 8/6/2020 9:30 AM

CLERK'S NOTE: The above minute order has been distributed to: Dwight Conrad Solander #1200038, HDSP, P.O. Box 650, Indian Springs, NV 89070. aw

PRINT DATE: 09/14/2021

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Minutes Date: July 31, 2014

CLERK'S NOTE: This Court's Law Clerk, sent Mr. Mueller, e-mail regarding continuance date and the Court's request for additional information. aw

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 06, 2020**

C-14-299737-1 State of Nevada
 vs
 Dwight Solander

August 06, 2020	1:45 PM	Motion	Motion for Status Check on Motion to Produce Documents at State Expense
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HEARD BY: Adair, Valerie**COURTROOM:** RJC Courtroom 11C**COURT CLERK:** April Watkins**RECORDER:** Robin Page**REPORTER:****PARTIES**

PRESENT: Moors, Lindsey	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- Court noted a representative from Mr. Mueller's office was to be present today to advise the status of Deft's file. Court further noted this motion is requesting new things from Mr. Mueller's file. Deft's original motion filed February 24, 2020, and heard by Senior Judge Bixler which was not opposed by the State, was granted and the items requested by the Deft. should be provided at the State's expense. Ms. Moors stated the State is waiting to hear from Mr. Mueller to see what he sent to Deft. Court stated original ruling by Senior Judge Bixler was on March 17, 2020, ordering items to be produced at the State's expense. Further, as to the transcripts, COURT ORDERED, any prepared transcripts are to be provided by the State. Any transcripts that are not prepared, will not be prepared unless Deft. comes back to this Court with justification. FURTHER ORDERED, this Court's staff to reach out to Mr. Mueller telephonically and by e-mail advising to appear and if no appearance, order to show cause will issue.

NDC

CLERK'S NOTE: This Court's Law Clerk, sent e-mail to Mr. Mueller advising of the above Court's order. This Court's Judicial Executive Assistant spoke to Shaina with Mr. Mueller's office, advising of the above Court's order. aw

CLERK'S NOTE: The above minute order has been distributed to: Dwight Solander #1200038, H.D.S.P., P.O.Box 650, Indian Springs, NV 89070. aw

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 18, 2020

C-14-299737-1 State of Nevada
 vs
 Dwight Solander

August 18, 2020	1:45 PM	Motion	Motion for Court to Issue and Order in Accordance with Notes on 7/2/2020 Hearing for Production of Documents
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HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: April Watkins
Carina Bracamontez-Munguia

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT:	Lacher, Ashley A.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Court noted Deft. is not appearing, has another matter set on August 27th, and ORDERED, matter CONTINUED.

NDC

CONTINUED TO: 08/27/2020 01:45 PM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 27, 2020

C-14-299737-1 State of Nevada
 vs
 Dwight Solander

August 27, 2020 1:45 PM All Pending Motions

HEARD BY: Adair, Valerie **COURTROOM:** RJC Courtroom 11C

COURT CLERK: April Watkins
Carina Bracamontez-Munguia

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT: Mueller, Craig A Attorney
 Rinetti, Dena I. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- MOTION FOR COURT TO ISSUE AND ORDER IN ACCORDANCE WITH IT'S NOTES ON 7/2/2020 HEARING FOR PRODUCTION OF DOCUMENTS...MOTION FOR STATUS CHECK ON MOTION TO PRODUCE DOCUMENTS AT STATE EXPENSE

Mr. Mueller stated the Deft's file has been mailed to Deft. Upon Court's inquiry Ms. Rinetti stated the law clerk is preparing transcripts and the PSI to mail out and requested three weeks continuance. Court noted Mr. Mueller does not need to be present at the next hearing. Colloquy regarding Mr. Mueller's ties to the case and previous proceedings. COURT ORDERED, motions GRANTED and matter SET for status check on production of documents at state expense.

NDC

09/17/2020 01:45 PM STATUS CHECK: PRODUCTION OF DOCUMENTS AT STATE EXPENSE

PRINT DATE: 09/14/2021

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Minutes Date: July 31, 2014

CLERK'S NOTE: The above minute order has been distributed to: Dwight Solander #1200038, HDSP, P.O. Box 650, Indian Springs, NV 89070. aw

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

September 10, 2020

C-14-299737-1 State of Nevada
vs
Dwight Solander

September 10, 2020	1:45 PM	Motion	Defendant's Motion to Stay Time to File Writ After JOC Final
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HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: April Watkins

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT: Lacher, Ashley A. Attorney
State of Nevada Plaintiff

JOURNAL ENTRIES

- Court FINDS Deft. has failed to set forth sufficient grounds to extend time, Deft. has failed to indicate good cause why Deft. needs specific evidence and documents to support petition and ORDERED, motion DENIED. State to prepare order.

NDC

CLERK'S NOTE: The above minute order has been distributed to: Dwight Solander #1200038, H.D.S.P., P.O. Box 650, Indian Springs, NV 89070. aw

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 17, 2020

C-14-299737-1 State of Nevada
 vs
 Dwight Solander

**September 17, 2020 1:45 PM Status Check Status Check:
Production of
Documents at State
Expense**

HEARD BY: Adair, Valerie **COURTROOM:** RJC Courtroom 11C

COURT CLERK: April Watkins

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT: Clemons, Jennifer M. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Upon Court's inquiry, Ms. Clemons advised Declaration of Mailing was filed on September 9, 2020, indicating documents have been sent to Deft. COURT ORDERED, matter OFF CALENDAR.

NDC

CLERK'S NOTE: The above minute order has been distributed to: Dwight Solander #1200038, H.D.S.P., P.O. Box 650, Indian Springs, NV 89070. aw

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 15, 2020

C-14-299737-1 State of Nevada
 vs
 Dwight Solander

October 15, 2020 1:45 PM Motion for Order Motion for Order to Show Cause

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: April Watkins

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT: Mueller, Craig A Attorney
 Rinetti, Dena I. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Mr. Mueller advised Deft's file was mistakenly sent to Susanville, CA, State Prison and not High Desert State Prison in Nevada. Further, once mistake was found, counsel sent Deft's file to him at High Desert State Prison in Nevada and believes certificate of mailing has been filed. Colloquy. This Court Law Clerk verified Certificate of Mailing was filed on October 13, 2020. Court FINDS counsel sent Deft's file to correct address on October 13, 2020, and ORDERED, motion DENIED.

NDC

CLERK'S NOTE: The above minute order has been distributed to: Dwight Conrad Solander #1200038, H.D.S.P., P.O. Box 650, Indian Springs, NV 89070. aw

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 03, 2020

C-14-299737-1 State of Nevada
 vs
 Dwight Solander

**November 03, 2020 1:45 PM Motion Motion for
Production of
Documents Not
Provided By State**

HEARD BY: Adair, Valerie **COURTROOM:** RJC Courtroom 11C

COURT CLERK: April Watkins

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT: State of Nevada Plaintiff
 Stephens, Robert Attorney

JOURNAL ENTRIES

- Court noted Mr. Mueller filed notice indicating file has been sent to the correct prison on Nevada. Upon Court's inquiry, Mr. Stephens stated he was not able to find January 29th, January 31st and July 10th transcripts in Odyssey and do not believe they have been prepared. Court FINDS Deft. has not stated justification as to why he needs these for post-conviction. Further, the Court will not order Court Recorder to prepare transcripts. As to second request, what Deft. is missing from Mr. Mueller, Court FINDS this is unduly made and ORDERED, DENIED. Additionally, the Court already ordered what the State needs to provide and ORDERED, motion DENIED.

NDC

CLERK'S NOTE: The above minute order has been distributed to: Dwight Conrad Solander #1200038, HDSP, P.O. Box 650, Indian Springs, NV 89070. aw

PRINT DATE: 09/14/2021

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Minutes Date: July 31, 2014

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor	COURT MINUTES	June 24, 2021
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C-14-299737-1	State of Nevada vs Dwight Solander
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June 24, 2021	8:30 AM	Petition for Writ of Habeas Corpus
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HEARD BY: Hardy, Joe **COURTROOM:** RJC Courtroom 11D

COURT CLERK: Kristin Duncan

RECORDER: Matt Yarbrough

REPORTER:

PARTIES

PRESENT:	Conlin, Elise M State of Nevada	Attorney Plaintiff
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JOURNAL ENTRIES

- Having reviewed the instant Petition, as well as the State's Opposition, and hearing no oral arguments, COURT ORDERED the Petition for Writ of Habeas Corpus, was hereby DENIED for all of the reasons set forth in the State's Opposition. The State to prepare the written Order, incorporating the arguments set forth in the Opposition, and submit it directly to the Court.

NDC

CLERK'S NOTE: Minute order distributed to the Defendant via U.S. mail: Dwight Conrad Solander #1200038 [High Desert State Prison P.O. Box 650 Indian Springs, NV 89070] (KD 6/24/21)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 19, 2021

C-14-299737-1 State of Nevada
 vs
 Dwight Solander

August 19, 2021 8:30 AM Motion

HEARD BY: Hardy, Joe **COURTROOM:** RJC Courtroom 11D

COURT CLERK: Kristin Duncan

RECORDER: Matt Yarbrough

REPORTER:

PARTIES

PRESENT: Clemons, Jennifer M. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- The State present via Blue Jeans.

COURT ORDERED the Motion for Status and to Grant Motion for Production of Documents, was hereby DENIED WITHOUT PREJUDICE AS MOOT, FINDING the following: (1) the Defendant's Motion listed a Boulder City address; and (2) after looking up the Defendant on the Nevada Department of Corrections' website, it was determined that the Defendant had been released on parole.

NIC

CLERK'S NOTE: A copy of this minute order was provided to the Defendant via U.S. Mail: Dwight Solander 700 Elm St. #29 Boulder City, NV 89005. (KD 8/19/2021)

PRINT DATE: 09/14/2021

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Minutes Date: July 31, 2014

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 24, 2021

C-14-299737-1 State of Nevada
 vs
 Dwight Solander

August 24, 2021 8:30 AM Motion

HEARD BY: Hardy, Joe **COURTROOM:** RJC Courtroom 11D

COURT CLERK: Kristin Duncan

RECORDER: Angelica Michaux

REPORTER:

PARTIES

PRESENT: Clemons, Jennifer M. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- The State present via Blue Jeans.

COURT ORDERED the Motion for Continuance of Hearing set for August 12, 2021, Regarding Habeas Writ, was hereby DENIED AS MOOT, FINDING that the Writ had already been ruled upon. The State confirmed that it filed the Findings of Fact, Conclusions of Law in the associated A case number, as well as the instant case.

NIC

CLERK'S NOTE: A copy of this minute order was sent to the Defendant via U.S. Mail: Dwight Solander 700 Elm St. #29 Boulder City, NV 89005. (KD 8/24/2021)

Court's

EXHIBITS

CASE NO

C299737-1

[illegible]

EXHIBITS

CASE NO.

[illegible]

Certification of Copy

State of Nevada }
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT
DOCKET ENTRIES; FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER; NOTICE OF
ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER; DISTRICT COURT
MINUTES; EXHIBITS LIST

STATE OF NEVADA,

Plaintiff(s),

vs.

DWIGHT CONRAD SOLANDER,

Defendant(s).

Case No: C-14-299737-1

Dept No: XV

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 14 day of September 2021.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk